

Ethical Framework Update

Standards Committee

Date: 4th July 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 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 2016.

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 2016. A list of members who have applied for a dispensation is attached at Appendix 1. The dispensation sought, relates 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.
- 3.5 As the previous authorisation given to the Director of Law and Democratic Services ends on 14 October 2016, all 57 councillors will be asked to re-apply for this dispensation at that time. The list of members who apply will be reported to the next meeting of the Standards Committee on 31 October 2016, and authorisation will be sought at that time to grant these dispensations for the remaining period of their terms of office for each individual councillor.
- 3.6 At that meeting, the Standards Committee will also be asked to authorise the Director of Law and Democratic Services, in conjunction with the Chair of the Standards Committee, 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 considered, or is due to be considered, for a further four year period (until October 2020), with any dispensations granted during that period being reported back to this Committee.

Membership of the Standards Committee – Parish Representatives

- 3.7 The WALC Swindon Area Committee has advised that 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 2016/17 by Council at its Annual Meeting on 20th May 2016.

Draft Annual Governance Statement

- 3.8 The Annual Governance Statement (AGS) is the formal statement that recognises records and publishes an authority's governance arrangements. It is designed not only to give an opportunity for authorities to consider the robustness of the Council's governance arrangements, but also provide an accurate representation of arrangements in place during the year and to identify areas where improvement is required.
- 3.9 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. The Annual Governance Statement explains how the Council has complied with the local code and also meets the requirements of the Accounts and Audit Regulations 2015 in relation to the publication of an annual governance statement.

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- 3.10 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. The Council must ensure that it can provide evidence for any of the systems of internal control included in the AGS.
- 3.11 The draft Annual Governance Statement is set out in Appendix 2 to this report.
- 3.12 As part of the document the Council must identify any areas of significant governance or internal control issues that have occurred during 2015/16. Potential areas for inclusion were discussed at Corporate Management Team. This included a 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.
- 3.13 It is recommended that the following issues could be removed from the statement:
- ❑ Supporting Vulnerable Children
 - ❑ Licensing: Taxi and Private Hire
 - ❑ Corporate Buildings: statutory compliance
 - ❑ Waterside depot improvement plan
 - ❑ Isambard School
- 3.14 Further progress is still required in the following areas before they can be taken off the statement:
- ❑ Information Governance and Security
 - ❑ Financial relationships with wholly owned subsidiaries
 - ❑ Capacity and capability in the context of large scale change
 - ❑ GCSE attainment
 - ❑ Provision of the IT service
- 3.15 There were no new areas recommended for inclusion in the statement for 2015/16.
- 3.16 The AGS has been reviewed by Audit committee and will be signed off by the Leader of the Council and the Chief Executive.

Induction Training

- 3.17 Five councillors newly-elected in May 2016 had not previously been members of the Council (Cllrs Matthew Courtliff, Malcolm Davies, Jane Milner-Barry, Barbara Parry and Gary Sumner). One councillor was elected who had previously been a member of the Council (Cllr Mark Dempsey).

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- 3.18 An induction session was held on 9 May 2016 to welcome them to the Council. They met the Chief Executive and other senior officers, received an introduction to Council finances, and had a session with the Monitoring Officer on the Ethical Framework (covering Ethics and Probity, Code of Conduct and Register of Interests). Individual sessions have been held with the Monitoring Officer on the Ethical Framework for two of the newly elected councillors who were unable to make the group session.
- 3.19 A second induction session was held on 12 May 2016 at which they received introductory presentations on Customer Services and the Member's Hotline, Localities, Corporate Governance and the Constitution, and had a useful hints and tip session with two existing councillors.
- 3.20 Further induction sessions relating to the regulatory Committees have also taken place (Licensing on 23 May 2016 and Planning on 24 May 2016). A review session for the new councillors will be held on 16 November 2016, which will give them the opportunity to discuss their induction to the Council, and what further support or training they require.

Training – General

- 3.21 Attached at Appendix 3 are the details of the training and development events planned for the 2016-17 Municipal Year. A log of member attendance at these events will be kept and reported to this Committee at a future meeting.
- 3.22 A report was considered by the Member Development Advisory Group at its meeting on 15 March 2016 on member learning and development, and they considered the feedback that had been received on the member training sessions held since the feedback forms were introduced in December 2015. At a previous meeting, this Committee has indicated that it would also wish to receive this feedback, and the collated information can be found in Appendix 4. Feedback from events held in the current Municipal Year will be available following the next meeting of the Member Development Advisory Group on 4 October 2016.
- 3.23 The Advisory Group will also be working on enhancing the overview and scrutiny training on offer at the Council.
- 3.24 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. The only session held since the last report to this Committee was on 9 June 2016, at which 18 councillors from 8 different parish councils received ethics training.

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Register of Interests

- 3.25 At the May 2016 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.
- 3.26 At the time of writing this report, 2 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.
- 3.27 The annual check to all councillors asking them to review the current copy of their form in the Register has also just been undertaken. Any responses received are logged, and the Register updated accordingly.

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.

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.

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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 – Member Training Programme 2016-2017.
- 8.4 Appendix 4 – Member Training Sessions Evaluation Feedback.