

## Swindon Borough Council

# Standards Committee

**Tuesday, 29 January 2013**

Committee Room 1, Civic Offices  
(Anticipated meeting room)

**At 5.00 p.m.**

### **Councillors**

Rex Barnett  
Mary Friend  
Richard Hurley (Vice-Chair)  
(Conservative)

Fay Howard  
Teresa Page  
(Labour)

David Wood (Chair)  
(Liberal Democrat)

### **Co-opted Representatives**

Trevor Davies (Lay Member)  
David Dawson (Lay Member)

Mike Compton (Parish Representative)  
Richard Hailstone (Parish Representative)

### **Independent Persons for Information:**

Paul Morris  
Peter Morgans

**Committee Officer:** Sarah Lawrence (Telephone 01793 463603)  
email: [slawrence@swindon.gov.uk](mailto:slawrence@swindon.gov.uk)

Swindon Borough Council can be contacted at the Civic Offices, Euclid Street, Swindon, SN1 2JH (Telephone 01793 445500)

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## **AGENDA**

### **PART 1 (PUBLIC ITEMS)**

#### **1. Apologies for Absence**

#### **2. Declarations of Interest**

Members are requested at the start of the meeting to declare any known interests in any matter to be considered, and are reminded that any such interest should also be declared at the start of an item or during any discussion of the matter concerned.

**3. Minutes** (Pages 1 - 2)

**4. Public Question Time**

*(See explanatory note below. Please phone the Committee Clerk whose name and number appears at the top of this agenda if you need further guidance.)*

**5. Exempt Items - Exclusion of Press and Public**

*Certain items are expected to include the consideration of exempt information and the Standards Committee is, therefore, recommended to resolve "That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the items listed below, on the grounds that they involve the likely disclosure of exempt information, as defined in the respective paragraph of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information".*

| <u>Item No.</u> | <u>Paragraph No.</u> |
|-----------------|----------------------|
| <b>8</b>        | <b>1 and 2</b>       |

**6. Question and Answer Session - Leader of the Council and Chief Executive**  
DLDS (Pages 3 - 18)

**7. Ethical Framework Update** DLDS (Pages 19 - 28)

**PART 2 (TO BE CONSIDERED WITHOUT THE PRESS AND PUBLIC PRESENT)**

**8. Ethical Compliance Report** DLDS/ HIA (Pages 29 - 32)

21 January 2013 (being date of agenda dispatch)

**Key:**

DLDS - Director of Law and Democratic Services  
HIA - Head of Internal Audit

**Public Question Time** - Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

**Access Arrangements** - The venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Officer, whose name appears at the top of this agenda, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

### **Standards Committee - Terms of Reference**

The Standards Committee has the following roles and functions in accordance with Article 9 of the Council's Constitution:

- (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) recommend training on any aspects 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 the Standards Board for England, or which may arise under the 'local filtering' arrangements for complaints as to breaches of the Members Code of Conduct;
- (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, from requests relating to interests set out in the Members Code of Conduct;
- (k) to also exercise (a) to (j) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (l) to grant and supervise exemptions in relation to those politically restricted posts for which it is responsible
- (m) ensure the Council's Customer Feedback Policy operates effectively in relation to standards of conduct and behaviour of staff and in particular
  - receive annual reports on its operation
  - receive regular 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
- approve and publish an annual report upon the operation of the system;

(n) report 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;

(o) approve the Council's anti-fraud strategy and whistle-blowing procedures and ensure they operate effectively;

(p) recommend 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;

(q) report to the Council on the result of any investigation into the standards of conduct and behaviour of a Member; and

(r) approve procedures associated with the appointment of an independent remuneration panel for Councillors' Allowances.

## STANDARDS COMMITTEE

WEDNESDAY, 12 DECEMBER 2012

PRESENT:- Councillor David Wood (Chair), Councillor Richard Hurley (Vice-Chair), Councillor Mary Friend, Councillor Fay Howard, Mr Trevor Davies, Mr Mike Compton and Mr Richard Hailstone.

Apologies for absence were received from Councillor Rex Barnett, Councillor Teresa Page and Mr David Dawson.

