

Grant Criteria and Funding Opportunities Guide

Disclosures of Interests and Confidentiality Agreements

Concerns have been raised about the provisions of section 1.5.3 of the Guide, and how the guidance in paragraph 6 of that section sits with legislation on Members' conflicts of interest. The new process for regulating Member conduct established in 2012 is intended to be a 'light touch' approach which promotes high standards while allowing flexibility and choice, so it follows that in some situations it may be appropriate for more specific requirements to be set out. The Guide has been prepared with this in mind.

The Member Code of Conduct requires Members to declare pecuniary interests in accordance with legislation. When a Member has a role in an external organisation, whether as an SCC representative or not, but does not have a pecuniary interest in the organisation, this would not be an interest that they would have to declare under that particular legislation. However, a conflict of interest can still arise in situations where there is no pecuniary interest. For instance, it would not be appropriate for a Member with involvement in an organisation that has bid for a grant to take part in evaluating the bids for that grant because the appearance of unfairness would be too great, and could give rise to challenge from unsuccessful bidders. This is reflected in the Code of Conduct at paragraph 3, which says:

'When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit and must be impartial and seen to be impartial.'

The Guide therefore reflects the requirements of the Code of Conduct in the context of awarding grants on behalf of the Council. Any apparent inconsistency between the first and second paragraphs of the section could be resolved by adding the word 'also' to the second paragraph between the words 'can' and 'arise' if considered necessary.

The requirement for a confidentiality agreement applies to all members of an evaluation panel and, while it is unlikely to add anything to the duty already imposed on Members under the Code of Conduct, it is standard procedure and provides consistency of approach.

Sarah Baker
Group Manager Children, Education and Adults Group
Legal and Democratic Services
Tel: 020 8541 7981
sarah.baker@surreycc.gov.uk

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