

Swindon Borough Council

Standards Committee

Monday, 7 November 2016

Committee Room 6, Civic Offices

At 5.00 p.m.

Councillors

Colin Lovell
Kevin Parry
Gary Sumner
Vera Tomlinson
Steve Weisinger
Cathy Martyn (Deputy)
Caryl Sydney-Smith (Deputy)
(Conservative)

Fay Howard
Teresa Page
Joe Tray
(Labour)

David Wood (Chair)
(Liberal Democrat)

Independent Persons for Information:

Paul Morris
Keith Strickland

Committee Officer: Steve Jones (Telephone 01793 463602)
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Swindon Borough Council can be contacted at the Civic Offices, Euclid Street, Swindon, SN1 2JH (Telephone 01793 445500)

AGENDA

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 5 - 6)

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>
8	1 and 2

6. Independent Remuneration Panel on Councillors' Allowances: Membership
DLDS (Pages 7 - 10)

7. Ethical Framework Update DLDS (Pages 11 - 30)

8. Ethical Compliance Report DLDS (Pages 31 - 34)

31 October 2016

Key:

DLDS - Director of Law and Democratic Services

Public Question Time - Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Director of Law and Democratic Services, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website.

(<http://ww5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

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) recommending training on any aspect 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 which may arise under consideration of complaints as to breaches of the Members Code of Conduct or the Protocol for Member / Officer Relations or any Code or Protocol applying to Members and Co-opted Members;
- (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, arising from requests relating to interests set out in the Members Code of Conduct and/or under section 33 of the Localism Act 2011;
- (k) exercising (a) to (i) above in relation to the parish councils wholly or

mainly in its area and the members of those parish councils;

- (l) ensuring the Council's Customer Feedback Policy operates effectively in relation to standards of conduct and behaviour of staff and in particular the Standards Committee may
 - receive an annual report on its operation
 - receive 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;
- (m) reporting 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;
- (n) approving the Council's anti-fraud strategy and whistle-blowing procedures and ensure they operate effectively;
- (o) recommending 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;
- (p) reporting to the Council, should it deem it necessary, on the result of any investigation into the standards of conduct and behaviour of a Member; and
- (q) approving procedures associated with the appointment of an independent remuneration panel for Councillors' Allowances.

STANDARDS COMMITTEE

MONDAY, 4 JULY 2016

PRESENT:- Councillor David Wood (Chair), Councillors Kevin Parry (Deputy), Gary Sumner, Vera Tomlinson, Steve Weisinger, Fay Howard, Teresa Page, Joe Tray, Mr Trevor Davies, Mr Richard Hailstone and Mick Compton.

Apologies for absence were received from Councillor Colin Lovell, Mr Keith Strickland, Mr Paul Morris and Mr David Dawson.

1. Appointment of Vice-Chair

Resolved – That Councillor Steve Weisinger be Vice-Chair of the Standards Committee for the Municipal Year 2016/17.

2. Declarations of Interest

The Chair reminded members of the need to declare known interests in any matters to be considered at the meeting.

No declarations of interest were made.

3. Minutes

Resolved – That the minutes of the meeting held on 14th March 2016 be confirmed and signed as a correct record.

4. Public Question Time

There were no public questions.

5. 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 to in the items listed below on the grounds that they involved the likely disclosure of exempt information as defined in the respective paragraphs of Part 1 of Schedule 12A of the Act.

<u>Item No.</u>	<u>Paragraph Nos.</u>	<u>Minute No.</u>
9	1 and 2	9

6. Standards Committee Annual Report

The Committee was asked to consider its Draft Annual Report 2015/16, which document provided a record of the work of the Standards Committee for the period June 2015 to May 2016.

Resolved – That the Draft Standards Committee Annual Report 2014/15 be agreed and that the Director of Law and Democratic Services be authorised to finalise the document for publication on the Council's website.

7. Annual Work Programme

The Committee considered a report of the Director of Law and Democratic Services inviting the Committee to agree its Work Programme for 2016/17.

Resolved – (1) That the Committee's draft Work Programme for 2016/17, as appended to the report, be agreed.

(2) That it be noted that the proposed work programme was sufficiently flexible to accommodate any unforeseen matters that might arise in relation to the Council's ethical framework.

(3) That, subject to the outcome of the ongoing Community Governance Review, an update be made to the March 2017 meeting of the Committee on the proposed arrangements for the ethical standards training to be provided for new parish councillors.

