

Swindon Borough Council

**Annual Report of the Standards Committee**

May 2005 to April 2006

## **INTRODUCTION BY THE CHAIR**

To be inserted

Keith Carby – Chair of Standards Committee.

## **Background to the Standards Committee**

The purpose of the Standards Committee is to promote and maintain high standards of conduct by Members of the Borough Council and Parish Councils in Swindon, and to assist them to observe their Code of Conduct. The Committee seeks to raise the profile of probity and conduct both within and outside the Council. It does this by advising on the adoption and monitoring of relevant codes of conduct and behaviour, oversees the Council's anti-fraud strategy and whistleblowing procedures, monitoring complaints relating to breaches of those codes and procedures, and recommending training to Officers, Members and Parish Councillors.

In addition it has powers to hear cases of breaches of the Member's Code of Conduct referred by the Standards Board for England ('the Standards Board'), to determine whether a breach has been committed and impose appropriate sanctions. The Committee is supported by the Director of Law and Democratic Services (Monitoring Officer) and a Committee Officer.

The Committee was first established in February 2000, prior to the requirement for Councils to establish a Standards Committee as set out in the Relevant Authorities (Standards Committees) Regulations 2001, which came into force in August 2001. This has enabled a firm foundation of work to be laid. The work of the Standards Committee was commended by the Council's External Auditors in the review of the Council's new political arrangements (*"Democratic Renewal: The Modernisation of Local Government"*, April 2002) and described as 'proactive and robust' in the Corporate Governance Inspection of December 2004.

## Membership of the Committee

Since being established in 2000, the Standards Committee has comprised 3 independent members (appointed following public advertisement), a parish council representative, and 3 elected Councillors.

The initial 3 independent members completed 4-year terms of office in May 2004, and the Committee decided to ensure the experience and expertise of independent members was maintained in the Committee by starting a rolling programme of appointment of independent members rather than have all the members retire at the same time. Accordingly, independent members were appointed by the Council for terms of 4 years, 3 years and 2 years.

During 2005 / 2006 the Membership was as set out below:

Independent Members	<p>Mr Keith Carby (Chair of the Standards Committee) (appointed until 2008).</p> <p>Mr Trevor Davies (Vice-Chair of Standards Committee) (appointed until 2007).</p> <p>Mr Paul Morris (appointed until 2006*).</p>
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Parish Council Representative	<p>Mr Mike Compton (Blunsdon Parish Council) has continued to serve the Committee during 2005/06 as a voting representative for the parish councils and was nominated by the Swindon Area Committee of Parish Councils. Mr Richard Hailstone (Haydon Wick Parish Council) has been appointed as his deputy.</p>
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Elected Members	<p>Councillors Melanie Duff, Maurice Fanning and Mike Every served as elected Member representatives during 2005 / 2006.</p>
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\*As Paul Morris' term ended in May 2006, the appointment process was commenced in February 2006 and following public advertisement and publicity in

the local newspaper, Mr Paul Morris was reappointed as an independent Member from May 2006 for a further four year term.

## **WORK PROGRAMME FOR 2005/2006**

The Standards Committee met five times between May 2005 and April 2006 and the following is a summary of the Committee's activities:

### **Ethical Audit**

At its meeting in July 2005, the Committee reviewed the work of the Ethical Audit Working Group, and agreed a number of actions arising out of the its deliberations.

In particular, the Committee reviewed the Working Group's desktop audit of the authority and local parishes against the criteria set out in a Ethical Audit Toolkit prepared by the IDeA (Improvement and Development Agency). The Committee confirmed that this demonstrated compliance with all the elements required for the ethical framework and all the necessary processes and procedures were in place. Some areas for improvement were identified and key actions were agreed, which have been implemented:

- **Improving Ethical Training for Officers** - Ethical Governance Issues have been included in the Month 1 checklist for the Induction Process for New Starters, to ensure all officers are briefed on these matters at the earlier opportunity.
- **Training for Parish Councils** – The Monitoring Officer has continued to maintain strong links with Parish Councils and Parish Clerks. He has provided quarterly briefings to Parish Clerks and has offered ethical training workshops to Parish Councils. This is an ongoing process.
- **Members Training** – It was suggested that all Members attending courses should report back via the Members' Bulletin, to share good practice and knowledge, and this has been put in place.

