



Audit & Governance Committee
12 April 2018

ETHICAL STANDARDS ANNUAL REVIEW

Purpose of the report:

To enable the Committee to monitor the operation of the Members' Code of Conduct and to consider recommendations from the Monitoring Officer about ethical standards training to be offered to Members during 2018.

Recommendations:

1. That the Monitoring Officer provides training to members during 2018 as outlined in paragraph 16 of this report.
2. The Committee notes the Monitoring Officer's report on recent activity in relation to the Code of Conduct and complaints made in relation to member conduct

Introduction:

3. The Localism Act 2011 places the Council under a statutory duty to promote and maintain high standards of conduct by its members and co-opted members
4. The Council has a Code of Conduct governing elected and co-opted members' conduct, when acting in those capacities. The Council's code of conduct, viewed as a whole is consistent with the following seven principles:
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership

The Code also includes provisions for the registration and disclosure of pecuniary and other interests.

5. The Act also requires the Council to appoint "at least one independent person" whose views must be sought after an investigation into a complaint has been conducted and before a decision on it is made. It also allows members who have had an allegation made against them to seek the views of the Independent Person if they wish.

6. The Council has delegated to the Audit and Governance Committee the roles of:
- monitoring the operation of the Members' Code of Conduct and;
 - promoting advice guidance and training on matters relating to the Code of Conduct.
7. The Committee is also responsible for granting dispensations to Members relating to their disclosable pecuniary interests.

The Code of Conduct

8. At the Council meeting of 17 July 2012 members agreed that they wanted to adopt a simple, high level code. The current Members' Code of Conduct is based on the Department of Communities and Local Government ("DCLG") "illustrative" text of a code of conduct for members. The Code is linked to other Council protocols, including the Member/ Officer Protocol. There have been no revisions to the Code of Conduct.

Independent Person

9. The Act requires the appointment of at least once independent person who cannot be a councillor, officer or a relative or friend of any one of them. Mr Bernard Quoroll was appointed by Council for a term of four years from December 2016. Mr Quoroll had more than 30 years in public service (during which he was consecutively, the chief executive of a large district council, a London borough and a unitary county), he worked as a consultant and mediator and was for eight years a member of the Administrative Justice and Tribunals Council, an arms length body, sponsored by the Ministry of Justice which supervised the tribunal system in England and Wales, including ombudsmen and other complaint handlers. Most recently he has completed an MA at University College London in Legal and Political Theory with a dissertation on governance and integrity in public life.

Arrangements for receiving and handling complaints

10. The Act requires the Council to adopt arrangements for dealing with complaints of a breach of the Members' Code of Conduct. Any such complaints must be dealt with in accordance with those arrangements. Before any final decision is reached on a complaint that has been investigated, the Independent Person's views must be sought. Surrey County Council's (SCC) arrangements are designed to promote informal resolution rather than an adversarial approach, as the latter tends to result in long and expensive investigations, some of which have been disproportionate to the seriousness of the complaint.

Register of Interests

11. In July 2016 Council agreed to widen the registration requirement of its members to include a new category of significant personal interests and to include a new requirement to declare prejudicial interests in addition to disclosable pecuniary interests and significant personal interest at meetings of the council and its committees.
12. All members are now required to notify the Monitoring Officer, within 28 days of taking office of two categories of interest: Firstly, any disclosable pecuniary interests they have (including those of a spouse, civil partner or someone with whom the member is living as husband and wife or as civil partner) and secondly any of their

own significant personal interests. The Council's register is published on line in accordance with legal requirements.

13. Elected members' entries on the Register of Interests are accessible on their individual page on the Council's website. Co-opted members have also registered their interests and these can be found on the Register of Interests page on the Council's website.
14. Steps taken to provide guidance, information and reminders are set out below.

Training and Guidance for Members

15. A joint code of conduct and register of interests training day for the new Council took place on 22 May 2017. The training covered the operation of the Code of Conduct, registering interests and the arrangements for dealing with complaints against members. Following the training, new and returning members received guidance in registering their interests, both pecuniary and personal, either on line or in hard copy.
16. It is proposed to offer training for all members on the role of the Member Conduct Panel in dealing with complaints in the summer of 2018.

Code of Conduct Complaints

17. The spreadsheet appended to this report shows the number of complaints received since the beginning of 2017. There have been no complaints alleging that a Member has failed to disclose or declare a pecuniary interest (this being a breach of the code which could result in criminal prosecution of the Member). The number of complaints received is slightly lower than previous years.
18. A number of the complainants wish to seek redress in connection with their dissatisfaction about the way a member has personally dealt with them. It would also appear that some complaints may be triggered by policy decisions which the complainant disagrees with, or perceives as impacting unfavourably on them.

Risk Management Implications

19. The Council's Code of Conduct, Register of Interests and arrangements for dealing with complaints are statutory requirements and key elements of good governance. A lack of an appropriate Code of Conduct and/or robust and objective procedures for handling complaints could diminish public confidence in members' transparency about their personal interests and in decisions being taken solely in the public interest. An unduly onerous or complicated Code or procedures for handling complaints would diminish Member confidence in a fair approach and could hinder their decision making. Guidance and training is intended to assist Members in observing the Code and so mitigate the risk of complaints about Members.

Financial and value for money implications

20. An external investigation of a complaint costs in the region of £5,000. In the last year there were no investigations that required an external investigator.

Equalities and Diversity Implications

21. There are no obvious equalities and diversity implications to which the Committee needs to pay due regard.

Appendices

- a) Member conduct complaints

Next steps:

The Interim Monitoring Officer will report any recommendations from this Committee to the Member Conduct Panel and will keep the Independent Person informed.

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