

**Swindon Borough Council**

# **Standards Committee**

**Annual Report**

**1 July 2013 – 16 May 2013**

## Introduction

The requirement for Councils to have a Standards Committee with an independent Chair and independent members was abolished by the Localism Act 2011, and the Council's statutory Committee ceased on 30 June 2012.

The Council adopted a new Members Code of Conduct from 1 July 2012 and appointed a non-statutory Standards Committee to carry forward many of the functions of the previous statutory Committee. It has continued to promote 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 has sought to maintain the profile of probity and conduct in the Council.

This Annual Report is a record of the work of the statutory Standards Committee from 1<sup>st</sup> July 2012 to 16<sup>th</sup> May 2013.

## Standards Committee Remit

The remit of the Standards Committee was to:

- Advise on the adoption and monitoring of relevant codes of conduct and behaviour.
- Oversee the Council's anti-fraud strategy and whistleblowing procedures
- Consider complaints received that Borough or Parish Councillors have breached the Members Code of Conduct, working through an Assessment Panel.
- Monitor complaints relating to breaches of all other codes and procedures
- Monitor and recommend training to Officers, Members and Parish Councillors in relation to the Council's ethical framework.
- Consider request for dispensations.

## Membership of the Committee for 2012/13:

Councillors	Co-opted Parish Representatives	Co-opted Lay Members
Cllr David Wood (Chair) Cllr Fay Howard Cllr Rex Barnett Cllr Richard Hurley (Vice-Chair) Cllr Mary Friend  Cllr Doreen Dart (deputy until October 2012 ) <i>(Appointed at Annual Council)</i>	Mr Mike Compton Mr Richard Hailstone  <i>(Appointed following nomination by the Swindon Area Committee of Parish Councils)</i>	Mr Trevor Davies Mr David Dawson

## Independent Persons

The Council appointed two Independent Persons (IPs) from 1 July 2012, to carry out the functions described by the Localism Act 2011 in respect of providing their views to complainants, Councillors and the Assessment Panel on complaints and the complaints process. Both were appointed following public advert. Mr Peter Morgans was completely new to the Council. Mr Paul Morris had been an Independent Member on the Standards Committee previously, and has been able to bring this experience to the role.

The IPs attended regional training on their new role in September 2012, and a draft IP protocol to set out the parameters of their work arose from the workshop training session drafted by Hoey Ainscough Associates Ltd. This was adapted by the Monitoring Officer to reflect Swindon circumstances and reviewed by the Committee in March 2013. Adoption has been deferred until the Swindon IPs have further time to discuss the protocol with the Monitoring officer, and is expected to be adopted during 2013/14.

## Annual Report and Work Programme

The Committee agreed the Annual Report of its work for 2012/13 at the first full meeting of the new Standards Committee in October 2012. Under the Localism Act, the Council was required to specify a Committee which would receive Complaints under the Code of Conduct. The Council decided to continue with a stand-alone Standards Committee having this responsibility, and agreed it should retain its other work in overseeing the other Codes and Protocols of the Council and Whistleblowing Complaints. The Standards Committee met on four occasions between 1 July 2012 and 16<sup>th</sup> May 2013, and worked to its scheduled work programme. This included one special meeting, which was called to deal with dispensation applications.

## Summary of Members Code of Conduct Complaints:

Set out below is a summary of the complaints received and dealt with by the Committee in 2012/13 compared to previous four years, relating to breaches of the Members Code of Conduct:

Year	Complaints	No Further Action	Withdrawn	Referred for Monitoring Officer Action	Referred for Investigation	Breach	No Breach	Outcome Awaited
2008/09	14	13	0	0	1	1	0	0
2009/10	7	4	0	1	2	1	1	0
2010/11	12	4	4	0	4	0	4	0
2011/12	10	6	0	2	2	0	2	
2012/13	5	1	0	0	0	0	0	4*

\*All 4 complaints have subsequently been determined as requiring no further action.

## **Type of Complaints:**

Of the 5 complaints received during 2012/13, 4 related to 3 Borough Councillors and 1 to a Parish Councillors. The complaints concerned related to a wide range of issues, including comments in ward literature, inappropriate comments in writing, on the phone or at a meeting and not responding to correspondence. All 5 complaints were from members of the public.

