



Audit and Governance Committee  
23 March 2021

**ETHICAL STANDARDS ANNUAL REVIEW**

**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:

- a) Notes the Committee's work undertaken over the past year in relation to to establish a working group to review possible changes to the Members' Code of Conduct in light of recommendations from:
  - a. The Committee on Standards and Ethics 'Local Government Ethical Standards' report (2019).
  - b. The Local Government Association Model Code of Conduct
- b) 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.

**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.

### **Member Working Group**

5. A Member working group was established to review possible changes to the Members' Code of Conduct in light of recommendations from:
  - a. The Committee on Standards and Ethics 'Local Government Ethical Standards' report (2019).
  - b. The Local Government Association Model Code of Conduct (due to be published in June 2020).
6. The working group concluded its work in January 2021 and made the following recommendations:
  - i. the appointment of two Independent Persons.
  - ii. Changes to the Arrangements for Dealing with Allegations of Breaches of the Member Code of Conduct.
  - iii. The revised Member Code of Conduct would be finalised by the working group after the Local Government Association publishes its Member Code of Conduct on 3 December 2020, after which it would be submitted to the Audit and Governance Committee on 29 January 2021 for approval and recommendation to Full Council on 9 February 2021.
  - iv. A response 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 be sent.

### **Committee on Standards and Ethics in Public Life**

7. The Committee on Standards and Ethics in Public Life made a number of recommendations relating to the content of Member Code of Conducts in their 'Local Government Ethical Standards' report (2019). As part of its review, the Audit & Governance Committee working group have reviewed these recommendations and the gap analysis and concluded that Surrey County Council is compliant with these recommendations. A response confirming this was sent to the CfSPL in December 2020.

### **Local Government Association Model Code of Conduct**

8. The Local Government Association produced a model Code of Conduct, based upon the recommendations from the Committee on Standards and Ethics in Public Life.
9. The final model Councillor Code of Conduct was published in December 2020, and minor amendments were made to make it bespoke for Surrey County Council.
10. A new Councillor Code of Conduct and minor consequential amendments to the Arrangements for Dealing with Allegations of Breaches of the Councillor Code of Conduct were considered by the working group at its meeting on 8 January 2021 and a second report was submitted to the Audit and Governance Committee on 29 January 2021.
11. At the County Council meeting on 8 February 2021 Council approved the revised Councillor Code of Conduct as well as amendments to the Arrangements for Dealing with Allegations of Breaches to the Councillor Code of Conduct.

12. In addition to compliance with the Councillor Code of Conduct, Council also agreed that Members are expected to comply with the following codes: (a) Member/Officer Protocol (b) Planning Code of Best Practice.
13. It was agreed that the new Councillor Code of Conduct comes into operation at the first Council Annual General meeting after the next election.

#### **Independent Persons**

14. The Act requires the appointment of at least one independent person who cannot be a councillor, officer or a relative or friend of any one of them.
15. In line with the recommendations made by the CfSPL recommendation that there should be two Independent Persons, the County Council appointed Mr Akbar Khan and Ms Phillippa Harding as the two Independent Persons for a term of four years from December 2020.

#### **Arrangements for receiving and handling complaints**

16. The Act requires the Council to adopt arrangements for dealing with complaints of a breach of the Members' Code of Conduct. Any such complaints must be dealt with in accordance with those arrangements.
17. The working group reviewed the Arrangements for Dealing with Allegations of Breaches to the Councillor Code of Conduct and revisions to these were approved at the County Council meeting in December 2020 on 8 February 2021 and set out that one of the Independent Persons must be consulted when considering what action is appropriate further to complaints received by the Monitoring Officer.

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

18. The spreadsheet appended to this report shows a summary of the complaints received since April 2020 (**Appendix 1**).
19. Members will note that the greatest number of complaints were in relation to interactions on social media platforms. These generally arose when there were alternative views in relation to council activities on local area matters, or at a district or local political level.
20. There have been no breaches of the code which have been formally investigated. There have been two instances where there was a technical breach of the Code in the inaccurate disclosure of interests by members in the register of members interests. On both occasions, councillors took immediate action to correct their declaration of interest and there were no aggravating factors, the errors being due to administrative oversight. In neither case was further formal action considered appropriate at this stage.
21. On reviewing the complaints of the last year, it is proposed that in the induction of all members following the local elections on 6 May 2021, particular emphasis is given to the obligations for the declarations of interests and on the use of social media to assist members in their conduct of council business and duties.

#### **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.

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 £5,000. In the last year there were no investigations that required an external investigator.

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

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

#### **Appendices**

- a) Member Conduct Complaints (**Appendix 1**)

#### **Next steps:**

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

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