

Swindon Borough Council

Standards Committee

Annual Report

1st June 2016 – 31st May 2017

Introduction

The Council adopted a new Members Code of Conduct with effect from 1 July 2012 and, at that time, appointed a non-statutory Standards Committee to be responsible for maintaining the Council's profile of probity and conduct through the promotion and maintenance of high standards of conduct by councillors, and to assist them in observing their Code of Conduct.

The specific roles and functions of the Standards Committee are set out in Article 9 of the Council's Constitution (attached to this report at Appendix A).

This Annual Report is a record of the work of the Standards Committee in the period June 2016 to May 2017.

Membership of the Committee for 2016/2017:

Councillors

Fay Howard
Colin Lovell
Gary Sumner
Teresa Page
Vera Tomlinson
Joe Tray
Steve Weisinger
(Vice-Chair)
David Wood
(Chair)
Cathy Martyn
(Deputy)
Kevin Parry
(Deputy)
Caryl Sydney-Smith (Deputy)

Parish Representatives

Mr Mike Compton
Mr Richard Hailstone

Co-opted Lay Members

Mr Trevor Davies
Mr David Dawson

Independent Persons

Mr Keith Strickland
Mr Paul Morris

Independent Persons and the Independent Persons Protocol

Under the Localism Act 2011, the Council has appointed two Independent Persons, Messrs Paul Morris and Keith Strickland, to carry out the functions set out in the Act in respect of providing their views to complainants, councillors and the Assessment Panel on complaints and the complaints process. The period of these appointments expired on the date of the Annual Council meeting in 2014. At that meeting, following the advertising of the two vacancies, both Mr Morris and Mr Strickland were re-appointed for a further 4 years.

A Protocol for the Independent Persons, setting out the parameters of their work with, and on behalf of, the Council and its Standards Committee was approved and adopted on 7 October 2013.

Annual Report and Work Programme

At its first meeting in the 2016/17 Municipal year, the Committee received, and approved, its Annual Report for the preceding year and also agreed a work programme for the year ahead. As in the previous year, the Standards Committee, via its Standards Assessment Panel, continued to be the arbiter of Complaints under the Council's Members' Code of Conduct and was also responsible for the review of the Council's other Codes and Protocols and the monitoring of Whistleblowing Complaints. The Standards Committee met on four occasions in the 2016/17 Municipal Year.

Summary of Members Code of Conduct Complaints

The Standards Assessment Panel is charged with making an initial assessment decision in relation to all Member Code of Conduct complaints. In 2016/17, the Panel met on two occasions, to determine two outstanding complaints received in 2015/16 and a single complaint received in 2016/17. The following table provides comparative data for the last 9 years.

| Year | Complaints | No Further Action under Code of Conduct | Referred for Investigation | Referred for Monitoring Officer or other Action to be taken | Breach following hearing | No action following referral | Local Resolution |
|---------|------------|---|----------------------------|---|--------------------------|------------------------------|------------------|
| 2008/09 | 14 | 13 | 1 | 0 | 1 | 0 | N/A |
| 2009/10 | 7 | 5 | 2 | 1 | 1 | 1 | N/A |
| 2010/11 | 12 | 8 | 4 | 4 | 0 | 4 | N/A |
| 2011/12 | 10 | 8 | 2 | 2 | 0 | 2 | N/A |
| 2012/13 | 5 | 5 | 0 | 0 | 0 | 0 | N/A |
| 2013/14 | 14 | 11 | 3 | 1 | 0 | 1 | 2 |
| 2014/15 | 5 | 5 | 0 | 1 | 0 | 0 | 0 |
| 2015/16 | 4 | 4 | 0 | 2 | 0 | 0 | 0 |
| 2016/17 | 1 | 1 | 0 | 1 | 0 | 0 | 0 |

Type of Complaints

The two outstanding complaints from 2015/16 both concerned allegations by a member of the public about the conduct of parish councilors. The Code of Conduct complaint received during 2016/17 was made by a member of the public about the conduct of a Borough Councillor.

Processing of Complaints

The Standards Assessment Panel carried out the first stage assessment of all 3 of the complaints received in accordance with the Standard Committee's agreed process for the initial assessment of complaints. In each case, the Panel was of the view that there did not appear to be a potential breach of the Code of Conduct and determined that no further action be taken.

Monitoring of Complaints

The Standards Committee received a summary of the progress of Code of Conduct complaints at each meeting during the year, as part of the ethical compliance update report.

