

Ethical Framework Update

Standards Committee

Date: 12th October 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, 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 Endorse the Ethical Audit Desktop Analysis attached at Appendix 2, subject to any comments from members.

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 or the Standards Committee and are reported back to the next available meeting.
- 3.3 No dispensations have been granted by the Monitoring Officer, in consultation with the Chair of the Standards Committee, since the last meeting.

Summary of Code of Conduct Complaints

- 3.4 At its meeting on 21 July 2014, the Committee agreed that, in response to a suggestion put forward by a member of the public during the consultation on the Council's Standards arrangements, a summary of Code of Conduct complaints, including details of complaints received during the year and comparative data for preceding years, be made to each meeting of the Committee. This information is set out below.

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Year	Complaints	No Further Action	Referred for Monitoring Officer or other Action	Referred for Investigation	Breach following hearing	No action following referral	Local Resolution
2008/09	14	13	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	5	5	0	0	0	0	0
2015/16	0	0	0	0	0	0	0

Consideration of any recommended updates to Codes and Protocols

3.1 In the annual work programme approved at the beginning of the year, it was agreed that the Standards Committee would consider any recommended updates to Codes and Protocols to ensure that these remain appropriate and up to date:

- Members' Code of Conduct
- Officers' Code of Conduct
- Monitoring Officer Protocol
- Councillor Role Definitions
- Media Guidelines for Councillors
- Protocol for Member/Officer Relationships
- Local Code of Governance
- Members Planning Code of Good Practice
- Independent Persons' Protocol

3.2 There are no recommended updates at this time. However, in accordance with the Committee's previously utilised review process, in the period to the next meeting of the Committee in January 2016, the Monitoring Officer will consult on each of the above Codes and Protocols with relevant officers, the political groups

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on the Council, and also with Parish Councils, and report back to the Standards Committee at its meeting in January 2015.

- 3.3 In the meantime, as part of the review process, Members' views are invited regarding the effectiveness of the codes and protocols (Appendix 1 – circulated to members under separate cover) and whether changes are required to ensure these remain fit for purpose.

Update to the Council's Ethical Audit Self-Assessment

- 3.4 The Committee last reviewed the Desktop Ethical Audit at its meeting in October 2014. It had previously been agreed that this should be updated on a regular basis.
- 3.5 The latest Desktop Ethical Audit is attached at Appendix 2 for the Committee to review.

Member Training

- 3.6 Attached at Appendix 3 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.
- 3.7 The Member Development Advisory Group will be refreshing the Member Development Strategy as part of its work programme for the 2015/16 year, and looking at other issues such as recording feedback. Work is also progressing on enhancing the support and training for members as a result of making training events offered by external organisations such as the Local Government Information Unit more widely known to all members through the Member's Bulletin.
- 3.8 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 chairing 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.
- 3.9 The Monitoring Officer has conducted two sessions since the last meeting of this committee; namely, on 30th July at Wroughton (19 attended including 2 clerks), and on 18th August at Haydon Wick (15 attended including 2 clerks).

The Role of the Independent Person - Workshop

- 3.10 Hoey Ainscough are conducting a series of half-day workshops, at various venues throughout the region, on the role of the Independent Person (IP). The event, for IPs and those who work on standards issues, is a unique opportunity to explore the role in depth, discuss key developments through the year and share experiences with other IPs and officers from across the country.

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- 3.11 This year's event will cover two key areas in particular – a discussion about the new role IPs will have in the process for dismissal of statutory officers, and an in-depth look at what IPs should be looking for and commenting on when considering the outcome of a local investigation. An experienced independent standards investigator will attend at each event.
- 3.12 Both the Council's Independent Persons were given the opportunity to attend one of the events. Unfortunately, Mr Morris is unable to attend but approval has been obtained for Mr Strickland to attend the event at Taunton Deane Borough Council on the morning of Tuesday 17th November.

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.

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.

Links to One Swindon, Plans and Policies

- 5.4 Monitoring of issues of probity in the Council underpins the Council's plans and policies and the delivery of One Swindon objectives.

Diversity Impact Assessment

- 5.5 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

- 5.6 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

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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 - Codes and Protocols (circulated under separate cover)
- 8.2 Appendix 2 - Desktop Ethical Audit
- 8.3 Appendix 3 - Member Training Events