

Ethical Framework Update

Standards Committee

Date: 15th January 2018

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 response to the Department for Communities and Local Government consultation on updating the disqualification criteria for local authority members.
- 2.2 Note and endorse the appointment of Ms Wendy Hall MBE, as a representative of the Voluntary / Community Sector, on the Independent Remuneration Panel on Councillors' Allowances, until such time as a replacement can be appointed.
- 2.3 Consider the effectiveness of the Council's existing Codes and Protocols, in light of any submissions received following consultation, and determine whether any changes are required to ensure these remain fit for purpose.
- 2.4 Authorise the Monitoring Officer to conduct the appointment of Independent Persons as set out in the report.

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	5	5	0	3	0	0	0

Member Training

3.6 Attached at Appendix 1 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.

Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, STaylor@swindon.gov.uk.

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- 3.7 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 Code of Conduct, Chaining Skills and decision-making. Borough Councillors who are also parish councillors attend. A log of attendance at these events are kept and regularly reported back to this Committee.
- 3.8 The Monitoring Officer has conducted one decision-making training session for parish councillors since the last meeting of this committee on 8th November 2017 (5 attended).

Membership of the Independent Remuneration Panel

- 3.9 The Standards Committee is responsible under Article 9 of the Council's Constitution for overseeing and approving the composition and appointments procedures associated with the establishment and maintenance of the Independent Remuneration Panel (IRP) on Councillors' Allowances.
- 3.10 The IRP is made up of six members who are independent of the Council – one each is nominated by the Education, Business and Voluntary / Community Sectors, and there are three Lay Representatives appointed by the Standards Committee following public advertisement. The three members of the IRP appointed from stakeholder / partner organisations serve for a term of office of four years. The three Lay Representatives are appointed for a period of three years. There is no restriction on the re-appointment of members.
- 3.11 The current membership of the IRP is:

Member	Capacity	Term of Office	Expiry date
Mr Keith Strickland (Chair)	Lay Member	3 years	March 2020
Mr Ram Thiagarajah	Lay Member	3 years	November 2020
Mr David Body	Lay Member	3 years	October 2019
Mr John Dernie	Business Sector Representative	4 years	April 2018
Ms Wendy Hall MBE	Voluntary / Community Sector Representative	4 years	February 2018
Mr Gus Strang	Education Sector Representative	4 years	October 2019

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- 3.12 Ms Wendy Hall MBE was nominated as the Voluntary / Community Sector Representative to the IRP in February 2002, and has remained as a member of the Panel since that time. It is Ms Hall's intention to step down from the Panel as she no longer represents the Voluntary / Community Sector.
- 3.13 In view of her experience and commitment, the Committee is asked to endorse the continued appointment of Ms Hall as the Voluntary / Community Sector Representative to the IRP until such time as a replacement can be appointed from this sector. The recruitment process will commence with immediate effect, and this Committee will be asked to endorse any new representative at a future meeting.

Consideration of any recommended updates to Codes and Protocols

- 3.14 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 6th November 2017, members' views were sought regarding the effectiveness of the Codes and Protocols, and whether changes were required to ensure these remain fit for purpose.
- 3.15 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 would consult on the Codes and Protocols and recommend any valid changes to the Standards Committee at its meeting on 15th January 2018.
- 3.16 Copies of the Codes and Protocols listed below were circulated to members of the Standards Committee with the agenda for the meeting on 6th November 2017. 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

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3.17 In accordance with the Committee's instruction, a consultation process commenced in November 2017. The following were consulted, with responses requested by 2nd January 2018:

- All Parish and Town Councils.
- 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.

3.18 There has been one response to the consultation as follows:

3.18.1 The Change Manager for Equality and Diversity has queried if, given the recent allegations surrounding Westminster, the Members' Code of Conduct could include a specific reference to use of power / recognition of power and inappropriate conduct (sexual or otherwise). It is perhaps already covered under section 3.2 and section 5, but could be made more explicit.

3.19 Members of this Committee were also invited to submit 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.

3.20 There are no matters that the Monitoring Officer wishes to raise at this time.

Membership of the Standards Committee – Independent Persons

3.21 It was agreed at the Council meeting on 6th June 2014 that the term of office of Mr Paul Morris, an Independent Person appointed to the Standards Committee, be extended for a further period of four years. It was also agreed at that meeting that Mr Keith Strickland be appointed as an Independent Person to the Standards Committee for a four year term.

3.22 Consequently, the appointment of the Independent Persons will need to be reviewed and appointments made at the Annual Council meeting in May 2018.

3.23 In order to progress the appointment of Independent Persons, as required under Section 28 of the Localism Act 2011, the Standards Committee is invited to authorise the Monitoring Officer to advertise the vacancies and conduct the appointments process in accordance with the previously agreed appointment process, as referred to in paragraph 3.24 below.

3.24 The current agreed process for the appointment of Independent Persons following receipt of applications is that the Monitoring Officer will circulate those applications to the Group Leaders for comment, following which a short list will be drawn up by the Monitoring Officer and interviews held. The Monitoring Officer

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will then recommend the appointment of the Independent Persons to the Annual Meeting of the Council on 18th May 2018.

- 3.25 It is suggested that the appointment not be held for an indeterminate duration. Therefore, it is recommended that the Independent Persons be appointed to hold the position for a period of four years, in line with the current agreed process.

The Role of the Independent Person - Workshop

- 3.26 Hoey Ainscough Associates Ltd are conducting a series of half-day workshops, at various venues throughout the country, on the role of the Independent Person (IP). The events, for IPs and those who work on standards issues, are a unique opportunity to explore the role in depth, discuss key developments through the year, and share experiences with other IPs and officers from across the country.
- 3.27 This year's workshop will build on previous ones by continuing to explore in depth the role that IPs play in supporting authorities in case handling, looking at issues that have come up in the last twelve months, and discussing and sharing best practice.
- 3.28 Both the Council's Independent Persons were invited to attend one of the events but, due to their length of service and the level of expertise and knowledge they hold, it was not deemed necessary for them to attend.

Consultation on updating the disqualification criteria for local authority members

- 3.29 At its meeting on 6th November 2017, the Standards Committee considered a consultation paper, published by the Department for Communities and Local Government on 18th September 2017, setting out the Government's proposals 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.
- 3.30 The Committee agreed that individual member responses would be submitted to the Monitoring Officer by 20th November 2017 in order that a response to the consultation on behalf of the Committee be created for final submission by the 8th December 2017. The submission on behalf of Swindon Borough Council is attached at Appendix 2 for members to note.

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 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 – Details of the training and development events planned for the 2017-18 Municipal Year
- 8.2 Appendix 2 – Consultation response to the Department for Communities and Local Government on updating the disqualification criteria for local authority members.