

Ethical Framework Update

Standards Committee

Date: 14th March 2016

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 Consider the Council's arrangements for dealing with Code of Conduct complaints and determine whether any revision is required.
- 2.3 Agree that chairing skills training continues to be offered to members in its current form and that particular issues relating to the chairing of Licensing Panels be addressed by means of a secondary, "follow-on" training session, specifically tailored to meet the needs of the Licensing function.

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.

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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 and members will note that there has been no change since the last meeting.

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	2	2	0	0	0	0	0

Member Training

- 3.5 Attached at Appendix 1 is a record of all the member training events that have taken place so far this Municipal Year, including details of councillor attendance at those events. Attached at Appendix 2 are the details of the training and development events planned for the remainder of the 2015-16 Municipal Year. Members are asked to note that this does not preclude any ad-hoc training events that the Committee and Member Services team may be asked to arrange before the local government elections in May 2016.
- 3.6 Work is progressing on the Induction Programme and Member Training and Development Programme for the 2016-2017 Municipal Year. The Member

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Development Advisory Group will be asked at its next meeting on the 15 March 2016 to discuss and agree the training opportunities available to councillors, and any outcomes from those discussions and their impact on member training will be reported to a future meeting of this Committee.

- 3.7 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. The next session is due to take place at Haydon Wick Parish Council on 9 March 2016. Borough Councillors who are also parish councillors are able to attend. Parish councillors have also been specifically invited to some planning training events provided for borough councillors. In addition, parish councillors are also able to attend training sessions as advertised in the Members Bulletin.
- 3.8 A copy of the summary of training provided for town and parish councillors during 6 February 2015 to 26 February 2016 is attached at Appendix 3.

Effective Chairing – Licensing Panels

- 3.9 At its meeting on 25th January, members raised the issue of chairing skills training and the particular challenges facing members in effectively chairing meetings of the Council's Licensing Panel. Members were of a view that additional training, beyond the remit of the current "Chairing Skills" training module and specific to licensing, might prove beneficial. The Monitoring Officer agreed to raise this concern with the Member Training Officer and the Clerk to the Licensing Panel.
- 3.10 It is the officers' view that chairing skills training should continue to be offered to members in its current form and that members' concerns about the particular issues relating to the chairing of Licensing Panels would be most appropriately addressed by means of a secondary, "follow-on" training session, specifically tailored to meet the needs of the Licensing function. This training would be arranged via Licensing Officers and the Clerk to the Licensing Panel.

Review of the Council's arrangements for dealing with Code of Conduct complaints

- 3.11 At the start of this Municipal Year, the Committee agreed to include in its work programme a review of the Council's arrangements for dealing with Code of Conduct complaints. The Council introduced specific arrangements for dealing with Code of Conduct complaints following the introduction of the new standards regime in 2011. These arrangements were last reviewed by the Standards Committee in 2013/14. . A copy of the current arrangements is attached at Appendix 4.
- 3.12 The outcomes of the 2013/14 review, which included a detailed consultation exercise undertaken on behalf of the Council by Hoey Ainscough Associates Ltd

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('Hoey Ainscough'), were reported to the Standards Committee meeting on 21st July 2014. The review recognised that the Council's process for the handling of Code of Conduct complaints was both functional and effective. It did, however, consider that there remained some scope to improve the process, particularly, in respect of the timeframe for the initial assessment.

- 3.13 The Standards Committee subsequently agreed several amendments to the arrangements in response to particular issues that had been identified. The amendments, set out below, have all been incorporated into the arrangements.
- 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.
 - 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 practice of no appeal of Assessment Panel decisions other than by way of judicial review be continued.
 - 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.
 - Membership of the Standards Committee be increased to facilitate a greater pool of members that could be drawn upon for Assessment Panel meetings (*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*).
- 3.14 The revised arrangements have been in operation since the commencement of the 2014/15 Municipal Year, since which time they have been utilised in relation to seven Code of Conduct complaints. Of these, the initial assessment of four of the complaints was completed within a period of one calendar month from receipt of the complaint. The other three complaints were all submitted during the pre-election period in 2015. The initial assessment of each of these complaints was completed within one calendar month of the Standards Committee membership being agreed at the Annual Council meeting on 22nd May 2015.
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3.15 It is the officers' view that the revisions to the arrangements for dealing with Code of Conduct complaints have been successful in addressing the issues identified by the review. In particular, the increased membership of the Standards Committee, from which the Assessment Panel memberships are drawn, has enabled meetings to be convened quickly after the receipt of complaints and thereby avoid any unnecessary delay in completing the initial assessment of complaints.

3.16 The Standards Committee is invited to review the Council's arrangements for dealing with Code of Conduct complaints and determine whether any revision is required.

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 - Member Training Events