



Audit and Governance Committee
13 March 2024

Ethical Standards Annual Review 2023-24

Purpose of the report:

To enable the Committee to monitor the operation of the Members' Code of Conduct, including complaints made concerning councillors, the declaration of gifts and hospitality and Interests 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, including Registration of Interests and Gifts and Hospitality, and complaints made in relation to Member conduct.
2. Notes the further training and development planned for the coming year at paragraph 14.

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 2020-21 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 2020-21 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 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. In the past year, Members and senior officers have received refresher training on the Member-Officer Protocol. An in-person Member Development Day held in October 2023 included a workshop on "Making Social Media Work For You" led by the Assistant Director of Communications and Engagement. This covered the Council's social media policy and advised Members on how to respond to trolls and offensive comments. The Communications Team offered to set up one to one sessions to assist Members in using social media as well as looking to establish a drop in service on Council meeting days.
13. Three by-elections have taken place since May 2021. All Members elected via by-elections have received training on the Member Code of Conduct and Registration of Interests with the Monitoring Officer.
14. Future Member Development activity over the next year will focus on preparations for the County Council elections in 2025, including the development of a full Member Induction Programme for all new and returning County Councillors. This will include

training on the Member Code of Conduct, Registration of Interests and Gifts and Hospitality, as well as GDPR and Data Protection.

Code of Conduct Complaints

15. The Council received 10 complaints that a County Councillor had breached the Code of Conduct from February 2023 to January 2024. 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.
16. Following consideration, the complaints received were considered not to meet the criteria for referral for formal investigation or were found to have not breached the Councillor Code of Conduct. Where informal action was merited this was taken, in the form of an apology or additional training, or the file was closed. The complaints received can be categorised as follows:
 - 3 complaints in respect of service matters, generally timescales for a response.
 - 1 complaint in respect of misuse of position.
 - 1 complaint in respect of disclosure of the complainant's address and comments made by the councillor on social media.
 - 2 complaints in respect of councillor behaviour (1 involving canvassing and leaflet distribution).
 - 3 complaints in respect of comments made on social media or otherwise treating a resident with disrespect.
17. The investigation of one complaint originally made in October 2022 resulted in a formal finding by the Member Conduct Panel that the Code of Conduct had been breached due to the Member's failure to co-operate with the Investigating Officer and Member Conduct Panel. On 22 May 2023, The Panel recommended that the Member not be appointed to any Council committee, or any other Council appointment on outside bodies or otherwise, for a period of 12 months and was agreed by Council.
18. The complaints received underline the ongoing importance for members to be aware of the way in which their conduct and comments, particularly on social media, can be perceived by those hearing/reading them. Whilst members can be challenging and robust in expressing their views, they must always be respectful and civil. Additional training as set out in the report on these elements has been provided during the course of the year and will form part of the member development sessions over the next twelve months.

Registration of Members' Interests and Declarations of Interest at Meetings

19. All Members have submitted their Register of Interests and these are available for inspection via the Council's website. Members receive a twice yearly email reminder to keep their Register of Interests up to date. The most recent reminder was sent in December 2023. Members receive support from Democratic Services as required.
20. All new Members elected via by-elections in the last year submitted their Register of Interests within 28 days of taking office, as set out in Section 30 of the Localism Act 2011.

21. Nine declarations of interest were received at meetings held in public between 1 February 2023 and 31 January 2024. All were non-pecuniary interests. Details are included in Annex 1 to this report.
22. No complaints or referrals have been made to the Council or external auditors suggesting that a member has taken part in a decision where they have had an interest which was not declared. The system is considered to be working well and members proactively contact the monitoring officer or democratic services for advice when they consider they may have an interest which needs to be declared.

