

Swindon Borough Council

Standards Committee

Monday, 18 March 2013

Committee Room 1, Civic Offices
(Anticipated meeting room)

At 5.00 p.m.

Councillors

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

Fay Howard
Teresa Page
(Labour)

Dave Wood (Chair)
(Liberal Democrat)

Co-opted Representatives

Mr Trevor Davies (Lay Member)
Mr David Dawson (Lay Member)
Mr Mike Compton (Parish Rep)
Mr Richard Hailstone (Parish Rep)

Independent Persons for Information:

Paul Morris
Peter Morgans

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

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

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 - 4)

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>
7	1 and 2

6. Ethical Framework Update DLDS, HIA (Pages 5 - 24)

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

7. Ethical Compliance Report DLDS, HIA (Pages 25 - 28)

8 March 2013 (being date of agenda despatch)

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

TUESDAY, 29 JANUARY 2013

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

Mr Peter Morgan (Independent Person) was also in attendance.

Apologies for absence were received from Councillor Rex Barnett and Mr Paul Morris (Independent Person).

8. **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.

9. **Minutes**

Resolved – That the minutes of the meeting held on 12th December 2013, be confirmed and signed as a correct record.

10. **Public Question Time**

No public questions were received during the meeting.

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

Resolved - That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred in Agenda Item 8 on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information concerned (Minute 14 refers.)

12. **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 were promoted and maintained within the Council.

It was appreciated that it had been an interesting year with implementation of the Localism Act 2011, and the adoption of a local Members Code of Conduct and arrangements for dealing with complaints under the Code. The Leader and Chief Executive agreed that the new local arrangements were working well in Swindon, and that this was not the experience across the country.

At the last question and answer session, the continuing growth of social media had

been discussed, together with 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 Members Code of Conduct. It was noted that the Media Guidelines had been updated after the last meeting, with a specific requirements to comply with those Guidelines included in the Members Code of Conduct. This had reinforced that the Code applied to Councillors when using Social Media, and that Councillors were strongly advised not to use pseudonyms when using social media, although it was recognised that this was more difficult to track.

The Chief Executive and Leader confirmed that they considered the relationships and interactions between Officers and Members to be good and respectful, with the appropriate level of challenge. In a similar way, Member to Member interactions were generally good, even when robust in a political context, but the exchanges were generally respectful and self-regulating. It was recognised that the Group Leaders had a key role to play in asking their Councillors to make sure that political attacks were directed at policy and not personal.

The Chief Executive and Leader praised the excellent work carried out by the Monitoring Officer during the last year, in his robust professionalism in dealing with difficult and complex situations.

A question was asked about the Leader and Chief Executive's view on how the Council was perceived, which had implications for an assessment of its governance, and the role of consultation in setting that view. In response, it was stated that it was important to be prepared to listen to different views from local people and the community. It was recognised that there was a sometimes a perception that the Council did not listen to the results of consultation. The Leader and Chief Executive were of the view that the Council did listen, but it was not always possible to please everyone, when balancing the views of some against the general need.

It was agreed that there could be improvements in distinguishing between different types of consultation, so that it was clear what was being asked, and what options were available. The Leader advised that the 'Big Conversation' initiative was intended to bring about a different form of engagement, but that this was different to formal statutory consultations on proposals, such as on the Local Plan. The Chief Executive suggested that he report back to the Committee at a future meeting on how the Council was continuing to develop its engagement with local people and communities.

Resolved -

- 1) That the Leader of the Council and the Chief Executive be thanked for attending the Committee and answering the questions of the Committee.
- 2) That the Chief Executive report back to a future meeting of the Committee on how the Council was continuing to develop its engagement with local people and communities.