### 4. **Declarations of Interest**

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

### 5. **Minutes**

Resolved – That the minutes of the Standards Committee on 15<sup>th</sup> October 2012 and the minutes of the Standards Committee Hearings Panel on 19<sup>th</sup> October 2012, be confirmed and signed as a correct record.

### 6. **Public Question Time**

No public questions were received during the meeting.

### 7. **Dispensations**

The Committee considered a report of the Director of Law and Democratic Services (Monitoring Officer) on the granting of dispensations to Councillors to speak and vote on matters which they would otherwise be excluded due to a declarable pecuniary interest.

Two reports were going to the next Cabinet and onto Full Council, where a number of Councillors would be unable to participate if dispensations were not granted. The Committee gave consideration to the applications received to date in relation to the subject matter of each report in a tabled Appendix. The Committee also delegated authority for any further applications on the same subject matter to be approved by the Monitoring Officer.

In addition, it was agreed that to save the need to all Special Meetings of the Standards Committee on a regular basis, that the Monitoring Officer in consultation with the Chair of the Committee should have delegated authority to deal with other urgent applications for dispensations received in between scheduled Standards Committee meetings, with a list of any granted being reported to the next meeting.

Resolved – (1) That the applications for a dispensation set out Minutes Appendix 1 as tabled at the meeting be approved for a period of 4 years, and the Director of Law and Democratic Services be authorised to grant any additional applications

received on the same subjects for a 4 year period.

(2) That the Director of Law and Democratic Services be authorised to grant applications for Dispensations, in consultation with the Chair of the Standards Committee, on any subject matter, when the application is urgent and cannot wait to the next scheduled meeting of the Standards Committee. Any such dispensations to be reported to the next scheduled meeting of the Committee.

**Question and Answer Session –  
Leader of the Council, and Chief Executive**

**Standards Committee**

**Date: 29<sup>th</sup> January 2013**

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|                    |   |
|--------------------|---|
| Author:            | Director of Law and Democratic Services |
| Wards:             | All                                     |
| Locality Affected: | All                                     |
| Parishes Affected: | All                                     |

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**1. Purpose and Reasons**

- 1.1 To provide the Committee with an opportunity to discuss with the Leader of the Council, and Chief Executive, the authority's approach to ethical governance.
- 1.2 To enable the Standards Committee to be informed of issues of probity in the Council.

**2. Recommendations**

The Committee is recommended to:

- 2.1 Welcome the discussion with the Leader and Chief Executive, and recommend any actions to support continued improvement in the Council's approach to ethical governance.

**3. Detail**

- 3.1 The Committee includes in its work programme a regular opportunity to discuss with the Leader, and Chief Executive, the ethical governance of the Council.
- 3.2 As background to this discussion is attached at Appendix '1', a copy of the latest ethical desktop audit, which was completed in October 2012, and a copy of the Ethical Audit Toolkit categories published by the IDeA in 2007 (Appendix 2), which provide a useful checklist against which to assess ethical governance. For the information of the Committee, attached at Appendix '3' are the minutes of the last meeting with the Leader and the Chief Executive.

**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 There are no specific financial implications arising from this report.

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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).

## Question and Answer Session – Leader of the Council, and Chief Executive

**Standards Committee**

**Date: 29<sup>th</sup> January 2013**

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### Legal and Human Rights Implications

- 5.2 There are no specific legal or Human Rights implications arising from this 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.

### Links to One Swindon, Plans and Policies

- 5.4 Monitoring of issues of probity in the Council underpins the Council's plans and policies and the delivery of One Swindon objectives.

### Diversity Impact Assessment

- 5.5 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

- 5.6 A risk assessment has not been completed in relation this report, as it does as it does not recommend a change in Council policy or service.

## **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 – Ethical Desktop Audit – October 2012  
8.2 Appendix 2 - IDeA Ethical Audit Toolkit categories  
8.3 Appendix 3 – Minutes of the last meeting with the Leader and the Chief Executive.



