

**Swindon Borough Council**

# **Standards Committee**

**Annual Report**

**June 2014 – May 2015**

## Introduction

The Council adopted a new Members Code of Conduct with effect from 1 July 2012 and, at that time, appointed a non-statutory Standards Committee to be responsible for maintaining the Council's profile of probity and conduct through the promotion and maintenance of high standards of conduct by councillors and to assist them in observing their Code of Conduct.

The specific roles and functions of the Standards Committee are set out in Article 9 of the Council's Constitution (attached to this report at Appendix 1).

This Annual Report is a record of the work of the statutory Standards Committee in the period June 2014 to May 2015.

## Membership of the Committee for 2014/15:

<b>Councillors</b>	<b>Parish Representatives</b>	<b>Lay Members</b>	<b>Independent Persons</b>
Cllr David Wood (Chair) Cllr Mick Bray Cllr Fay Howard Cllr Kevin Parry Cllr Eric Shaw Cllr Carol Shelley Cllr Kevin Small Cllr Vera Tomlinson Cllr Joe Tray Cllr Maureen Penny (deputy)	Mr Mike Compton Mr Richard Hailstone	Mr Trevor Davies Mr David Dawson	Mr Keith Strickland Mr Paul Morris

## Independent Persons and the Independent Persons Protocol

Under the Localism Act 2011, the Council has appointed two Independent Persons (IPs) for 2014/15, Messrs Paul Morris and Keith Strickland, to carry out the functions set out in the Act in respect of providing their views to complainants, Councillors and the Assessment Panel on complaints and the complaints process. The period of these appointments (including an option to extend for a further year, which was exercised) expired on the date of the Annual Council meeting in 2014. At that meeting, following the advertising of the two vacancies, both Mr Morris and Mr Strickland were re-appointed for a further 4 years.

In November 2014, Mr Strickland attended regional training, conducted by Hoey Ainscough, on the role of the Independent Person. Mr Morris was unable to attend that training event but has attended previous workshops for Independent Persons and the officers they work alongside on standards issues. A Protocol for the Independent Persons, setting out the parameters of their

work with, and on behalf of, the Council and its Standards Committee was approved and adopted on 7 October 2013.

## **Annual Report and Work Programme**

At its first meeting in the 2014/15 Municipal year, the Committee received, and approved, its Annual Report for the preceding year and also agreed a work programme for the year ahead. As in the previous year, the Standards Committee, via its Standards Assessment Panel, continued to be the arbiter of Complaints under the Council's Members' Code of Conduct and was also responsible for the review of the Council's other Codes and Protocols and the monitoring of Whistleblowing Complaints. The Standards Committee met on four occasions in the 2014/15 Municipal Year.

## **Summary of Members Code of Conduct Complaints**

The Standards Assessment Panel is charged with making an initial assessment decision in relation to all Member Code of Conduct complaints. In 2014/15 it met on 2 occasions to review 2 complaints. The following table provides a summary of the complaints received and dealt with by the Panel during the course of the year and also provides comparative data for the previous 6 years.

<b>Year</b>	<b>Complaints</b>	<b>No Further Action</b>	<b>Referred for Monitoring Officer or other Action</b>	<b>Referred for Investigation</b>	<b>Breach following hearing</b>	<b>No action following referral</b>	<b>Local Resolution</b>
2008/09	14	14	0	1	1	0	N/A
2009/10	7	4	1	2	1	1	N/A
2010/11	12	4	4	4	0	4	N/A
2011/12	10	6	2	2	0	2	N/A
2012/13	5	5	0	0	0	0	N/A
2013/14	14	10	1	3	0	1	2
2014/15	2	2	0	0	0	0	0

### **Type of Complaints**

The 2 complaints received during 2014/15 were both complaints relating to the conduct of Borough Councillors and both concerned the accuracy of public statements made by the members concerned.

1 of the complaints received was made by a member of the public, with the other being made by a Borough Councillor.

### Processing of Complaints

The Standards Assessment Panel met on 2 occasions during the year.

It carried out the first stage assessment of 2 separate complaints received in accordance with the Standard Committee's agreed process for the initial assessment of complaints. Of the 2 complaints received, the Panel determined that no further action was required in relation to either complaint.

### Monitoring of Complaints

The Standards Committee received a summary of the progress of Code of Conduct complaints at each meeting during the year, as part of the ethical compliance update report.

