

Ethical Framework Update

Standards Committee

Date: 23 October 2006

Author: Director of Law and Democratic Services (Monitoring Officer)

Wards Affected: All

Purpose

- To provide an update on various matters related to the Ethical Framework.

Recommendation

- That the Ethical Framework update be noted.
- That the Monitoring Officer in conjunction with the Head of Communications consults with Members on the revised Media Guidance for Members attached at Appendix '4' and reports back with the final Guidance for approval to the next Standards Committee.
- That the Monitoring Officer further review the Procedures for Investigation and Determination of Complaints referred by the Ethical Standards Officer following the completion of the current investigation.

1. Reasons

- 1.1 To keep the Standards Committee informed of issues of probity in the Council.

2. Detail

Council Comprehensive Performance Assessment (CPA) / Joint Area Review (JAR) Assessment

- 2.1 The Council Comprehensive Performance Assessment (CPA) and the Joint Area Review (JAR) judgement was issued on Tuesday 10th October by the Audit Commission. The Audit Commission judged the Council as having undergone 'a radical transformation' over the past 3 years, a Council that is 'performing adequately' and that is 'well placed to deliver further improvements.' The report was also very positive about the Council's vision and strategy for continuing to improve and transform in the future. The overall judgment was achieved against the Commission's new, tougher framework 'The Harder Test'.
- 2.2 So far as the ethical standards of the Council are concerned, the judgement comments that: *"Appropriate mechanisms are in place and are effective in ensuring good, ethical standards are maintained. Codes of*

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conduct are in place, action has been taken in instances of improper conduct". The judgement reinforces similar comments made in previous CPA judgements in relation to the work of the Standards Committee.

Adjudication Panel Decisions

- 2.3 The Institute of Public Finance Better Governance Team provides a periodic cumulative summary of decisions by Case Tribunals formed from the Adjudication Panel, giving key points in cases with potential implications for other authorities.
- 2.4 A copy of the summary issued in October 2006 is attached at Appendix '1'. The Monitoring Officer will alert the Committee at the meeting to any issues of particular note.

Promotion of Ethical Standards and Training

- 2.5 The CIPFA checklist for the Corporate Performance Assessment requires at Level 3 of the Key Lines of Enquiry (KLOE) that this Council is proactive in the following:

"All Members have been offered ethics training, which includes participatory case study exercises, shortly after election. Attendance records show good levels of attendance, shortly after election; attendance records show good levels of attendance (i.e. at least two thirds) one to one training is offered to those unable to attend.

Refresher and update training is offered at least once during the lifetime of the Council and attendance records show good levels of take up (i.e. at least two thirds)."

- 2.6 Obviously the KLOE refers to Councils with elections every four years. This Council with elections by thirds has ongoing Ethics training. So far this year, 8 new members received Ethics induction training on 19th May and the remaining 3 have received one to one training with the Monitoring Officer.
- 2.7 The Monitoring Officer held a refresher training session for all Members on 7th September 2006 relating to Ethics and Probity including participatory case study exercises.
- 2.8 A session has been arranged for the Monitoring Officer and Vice-Chair of the Committee to provide further training to Parish Councillors with regards to Ethics and Probity. This will take place on 16th November at the offices of Haydon Wick Parish Council.

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Annual Standards Board Conference

- 2.9 The Annual Standards Board Conference in Birmingham held on 16th and 17th October 2006, and was entitled: 'Bridging the gap: towards effective local regulation'. The Monitoring Officer attended and will report back to the Standards Committee.

Standards Board Bulletin

- 2.10 The Standards Board Bulletin for July 2006 (Issue 30) is attached at Appendix '2'. The Monitoring Officer will highlight key areas of interest at the meeting.

Berkshire, Oxfordshire and Wiltshire Independent Standards Committee Members' Forum

- 2.11 The next meeting of the Forum is scheduled for 11 am on Friday 27th October 2006 at Wiltshire County Council, County Hall, Trowbridge. This will include two speakers: Mr Bruce Claxton who will be reporting on the launch event of the Independent Members' Association, and Mr Stephen Callender, Policy Adviser from the Standards Board, who will be covering various matters including the review of the Code of Conduct and any developments arising from the Standards Board Assembly.
- 2.12 The Vice-Chair is intending to attend and will report back to the next meeting.

Work Programme 2006/07 Update

Revision of Media Guidelines for Members

- 2.13 The Head of Communications has reviewed the Media Guidelines for Members that are part of the Constitution (attached at Appendix '3'). A revised version of the Guidelines are attached at Appendix '4' for the Committee to consider, and will form part of the reviewed Communications Strategy. Subject to any comments and changes the Committee wishes to include, it is recommended that the Monitoring Officer in conjunction with the Head of Communications consults with Members on the revised Media Guidance for Members and reports back with a final protocol for approval to the next Standards Committee.

Corporate Governance in Local Government – A Framework

- 2.14 CIPFA / SOLACE recently issued a revised document 'Good Governance in Local Government – A Framework', updating the 2001 publication: 'Corporate Governance in Local Government: A Keystone for Community Governance' in 2001 and aiming to provide a framework that can be

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followed as best practice for developing and maintaining a locally adopted code of governance. The deadline for the Council to comment was 11th September 2006 and the consultation was considered by the Corporate Governance Working Group and a response submitted.

- 2.15 A copy of the consultation paper and the Council's response are attached at Appendix '5' and '6' for information. The response is being reported to the Committee, as the promotion of effective local governance, ensuring public confidence in elected Members and appointed officers, and that the Council fulfils its purpose and that intended outcomes for citizens and service users are delivered in an effective, efficient, economic and ethical manner is a key concern for the Committee.

Review of Procedure for Local Investigation of Referred Complaints

- 2.16 Under the provisions of the Local Government Act 2000 (The Local Authorities Code of Conduct Local Determination Regulations 2003, the Council adopted procedures in November 2003 and November 2005, for the local investigation and hearing of Code of Conduct complaints referred by an Ethical Standards Officer at the Standards Board. These procedures were used to investigate and determine a complaint referred during 2005/06.
- 2.17 The Procedures for Local Investigation of Referred Complaints have been reviewed by the Monitoring Officer, who recommends that in the light of the current investigation into an allegation against a Parish Councillor, the procedure be further reviewed having regard to any issues raised during that investigation.

Update Anti-Fraud Strategy and Whistleblowing Policy.

- 2.18 The Head of Internal Audit is in the process of reviewing the Anti-Fraud Strategy and Whistleblowing Policy and will report to the next Standards Committee.

Alternative Options

- None

Risk Management

Financial and Procurement Implications

- None

Legal / Human Rights Implications

- None

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Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

- Monitoring of issues of probity in the Council underpins the Council's plans and policies and to the delivery of the 2010 objectives.

Consultees

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports)
- Chief Executive
- Group Director, Resources
- Head of Communications

Background Papers and Appendices

- Appendix 1 - Adjudication Panel Decisions - Summary
- Appendix 2 – Standards Board Bulletin Issue 30 (July 2006)
- Appendix 3 – Current Media Guidelines for Members
- Appendix 4 – Suggested revision of the Media Guidelines for Members
- Appendix 5 – Good Governance in Local Government – A Framework, CIPFA / SOLACE Consultation Paper.
- Appendix 6 – Council's response to Consultation Paper