8. Ethical Framework Update

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

- Dispensations.
- The appointment of Parish representatives on the Standards Committee.
- The Council's Draft Annual Governance Statement.
- Training – Induction Training and General Training issues.
- Councillors' Register of Interests.

Resolved – (1) That the Ethical Framework update be noted.

(2) That the draft Annual Governance Statement, attached to the report at Appendix 2, be approved to be signed off by the Leader and Chief Executive in September 2016.

(3) That, in response to comments at the meeting by Councillor Steve Weisinger regarding the significant issues evidenced by the Audit Review of Isambard School, some of which remained to be fully resolved, the Head of Internal Audit be advised that the Committee suggests that this issue should not be removed from the Annual Governance Statement, as an area of focus, at this time.

(4) That the Committee welcomes Councillor Vera Tomlinson's very positive endorsement of the Education Transport Appeals member training event held on 30th June 2016.

9. Ethical Compliance Report

The Committee considered a report of the Director of Law and Democratic Services regarding the outcome of various ethical framework compliance matters, including the details of Whistleblowing cases, breaches of the member/officer relations protocol and Code of Conduct Complaints received since the last Committee and the outcome of any completed investigations in relation to these.

Resolved – That the Ethical Framework Compliance report be noted.

Independent Remuneration Panel on Councillors' Allowances: Membership

Standards Committee

Date: 7th November 2016

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

1. Purpose and Reasons

- 1.1 To seek the Standards Committee's approval of the appointment of a Lay Representative to serve on the Independent Remuneration Panel on Councillors' Allowances, and to update the Committee on the current membership of the Panel.
- 1.2 The operation of effective and transparent arrangements for the Independent Remuneration Panel on Councillors' Allowances supports the Council's commitment to good governance.

2. Recommendations

The Committee is recommended to:

- 2.1 Approve the appointment of Mr David Body as a Lay Representative on the Independent Remuneration Panel on Councillors' Allowances.
- 2.2 Note and endorse the membership of the Independent Remuneration Panel.

3. Detail

Independent Remuneration Panel on Councillors' Allowances

- 3.1 The Council established the Independent Remuneration Panel on Councillors' Allowances in late 2001.
- 3.2 The Independent Remuneration Panel operates under the provisions of the Local Authorities (Members Allowances) (England) Regulations 2003. These Regulations require that all councils should set up independent panels, and take account of their advice, before changing their councillors' allowances scheme.
- 3.3 The Standards Committee is responsible under Article 9 of the Council's Constitution for overseeing and approving the composition and appointments procedure associated with the establishment and maintenance of the Independent Remuneration Panel.
- 3.4 The Panel is made up of six members independent of the Council. One each nominated by the Education, Business and Voluntary / Community sectors and three Lay Representatives appointed by the Standards Committee following

Further information on the subject of this report can be obtained from Vicki Yull, 01793 463603, vyull@swindon.gov.uk.

Independent Remuneration Panel on Councillors' Allowances: Membership

Standards Committee

Date: 7th November 2016

public advertisement. There is currently one vacancy on the Panel for a Lay Representative.

- 3.5 The three members of the Remuneration Panel appointed from stakeholder / partner organisations serve for a term of office of four years. The three members appointed following public advertisement are appointed for a period of three years. There is no restriction on the re-appointment of members.
- 3.6 The current membership of the Independent Remuneration Panel on Councillors' Allowances is as follows:
- Mr Keith Strickland - Lay Representative and Chair, appointed in March 2014. The term of office is three years for this appointment.
 - Mr Ram Thiagarajah - Lay Representative appointed in October 2014. The term of office is three years for this appointment.
 - Mr John Dernie - Business Sector Representative appointed in April 2010. The term of office is four years for this appointment.
 - Ms Wendy Hall MBE - Voluntary/ Community Sector Representative appointed in February 2002. The term of office is four years for this appointment.
 - Mr Gus Strang – Education Sector Representative appointed in October 2015. The term of office is four years for this appointment.

