

## **STANDARDS COMMITTEE**

**MONDAY, 15 OCTOBER 2012**

**PRESENT:** - Councillors Richard Hurley (Vice-Chair, in the Chair), Rex Barnett, Mary Friend and Teresa Page.

Co-opted Members: Mr Trevor Davies (Lay Member), Mr Mike Compton (Parish Representative) and Mr Richard Hailstone (Parish Representative).

Independent Person: Mr Peter Morgans

Apologies for absence were received from Councillor David Wood, Councillor Fay Howard, Mr David Dawson and Mr Paul Morris (Independent Person).

### **9. Appointment of Vice-Chair**

Resolved – That Councillor Richard Hurley be Vice-Chair of the Standards Committee for the municipal year 2012/13.

In the absence of the Chair, Councillor Hurley chaired the meeting.

### **10. Declarations of Interest**

The Vice-Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

### **11. Minutes**

Resolved – That the minutes of the last meeting held of the statutory Standards Committee on 11<sup>th</sup> June 2012, be confirmed and signed as a correct record.

### **12. Public Question Time**

No public questions were received during the meeting.

### **13. Exempt Items - Exclusion of Press and Public**

Resolved - That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred in Agenda Item 9 on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information concerned (Minute 16 refers.)

### **14. Standards Committee Annual Report**

The Committee considered a report of the Director of Law and Democratic Services (Monitoring Officer) asking the Committee to agree the Annual Report for the statutory Standards Committee for 2011/2012, which included its last meeting in

June. The Committee noted a correction to the Membership section (replacing Councillor Rochelle Russell with Councillor Sinead Darker), but subject to this amendment agreed the report and asked that it be presented to the next meeting of Council.

Resolved – (1) That the Annual Report for the Statutory Standards Committee 2011/2012 be approved, subject to a correction to the membership section, and forwarded to Council for information.

## **15. Ethical Framework Update**

The Committee received a report from the Director of Law and Democratic Services (Monitoring Officer) providing an update on matters relating to the Ethical Framework, including:

- a) Desktop Ethical Audit Update – The Committee received the latest update, which provided a checklist for ethical governance and reflected changes made to governance arrangements, including those resulting from the Localism Act 2011.
- b) Training for Members – The Committee noted the training by Members undertaken since May 2012. Councillor Page advised that she had attended the training on 9<sup>th</sup> July 2012, but was not included on the attendance list. It was recognised that not all Members had managed to attend the training on the new Members Code of Conduct. It was recommended to the Monitoring Officer that an additional training session be held for Members who had not attended one to date, and that Borough Councillors could be invited to the session which the Monitoring Officer was running for Parish Councillors on 12 November 2012 at the Ellendune Centre, Wroughton.
- c) Training for Independent Persons – The Committee received written feedback from each of the Independent Persons on regional training they had attended on their role. Mr Peter Morgans attended the meeting and spoke to the update. One of the trainers had raised the question as to whether when advising Councillors or Parish Councillors, the Independent Person was required to provide the information disclosed to the Standards Committee. The Committee discussed and agreed that the Independent Persons for Swindon should not disclose to the Committee any information given to them when providing their views to a particular Member or Parish Councillors, unless it involved the disclosure of a potential criminal matter. The Monitoring Officer advised that two Independent Persons had been appointed so that if one was consulted by a Member or Parish Councillor, the other would still be available to provide their views to the Standards Committee or Panel.
- d) Parish Councils – It was noted that of the 14 Parish Councils in the Swindon Borough area, 9 had adopted the Swindon Borough Council Member Code of Conduct, 1 had adopted it but with amendments, and 3 had adopted the National Association of Local Councils Code of Conduct. The information on which Code had been adopted by Stanton Fitzwarren Parish Council was still awaited. As required by the Localism Act 2011 the Borough Council was placing a copy of the Declarations of Interest form for each Parish Councillor

on its website. In addition, the Monitoring Officer was providing training to Parishes on the Borough's Code on 12<sup>th</sup> November 2012.

- e) Review of the Council's Codes and Protocols - The Committee gave consideration as to whether to invite the Monitoring Officer to begin a regular review of the Codes and Protocols. It was agreed that as many of the changes requires as a result of the adoption of the New Code of Conduct had taken place in June, it was not necessary to carry out another review at this stage.
- f) Dispensations – The Committee noted that the Localism Act 2011 and its regulations had not included an automatic exemption for Councillors members from having a prejudicial interest when setting the Council Tax or Precept. As a result it was necessary for each Councillor to apply in writing to the Standards Committee under Section 33 of the Act, for a dispensation to enable them to participate in any matter which had a bearing on the setting of the council tax or a precept. 41 Councillors had submitted applications for a dispensation to set the Council Tax and the Standards Committee approved these for a period of 4 years until 14<sup>th</sup> October 2016. It was agreed that the Monitoring Officer in consultation with the Chair be authorised to grant any further applications for a dispensation received from the remaining sixteen Councillors on this matter only for the same period. The parish representatives present requested the Monitoring Officer to write to Parish Clerks to alert them to the need to make arrangements for Parish Councillors to receive similar dispensations from for their own budget and precept setting meetings.

Resolved – (1) That the Ethical Framework update be noted.

(2) That the Desktop Ethical Audit Updated dated October 2012 be approved.

(3) That no further review of the Council's Codes and Protocols is required at this time.

(4) That the Independent Persons be advised that any information provided to them when they are consulted on a Standards Complaint Matter and any views given by them are not to be disclosed to the Standards Committee, unless it involved a potential criminal matter.

(5) That the Monitoring Officer be requested to arrange additional training for Borough Councillors who have not received training to date on the new Members Code of Conduct.

(6) That dispensations be granted for the period until 14<sup>th</sup> October 2016 to Councillors set out in Minutes Appendix 1 to speak and vote in respect of any matter which has a bearing on the setting of the Council Tax or Budget, and the Monitoring Officer be authorised in conjunction with the Chair of the Standards Committee to grant dispensations to any additional Councillors who apply for a dispensation on the same matter and for the period until 14<sup>th</sup> October 2016.

(7) That the Monitoring Officer advise the Town and Parish Clerks of the need to arrange similar applications and determination of dispensations in respect of Town

and Parish Councillors setting Parish budgets and precepts.

**16. Ethical Compliance Report**

The Committee considered an exempt report from the Director of Law and Democratic Services (Monitoring Officer) regarding the outcome of various ethical framework compliance matters, including progress on Whistleblowing cases since the last Committee, Breach of the Protocol for Member/Officer Relations and Code of Conduct Complaints.

Resolved – That the Ethical Framework Compliance report be noted.