

Review of Codes and Protocols

Standards Committee

Date: 3rd February 2015

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

1. Purpose and Reasons

- 1.1 To present to the Committee the Council's current Codes and Protocols for review.
- 1.2 The regular review of the Codes and Protocols is necessary to ensure that these remain appropriate and up to date.

2. Recommendations

The Committee is recommended to:

To review the following Codes and Protocols, in the light of submissions for amendment put forward by members of the Committee, relevant officers and Parish Councils, following consultation, and to determine whether any changes should be made.

- Members' Code of Conduct.
- Officers' Code of Conduct.
- 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.
- Public Question Time at Council Meetings.
- Recording, Photography and use of social media.

3. Detail

- 3.1 The Standards Committee regularly reviews the Council's Codes and Protocols to ensure that these remain appropriate and up to date. At its meeting on 20 October 2014, members' views were sought regarding the effectiveness of the codes and protocols and whether changes were required to ensure these remain fit for purpose.
- 3.2 The Committee resolved that, in order to facilitate the Standards Committee's consideration of the Council's Codes and Protocols, and in line with the procedure utilised for previous reviews, the Monitoring Officer consult on each of the Codes and Protocols with relevant officers, the political groups on the

Further information on the subject of this report can be obtained from Steve Jones, Direct Dial Telephone Number 01793 463602, stevejones@swindon.gov.uk.

Review of Codes and Protocols

Standards Committee

Date: 3rd February 2015

Council, and also with Parish Councils, and recommend any valid changes to the Standards Committee at its meeting in January 2015.

- 3.3 In accordance with the Committee's instruction, a consultation process was commenced in November 2014, with responses requested to be made to the Council by 22nd December 2014. Members of the Committee, themselves, were also invited to submit to the Monitoring Officer the details of any particular issues that they would wish to be considered as part of the review of the codes and protocols. Submissions received in response to this invitation are attached at Appendix 1. Comments on the submission received will be made at the meeting.
- 3.4 At its meeting on 20th October, the Committee noted that the Employees' (Officers') Code of Conduct had not been updated since it was initially introduced in 2006 (the Code has been the subject of Annual Review by the Standards Committee). At the Committee's request, the Monitoring Officer contacted the Council's Head of People and Development to establish whether this particular code had, in fact, been updated since its 2006 introduction and, if not, whether the code remained valid in its current form.
- 3.5 The Head of People and Development has advised that the code is still relevant but that the Council is currently in the process of making some minor updates – particularly to reference use of social media. An e-learning package has also been developed for new members of staff which will be mandatory and which they can't "pass" without confirming that they have read and understood.
- 3.6 Members also raised concerns, at the last meeting, that some officers might be flouting departmental "working from home" guidelines. Although this issue does not obviously fall within the remit of the Standards Committee, the Council's Head of People and Development will be in attendance at the meeting to respond to members' concerns on this matter and to any additional questions members might have in relation to the Officer Code of Conduct.
- 3.7 As regards the consultation exercise conducted over the November/December 2014 period, the Committee is advised that only three responses were received. These were from the Council's Head of Commissioning (Children and Adults), the Head of Infrastructure Assets (Service Delivery) and Head of Children, Families & Community Health. These officers' submissions are attached at Appendix 2. Comments on the submissions received will be made at the meeting.

4. Alternative Options

- 4.1 No alternative options to carrying out this review are being put forward. The Committee are asked to decide what, if any changes, be made to the various Codes and Protocols as a result of the submissions received.

Review of Codes and Protocols

Standards Committee

Date: 3rd February 2015

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 This report has no specific financial or procurement implications.

Legal and Human Rights Implications

- 5.2 Legal and human rights considerations have been taken fully into account in compiling this report and any changes to the Codes and Protocols will need to be compatible with Convention rights and be in accordance with the principle of proportionality.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 No such implications have been identified.

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has not been completed as the report is not recommending any changes in policy.

