

# Ethical Framework Update

**Standards Committee**

**Date: 7<sup>th</sup> November 2016**

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

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## **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 Agree the recommendations at paragraph 3.4, regarding dispensations.
- 2.3 Consider the effectiveness of the Council's codes and protocols and determine whether changes are required to ensure these remain fit for purpose.
- 2.4 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. Any dispensation granted under section 33 of the Localism Act 2011 must specify the period for which it has effect, and the period specified may not exceed four years.
- 3.2 At its meeting on 15<sup>th</sup> October 2016, the Standards Committee accepted that it was prudent, if not essential, for each Councillor to seek a dispensation to speak and vote in respect of determining the Budget and Council Tax, and approved a number of such applications made to that meeting. The Committee also agreed that the dispensations be for a period of 4 years (until 14<sup>th</sup> October 2016) and that the Monitoring Officer, in consultation with the Chair, be authorised to grant any further applications for dispensation.
- 3.3 At its meeting on 12<sup>th</sup> December 2016, the Standards Committee considered a further report on the granting of dispensations to Councillors to speak and vote on matters which they would otherwise be excluded due to a declarable pecuniary interest and agreed that Councillors should also seek a dispensation to

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speak and vote in respect of the setting of discounts and exemptions for Council Tax and matters relating to Council Tax Support Scheme. As previously, the Committee agreed that the dispensations be for a period of 4 years (until 11<sup>th</sup> December 2016) and that the Monitoring Officer, in consultation with the Chair, be authorised to grant any further applications for dispensation.

- 3.4 As the period of the dispensations referred to above has expired, or will shortly expire, and there is still no automatic exemption for members from having a prejudicial interest in Council Tax matters, the Committee is recommended to:
- 3.4.1 Authorise the Director of Law and Democratic Services to invite existing members to apply for dispensations on the subject matter of Council Tax, and to grant these and any additional applications received until 6 November 2020.
  - 3.4.2 Agree that any dispensations granted under these conditions be for the maximum period of four years, ending on 6 November 2020.
  - 3.4.3 Note that the Director of Law and Democratic Services, in consultation with the Chair of the Standards Committee, will continue to be authorised to grant applications for urgent dispensations on any subject matter in between meetings of this Committee. Any such dispensations will be reported to the next scheduled meeting of this Committee.
  - 3.4.4 Ask the Director of Law and Democratic Services to advise the Town and Parish Clerks of the need to arrange similar applications and determination of dispensations in respect of Town and Parish Councillors setting Parish budgets and precepts.

## Summary of Code of Conduct Complaints

- 3.5 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	3*	2	0	0	0	0	0
2017/16	2**	1	0	0	0	0	0

\* A code of conduct complaint made in 2015/16 remains open and outstanding, pending the receipt of supporting information requested from the complainant.

\*\* A Standards Assessment Panel meeting is to be convened in respect of a second code of conduct complaint submitted in 2016/17.

## Consideration of any recommended updates to Codes and Protocols

3.6 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
- Members Code of Good Planning Practice
- Local Code of Corporate Governance

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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

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- Recording, Photography and use of social media protocol and guidance
- Public Question Time at Council meetings Protocol and Guidance
- The Whistleblowing Policy

3.7 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 2017, the Monitoring Officer will consult on each of the above Codes and Protocols with relevant officers, the political groups on the Council, and also with Parish Councils, and report back to the Standards Committee at its meeting in January 2017.

3.8 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

3.9 The Committee last reviewed the Desktop Ethical Audit at its meeting in October 2015. It had previously been agreed that this should be updated on a regular basis.

3.10 The latest Desktop Ethical Audit is attached at Appendix 2 for the Committee to review.

## Changes to Chief Executive Reporting Structure

3.11 The Special Committee, at its meeting on 10th October 2016, agreed changes to the Council's Organisational structure, to reduce, from nine to six, the number of senior officers reporting directly to the Chief Executive. This number includes the Head of Internal Audit but not the 3 statutory officers who, for these purposes, are the Director of Public Health, the section 151 Officer (the Chief Finance Officer) and the Monitoring Officer. It is envisaged that the revised structure will facilitate the Chief Executive's capacity to have a balanced focus between the internal business of the Council and developing the strong local, regional and national partnerships needed to deliver the Vision for Swindon.

3.12 The report also recommended reducing the membership of the Corporate Management Team (CMT) to 5 in number whilst stating that in practice this would not limit the requirement for a wider audience to contribute to CMT on a regular basis and would include a range of posts which would also include those with statutory responsibilities, such as the s151 Officer and the Monitoring Officer. The current and proposed structure and CMT membership are as shown on Appendix 3a and 3b.

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- 3.13 Special Committee noted the Chief Executive's firm commitment to ensuring that the statutory officers would continue to have direct access to him as and when required.
- 3.14 It was further noted that the existing Corporate Management Team structure would remain in situ until an appointment was made to a new post of Corporate Director Resources and Transformation, and that the Monitoring Officer would remain a member of the Corporate Management Team at least until then which is likely to be mid-March 2017.
- 3.15 Special Committee approved the proposed structure and resolved that the Chief Executive report back to the Special Committee on the effectiveness of the structure in facilitating representation with regard to the s151 and Monitoring Officer functions.
- 3.16 The Standards Committee is asked to note the revised organisational arrangements set out in Appendix 3.

## Member Training

- 3.17 Attached at Appendix 4 are the details of the training and development events planned for the 2016-17 Municipal Year. A log of member attendance, and the feedback received from councillors at these events, will be kept and reported to this Committee at a future meeting.
- 3.18 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.
- 3.19 The Monitoring Officer has conducted two chairing skills sessions since the last meeting of this committee; namely, on 10th August 2016 (11 attended), and on 6th September 2016 (8 attended). A request has been received for a training session for new parish councillors on the ethical framework and the Code of Conduct, and arrangements for this are being put in hand.

## **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.

## 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 Council, ensures that good governance is maintained and protects the reputation of the organisation.

## **6. Consultees**

- 6.1 The Corporate 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 – Senior Management Structure
- 8.4 Appendix 4 - Member Training Events