

Ethical Framework Update

Standards Committee

Date: 6th November 2017

Author: Director of Law and Democratic Services

Wards: 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, including dispensations granted to members of the Borough Council, the Summary of Code of Conduct complaints, the latest position regarding member training and development within the Borough, and the update from the Committee on Standards in Public Life.
- 2.2 Consider the effectiveness of the Council's codes and protocols attached at Appendix 1, and determine whether changes are required to ensure these remain fit for purpose.
- 2.3 Review the Ethical Audit Desktop Analysis attached at Appendix 2 and, subject to any comments from members, endorse its contents.
- 2.4 Determine whether a response is to be provided to the consultation on the disqualification criteria for local authority members as set out in Appendix 4 and, subsequently, what form that response should take.

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 7th 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.

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3.3 Also at its meeting on 7th 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.

Summary of Code of Conduct Complaints

3.5 At its meeting on 21st 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 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
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	4	4	0	2	0	0	0

3.6 The Committee is asked to note that an Assessment Panel will be convened on 6th November 2017 to consider a Code of Conduct Complaint. The table above will be updated to reflect any outcomes subsequent to this meeting.

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Consideration of any recommended updates to Codes and Protocols

- 3.7 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
 - Recording, Photography and use of social media protocol and guidance
 - Public Question Time at Council meetings Protocol and Guidance
 - The Whistleblowing Policy
- 3.8 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 2018, 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 on 15th January 2018.
- 3.9 In the meantime, as part of the review process, Members' views are invited regarding the effectiveness of the codes and protocols (Appendix 1 – circulated under separate cover) and whether changes are required to ensure these remain fit for purpose.

Update to the Council's Ethical Audit Self-Assessment

- 3.10 The Committee last reviewed the Desktop Ethical Audit at its meeting on 7th November 2016. It had previously been agreed that this should be updated on a regular basis.
- 3.11 The latest Desktop Ethical Audit is attached at Appendix 2 for the Committee to review and endorse.

Member Training

- 3.12 Attached at Appendix 3 are the details of the training and development events planned for the 2017-18 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.

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- 3.13 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 charring skills. Borough Councillors who are also parish councillors attend.
- 3.14 The Monitoring Officer has conducted two training sessions since the last meeting of this committee; namely, Code of Conduct on 18th September 2017 (9 attended), and Charring Skills on 27th September 2017 (2 attended). A further session on decision-making / governance is planned for 8th November 2017.

Consultation on updating the disqualification criteria for local authority members

- 3.15 On 18th September 2017, the Department for Communities and Local Government published a consultation paper setting out the government's proposals for updating the criteria disqualifying individuals from being elected, or holding office, as a local authority member or directly elected mayor.
- 3.16 The proposal (attached at Appendix 4) is to update the disqualification criteria to include an individual being added to the sex offenders register, being given an Anti-social Behaviour Injunction, and being given a Criminal Behaviour Order.
- 3.17 The consultation closes on 8th December 2017, and members are asked to agree if they wish to respond and, if yes, what form that response should take.

Committee on Standards in Public Life

- 3.18 The Committee on Standards in Public Life held a 'horizon scanning' breakfast on 10th July 2017 which brought together a range of interested organisations and individuals to look ahead at possible ethical standards issues on the horizon.
- 3.19 The discussions included the role of the Committee, public perceptions of MPs, social media, local government, referendums, and public service providers. Members are asked to note the contents of the minutes attached at Appendix 5.

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.
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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 to 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 – Codes and Protocols (circulated under separate cover to members and can be found on the Council's website at:
<http://ww5.swindon.gov.uk/moderngov/ieListDocuments.aspx?CId=282&MId=8176&Ver=4>)
- 8.2 Appendix 2 – Ethical Audit Desktop Analysis
- 8.3 Appendix 3 – Member Training and Development Programme 2017-2018
- 8.4 Appendix 4 – Consultation on the disqualification criteria for councillors and mayors
- 8.5 Appendix 5 – Committee on Standards in Public Life Note