Appointment of Lay Representative

- 3.7 Mr David Wilkie was a Lay Member of the Panel initially appointed in 2009. He indicated his intention at the beginning of 2016 to stand down from the Independent Remuneration Panel, and his final date was confirmed as 15 July 2016. He advised that requirements upon his time elsewhere meant he no longer had the capacity to undertake the work of the Panel.
- 3.8 An advertisement was placed in the Swindon Evening Advertiser in March 2016. Interested parties were sent application packs with a return deadline date of Friday 29 April 2016, and two applications were received.
- 3.9 The Chair of the Independent Remuneration Panel, Mr. Keith Strickland, together with Mr Ram Thiagarajah, Lay Representative on the Panel, and Mr Trevor Davies, a Lay Member of the Standards Committee, comprised the interviewing panel. The two candidates were interviewed on 9 June 2016 and 30 June 2016 respectively.

Further information on the subject of this report can be obtained from Vicki Yull, 01793 463603, vyull@swindon.gov.uk.

Independent Remuneration Panel on Councillors' Allowances: Membership

Standards Committee

Date: 7th November 2016

- 3.10 The preferred candidate, Mr David Body, has the same employer as one of the existing members of the Panel. It was felt that there was no conflict of interest however, and Mr Body is being nominated as the prospective Lay Representative for this Committee's consideration.
- 3.11 The unsuccessful candidate was sent a letter confirming the interview panel's decision and was thanked for their interest. Their details will be kept on file for future consideration as the applicant was considered to be a strong candidate.
- 3.12 The Standards Committee is asked to formally approve the appointment of Mr David Body as a Lay Representative to the Panel, and is also asked to note and endorse the membership of the Independent Remuneration Panel on Councillors' Allowances going forward.

4. Alternative Options

- 4.1 The Standards Committee could determine to not endorse the appointment.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 Members of the Independent Remuneration Panel are entitled to receive an allowance of £200 per year if they choose to claim it. A budget is available for this.

Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with convention rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 No other implications were identified in the preparation of this report ,

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment (DIA) has not been undertaken as the report does not make any recommendations or have implications that affect services.

Risk Management

- 5.5 No risk management implications were identified in the preparation of this report.

Further information on the subject of this report can be obtained from Vicki Yull, 01793 463603, vyull@swindon.gov.uk.

Independent Remuneration Panel on Councillors' Allowances: Membership

Standards Committee

Date: 7th November 2016

6. Consultees

- 6.1 The Corporate Director, Resources (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 None.

Ethical Framework Update

Standards Committee

Date: 7th November 2016

Author:	Director of Law and Democratic Services
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 Agree the recommendations at paragraph 3.4, regarding dispensations.
- 2.3 Consider the effectiveness of the Council's codes and protocols and determine whether changes are required to ensure these remain fit for purpose.
- 2.4 Endorse the Ethical Audit Desktop Analysis attached at Appendix 2, subject to any comments from members.

3. Detail

Dispensations

- 3.1 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. 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 15th October 2016, the Standards Committee accepted that it was prudent, if not essential, for each Councillor to seek a dispensation to speak and vote in respect of determining the Budget and Council Tax, and approved a number of such applications made to that meeting. The Committee also agreed that the dispensations be for a period of 4 years (until 14th October 2016) and that the Monitoring Officer, in consultation with the Chair, be authorised to grant any further applications for dispensation.
- 3.3 At its meeting on 12th December 2016, the Standards Committee considered a further report 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 and agreed that Councillors should also seek a dispensation to

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: 7th November 2016

speak and vote in respect of the setting of discounts and exemptions for Council Tax and matters relating to Council Tax Support Scheme. As previously, the Committee agreed that the dispensations be for a period of 4 years (until 11th December 2016) and that the Monitoring Officer, in consultation with the Chair, be authorised to grant any further applications for dispensation.

- 3.4 As the period of the dispensations referred to above has expired, or will shortly expire, and there is still no automatic exemption for members from having a prejudicial interest in Council Tax matters, the Committee is recommended to:
- 3.4.1 Authorise the Director of Law and Democratic Services to invite existing members to apply for dispensations on the subject matter of Council Tax, and to grant these and any additional applications received until 6 November 2020.
 - 3.4.2 Agree that any dispensations granted under these conditions be for the maximum period of four years, ending on 6 November 2020.
 - 3.4.3 Note that the Director of Law and Democratic Services, in consultation with the Chair of the Standards Committee, will continue to be authorised to grant applications for urgent dispensations on any subject matter in between meetings of this Committee. Any such dispensations will be reported to the next scheduled meeting of this Committee.
 - 3.4.4 Ask the Director of Law and Democratic Services to advise the Town and Parish Clerks of the need to arrange similar applications and determination of dispensations in respect of Town and Parish Councillors setting Parish budgets and precepts.