## **Breaches of the Member / Officer Protocol**

At each meeting of the Committee, the Monitoring Officer also reported as to whether or not any complaints had been received under the Member / Officer protocol. No complaints were received under the Protocol of Member / Officer relations during 2014/ 2015.

The Monitoring Officer has continued to work behind the scenes in discussion with senior officers and political groups, in relation to any incident, which he has been made aware of informally.

## **Monitoring of Whistleblowing Complaints**

Throughout the year, the Standards Committee has continued to monitor complaints received under the Council's Whistleblowing policy and were notified of new complaints and the progress and outcomes of investigations, and considering learning points which arise.

During 2014/15, 7 new whistleblowing cases were received for investigation (at the time of writing, only 3 of these have been reported to the Standards Committee. The remaining four instances were received after the last meeting of the Standards Committee in 2014/15 and will be reported to the first meeting in the 2015/16 Municipal Year). At the start of the year, the investigation of a single allegation, outstanding from the 2013/14 Municipal Year, was concluded. Of the 4 cases reported to the Standards Committee:

- 2 were unsubstantiated and no further action was taken
- 2 were referred to management recommending changes to existing working arrangements.

## **The outcome of the review of the Council's arrangements for dealing with Code of Conduct complaints**

Following the introduction of the Council's new standards regime in 2011, the Standards Committee included in its work programme for 2013/14 a review of the operation of the Council's arrangements for dealing with Code of Conduct complaints in order to ensure that these provided transparency, to ensure the Council was open to hearing the views of residents and to learn from existing good practice elsewhere. To this end, following a tendering process, Hoey Ainscough Associates Ltd ('Hoey Ainscough') were appointed to carry out the work.

As part of the review process, two informal discussion sessions, or 'round tables', were convened, involving members and a small group of residents involved in the consultation undertaken in support of the review. The outcome of those discussions was reported to the Standards Committee meeting on 21st July 2014.

At that meeting, the Committee was gratified to hear that the review had, generally, recognised that the Council's current process for the handling of Code of Conduct complaints was both functional and effective and was, in fact, to be preferred over the revised scheme suggested by Hoey Ainscough in their review report. The Review did, however, consider that there remained some scope to improve the process, particularly, in respect of the timeframe for the initial assessment, and agreed the following additional amendments to the arrangements in response to particular issues identified at the two round tables:

- The initial assessment of complaints to continue to be determined by a Panel of councillors with an Independent Person and Lay/Parish Representatives in attendance to give their views where appropriate.
- Assessment Panel meetings to continue to be convened on an ad hoc basis
- Proceedings at the initial stage of the complaint to continue to remain private and confidential and that this issue be further considered as part of the Standards Committee's annual review of the process in March 2015.
- Assessment Panel meetings to continue to be held in the absence of the complainant and the respondent but both to be advised at the earliest practicable opportunity of the date when the Assessment Panel will meet to consider the complaint.
- A summary of the Code of Conduct complaints received during the Municipal Year to be made to each meeting of the Standards Committee as part of the ethical framework update.
- The current practice of no appeal from Assessment Panel decisions other than by way of judicial review to be continued and that this issue be further considered as part of the scheduled review of the process in July 2015.
- Members to be encouraged to continue to make themselves available to attend Assessment Panel meetings so as to enable so far as practicable the completion of the initial assessment of a complaint within a period of one calendar month from receipt of the complaint.

The suggestion, arising from the “round tables”, that the membership of the Standards Committee be increased to facilitate a greater pool of members that could be drawn upon for Assessment Panel meetings, was agreed at the Annual Council Meeting in June 2014, at which meeting the membership of the Standards Committee was increased from 6 to 9 councillors.

## **Desktop Ethical Audit**

The Standards Committee has previously agreed to undertake an annual Desktop Ethical Audit, based on the matrix designed by the Institute for Democracy and Electoral Assistance (IDEA), to assess that it has all governance requirements in place.

The annual self-assessment and update was considered and approved by the Committee in October 2014.

