



Audit & Governance Committee
26 November 2020

Report of the Member Code of Conduct Working Group

Purpose of the report:

To consider the recommendations of the Member Code of Conduct Working Group on the appointment of two Independent Persons; the Arrangements for Dealing with Allegations of Breaches of the Member Code of Conduct; the timeline for approving a revised Member Code of Conduct; and the response to a letter by the Committee for Standards in Public Life.

Recommendations:

That the Committee:

1. Approves the appointment of two Independent Persons. (Appendix A)
2. Approves the Arrangements for Dealing with Allegations of Breaches of the Member Code of Conduct. (Appendix B)
3. Notes that the revised Member Code of Conduct will be finalised by the working group after the Local Government Association publishes its Member Code of Conduct on 3 December 2020, after which it will be submitted to the Audit and Governance Committee on 29 January 2021 for approval and recommendation to Full Council on 9 February 2021.
4. Notes the reply to a letter sent to the Chief Executive by the Committee for Standards in Public Life (CfSPL), which had requested details of how Surrey County Council would implement the CfSPL local government ethical standards 15 best practice recommendations. (Appendix C)

Introduction:

1. At its meeting on 22 May 2020, the Audit and Governance Committee considered the Ethical Standards Annual Report and agreed to establish a working group to review possible changes to the Member Code of Conduct in light of recommendations in:

- a. The Surrey County Council Internal Audit Report of Register of Interests/Gifts and Hospitality.
- b. The Committee on Standards and Ethics 'Local Government Ethical Standards' report (2019).
- c. The Local Government Association model Member Code of Conduct (published in June 2020).

2. The following members were appointed to the working group:

David Harmer
Peter Szanto
Keith Witham
Edward Hawkins
Stephen Cooksey
Stephen Spence

3. The working group was assisted in its deliberations by the Monitoring Officer and the Member Services Manager.
4. The working group met on 9 July 2020 and 7 October 2020, and it will meet again after the Local Government Association (LGA) publishes its Member Code of Conduct on 3 December 2020, to finalise the revised SCC Member Code of Conduct.
5. After the working group's first meeting on 9 July 2020, a revised Member Code of Conduct (with significant changes highlighted), was sent to all the political groups on the Council for comment, and this was considered by the working group at its meeting on 7 October 2020.

Feedback was received from Audit and Governance Committee members; group leaders; select and local committee chairmen and two Cabinet members. The feedback was broadly supportive of the proposals in the draft LGA Member Code of Conduct.

6. The Localism Act 2011 requires the Council to adopt arrangements for dealing with complaints of a breach of the Member Code of Conduct. The working group reviewed and proposed amendments to the SCC Arrangements for Dealing with Allegations of Breaches of the Member Code of Conduct, which are designed to promote informal resolution rather than an adversarial approach.
7. The working group also considered a gap analysis which had been completed in response to recommendations from the Committee on Standards in Public Life (CfSPL), and comments and updates were included in the reply to the CfSPL.
8. The working group also considered the training provided to Members on the Member Code of Conduct, and supported the approach outlined by the Member Services Manager:
 - (1) The SCC Member Code of Conduct to be provided to all Members as part of their induction pack.
 - (2) Training to be offered in both classroom and remote formats at a variety of times to enable good attendance.

- (3) Training sessions to be recorded and offered as videos for Members who cannot attend in person.
- (4) Training to be promoted by all political groups and attendance figures reported to the Audit and Governance Committee.
- (5) Individual induction reviews to take place after 4 - 6 months and Members will be asked to confirm that they have understood the Member Code of Conduct training.
- (6) Short refresher training sessions on the Member Code of Conduct and Register of Interests to be offered to Members annually after the AGM.

Conclusions:

Financial implications

Each Independent Person receives an annual allowance of £1000 per annum. The annual cost will therefore be £2000 per annum.

Equalities and Diversity Implications

None. An Equality Impact Assessment was therefore not needed.

Risk Management Implications

Non-financial Risk:

The Council is statutorily obliged to have a Code of Conduct for its elected Members. The code must be relevant, up to date and reviewed on a regular basis to ensure that it is in line with current guidance and legislation. If this is not done, the Council could face reputational issues.

Next steps:

The Chairman of the Audit and Governance Committee to present recommendations 1 and 2 to Full Council on 8 December 2020 for approval.

After the LGA Member Code of Conduct is published on 3 December 2020, the working group will meet to resume its considerations on a revised SCC Member Code of Conduct, which will be submitted to the Audit and Governance Committee meeting on 29 January 2021 for approval and recommendation to Full Council on 9 February 2021.

Report contacts:

Paul Evans: Monitoring Officer
paul.evans@surreycc.gov.uk

Andre Ferreira: Regulatory Business Manager, Democratic Services
andre.ferreira@surreycc.gov.uk

This page is intentionally left blank