13. Ethical Framework Update

The Committee received a report from the Director of Law and Democratic Services (Monitoring Officer) providing an update on matters relating to the Ethical Framework, including:

- a) Parish Councils – The Committee received the latest update on Parish Council training, and their adoption of new Codes of Conduct and publication of parish register of interests on the website under the Localism Act 2011. It was agreed that there was some outstanding information and some training still to be carried out. The Monitoring Officer agreed to write to all Parishes on training, and ask for additional information from specific parishes where it has not yet been provided, and report back to a future meeting with an update.
- b) Member Code of Conduct – The Committee noted that they were due to receive an update on the work of the Code and its procedures, but as only one complaint had been received to date it was difficult to assess. It was agreed that this be deferred and considered further as part of the 2013/14 work programme.
- c) Dispensations – There were no new dispensations granted since the last meeting by the Monitoring Officer in consultation with the Chair of the Committee, which needed to be reported at this meeting.
- d) Protocol of Member / Officer Protocol – It was noted that the procedure for dealing with Protocol complaints had been adopted prior to the new procedure for dealing with Code of Conduct complaints. It was recommended to the Committee that this procedure be reviewed by the Monitoring Officer, so that the two were aligned.
- e) Public Concern at Work Act – The subscription for the Public Concern at Work Act Whistleblowing Advice was due for renewal. It was noted that the helpline had only received between 0 and 3 self-identified calls since September. However, the Committee felt that the service was well worth having available for employees, regardless if the current usage figures were low. It was agreed this should be renewed for a further four years.
- f) Independent Person Protocol – The Committee had been advised at the last meeting that both Independent Persons had attended a regional workshop in September 2012 to discuss their role. An Independent Persons Protocol had been prepared subsequently by the workshop facilitators. It was agreed that the Monitoring Officer should give consideration to the protocol and report back to the next meeting.

Resolved –

- (1) That the Ethical Framework update be noted.
- (2) That the Director of Law and Democratic Services write to all Parish Councils in relation to training and where appropriate, the adoption of a Member Code of Conduct and publication of registers of interest and report back with an update to a future meeting.
- (3) 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.
- (4) Include a review of the Member Code of Conduct and how it is working in the 2013/14 Standards Committee Work Programme.
- (5) The Public Concern at Work Act Whistleblowing subscription should be renewed for a further 4 years.

- (6) The Director of Law and Democratic Services review the Independent Persons' Protocol and report back to the next meeting.

14. Ethical Compliance Report

The Committee considered an exempt report from the Director of Law and Democratic Services (Monitoring Officer) regarding the outcome of various ethical framework compliance matters, including progress on Whistleblowing cases since the last Committee, Breach of the Protocol for Member/Officer Relations and Code of Conduct Complaints.

(Mr Mike Compton left the meeting)

At the request of the Monitoring Officer, Members reviewed the Parish Council representation on the Committee and concluded that there should be no change for the remainder of the current Municipal Year.

Resolved –

- 1) That the Ethical Framework Compliance report be noted.
- 2) That there be no change in the Parish Council representation on the Committee for the remainder of the current Municipal Year.

Ethical Framework Update

Standards Committee

Date: 18th March 2013

Author:	Director of Law and Democratic Services / Head of Internal Audit
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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 Recommend that the Council amend the Members Code of Conduct to reflect the updated principles of public life in the 14th report of the Committee on Standards in Public Life as set out in Appendix '1', to promote consistency with the standards to which other holders of public office are held.
- 2.3 Review the process and questionnaire for the preparation of the Council's Annual Governance Statement, and recommend to the Head of Internal Audit any changes or any additional areas/questions on which Board Directors and Tier Two officers should be asked to give assurance.
- 2.4 Consider the adoption of an Independent Person Protocol as at Appendix '4'.
- 2.5 To note the Council's subscription with Standards Exchange, to enable sharing of best practice in relation to standards and governance matters.

3. Detail

The 14th Report of the Committee on Standards in Public Life

- 3.1 In its latest report issued in January 2013, the Committee on Standards in Public Life has reviewed the seven principles of public life. When adopting the new Members Code of Conduct in July 2012, Members agreed that the preamble to the Code should include an expansion of the 7 principles as this was thought helpful. These are set out on page 245 of the current Constitution, and comprise:
- Selflessness
 - Integrity
 - Objectivity
 - Accountability

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

Ethical Framework Update

Standards Committee

Date: 18th March 2013

- Openness
- Honesty
- Leadership

- 3.2 As it would be preferable for Borough Councillors to be acting on the same basis as other holders of public office, it is suggested that the current preamble to the Code be amended to accord with that set out in the 14th Report (Appendix 1 refers). This seeks to achieve consistency rather than introduce any substantive changes.
- 3.3 The Corporate Governance Review Working Group was asked for their views on this amendment to the Code at their meeting on 7th March 2013.