In considering the elements of the Audit, members raised the issue of the need for the standardisation of “working from home” practices across the Council. This matter was further considered by the Committee at its meeting on 2nd March 2015 when, as a result of members’ concerns about the potential for abuse of the Working From Home policy, the Council’s Head of People and Development was asked to issue best practice guidance to all service areas, this to be revised, where practicable, to accord with the ‘Guidance to Staff’ in that regard issued by the Law and Democratic Services Department, which the Committee commended as successfully addressing their concerns.

## **Leader and Chief Executive ‘Question and Answer’ Session**

The Leader of the Council and the Chief Executive are invited annually to meet with the Standards Committee to report on matters relating to the Council’s ethical governance framework and issues of probity, and to discuss with members the key priorities for ensuring that high ethical standards continue to be promoted and maintained within the Council. This year, the Leader and the Chief Executive attended the meeting of the Committee on 3rd February, 2015.

Matters raised during the course of the discussion included:

- Ethical governance within an organisational and political context and a future of continuing anxiety and ambiguity due to continuing austerity.
- The reduced staff resource and a continually increasing level of demand for high quality services.
- The programme of major organisational change that was essential to take the organisation forward in a way that would meet the specific objectives articulated in its Stronger Together vision.
- The relationships and interactions between members and officers.
- The Council’s processes for handling Code of Conduct complaints and the positive outcome of the recently completed review of the Council’s process for considering complaints of breaches of the Member Code of Conduct.

- The significant “shift” in the Council’s organisational structure to one that is “member-led”.
- The positive effect of improved cross-party working in ensuring that as many “democratically elected voices” as possible were heard as part of the decision making process.
- The necessary recognition by members of the need to be firm and clear in communicating aims and objectives to officers and providing a clear direction of travel.
- The terms of reference for the standards reviews and the opportunity for officer input as part of the review process.
- The impact of group politics on prioritisation and the Council’s decision making process
- The consultation to be undertaken in support of the current review and, in particular, the decision to extend the public consultation beyond the lay representation on the Standards Committee.
- Inclusiveness and the effectiveness of public consultation as an influencing factor in the Council’s decision making process.
- The role of the Independent Persons and their statutory non-voting status at the Standards Committee.

## **Review of the Council’s Codes and Protocols**

The Standards Committee regularly reviews the Council’s Codes and Protocols to ensure that these remain appropriate and up to date.

At its meeting on 3rd February 2015, the Committee received the results of the Annual Review of the following Council Codes and Protocols, undertaken by the Monitoring Officer in accordance with the Committee’s established review process and involving consultation with relevant officers, each of the political groups on the Council, and also with Parish Councils.

- Members’ Code of Conduct.
- Officers’ Code of Conduct.
- Monitoring Officer Protocol.
- Councillor Role Definitions.
- Guidance to Councillors on dealings with the media.
- Protocol of Member/Officer Relationships.
- Local Code of Governance.
- Members Planning Code of Good Practice.
- Public Question Time at Council Meetings.
- Recording, Photography and use of social media.

Members’ views were sought on the various submissions made in response to the Monitoring Officer’s review and whether changes were required to ensure these remain fit for purpose. Subject to minor changes, the Codes and Protocols were approved for re-issue as part of the Council’s Constitution 2015/16.

## **Training**

The Committee has continued to assure itself, by receiving regular updates, that appropriate ethical training of Borough Councillors and Parish Councillors is taking place. Reports were made to the Committee's July 2014, October 2014, February 2015 and March 2015 meetings providing a record of all the member training events that had taken place to that point in the Municipal Year, including details of councillor attendance at those events.

Following the Council elections in May 2015, an induction session was held on 11 May 2015 to welcome five Councillors who had not been members of the Council before, as well as two councillors who had previously been members of the Council. In addition to affording these seven members the opportunity to meet the Chief Executive and other senior officers, all seven attended a session with the Monitoring Officer on the Ethical Framework (covering Ethics and Probity, Code of Conduct and Register of Interests). A second induction session was held on 14 May 2015, attended by six of the newly elected members, at which they received introductory presentations on Local Government Finance, Dealing with the Media, Customer Services and the Member's Hotline, Localities, and Corporate Governance and the Constitution.

Further committee-specific induction sessions have already taken place, with further planned in due course.

