

Ethical Framework Update

Standards Committee

Date: 14 April 2008

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 welcomed and noted.
- That the Monitoring Officer be authorised to update the terms of reference of the Standards Committee, to take account of any changes to the remit of the Standards Committee arising from the Standards Committee (England) Regulations 2008 and the Local Government and Public Involvement in Health Act 2007.
- That the matters set out at paragraph 2.19 be incorporated in the Committee work programme for 2008/09.

1. Reasons

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

2. Detail

Anti-Fraud and Corruption

- 2.1 The quality of the 'anti-fraud and corruption' work done by the council was recently recognised by the Audit Commission when it assessed the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources. The Council was given top score (level 4) in this area and assessed as operating at well above minimum requirements and performing strongly. A more detailed report on this assessment will be presented to the next meeting.
- 2.2 As part of the anti-fraud and corruption work, a regular Fraud Bulletin is issued to officers and Members. The latest Bulletin contains a reminder of the Council's whistleblowing policy. It is important that members and employees act as the 'eyes and ears' of the organisation and that people have confidence that if they spot something that gives them cause for concern, they can report it via the whistleblowing 'hotline' and it will be

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looked into and dealt with. The number of the 'hotline' and the Public Concern at Work number is given in the Bulletin. It was emphasised in the Bulletin that all whistleblowing matters are reported, suitably anonymised and in confidence, to the Council's Standards Committee and are monitored regularly.

Standards Committee (England) Regulations 2008, and the Local Government and Public Involvement in Health Act 2007

- 2.3 At the last meeting, the Committee responded to the Department for Communities and Local Government (DCLG) Consultation Paper entitled 'Consultation on Orders and Regulations Relating to the Conduct of Local Authority Members in England'. The outcome of the consultation was intended to inform the detailed arrangements for putting into effect the orders and regulations to provide a revised more locally-based ethical regime.
- 2.4 The Standards Committee Regulations have not yet been issued at the time of writing this report, but are expected imminently. It is understood that it is intended that the powers concerned will come into effect on 1st May 2008. Draft regulations have been prepared, but are not yet generally available. If they do become available in the next few days they will be sent out to Members or circulated at the meeting.
- 2.5 A copy of the Local Government Information Unit's Policy Briefing on the Act that summarises and outlines the main provisions of the Council of the Local Government and Public Involvement in Health Act 2007 is attached at Appendix 1.
- 2.6 It is suggested that the Monitoring Officer be authorised to update the Standards Committee Terms of Reference as required to reflect any changes to the remit of the Committee arising from the Act and Regulations.

Membership of the Standards Committee

- 2.7 The Corporate Governance Working Party met on 18th March 2008 and endorsed the Committee's recommendation that the Standards Committee membership be increased by 4 members, to give a total membership of 11 members to take account of increased workload of initial local assessments of misconduct allegations. This is being referred to Cabinet on 16th April and Council on 24th April for confirmation.

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- 2.8 An advertisement for up to two lay members has been issued, with a closing date of 11th April 2008, and interviews are due to take place in the week commencing 21st April 2008.

Parish Councils

- 2.9 Mr Mike Compton has been visiting Parish Councils as discussed at a previous meeting of the Standards Committee, to give a brief introduction to the work of the Committee, to discuss with Parishes how they are managing with the implementation of the New Code of Conduct, to discuss any issues or queries that have arisen, and to ask if the Council or Standards Committee can provide an additional help or support.
- 2.10 To date, Mr Compton has visited the Parish Councils of Blunsdon, Highworth, Stratton St Margaret, and Hayden Wick. He is booked to visit South Marston and Wroughton during May, and will report back to the Committee on any issues of note to date, and on any ways in which the Committee can increase its support for Parish Councils.

