

# Ethical Framework Update

**Standards Committee**

**Date: 17<sup>th</sup> July 2017**

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Author: Director of Law and Democratic Services

Wards: 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 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 2017.

## **3. Detail**

Dispensations

- 3.1 Section 33 of the Localism Act 2011 enables members who consider that they may have a disclosable pecuniary interest 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 7 November 2016, the Standards Committee authorised the Director of Law and Democratic Services to grant any applications for a dispensation on the subject matter of Council Tax for a four year period. Dispensations are granted in consultation with the Chair of the Standards Committee and are reported back to the next available meeting.
- 3.3 Also at its meeting on 7 November 2016, the Standards Committee authorised the Director of Law and Democratic Services, in consultation with the Chair of the Standards Committee, to grant applications for urgent dispensations on any subject matter in between meetings of this Committee. Any such dispensations to be reported to the next scheduled meeting of this Committee.
- 3.4 No Councillors have sought dispensations since the last report to this Committee.

Membership of the Standards Committee – Parish Representatives

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- 3.5 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 2017/18 by Council at its Annual Meeting on 19<sup>th</sup> May 2017.

## Draft Annual Governance Statement

- 3.6 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.
- 3.7 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 AGS 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.
- 3.8 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.
- 3.9 CIPFA/SOLACE has issued guidance '*Delivering good governance in Local Government*' which came in to effect from 1st April 2016 and will impact on the AGS for 2016/17.
- 3.10 The draft Annual Governance Statement is set out in Appendix 1 to this report.
- 3.11 As part of the document the Council must identify any areas of significant governance or internal control issues that have occurred during 2016/17. Potential areas for inclusion were discussed at Corporate Board. This included a review of last year's statement and agreeing whether any issues raised for 2015/16 could be taken off and whether any new issues needed to be included.
- 3.12 It is recommended that the following issues could be removed from the statement:
- ❑ IT service provision
  - ❑ Capacity and capability in the context of large scale change

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- ☐ Financial relationships with wholly owned subsidiaries
- 3.13 Further progress is still required in the following areas before they can be taken off the statement:
- ☐ Information Governance and Security
  - ☐ GCSE attainment
- 3.14 There are three new areas recommended for inclusion in the statement for 2016/17:
- ☐ Transfer of staff from SEQOL
  - ☐ Housing contract management
  - ☐ Parishing
- 3.15 The AGS has been reviewed by the Audit Committee at its meeting on 27<sup>th</sup> June 2017, and, subject to any recommendations this Committee might wish to make on the inclusion of additional significant control issues, the Annual Governance Statement will be signed off by the Leader of the Council and the Chief Executive.

## Summary of Code of Conduct Complaints

- 3.16 At its meeting on 21<sup>st</sup> 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 report to this Committee.

Year	Complaints	No Further Action	Referred for Investigation	Referred for Monitoring Officer or other Action	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

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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Year	Complaints	No Further Action	Referred for Investigation	Referred for Monitoring Officer or other Action	Breach following hearing	No action following referral	Local Resolution
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
2017/18	1	0	0	0	0	0	0

## Member Training

- 3.17 Attached at Appendix 2 are the details of the training and development events planned for the 2017-18 Municipal Year. A log of member attendance at these events will be kept and reported to this Committee at a future meeting.
- 3.18 A report was considered by the Member Development Advisory Group at its meeting on 18<sup>th</sup> April 2017 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 3. Feedback from events held in the current Municipal Year will be available following the next meeting of the Member Development Advisory Group on 3<sup>rd</sup> October 2017.
- 3.19 The Advisory Group will also be working on enhancing the overview and scrutiny training on offer at the Council.
- 3.20 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 26<sup>th</sup> June 2017, at which six councillors from four different parish councils received Charing Skills training.

## **4. Alternative Options**

- 4.1 Any alternative options are set out in the body of the report.

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## **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 for this report 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 Director of Finance (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 – Draft Annual Governance Statement: 2016/17.
- 8.2 Appendix 2 – Member Training Programme 2017-2018.
- 8.3 Appendix 3 – Member Training Sessions Evaluation Feedback.