

# Ethical Framework Update

**Standards Committee**

**Date: 2<sup>nd</sup> March 2015**

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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 relating to the Council's Ethical Framework, to keep the Committee informed of issues of probity in the Council.

## **2. Recommendations**

The Committee is recommended to:

- 2.1 Welcome the Ethical Framework update and respond to the issues of probity referenced in the report.

## **3. Detail**

Dispensations

- 3.1 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.
- 3.2 At its meeting on 12 December 2012, the Standards Committee authorised the Director of Law and Democratic Services to grant any applications for a dispensation in relation to any meeting at which any matter which has a bearing on the setting of the discounts and exemptions for Council Tax is being or is due to be considered for a four year period. Dispensations are granted in conjunction with the Chair or the Standards Committee and are reported back to the next available meeting.
- 3.3 No dispensations have been granted by the Monitoring Officer in consultation with the Chair of the Standards Committee, since the last meeting.

Summary of Code of Conduct Complaints

- 3.4 Committee asked for an update to each meeting of Code of Conduct complaints indicating which fresh complaints from 2014/15 onwards have been made by members of the public and which have been made by a councillor.
- 3.5 The updated table is as follows:

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Year	Complaints	No Further Action	Referred for Monitoring Officer or other Action	Referred for Investigation	Breach following hearing	No action following referral	Local Resolution
2008/09	14	13	0	1	1	0	N/A
2009/10	7	4	1	2	1	1	N/A
2010/11	12	4	4	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	10	1	3	0	1	2
2014/15 (to date)	2*	1	-	-	-	-	1

\* one of these complaints was made by a Borough Councillor

## Training

- 3.6 Attached at Appendix 1 is a record of all the member training events that have taken place so far this Municipal Year, including details of councillor attendance at those events. There are no more proposed training events to be held over the remaining period of the Municipal Year, but this does not preclude any ad-hoc training events that the Committee and Member Services team may be asked to arrange before the election in May 2015.
- 3.7 Work is progressing on the Induction Programme and Member Training and Development Programme for the 2015-2016 Municipal Year. The Member Development Advisory Group will be asked to discuss and agree the training opportunities available to councillors, such as e-learning through the Local Government Association for example, and any outcomes from those discussions and their impact on member training will be reported to a future meeting of this Committee.
- 3.8 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. The next session is due to take place at Liddington on 24<sup>th</sup> March assuming there are sufficient numbers

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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

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attending. Borough Councillors who are also parish councillors are able to attend. Parish Councillors have also been specifically invited to some planning training provided for borough councillors. In addition, parish councillors are also able to attend training sessions they have seen advertised in the Members Bulletin.

- 3.9 A copy of the summary of training provided for Town and Parish Councillors during 2014 is attached at Appendix 2.

## Working From Home

- 3.10 At its meeting on 20<sup>th</sup> October, in reviewing the Council's various codes and protocols, the Committee raised concerns that some officers were not always contactable when they were working from home and asked how the working at home policy was working in practice. The Council's Head of People and Development will be attending the meeting to advise on corporate practice and guidelines in relation to "working from home" and to respond to members' specific concerns on this issue.
- 3.11 For members' information, the Council's working at home policy is attached at Appendix 3, and the Law and Democratic Services working at home policy is attached at Appendix 4.

## Review of the Council's Standards Arrangements

- 3.12 At its meeting on 21<sup>st</sup> July 2014, the Standards Committee concluded its review of the Council's current "Arrangements for dealing with Member Code of Conduct Complaints". Taking into account the outcome of discussions at round table meetings between the Standards Committee and the small group of residents involved in the consultation process undertaken in support of this review, the Committee agreed a number of practical changes to be made to the Council's current procedures for handling Code of Conduct complaints (set out in Appendix 5). The revised process has been in operation since the meeting of the Standards Committee in July 2014.
- 3.13 Members are invited to consider the revised "Arrangements for dealing with Member Code of Conduct Complaints" (Appendix 6) and determine whether any further revision or "fine tuning" is required. In particular members are asked to consider whether, in cases where a complaint is made by a Borough Councillor against a fellow Councillor, the Monitoring Officer be asked to consider the appropriateness and benefit of facilitating formal consultation with the Political Group Leaders and the Councillors concerned, to establish if an informal resolution might be achieved (Minute 21 refers).

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## Annual Governance Statement

- 3.14 The Annual Governance Statement (AGS) is a formal statement that recognises records and publishes an authority's governance arrangements. It is designed not only to give an opportunity for authorities to consider the robustness of their governance arrangements, but also provide an accurate representation of arrangements in place during the year and to identify areas where improvement is required.
- 3.15 In order to provide the necessary assurance across all service areas, all Board Directors and Tier two officers will be asked to complete an assurance statement. The statement covers a number of areas including: staff; internal control arrangements and fraud risk assessments.
- 3.16 The Council has approved and adopted a local code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework for Delivering Good Governance in Local Government. The AGS explains how the Council has complied with the code and also meets the requirements of regulation 4(2) of the Accounts and Audit Regulations 2003 as amended by the Accounts and Audit (Amendment) (England) Regulations 2011 in relation to the publication of a statement on internal control.
- 3.17 The guidance for the AGS requires the Council to set out its governance arrangements and key elements of internal control and the sources of assurance; a review of the effectiveness of those governance and internal controls and a requirement to identify significant governance issues. The Council must ensure that it can provide evidence for any of the systems of internal control included in the AGS.
- 3.18 Guidance issued by CIPFA regarding the statement also recommends that a suitable independent management group should review the content of the AGS. The Council's Audit Committee will undertake this role. The Chief Executive and the Leader of the Council will sign the statement once the Audit Committee has approved it in September 2015.
- 3.19 The draft Annual Governance Statement 2013/14 is set out in Appendix 7 to this report. The process used last year, for the preparation of the Council's Annual Governance Statement, is set out in Appendix 8. The Committee is asked to review this process and reviews and identifies any additional significant control issues that it would like to be considered for inclusion in the Annual Governance Statement recommend its adoption for the preparation of this year's statement.

## **4. Alternative Options**

- 4.1 Any alternative options are set out in the body of the report.

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## **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

## **8. Appendices**

- 8.1 Appendix 1 – List of Member Attendance at Training Events 2014-2015

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- 8.2 Appendix 2 – Town and Parish Councils Summary of Training as at 5 February 2015
- 8.3 Appendix 3 – Council’s working at home policy
- 8.4 Appendix 4 - Law and Democratic Services working at home policy
- 8.5 Appendix 5 – Review of the Council’s Standards Arrangements (Minutes extract)
- 8.6 Appendix 6 – Arrangements for dealing with Member Code of Conduct Complaints
- 8.7 Appendix 7 – Annual Governance Statement (AGS) 2013/14
- 8.8 Appendix 8 – ASG Process