Breaches of the Member / Officer Protocol

At each meeting of the Committee, the Monitoring Officer reported as to whether or not any complaints had been received under the Member / Officer protocol. No complaints were received under the Protocol of Member / Officer relations during 2016/17.

The Monitoring Officer has continued to work behind the scenes in discussion with senior officers and political groups, in relation to any incident, which he has been made aware of informally.

Monitoring of Whistleblowing Complaints

Throughout the year, the Standards Committee has continued to monitor complaints received under the Council's Whistleblowing policy. The Committee were notified of new complaints and the progress and outcomes of subsequent investigations, including any learning points which arose.

During 2016/17, the Standards Committee was advised of the receipt by the Council of 5 new whistleblowing cases. These were all the subject of investigation by Internal Audit or, where appropriate, were referred for investigation by the appropriate Head of Service.

Of the 5 cases reported to the Standards Committee:

- 2 were substantiated with recommendations that existing working arrangements be amended.
- 1 was unsubstantiated but the situation continues to be monitored by management.
- 2 were unsubstantiated but a number of improvements were made to processes as a result of the Internal Audit investigations.

Annual Governance Statement

At its first meeting in the year, the Standards Committee was invited to review the Council's Annual Governance Statement (AGS) and to identify any additional significant control issues that it would like to be included. The AGS is a formal statement that recognises, records and publishes an authority's governance arrangements and is designed not only to give an opportunity for authorities to consider the robustness of their governance arrangements, but also provide an accurate representation of arrangements in place during the year and to identify areas where improvement is required.

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 Committee noted that the AGS had been revised following discussion at Corporate Management Team, and that the following areas still required progress before they could be taken off the statement for 2015/16:

- 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

There were no new areas recommended for inclusion in the statement for 2015/16. The Committee reviewed the draft Annual Governance Statement, and agreed that it be approved to be signed off by the Leader and Chief Executive in September 2016, following its formal approval by the Council's Audit Committee.

Independent Remuneration Panel on Councillors' Allowances: Membership

Under Article 9 of the Council's Constitution, the Standards Committee is responsible for approving procedures associated with the appointment of the Independent Remuneration Panel on Councillors' Allowances, established under the provisions of the Local Authorities (Members Allowances) (England) Regulations 2003.

At its meeting on 7th November 2016, the Committee's approval was sought on the appointment of a Lay representative to serve on the Independent Remuneration Panel, following the resignation of a former Lay representative, and it endorsed the appointment of Mr. David Body for a period of three years.

At its meeting on 27th March 2017, the Committee's approval was sought for the re-appointment of Mr. Keith Strickland as a Lay representative to serve on the Independent Remuneration Panel, following the cessation of his current appointment in March 2017, and it endorsed his re-appointment for a further period of three years.

In accordance with additional provisions of Article 9, the Committee also endorsed composition and appointments procedure associated with the establishment and maintenance of the Independent Remuneration Panel.

Changes to Chief Executive Reporting Structure

At its meeting on 7th November 2016, the Committee was advised of the agreed changes to the number of senior officers reporting directly to the Chief Executive.

Standards Committee members noted that Special Committee had asked 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, and asked to be kept informed.

Desktop Ethical Audit

The Standards Committee had previously agreed to undertake an annual Desktop Ethical Audit, based on the matrix designed by the Institute for Democracy and Electoral Assistance (IDEA), to assess that it has all governance requirements in place.

The annual self-assessment and update was considered and approved by the Committee in November 2016 who were satisfied that all governance requirements are in place.

Leader and Chief Executive ‘Question and Answer’ Session

The Leader of the Council and the Chief Executive are invited annually to meet with the Standards Committee to report on matters relating to the Council’s ethical governance framework and issues of probity, and to discuss with members the key priorities for ensuring that high ethical standards continue to be promoted and maintained within the Council. This year, the Leader and the Chief Executive attended the meeting of the Committee on 25th January 2017.

Matters raised during the course of the discussion included:

- The pending review of the composition of the Corporate Management Team, following the recent appointment of the Corporate Director Resources and Transformation, and the continued membership on the team of the Monitoring Officer and s151 Officer.
- The future role of the Localities Team, following the Council’s recent review of Community Governance arrangements, and the facilitating of future engagement between the Council and Parish Councils.
- The potential to enhance the role of members in facilitating and maintaining links between the Council, Parish Councils and the wider community.
- Member applications for dispensation under Section 33 of the Localism Act 2011.
- The potential impact of the establishment of a greater number of Parish Councils on the workload of the Standards Committee.
- The staffing and budgetary implications of the transfer of services from the Council to Parish Councils.

