

# Ethical Framework Update

Standards Committee

Date: 19th January 2008

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**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 Use of Resources assessment for probity and propriety be welcomed;
- That the Committee review the process of preparation of the Council's Annual Governance Statement and the Group Directors / Directors assurance statement; and
- That the Committee consider the report on Parish Council visits.

## 1. Reasons

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

## 2. Detail

### *Use of Resources*

- 2.1 The Council's Use of Resources work for 2007/08 contributes to the Council's star rating under the Comprehensive Performance Framework (CPA), which will be published in February 2009.
- 2.2 The Audit Commission has confirmed that the overall theme score for Internal Control will continue to be 3, as in the previous years. In addition the notable practice and score of 4 for probity and propriety has been maintained for a second consecutive year, as a result of continuing development and embedding of arrangements. In particular, the Use of Resources Briefing note states that the Council continues to "perform strongly in the area of probity and propriety with its general notable practice in this area continuing to be recognised as such by the Audit Commission". A copy of the notable practice submission is attached at Appendix '1'.

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## *Interim Report on Local Filtering Arrangements – The First Eight Months*

- 2.3 Under the new local filtering arrangements in operation since 8<sup>th</sup> May 2008, the Standards Committee has received 12 complaints up to the 8<sup>th</sup> January 2009, involving 9 Borough Councillors and 2 Parish Councillors. We received 7 complaints for the period 8<sup>th</sup> May 2008 to 30<sup>th</sup> September 2008, which compares to an average of 4.2 complaints per unitary authority for that period.
- 2.4 None of the complaints were made by Borough or Parish Councillors. Attached at Appendix '2' is a schedule of the complaints received. The complaints broadly related to comments made by members; how correspondence was dealt with by members; and an alleged breach of planning control by a member. None of the complaints were considered by the Assessment Sub-Committee to warrant further action.
- 2.5 The complainants asked that 8 of those decisions be referred to the Review Sub-Committee and the decision of the Assessment Sub-Committee was confirmed on each occasion. In light of the comments made by the Sub-Committees, the Monitoring Officer is to write to all members advising them of the desirability of responding to correspondence and having a system in place to be able to prove that a response had been sent.
- 2.6 Nationally, 50% of complaints are not referred for further action; 29% are referred to the Monitoring Officer for investigation; 15% are referred to the Monitoring Officer for alternative measures and 6% are referred to the Standards Board for England.
- 2.7 The Assessment Sub-Committee and Review Sub-Committee are encouraged to determine complaints or referrals within 20 working days of receipt. The average time taken for the Assessment Sub-Committee to meet to determine complaints is 13 working days which is well within target and compares well with the national average of 20 working days.

## *Communities in control: real people, real power: Codes of conduct for local authority members and employees*

- 2.8 The Committee at its last meeting reviewed the Consultation on Codes of Conduct for Local Authority Members and Employees issued by the Department of Communities and Local Government (DCLG) on 1<sup>st</sup> October 2008, and authorised the Monitoring Officer in consultation with the Director of Human Resources and Change to submit the final response by 24<sup>th</sup> December 2008. A copy of that response is attached at Appendix '3' for information.

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## *Annual Governance Statement*

- 2.9 The Annual Governance Statement (AGS) is a formal statement that recognises, records and publishes an authority's governance arrangements. It is designed not only to give an opportunity for authorities to consider the robustness of their governance arrangements, but also provide an accurate representation of arrangements in place during the year and to identify areas where improvement is required.
- 2.10 The Use of Resources key lines of enquiry require that the board or equivalent is responsible for ensuring an adequate system of internal control is in place, and for reviewing and reporting on the effectiveness at least annually in a governance statement (the AGS). The guidance states that the AGS should be an open and honest self-assessment of its performance across all of its activities. It should contain a clear statement of the actions taken, or required, to address areas of concern.
- 2.11 The process used last year, for the preparation of the Council's Annual Governance Statement, is set out at Appendix '4'. The Committee is asked to review this process and recommend its adoption for the preparation of this year's statement.
- 2.12 Last year, as part of this process, Audit Committee asked Standards Committee for assurance regarding the following areas:
- ◆ Whistleblowing
  - ◆ Code of Conduct for Members and staff
- 2.13 In order to provide assurance, all Group Directors and Directors were asked to complete an assurance statement which is attached at Appendix '5'. The statement covers a number of areas including staff, internal control arrangements, and fraud risk assessments.
- 2.14 The Committee is asked to review last year's questionnaire and recommend any changes they feel are required including the addition of any areas/questions in relation to which the Group Directors and Directors should be asked to give assurance.

## *Swindon 'Standards in Partnership' Workshop*

- 2.15 Attached at Appendix '6' is the Key Lines of Enquiry (KLOE) setting out how the Council is to be assessed on its internal governance arrangements and its partnership governance arrangements.
- 2.16 As far as the partnership governance arrangements are concerned, the forthcoming Swindon 'Standards in Partnership' workshop is intended to ascertain the level of confidence stakeholders have in the partnership

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arrangements including the standards of conduct of Members and Staff. Further discussions have been held with the Head of Policy, with a view to convening the workshop during March 2009.

## *Parish Council Visits*

- 2.17 Mr Mike Compton (Parish Council Representative) has completed a programme of visits to all Parish Councils in the Borough. This programme has been highlighted in the Council's Use of Resources submission, as an example of notable practice. His report regarding the visits, and any outcomes for the Committee to consider, will be tabled at the meeting.
- 2.18 The visits have resulted in a number of Parish Councils identifying the need for further training on the Members Code of Conduct and the ethical framework. In conjunction with the Parish Clerks, a training session open to all Parish Councillors has been arranged on 22 January 2009 at Hayden Wick Parish Council Offices.

## *Standards Board Publications*

- 2.19 Attached at Appendix '7' is the Standards Board Bulletin Issue 41. This includes:
- ◆ A summary of the Alternative Action Masterclass at this year's Annual Assembly.
  - ◆ A review of the Standards Board's online monitoring system.
  - ◆ Feedback on adjourning local assessment decisions.
- 2.20 If any member of the Committee has any queries on any issue raised in the Bulletin, these can be raised at the Committee meeting and prior notice thereof to the Monitoring Officer would be helpful.

## **Alternative Options**

- Alternative Options, where applicable, are set out above.

### **Risk Management**

#### *Financial and Procurement Implications*

- There are no direct financial implications

#### *Legal / Human Rights Implications*

- There are no direct legal or human rights implications

#### *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.

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Further information on the subject of this report can be obtained from Stephen Taylor on Direct Dial on 01793 463012 or Email [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

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## **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
- Head of Internal Audit

## **Background Papers and Appendices**

- Appendix '1' - Use of Resources Notable Practice Submission
- Appendix '2' – A summary of Code of Conduct complaints received under Local Filtering Arrangements.
- Appendix '3' – Council Response to the DCLG Consultation Paper on Members and Employees Codes of Conduct
- Appendix '4' - Flowchart for Approvals Process for the Annual Governance Statement.
- Appendix '5' – Annual Governance Statement - Group Directors and Directors Assurance Statement
- Appendix '6' – Key Lines of Enquiry (KLOE) 2.3
- Appendix '7' - Standards Board Bulletin (Issue 41)