Annual Governance Statement

- 3.4 The Annual Governance Statement (AGS) is a 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 their governance arrangements, but also provide an accurate representation of arrangements in place during the year and to identify areas where improvement is required.
- 3.5 The 'Use of Resources' key lines of enquiry required that the Council's Corporate Board or equivalent is responsible for ensuring an adequate system of internal control is in place, and for reviewing and reporting on the effectiveness at least annually in a governance statement (the AGS). The guidance states that the AGS should be an open and honest self-assessment of its performance across all of its activities. It should contain a clear statement of the actions taken, or required, to address areas of concern.
- 3.6 The process used last year, for the preparation of the Council's Annual Governance Statement, is set out in Appendix '2'. The Committee is asked to review this process and recommend its adoption for the preparation of this year's statement.
- 3.7 Last year, as part of this process, Audit Committee asked Standards Committee for assurance regarding the following areas:
- Whistleblowing
 - Code of Conduct for Members and staff
- 3.8 In order to provide the necessary assurance across all service areas, all Board Directors and Tier two officers will be asked to complete an assurance statement. The statement covers a number of areas including: staff; internal control arrangements and fraud risk assessments.

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

Ethical Framework Update

Standards Committee

Date: 18th March 2013

- 3.9 The Committee is asked to review last year's questionnaire ('Appendix 3') and recommend any changes they feel are required including the addition of any areas/questions on which Board Directors and Tier two officers should be asked to give assurance.

Dispensations

- 3.10 Section 33 of the Localism Act 2011 enables Members who consider that they may have a disclosable pecuniary interest (DPI) to apply for a dispensation to allow them to speak and vote. No such dispensations have been granted by the Monitoring Officer in consultation with the Chair of the Standards Committee, since the last meeting.

Independent Person Protocol

- 3.11 The Independent Persons attended a workshop in September 2012, which discussed the role of the Independent Persons. Subsequently, an Independent Persons Protocol was prepared and circulated by those running the workshop (Hoey Ainscough Associates Ltd).
- 3.12 The Council has complete discretion as to whether to adopt a protocol for its Independent Persons or not. This was a generic document and the Monitoring Officer has amended it to accord with the arrangements that the Council has adopted for considering Code of Conduct Complaints.
- 3.13 The suggested draft protocol for this Council is attached at Appendix '4' for the Committee to consider and decide whether to adopt it or consult further on it.

Parish Councils

- 3.14 The Committee received an update on Parish Council training, adoption of a Members Code of Conduct and publish registers of interests at the last meeting, and asked for a further update on the information to be reported at this meeting.
- 3.15 A summary of Parish Council information is attached at Appendix '5'.
- 3.16 The Monitoring Officer is due to provide training to Chiseldon Parish Council on 26th March 2013 on the Code of Conduct, and this training is available to other parish councillors who have adopted the same Code of Conduct.

Standards Exchange

- 3.17 The Council has subscribed to an interactive website, Standards-Exchange. This site is designed to be a repository of knowledge and good practice in relation to standards matters. It gives the opportunity to exchange ideas and issues with other members of the standards community, and is being run by Paul Hoey (of *Hoey Ainscough Associates Ltd*). The annual subscription fee for the Council is £300 + VAT, and the costs are being met from existing budgets.

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

Ethical Framework Update

Standards Committee

Date: 18th March 2013

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.

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

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

Ethical Framework Update

Standards Committee

Date: 18th March 2013

8. Appendices

- 8.1 Appendix 1 – Seven Principles of Public Life from the 14th Report of the Committee on Standards in Public Life
- 8.2 Appendix 2 - Process for the preparation of the Council's Annual Governance Statement (2012)
- 8.3 Appendix 3 – Annual Governance Statement Questionnaire 2012
- 8.4 Appendix 4 – Suggested Independent Persons' Protocol
- 8.5 Appendix 5 - Update on Parish Training, adoption of a New Members Code of Conduct and Registers of Interests.

