

Swindon Borough Council

Annual Report of the Standards Committee

May 2006 to April 2007

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, the Council appointed independent members for terms of 4 years, 3 years and 2 years.

During 2006 / 2007 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 2010).</p>
Parish Council Representative	<p>Mr Mike Compton (Blunsdon Parish Council) has continued to serve the Committee during 2006/07 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>
Elected Members	<p>Councillors Melanie Duff, Maurice Fanning and Martin Wiltshire served as elected Member representatives during 2006 / 2007.</p> <p>Councillors Fay Howard and Peter Stoddart have served as deputy members and attended as required.</p>

*As Trevor Davies' term ended in May 2007, the appointment process was commenced in March 2007 and following public advertisement and publicity in the local newspaper, Mr Trevor Davies was reappointed as an independent Member from May 2007 for a further four year term.

At the Committee Meeting on 29th January 2007, the Committee authorised the Monitoring Officer to carry out the advertisement process for all future vacancies, whenever they arise.

WORK PROGRAMME FOR 2006/2007

The Standards Committee met six times between June 2006 and May 2007, and held one Standards Committee Hearings Panel. The following is a summary of the Committee's activities.

Officers Code of Conduct

At its meeting in March 2006, the Committee was advised by the Director of Human Resources that the Secretary of State had been considering the issue of a generic Code of Conduct for local government employees for some time, but the issue had remained unresolved. In the absence of national guidance, the Council had decided to develop and implement a local Code of Conduct as part of its commitment to sound corporate governance. The Standards Committee reviewed and commented on the Code in March 2006 and authorised the Director of Human Resources to carry out a consultation with staff representatives and other interested parties.

Following a successful consultation, the Committee at its meeting in July 2006 approved the Officers Code of Conduct and authorised the Director of Human Resources to commence communication and roll-out in partnership with staff representative unions. The Code of Conduct has subsequently been issued to all staff and they have been asked to sign to confirm their understanding and commitment to upholding it.

New Model Code of Conduct for Members

Following consultation on what should be included in a new Code of Conduct in June 2005 and December 2005, the Department for Communities and Local Government (DCLG) issued the Local Government White Paper 'Strong and Prosperous Communities' in October 2006, which set out the Government's intention to put in place a clearer and simpler model code of conduct, which would include changes to the rules on personal and prejudicial interests.

The DCLG issued their final consultation on the revised code in January 2007. The Committee held a special meeting on 26th February to consider the proposed changes to the Model Code of Conduct for Local Authority Members and responded with representations by the closing date of 9th March 2007.

The revised Code of Conduct was issued by DCLG on 2nd April 2007, with a duty on local authorities to adopt the new Model Code within 6 months, and a recommendation that local authorities include a preamble to the Code which outlines the ten general principles governing the conduct of members.

The Committee gave consideration to the provisions of the new Model Code at a special meeting held on 30th April, and recommended to the Annual Council meeting on 18th May that the Code be adopted without amendment, together with the 10 general principles.

The key changes in the New Code discussed by the Committee were: -

- The application of the Code primarily to actions in a private capacity only where resulting in a criminal conviction.
- A change in emphasis from requiring Members to promote equality to not doing anything that may cause the authority to breach any equality enactments.
- A new requirement not to bully any person.
- A new obligation on members to have regard to the Code of Recommended Practice on Local Authority Publicity.
- A strengthening of the obligation to have regard to any relevant advice given by the Monitoring Officer and the Chief Finance Officer.
- A removal of the requirement on members to report any breaches of the Code to the Standards Board.
- The addition of the requirement to register an interest that relates or is likely to affect the interests of any person from whom at least £25 worth of gift or hospitality has been received.
- The need to declare all personal interests at meetings including the nature of the interest; with the exception that an interest arising in relation to public body or a body to which the member has been nominated or appointed by the Council, need only be declared at a meeting if the Member speaks on the issue.
- The need to declare an interest if a matter affects family or a person, with who the Member has a close personal association, including employers of those people, but only if aware or if ought reasonably to be aware of the interest.
- The new provision allowing a Member not to disclose sensitive information that could create a serious risk of violence or intimidation at the discretion of the Monitoring Officer
- The change in definition that an interest is only prejudicial if affecting the financial position of the member or associated person or body, or if relating to any approval, consent, licence, permission or registration for such a person or body.
- That a member with a prejudicial interest may make representations, answer questions or give evidence at a meeting open to the public, provided that the public are also allowed to attend the meeting for the same purpose, prior to withdrawing.
- A change in the requirement to keep information confidential, if considered to be in the public interest for the information to be released.

