

Swindon Borough Council

Annual Report of the Standards Committee

May 2007 to April 2008

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.

During 2007/08 it had powers to investigate and hear cases of breaches of the Members Code of Conduct, referred to it by the Standards Board for England and 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.

Membership of the Committee

During 2007/08 the membership of the Committee was as follows:

Independent Members	<ul style="list-style-type: none">• Mr Keith Carby (Chair of the Standards Committee) (appointed until May 2008).• Mr Trevor Davies (Vice-Chair of Standards Committee) (appointed until 2011).• Mr Paul Morris (appointed until 2010).
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Parish Council Representative	<p>Mr Mike Compton (Blunsdon Parish Council) has continued to serve the Committee during 2007/08 as a voting representative for the parish councils nominated by the Swindon Area Committee of Parish Councils.</p> <p>(Mr Richard Hailstone, Deputy Parish Representative, stepped down during the year).</p>
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Elected Members	<p>Councillors Melanie Duff, Maurice Fanning and Martin Wiltshire</p> <p>Deputies: Councillor Fay Howard and Peter Stoddart</p>
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In January 2008, the Committee decided that in order to be prepared to use new powers from May 2008 to receive Code of Complaints, and to provide the first stage of filtering complaints, as well as hearing and investigating, it would be necessary to extend the Committee. The Committee recommended to the Council that the membership be increased to five Councillors, 4 Independent Members and 2 Parish Councillors.

As a consequence, the Director of Law and Democratic Services advertised for in two independent members to begin in May 2008, and subsequently Mr Keith Carby has been re-appointed and Mr David Dawson appointed as a new member, each to serve 4-year terms of office from May 2008. In addition, Mr Martyn Cook has been appointed as a second Parish Representative to work alongside Mr Mike Compton, following nomination by the Swindon Area Committee.

The Full Council has approved the increase in Membership and four full Members and one deputy have been appointed from May 2008.

WORK PROGRAMME FOR 2007/2008

The Standards Committee met four times between May 2007 and April 2008, and held a local filter pilot workshop session in July 2007.

The following is a summary of the Committee's activities.

Local Consideration of Code of Conduct Complaints – New Standards Committee Powers.

During the year the Committee has been actively involved in the preparations for the introduction of new powers for the Standards Committee and the national Standards Board.

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 proposed:

- 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.

As part of the early stages of preparation, the Committee agreed to be one of fifty Standards Committees across the Country taking part in a Standards Board Pilot for developing the procedures for the local filtering of complaints. The Committee received a set of real cases, which had already been determined by the Standards Board, and met in a workshop to do a mock first stage filter of those complaints. Feedback was provided to the Standards Board on each case, on the time taken to determine the case, the outcome and giving detailed reasons for decisions made with reference to the Code of Conduct. This was a valuable exercise, enabling the Committee to shape the national development of the local filter process and giving experience to Standards Committee members in operating the likely local filter process.

In December 2007, the Council took part in a second pilot, with the Committee Officer on behalf of the Monitoring Officer and Standards Committee testing an online submission system being developed by the Standards Board to enable a quarterly return from each local authority on complaints received and deal with under the new arrangements. Once again, detailed feedback was provided to the Board, to assist with improvements to the system, prior to its introduction.

At its January 2008 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', orders which would put into effect the Local Government and Public Involvement in Health Act of October 2008.

The Committee responded to the consultation, which looked at the detailed arrangements for a revised more locally-based ethical regime to include:

- ⌘ Standards Committees' powers to make initial assessments of misconduct allegations.
- ⌘ Additional options for the Standards Committees and the Adjudication Panel in issuing penalties and sanctions.
- ⌘ The new strategic role for the Standards Board for England to provide supervision, support and guidance for the regime.
- ⌘ Amendments to the rules on the granting of dispensations, the granting of exemptions of posts from political restrictions and the pay of local authority political assistants.

As the final Regulations to come into effect on 1st May 2008 had still not been issued at the point of the Committee meeting on 14th April 2008, the Committee reviewed the DCLG summary of the consultation responses and its proposals for what would be included in the Regulations. The Committee also considered the Local Government Information Unit's Policy Briefing on the Act. The Committee authorised the Monitoring Officer to update the Standards Committee Terms of Reference and the Constitution as required to reflect any changes to the remit of the Committee arising from the Act and Regulations, when issued. It was noted that the immediate Regulations would relate specifically to local consideration of complaints, but would be followed by further Regulations during 2008/09 to put into effect other aspects of the Local Government and Public Involvement in Health Act 2007.