Registration of Members' Gifts & Hospitality

23. Paragraph 10 of the Member Code of Conduct sets out councillor responsibilities with regards to the acceptance, refusal and registration of Gifts and Hospitality. Members are required to ensure that all offers of gifts and hospitality with a value of £50 or higher are registered with the Monitoring Officer within 28 days of receipt, and that any significant offers of gifts and hospitality that have been offered but not accepted must also be registered.
24. Democratic Services maintains the Register of Members' Gifts and Hospitality on behalf of the Monitoring Officer, and this is available for public inspection at the Council's offices on application.
25. As of 2022, all Members are sent a twice yearly reminder by Democratic Services to ensure that all offers of Gifts and Hospitality are registered. The most recent reminder was sent on 4 December 2023.
26. Annex 2 to this report sets out all entries to the register received between 1 February 2023 and 31 January 2024. The register shows that declarations were made on 18 occasions by four Members. The declarations can be categorised as follows:
 - Gifts offered whilst undertaking Member duties: 1
 - Dinners and social events/networking opportunities: 17
27. The nature of the gifts and hospitality declared by Members is consistent with that expected for a Member during the normal course of Council business and the various roles held by individual Members.
28. Those who are more likely to be offered gifts and hospitality are the Leader, Cabinet members and the Chair of Council and Committee chairs. An additional reminder focused on the nature of their roles and awareness of the declaration process will be provided every six months.
29. The Committee will recall a suggestion made to the Committee that all councillors should be required to submit a nil return where appropriate in relation to their non receipt or offer of any gifts or hospitality during the course of the previous 12 months. It is considered that such an approach could be disproportionate for the majority of members at the current time, but should be reviewed going forward as an additional measure if considered appropriate because the committee lacks confidence in the declarations being made.

Risk Management Implications

30. 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

31. 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

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

Appendices

Annex 1 – Declarations of Interests at Meetings – 1 February 2023 to 31 January 2024

Annex 2 – Register of Members' Gifts & Hospitality – 1 February 2023 to 31 January 2024

Background Papers

Constitution of the Council

Member Code of Conduct

Report of the Member Conduct Panel to Council, 22 May 2023

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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Declarations of Interest at Meetings – 1 February 2023 – 31 January 2024

ANNEX 1

Date	Committee	Member	Item	Details
15/06/2023	Adults & Health Select Committee	Trefor Hogg	Not specified	Personal Interest - is community representative of NHS Frimley CCG
04/10/2023	Adults & Health Select Committee	Trefor Hogg	NHS Frimley - A&E Waiting Times and Pressures	Personal Interest - is community representative of NHS Frimley CCG
04/10/2023	Adults & Health Select Committee	Carla Morson	NHS Frimley - A&E Waiting Times and Pressures	Personal Interest - close family member works in Emergency Department at Frimley Park Hospital
18/10/2023	Resources & Performance Select Committee	Hazel Watson	Not specified	Non-pecuniary Interest - Governor of the Ashcombe School
18/10/2023	Resources & Performance Select Committee	Edward Hawkins	SIB Annual Report - Financial Year 2022/23	Non-pecuniary Interest - former director of Halsey Garton Property Ltd
06/12/2023	Children, Families, Lifelong Learning & Culture Select Committee	Jonathan Essex	2024/25 Draft Budget and Medium Term Financial Strategy to 2028/29	Non-pecuniary Interest - trustee of Voluntary Action Reigate & Banstead
07/12/2023	Adults & Health Select Committee	Trefor Hogg	A New Hospital to Replace Frimley Park Hospital	Personal Interest - is Frimley Health Community Representative
07/12/2023	Adults & Health Select Committee	Carla Morson	A New Hospital to Replace Frimley Park Hospital	Personal Interest - close family member works in Emergency Department at Frimley Park Hospital
19/12/2023	Cabinet	David Lewis (Cobham)	Cranleigh Church of England Primary School	Non-pecuniary Interest - wife is trustee of Good Shepherd Trust

Register of Members' Gifts & Hospitality – 1 February 2023 – 31 January 2024

DATE OF ENTRY	MEMBER	DATE	PERSON OR ORGANISATION PROVIDING GIFT OR HOSPITALTY	DETAILS OF THE GIFT OR HOSPITALITY	VALUE (£)	JUSTIFICATION FOR HOSPITALITY
<i>Date entry made to the register</i>	<i>Name of Member declaring the gift or hospitality</i>	<i>Date the gift or hospitality was received</i>	<i>Both name of organisation and their representative or individual</i>	<i>Brief description of item (e.g. dinner at, bottle of wine, flowers, etc)</i>	<i>If actual value not known enter estimated. If offered to >1 person put total value</i>	
19/06/23	Jonathan Essex	15/03/2023	Posadero Lounge, Redhill	Opening event of new restaurant	Approx. £15	Accepted - opening event within division