The Committee welcomed the planned training for Members and Parish Councillors that included:

- Inclusion of ethical training in the induction process for new members on 9th May 2007.

- A detailed training session open to all members and co-opted members on 13th June 2007, for all members to be equipped with a basic knowledge of the Code in relation to meetings taking place.
- An open invitation to political groups and individual members for the Monitoring Officer to hold additional training sessions on request.
- Training Sessions open to all Parish Councillors on 10th and 24th May.

Anti-Fraud and Corruption Strategy and Whistleblowing Procedure

It is part of the Committee's remit to approve and monitor the anti-fraud strategy and whistleblowing procedures and ensure that they operate effectively.

The Head of Internal Audit had highlighted at the beginning of the municipal year that it would be appropriate for the Anti-Fraud and Corruption Strategy and Whistleblowing policy to be reviewed during 2006/07 and this review had been included in the Committee's work programme.

The Head of Internal Audit presented the revised Anti-Fraud and Corruption Strategy and the Whistleblowing Policy in January 2007. These had been updated to ensure that they reflected changes in legislation and best practice. It was noted that the Anti-Fraud and Corruption Strategy set out measures designed to frustrate any attempted fraudulent or corrupt acts and the steps to be taken if such action occurred. The Council's Whistleblowing Policy supported the Anti-Fraud and Corruption Strategy encouraging and enabling employees, Members and Governors to raise serious concerns within the Council, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally, without the fear of reprisals.

The Committee approved the revised documents for consultation, and asked that the Head of Internal Audit report back with the final policies for approval, following consultation with relevant stakeholders including Group Directors, Directors, External Auditors and Capita.

The revised policies are due to be reported back to the Committee for final approval in July 2007.

Monitoring of Whistleblowing Complaints

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

During 2006/07, the Committee was notified of 3 new complaints, and informed of the progress of investigation, and where appropriate resolution, of these and the 6 complaints carried forward from 2005/06.

Members of the Council and Standards Committee have received copies of the Fraud Bulletin during the year produced by the Head of Internal Audit, which

advises of frauds undertaken in other authorities and alerts Members and Officers of the need to protect against similar frauds taking place in the Council.

Ethical Audit

At its meeting in January 2007, the Committee requested that the Monitoring Officer bring back to the next meeting an updated Ethical Audit Matrix for the Council. In July 2005, the Committee had approved the first desktop audit of the authority and local parishes against the criteria set out in an Ethical Audit Toolkit prepared by the IDeA (Improvement and Development Agency).

During the year, the Monitoring Officer acted as a peer reviewer on an IDeA Ethical Governance Health Check carried out for a London Borough. This was an extremely useful exercise, both in terms of personal development and shared learning, and this informed the review of the Ethical Audit Matrix.

The Monitoring Officer reported back in March 2007 setting out the inspection context of the Council, the performance in relation to Corporate Governance and Ethical Standards and, updating the matrix against the standards recorded and actions agreed in July 2005. Under each category, work had taken place since the last evaluation, to complete the actions identified.

For the next stage of the evaluation the Committee agreed a number of actions, on which the Committee will receive regular updates during 2007/08. These included:

Sharing Best Practice in Standards –

- That a Standards Conference be held during 2007/08 to share learning and experience on the ethical framework and codes of conduct with the Council's stakeholders and external partners.

