

PROPOSED CHANGES TO THE CONSTITUTION

PART 1 – SUMMARY AND EXPLANATION

- Under *The Council's Constitution* amend number of articles to read 14.
- Under *What's in the Constitution*, update list of Articles to remove the Standards Committee and renumber remaining Articles accordingly.
- Under *How the Council Operates*, second paragraph amended to read:

“The Council has a code of conduct for Members to ensure high standards in the way they undertake their duties. The Audit and Governance Committee provides training and advice to them on the code of conduct.”

PART 2 – ARTICLES OF THE CONSTITUTION

Article 1 – The Constitution

- In paragraph 1.04, change reference to Article 14 to read Article 13.

Article 2 – Members of the Council

- In paragraph 2.03, delete *(h) Conflicts of interest*.
- Renumber 2.03 (i) to become (h) and delete the words “other than in accordance with paragraph 4(a) of the Member Code of Conduct.”

Article 3 – The Public and the Council

- Delete the Standards Committee from the list in 3.02 (a) and amend Personnel and Appointments Committee to read People, Performance and Development Committee.
- Delete additional Standards Committee information under the Categories of Exempt Information

Article 4 – The Council

- Amend 4.01 *How the Council operates*, second paragraph to read:

“The Council has a code of conduct for Members to ensure high standards in the way they undertake their duties. The Audit and Governance Committee provides training and advice to them on the code of conduct.”

Article 9 – Standards Committee

- Delete full article
- Renumber Articles 10-15 accordingly.

Article 12 - Officers

- Under 12.02 *Functions of the Chief Executive and Head of Paid Service*, add:

(g) In consultation with the Monitoring Officer, considering applications from members of staff for exemption from political restriction in respect of a post they hold with the Council.

- (h) In consultation with the Monitoring Officer, considering applications that the Council be directed to include any post in the list of politically restricted posts.
- Under 12.03 *Functions of the Monitoring Officer*, amend (c) to read:
 - (c) Maintaining high standards of conduct. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct.

PART 3 – RESPONSIBILITY FOR FUNCTIONS AND SCHEME OF DELEGATION

Section 2 – Scheme of Delegation

- Under 6.9 *Audit and Governance Committee Terms of Reference*, add:

Ethical Standards

- (a) Monitoring the operation of the Members' Code of Conduct.
 - (b) Promoting advice, guidance and training for Members and co-opted members on matters relating to the Code of Conduct.
 - (c) Ensuring that the Council's complaints procedures operate effectively.
 - (d) Granting dispensations to Members (including co-opted members) from requirements relating to interests set out in the Members' Code of Conduct.
- Delete 6.16 – 6.18 relating to the *Standards Committee* and replace with the following:

6.16 MEMBER CONDUCT PANEL

6.17 Membership

10 County Councillors (including the Chairman and Vice-Chairman of the Council)

6.18 Terms of Reference

Deciding whether a Member or co-opted member of the Council has breached the Members' Code of Conduct, having regard to the Council's publishing arrangements for dealing with standards allegations. Deciding what further action (if any) needs to be taken in the event that the Member has breached the Members' Code of Conduct.

Section 3 – Scheme of Delegation to Officers

Part 1: The Overall Scheme of Delegation to Officer

- amend 8.3 to read: “*In exercising delegated powers, officers will, in line with the Member/Officer Protocol, keep local members informed of relevant matters affecting their divisions.*”

Part 4: Proper Officer functions

- Add new function as follows

LOCAL GOVERNMENT AND HOUSING ACT 1989

Section	Purpose of Appointment	Proper Officer
3A	In consultation with the Monitoring Officer, to determine applications for exemption from political restriction or for designation of posts as politically restricted applications	Chief Executive (as Head of Paid Service)

- Delete function under Local Government Act 2000, section 81 and replace with:

LOCALISM ACT 2011

Section	Purpose of Appointment	Proper Officer
29	Establish, maintain and publish a Register of Interests.	Head of Legal and Democratic Services (as Monitoring Officer)

- Delete delegation under Local Authorities (Model Code of Conduct) (England) Order 2001 (SI2001/3575), Schedule 1 Paragraph 17.

PART 4 – STANDING ORDERS

Part 1

- In standing order 6.8, delete the words “*Subject to Article 9.03*”
- Delete standing orders 29.1-29.3 and insert new wording:

Interests of Members

29.1 Where a Member attends a meeting which is considering a matter relating to a disclosable pecuniary interest they have, or any relevant gifts and/or hospitality they have received and which is not listed on their register, they must disclose the interest to the meeting and, within the next 28 days, notify the Monitoring Officer of the interest for inclusion in the register.

29.2 SO 62 in Part 3 of Standing Orders shall apply to participation by a Member in relation to disclosable pecuniary interests.