Review of the Council’s Codes and Protocols

The Standards Committee regularly reviews the Council’s Codes and Protocols to ensure that these remain appropriate and up to date.

At its meeting on 25th January 2017, the Committee received the results of the Annual Review of the following Council Codes and Protocols, undertaken by the Monitoring Officer in accordance with the Committee’s established review process and involving consultation with relevant officers, each of the political groups on the Council, and also with Parish Councils.

- 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.

Members' views were sought on the various submissions made in response to the Monitoring Officer's review and whether changes were required to ensure these remain fit for purpose. The Committee resolved that the outcome of the consultation on the Council's Codes and Protocols be noted and that these be approved, without amendment, for inclusion in the Council's Constitution for 2017/18.

Casey Review

At its meeting on 25th January 2017, the Committee was asked to note that the issue of standards in local authorities had been raised by Dame Louise Casey in her recent review into opportunity and integration. An article published in the Local Government Chronicle regarding this aspect of the review, contained a statement attributed to Dame Louise that "... the role of the monitoring officer has been a tad emasculated". The Committee noted that the Council's Monitoring Officer did not feel this was the case in Swindon, neither in terms of the support he receives as Monitoring Officer from officers and members, or as a member of the Corporate Management Team.

Prescribed Persons (reports on Disclosures of Information) Regulations 2017

At its meeting on 27th March 2017, the Committee considered the Prescribed Persons (reports on Disclosures of Information) Regulations 2017, which came into force in April 2017. These require prescribed persons (to whom a worker can report whistleblowing in certain circumstances) to produce an annual report on any matters that are reported to them within the 12 month period commencing 1 April each year.

The regulations specify that the annual report should not contain information that may identify the worker, the employer or the person in respect of whom the disclosure has been made. It is also specified that the report is published on the Council's website, or other appropriate method to bring the report to the attention of the public. The Committee noted the introduction of the Regulations.

Training

The Committee has continued to assure itself, by receiving regular updates, that appropriate ethical training of Borough Councillors and Parish Councillors is taking place. Reports were made to each of the Committee's meetings in the 2016/17 Municipal Year, providing a record of all the member training events that had taken place, including details of councillor attendance at those events and their feedback from those events.

There were no Council elections in May 2017, but induction sessions relating to the regulatory Committees were held to accommodate members new to these Committees. They took place on 22nd May 2017 (Licensing Committee), 24th May 2017 (Planning Committee) and 25th May 2017 (Education Transport Appeals Sub-Committee).

Parish Councils

The Standards Committee has continued to monitor training for Parish Councillors and offered assistance where required. The Committee has received an update at each of

its meetings on training issues relating to local Parish Councils, including the details of training events held. All but two of Swindon's Parish Councils (Bishopstone and Blunsdon) have adopted the Council's own Members' Code of Conduct. Where a Parish Council has opted to utilise an alternative code, training has been provided via the Wiltshire Association of Local Councils. The Monitoring Officer has carried out a number of training sessions for Parish Councils during the year. One session has been held on Ethics training, and two sessions have been held on Chairing Skills. 12 councillors received the Ethics training, and 21 received the Chairing Skills training.

The Monitoring Officer has continued to chair quarterly meetings of Parish Clerks in the Borough throughout the year. The Ethical Framework is a standing item on the agenda, with any issues arising reported back to the Standards Committee. In addition, quarterly liaison meetings chaired by the Monitoring Officer continue to be held between Parish Councillors and representatives of the Borough Council to promote and maintain the Borough / Parish Charter, which is an important part of decision-making and proper consultation between the Borough and the Parishes.

Complaints on Ethical Standards

The Council monitors complaints received from members of the public in relation to its operation and decision-making. No complaints were received during the 2016/17 Municipal Year that related to the ethical standards of the authority.

Dispensations

Under the arrangements for implementing the Localism Act 2011, the Council has previously agreed that the role of granting dispensations should be delegated to the Standards Committee. At its meeting on 12 December 2012, the 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 consultation with the Chair of the Standards Committee.

Following the Local Government election in May 2016, the six newly-elected members applied for dispensation and these were subsequently granted by the Director of Law and Democratic Services in consultation with the Chair of the Standards Committee. The dispensations remained valid until 14 October 2016, in line with the period of dispensation made to other members of the Council previously.