Summary of Code of Conduct Complaints

- 3.5 At its meeting on 21 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.

Ethical Framework Update

Standards Committee

Date: 7th November 2016

Year	Complaints	No Further Action	Referred for Monitoring Officer or other Action	Referred for Investigation	Breach following hearing	No action following referral	Local Resolution
2008/09	14	13	0	1	1	0	N/A
2009/10	7	4	1	2	1	1	N/A
2010/11	12	4	4	4	0	4	N/A
2011/12	10	6	2	2	0	2	N/A
2012/13	5	5	0	0	0	0	N/A
2013/14	14	10	1	3	0	1	2
2014/15	5	5	0	0	0	0	0
2015/16	3*	2	0	0	0	0	0
2017/16	2**	1	0	0	0	0	0

* A code of conduct complaint made in 2015/16 remains open and outstanding, pending the receipt of supporting information requested from the complainant.

** A Standards Assessment Panel meeting is to be convened in respect of a second code of conduct complaint submitted in 2016/17.

Consideration of any recommended updates to Codes and Protocols

3.6 In the annual work programme approved at the beginning of the year, it was agreed that the Standards Committee would consider any recommended updates to Codes and Protocols to ensure that these remain appropriate and up to date:

- Members' Code of Conduct
- Officers' Code of Conduct
- Monitoring Officer Protocol
- Councillor Role Definitions
- Media Guidelines for Councillors
- Protocol for Member/Officer Relationships
- Members Code of Good Planning Practice
- Local Code of Corporate Governance

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: 7th November 2016

- Recording, Photography and use of social media protocol and guidance
- Public Question Time at Council meetings Protocol and Guidance
- The Whistleblowing Policy

3.7 There are no recommended updates at this time. However, in accordance with the Committee's previously utilised review process, in the period to the next meeting of the Committee in January 2017, the Monitoring Officer will consult on each of the above Codes and Protocols with relevant officers, the political groups on the Council, and also with Parish Councils, and report back to the Standards Committee at its meeting in January 2017.

3.8 In the meantime, as part of the review process, Members' views are invited regarding the effectiveness of the codes and protocols (Appendix 1 – circulated to members under separate cover) and whether changes are required to ensure these remain fit for purpose.

Update to the Council's Ethical Audit Self-Assessment

3.9 The Committee last reviewed the Desktop Ethical Audit at its meeting in October 2015. It had previously been agreed that this should be updated on a regular basis.

3.10 The latest Desktop Ethical Audit is attached at Appendix 2 for the Committee to review.

Changes to Chief Executive Reporting Structure

3.11 The Special Committee, at its meeting on 10th October 2016, agreed changes to the Council's Organisational structure, to reduce, from nine to six, the number of senior officers reporting directly to the Chief Executive. This number includes the Head of Internal Audit but not the 3 statutory officers who, for these purposes, are the Director of Public Health, the section 151 Officer (the Chief Finance Officer) and the Monitoring Officer. It is envisaged that the revised structure will facilitate the Chief Executive's capacity to have a balanced focus between the internal business of the Council and developing the strong local, regional and national partnerships needed to deliver the Vision for Swindon.

3.12 The report also recommended reducing the membership of the Corporate Management Team (CMT) to 5 in number whilst stating that in practice this would not limit the requirement for a wider audience to contribute to CMT on a regular basis and would include a range of posts which would also include those with statutory responsibilities, such as the s151 Officer and the Monitoring Officer. The current and proposed structure and CMT membership are as shown on Appendix 3a and 3b.

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: 7th November 2016

- 3.13 Special Committee noted the Chief Executive's firm commitment to ensuring that the statutory officers would continue to have direct access to him as and when required.
- 3.14 It was further noted that the existing Corporate Management Team structure would remain in situ until an appointment was made to a new post of Corporate Director Resources and Transformation, and that the Monitoring Officer would remain a member of the Corporate Management Team at least until then which is likely to be mid-March 2017.
- 3.15 Special Committee approved the proposed structure and resolved that the Chief Executive report back to the Special Committee on the effectiveness of the structure in facilitating representation with regard to the s151 and Monitoring Officer functions.
- 3.16 The Standards Committee is asked to note the revised organisational arrangements set out in Appendix 3.

