

Ethical Framework Update

Standards Committee

Date: 15th July 2013

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 and that nominations for 2 members of the Committee are awaited from the Swindon Area Committee of the Wiltshire Association of Parish Councils;
- 2.2 consider what guidance to issue to councillors in relation to making comments on issues relating to school openings or closures; and
- 2.3 adopt the Independent Persons protocol, as set out in Appendix 3 to this report, subject to any changes made by the Committee.

3. Detail

Reference from Children and Young People Overview Committee

- 3.1 At its meeting on 27th March 2013, the Children and Young People Overview Committee considered a review into Opening and Closing Schools.
- 3.2 One of the recommendations from the Committee was 'That the Standards Committee be asked to consider whether guidance should be given to members regarding the specific matter of making comments on any instances of School openings or closures'. A copy of the minute of the meeting is attached at Appendix 1.
- 3.3 The Standards Committee is asked to consider if the issuing of any guidance to Councillors is appropriate and, if so, what form that guidance should take.

Committee on Standards in Public Life

- 3.4 In the Committee on Standards in Public Life's Annual Report, reported at the last meeting, it has been indicated that it was likely to undertake a review of the standards regime under the Localism Act in 2014/15, due to its feeling that the

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lack of sanctions and independent scrutiny is having an impact on public confidence in Local Government.

- 3.5 An article on this matter, extracted from Local Government Lawyer of January 2013 on this matter is attached at Appendix 2.
- 3.6 The Director of Law and Democratic Services will keep the Committee updated on any review that might be undertaken in respect of the Standards Regime.

Dispensations

- 3.7 Section 33 of the Localism Act 2011 enables members who consider that they may have a disclosable pecuniary interest (DPI) to apply for a dispensation to allow them to speak and vote. No such dispensations have been granted by the Monitoring Officer in consultation with the Chair of the Standards Committee, since the last meeting.

Independent Persons Protocol

- 3.8 The Independent Persons attended a workshop in September 2012, which discussed the role of the Independent Person. Subsequently, an Independent Persons Protocol was prepared and circulated by those running the workshop (Hoey Ainscough Associates Ltd).
- 3.9 The Council has complete discretion as to whether to adopt a protocol for its Independent Persons or not. This was a generic document and the Monitoring Officer has amended it to accord with the arrangements that the Council has adopted for considering Code of Conduct Complaints.
- 3.10 A suggested draft protocol for this Council, attached at Appendix 3, was presented at the last Committee. This was deferred to allow further consideration by the Independent Persons. The Independent Persons have not yet been in a position to take this forward and will report back to the meeting.
- 3.11 In addition, one of the Independent Persons has met with the Independent Person(s) of Wiltshire Council and will report back to the meeting on matters discussed.

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Membership of the Committee

Members are advised that the Swindon Area Committee of the Wiltshire Association of Local Councils has put forward three nominations for parish council representation on the Standards Committee. As there are only two places on the Committee allocated for Parish Council representatives, the Area Committee has been advised of the situation and have been asked for just 2 nominations. Members will be updated at the meeting.

Training

- 3.12 There were no Council elections in May 2013 this year and therefore no induction training has needed to be carried out. All Councillors involved in Planning and Licensing Committees have attended training prior to sitting on Committees and discussions are taking place on the potential for other training for Councillors. The outcome of these discussions will be considered by the Member Development Training Group in due course.
- 3.13 The Monitoring Officer carried out Code of Conduct training at Chiseldon on 26th March 2013 which was attended by 14 Parish Councillors and 3 parish clerks from 4 parishes.. He also carried out training on chairing skills and other matters at Wroughton on 3rd July 2013 which was attended by 2 parish clerks and 11 parish councillors from 4 parish councils.

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 Any financial or procurement implications will be contained within the existing budget.

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.

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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

8. Appendices

- 8.1 Appendix 1 – Reference from Children and Young Peoples Overview Committee
- 8.2 Appendix 2 – Article from Local Government Lawyer.
- 8.3 Appendix 3 – Suggested Independent Persons' Protocol