As there is still no automatic exemption for members from having a prejudicial interest in Council Tax matters, and as the previously agreed period for dispensations had expired, the Committee was asked at its meeting in November 2016 to authorise the Director of Law and Democratic Services to invite 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. The Committee also agreed that any dispensations granted under these conditions be for the maximum period of four years, ending on 6 November 2020. All current serving members of the Council have been granted this dispensation.

The Committee also noted that the Director of Law and Democratic Services, in consultation with the Chair of the Standards Committee, would continue to be authorised to grant applications for urgent dispensations on any subject matter in

between meetings of the Committee, with any such dispensations granted being reported to the next scheduled meeting. The Committee also asked 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

The Standards Committee has continued to use its best endeavours to promote and monitor ethical standards in the authority and within local Parish Councils. It has actively supported a comprehensive review of codes of conduct and behavior and through the promotion of ethical training for Borough and Parish Councillors has undoubtedly enhanced the public perception of the Council's openness, accountability and probity, in its own work and in its joint working with partners and stakeholders.

The Committee has continued to monitor and review the Council's ethical framework, in conjunction with stakeholder and local community groups, to ensure that good governance is maintained and to protect the reputation of the authority.

Article 9 – The Standards Committee

9.01 Composition

- (a) **Membership.** The Standards Committee will be composed of
- at least six Councillors (who may not be the Mayor, the Leader of the Council or the Leader of any other political group on the Council or a Cabinet Member);
 - up to two co-opted members who are not councillors or officers of the Council, and have not been so during the previous 5 years, and are not a close relative or friend of a councillor or officer of the Council (lay members).
 - up to two people who are members of any parish council wholly or mainly in the Council's area (to be nominated by the parish councils within the Borough) who are not also members of the Borough Council (parish members).
- (b) **Lay and Parish Members.** - Lay and parish members will not be entitled to vote at meetings;
- (c) **Quorum.** A quorum shall be three members including at least two councillors

9.02 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members including church and parent governor representatives;
- (b) assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) recommending training on any aspect of conduct and behaviour for Councillors, and officers, where it considers it would be of benefit;
- (f) approving other codes of conduct and behaviour which apply to Councillors, employees, contractors and any other parties or organisations associated with Council activity (for employees approval will be subject to agreement through recognised negotiating machinery where appropriate).

- (g) receiving from the Council's Monitoring Officer details of all allegations of any breach of the Code of Conduct;
- (h) determining any matters which may be referred to it by the Monitoring Officer or which may arise under consideration of complaints as to breaches of the Members Code of Conduct or the Protocol for Member / Officer Relations or any Code or Protocol applying to Members and Co-opted Members;
- (i) supporting the Council's Monitoring Officer in discharging his/her role;
- (j) granting dispensations to councillors and co-opted members, including church and parent governor representatives, arising from requests relating to interests set out in the Members Code of Conduct and/or under section 33 of the Localism Act 2011;
- (k) exercising (a) to (i) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (l) ensuring the Council's Customer Feedback Policy operates effectively in relation to standards of conduct and behaviour of staff and in particular the Standards Committee may
 - receive an annual report on its operation
 - receive monitoring reports on complaints in relation to standards of conduct and behaviour that have resulted in a final warning to a member of staff
 - adjudicate upon all complaints which remain unresolved
 - require Service Managers to report upon any areas of activity which may have been the subject of criticism in respect of standards of conduct and behaviour;
- (m) reporting to the Council when it considers:-
 - standards of conduct and behaviour in a particular area need reviewing, and
 - the level of commitment necessary to resolve these difficulties should be greater;
- (n) approving the Council's anti-fraud strategy and whistle-blowing procedures and ensure they operate effectively;
- (o) recommending to the Council the payment of compensation or the taking of any other action relating to standards of conduct and behaviour where this is considered appropriate;
- (p) reporting to the Council, should it deem it necessary, on the result of any investigation into the standards of conduct and behaviour of a Member; and
- (q) approving procedures associated with the appointment of an independent remuneration panel for Councillors' Allowances.

9.03 **Advice and Procedure**

The Council's Monitoring Officer or his/her nominee will act as Clerk to the Committee.

The Committee will adopt such procedures as it considers necessary to discharge its role and appoint such sub-committees or Panels as it thinks fit, including an Assessment or Hearings Panel as required.

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