Member Training

- 3.17 Attached at Appendix 4 are the details of the training and development events planned for the 2016-17 Municipal Year. A log of member attendance, and the feedback received from councillors at these events, will be kept and reported to this Committee at a future meeting.
- 3.18 The Committee is reminded that, at present, a number of sessions are held by the Monitoring Officer each year around the parishes to train parish councillors on the ethical framework, and chairing skills. Borough Councillors who are also parish councillors attend.
- 3.19 The Monitoring Officer has conducted two chairing skills sessions since the last meeting of this committee; namely, on 10th August 2016 (11 attended), and on 6th September 2016 (8 attended). A request has been received for a training session for new parish councillors on the ethical framework and the Code of Conduct, and arrangements for this are being put in hand.

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.

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: 7th November 2016

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 Corporate Director Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1 - Codes and Protocols (circulated under separate cover)
- 8.2 Appendix 2 - Desktop Ethical Audit
- 8.3 Appendix 3 – Senior Management Structure
- 8.4 Appendix 4 - Member Training Events

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

Ethical Audit Desktop Analysis
Matrix of Key Information held by Swindon Borough Council
October 2016

	Key Information	Held	Current position, including action taken since the last review in October 2015.	Area of Review or Action to be identified by the Standards Committee.
1	Constitutions/ Current Decision Making Framework	Yes	<p>The Constitution is reviewed and updated at least annually and was last adopted in May 2016.</p> <p>The Constitution's operation is monitored by the Council's Monitoring Officer and also by the Corporate Governance Review Working Group 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 summarises the key findings arising from the work carried out by the External Auditor. The Annual Audit Letter for 2015/16 confirmed unqualified opinions for the year ended 31 March 2015 in relation to the Council's financial statements and its VFM conclusion in relation to the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources.</p>	
2	Procedural Standing Orders	Yes	Updated in Constitution – May 2016	
3	Contracts Standing Orders	Yes	Updated in Constitution – May 2016	

4	Employees' Code Of Conduct	Yes	<p>Following consultation with Council employees and unions, the Employee Code of Conduct was initially approved by the Standards Committee in July 2006. The Code of Conduct is issued to all Council employees, who are required to sign to confirm that they have read and will act in accordance with the Code.</p> <p>The Code of Conduct is intended to:</p> <ul style="list-style-type: none"> • help officers to understand how they can fulfil their ethical obligations in performing their role • set clear expectations for their conduct as a public employee in the Council and • provide guidance to help them deal properly with ethical issues they might encounter in their work. <p>The Code is submitted to Council annually for approval. It was approved at the Annual Council meeting in May 2016.</p>	
5	Members' Code Of Conduct	Yes	<p>The new Members Code of Conduct was adopted in June 2012, taking effect on 1 July 2012, under the Localism Act 2011. The Code is reviewed annually. It was last reviewed in January 2016 and was subsequently adopted at the Annual Council meeting in May 2016.</p> <p>Procedures for determining complaints against councillors were the subject of review during the 2013/14 and 2014/15 Municipal Years. A number of changes to the "Arrangements for dealing with member Code of Conduct complaints" were agreed by Standards Committee at its meeting on 21 July 2014 and these were incorporated into the process.</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</p>	.