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Fourteenth Report of the Committee on Standards in Public Life

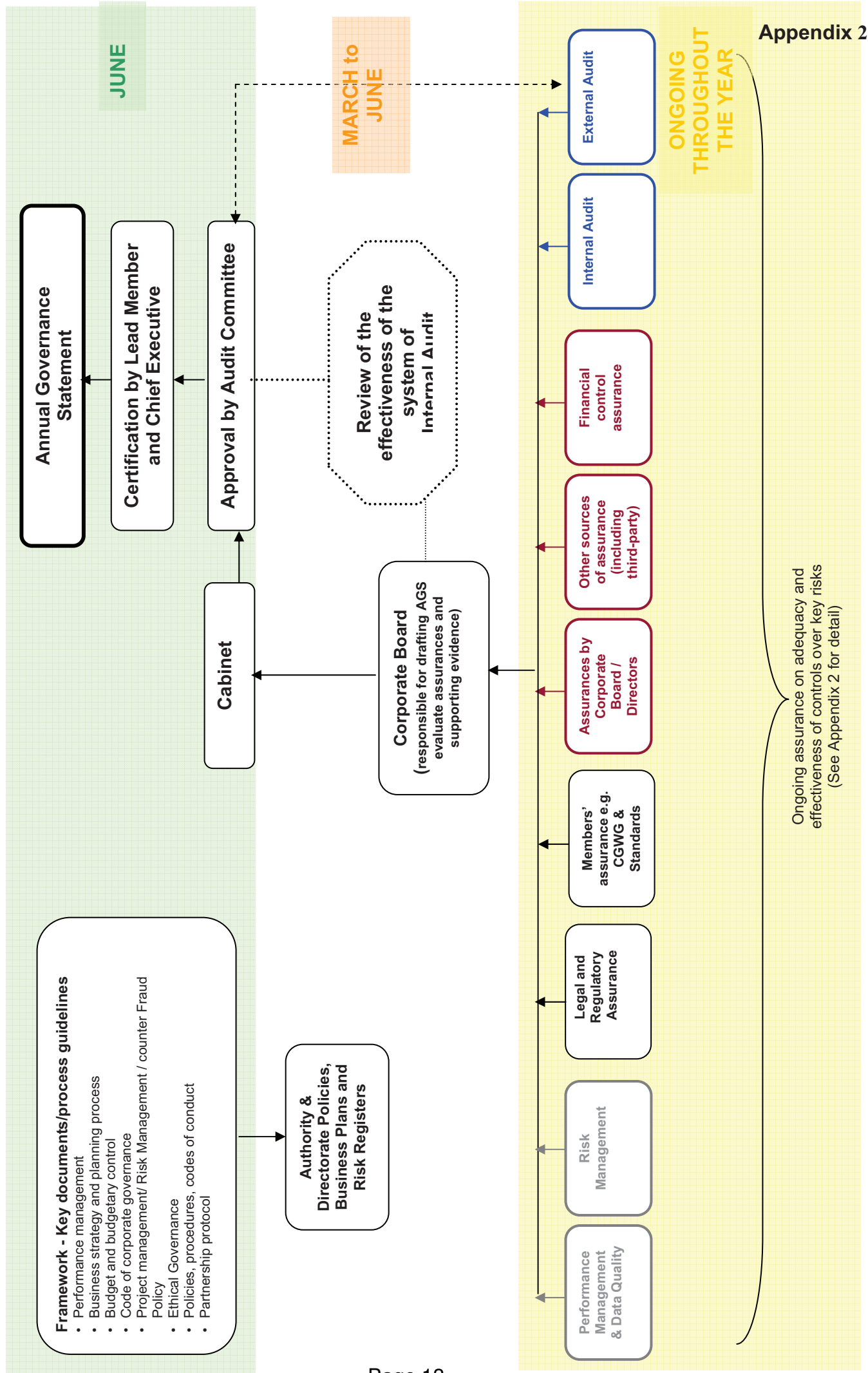
Standards matter

A review of best practice in promoting good behaviour in public life

Principle	Revised description
Selflessness	Members should act solely in terms of the public interest.
Integrity	Members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
Objectivity	Members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	Members are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	Members should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honesty	Members should be truthful.
Leadership	Members should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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ANNUAL GOVERNANCE STATEMENT FRAMEWORK (FLOWCHART)



