

**Swindon Borough Council**

# **Standards Committee**

**Annual Report**

**June 2013 – May 2014**

## Introduction

The Council adopted a new Members Code of Conduct with effect from 1 July 2012 and, at that time, appointed a non-statutory Standards Committee to be responsible for maintaining the Council's profile of probity and conduct through the promotion and maintenance of high standards of conduct by councillors and to assist them in observing their Code of Conduct.

The specific roles and functions of the Standards Committee are set out in Article 9 of the Council's Constitution (attached to this report at Appendix 1).

This Annual Report is a record of the work of the statutory Standards Committee in the period June 2013 to May 2014.

## Membership of the Committee for 2013/14:

<b>Councillors</b>	<b>Parish Representatives</b>	<b>Lay Members</b>	<b>Independent Persons</b>
Cllr David Wood (Chair) Cllr Mick Bray Cllr Rod Bluh Cllr Brian Ford Cllr Fay Howard Cllr Teresa Page Cllr Toby Elliott (deputy)	Mr Mike Compton Mr Richard Hailstone	Mr Trevor Davies Mr David Dawson	Mr Peter Morgans Mr Paul Morris
<i>(Appointed at Annual Council)</i>	<i>(Appointed following nomination by the Swindon Area Committee of Parish Councils)</i>		

## Independent Persons and the Independent Persons Protocol

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 until the date of the Annual Council meeting in 2013, with an option to extend for a further year which was exercised.

The IPs attended regional training on their new role in September 2012, and a draft IP Protocol setting out the parameters of their work was subsequently produced by Hoey Ainscough Associates Ltd. This generic document was adapted by the Monitoring Officer to better reflect

Swindon circumstances and the updated and amended version of the Independent Persons Protocol was adopted by the Standards Committee on 7<sup>th</sup> October 2013.

## **Annual Report and Work Programme**

At its first meeting in the 2013/14 Municipal year, the Committee received, and approved, its Annual Report for the preceding year and also agreed a work programme for the year ahead. As in the previous year, the Standards Committee, via its Standards Assessment Panel, continued to be the arbiter of Complaints under the Code of Conduct and also retain its function to oversee the other Codes and Protocols of the Council and Whistleblowing Complaints. The Standards Committee met on four occasions in the 2013/14 Municipal Year and also facilitated two discussion meetings with stakeholders and community representatives on the issue of the Independent Review of the Council's Code of Conduct complaints arrangements (see below).

## **Summary of Members Code of Conduct Complaints:**

The Standards Assessment Panel is charged with making an initial assessment decision in relation to all Member Code of Conduct complaints. In 2013/14 it met on 9 separate occasions to review a total of 14 complaints. The following table provides a summary of the complaints received and dealt with by the Panel during the course of the year and also provides comparative data for the previous 5 years.

<b>Year</b>	<b>Complaints</b>	<b>No Further Action</b>	<b>Referred for Monitoring Officer or other Action</b>	<b>Referred for Investigation</b>	<b>Breach following hearing</b>	<b>No action following referral</b>	<b>Local Resolution</b>
2008/09	14	13	0	1	1	0	N/A
2009/10	7	4	1	2	1	1	N/A
2010/11	12	4	0	4	0	4	N/A
2011/12	10	6	2	2	0	2	N/A
2012/13	5	5	0	0	0	0	N/A
2013/14	14	9	1	3	0	1	2

## **Type of Complaints:**

Of the 14 complaints received during 2013/14, 10 were complaints relating to the conduct of 6 Borough Councillors with the remaining 4 complaints naming 6 Parish/Town Councillors. The complaints concerned related to a wide range of issues, including allegations of intimidating and/or inappropriate behavior, inappropriate comments, failure to respond to enquiries and the accuracy comments attributed to members in the local media.

10 of the complaints received were from members of the public, with the remaining four complaints being made by Borough Councillors.

### **Processing of Complaints:**

The Standards Assessment Panel met on 9 occasions during the year.

It carried out the first stage assessment of 14 separate complaints received in accordance with the Standard Committee's agreed process for the initial assessment of complaints. The Panel also considered a single request that a previously determined Code of Conduct complaint be re-opened on the basis of new and additional information provided the original complainant.

Of the 14 complaints received, the Panel determined that no further action was required in relation to 10 complaints. In one case, the Panel sought to resolve the complaint informally, asking the Respondent to make an apology to the complainant. The remaining 3 complaints were assessed against the agreed criteria (set out in the Council's "Arrangements for dealing with member Code of Conduct complaints") and all three were referred for formal investigation.

### **Investigations:**

Where complaints were referred for investigation then, as agreed by the Standards Committee, the Monitoring Officer appointed an investigating officer in order to allow the Monitoring Officer to continue to provide advice to the Standards Committee itself.

The Monitoring Officer reviewed all completed investigations to ensure the quality of the investigation, final report and presentation to the Assessment Panel. The selection of investigating officers was based on availability and 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 May 2013 to July 2014 was £7,829.50 96. All costs related to complaints which had been submitted prior to June 2014.

### **Monitoring of Complaints:**

The Standards Committee received a summary of the progress of Code of Conduct complaints at each meeting during the year, as part of the ethical compliance update report.

### **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 2013/ 2014.

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 and were notified of new complaints and the progress and outcomes of investigations, and considering learning points which arise.

