

STANDARDS COMMITTEE

MONDAY, 27 JANUARY 2014

PRESENT:- Councillor David Wood (Chair), Councillors Michael Bray, Toby Elliott (Deputy), Brian Ford, Fay Howard and Teresa Page, Mr Trevor Davies, Mr David Dawson, Mr Mike Compton and Mr Richard Hailstone (Co-opted Representatives) and Mr Paul Morris and MR Peter Morgans (Independent Persons).

An apology for absence was received from Councillor Roderick Bluh.

17. Declarations of Interest

Mr Trevor Davies made a declaration of interest with regard to the Committee's consideration, at Agenda Item No. 7, of matters relating to the future membership of the Standards Committee.

18. Minutes

Resolved - That, subject to the inclusion of Mr Peter Morgans in the list of attendees, the minutes of the meeting of the Committee held on 7th October, 2013, be confirmed and signed.

19. Public Question Time

Ms Kareen Boyd, a resident of Old Town, Swindon, put a question on behalf of Dr Chris Barry of 96 The Bramptons, Swindon, regarding the procedure for the consideration of a particular Member Code of Conduct complaint. It was noted that a written answer had been provided to Dr. Barry's question in advance of the meeting. Ms Boyd, on behalf of Dr. Barry, asked supplementary questions, also relating to the consideration of the particular member Code of Conduct complaint. The Chair agreed that a written response should be provided.

After putting questions on behalf of Dr. Barry, Ms Boyd put a question regarding the role and priorities of the office of the Director of Law and Democratic Services. The Chair agreed that a written response be provided. She put a further question regarding provisions within the Council's Constitution relating to investment into Research and Development Projects and associated market research. The Chair agreed that a written response be provided.

Ms Carole Bent, a resident of Old Town, Swindon, put a question regarding the timescale for the resolution of the Member Code of Conduct complaint referred to in Dr Barry's question. The Chair and the Director of Law and Democratic services responded to Ms Bent's question and the Chair asked that a copy of the Council's process for dealing with Code of Conduct complaints be provided to Ms Bent.

Ms Bent asked a further question regarding the Council's practice in relation to the manner in which public questions are recorded in the minutes of its various committees. The Chair responded to Ms Bent's question.

Ms Bent asked a further question regarding the membership of the Standards Committee and the role of its lay representatives. The Director of Law and Democratic Services responded to the question.

Ms Claire Bouverie-Brine asked a question regarding the Member Code of Conduct complaint process. The Chair responded to Ms Bouverie-Brine's question and asked that she be provided with a copy of Council's process for dealing with Code of Conduct complaints. The Director of Law and Democratic Services responded to a supplementary question asked by Ms Bouverie-Brine concerning attendance at Assessment Panel meetings.

Ms Kareen Boyd asked a further question regarding the right of a complainant to attend the meeting of the Assessment Panel at which an initial assessment is made regarding a Code of Conduct complaint. The Chair responded to Ms Boyd's question.

20. Exempt Items - Exclusion of Press and Public

That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the items listed below on the grounds that they involve the likely disclosure of exempt information as defined in the respective paragraphs of Part 1 of Schedule 12A of the Act.

<u>Item No.</u>	<u>Paragraph No.</u>	<u>Minute No.</u>
8	1 and 2	23

21. Question and Answer Session - Leader of the Council and Chief Executive

Councillor David Renard, the Leader of the Council, and Gavin Jones, the Chief Executive, were in attendance to report to the Committee on matters relating to the Council's ethical governance framework and issues of probity and to discuss with members the key priorities for ensuring that high ethical standards continue to be promoted and maintained within the Council. In particular, the views of the Leader and the Chief Executive were sought regarding their experience of the effectiveness of the new ethical framework since its introduction from July 2012.

The Chief Executive commenced the discussion by placing the issue of ethical governance within an organisational and political context and a future of continuing anxiety and ambiguity due, in the main, to continuing austerity. He commented that the staff resource had been reduced at all levels whilst the level of demand for high quality service remained high and that, consequently, a programme of major organisational change had become essential to take the organisation forward in a way that would meet the specific objectives articulated in its Stronger Together vision.