Ethical Audit Desktop Analysis  
Matrix of Key Information held by Swindon Borough Council  
October 2012

|   | <b>Key Information</b>  | <b>Held</b> | <b>Current position, including action taken since the last review in October 2011.</b>  | <b>Area of Review or Action to be identified by the Standards Committee.</b> |
|---|---|-------------|---|--|
| 1 | Constitutions/ Current Decision Making Framework (ie the committees and sub-committees) | Yes         | <p>The Constitution is reviewed and updated at least annually and was adopted in full in May 2012, and amended in June 2012 to take into account changes under the Localism Act 2011 to the standards regime and the adoption of a new Members Code of Conduct.</p> <p>Amendments were also made in January 2012 to take account of the new rules in relation to pre-determination of decisions under the Localism Act 2011. Updates were also made to the Constitution, in particular the Officer Delegations as a request of new Officer Structures (under Stronger Together) adopted from 1 April 2012.</p> <p>The Constitution's operation is monitored by the Monitoring Officer and also by the Corporate Governance Working Party whose recommendations feed into the review process.</p> <p>The Council's Audit Committee was first established in May 2006 and continues to operate effectively. It receives assurances from the Standards Committee in relation to matters of internal control such as the operation of the Whistleblowing Policy.</p> <p>The Annual Audit letter for 2008/09 confirmed that the 'Governance arrangements' of the Council were sound with 'examples of notable practice identified'.</p> <p>The Council is increasingly working with external</p> |  |

|   |  |     |  |   |
|---|--|-----|--|---|
|   |  |     | partners and stakeholders. Many of the Council's partnership relationships are now managed through the One Swindon Board, with appropriate governance arrangements in place.   |   |
| 2 | Procedural Standing Orders                   | Yes | Updated in Constitution – May 2012   |   |
| 3 | Contracts Standing Orders                    | Yes | Updated in Constitution – May 2012   |   |
| 4 | Employees' Code Of Conduct                   | Yes | <p>Following consultation with Council employees and unions, the Employee Code of Conduct was approved by the Standards Committee in July 2006. The Code of Conduct was issued to all Council employees, who were required to sign to confirm that they have read and will act in accordance with the Code.</p> <p>A statutory Code was consulted on in October 2008 by the Department of Communities and Local Government, but no further action has been taken on this matter.</p> |   |
| 5 | Members' Code Of Conduct plus Local Guidance | Yes | <p>The new Members Code of Conduct and procedures for determining complaints was adopted in June 2012, taking effect on 1 July 2012, under the Localism Act 2011.</p> <p>The Monitoring Officer has provided guidance and training on the Members Code of Conduct to Officers and Members, together with Parish Clerks and Parish Councillors. Refresher training is also regularly provided.</p>  | . |
| 6 | Confidential Reporting Procedure             | Yes | <p>The Whistleblowing Policy was first approved in November 2001 and is kept under regular review.</p> <p>Complaints received are investigated and the outcome reported to the Standards Committee. Employees are reminded about the procedure via staff communications, including in the Team Brief.</p>  |   |

|    |   |     |  |  |
|----|---|-----|--|--|
|    |   |     | <p>The Committee first approved in September 2005 the Council's subscription to the Public Concern at Work Helpline to provide a formal method of confidential reporting for staff who do not feel able to raise issues directly with the Council. The Council has maintained this provision, but also makes available support via a contract with Care First, the Council's employee assistance programme.</p>  |  |
| 7  | Terms Of Reference of the Standards Committee | Yes | <p>The new Standards Committee was put in place in July 2012, under the terms of the Localism Act 2011, giving Councils the option of whether to retain a Standards Committee or nominate another Committee to oversee the determination of Code of Conduct complaints. The Borough Council's new Committee has retained much of its extended terms of reference, beyond the determination of complaints, in particular in relation to its monitoring of Anti-Fraud and Corruption Strategy and Whistleblowing Complaints.</p> |  |
| 8  | Scheme Of Delegation                          | Yes | <p>This was updated by 1 April 2012 to take account of the revised management structures under Stronger Together which came into effect on that date. It has subsequently been approved again as part of the 2012/13 Constitution at the meeting of Annual Council meeting in May 2012.</p>  |  |
| 9  | Members' Register Of Interests                | Yes | <p>Held on file and on the Council's website. Regular reminders are issued.</p> <p>In accordance with the requirements of the Localism Act the Council also now publishes Register of Interest forms for all Parish Councillors in the Borough Area.</p>   |  |
| 10 | Recorded Declaration Of Interests             | Yes | <p>Interests are recorded at meetings and are recorded on the website.</p>   |  |
| 11 | Members' Induction Process                    | Yes | <p>All new Councillors are provided with a comprehensive</p>   |  |

