

Ethical Framework Update

Standards Committee

Date: 6th July 2015

Author:	Director of Law and Democratic Services
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To provide an update on various matters related to the Ethical Framework and to keep the Committee informed of issues of probity in the Council.

2. Recommendations

The Committee is recommended to:

- 2.1 Note the ethical framework update
- 2.2 Review the draft Annual Governance Statement and identify any additional significant control issues that it would like to be considered for inclusion in the Statement, prior to sign off by the Leader and Chief Executive in September 2015.
- 2.3 Approve the updated Whistleblowing Policy (attached at Appendix 3).

3. Detail

Dispensations

- 3.1 Section 33 of the Localism Act 2011 enables members who consider that they may have a disclosable pecuniary interest (DPI) to apply for a dispensation to allow them to speak and vote.
- 3.2 At its meeting on 12 December 2012, the Standards 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 and are reported back to the next available meeting of the Standards Committee.
- 3.3 Several new members have joined the Council since the election in May 2015. A list of members who have applied for a dispensation is attached at Appendix 1. The dispensation sought related to any meeting at which any matter which has a bearing on the setting of the Council Tax is being or is due to be considered, and covers both of the restrictions in Section 31(4) of the Localism Act 2011 so as to allow them to participate in any discussion and participate in any vote without risk of challenge.

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- 3.4 The Director of Law and Democratic Services granted these dispensations, in conjunction with the Chair of the Standards Committee, since failure to grant a dispensation would impede the transaction of the business because of the number of members having the same disclosable pecuniary interest. These dispensations have been granted until 14 October 2016, in line with the other dispensations already granted on this matter to existing members. The Committee is asked to note the list of members.

Membership of the Standards Committee – Co-opted Lay Members

- 3.1 The Committee is advised that Mr Trevor Davies and Mr David Dawson were appointed at the Annual Council meeting on 22nd May 2015 as the co-opted lay members of the Standards Committee for a 4 year term.

Membership of the Standards Committee – Parish Representatives

- 3.2 The Committee is advised that, at the meeting of the WALC Swindon Area Committee on Thursday 21st May, the existing Parish Council representatives on the Standards Committee, Messrs Mike Compton (Blunsdon) and Richard Hailstone (Haydon Wick), were again nominated for membership of the Committee and they were duly appointed to serve on the Committee for the Municipal Year 2015/16 by Council at its Annual Meeting on 22nd May 2015.

Annual Governance Statement

- 3.3 The Annual Governance Statement (AGS) is a formal statement that recognises records and publishes an authority's governance arrangements.
- 3.4 It is designed not only to give an opportunity for authorities to consider the robustness of their governance arrangements, but also provide an accurate representation of arrangements in place during the year and to identify areas where improvement is required.
- 3.5 The Council has approved and adopted a local code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework for Delivering Good Governance in Local Government. This statement explains how the Council has complied with the code and also meets the requirements of the Accounts and Audit Regulations 2015 section 6 (1) (b) in relation to the preparation of an annual governance statement.
- 3.6 The guidance for the AGS requires the Council to set out its governance arrangements and key elements of internal control and the sources of assurance; a review of the effectiveness of those governance and internal controls and a requirement to identify significant governance issues.
- 3.7 As part of the document the Council must identify any areas of significant governance or internal control issues that have occurred during 2014/15. Potential areas for inclusion were discussed at Corporate Board. This included a
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review of last year's statement and agreeing whether any issues raised for 2014/15 could be taken off and whether any new issues needed to be included.

- 3.8 It was recommended that the following issues could be removed from the statement:
- ❑ Swindon Commercial Services reintegration
 - ❑ Transfer of Council Leisure Services
- 3.9 Further progress is still required in the following areas before they can be taken off the statement:
- ❑ Information Governance
 - ❑ Financial relationships with wholly owned subsidiaries
 - ❑ Capacity and Capability in the context of large scale change
- 3.10 The following additional areas are recommended for inclusion in the statement for 2014/15:
- ❑ Supporting Vulnerable Children
 - ❑ Licensing: Taxis and Private Hire
 - ❑ Isambard Community School
 - ❑ Corporate buildings: statutory compliance
 - ❑ Waterside Depot improvement plan
 - ❑ GCSE attainment
 - ❑ IT Service
- 3.11 Guidance issued by CIPFA regarding the statement also recommends that a suitable independent management group should review the content of the AGS. The Council's Audit Committee will undertake this role. The Chief Executive and the Leader of the Council will sign the statement once the Audit Committee has approved it in September 2015. A draft went to that Committee in June.
- 3.12 The draft Annual Governance Statement is set out in Appendix 2 to this report for information and for the Committee to identify any additional significant control issues that it would like for inclusion in the Annual Governance Statement.