Risk Management

- 5.5 A Risk Assessment has not been completed as the report is not recommending any changes in policy.

6. Consultees

- 6.1 The Board Director Resources (Section 151 Officer) and the Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 The Council's Current Codes and Protocols (as set out in the Swindon Borough Council Constitution 2013/14)

8. Appendices

- 8.1 Appendix 1 – submission from Mr Keith Strickland (Independent Person)
- 8.2 Appendix 2 – submissions from the Council's Head of Commissioning (Children and Adults), Head of Infrastructure Assets (Service Delivery) and Head of Children, Families & Community Health

Review of Codes and Protocols

Standards Committee

Date: 3rd February 2015

Appendix 1

The following submission is made by Mr Keith Strickland (Independent Person):

Employees' Code of Conduct

Section 3.8 (gifts and hospitality) is very brief, at least compared with the Fire Authority's code on gifts, etc. (This can be accessed on the Fire Authority website as part of the "Members' Handbook")

- *There's no mention of the Bribery Act.*
- *In deciding whether to accept the offer of a gift (even as "innocuous" as flowers) regard must be had to timing e.g. whether there is a potential ulterior motive on the part of the person/body offering the gift such as a forthcoming contract.*
- *Are officers required to register all offers? If not, I suggest that, in the spirit of openness, there should be such a requirement and that all offers should be recorded, whether or not accepted, but perhaps with a de minimis provision.*
- *Why is hospitality automatically barred? What about nibbles/drinks provided at a conference (attended by an officer) courtesy of a sponsorship? Ditto lunch, say, provided by a firm (even another local authority) during a visit by officers? My point is that there may be occasions where it is not inappropriate to accept hospitality. What is important is openness and transparency so that any perception of wrongdoing can be refuted.*

Section 3.10 makes no mention of politically restricted posts (or whatever is the current terminology). This omission is relevant to the final sentence of the second paragraph of this section.

With reference to Section 4.3 (working with councillors), might it be useful to append the member/officer protocol?

Member/officer protocol

Para. 2.2 - I'd prefer "Members must not ask or insist"

Members' planning code of good practice

Does SBC allow substitutions/deputies at committees? I ask because if "yes", this has possible relevance to section 10 where, for example, a matter is adjourned from one meeting to the next, or the committee makes a formal site visit prior to a debate at the following meeting. In either situation, there's the possibility of one of the members making the final decision not having been privy to full debate/consideration. The suggestion in section 7 that a member should ensure info gained from a site visit (presumably one in which the whole committee has not be involved) is conveyed to the committee seems optimistic!

NB - A copy of the Fire Authority's Code relating to Gifts and Hospitality is attached at Appendix 1A

Further information on the subject of this report can be obtained from Steve Jones, Direct Dial Telephone Number 01793 463602, stevejones@swindon.gov.uk.

Review of Codes and Protocols

Standards Committee

Date: 3rd February 2015

Appendix 2

Consultation Responses:

Head of Commissioning (Children and Adults)

The officer suggests that the Committee might consider recommending that both the Member and Officer Codes of Conduct be revised to include specific reference to the need to reflect a commitment to the “Stronger Together” Behavioural framework.

Head of Infrastructure Assets (Service Delivery)

Local Code of Governance 2014

The officer suggests that Para 3.4 might be re-worded to reflect recent changes in the Council’s strategic partnership with Capita.

The officer suggests that Para 3.9 might appropriately refer to the Council’s consultation policy (published at the beginning of 2014).

Head of Children, Families & Community Health

Officers’ Code of Conduct

The officer suggests that there needs to be added a specific reference to use of Facebook/twitter etc that makes clear that the use of them out of hours is still relevant if it brings the Council into disrepute.

Page 5 1.5 – bullet point 3- do we mean “act with INTEGRITY and treat others with dignity”? and should there be another bullet that says to comply with any professional regulatory body- i.e. the HCPC/RCN etc.