|         |  |     |   |  |
|---------|--|-----|---|--|
|         |  |     | induction programme.<br><br>All of the new Councillors attended the Induction training in May 2012 following the elections.   |  |
| 12      | Officers' Induction Process                  | Yes | <p>Corporate induction process is in place and departmental induction processes are also in place.</p> <p>Reference is included in the Officers' Induction Process to the ethical framework. During staff induction it is checked that staff have received a copy of the code of conduct (which they usually have with their contracts) and they are reminded that it is their responsibility to read it and speak with their manager if they have any concerns. Staff are also advised of the disclosure of gifts etc information, and are also advised to contact their managers with any concerns regarding this, or any special arrangements made (for example, working in a care home at Christmas where people may buy them lots of gifts/goodies).</p> <p>It is the responsibility of managers to enforce the code of conduct and ethics and probity issues with staff.</p> <p>The Monitoring Officer liaises with the Head of People and Change on evaluating the implementation across departments of training on the ethical framework within the Officers' Induction Programme and on the monitoring of the officer induction process.</p> |  |
| 13 / 14 | Members' Continuing Development and Training | Yes | <p>A range of development / training opportunities are offered and a record of attendance kept.</p> <p>Training for Councillors is facilitated by the Members Services Officer, in consultation with a cross-party Member Development Steering Group. This agrees the programme for training at the beginning of each year, and monitors the success of each course and the uptake from Councillors.</p>  |  |

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|    |                                  |     | <p><u>Mandatory Training.</u></p> <p>Licensing and the Planning Training was held in May 2012, after the Annual Council but prior to the first meetings of the year. Whilst the first session was primarily for new Councillors who would be serving on the Committees, all Members had the opportunity to attend, as the information provided could not only help Committee members but all Members of the Council in relation to their ward work. Such training was mandatory before a Councillor could serve on either the Planning or Licensing Committees. For the first time, training was also arranged for members who would be sitting on Education Transport Appeal Panels.</p> <p>All Councillors were invited to attend training on the new Member Code of Conduct, provided by the Monitoring Officer in July 2012.</p> |  |
| 15 | Officers' Continuing Development | Yes | <p>"In Touch" is the Council's behaviour framework, which sets out the values and behaviours expected from officers and members. This currently forms part of the annual appraisal in place across the Council, and identifies development needs and provides structured options to accessing appropriate training. However, new arrangements will be issued shortly to meet the requirements of behaviour under Stronger Together.</p>  |  |
| 16 | Officers' Training               | Yes | <p>A Learning &amp; Development online resource has been launched, which provides practical learning and development materials. There is also a <a href="#">Learning Zone</a> with links to coaching and networking e-learning modules developed by Good Practice. Other courses are available direct.</p>   |  |

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| 17 | Other Council Specific Additional Codes And Protocols | <p><u>Monitoring Officer Protocol</u> - Adopted in December 2003 and last updated in May 2012 to reflect the changes in the management structure under Stronger Together.</p> <p><u>Guidance to Councillors on Dealing with the Media</u> – first adopted February 2002, and last reviewed and updated by the Committee in October 2010, following detailed consultation with members, to include in particular new provisions in relation to blogging and use of social media.</p> <p><u>Protocol on Member / Officer Relations</u> - Introduced September 2002 and regularly reviewed and updated. This was last updated in February 2010 to refer to the Council's Intouch programme. The Association of Secretaries and Solicitors (ACSeS) produced a model code, some of which is based on this Council's protocol.</p> <p><u>Members' Planning Code of Good Practice</u> - adopted February 2004, and regularly reviewed and updated. This was last amended in January 2012 to reflect the new rules in relation to Pre-Determination of Decisions under the Localism Act 2011.</p> <p><u>Anti-Fraud and Corruption Strategy</u> – adopted November 2001 and regularly reviewed and updated. This was last updated in October 2011, together with the Whistleblowing Policy, to take account of the Bribery Act 2010. A Fraud Response plan was developed by Internal Audit at the same time to assist managers in knowing how to deal with allegations of wrongdoing. The outcome of investigations are reported to the Standards Committee.</p> <p>A Swindon Internal Audit Services Bulletin is issued to Members and Officers approximately twice a year to promote fraud awareness by communicating information on frauds elsewhere to officers and Members, and enable similar frauds to be prevented.</p> |  |
|----|---|--|--|