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Group Directors' Assurance Statement – Questionnaire for 2011/12

This Assurance Statement forms one part of the review process necessary before the Council's Annual Governance Statement (AGS) can be produced.

1. Policy and Decision Making			
No.	Key area	Yes/No	Comment / Evidence
1.1	What arrangements do you have to ensure that all appropriate Corporate and Service policies have been disseminated effectively to your staff?		
1.2	What arrangements do you have in place to ensure that all decisions in your directorate have been made through proper process in accordance with the Council's constitution?		
1.3	Have strategic, or key decisions, been properly documented and taken after fully considering risk and resourcing implications?		
2. Service Delivery			
2.1	Have directorate priorities been identified and reflected in: <ul style="list-style-type: none"> • Service business plans? • Performance indicator targets? • Individual targets detailed in appraisals? • Budget/Medium term financial plan? 		
2.2	Are priorities informed by appropriate consultation, including with customers, and been communicated within the department?		
2.3	Have critical and priority services been identified and business continuity plans been developed and approved for these? Are the business continuity plans in the above areas regularly reviewed and tested?		If yes, please state your critical and priority services

No.	Key area	Yes/No	Comment / Evidence
2.	Service Delivery cont.		
2.4	What arrangements do you have in place to ensure that all statutory obligations have been provided in your service area and that all legislation been complied with?		
3.	Strategic and Operational Risk Management		
3.1	Have risk owners been allocated to all key risks identified within your directorate to ensure appropriate actions are taken to manage and monitor the risks?		
4.	Performance Management		
4.1	Have key performance indicators have been established, is progress monitored and regularly reported to the Group's senior management team, Corporate Board and Executive Member?		
4.2	Have robust systems and clear responsibility for monitoring each PI have been established to provide accurate and timely performance information?		
4.3	Do the key or local indicators indicate significant performance issues?		If yes, please detail.
4.4	Are the number and type of complaint/comment received by the department, including those arising from Ombudsman's investigations) monitored and regularly reviewed?		

5. Partnerships with other public bodies, voluntary and community organisations involving funding of over £50,000pa.			
No.	Key area	Yes/No	Comment / Evidence
5.1	List all partnerships currently operated within your department involving funding of over £50,000pa.		
5.2	What arrangements do you have in place that gives you assurance that there are effective financial and governance arrangements in place for these partnerships?		
5.4	Is an exit strategy in place for each significant partnership and has this been fully documented?		
5.5	Do you have assurance that partnership risks are adequately managed and where appropriate that the partners are actively involved in this process?		
6. Finance and Asset Management			
6.1	Has clear responsibility been assigned for all budgets within your Directorate?		
6.2	Have individual managers with the responsibility for budgets received appropriate financial training?		
6.3	Do you have assurance that all relevant staff in your Department are aware of and have access to the Council's Financial Regulations, Contract Standing Orders and other Departmental specific financial procedures/guidance?		
6.4	Were estimated efficiency savings identified and agreed with relevant managers and were these savings delivered?		