Standards Board Publications

- 2.11 Attached at Appendices '2' and '3' are the Standards Board Bulletin for February 2007 (Issue 37) and the Town and Parish Council Standards (March 2008) which include:
- The main provisions concerning the ethical framework that have recently been brought into force.
 - Examples of good practice in publicising the local assessment of complaints.
 - Information on prejudicial interests and setting the authority's annual budget.
 - An introduction to the Standards Board's new Chief Executive.
- 2.12 If any member of the Committee has any queries on any issue raised in these publications, these can be raised at the Committee meeting and prior notice thereof to the Monitoring Officer would be helpful.

Monitoring and Audit Pilot

- 2.13 In December 2007, the Committee Officer on behalf of the Monitoring Officer took part in a Standards Board pilot exercise to test and evaluate the new online submission system for imputing information on Standards complaints as part of the local filtering arrangements. The Monitoring

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Officer has agreed to be part of the next stage of pilot testing, which will take place between 7th and 18th April 2008.

- 2.14 The Standards Board has published on its website a training exercise for standards committees to help them practice the assessment of complaints. This is based on the pilot project which this Committee undertook last year and due to positive feedback received, an adapted version has been made available for use by all local authorities to train standards committee members for this new function. Having been part of the original pilot, it was not necessary for us to arrange for this exercise to be undertaken by the Swindon Standards Committee.

Berkshire, Oxfordshire and Wiltshire Independent Standards Committee Members' Forum

- 2.15 The last meeting of the Forum was held on Friday 29th February 2008, to be hosted by South Oxfordshire District Council. Minutes of the meeting are attached at Appendix '4'. Mr Trevor Davies attended from the Standards Committee and may wish to draw to the attention of the Committee any matters of interest.
- 2.16 The next meeting of the Forum has been arranged to take place at the offices of Cherwell District Council, Bodicote, Nr Banbury on Friday 26th September at 11 am.

Seventh Annual Assembly of Standards Committees – 13-14th October 2008

- 2.17 The Seventh Annual Assembly of Standards Committees will be held on 13-14th October 2008 in Birmingham. This year's conference is entitled 'Delivering the Goods' and will be developing exemplary standards committees, building public confidence in members and promoting good governance in partnerships.
- 2.18 Members are asked to contact the Monitoring Officer or the Committee Officer if they wish to attend, within the last 4 weeks, as bookings are beginning now.

Committee Work Programme Update

- 2.19 Two matters are outstanding from the work programme agreed by the Committee in July 2007 as follows:
- *Review of Hearings Procedure* – The Committee was scheduled to review its current procedure for Hearings at this meeting, but it was felt that this would be best delayed in order that the Committee can review

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its existing protocol and incorporate a new procedure and hearing arrangements for filtering of complaints at the same time.

- *Swindon Standards Committee Conference* – Further consideration is being given to arranging a specific Swindon Standards Committee Conference. Given the desire to focus any such activity on ‘Standards in Partnership’, opportunities will be sought over the coming months to engage with partners to see how best such an activity could add value and be effective in sharing good practice amongst partner organisations.

2.20 It is recommended that these matters be incorporated in the Committee work programme for 2008/09.

Alternative Options

- None

Risk Management

Financial and Procurement Implications

- There are no direct financial or procurement implications arising from this report.
- That there may be some increased costs to the authority associated with carrying out additional local filtering hearings. This has been highlighted to the Committee previously, and it is anticipated that these will met from the Committee Meetings budget or members allowances budgets as appropriate.

Legal / Human Rights Implications

- The Standards Committee (England) Regulations 2008, when received, will give effect to the provisions of Part 10 of the Local Government and Public Involvement in Health Act 2007.

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 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, Business Transformation

Background Papers and Appendices

- Appendix 1 - Local Government Information Unit’s Policy Briefing on the Local Government and Public Involvement in Health Act 2007
- Appendix 2 - Standards Board Bulletin for December (Issue 37)
- Appendix 3 - Town and Parish Standard (March 2008 edition)

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- Appendix 4 - Minutes of the Independent Members Forum – February 2008

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