

Ethical Framework Update

Standards Committee

Date: 15th October 2012

Author:	Director of Law and Democratic Services
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To provide an update on various matters related to the Ethical Framework, to keep the Committee informed of issues of probity in the Council.

2. Recommendations

The Committee is recommended to:

- 2.1 Note the Ethical Framework update.
- 2.2 Approve the Desktop Ethical Audit Update dated October 2012, subject to any amendments which may be made by members of the meeting. .
- 2.3 Consider if the Monitoring Officer should be requested to carry out a further review of the Council's Codes and Protocols.
- 2.4 Determine any applications for dispensation as referred to in Paragraphs 3.14 – 3.16 2.12 -2.13 of this Ethical Update report.

3. Detail

Desktop Ethical Audit Update

- 3.1 The Committee last reviewed the Desktop Ethical Audit at its meeting in October 2011, and it was agreed that this should be updated on a regular basis.
- 3.2 The latest Desktop Ethical Audit is attached at Appendix '1' for the Committee to review.

Training for Members

- 3.3 Attached at Appendix '2' is a record of all training undertaken by Councillors since May 2012. This includes induction training to all new Members of the Council following the May 2012 Borough Elections, with a session from the Monitoring Officer on ethics, probity and governance matters, the Council's constitution, Members Code of Conduct and Declarations of Interest. All members of the Planning Committee and Licensing Committee received appropriate training, prior to sitting on these Committees. In addition, training was offered to all Councillors and Co-opted Members following the adoption of

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the new Members Code of Conduct in June 2012, which came into effect on 1st July 2012.

Training for Independent Persons

- 3.4 The Council's two Independent Persons (IPs), Mr Paul Morris and Mr Peter Morgans attended a training workshop at Basingstoke and Deane Borough Council on 27th September 2012, which approximately 40 Independent Persons from other Authorities also attended.
- 3.5 The following is a summary of the feedback they have provided as to the session:-
- a) Of those IPs attending, approximately half were formerly Independent Members, and the others were completely new to the Standards Framework.
 - b) Most Councils represented had adopted a new Code which was similar to the previous Statutory one.
 - c) The session was led by Paul Hoey (formerly of the Standards for England) and Jonathan Goolden (former trainer and IP to two Councils).
 - d) It is a new role for everyone, based around an IP now being "an expresser of views" as opposed to being an advisor.
 - e) One of the speakers, Jonathan Goolden felt that advice to Members should always be given via the Council and in writing and should be shared with both parties. However, he also had concerns that his independence as an IP could be put under strain if having to disclose what has been said by a Councillor to all parties.
 - f) Included in the workshop was a discussion on the criminal charge for non-disclosure of pecuniary interest and Monitoring Officers having a point of contact with local Police to understand if any charges will be made in relation to allegations made.
 - g) Hoey Associates, who ran the workshop are looking to set up a Standards Exchange, a dedicated website for the standards community, including an interactive forum, latest news, shared good practice, events calendar and training materials, cost to local councils of £300 plus VAT.
- 3.6 The Independent Persons will elaborate at the meeting on any additional points or questions on the session.
- 3.7 In relation to point e) above, the Monitoring Officer considers that is not appropriate for Independent Persons to share with all parties their views given to the member, unless the member concerned agrees. This is because those views may depend on what is said to them by the Councillor, which might need to be recited in any communication which sets out the views of the IP. The Councillor may wish to keep confidential what they have said, for whatever reason, and there is no reason why confidentiality should not be respected and the Act does not require otherwise. It is good practice, however, for the views are expressed

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by the IP to the member to be confirmed to the member in writing by letter or email.

- 3.8 In relation to point g) above, it is intended that the Council will sign up to the Standards Exchange, but further details are awaited from Hoey Associates.

Parish Councils

- 3.9 Under the provisions of the Localism Act 2011, all the Parish Councils are also required to adopt a new Member Code of Conduct. This can be either similar to that of Swindon Borough Council, or can be some other Code such as the Draft Code issued by the National Association of Local Councils (NALC). Set out at Appendix '3' is a summary of the adoption of Codes of Conduct by local Parish Councils. The summary will be updated at the meeting.
- 3.10 A copy of the Declarations of Interest of each Parish Councillor is being placed on the Council's website, when received by the Monitoring Officer, as required by the Act.
- 3.11 The Monitoring Officer has been asked to provide to specific training to Parish Councillors on the new standards regime and a date is awaited from the Parish Council Clerk who is co-ordinating this.

Review of the Council's Codes of Protocols

- 3.12 In the annual work programme approved at the beginning of the year, it was suggested that at this meeting the Monitoring Officer review with the Committee any amendments to the Council's Codes and Protocols still required as a result of the changes in the Standards Regime.
- 3.13 However, changes which were required as a result of the adoption of the new Code were carried out in June 2012. The Committee is asked if it wishes the Monitoring Officer to undertake a further review of the Codes and Protocols of the Council at this time.

Dispensations

- 3.14 The Standards Committee is authorised to grant dispensations under Section 33 of the Localism Act 2011 to allow a Member with a pecuniary interest in a matter to speak and / or vote on that matter.
- 3.15 A question has arisen as to whether all Members have a pecuniary interest in the setting of the Council Tax, in which case, a dispensation to allow speaking and voting would be required. A request for such dispensation has to be in writing, in accordance with Section 33 of the Act.
- 3.16 The Monitoring Officer will report further at the meeting following discussions with the Party Groups on this matter.

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4. Alternative Options

- 4.1 Any alternative options are set out in the body of the report.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no specific financial or procurement implications involved in this report.

Legal and Human Rights Implications

- 5.2 The legal and human rights implications, where applicable, are set out in the body of the report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no other implications that have been identified as important for this report.

Links to One Swindon, Plans and Policies

- 5.4 Monitoring of issues of probity in the Council underpins the Council's plans and policies and the delivery of One Swindon objectives.

Diversity Impact Assessment

- 5.5 A Diversity Impact Assessment has not been completed for this report, as it does not recommend a change in Council policy or service.

Risk Management

- 5.6 A risk assessment has not been completed in relation this report, as it does as it does not recommend a change in Council policy or service. Arrangements for meeting the requirements of the Localism Act and monitoring probity of the Council, ensures that good governance is maintained and protects the reputation of the organisation.

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

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8. Appendices

- 8.1 Appendix 1 – Desktop Ethical Audit Matrix
- 8.2 Appendix 2 – Summary of Borough Councillor Training since May 2012
- 8.3 Appendix 3 – List of Parish Councils adoption of a new Members Code of Conduct.