



Audit & Governance Committee  
8 March 2023

**ETHICAL STANDARDS ANNUAL REVIEW 2022-23**

**Purpose of the report:**

To enable the Committee to monitor the operation of the Members' Code of Conduct over the course of the last year.

**Recommendation:**

That the Audit and Governance Committee:

1. Notes the Monitoring Officer's report on recent activity in relation to the Members' Code of Conduct and complaints made in relation to Member conduct.
2. Notes the further training and development planned for the coming year at paragraph 12.

**Introduction:**

1. 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.
2. The Council has a Code of Conduct governing elected and co-opted Members' conduct, when acting in those capacities. The Code also includes provisions for the registration and disclosure of pecuniary and other interests.
3. 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.
4. The Committee is also responsible for granting dispensations to Members relating to their disclosable pecuniary interests.
5. The Audit and Governance committee in 20/21 recommended to Council the adoption of a refreshed Code of Conduct issued by the LGA to come into effect following the County Council elections in May 2021. The Code expanded on the previous principles-based Code and introduced specific obligations on councillors to treat others with respect, to not bully or harass or discriminate against any person, to

not disclose confidential information, to not use their position inappropriately and to not bring their office in to disrepute. The new Code came into effect in May 2021.

6. The Audit and Governance Committee in 20/21 also recommended to the Council amendments to the procedure for considering complaints made against councillors. It emphasised informal resolution as the preferred approach and introduced a criteria-based assessment for the Council's Independent Person and Monitoring officer to consider when determining what action was appropriate to either resolve a complaint or formally investigate. The criteria include any suitable alternative course of action, whether the issue touched on a member's democratic role, the timing of alleged conduct, whether there was a malicious or political motive to a complaint and the overarching public interest in any action being proportionate to the complaint.
7. The Council appointed two new Independent Persons to consider complaints made against a councillor in December 2020 who have carried out the role to date. The Independent Persons are:
8. Philippa Harding: Philippa is an expert in healthcare corporate governance and regulation, developed through formal qualifications and nearly 20 years' professional experience; she has a deep technical and practical understanding of the corporate governance challenges facing Boards.
9. Mr Akbar Khan: Akbar is a legally qualified Chair at the Metropolitan Police Misconduct Panels and chairs the conduct of proceedings into allegations of serious breaches of professional standards that affect public confidence in policing. Akbar was appointed a Commissioner for Standards in the House of Lords in May 2021.

#### **Member Training**

10. Following the County Council election held on 6 May 2021, a full Member Induction Training Programme was delivered to all new and returning County Councillors
11. A session on Member Code of Conduct training and Registration of Interests was delivered to all members. Training has also been provided on GDPR/Data Protection and the practicalities of using social media in relation to the Member Code of Conduct when using social media in their elected roles.
12. Ongoing development and support for all members is planned for the coming year including regular reminders to consider if declaration of interest registers are up to date and social media training refreshers. In addition, further to a review of the Council's governance arrangements which focused on culture and behaviours, all political groups are having a refresher session on the Member/officer protocol (which all senior officers will also receive) and a new offer for members and officers to focus on positive cultural behaviours and effective relationships is being developed.

#### **Code of Conduct Complaints**

13. The Council received 6 complaints that a councillor had breached the Code of conduct from January 22 to February 23. All complaints have been considered further to the Council's procedure to consider complaints with an initial conversation with the complainant, the Councillor and consideration of appropriate action by the Monitoring Officer and an Independent Person.
14. 2 of the complaints were considered and found that no action was required or were informally resolved as follows:

15. Complaint – omission to respond to an email by a councillor – explanation provided and no action necessary.
16. Complaint – Lack of communication regarding a resident’s concerns – Councillor apologised and took steps further to the concerns raised.
17. 2 complaints have been made recently and are still subject to preliminary consideration by the independent person and Monitoring Officer.
18. Complaint – lack of communication and action by councillor on service matter
19. Complaint – not meeting with a resident and service delivery issues.
20. One complaint has been referred for formal investigation and a report to the Member Conduct Panel. This is expected to be arranged within the next 4 weeks. The complaint was in respect of twitter posts.
21. One complaint resulted in a formal finding by the Member Conduct Panel that the Code of Conduct had been breached. The complaint was reported to the full Council and the member was subject to censure for the contents of a twitter account which were found to be disrespectful.

#### **Risk Management Implications**

22. The Council’s Code of Conduct, Register of Interests and arrangements for dealing with complaints are statutory requirements and key elements of good governance. Continued 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**

23. An external investigation of a complaint costs in the region of £2000-5000. In the last year there were no investigations that required an external investigator.

#### **Equalities and Diversity Implications**

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

#### **Appendices**

N/A

#### **Next steps:**

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

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