### leadership behaviour and styles

#### questions and probes

1. What role does the chief executive play in ensuring that ethical standards are upheld?
2. What profile do the standards committee and monitoring officer have within the council?
3. To what extent are the diverse needs of the communities are taken into account when setting priorities?
4. Do council members and officers demonstrate that they mediate fairly between people with conflicting needs? Give examples of how they do/don't mediate fairly.
5. To what extent does the council follow legal process when balancing public need and council policy?
6. To what extent do senior members and officers display effective leadership in this council? Do you think they are a catalyst for change where necessary? Give examples.
7. Do members and officers show appropriate dignity and respect for all their colleagues and citizens of the area? Give examples of appropriate/inappropriate behaviours.

### communications

what will we look for in a review?  
probes and evidence

1. Do you feel there is sufficient guidance/advice available on ethical standards? Provide examples. Where would you go to obtain guidance/advice?
2. What are the standards committee and monitoring officer doing to promote high ethical standards? Can you give examples of where you feel the work of the standards committee has had a positive effect on the work of the council?
3. Do you think the public understand the ethical values of the council? If so how is this communicated to them?
4. Do you think that the stakeholders and or suppliers and contractors to the council understand its ethical values? How are the councils ethical values communicated to other partnership members?
5. What do you think the perception of the wider public is of the ethical standards in the council? Do you think they differentiate between members and officers?
6. How do you think the council responds to criticism?
7. Do you think that communication between members is generally open and honest? Provide examples of when the communication is/is not open and honest.
8. Do you think communication between members and officers is open and honest? Provide examples of when the communication is/is not open and honest.
9. To what extent do you think members and officers respect confidentiality?



### relationships

roles and responsibilities  
what will we look for in a review?  
questions and probes

1. How would you describe the relationship between the executive (cabinet) and the standards committee?
2. How would you describe the relationship between the standards committee and monitoring officer?
3. How would you describe the relationship between the chief executive and the standards committee and monitoring officer?
4. What do you think the public perception of ethics in the council might be?
5. What do you perceive the image of the standards committee to be in this council?
6. How are ethical issues reported to the executive?
7. What is the frequency of reporting to the executive?
8. In your view is there clarity between the roles and responsibilities of members and senior officers? Can you give examples of when there has/has not been clarity?
9. Are roles and responsibilities for members and officers clearly defined and does their behaviour indicate this?
10. Is there trust between members and officers? Can you give examples of where there has/has not been trust?

### accountability

decision making  
what will we look for in a review?  
questions and probes

1. Do you think that by their behaviour the majority of members and officers display an understanding of the importance of ethical standards in this council? Can you give examples?
2. Do you think there is a common understanding for members of the ethical values of this council? Can you give examples?
3. Do you think there is a common understanding for officers of the ethical values of this council? Can you give examples?
4. Do you think that the appointment of representatives of the council to outside bodies is carried out in an open and transparent manner? Can you give examples?
5. To what extent do non executive members feel they can hold the executive to be accountable?
6. To what extent do members and officers understand the need for a register of interests?
7. To what extent do members of the public understand who is responsible for what in the council?
8. Do you think that the use of 'exempt information' is constructive or is it used to shield and hide debate?
9. Does the council maximise the opportunity to hold meetings in publicly accessible venues e.g. away from the guildhall? Can you give examples?
10. To what extent do members understand the roles of the statutory officers and know who they are?
11. Do you think that senior officers are accountable for the decisions they take? Can you give examples?

management of standards

ethical standards constitution, design and culture  
what will we look for in a review?  
questions and probes

1. Do you feel that members and officers have access to all the relevant information/guidance that they need to do the job properly? Can you give examples?
2. How easy is it to:
  - i. Declare an interest
  - ii. Register an interest
  - iii. Claim expenses
  - iv. Offer and/or receive hospitalityHow clear are you clear about the systems and processes involved?
3. To what extent are ethics in the council assessed or monitored?
4. To what extent are members/officers aware of any protocols, for example member/officer protocols, IT, allowances and expenses?
5. Can you give examples of where a lack of guidance may have led people to fail to follow set procedures?
6. To what extent do you think that the council makes it clear to all of its suppliers/contractors the level of ethical behaviour expected from their employees?
7. To what extent do you think that suppliers/contractors are aware of the standards of behaviour expected of council officers and members?
8. Do all members and officers have a role to play in maintaining high ethical standards or is it just the responsibility of just the standards committee?
9. How easy is it for members or staff to invoke the whistle blowing policy?