03/07/23	Nick Harrison	26/06/2023	Mercer, Pensions Investment Consultants (Contact - Steve Turner)	Dinner at The Potting Shed, Crudwell, Dorset (part of the Pensions & Lifetime Savings Association, LGPS Conference)	Approx. £50	Accepted - representing SCC at this conference
04/07/23	Tim Oliver	07/06/2023	Local Government Association - Izzi Seccombe	LGA Conservative Group Informal Working Dinner	Under £50	Accepted - good opportunity to share thoughts on what has happened over the last year within the LGA

04/07/23	Tim Oliver	14/06/2023	NHS Confederation	NHS Confederation Member Dinner	Under £50	Accepted - networking opportunity and to discuss day's conference
04/07/23	Tim Oliver	26/06/2023	Surrey Heartlands - Claire Fuller and Ian Smith	Joint ICB/ICS Executive Team Development Day - Working Dinner	Under £50	Accepted - working dinner to discuss previous and future joint working
19/07/23	Jonathan Essex	04/07/2023	RentPlus UK Local Housing Solutions	Drinks reception with food at the LGA Conference	Under £25	Accepted - all councillors at LGA conference of all parties had the same hospitality

24/07/23	Tim Oliver	03/07/2023	County Council Network and Impower	CCN Dinner	Approx £50	Accepted as Chair of CCN who have worked closely with Impower
24/07/23	Tim Oliver	03/07/2023	Local Government Association	LGA Group Executive Dinner	Approx £50	Declined - had a clash at that time with CCN event and deemed that more of priority/better use of time

24/07/23	Tim Oliver	05/07/2023	LGA Conservative Group via Political Officer to the Conservative Group	Dinner for the Group at the Conference with guest speaker	Approx £50	Accepted - networking and discussion within party about the conference and challenges and aims ahead
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24/07/23	Tim Oliver	05/07/2023	Beyond 2050 - convened by a group of organisations from across the UK's hydrogen industry	Hydrogen Dinner' - discussion during the dinner will focus on the role that hydrogen technologies can play in helping local authorities to achieve climate emergency goals, as well as attract investment into local hydrogen projects	Approx £50	Declined - had a clash at that time with CCN event and deemed that more of priority/better use of time
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03/10/23	Tim Oliver	22/09/2023	Richard Travers, President of the Coroners' Society	Dinner	Approx £50	Accepted - networking and relationship building - Richard was keen to promote Surrey and as such invited Tim as Leader of the Council
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30/10/23	Tim Oliver	01/10/2023	Localis - Jonathan Werran, Chief Executive	Localis Fellowship Dinner at the Lowry Hotel, during the Conservative Party Conference - "Running out of gas - is it too late to fix local government finances?"	Approx £50	Accepted - To discuss the current state and condition of local government finances and how to stabilise – representing SCC position and thoughts.
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30/10/23	Tim Oliver	02/10/2023	Inner Circle Consulting - Matthew Bennett, Managing Consultant	Lunch and Learn - Housing - Counties taking the lead" at The Edwardian, during the Conservative Party Conference	Approx £50	Accepted - Tim chaired this session focusing on housing, economic vitality and public service resilience.
30/10/23	Tim Oliver	02/10/2023	Local Government Information Unit (LGIU)	LGIU Private Dinner with Council Leaders at Conservative Party Conference, at the Kimpton Clocktower Hotel	Approx £50	Accepted - A chance to network with other Leaders and discuss current priorities and challenges.



30/10/23	Tim Oliver	16/10/2023	Surrey Development Forum	Surrey Development Forum - House of Lords Dinner	Approx £50	Accepted - To develop the collaborative and constructive partnership working between local authorities in Surrey and the planning and development sector. Local MPs, DLUHC and shadow ministers were also invited – network/ lobbying opportunity.
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29/11/23	Mark Nuti	27/11/2023	Ryan Barham, Communications Manager - Ambassadors Theatre Group	Tickets for Mark and his wife for "Drifters Girl" (22/11/23) and "Pretty Woman" (27/11/23)	Ticket face value approx £90 each; £360 total	Accepted - representing Surrey Culture Partnership
01/12/23	Tim Oliver	27/11/2023	ICS Network	Dinner at the Hilton Euston to start off the ICS Network Conference	Approx <£50	Accepted - networking with attendees which joined conference on 28/11 - the Leader opened and chaired the morning session.



29/02/24	Clare Curran	30/11/2023	Sean Hanson, CEO, Impower Consulting Ltd	Dinner and reception for LA representatives present in Bournemouth for the NACSC Conference	£75	Accepted - a social and networking dinner for a number of senior members of different local authorities attending the conference.
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