New Model Code of Conduct for Members

The Council adopted the new Members Code of Conduct at the Annual Council meeting on 18th May 2007, following the recommendation of the Standards Committee on the basis of a model code from the Department of Communities and Local Government (DCLG).

A series of training sessions were arranged for Councillors, Parish Councillors and Co-opted Representatives on the operation of the New Code of Conduct and the Committee viewed a training DVD issued by the Standards Board on the Code at its meeting in October 2007.

It was recognised at the time of adoption that it would be necessary to review other Council Codes and Protocols contained within the Constitution, relating to Members' Conduct to reflect the changes in the Code. The Committee at its meeting on 29th October 2007 agreed revisions to the following Codes of Conduct:

- ⌘ Monitoring Officer Protocol
- ⌘ Councillor Role Definitions
- ⌘ Guidance to Councillors on Dealings with the Media (incorporating changes agreed as part of a review during 2006/07 and reported back to the Committee in July 2007)
- ⌘ Protocol of Member / Officer Relationships
- ⌘ Members Planning Code of Good Practice

One of the concerns which the Committee had highlighted when the national Code of Conduct was drafted was a change to the treatment of confidential information, enabling Members to disclose information received in confidence, if such as disclosure was reasonable and in the public interest. One of the changes recommended to the Member / Officer Protocol at this point, was to require Members to seek the advice of the Monitoring Officer before disclosing such information under these provisions. This enables the new Codes provisions to operate consistently, while safeguarding Members when making a decision to disclose information.

The revised Codes and protocols as set out above were issued for full consultation with Borough Councillors, Parish Councils, Group Directors, Directors (including Primary Care Trust Joint Directors), Head of Internal Audit, Communication, Political Assistants, Capita (except Planning Code), Planning Committee and Developers Forum (Planning Code only).

The Committee reviewed the consultation responses in January 2008, and agreed a number of further changes as a result of the consultation. For example, Role Definitions were adopted for Standards Committee and Audit Committee Chairs and Members, and for Opposition Group Leaders in order to have definitions within the Constitution for all roles attracting a special responsibility allowance, in accordance with recognised best practice.

Anti-Fraud and Corruption Strategy and Whistleblowing Procedure

The Head of Internal Audit presented the revised Anti-Fraud and Corruption Strategy and the Whistleblowing Policy in January 2007, to take account of changes in legislation and ensure best practice. Following consultation, the revised policies were reported back to the Committee in July 2007 and formally approved. It was agreed at that time that these arrangements would be reviewed again in a year's time.

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 2007/08, the Committee was notified of six new complaints, and informed of the progress of investigation, and where appropriate resolution, of these and the three complaints carried forward from 2006/07. The Committee reviewed a complete summary of complaints received and a summary of the outcome of cases from 2006/07 and 2007/08 at its meeting in January 2008. The Committee were pleased to note that there had been a steady stream of complaints received from a variety of sources including officers, members and the public, showing that there was wide awareness of the whistleblowing policy and that the procedure was working effectively.

Members of the Council and Standards Committee 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.

The quality of the 'anti-fraud and corruption' work carried out by the Council, including the monitoring role of Standards Committee, was recognised by the Audit Commission in the assessment in March 2008 of the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources. The Council was given a top score in this area and assessed as operating at well above minimum requirements and performing strongly.

Ethical Audit

At the meeting in July 2007, the Committee reviewed and updated the Ethical Desktop Audit. The Committee had first carried out a desktop audit of the authority and local parishes in July 2005, based on criteria set out in an Ethical Audit Toolkit prepared by the IDeA (Improvement and Development Agency). This provides a checklist of actions which the Council and parishes can be judged to operate with good governance. The Committee had previously reviewed and updated the Matrix and agreed an Action Plan in March 2007 and the meeting in July provided an opportunity to review the progress of those actions.

It is anticipated that the Committee will continue to review and update the Ethical Audit Matrix and action plan during 2008/09.

During the year, the Monitoring Officer once again 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.

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, Parish Council Standard 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.

In addition, the Monitoring Officer and Vice-Chair and Parish Council Representative attended a Standards Board Roadshow held in Swindon during June 2007.

Key issues highlighted by the Standards Board during the year have included: -

- ✧ **A summary of the major changes in the new Code of Conduct** - With actions for Councils in adopting the new Code and a specific focus on the disclosure of confidential information.