During 2013/14, 9 new whistleblowing cases were received for investigation. Of these:

- 2 were unsubstantiated and no further action taken
- 1 was referred to the Monitoring Officer to take appropriate action
- 2 were referred to line managers for appropriate action to be taken
- 2 were referred to management recommending changes to existing working arrangements
- 1 was referred to a senior officer to investigate
- 1 allegation remains outstanding at the time of writing.

At its October 2013 meeting, and following improvements made to the whistleblowing protocol in response to issues raised in relation to two particular cases, the Standards Committee received a report responding to members' request for an assurance that staff making whistleblowing allegations should not encounter any unfavourable treatment as a result. The Committee noted the results the investigation of sources of allegations in recent years and were content that there was no evidence or suggestion of any discrimination against whistleblowers.

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

Following the introduction of the Council's new standards regime in 2011, the Standards Committee included in its work programme for 2013/14 a review of the Council's arrangements for dealing with Code of Conduct complaints 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. To this end, and following a tendering process, Hoey Ainscough Associates Ltd ('Hoey Ainscough') were appointed to carry out the work. Their findings and recommendations for change were presented to the March 2014 meeting of the Committee.

In considering the Hoey Ainscough report, the Committee recognised that the Council's existing process for the handling of Code of Conduct complaints was both functional and effective. However, the Committee felt there was some scope to improve the process in order to better address continuing concerns expressed by members and by a small group of residents involved in the consultation process undertaken in support of the review in relation to:

- the timeframe for the initial assessment of a complaint
- the transparency of the decision making process in relation to each complaint; and
- the absence from the process of any right of appeal for both complainant and respondent.

To facilitate the further debate of these matters, the Committee agreed that two informal discussion sessions or 'round tables' involving members and that small group of residents

previously referred to should be convened. The first of these round tables was held on 17th April 2014 with a second session held on 6th May 2014. The outcome of those discussions was that the current system was to be preferred over the changes recommended by Hoey Ainscough and various suggestions were put forward as to how complaints could be dealt with more expeditiously in terms of process.

The Committee will review the Council's current "Arrangements for dealing with member Code of Conduct Complaints" at its first meeting in the 2014/15 Municipal Year, taking into account the discussions at the round tables previously referred to.

## **Desktop Ethical Audit**

The Standards Committee completed 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 2013.

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

The Leader of the Council, and the Chief Executive, attended the meeting in January 2014 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. This is an annual session for the Standards Committee to discuss Ethical Governance issues, with the Political and Officer leadership of the Council.

Matters raised during the course of the discussion include:

- the ethical governance of the Council within an organisational and political context and a future of continuing anxiety and ambiguity
- the impact of a reduced staff resource at all levels against a backdrop of increasing demand for high quality services
- the programme of major organisational change essential for taking the organisation forward and meeting the specific objectives articulated in its Stronger Together vision
- the respect and professionalism and co-operation evident in relationships and interactions between members and officers
- the Council's processes for handling Code of Conduct complaints and the Independent Review of the Council's process to ensure it remains valid and effective.
- the terms of reference for the standards review and the opportunity for officer input as part of the review process, and the consultation to be undertaken in support of the current standards review and, in particular, the decision to extend the public consultation beyond the lay representation on the Standards Committee
- the effect of improved cross-party working in ensuring that as many "democratically elected voices" as possible are heard as part of the decision making process and, wherever possible within political affiliations, the establishment of aims and objectives based on the collective viewpoint
- the impact of group politics on prioritisation and the Council's decision making process
- inclusiveness and the effectiveness of public consultation as an influencing factor in the Council's decision making process

- the statutory role of the Independent Persons and their attendance at the Standards Committee in a non-voting capacity.

## **Review of the Council's Codes and Protocols**

At its meeting in January 2014, the Standards Committee received the results of a review of the following Council Codes and Protocols, undertaken by the Monitoring Officer in accordance with the Committee's established review process and involving consultation with relevant officers, each of the political groups on the Council, and also with Parish Councils.

- 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

The response to the ethical aspects of the various codes and protocols proved to be quite limited and, consequently, only a minor change to the 'Guidance to Councillors on dealings with the media', was made. However, the Committee agreed that the more general comments received as a result of the consultation should be taken into account by the Monitoring Officer during his annual review of the Constitution.

## **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 July 2013, October 2013, and January 2014 meetings. There were no Council elections in May 2013 this year and therefore no general induction training was necessary although induction training was given to the member joining the council during the year. 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.

The Monitoring Officer has continued to chair 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 chaired by the Monitoring Officer continued to be 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 2013/14 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.

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 were granted by the Standards Committee during 2013/14.

## **Summary**

The Standards Committee has continued to use its best endeavours to promote and monitor ethical standards in the authority and within local parish Councils, and has actively supported an ongoing review process that will enhance the Council's openness, accountability and probity, in its own work and in its joint working with partners and stakeholders. The Independent review of the Council's process and practice in relation to its code of conduct arrangements acknowledged that these already exhibited many elements regarded as best practice. In furtherance of its desire and commitment to improve transparency, ensure the Council is open to hearing the views of residents and also to learn from existing good practice elsewhere, the Committee has continued to monitor and review the Council's ethical framework, in conjunction with stakeholder and local community groups, to ensure that good governance is maintained and to protect the reputation of the authority.