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**MINUTES EXTRACT - STANDARDS COMMITTEE**

**MONDAY, 26 MARCH 2012**

PRESENT:- Mr Keith Carby (Chair), Mr Trevor Davies (Vice-Chair), Mr Paul Morris, Mr Mike Compton, Mr Gerry Eyles, Mr Richard Hailstone, Councillor Sinead Darker, Councillor Fay Howard, Councillor Peter Stoddart and Councillor Kevin Small.

Apologies for absence were received from Mr David Dawson.

**25. Question and Answer Session - Leader of the Council and Chief Executive**

The Leader of the Council, and the Chief Executive, attended the meeting to discuss the Council's approach to ethical governance, and their key priorities in relation to ensuring that high ethical standards are promoted and maintained within the Council.

The discussion included:

- An update on Stronger Together, the new Council management structure and way of working from 1 April 2012, and the context and reasons for these changes.
- The role for Town and Parish Councils under the Localism Act, and the need for close working with the Council, in particular in Localities.
- The context in which the Council was operating with regard to the economic climate, budget pressures and a heightened political environment, and the importance of the public understanding the different roles of officers and Councillors, and the democratic mandate held by Councillors.
- The continuing growth of social media, and the difficulties that presents for Councillors knowing how and when to engage, and ensuring that their contributions are compliant with the Media Guidelines for Councillors and the Member Code of Conduct.

The Committee noted that the Leader of the Council and the Chief Executive both considered that the Protocol of Member / Officer Relations was fit for purpose. In addition, the discussion on social media endorsed an earlier recommendation by the Committee that the new Members Code of Conduct, to be drafted when the Regulations under the Localism Act were published, should include specific reference to use of social media.

Resolved - That the Leader of the Council and the Chief Executive both be thanked for attending the Committee and answering the questions of the Committee.

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## Ethical Framework Update

**Standards Committee**

**Date: 29<sup>th</sup> January 2013**

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|                    |   |
|--------------------|---|
| Author:            | Director of Law and Democratic Services |
| Wards:             | All                                     |
| Locality Affected: | 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, 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 Request that the Director of Law and Democratic Services review the procedures for dealing with Complaints under the Protocol of Member / Officer Relations to align these with the procedure for dealing with Member Code of Conduct complaints.
- 2.3 Include a review of the Member Code of Conduct and how it is working in the 2013/14 Standards Committee Work Programme.
- 2.4 Consider if the Public Concern at Work Act Whistleblowing subscription should be renewed.

### **3. Detail**

Parish Councils

- 3.1 A summary of the Parish Council training on the standard regime is attached at Appendix '1'. Since the last meeting the Monitoring Officer has provided training for those Parish Councils who have chosen to adopt the same Code of Conduct as Swindon Borough Council. A list of Codes adopted by Parish Councils is attached at Appendix '2', and any update will be reported at the meeting.
- 3.2 Under the Localism Act 2011, the Declarations of Interest of each Parish Councillor must be placed on the Council's website, when received by the Monitoring Officer. This process is working reasonably well, but is ongoing as membership of Parish Councils is regularly changing. A copy of the declarations of Interest forms received is attached at Appendix '3'.

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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).

# Ethical Framework Update

**Standards Committee**

**Date: 29<sup>th</sup> January 2013**

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## The Member Code of Conduct

- 3.3 In the annual work programme approved at the beginning of the year, it was suggested that at this meeting the Monitoring Officer reviewed the working of the Code of Conduct which was approved in July 2012.
- 3.4 Only one complaint has been received and considered under the new Code to date, and this did not proceed to any further action. It is difficult to assess the performance of the Code of Conduct on this basis, and so it is suggested that any review be considered as part of the 2013/14 work programme. Similarly, it has not been possible to assess the working of the new procedures as to how a Code of Conduct complaint should be dealt with. Accordingly, it is suggested that this be also considered as part of the 2013/14 work programme.