Member and Officer Training –

- That the Monitoring Officer begin a process for evaluating the implementation across departments of training on the ethical framework within the Officers' Induction Programme and report back to the Committee.
- That the Monitoring Officer promote a course on Chairing skills in the Members' Training Programme for 2007/08 and report back to the Committee on progress; and that independent members and co-opted members be invited to attend relevant training courses.
- That the Monitoring Officer investigates use of the Staff Satisfaction Survey to understand staff ethical framework understanding and training requirements.

New Model Code and Implications for other Codes and Protocols

- That changes arising from the adoption of the new Model Code of Conduct to the Council's existing Codes and Protocols be included in the Standards Committee Work Programme for 2007/08, including an amendment to the Member / Officer Protocol to require Members to

consult with the Monitoring Officer prior to the disclosure of any confidential information.

The work of the Standards Board for England

The Standards Committee has been kept informed of the work of the Standards Board for England 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 Annual Conference and the implications for its work and for the conduct of the Council.

Reviews of key developments during the year have included: -

- Review of the Implications of the *Livingstone Case* and the Guidance from the Standards Board on the more restrictive view arising from it of when the Code of Conduct can apply to the actions of a Member in a private capacity. (*October 2006 and January 2007*)
- Review of the response by the Council's Corporate Governance Working Group to the CIPFA / Solace publication 'Good Governance in Local Government – A Framework'. (*October 2006*)
- Review of Adjudication Panel Decisions (October 2006) and Case Alerts. (*January 2007*)
- Update on the *Local Government and Public Involvement in Health Bill, arising out of the Local Government White Paper 'Strong and Prosperous Communities'* issued in October 2006 and its proposals including:
 - New powers for the Standards Board,
 - Revision of the Code of Conduct,
 - New local filtering powers,
 - New powers for Standards Committees to decide appeals on the designation of a post as politically restricted.

Following on from discussion of the Bill, the Committee agreed to offer to be one of approximately 50 Standards Committees nationally taking part in a Standards Board Pilot for developing the procedures for the local filtering of complaints. The pilot would take place in July 2007. (*January 2007*)

Corporate Governance

At its meeting in October 2006 the Committee was informed of the outcome of the Council's Comprehensive Performance Assessment (CPA) and the Joint Area Review (JAR), which had been published on 10th October. The Committee in particular welcomed the comments in the judgement that:

“Appropriate mechanisms are in place and are effective in ensuring good, ethical standards are maintained. Codes of conduct are in place, action has been taken in instances of improper conduct”.

It was noted that this judgement reinforced similar comments made in previous CPA judgements in relation to the work of the Standards Committee.

At the same meeting, the Committee noted that the CIPFA checklist for the Corporate Performance Assessment at Level 3 (Key Lines of Enquiry) required Councils to be proactive in ensuring that:

“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).”

The Committee received a report from the Monitoring Officer on the training being arranged for new Councillors, existing Councillors and Parish Councillors, relating to Ethics and Probity including participatory case study exercises.

Media Guidelines for Councillors

During the year, the Committee considered and agreed for consultation revised Media Guidelines for Members, which would form part of the Constitution and part of the new Communications Strategy for the Council. Following consultation with Members, the Head of Communications will be reporting back with the final Guidelines for the Committee’s approval in the new municipal year.

Appointments to the Remuneration Panel

As part of the wider role of the Committee, the Committee approved the appointments to the new remuneration panel at its meeting in January 2007.

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 10 complaints to the Standards Board against Swindon Borough Councillors. Each case resulted in a decision by the Standards Board that the matter need not be investigated.