The Council's Whistleblowing Policy

- 3.13 The Council's Whistleblowing Policy is reviewed on a regular basis to ensure that it complies with legislation and best practice. Attached as Appendix 3 is the latest updated version of the policy. Updates to the policy include:
- A 'front sheet' on the intranet that provides key contact numbers including the Council's confidential whistleblowing number and contact details for the Director of Law and Democratic Services; Head of Internal Audit; Head of Children, Families and Community Health and the Head of Commissioning: Children and Adults, as sources of advice (Appendix 3a).

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- Specific reference to the abuse of a child or adult as being an example of a concern that can be raised under whistleblowing
 - The inclusion of both the Head of Children, Families and Community Health and the Head of Commissioning: Children and Adults in relation to advice regarding vulnerable children or adults (contact numbers are provided on the front sheet)
 - Reference to the Enterprise and Regulatory Reform Act 2013
- 3.14 Once the Whistleblowing Policy has been approved the updated policy will be publicised through the Core Brief, Managers' Bulletin etc.

Induction Training

- 3.15 Five councillors newly-elected in May 2015 had not previously been members of the Council (Cllrs Emma Bushell, Paul Dixon, Cathy Martyn, Caryl Ann Sydney-Smith and Chris Watts). A further two councillors were elected who had previously been members of the Council (Cllrs Claire Ellis and Steph Exell).
- 3.16 An induction session was held on 11 May 2015 to welcome them to the Council. They met the Chief Executive and other senior officers, and all seven had 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.
- 3.17 Further committee-specific induction sessions have already taken place, with further planned in due course.

Training – General

- 3.18 Attached at Appendix 4 are the details of the training and development events planned for the 2015-16 Municipal Year. A log of member attendance at these events will be kept and reported to this Committee at a future meeting.
- 3.19 A report was considered by the Member Development Advisory Group at its meeting in April 2015 on member learning and development to support Councillors in carrying out their various roles. The Advisory Group will also be refreshing the Member Development Strategy as part of its work programme for the 2015/16 year. Work is also progressing on enhancing the support and training offered to members as a result of inviting officers to propose briefing events on forthcoming issues in their service areas.

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- 3.20 The Committee is reminded that, at present, a number of sessions are held by the Monitoring Officer each year around the parishes to train parish councillors on the ethical framework, and charring skills. Borough Councillors who are also parish councillors attend. As usual, attendance at these events will be logged and reported to this Committee at a future meeting. The most recent took place at the offices of Stratton St Margaret Parish Council on the 16th June which was attended by 13 councillors from that parish council together with the Clerk and Deputy Clerk.

Register of Interests

- 3.21 At the May 2015 election, 19 councillors were either newly elected or re-elected to the Council. All 19 are expected to complete a new Register of Interests form for publishing to the Council's website, and for public viewing upon request.
- 3.22 At the time of writing this report, 5 of the 19 councillors had yet to complete a new form and return it to the Monitoring Officer. Reminders have been sent and responses are expected shortly.
- 3.23 The quarterly reminder to all councillors asking them to review the entries on their Register was placed in the Members Bulletin on 8 May 2015. Any responses received are logged, and the Register updated accordingly.

New Regulations relating to the dismissal of a statutory officer

- 3.24 Regulations were made on 25th March in relation to changes to the framework for dismissal of statutory officers. These changes were incorporated into the Council's Standing Orders at its Annual Meeting on 22nd May 2015.
- 3.25 In essence, the effect of the Regulations is to remove the previous statutory requirement for the appointment of a 'designated independent person' before it could dismiss or discipline its head of paid service, monitoring officer or chief finance officer. Instead, the new Regulations require the involvement of 2 Independent Persons appointed under the Localism Act 2011. The Monitoring Officer has briefed the Council's Independent Persons on this matter and attached at Appendix 5 is a briefing note prepared by Wragge & Co (solicitors) which members may find helpful.

4. Alternative Options

- 4.1 Any alternative options are set out in the body of the report.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 Any financial or procurement implications will be contained within the existing budget.

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Legal and Human Rights Implications

- 5.2 The legal and human rights implications, where applicable, are set out in the body of the report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no other implications that have been identified as important for this report.

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has not been completed for this report, as it does not recommend a change in Council policy or service.

Risk Management

- 5.5 A risk assessment has not been completed in relation this report, as it does as it does not recommend a change in Council policy or service. Arrangements for meeting the requirements of the Localism Act and monitoring probity of the Council, ensures that good governance is maintained and protects the reputation of the organisation.

6. Consultees

- 6.1 The Board Director Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1 – List of Councillors applying for a Dispensation under Section 33 of the Localism Act 2011
- 8.2 Appendix 2 - draft Annual Governance Statement
- 8.3 Appendix 3 – The Council’s Whistleblowing Policy
- 8.4 Appendix 4 - details of proposed training events to be held over the 2015-16 Municipal Year
- 8.5 Appendix 4 – Briefing note on the new Regulations in relation to changes to the framework for dismissal of the statutory officers
- 8.6 Appendix 5 - briefing note prepared by Wragge & Co (solicitors) on the new Regulations relating to the dismissal of a statutory officer
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