## Dispensations

- 3.5 Dispensations for 4 years under Section 33 of the Localism Act 2011 have been granted to allow Members to speak and vote who consider that they may have a disclosable pecuniary interest (DPI) in respect of the setting of the Council Tax, considering discounts and exemptions for Council Tax, and the Council Tax Support Scheme.
- 3.6 The issue as to whether or not a DPI is needed in such circumstances is a matter of some controversy at present, as the Government has indicated that a dispensation may not be needed on the basis that Council Tax does not affect any beneficial interest in land. The contrary view (also expressed by the National Association of Parish Councils) is that Council Tax is paid as a consequence of an interest in land, and so would be a disclosable pecuniary interest, which is a view taken by the Government of the day in relation to the previous Member Code of Conduct. As a matter of law, the Localism Act 2011 is not clear on this point, and as already explained to Members, it is a matter for Members as to whether or not they wish to seek a dispensation to avoid the possibility of the Courts having a contrary view to that currently expressed by the relevant Government Minister.
- 3.7 At the last meeting it was agreed that the Director of Law and Democratic Services be authorised to grant applications for Dispensations (under Section 33 of the Localism Act 2011), in consultation with the Chair of the Standards Committee, on any subject matter, when the application is urgent and cannot wait to the next scheduled meeting of the Standards Committee. Any such dispensations were to be reported to the next scheduled meeting of the Committee. There are no applications to report at this meeting.

## Protocol of Member / Officer Relations

- 3.8 The procedures for dealing with such complaints and investigating them were updated March 2012 and October 2011 respectively. Subsequently, with the

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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).



# Ethical Framework Update

**Standards Committee**

**Date: 29<sup>th</sup> January 2013**

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approval of a new Member Code of Conduct, the procedure for dealing with Complaints under the Member Code of Conduct was revised in July 2012. It is suggested that the procedures for dealing with any complaint under the Protocol be reviewed by the Director of Law and Democratic Services so that these procedures are aligned.

## Public Concern at Work Act

- 3.9 The Council is due to renew its subscription to the Public Concern at Work Act Whistleblowing Advice. The basic package costs £500 for up to 1,000 employees and 10 pence each per additional employee, per annum. The package includes:
- Whistleblowing Advice Line Subscription
  - Compliance toolkit.
  - Promotional Materials
  - Annual access to one hour's consultancy advice or a place at one of the training workshops.
- 3.10 The company have advised that since September 2012, Swindon falls within the lowest incident group, of 0-3 self-identified calls. However, they have confirmed that their advice line in general continues to receive the most calls from the local government sector along with care and health.
- 3.11 The Committee is asked if it wishes the Council to renew the Public Concern at Work Act subscription on this basis.

## Independent Person Protocol

- 3.12 As the Committee will be aware from the last meeting, the Independent Persons attended a workshop in September 2012, which discussed the role of the Independent Persons. Subsequently, an Independent Persons Protocol has been prepared and circulated by those running the workshop. This is currently being considered and will be reported on at the next meeting.

## **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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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).

# Ethical Framework Update

**Standards Committee**

**Date: 29<sup>th</sup> January 2013**

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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.

## Links to One Swindon, Plans and Policies

- 5.4 Monitoring of issues of probity in the Council underpins the Council's plans and policies and the delivery of One Swindon objectives.

## Diversity Impact Assessment

- 5.5 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

- 5.6 A risk assessment has not been completed in relation this report, as it does 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 - Update on Parish Training
- 8.2 Appendix 2 – List of Parish Councils adoption of a new Members Code of Conduct.
- 8.3 Appendix 3 – Registers of Interests from Parish Councils

