

Ethical Framework Update

Standards Committee

Date: 27th January 2014

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 and 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 Consider the Council's existing Codes and Protocols, in the light of submissions received following consultation, and determine whether any changes should be made;
- 2.3 Authorise the Monitoring Officer to conduct the appointment of Independent Persons as set out in the report;
- 2.4 Endorse the re-appointment of the current co-opted lay members at the Annual Meeting of Council in June 2014 for a further year; and
- 2.5 Authorise the Monitoring Officer to conduct the appointment of future co-opted lay members as set out in the report.

3. Detail

Review of Codes and Protocols

- 3.1 The Standards Committee has previously agreed to regularly review the following Codes and Protocols to ensure that these remain appropriate and up to date:
- Monitoring Officer Protocol
 - Councillor Role Definitions
 - Guidance to Councillors on dealings with the media
 - Protocol of Member/Officer Relationships
 - Local Code of Governance
 - Members Planning Code of Good Practice
- 3.2 In accordance with the Committee's previously utilised review process, the Monitoring Officer has consulted on the above Codes and Protocols with relevant
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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, staylor@swindon.gov.uk.

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officers, each of the political groups on the Council, and also with Parish Councils.

- 3.3 Members are asked to note that several Parish Councils have been unable to meet within the timeframe suggested for submissions and that, consequently, any submissions received after the agenda despatch date (17th January 2014) will be reported to the meeting.
- 3.4 The various suggestions, questions and proposed amendments to the codes and protocols received in response to the consultation are set out in Appendix 1 to the report.
- 3.5 Having carefully considered the comments resulting from the consultation which, in the main do not relate to standards or probity issues or matters within the purview of the Standards Committee, I am not recommending any changes be made at this time to the various Codes and Protocols under consideration other than a minor change to the 'Guidance to Councillors on dealings with the media' as shown track changed in Appendix 2.
- 3.6 I will, however, will be consulting with the Corporate Governance Working Party in relation to some of the suggestions made in relation to governance issues. In particular, those suggestions relating to Councillor Role Definitions, and reference to the Health and Well Being Board.
- 3.7 The Committee is asked to review the Council's codes and protocols in the light of responses to the consultation exercise and determine whether any changes are required.

Dispensations

- 3.8 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.

Membership of the Standards Committee – Independent Persons

- 3.9 It was agreed at the Council meeting on 20th June 2012 that the Independent Persons appointed to the Standards Committee (Mr Paul Morris and Mr Peter Morgans) should "hold office from 1st July 2012 until the date of the Annual Council meeting in 2013, with an option to extend for a further period until the date of the Annual Council meeting in 2014, subject to the agreement of the Council and the Independent Person".
- 3.10 Mr Morris and Mr Morgans were subsequently re-appointed, for a further term of 1 year, at the Annual Meeting of the Council on 17th May 2013. Consequently,

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the appointment of the Independent Persons will need to be reviewed and appointments made at the Annual Council meeting in June 2014.

- 3.11 In order to progress the appointment of Independent Persons, as required under section 28 of the Localism Act 2011, the Standards Committee is invited to authorise the Monitoring Officer to advertise the vacancies and conduct the appointments process in accordance with the previously agreed appointment process as referred to in paragraph 3.12 below.
- 3.12 The current agreed process for the appointment of Independent Persons following receipt of applications is that the Monitoring Officer will circulate those applications to the Group Leaders for comment, following which a short list will be drawn up by the Monitoring Officer and interviews held. The Monitoring Officer will then recommend the appointment of the Independent Persons to the Annual Meeting of the Council on 6th June 2014.
- 3.13 It is suggested that the appointment not be held for an indeterminate duration and it is recommended that the Independent Persons be appointed to hold the appointment for a period of one year with an option to extend for a further year. Alternatively, members may wish for the positions to be held for a period of two years with an option to extend for a further two years. Members views are sought.

Membership of the Standards Committee – Co-opted Lay Members

- 3.14 Mr Trevor Davies and Mr David Dawson were appointed as the co-opted lay members at Council on 20th June 2012 but no term of office was specified. In order to ensure continuity, and to take full advantage of the experience gained by each of them, and yet to ensure a regular review of membership, it is suggested that Mr Davies and Mr Dawson be invited to continue their membership for a further year with effect from the Annual Meeting of Council in June 2014.
- 3.15 It is also suggested that future appointments be made, following advertisement and the same process as outlined above in relation to the appointments for Independent Persons, for a period of one year with an option to extend for a further year. Alternatively, members may wish for the positions to be held for a period of two years with an option to extend for a further two years. Members views are sought.

Member Code of Conduct

- 3.16 The Standards Committee has previously requested, and included in its work programme for 2103/14, a review of how the council currently handles complaints against elected members in order to improve transparency, ensure the Council is open to hearing the views of residents and also to learn from existing good practice elsewhere. Members will be aware that some concerns have been expressed by some local residents about current arrangements and it is the

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intention that this independent review will address these concerns and enable the council to achieve its aim of becoming “best in class” in this field.

- 3.17 Members are advised that it is proposed that Hoey Ainscough Associates Limited be formally appointed to carry out this work subject to consultation with Group Leaders, the outcome of which will be reported to the meeting. It is anticipated that Hoey Ainscough’s report will be available to be presented to the Committee meeting on 24th March 2014 in accordance with the agreed Work Programme.
- 3.18 So far as the operation nationally of the current Ethical Framework is concerned following the Localism Act, Hoey Ainscough have produced the following two discussion papers which may be of interest and value to the Committee:
- Codes of Conduct – conclusions on the way local codes have been implemented
 - Case handling – examples of current practice in relation to Councils’ experiences of the new complaints process
- 3.19 Copies of the discussion papers are attached at Appendix 3.

Training

- 3.20 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.
- 3.21 Members have previously been advised that discussions have taken place on the potential for additional training for Councillors. A report was considered by the Member Development Advisory Group at its meeting in October 2013 on specific proposals for Member Training and Development to support Councillors in carrying out their various roles, and revised induction proposals for newly appointed members. These matters are being progressed and the revised induction process will include the necessary training in respect of ethical standards.
- 3.22 The Committee is reminded that, 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.
- 3.23 A copy of the summary of training provided for Town and Parish Councillors is attached at Appendix 5.

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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 – Questions and proposed amendments to the codes and protocols received in response to the consultation
- 8.2 Appendix 2 – Guidance to Councillors on dealings with the media
- 8.3 Appendix 3 – Ethical Framework Discussion Papers
- 8.4 Appendix 4 - Member training events - 2013/14
- 8.5 Appendix 5 - Summary of training provided for Town and Parish Councillors