## **Codes and Protocols**

A review of all the Council's Codes of Conduct and Protocols falling within the Committee's remit was completed in April 2005, including the Protocol on Member/Officer relations; Planning Code of Conduct; Guidance on dealing with the Media; and the Monitoring Officer Protocol.

At its meeting in September 2004, the Committee had been informed of the consultation by the Office of the Deputy Prime Minister on 'A Model Code of Conduct for Local Government Employees', and comments from the Standards Committee were incorporated in the response to the consultation submitted in November 2004.

As no significant progress had yet been made nationally for the development of a Code, and it was felt it was important for sound corporate governance, the Director of Human Resources consulted the Committee on a revised Code of Conduct for Swindon Borough Council employees. The Committee reviewed and commented on the Code, and it has been subject to consultation with staff representatives and other interested parties. The Code is due to be reported back to the Committee for final approval in July 2006.

## **Review of Model Code of Conduct for Members**

The Office of the Deputy Prime Minister (ODPM) issued a discussion document in December 2005 entitled 'Standards of Conduct in English Local Government: the Future'. This focussed upon:

- The report of the Committee on Standards in Public Life (the Graham Committee) on the role and effectiveness of the Standards Board;
- Comments arising out of the Standards Board for England's 'Code Review', on which the Committee has submitted comments in June 2005.
- A proposed Model Code for Local Government Employees; and
- The regulatory framework dealing with political assistants.

The discussion paper proposed a future integrated regime enabling the Members Code of the Conduct, the Standards Board and the local Standards Committees to work effectively together, including a move to move locally based decision making, improving the operation and effectiveness of local Standards Committees, whilst retaining a central strategic and investigatory role for the Standards Committee.

The Committee reviewed the proposals at its meeting in January 2006 and provided detailed comment on the specifics of the proposed Code and Structure, whilst supporting the general move to place a greater emphasis on local determinations and responsibilities of the Standards Committee.

### **Local Determination Regulations**

The Committee adopted new procedures in November 2005 for the Local Investigation of Referred Complaints under the ' Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004. The Committee had previously adopted a procedure for the Committee to hear complaints referred to it by the Standards Board for England. The new procedure set out the process by which the Monitoring Officer would investigate a complaint referred to him by the Standards Board for England.

### **Complaints to the Standards Board for England**

The Standards Committee has received regular updates during the year relating to complaints against Councillors and Parish Councillors, which had been made to the Standards Board for England.

During the year, the Committee has been notified of two complaints to the Standards Board against Swindon Borough Councillors and two complaints against Parish Councillors that they have failed to comply with the Members Code of Conduct. One complaint against three Councillors and one complaint against a parish councillor resulted in decisions by the Standards Board that the

matters need not be investigated. One complaint in respect of a Parish Councillor is still awaiting investigation.

The fourth complaint against a Councillor (Councillor Lister) was formally referred in September 2005 by the Standards Committee to the Standards Board for England for investigation, and subsequently referred back by the Standards Board to the Monitoring Officer for local investigation and for local determination by the Standards Committee. A Standards Committee hearing was held on 31<sup>st</sup> May 2006 resulting in the Councillor being suspended for one month.

### **Breach of Member / Officer Protocol**

The Committee has been kept informed of complaints received by the Monitoring Officer under the Member / Officer Protocol.

### **Whistleblowing Policy**

Throughout the year, the Standards Committee has continued to monitor complaints received against Officers under the Council's Whistleblowing policy.

During 2005/2006, six complaints were reported near the end of the year, which are still being investigated.

The Committee has continued to promote the whistleblowing and anti-fraud and corruption policy throughout the year. At its meeting in September 2005 the Committee agreed that the Council renew its subscription to the 'Public Concern at Work Helpline' with effect from January 2006 for a further three years, to continue to provide a formal method of confidential reporting for staff who do not feel that they can raise issues directly with the Council.

Members of the Council have received copies of the new Fraud Bulletin during the year, which is produced by the Head of Internal Audit. A message from the Chair of Standards Committee promoting an Anti-Fraud culture in the Council was included in the November 2005 edition, and reference to Whistleblowing procedures was included in the March 2006 edition.



The Committee received at its March 2006 meeting a report from the Head of Internal Audit setting out the results of all Whistleblowing complaints received during the operation of the policy. In the process of reviewing the issues, the Committee sought and received assurances from the Head of Internal Audit and Monitoring Officer that no whistleblower should be disadvantaged in their employment as a result of making an allegation, and asked for any patterns in the reporting of issues be advised to them.