A complaint against a Parish Councillor first notified to the Committee in March 2006, was formally referred by the Standards Board to the Monitoring Officer at the end of 2006 for local investigation and for local determination by the Standards Committee. A Standards Committee hearing was held on 23rd March 2007, resulting in the Councillor being required to attend training on the Code of Conduct. The requirement for training was supported by a suspension of one month if the training was not carried out within 3 months to the satisfaction of the Monitoring Officer. The Parish Councillor has subsequently attended the training and the Monitoring Officer confirmed that the suspension would not be required. In addition to the formal sanction set out above the Standards Hearing Panel recommended that: -

- All Parish Councillors of that Parish attend training on the Code of Conduct within 3 months.
- The Clerk to that Parish Council undertake training on the Code of Conduct, and receive a briefing from the Monitoring Officer as to her roles and responsibilities, within 3 months.
- The Monitoring Officer should make available to Parish Council Chairs and Vice-Chairs any training sessions on chairing of meetings that are arranged for Borough Councillors.
- The Parish Council concerned be requested to invite the Monitoring Officer and a Standards Committee Independent Member to attend a future meeting of the Parish Council to discuss any issues arising from this matter.
- The Monitoring Officer circulate a summary of the decision to all Parish Councils in the Borough of Swindon and ask the Clerks to confirm that they are satisfied that their Parish Council is operating in accordance with the Code of Conduct.

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 Council's first local investigation and hearing under these Regulations took place in May 2006. The Monitoring Officer reviewed the procedures in the light of its operation and recommended to the Committee in October 2006 that no change was required at that time.

The further local investigation and hearing held in March 2007 used the procedure successfully. The Committee will keep it under review to ensure it remains fit for purpose when operating local determination powers.

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 are offered to Parish Councils on the principles of the Members Code of Conduct and its interpretation in sample cases. The Monitoring Officer chairs quarterly meetings of Parish Clerks in the Borough and the Ethical Framework is a standing item on the agenda, and any issues arising are reported back to the Standards Committee. 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.

Despite the training that has been on offer to Parishes for many years, the hearing held in March 2007 highlighted again the need for all Parish Councillors and Clerks to fully understand the implications of the Code of Conduct in respect of declarations of interest.

Breach of Member / Officer Protocol

No formal complaints under the Member / Officer Protocol have been notified to the Committee by the Monitoring Officer during 2006/07. Where informal complaints have been received by the Monitoring Officer, he and the Chair of the Committee have met with the relevant Councillor to discuss the alleged conduct, to understand the circumstances surrounding the complaint, and if appropriate provide training and arrange redress, such as by written apology.

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 2006/2007 Municipal Year that related to the ethical standards of the authority.

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 2006 and April 2007. 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 Davies has been appointed to represent the Forum on the national Independent Member Forum Co-ordinator's Meetings, convened by the Standards Board for England.

In July 2006, the Committee was approached by a newly formed Association of Independent Members of Standards Committees in England (AIMSce) for financial support for the set up of the Association, and to provide membership fees for Independent Members of the Standards Committee to attend. The Committee, advised by the independent members present, felt that although any independent member could decide to sign up individually, it was not appropriate for the Council to fund its work. There were concerns that an association separating out independent members undermined the role that each complete Standards Committee comprising independents, members and parish representatives, sought to perform within each local Council, and their role of making representations nationally.

Declarations of Interest

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

Since a resolution of the Committee in September 2004, the public register of Councillors' interests has continued to be made available on the Council's website. The Committee has 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.

SUMMARY

The Standards Committee has had a very active year and has continued to promote and monitor ethical standards in the authority and local parish Councils. The adoption of the New Model Code of Conduct for Members, and discussion of future changes for the reporting and filtering of complaints under the Code have been significant developments.

The Committee has continued to develop its experience of advising on ethical matters and its hearings skills, and the foundation established will enable it to play a successful role in the future, where a greater involvement of Standards Committee in the early stage of complaints management is anticipated. In addition, the Committee will continue to take a robust role during the coming year in actively promoting and enhancing the Council's openness, accountability and probity.

There have been relatively few instances of impropriety during 2006/07, but where these have occurred they have been dealt with pro-actively and robustly by the Monitoring Officer and Standards Committee.