

CSPL local government ethical standards 15 best practice recommendations

Name of local authority:

Surrey County Council

Please note that where reference is made to “The proposal is that...” in paragraphs 1, 2, 3, 5, 7, 8, 10, 14 and 15, it refers to the proposals made by the working group appointed by the Council’s Audit and Governance Committee to consider the SCC Members’ Code of Conduct, which will be submitted for approval in February 2021.

1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Progress:

The proposal is that SCC should adopt the LGA Member Code of Conduct, and reference to bullying and harassment will therefore be included in the SCC Member Code of Conduct. It will also contain specific examples of bullying and harassment.

2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Progress:

The proposal is that SCC adopt the LGA Member Code of Conduct, which states that only breaches confirmed and of a serious nature can be automatically escalated.

The SCC Member Code of Conduct investigation procedure will also include a Public Interest Test so as to avoid trivial or malicious allegations.

3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Progress:

The proposal is that the Audit and Governance Committee annually reviews the Member Code of Conduct in the annual Ethical Standards Report review.

A proportionate process will be put in place to get views from the public, such as a link requesting comment, which could be included on the webpage where the Code of Conduct is published.

4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Progress:

A webpage is currently published on the Council's website and provides a link to the Member Code of Conduct. The Member Code of Conduct is also published in the Constitution, which is also on the website.

5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Progress:

Currently, the Members' gifts and hospitality register is maintained in hard copy format only and updates are made immediately on receipt.

The proposal is that the register should in future be published on the relevant webpages and the ModGov system (possibly on the same page where Member Declarations of Interests are published).

6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Progress:

Please see paragraph 2 above.

7: Local authorities should have access to at least two Independent Persons.

Progress:

The proposal is that SCC should appoint two (2) Independent Persons. Interviews are currently being conducted; recommendations for appointment will be submitted to Full Council on 8 December 2020.

8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Progress:

The proposal is that the SCC Arrangements for Dealing with Allegations of Breaches of the Member Code of Conduct should include a provision that an Independent Person will be consulted by the Monitoring Officer when deciding whether a formal investigation will be undertaken and the Independent Person should be given the opportunity to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Progress:

This is already in practice at SCC.

10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Progress:

The proposal is that the SCC Arrangements for Dealing with Allegations of Breaches of the Member Code of Conduct which appear on its website, will in future include indicative timescales for investigations and outcomes.

11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Progress:

Not applicable to SCC.

12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Progress:

Not applicable to SCC.

13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Progress:

The proposal is that the SCC Arrangements for Dealing with Allegations of Breaches of the Member Code of Conduct will include procedures to address any conflicts of interest when investigations are undertaken.

14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Progress:

The proposal is that a summary of the separate bodies that the Council has established will be incorporated in the Annual Governance Statement. Information relating to separate bodies which the Council has set up or owns and which can be released in the public domain, will be published. This would exclude Part 2 activities (e.g. commercially sensitive information) as a matter of course.

15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Progress:

The SCC Monitoring Officer and senior Democratic Services officers meet regularly with Group Leaders to discuss standards issues.