The work of the Standards Committee and the operation of the Whistleblowing Policy was promoted to staff in the May edition of the Council's Core Brief. This has ensured that staff are aware of the Whistleblowing Policy and that they should contact the Monitoring Officer if there has been any breach of standards of conduct expected of Members or Officers.

The intranet and internet are used to publicise to staff and the public the various codes and practices and work done by the Standards Committee and the Monitoring Officer in setting the standards of conduct expected from members and staff.

### **Complaints on Ethical Standards**

The Council monitors complaints received from members of the public in relation to its operation and decision-making. No complaints were received during the 2005/2006 Municipal Year that related to the ethical standards of the authority.

## **Parish Councils**

Work has been ongoing with parish and town councils to help them promote and maintain ethical standards in their Councils, and offering the Standards Committee's assistance wherever required. This work is assisted by the presence of Mr Mike Compton (and his deputy, Richard Hailstone) as a member of the Standards Committee.

Training sessions have been offered to Parish Councils on the principles of the Members Code of Conduct and its interpretation in sample cases.

Quarterly meetings of Parish Clerks in the Borough are chaired by the Monitoring officer and the Ethical Framework is a standing item on the agenda, and any issues arising are reported back to the Standards Committee. The Monitoring Officer has asked Parish Clerks to keep him informed of steps each Parish Council is taking to promote and maintain high standards of conduct. In addition quarterly liaison meetings are held between Parish Councillors and representatives of the Borough Council to promote and maintain the Borough / Parish Charter, which is an important part of decision-making and proper consultation between the Borough and the Parishes.

## **Independent Members Network**

The Independent Members Network Forum for Wiltshire, Oxfordshire and Berkshire was first convened in October 2004, and has met on a bi-annual basis since then, including meetings in October 2005 and April 2006. The independent members who have attended have found the forum to be valuable in sharing experience with other lay members and promoting best practice. Mr Trevor Davis has recently been appointed by the Forum to represent it on the national Independent Member Forum Co-ordinator's Meetings, convened by the Standards Board for England.

## **Declarations of Interest**

No applications were received from Borough or Parish Councillors during this year for dispensations in respect of declarations of interest.

Following the resolution of the Committee in September 2004, the public register of Councillors' interests have continued to be made available on the Council's website. The Committee have continued to support this in the interests of demonstrating openness and transparency of conduct that all registers were made available in this way. Regular reminders are given to members of the need to keep the register updated, and the Monitoring Officer provides advice to Members in relation to their involvement in the decision making process in terms of declaration of interests or other aspects of the Code of Conduct.

## **The work of the Standards Board for England**

The Standards Committee has been kept informed of the work of the Standards Board throughout the year, and copies of the latest Standards Board Bulletin and Case Reviews are made available at each Committee meeting. The Committee is advised by the Monitoring Officer on key issues arising from Standards Board publications and the implications for its work and for the conduct of the Council.

## **Training**

Members of the Standards Committee have undertaken training during the year. The Monitoring Officer gave an induction presentation on the Members Code of Conduct and the work of the Standards Committee at the July 2005 meeting, for the benefit of new Committee members. Members of the Standards Committee have received specific training in January 2006 and May 2006 on Local Determination of Code of Conduct Complaints, in particular in relation to the hearings procedure.

During the year, training sessions for councillors and officers were carried out by the Monitoring Officer on ethical standards and corporate governance issues.

The Induction for New Members included a specific session on standards of conduct and probity in decision-making process, and further sessions have been arranged, open to all Members, on ethical training issues. All Councillors are kept informed of developments in the Ethical Framework either by reference to Best Practice or developing case law via receipt of the Standards Committee Agenda, and are reminded of requirements to update register of interest and maintain high ethical standards through the Members Bulletin.

## **SUMMARY**

The Standards Committee has had a very active and successful year and has continued to promote and monitor ethical standards in the authority and local parish Councils. The role of the Committee has continued to develop during the year, and it is expected that the Committee will take a robust role during the coming year in actively promoting and enhancing the Council's openness, accountability and probity.

There have been few instances of impropriety during 2005/06, but where these have occurred they have been dealt with pro-actively and robustly by the Monitoring Officer and Standards Committee.