

# Ethical Framework Update

**Standards Committee**

**Date: 7<sup>th</sup> October 2013**

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

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## **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 Adopt the Independent Persons Protocol attached at Appendix 1, subject to any further comments from members.
- 2.3 Endorse the Ethical Audit Desktop Analysis attached at Appendix 2, subject to any comments from members.

## **3. Detail**

Reference from Children and Young People Overview Committee

- 3.1 At its meeting on 15<sup>th</sup> July 2013, following consideration of a reference from the Council's Children and Young People Overview Committee, the Standards Committee asked that the Director of Law and Democratic Services report on the issue of possible guidance for members in relation to invitations to comment on instances of school openings or closures.
- 3.2 Work on this is on-going and I will report further at a future meeting.

Dispensations

- 3.3 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

- 3.4 The Independent Persons attended a workshop in September 2012, which discussed the role of the Independent Person. Subsequently, an Independent

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Persons Protocol was prepared and circulated by those running the workshop (Hoey Ainscough Associates Ltd).

- 3.5 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.
- 3.6 A suggested draft protocol for this Council was presented at the last Committee. Consideration of the protocol was deferred to allow the Independent Persons to meet with the Director of Law and Democratic Services to review the draft protocol and to discuss related issues, including the adoption of the code by other authorities and the role of the Hoey Ainscough Associates Ltd.
- 3.7 The Independent Persons met with the Director of Law and Democratic Services on 25<sup>th</sup> July, and an updated draft Protocol is attached at Appendix 1.

## Membership of the Committee

- 3.8 Members were advised at its last meeting that the Swindon Area Committee of the Wiltshire Association of Local Councils had put forward three nominations for parish council representation on the Standards Committee but that, as there are only two places on the Committee allocated for Parish Council representatives, the Area Committee had been asked for just 2 nominations.
- 3.9 Subsequently, at their meeting on 19<sup>th</sup> September 2013, the Swindon Area Committee nominated Mike Compton and Richard Hailstone as the Parish Council representatives.

## Consideration of any recommended updates to Codes and Protocols

- 3.10 In the annual work programme approved at the beginning of the year, it was agreed that the Standards Committee would consider any recommended updates to Codes and Protocols.
- 3.11 There are no recommended updates at this stage but further work is on-going and a report will be submitted to the next meeting.

## Update to the Council's Ethical Audit Self-Assessment

- 3.12 The Committee last reviewed the Desktop Ethical Audit at its meeting in October 2012, and it was agreed that this should be updated on a regular basis.
- 3.13 The latest Desktop Ethical Audit is attached at Appendix 2 for the Committee to review.

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## Revisions to Plain English Guide - Openness and transparency on personal interests: A Guide For Councillors

- 3.14 Copies of the Department for Communities and Local Government's revised Plain English Guide for Councillors on openness and transparency on personal interests and its revised illustrative text for a code of conduct for members and co-opted members of local authorities are attached at Appendix 3. Members will be aware that the Council did not adopt the DCLG recommended Code as it considered the previous model code to be preferable. Accordingly, the Council's own code of conduct for members does set out the position in more detail.
- 3.15 The guide sets out the Government's view as to how councillors should treat their personal interests and has been revised with new guidance making it clear that councillors should treat Trade Union membership as a personal, non-pecuniary interest which should be registered and declared. The illustrative code has been revised to reflect the same guidance. This is already the case under the Council's own Code and it could, therefore, be argued that the Government is gradually moving back towards the ethical framework in place under the previous model code.
- 3.16 Further, the Government's view is that where a Councillor is sponsored by a Trade Union, this constitutes a disclosable pecuniary interest and as such must be registered and declared.
- 3.17 Hoey Ainscough Associates Ltd have advised that they are currently analysing the implications for members, councils and their codes of conduct shortly and will publish this on the Standards Exchange.

## Training

- 3.18 Attached at Appendix 4 is a record of all the member training events that have taken place so far this Municipal Year and details of proposed training events to be held over the remaining period of the year.
- 3.19 Discussions have taken place on the potential for additional training for Councillors and the Committee is advised that a report will be submitted to the Member Development Advisory Group meeting in October seeking the views of the Advisory Group on (i) specific proposals for Member Training and Development to support Councillors in carrying out their various roles, and (ii) revised induction proposals for newly appointed members.
- 3.20 At present, a number of sessions are held by the Monitoring Officer each year around the parishes to train parish councillors on the ethical framework and chairing skills. Borough Councillors who are also parish councillors attend. Parish Councillors have also been specifically invited to some planning training provided for borough councillors. In addition, parish councillors have attended training sessions they have seen advertised in the Members Bulletin.

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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 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.

### 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 Board Director Resources (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 – Draft Independent Persons’ Protocol (To Follow)
- 8.2 Appendix 2 - Desktop Ethical Audit
- 8.3 Appendix 3 - Copies of the Department for Communities and Local Government’s revised plain English Guide for Councillors on openness and transparency on personal interests and its revised illustrative text for code of conduct for members and co-opted members of local authorities
- 8.4 Appendix 4 – Member Training Events