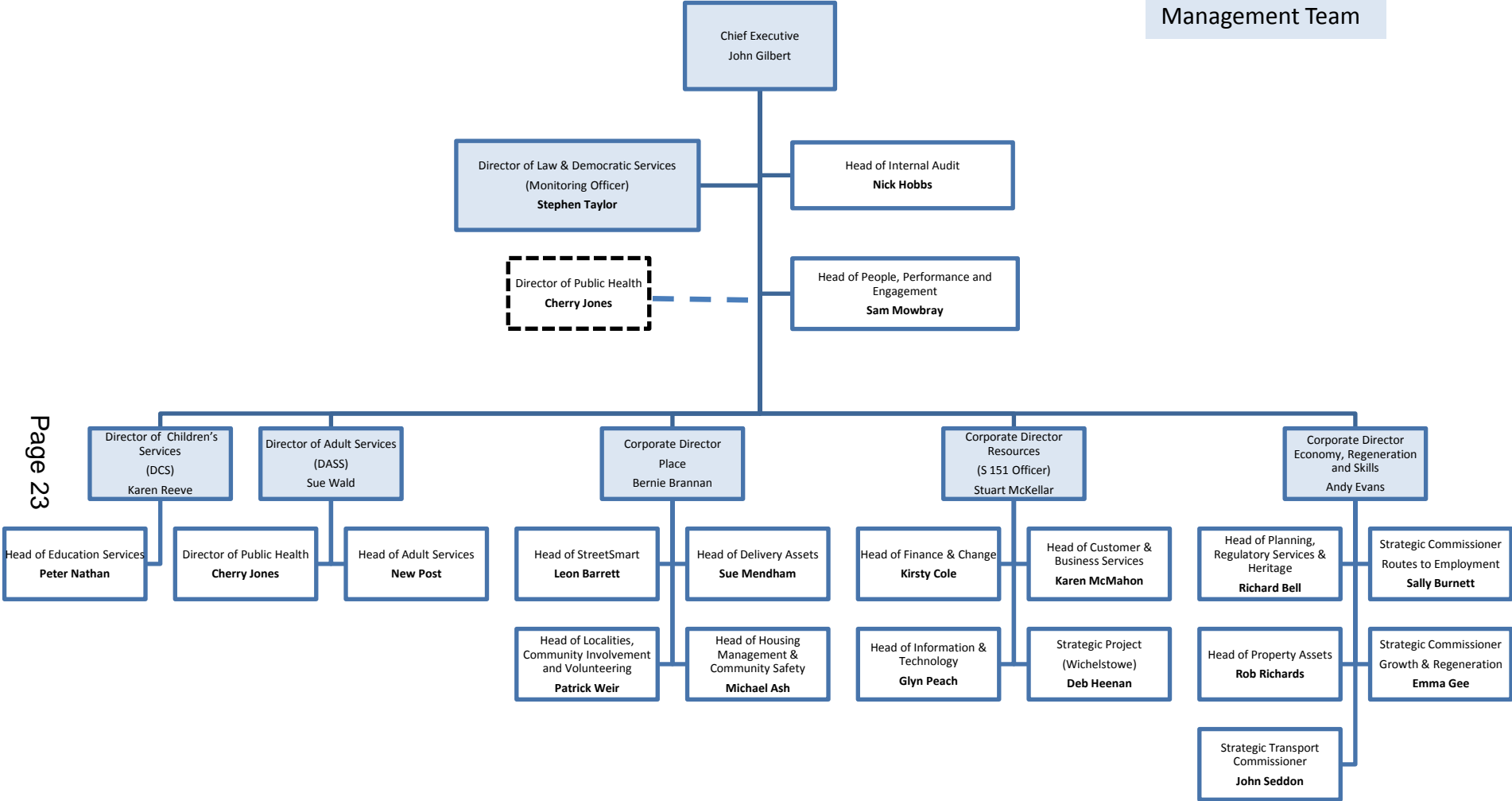
			Councillors. Refresher training is also regularly provided.	
6	Confidential Reporting Procedure	Yes	<p>The Whistleblowing Policy was first approved in November 2001. It is reviewed on a regular basis to ensure that it complies with legislation and best practice.</p> <p>The approved Whistleblowing Policy is publicised through staff communications, including the Core Brief, Manager Bulletin and other publications as appropriate and also via Team Briefings.</p> <p>Complaints received are investigated and the outcomes reported to the Standards Committee.</p> <p>In September 2005, the Committee approved 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 the following support via a contract with Care First, the Council's employee assistance programme:</p> <ul style="list-style-type: none"> • An advice and information service • A counselling service • On-line information • A manager support service 	
7	Terms Of Reference of the Standards Committee	Yes	<p>The current Standards Committee was established 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 Standards Committee 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	The Constitution was updated in the early part of the current Municipal Year and was subsequently approved as part of the 2016/2017 Constitution at the meeting of Annual Council meeting in May 2016.	
9	Members' Register Of Interests	Yes	Held on file and on the Council's website. Regular reminders are issued. 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.	
10	Recorded Declaration Of Interests	Yes	Interests are recorded at meetings and are recorded on the website.	
11	Members' Induction Process	Yes	All new Councillors are provided with a comprehensive induction programme in relation to the ethical framework and the decision-making process, as well as service specific issues and attendance at the induction programme is monitored to ensure all new members are properly inducted. New Councillors elected in by-elections attend Induction training following their election.	
12	Officers' Induction Process	Yes	A Corporate induction process is in place and departmental induction processes are also in place. 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	