As at his previous meetings with the Standards Committee, the Chief Executive commented on the relationships and interactions between members and officers, which he felt remained generally positive with a high degree of respect and

professionalism and co-operation evident on both sides.

On the specific matter of the Council's processes for handling Code of Conduct complaints, the Chief Executive referred to the recently commissioned Independent Review of the Council's process for considering complaints of breaches of the Member Code of Conduct, to ensure that these remain valid and effective. The Chief Executive anticipated that the review, and the production by the commissioned body of a final report for consideration by the Standards Committee, would take in the region of 8 weeks.

Councillor David Renard commented that, in his time on the Council, and particularly during his time as Leader of the Council, there had been a significant shift in the Council's organisational structure to one that is "member-led". He felt that this was entirely proper, since the governing mandate was, appropriately, invested in the Council's democratically appointed membership. He acknowledged the effect of improved cross-party working in ensuring that as many "democratically elected voices" as possible were heard as part of the decision making process and that, where possible within political affiliations, aims and objectives should be established on the basis of the collective viewpoint.

Councillor Renard recognised that members had to be firm and clear in communicating aims and objectives to officers, to provide a clear direction of travel, and agreed with the Chief Executive's sentiment that, generally, member and officer relationships were extremely good. He supported the proposed review of the Council's processes for handling complaints against elected members and emphasised the timeliness of the process, that it was in all parties' best interests to ensure that complaints were resolved at the earliest opportunity.

Following their opening remarks, the Leader and Chief Executive responded to members questions on the following issues:

- the terms of reference for the standards reviews and the opportunity for officer input as part of the review process
- the impact of group politics on prioritisation and the Council's decision making process
- the consultation to be undertaken in support of the current review and, in particular, the decision to extend the public consultation beyond the lay representation on the Standards Committee
- inclusiveness and the effectiveness of public consultation as an influencing factor in the Council's decision making process
- the role of the Independent Persons and their statutory non-voting status at the Standards Committee

Resolved – That Councillor David Renard, the Leader of the Council, and the Chief Executive be thanked for attending the meeting and for their full and open responses to members, questions on matters relating to the Council's ethical governance framework and issues of probity.

22. Ethical Framework Update

The Committee received a report of the Director of Law and Democratic Services providing updates on matters relating to the Ethical Framework, including:

- the review the Council's Codes and Protocols

- dispensations
- membership of the Standards Committee (Independent Persons and Lay Members)
- the review of the Council's process for handling Code of Conduct complaints
- training issues

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

(2) That, the limited response to the ethical aspects of the various codes and protocols be noted and that subject to the minor change to the 'Guidance to Councillors on dealings with the media', set out in in Appendix 2 to the report, no changes be made at this time to the various Codes and Protocols.

(3) That the more general comments received as a result of the consultation be taken into account by the Monitoring Officer during the annual review of the Constitution.

(4) That it be noted that the term of appointment of both Independent Persons expires on 6th June 2014 (the date of the Annual Council meeting) and that, in order to fill the vacancies, as required under section 28 of the Localism Act 2011, the Monitoring Officer be authorised to advertise the vacancies and conduct the appointments process in accordance with the previously agreed appointment process referred to in paragraph 3.12 of the report.

(5) That, further to the resolution at (4) above, this Committee determines that the period of appointment of the Independent Persons be for up to 2 years, with an option to extend for a further period of up to 2 years.

(6) That the period of office of the two co-opted lay members of the Standards Committee be extended for a further period of one year, from 6th June 2014 (the date of the Annual Council meeting), and that the Monitoring Officer's suggestion that future vacancies be filled on the same basis as that agreed for the Independent Persons (4, 5 above) be accepted.

(7) That the arrangements for the review of the Council's handling of complaints against elected members, as set out in the report and summarised by the Monitoring Officer at the meeting, be endorsed.

23. Ethical Compliance Report

The Committee considered a report of the Director of Law and Democratic Services regarding the outcome of various ethical framework compliance matters, including the details of Whistleblowing cases received since the last Committee and the outcome of any completed investigations in relation to these, and the details of Code of Conduct Complaints received since the last meeting.

Resolved – That the Ethical Framework Compliance report be noted.