**Town and Parish Councils Summary of Training as at January 2013**

| Town/Parish Council         | Total No. of Parish Cllrs | Current Vacancies | No. of Parish Cllrs having received ethical training | Of Total training – Numbers of Sessions attended |   | Current Clerk Received training |
|-----------------------------|---------------------------|-------------------|--|--|---|---------------------------------|
|                             |                           |                   |  | Facilitated by Monitoring Officer                | Facilitated/arranged by Parish Clerk                  |                                 |
| <b>Bishopstone</b>          | 9                         | 0                 | 8 of 9   | 1  | 8 (issued with booklet on code to all members)        | Yes                             |
| <b>Blunsdon</b>             | 17                        | 4                 | 12 out of 13   | 18   | 2 (walc)  | Yes (various WAIC & SCC)        |
| <b>Castle Eaton</b>         | 5                         | 0                 | 3 out of 5   | 4  | (1 planning training facilitated by SBC)              | yes                             |
| <b>Chiseldon</b>            | 15                        | 3                 | 6 out of 12  | 9  | 0   | Various                         |
| <b>Covingham</b>            | 15                        | 0                 | 1 out of 15  | 0  | 3   | No                              |
| <b>Hannington</b>           | 5                         | 0                 | 0  | 0  | (all 5 attended planning training facilitated by SBC) | Yes                             |
| <b>Haydon Wick</b>          | 18                        | 1                 | 12 out of 14   | 23   | 7   | Yes                             |
| <b>Highworth</b>            | 15                        | 0                 | 8 out of 15  | 8  | 10  | yes                             |
| <b>Liddington</b>           | 7                         | 0                 | 3 out of 6   | 3  | 0   | yes                             |
| <b>South Marston</b>        | 9                         | 0                 | 3 out of 9   | 3  | 1   | yes                             |
| <b>Stanton Fitzwarren</b>   | 5                         | 0                 | 0  | 0  | 0   | No                              |
| <b>Stratton St Margaret</b> | 23                        | 0                 | 12 out of 23   | 13   | 5   | Yes                             |
| <b>Wanborough</b>           | 11                        | 2                 | 8 out of 9   | 9  | 0   | Yes                             |
| <b>Wroughton</b>            | 15                        | 1                 | 10 out of 14   | 22   | 1   | yes                             |

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## PARISH AND TOWN COUNCIL

## ADOPTION OF MEMBER CODES OF CONDUCT

| Parish / Town Council | Type / Code           | Date Adopted | Date Intended to Adopt<br>(awaiting confirmation)  |
|-----------------------|-----------------------|--------------|--|
| Bishopstone           | NALC                  | 02.07.2012   |  |
| Blunsdon St Andrew    | NALC                  | 02.07.2012   |  |
| Castle Eaton          | SBC                   |              |  |
| Chiseldon             | SBC                   |              | 13.08.2012 – awaiting<br>confirmation that the Code was<br>adopted.                      |
| Covington             | SBC                   | 16.07.2012   |  |
| Hannington            | SBC                   | 26.07.12     |  |
| Haydon Wick           | SBC                   | 24.07.2012   |  |
| Highworth             | SBC                   |              | 26.06.2012   |
| Liddington            | SBC                   |              | Anticipated the SBC Code<br>would be adopted in<br>September – awaiting<br>confirmation. |
| South Marston         | SBC (with amendments) | 28.06.2012   |  |
| Stanton Fitzwarren    |                       |              |  |
| Stratton St Margaret  | SBC                   | 26.06.2012   |  |
| Wanborough            | NALC                  | August 2012  |  |
| Wroughton             | SBC                   | July 2012    |  |

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| Registers of Interests Received |  |
|---------------------------------|--|
| January 2013                    |  |
| Town/Parish                     | Register of interest completed since the council adopted the code of conduct |
| <b>Bishopstone</b>              | <b>0 out of 9</b>  |
| <b>Blunsdon</b>                 | 13 out of 13   |
| <b>Castle Eaton</b>             | 5 out of 5   |
| <b>Chiseldon</b>                | 12 out of 12   |
| <b>Covingham</b>                | 8 out of 15  |
| <b>Hannington</b>               | 3 out of 5   |
| <b>Haydon Wick</b>              | 17 out of 17   |
| <b>Highworth</b>                | 15 out of 15   |
| <b>Liddington</b>               | 0 out of 7   |
| <b>South Marston</b>            | 8 out of 9   |
| <b>Stanton Fitzwarren</b>       | 0 out of 5   |
| <b>Stratton St Margaret</b>     | 23 out of 23   |
| <b>Wanborough</b>               | <b>0 out of 9</b>  |
| <b>Wroughton</b>                | 14 out of 14   |

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## Agenda Item 8

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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