## **Processing of Complaints:**

The new Standards Assessment Panel met on two occasions during the year. It carried out the first stage assessment of the complaints received and reviewed investigators reports arising from two complaints that were investigated under the old Code of Conduct from 2011/12 and agreed with the Investigator's recommendation that there was no breach of the Code. It also considered an investigator's report for a complaint under the Protocol of Member/ Officer Relations and made arrangements for a Hearing.

## **Investigations:**

Where complaints had been referred for investigation the Monitoring Officer appointed an external investigator in order that he could continue to provide advice to the Standards Committee itself. In addition, two complaints under the Protocol of Member / Officer Relations had been referred to an Investigator.

The Monitoring Officer reviewed all completed investigations to ensure the quality of the investigation, final report and presentation to the Assessment Panel or Hearings Panel. The selection of external investigator was based on the quality of work carried out, and the cost was benchmarked against a call-off contract to ensure value for money was achieved.

The cost of investigators and other legal fees paid during the period July 2012 to May 2013 was £14,496 (£10,496 on Code of Conduct Complaints, and £5,470 on Protocol of Member / Officer Relations Complaints). All costs related to complaints which had been submitted prior to July 2012.

## **Monitoring of Complaints:**

The Standards Committee received a brief summary of the progress of Code of Conduct complaints at each meeting during the year.

## **Breaches of the Member / Officer Protocol**

At each meeting of the Committee, the Monitoring Officer also reported as to whether or not any complaints had been received under the Member / Officer protocol. No complaints were received under the Protocol of Member / Officer relations during 2012/ 2013.

The investigator's report from the one outstanding complaint from 2011/12 was considered at a Hearing on 19<sup>th</sup> October 2012. The Councillor was found to have breached the Protocol, and was asked to provide an apology and undertake training. Both have been completed.

The Monitoring Officer has continued to work behind the scenes in discussion with senior officers and political groups, in relation to any incident, which he has been made aware of informally.

## **Monitoring of Whistleblowing Complaints**

Throughout the year, the Standards Committee has continued to monitor complaints received against Officers under the Council's Whistleblowing policy, being notified of new complaints and the progress and outcomes of investigations, and considering learning points which arise. During 2012/, 3 new whistleblowing cases were received and investigated. 1 has resulted in a disciplinary action, and 2 were found to be unsubstantiated. However, in the latter two cases, additional internal controls were identified in the work areas concerned to improve future work practice.

The Committee noted at its March 2013 meeting that controls had improved as a result of two of the Whistleblowing cases and asked the Director of Law and Democratic Services to investigate whether any of the complainants had received any unfavourable treatment as a direct result of making the complaint. This was a matter that the Director would report back on in 2013/14 following discussions with the Head of Internal Audit.

## **The Localism Act 2011 and the Standards Regime**

The new standards regime came into operation in July 2012, having been recommended to Council at the last statutory meeting in June.

The Committee was due to carry out a review of the Code of Conduct and the adopted process at its meeting in January 2013. This was deferred to the 2013/14 work programme as, having only dealt with one complaint at that point, the Committee felt it was difficult to judge the success of the processes to date. However, the Committee did amend the pre-ample to the Members Code of Conduct at its March 2013 meeting to reflect the revised description of the seven principles of public life which were set out in the 14<sup>th</sup> Report of the Committee on Standards in Public Life. This amendment was also endorsed by the Corporate Governance Review Working Group.

The Committee would usually carry out a review of all its Codes and Protocols at its meeting in October. However, as many of these had been amended to reflect the Localism Act 2011 changes and the new Code of Conduct, the Committee deferred any further review until 2013/14.

## **Desktop Ethical Audit**

The Standards Committee completes an annual Desktop Ethical Audit, based on that designed by the IDeA to assess that it has all governance requirements in place.

The annual review and update was approved by the Committee in October 2012.

## **Standards Exchange**

The Committee at its meeting in March 2013 endorsed the Monitoring Officer signing up to an interactive website, Standards-Exchange. This site is designed to be a repository of knowledge and good practice in relation to standards matters.

## **Leader and Chief Executive Question and Answer Session**

The Leader of the Council, and the Chief Executive, attended the meeting in January 2013 to discuss the Council's approach to ethical governance, and their key priorities in relation to ensuring that high ethical standards are promoted and maintained within the Council. This is an annual session for the Standards Committee to discuss Ethical Governance issues, with the Political and Officer leadership of the Council.