			<p>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, Performance and Engagement 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	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 Committee and Member Services, in consultation with a cross-party Member Development Advisory 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>	
14	Officers' Continuing Development	Yes	<p>The Council's behaviour framework 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.</p>	
15	Officers' Training	Yes	<p>The Council has launched an online Learning & Development resource (E-Zone), which provides practical learning and development materials. It includes mandatory E-learning modules as well as a number of useful resources to support staff. Information about available courses is accessed via ESS (Employee Self-Serve) and bookings can also be made through ESS.</p>	

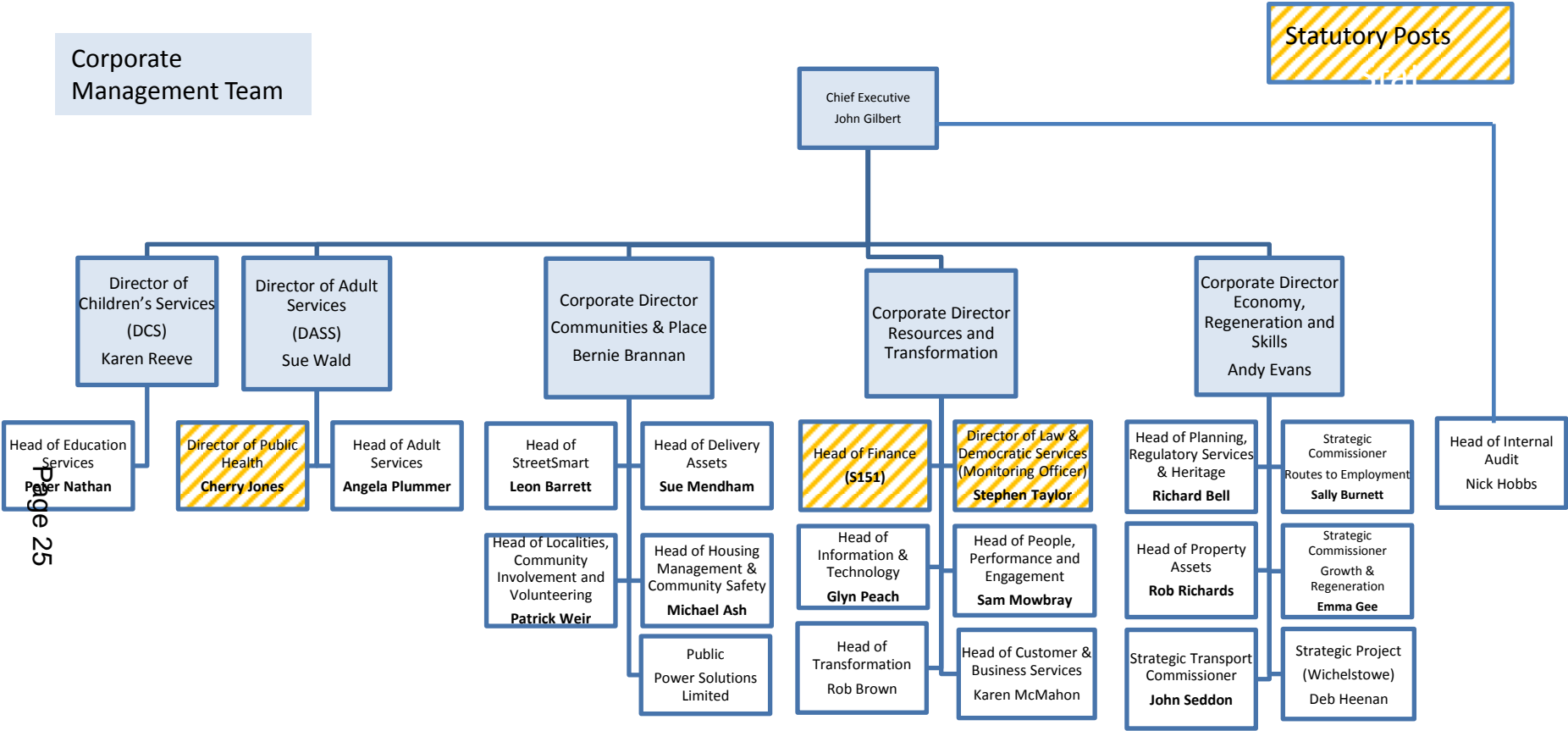
16	Other Council Specific Additional Codes And Protocols	<p><u>Monitoring Officer Protocol</u> - last reviewed in January 2016. Approved by the Council at its Annual Meeting in May 2016.</p> <p><u>Guidance to Councillors on Dealing with the Media</u> – first adopted February 2002, and last reviewed and updated by the Committee in January 2016. Approved by the Council at its Annual Meeting in May 2016.</p> <p><u>Protocol on Member / Officer Relations</u> - Introduced September 2002 and regularly reviewed and updated. This was last updated in January 2016. Approved by the Council at its Annual Meeting in May 2016.</p> <p><u>Members' Planning Code of Good Practice</u> - adopted February 2004, and regularly reviewed and updated. This was last reviewed in February 2016 and subsequently approved by the Council at its Annual Meeting in May 2016.</p> <p><u>Anti-Fraud and Bribery Strategy</u> – adopted November 2001 and regularly reviewed and updated. The strategy is reviewed annually to ensure that it sets out best practice and complies with relevant legislation. 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>	
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Corporate
Management Team