7. Staff			
No.	Key area	Yes/No	Comment / Evidence
7.1	Do you have assurance that the expected standards of behaviour of staff and of Councillors (e.g. Employees Code of Conduct and Member/Officer Protocol) have been communicated to all staff?		
7.2	Do all staff have up-to-date Job Descriptions and agreed development plans (using the Council's Intouch appraisal system)?		
7.3	Are all individuals working for your department remunerated through the Council's payroll system, or the Council's creditor system (following an assessment of the individual's employment status)?		
7.4	Is all staff sickness reported in accordance with Council Policy i.e. through HR First Response?		
7.5	Are you and your staff aware of the Council's rules relating to declaration of interests, and acceptance of gifts and hospitality?		
8. Information Governance			
8.1	Do you have confidence that robust arrangements are in place to monitor compliance with Freedom of Information and Data Protection legislation?		
8.2	Have all staff been trained in use of relevant IT systems and been made aware of relevant policies i.e. IT Security Policy, internet and e-mail policy, phone usage?		
8.3	Do all staff have unique access to IT systems and that their access is commensurate with their duties?		
8.4	Are you satisfied that all staff and consultants (that you were responsible for) that have left the employment of your Department during 2010/11 have been removed from accessing Council IT systems?		

9. Control Environment			
No.	Key area	Yes/No	Comment / Evidence
9.1	In 2011/12, within your Directorate, have there been any breaches of security, or fraud, resulting in loss of Council assets or injury to staff?		
9.2	Have all agreed Internal Audit recommendations relating to your Department been implemented, or will be by the agreed implementation date?		
9.3	Have all procedures for key systems and operations within your Directorate been documented?		
9.4	Have all frauds and financial irregularities identified been referred to the Head of Internal Audit in accordance with the Anti Fraud and Corruption Strategy and Fraud Response Plan?		
9.5	Have there been any breaches in Standing Orders and if so have they been reported to the Council's Monitoring Officer?		
9.6	Please provide details of all external inspection reports carried out in your Department during 2011/12 and details of any significant weaknesses identified.		
9.7	Have all recommendations made following external inspections that relate to your Department been implemented, or will be by the agreed implementation date?		

10. Significant Control and Governance Issues

Please identify here any issues that you feel represent a significant control item or governance issue. Guidance issued by CIPFA in relation to what should be considered 'significant', for inclusion in the Council's Annual Governance Statement, may be those which:

- Have seriously prejudiced or prevented achievement of a principle objective
- Has resulted in the need to seek additional funding to allow it to be resolved
- Required a significant diversion of resources
- Has had a material impact on the accounts
- The Audit Committee has advised that it should be considered as significant
- Has resulted in significant public interest or has seriously damaged reputation
- Has resulted in formal actions being taken by the Chief Financial Officer or Monitoring Officer
- Received significant adverse commentary in external; inspection reports that has not been able to be addressed in a timely manner

The above is only guidance and not an exhaustive list.

I confirm that this document provides a fair reflection of the system of internal control and governance arrangements operating within my Directorate since 1st April 2011.

Name of Group Director / Director:

Signature:

Date:

DRAFT PROTOCOL RELATING TO THE INDEPENDENT PERSON

SWINDON BOROUGH COUNCIL

This protocol is to make clear the relationships between an Independent Person (IP) and the various parts of the Borough Council involved in the process of handling standards complaints and wider promotion of standards. Its aim is to ensure that responsibility is clear at each stage of the process.

Considering written allegations

1. The Assessment Panel will seek the views of an Independent Person (IP) and take those views into account before reaching a decision on whether any further action should be taken on a written complaint.

Matters under investigation

2. A Borough Councillor or a Town / Parish Councillor who is the subject of a complaint may seek the views of an IP. A member wishing to contact an IP should do so via the Monitoring Officer (MO) who will arrange for contact details to be provided.
3. Where an IP has given views to the subject member, it will be a matter for the subject member and the IP as to whether those views shall be put in writing.
4. The IP will need to agree in advance with the subject member rules of confidentiality, but it will be up to the IP to decide whether matters should remain confidential.
5. The MO may consult an IP at any stage during the process, particularly on matters which relate to the procedures for handling complaints.
6. Where a matter has been referred to a Standards Committee for determination, the Committee must seek the views of an IP before reaching its conclusions. Where appropriate these views will be recorded in the decision notice. However, it must be clear that it is the Standards Committee and not the IP who is the decision-maker.
7. An IP shall not make any comments to the media on any matter without prior agreement of the MO or the council communications team. Any requests for comments from media shall be referred in the first instance to the MO who may refer these to the Chair of the Standards Committee as appropriate.
8. An IP may be requested by the MO or Standards Committee to assist in mediation or conciliation in order to resolve complaints, where that is considered the most appropriate course of action.

