

Ethical Framework Update

Standards Committee

Date: 27th March 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 Borough and Parish Councillor training and development within the Borough, and the update on the recruitment process for the two Independent Persons.
- 2.2 Endorse the appointment of Mr John Dernie as a representative of the Business Sector on the Independent Remuneration Panel on Councillors' Allowances for a period of four years, ending in April 2022.
- 2.3 Determine whether a response is to be provided to the stakeholder consultation on the review of local government ethical standards 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.
- 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

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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

- 3.6 The Committee is asked to note that eight Code of Conduct Complaints will be considered by the Assessment Panel on the 22nd March 2018, the results from which will be reported verbally at the meeting.

Member Training

- 3.7 Attached at Appendix 1 is a record of all the member training events that have taken place so far this Municipal Year, including details of councillor attendance at those events. Attached at Appendix 2 is the training and development

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programme for councillors for 2017/2018 for information. Members are asked to note that this does not preclude any ad-hoc training events that the Committee and Member Services team may be asked to arrange before the local government elections in May 2018.

- 3.8 Work is progressing on the Induction Programme and Member Training and Development Programme for the 2018/2019 Municipal Year. The Member Development Advisory Group, at its meeting on 6th March 2018, agreed the training opportunities that will be available to councillors, and that will be reported to future meetings of this Committee.
- 3.9 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 are able to attend. Parish councillors have also been invited to attend planning sessions arranged by Borough Council Officers. A copy of the summary of training provided for town and parish councillors during 28th March 2017 to 19th March 2018 is attached at Appendix 3.
- 3.10 In addition, parish councillors are also able to attend training sessions as advertised in the Members Bulletin. The details of parish councillor attendance at Borough-run sessions can be found in Appendix 1.

Membership of the Independent Remuneration Panel

- 3.11 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.
- 3.12 The IRP is made up of six members who are independent of the Council – one each is appointed from the Education, Business and Voluntary / Community Sectors, and there are three Lay Representatives appointed following public advertisement. The three members of the IRP appointed from the Education, Business and Voluntary / Community Sectors 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.
- 3.13 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

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Member	Capacity	Term of Office	Expiry date
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	On-going until replacement in post
Mr Gus Strang	Education Sector Representative	4 years	October 2019

- 3.14 Mr John Dernie was appointed as the Business Sector Representative to the IRP in April 2014, therefore his current term of office will expire next month. Mr Dernie has been approached about his continuing to serve on the Panel and has agreed to do so, if it is the Committee's wish.
- 3.15 In view of his experience and commitment, the Committee is asked to endorse the continued appointment of Mr Dernie as the Business Sector Representative to the IRP for a further four year period, ending in April 2022.

Membership of the Standards Committee – Independent Persons

- 3.16 Further to Minute 22 (2017/2018), the Committee is asked to note that an advertisement for two Independent Persons was placed in a local newspaper, and on the Borough Council's website, in the week commencing 22nd January 2018. The closing date for requesting an application form was 9th February 2018.
- 3.17 The deadline for the submission of completed application forms was the 2nd March 2018, by which time fourteen applications had been received. Copies of the application forms have been circulated to the Group Leaders for their comments, in accordance with the current agreed process, in order to begin the shortlisting process.
- 3.18 Interviews for the position will take place in the week commencing 2nd April 2018, with the Chief Executive and the Monitoring Officer forming the interview panel. The Monitoring Officer will then recommend the appointment of the Independent Persons to the Annual Meeting of the Council on 18th May 2018.

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Local government ethical standards: stakeholder consultation

- 3.19 On 29th January 2018, the Committee on Standards in Public Life published a consultation paper, attached at Appendix 4, to inform its review of local government ethical standards.
- 3.20 Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government. The terms of reference for the review are to:
- 3.20.1 Examine the structures, processes and practices in local government in England for:
- maintaining codes of conduct for local councillors.
 - investigating alleged breaches fairly and with due process.
 - enforcing codes and imposing sanctions for misconduct.
 - declaring interests and managing conflicts of interest.
 - whistleblowing.
- 3.20.2 Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government.
- 3.20.3 Make any recommendations for how they can be improved.
- 3.20.4 Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.
- 3.21 The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities and the Greater London Authority.
- 3.22 The consultation closes on 18th May 2018 and members are asked to agree if they wish to respond and, if yes, what form that response should take.

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.

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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 – Councillor attendance at training sessions 2017-2018.
- 8.2 Appendix 2 – Corporate Training and Development Programme for Councillors 2017-2018.
- 8.3 Appendix 3 – Parish and Town Councils Summary of Training March 2017 – March 2018.
- 8.4 Appendix 4 – Committee on Standards in Public Life: Stakeholder Consultation.