

Ethical Framework Update

Standards Committee

Date: 16th January 2017

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 To review the Council's following Codes and Protocols and to determine whether any changes should be made.

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 7th November 2016, the Standards Committee authorised the Director of Law and Democratic Services to invite existing members to re-apply for a dispensation on the subject matter of Council Tax as their current dispensations were due to cease in December 2016. The Committee authorised the Director of Law and Democratic Services to grant these and any additional applications received until 6 November 2020, in consultation with the Chair of this Committee.
- 3.3 A list of members who have applied for this 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 and Precept, the discounts and exemptions for Council Tax, or the Council Tax Support Scheme, 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.

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- 3.4 The Director of Law and Democratic Services, in consultation with the Chair of this Committee, has granted the dispensations as set out in Appendix 1 which will ensure that the number of members prohibited from participating in discussions and voting on these matters is not so great that it would impede the transaction of the business of the Council. These dispensations have been granted until 6 November 2020, and the Committee is asked to note the list of members.
- 3.5 There are a number of members who have yet to seek a dispensation, and they will be receiving a reminder shortly.
- 3.6 The Committee is also asked to 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.

Summary of Code of Conduct Complaints

- 3.7 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.

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

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2015/16	3	3	0	0	0	0	0
2016/17	1	1	0	0	0	0	0

Consideration of Codes and Protocols

- 3.8 The Standards Committee annually reviews the Council's Codes and Protocols to ensure that these remain appropriate and up to date. At its meeting on 7th November 2016, members' views were sought regarding the effectiveness of the codes and protocols and whether changes were required to ensure these remain fit for purpose.
- 3.9 The Committee resolved that, in order to facilitate the Standards Committee's consideration of the Council's Codes and Protocols, and in line with the procedure utilised for previous reviews, the Monitoring Officer consult on each of the following Codes and Protocols with relevant officers, the political groups on the Council, and also with Parish Councils, and recommend any valid changes to the Standards Committee at its meeting in January 2017. *(Copies of the codes and protocols were circulated to members of the Standards Committee with the agenda for the meeting on 7th November 2016. These are also contained within the Council's Constitution and can be inspected on the website. Further copies can be provided via Committee and Member Services on request).*
- 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
 - Recording, Photography and use of social media protocol and guidance
 - Public Question Time at Council meetings Protocol and Guidance
 - The Whistleblowing Policy
- 3.10 In accordance with the Committee's instruction, a consultation process was commenced in November 2016. The following were consulted, with responses requested by 19th December 2016:
- Members of the Standards Committee.
 - All Parish Councils.

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- The Political Groups on the Council (via the Political Assistants and Councillor Stan Pajak (on behalf of the Liberal Democrat Group)).
 - Corporate Directors and Heads of Service.
- 3.11 Members of the Committee, themselves, were also invited to submit to the Monitoring Officer the details of any particular issues that they would wish to be considered as part of the review of the codes and protocols. No submissions have been received.
- 3.12 As regards the consultation exercise conducted over the November/December 2016 period, all the responses received from Parish Councils, to date, have been simply to advise that no changes are requested. Chiseldon Parish Council was unable to provide a response within the timeframe specified and requested an extension into the New Year. No further information has been received at the date of agenda despatch but any comments received from Chiseldon Parish Council subsequently will be reported to the meeting. There were no formal submissions from members or officers.
- 3.13 There are no matters that the Monitoring Officer wishes to raise at this time.

Casey Review

- 3.14 The issue of standards in local authorities was raised by Dame Louise Casey in her recent review into opportunity and integration. The Local Government Chronicle article in relation to this aspect of the review is attached at **Appendix 2**.
- 3.15 In the article, Dame Louise stated that “I think the role of the monitoring officer has been a tad emasculated”. Thankfully, I do not feel that is the case in Swindon both in terms of the support I receive as Monitoring Officer from officers and members, and as a member of the Corporate Management Team.

Member Training

- 3.16 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.
- 3.17 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. A log of attendance at these events are kept and regularly reported back to this Committee.
- 3.18 The Monitoring Officer has conducted one Ethical/Code of Conduct training session for parish councillors since the last meeting of this committee on 5th December 2016 at Chiseldon Parish Hal (12 attended).

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

6. Consultees

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

7. Background Papers

- 7.1 None

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8. Appendices

- 8.1 Appendix 1 - A list of members who have applied for dispensation under section 33 of the Localism Act 2011
- 8.2 Appendix 2 – Article in the Local Government Chronicle on the Casey Review
- 8.3 Appendix 3 - Details of the training and development events planned for the 2016-17 Municipal Year