9. An IP may be requested by the MO or Standards Committee to assist in any training on conduct issues as appropriate.

Relationship with the Standards Committee

10. The IPs shall receive agendas and minutes of all meetings of the Standards Committee and can request that an item is added to the agenda with the agreement of the Chair, and to speak at the Committee.
11. The IPs are not members of the Standards Committee and therefore are not part of the formal business of the meeting and cannot vote on any matters put to the meeting. They may be invited to observe confidential matters with the agreement of the Chair.

Other matters

12. An IP has the right to raise any concerns about standards issues or implementation of the process with the MO who shall take whatever action he deems appropriate.
13. The Council, through its Standards Committee and MO, is responsible for ensuring that the Council meets its duty to promote and maintain high standards. However, an IP may be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.
14. An IP has no right of access to any confidential information unless agreed with the MO.
15. The IPs will agree to sign a code of conduct, including a register of interests to be held by the MO and will declare any relevant interests in relation to cases to the MO, who will decide whether the interest conflicts them out of involvement in the matter.
16. The IPs are to be considered an office-holder of the authority in accordance with the duty under s28(7) of the Localism Act 2011 and are therefore entitled to be covered by the council's indemnity insurance provided they act reasonably and within the terms of this Protocol.
17. The IPs will receive an annual allowance and be entitled to claim for travel, subsistence or childcare expenses associated with their duties. The level of remuneration will be set by the Council, taking into any recommendations of the Independent Remuneration Panel.

Stephen P Taylor, Monitoring Officer
7th March 2013

**PARISH AND TOWN COUNCIL
ADOPTION OF MEMBER CODES OF CONDUCT AND REGISTER OF INTERESTS**

Parish / Town Council	Type / Code	Date Adopted	Further Information	Register of Interest Completed since adopted the Code
Bishopstone	NALC	02.07.2012		9 out of 9
Blunsdon St Andrew	NALC	02.07.2012		14 out of 14
Castle Eaton	SBC	06.09.2012		5 out of 5
Chiseldon	SBC	13.8.2012		12 out of 12
Covingham	SBC	16.07.2012		8 out of 15
Hannington	SBC	26.07.2012		3 out of 5 (reminder sent to the clerk)
Haydon Wick	SBC	24.07.2012		17 out of 17
Highworth	SBC	26.06.2012		15 out of 15
Liddington	SBC	Adopted by “default” but Monitoring Officer has suggested that a formal decision would be better (January 2013).		0 out of 7 (awaiting Code being adopted)
South Marston	SBC (with amendments)	28.06.2012		8 out of 9 (update requested)
Stanton Fitzwarren		07.2012	Anticipated election to fill vacancies – 2 May 2013	0 out of 2 Reminder sent to Clerk (Parish Council currently inquorate)
Stratton St Margaret	SBC	26.06.2012		23 out of 23
Wanborough	NALC	08.2012		
Wroughton	SBC	07.2012		14 out of 14

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	
Bishopstone	9	0	8 of 9	1	8 (issued with booklet on Code to all members)	Yes
Blunsdon	17	3	12 out of 13	18	2 (walc)	Yes (various WAIC & SCC)
Castle Eaton	5	0	3 out of 5	4	(1 planning training facilitated by SBC)	yes
Chiseldon	15	3	6 out of 12	9	0	Various
Covingham	15	0	1 out of 15	0	3	No
Hannington	5	0	0	0	(all 5 attended planning training facilitated by SBC)	Yes
Haydon Wick	18	1	12 out of 14	23	7	Yes
Highworth	15	0	8 out of 15	8	10	yes
Liddington	7	0	3 out of 6	3	0	yes
South Marston	9	0	3 out of 9	3	1	yes
Stanton Fitzwarren	5	3	0	0	0	No
Stratton St Margaret	23	0	12 out of 23	13	5	Yes
Wanborough	11	2	8 out of 9	9	0	Yes
Wroughton	15	1	10 out of 14	22	1	yes

Agenda Item 7

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

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