The discussion included:

- Recognition that it had been a year of transition for the Standards Committee to working under the new arrangements set up under the Localism Act 2011 and an acknowledgment that the arrangements seemed to be working well.
- Recognition of the good working relationships in the Council between Members and Officers, and Members and Members. It was recognised that the Group Leaders had a key role to play to continue this by asking their Councillors to make sure that political attacks in meetings were directed at policy and not personal.
- Praise for the work carried out by the Monitoring Officer during the last year, in his robust professionalism in dealing with increasingly difficult and complex situations.
- The continuing growth of social media, and the difficulties that presents for Councillors knowing how and when to engage, and ensuring that their contributions are compliant with the Media Guidelines for Councillors and the Member Code of Conduct, which had been updated to take into account this growth.
- How to engage effectively with local communities and local people, in a way which was clear and constructive.

## **Annual Governance Statement**

The Committee at its meeting in March 2013 was consulted on the arrangements for preparing the Council's Annual Governance Statement, including the areas and questions which Board Directors and Directors were asked to give assurance on.

This is important as the Annual Governance Statement is the formal statement that recognises, records and publishes the Council's governance arrangements.

## **Standards Exchange**

The Committee at its meeting in March 2013 endorsed the Monitoring Officer signing up to an interactive website, Standards-Exchange. This site is designed to be a repository of knowledge and good practice in relation to standards matters.

## **Training**

The Committee has continued to assure itself by regular updates that appropriate ethical training of Borough Councillors and Parish Councillors is taking place, including reports to its October 2012, January 2013 and March 2013 meetings. The Monitoring Officer provided induction training to all new Members of the Council following Borough Elections in 2012. This covered ethics, probity and governance matters, including an overview of the Council's constitution, Members Code of Conduct and Declarations of Interest. All members of the Planning Committee and Licensing Committee have received the necessary training, prior to sitting on these Committees.

## **Parish Councils**

The Standards Committee has continued to monitor training for Parish Councillors and offered assistance where required, as an important part of its role. The Committee has received an update at each of its meetings on local Parish Councils, and the Monitoring Officer has carried out a number of training sessions for Parish Councils during the year.

One of the duties under the Localism Act 2011 was for Parishes to determine which Code of Conduct to adopt, and to publish their own Councillors Registers of Interest on their websites. The Council was also required to hold a copy of the registers on their website. Three local Parish Councils chose to adopt Codes of Conduct in line with recommendations from the National Association of Local Councils. The remaining 11 Parishes have sought to adopt similar Codes to that of the Borough Council. The latter is not a requirement, but has made it easier for the Monitoring Officer to provide training. The Committee received an update at its meeting in October of how Parishes were progressing with adopting codes and publishing registers on both their own and the Council's website.

The Monitoring Officer chaired quarterly meetings of Parish Clerks in the Borough throughout the year, and the Ethical Framework was a standing item on the agenda, with any issues arising able to be reported back to the Standards Committee. In addition, quarterly liaison meetings were 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.

## **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 2012/13 Municipal Year that related to the ethical standards of the authority.

## **Dispensations**

Under the arrangements for implementing Localism Act 2011, the Council agreed that the role of granting dispensations should be designated to the Standards Committee.

At its meeting in October, the Committee were advised 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. All 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.

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.

A special meeting of the Committee was held in December, to consider applications for Dispensations for Councillors who might be affected by the vote on two reports on the Cabinet and Council agenda, relating to Discounts and Exemptions for Council Tax and the Council Tax Support Scheme and these were granted.

In addition, it was agreed that to save the need to hold Special Meetings of the Standards Committee on a regular basis, that the Monitoring Officer in consultation with the Chair of the Committee should have delegated authority to deal with other urgent applications for dispensations received in between scheduled Standards Committee meetings, with a list of any granted being reported to the next meeting.

No further applications for dispensations have been received during 2012/13.

## **Summary**

The Standards Committee had a busy 2012/13, with the abolition of the statutory standards framework, and the start of working in a new way, with solely Councillors able to formally vote, having regard to the views of the co-opted members and Independent Persons.

The Committee has continued to promote and monitor ethical standards in the authority and with local parish Councils, and has sought to actively promote and enhance the Council's openness, accountability and probity, in its own work and that with its partners.