Part 2

- Under SO32, delete “Standards” from the list of committees. Add Education Select Committee to the list of committees (mistakenly omitted)
- Delete SO 33.1 (d)
- In standing order 38.5, delete the words “*except for the Standards Committee.*”

Part 3

- In standing order 46.1, delete the words “*subject to paragraph 4(a) of the Members’ Code of Conduct.*”
- Delete 61.1-62.3 and insert new wording:

Interests of Members

- 61 At any meeting where a Member becomes aware that a matter under consideration relates to:
- (a) one of their disclosable pecuniary interests, not entered on the Council’s register and/or
 - (b) the donor of any gift and/or hospitality they have accepted and not yet entered on the Council’s register
- The Member must disclose the interest to the meeting and, within 28 days, notify the Monitoring Officer of it for inclusion in the register.

Participation in relation to disclosable pecuniary interests

- 62 A Member with a disclosable pecuniary interest in any matter must:
- (a) not participate in any discussion or vote relating to the matter;
 - (b) withdraw from the room or chamber when it becomes apparent that the matter is being considered at that meeting,;
 - (c) not exercise executive functions in relation to that matter; and
 - (d) not take any steps in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by them)
- unless he/she has obtained a dispensation from the Audit and Governance Committee

PART 5 – RULES OF PROCEDURE

Code of Corporate Governance

- In the Glossary, delete “Supporting the Standards Committee” from the listing for the Monitoring Officer (*new version of Code at item 14*).

PART 6 – CODES AND PROTOCOLS

Member Code of Conduct

- Replace Members’ Code of Conduct with new code
- Insert new document “Arrangements for dealing with Standards allegations” immediately following the Code of Conduct.

Member/Officer Protocol

- Replace Member/Officer Protocol with new protocol.
- Update Member Role Profiles with the Council’s current values.
- Remove Role Profile for “Chairman of Standards Committee”

- Add the following to the role profile for the “Chairman of the County Council”
 - Under purpose – “To promote and maintain high standards of conduct by Members of the Council and co-opted Members.”
 - Under tasks – “To chair Member Conduct Panels as necessary to consider allegations that a Member or co-opted member of the Council has failed or may have failed to comply with the Code of Conduct.”
 - Under tasks - “To provide advice and guidance to the Monitoring Officer in accordance with the published arrangements for dealing with any written allegation that a Member or co-opted Member has failed or may have failed to comply with the Code of Conduct.”

- Add the following to the role profile for the “Vice-Chairman of the County Council”
 - Under purpose – “To support the Chairman in promoting and maintaining high standards of conduct by Members of the Council and co-opted Members.”
 - Under tasks – “To chair Member Conduct Panels as necessary to consider allegations that a Member or co-opted member of the Council has failed or may have failed to comply with the Code of Conduct.”
 - Under tasks – “In the Chairman’s absence, to provide and guidance to the Monitoring Officer in accordance with the published arrangements for dealing with any written allegation that a Member or co-opted Member has failed or may have failed to comply with the Code of Conduct.”

Anti-Fraud and Anti-Corruption Strategy

- Amend final sentence of 3.3 to read “The Local Government Act 2000 and Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 require Members to declare and register with the County Council’s Monitoring Officer any disclosable pecuniary interests relevant to their role as a county councillor.”
- In 5.5, delete the words “on behalf of the Standards Committee.”

Surrey Code of Best Practice in Planning Procedures - Remove code and revised code to be inserted in due course, once agreed.

Select Committee Scrutiny of Contracts Protocol

- In paragraph 4, replace “Change and Efficiency Select Committee” with “Council Overview and Scrutiny Committee.”

- In paragraph 7, replace “Democratic Services Officer” with “Scrutiny Officer.”

- Replace paragraph 9 with:
 - 9. Paragraph 6 of the Members’ Code of Conduct specifies:-

“You will on occasions be privy to confidential and sensitive information, such as personal information about someone, or commercially sensitive information which,

if disclosed, might harm the commercial interests of the Council or another person or organisation. This information must not be revealed without proper authority.”

- Replace paragraph 10 with:

10. Under Standing Orders 61 and 62, any select committee member with a disclosable pecuniary interest in a contract/party to a contract or has received a gift or hospitality from a contractor/party to a contractor being scrutinised by that select committee must disclose that interest and not participate in any scrutiny of the contract.

Monitoring Officer Protocol in relation to allegations of Misconduct

- Delete this Protocol (replaced by new document inserted after the code of conduct “Arrangements for dealing with Standards allegations.”)

Granting Dispensations: Processes

- Current process to be removed and new process to be agreed at Audit and Governance Committee and recommended to Council in due course.

Politically Restricted Posts and Exemptions Protocol

- Approve updated version as attached at Annex A.

PART 7 – MEMBERS’ ALLOWANCE SCHEME

- Delete reference to the Standards Committee from Schedule 1 and reissue with update mileage rates.