

Audit & Governance Committee
11 September 2024

Amended Arrangements for Dealing with Allegations of Breaches of the Member Code of Conduct and Appointment of Independent Persons

Purpose of the report:

The Surrey County Council Arrangements for Dealing with Allegations of Breaches of the Member Code of Conduct form part of the Council's Constitution. The Interim Monitoring Officer has reviewed the arrangements and identified a number of areas in which these could be further strengthened.

The arrangements also make provision for the appointment by Council of at least one Independent Person, whose views must be sought by the Council before it takes a decision on any allegation which it has decided should be investigated.

The current Independent Persons have notified the Interim Monitoring Officer that they will be stepping down at the end of their term in December 2024. This report sets out the process for recruitment for two new Independent Persons.

Recommendations:

That the Audit and Governance Committee:

1. Notes the new Code of Conduct for Councillors complaint form that has been implemented (Appendix A).
2. Agrees the proposed amendments to the Arrangements for Dealing with Allegations of Breaches of the Member Code of Conduct (Part 6(02) of the Constitution) set out in Appendix B to this report and recommends them to the County Council for approval.
3. Approves the updated Independent Person Role Profile set out in Appendix C to this report.
4. Notes the proposed recruitment process being undertaken.

5. Following an interview process, recommends the preferred candidates to the 10 December County Council meeting to be appointed as Independent Persons.
6. Agrees that the newly appointed Independent Persons be invited to attend meetings of the Audit & Governance Committee in an advisory capacity in relation to Member Conduct matters only.

Introduction:

1. The process for submitting a complaint regarding the behaviour of a Councillor has been reviewed and streamlined to assist with the assessment of whether a breach of the Member Code of Conduct has been made. As a result of this the arrangements for dealing with breaches of the Code of Conduct have been updated.
2. In 2020, the Council appointed two Independent Persons (Akbar Khan and Philippa Harding) for a period of four years, following the recommendation of the Committee for Standards in Public Life and the Member Code of Conduct Working Group.
3. Both Independent Persons have notified that they will be standing down at the end of their four year term in December 2024, and it is therefore necessary to begin a recruitment process for their successors. The Council would like to thank them for their service over the four year term.

Amended Arrangements for dealing with breaches of the Member Code of Conduct:

4. The arrangements for dealing with breaches of the Member Code of Conduct (the Code) have been reviewed and the Monitoring Officer has introduced a form that helps complainants focus their complaint and identify where they believe a breach of the Code has occurred.
5. The form has been made available on the Council's website and can also be found as **Appendix A**.
6. As a result of the introduction of the form, the arrangements for dealing with breaches of the Member Code of Conduct have been updated to reflect this change in the process. Further updates include clarifying that complaints will only be considered if they are submitted within 30 days of the alleged incident. The updated arrangements can be found as **Appendix B**.

Updated Independent Person Role Profile:

7. An updated role profile is attached as **Appendix C**. This has been benchmarked against the role profile of other local authorities to ensure that it is robust and fit for purpose.
8. It is also proposed that the Independent Persons be invited to attend meetings of the Audit & Governance Committee in an advisory capacity in relation to ethical standards matters.

Proposed Recruitment Process:

9. The proposal is for an advertisement placed on Surrey County Council's website and all the usual recruitment websites used by the Council: Guardian Jobs, Surreyjobs, JobsGoPublic, Indeed, Find a Job (GOV) and LinkedIn.
10. Applicants will be asked to send a covering statement to express their interest and explain how they meet the desired requirements set out in the role profile, together with a CV before the closing date.
11. A cross-party recruitment panel will be convened to interview suitable candidates, consisting of the following Members drawn from the Member Conduct Panel and nominated by their respective Group Leaders:

Amanda Boote (Residents Associations/Independent Group)
Helyn Clack (Conservative Group)
John Robini (Liberal Democrat Group)
12. Following the interview process, members of the Audit and Governance Committee will be updated, and a recommendation to appoint the successful candidates will be submitted to County Council for approval on 10 December 2024.

Financial and value for money Implications:

13. The Independent Persons will receive an annual allowance of £1,000, which will be covered from the existing budget.

Legal Implications - Monitoring Officer:

14. The report complies with the statutory duty for the Council under the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the authority and in discharging this duty, the Council must adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
15. The Council must also have in place arrangements under which allegations of breaches of the Code can be investigated, and under which decisions on allegations can be made.
16. These arrangements must include provision for the appointment by the Council of at least one independent person— (a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and (b) whose views may be sought— (i) by the authority in relation to an allegation in circumstances not within paragraph (a), (ii) by a member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation.

17. For these purposes a person is not independent if the person is a Member, coopted Member or officer of the authority or a relative, or close friend, of a person who is a Member, co-opted Member or officer of the authority.

Risk Management Implications:

18. Appointing two Independent Persons to assist the Monitoring Officer when considering whether alleged breaches of the Member Code of Conduct had taken place has the advantage of widening the scope of expertise and experience available. It is in line with the best practice recommendations of the Committee for Standards in Public Life, and also provides an opportunity for the community to play an enhanced role in the governance of the Council.

Next steps:

19. The Constitutional amendments will be recommended for approval by the County Council on 8 October 2024.

20. Following the interview process, the successful applicants will be recommended for appointment by the County Council on 10 December 2024.

21. The newly appointed Independent Persons will be invited to attend future meetings of the Audit & Governance Committee in an advisory capacity in relation to Member Conduct matters only.

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Sources/background papers:

Constitution of the Council

Annexes/Appendices:

Appendix A - Surrey Code of Conduct for Councillors complaint form

Appendix B - Amended Part 6(02) of the Constitution (Arrangements for Dealing with Allegations of Breaches of the Member Code of Conduct)

Appendix C - Amended Independent Person Role Profile