## **Parish Councils**

The Standards Committee has continued to monitor training for Parish Councillors and offered assistance where required. The Committee has received an update at each of its meetings on training issues relating to local Parish Councils, including the details of training events held. All but two of Swindon's 15 Parish Councils (Bishopstone and Blunsdon) have adopted the Council's own Members' Code of Conduct, and the Monitoring Officer has carried out a number of training sessions for Parish Councils during the year. Where a parish Council has opted to utilize an alternative code, training has been provided via the Wiltshire Association of Local Councils (WALC).

The Monitoring Officer has continued to chair quarterly meetings of Parish Clerks in the Borough throughout the year, and the Ethical Framework is a standing item on the agenda, with any issues arising able to be reported back to the Standards Committee. In addition, quarterly liaison meetings chaired by the Monitoring Officer continued to be held between Parish Councillors and representatives of the Borough Council to promote and maintain the Borough / Parish Charter, which is an important part of decision-making and proper consultation between the Borough and the Parishes.

## **Complaints on Ethical Standards**

The Council monitors complaints received from members of the public in relation to its operation and decision-making. No complaints were received during the 2014/15 Municipal Year that related to the ethical standards of the authority.

## **Dispensations**

Under the arrangements for implementing the Localism Act 2011, the Council has previously agreed that the role of granting dispensations should be delegated to the Standards Committee. At its meeting on 12 December 2012, the Committee authorised the Director of Law and Democratic Services to grant any applications for a dispensation in relation to any meeting at which any matter which has a bearing on the setting of the discounts and exemptions for Council Tax is being or is due to be considered for a four year period. Dispensations are granted in conjunction with the Chair of the Standards Committee.

Following the Local Government election in May 2015, the seven newly-elected members applied for dispensation and these were subsequently granted by the Director of Law and Democratic Services in conjunction with the Chair of the Standards Committee. The dispensations will remain valid until 14 October 2016, in line with the period of dispensation made to other members of the Council previously.

## **Vexatious Complaint**

The Council's Corporate Customer Feedback Policy specifies the Standards Committee as the appropriate body to consider appeals against decisions to invoke the Council's vexatious complainant policy. Under the policy, a complainant is deemed vexatious where previous or current contact with them shows they meet one or more of the following criteria:

- Persist in pursuing a complaint where it has been fully investigated and full action has already been taken within the Council's procedures but the complainant will not acknowledge this.
- Display unreasonable demands or expectations and fail to recognise that these are unreasonable. For example, insisting on responses to be made sooner than the Council's 10 working day response target.
- Complainants have threatened or used physical violence to a member of staff or member of the public in relation to the complaint.
- Have harassed or been personally abusive or verbally aggressive towards staff dealing with their complaint or query. This includes the use of any foul or inappropriate language.
- Change the main issue of the complaint or continually raise new issues to prolong contact whilst the original complaint is still being addressed. Please note care must be taken not to discard new issues, which may be significantly different from the original complaint.
- Are unwilling to accept documented evidence to support an adequate response.
- Have caused persistent offence to a member of staff or a member of the council or a member of the public by referring to their gender, race, disability, age, religious belief or sexuality.
- Attempt to override or circumvent the Corporate Customer Feedback Policy by involving the Leader of the Council, the Chief Executive, MPs, external auditors, Ombudsman, etc., at an early stage of every complaint.

At its meeting on 2nd March 2015, the Standards Committee considered an appeal against a decision to designate a complainant as vexatious. The Committee considered written representations from the complainant and from the Board Director Commissioning, who had invoked action to be taken under the policy. The Committee determined that the decision to invoke the Council's vexatious complainant policy and designate this complainant as vexatious, be upheld and that this decision should remain in place until a scheduled review in November 2015.

## **Summary**

The Standards Committee has continued to use its best endeavours to promote and monitor ethical standards in the authority and within local Parish Councils. It has actively supported a comprehensive review of codes of conduct and behavior and through the promotion of ethical training for Borough and Parish Councillors has undoubtedly enhanced the public perception of the Council's openness, accountability and probity, in its own work and in its joint working with partners and stakeholders. A comprehensive, and very public, review of the Council's process and practice in relation to its code of conduct arrangements, completed at the commencement of this Municipal Year, acknowledged that these already exhibited many elements regarded as best practice and was, in fact, unanimously acknowledged to be preferable to the arrangements suggested by the Independent review body.

The Committee has continued to monitor and review the Council's ethical framework, in conjunction with stakeholder and local community groups, to ensure that good governance is maintained and to protect the reputation of the authority.