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Training and Development Programme for Councillors 2016/2017		
Dates	Subject	Facilitator
9 May 2016 2.00pm Function Room	Induction (1) for Newly Elected Councillors	Corporate Management Team Director of Law and Democratic Services The Mayor and Lead Members
12 May 2016 5.00pm Function Room	Induction (2) for Newly Elected Councillors	Karen McMahon, Patrick Weir, Stephen Taylor, Cllr McCracken and Cllr Howard
23 May 2016 6.00pm Ctte Room 6	Induction for New Members of the Licensing Committee – followed by a session on chairing Licensing Panels	Kathryn Ashton, Licensing Officer Phil Wirth, Legal Department
24 May 2016 6.00pm Ctte Room 6	Induction for New Members of the Planning Committee and any councillor with an interest in planning process	Richard Bell, Planning Officer Kehinde Awojobi, Legal Department
25 May 2016 6.00pm Ctte Room 6	Safeguarding Children	Karen Reeve, Head of Children, Families and Community Health
15 June 2016 10.30am Waterside Park	Visit to Waterside Recycling Centre	Lance Greenhalgh, Head of Depot Operations
27 June 2016 6.00pm Ctte Room 6	Safeguarding Adults	Doug Bale, Adult Safeguarding Manager
30 June 2016 6.00pm Ctte Room 6	Education Transport Appeals Sub-Committee	Rebecca Mathis, School Admissions Manager Victoria Nicholls, Passenger Transport
6 September 2016 6.00pm Ctte Room 6	Chairing Skills	Stephen Taylor, Director of Law and Democratic Services

Member Training and Development Programme 2016-2017

2 November 2016 6.00pm Ctte Room 6	Briefing session – Renewable Energy Centre at the Keypoint Swindon site	David Potter
16 November 2016 6.00pm Ctte Room 2	New Members Induction – six month review	Stephen Taylor, Director of Law and Democratic Services
Training session provided at each meeting	Corporate Parenting Advisory Board	Karen Reeve, Head of Children, Families and Community Health
Ad-hoc – organised at request of member	Customer Services and the Members Hotline process	Lisa Pittard, Operations Manager

External providers

Members are invited to apply for an external event, and attendance is approved through a Cabinet Member Briefing Note.

Dates for member training

Potential dates earmarked for future member training (all 6pm start time):

2016	2017
17 October 2016	31 January 2017
	28 February 2017
	24 April 2017

Potential subjects for member training – delivered by officers

- Public Health and the mandated public health responsibilities that the council now has.
- Maximising the benefits of Swindon Borough Council's property portfolio.
- The role of Swindon Borough Council in the economic development of the Borough.
- Improving skills and increasing employment.

Member Training and Development Programme 2016-2017

- Child Protection Level 1 – on line.
- CSE – on-line
- Understanding how to make a referral to children's social care - direct training. 2 hours anytime in year.
- General awareness-raising of Adult Services.
- An introduction to housing services.

Learning Zone Modules

- Data Protection.
- Freedom of Information and Information Security.
- Officer training sessions also suitable for members.

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

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