- ⌘ **Information on how the Standards Board have determined Code of Conduct Complaints** – including the Case Review for 2007, the Annual Review of 2006-7 and an exploration of findings of no further action.
- ⌘ **Information on the preparations for new Standards Committee powers** including information on the consultation on new regulations and orders, a summary of the findings from the pilots, and a checklist for local authorities in the run up to April 2008 and adoption on new local filtering.
- ⌘ **Audit Commission review** of Councils that identified where Councils need to take stronger action in relation to ethical governance.
- ⌘ **Information on changes to the Standards Board** - Including the abolition of Independent Adjudicator giving a new role to Standards Committees to grant dispensations to staff to engage in political activities, and introduction to the Standards Board's new Chief Executive.

Code of Corporate Governance and Annual Governance Statement

In January 2008, the Committee alongside the Audit Committee were consulted on the production of a Council Code of Corporate Governance based on a new CIPFA / SOLACE Model and on the production of the statutory Annual Governance Statement, which replaced the Statement of Internal control.

The Director of Law and Democratic Services and the Head of Internal Audit had been asked by the Corporate Governance Working Group to review the existing governance arrangements against the Corporate Governance Framework and to develop a Local Code of Governance, including arrangements for its ongoing application and effectiveness.

The Standards Committee welcomed the proposals which would be a public annual governance statement on how the Council monitors the effectiveness of its governance arrangements and any planned changes in the coming period.

It is intended that the Standards Committee will provide assurance to the Audit Committee as to the effective operation of the Council's ethical framework.

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 Monitoring Officer has been notified of five complaints to the Standards Board, two related to Parish Councillors and three to Borough Councillors. Each case resulted in a decision by the Standards Board that the matter need not be investigated, one as a result of insufficient evidence and four on the basis that there was no potential breach identified.

From May 2008, such matters will be dealt with in the first instance by the local Standards Committee and only referred to the Standards Board for England for determination where there is the potential for a more serious breach of the Code of Conduct.

Parish Councils

Work has been ongoing with parish and town councils during the year, 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 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.

The Committee noted in the Standards Board Bulletin 35 (September 2007) that just under half of all complaints received across of the country related to Parish or Town Councils, but that 80% of Town and Parish Councils had not been the subject of a Code of Conduct complaint. The later proportion was broadly reflected in the Swindon borough and was welcomed. However, it was felt that the Standards Committee should seek assurance from parish councils in the Swindon area that they were fully conversant with the requirements of the new Code of Conduct and were receiving the level of support required from the Standards Committee and the Monitoring Officer.

In order to do this, Mr Mike Compton has began a series of visits to all the Parish Councils in the area. At each visit, Mr Compton has given a brief introduction to the work of the Standards Committee, discussed with Parishes how they are managing with the implementation of the New Code of Conduct and asked if they have any issues or concerns to raise, or wish for additional support from the Standards Committee or Monitoring Officer.

During 2007/08 Mr Compton has visited six local Parish Councils and reported back that appropriate arrangements are in place, and establish a good links to the Borough Standards Committee. Visits to the remaining Parish Councils are planned to take place during 2008/09.

Breach of Member / Officer Protocol

Two complaints under the Member / Officer Protocol have been notified to the Committee by the Monitoring Officer during 2007/08. In each case, the Monitoring Officer, together with the Chair of the Committee and where appropriate the Group Leader for the Member concerned, have met with the relevant Councillors 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 2007/2008 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 2007 and February 2008.

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.

Declarations of Interest

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

Following 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. All Councillors provided a new Register of Interest under the New Code of Conduct and regular reminders are given to members of the need to keep the register updated. 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 busy year and has continued to promote and monitor ethical standards in the authority and with local parish Councils. The adoption of the New Model Code of Conduct for Members, a review of the range of Codes and Protocols and of the Anti-Fraud and Corruption Strategy and Whistleblowing Policy are key highlights.

In addition, the Committee has begun to prepare itself for the new role of consideration of Code of Conduct complaints locally.

The Committee has continued to take a robust role in actively promoting and enhancing the Council's openness, accountability and probity and will continue to do so in the coming year.

There have been relatively few instances of impropriety during 2007/08, demonstrated by the fact that the Monitoring Officer and Committee have not been called upon to conduct a local Code of Conduct investigation and hearing since March 2007. Where informal complaints have been raised under the Member / Officer protocol these have been dealt with swiftly through discussions of the relevant Member with the Monitoring Officer and Chair. The whistleblowing scheme continues to operate well, and this has been demonstrated by the steady reporting of potential incidents throughout the year and investigation by Internal Audit.

The coming year is anticipated to be just as busy, with the Committee organising itself to take up its new powers in relation to local filtering of complaints and on consideration of appeals regarding politically restricted posts. The Committee will be seeking to hold a conference with the Council's partners to begin a conversation about working in partnership in terms of standards, probity and governance, and will continue to monitor its own arrangements and to support Parish Councils to operate best practice.