



Audit and Governance Committee
28 March 2022

ETHICAL STANDARDS ANNUAL REVIEW 2021-22

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 induction training undertaken by County Councillors following the election in May 2021.
- 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.
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 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 new Independent Persons to consider complaints made against a councillor in December 2020 who have carried out the role throughout 2021. The Independent Persons are:
 - a) 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.
 - b) 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 Induction Training

8. 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
9. A session on Member Code of Conduct training and Registration of Interests was delivered on 24 May and was attended by 62 Members with catch up sessions offered to those unable to attend the first session. These were delivered virtually due to the ongoing Covid-19 pandemic and restrictions in place at the time.
10. Training on GDPR/Data Protection was commissioned jointly by Surrey County Council and Borough/District Councils and was delivered by Alison Edwards of the LGA. Four virtual sessions took place during June and July 2021; these were attended by 34 County Councillors in total.
11. A Member Development Session providing an introduction to social media for Councillors was delivered by the Communications and Engagement Team in October 2021. This covered the practicalities of using social media, as well as reminding Members of their responsibilities in relation to the Member Code of Conduct when using social media in their elected roles. The session was attended "live" by 20 Members, and a recording is available on the Member Portal Teams channel for any Members who were unable to attend.
12. Effective Member/Officer Relationships training took place in November 2021. This was delivered by Mark Palmer of Southeast Employers and Cllr Gareth Barnard of Bracknell Forest Council. 28 Members attended across the two sessions held.

Code of Conduct Complaints

13. The Council received 10 complaints that a councillor had breached the Code of conduct from January 2021 to February 2022. All complaints were 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. Eight of the complaints were considered and found no action required or informally resolved as follows:
 - a) Complaint – a resident had been excluded from an online zoom meeting – no action necessary
 - b) Complaint – a member had not entered details of an interest on the register of interests – administrative error and immediate correction with no aggravating factors
 - c) Complaint – false allegations made concerning a planning application – no action necessary
 - d) Complaint – Rude gesture made by a councillor – conduct was not in their official capacity and no findings as to the alleged conduct made
 - e) Complaint – Councillor failed to respond to a question on a Facebook page – no action necessary and councillor responded to the question
 - f) Complaint – Councillor contacted residents when they should not have done on a local issue – appropriate conduct and no action necessary
 - g) Complaint – Councillor made unacceptable comments on an online newspaper page – councillor invited to, and gave an apology
 - h) Complaint – Councillor made condescending comments on social media – no action necessary.
15. No complaint resulted in a formal finding that the Code of Conduct had been breached. In two of the complaint's, councillors took informal action to resolve the complaint in correcting a register and in giving an apology.
16. Five of the complaints were further to councillors interacting with residents on social media, usually through platforms such as Facebook or Twitter but also once through a zoom meeting. Members have in the last 12 months been more likely to be the subject of a complaint when others using social media disagree with their view, or the way in which comments are written.
17. The remaining two complaints received in the last 12 months were made in February 2022 and are currently being considered. Both complaints concern the same series of tweets made on social media.
18. 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.
19. The Council's Internal Audit team have recently concluded a report on a sample of corporate governance policies which included the Code of Conduct. It included a

small sample survey of members and found that 100% of respondents were aware of the Code of Conduct, understood the policy and it was considered fit for purpose.

Risk Management Implications

20. 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 are intended to assist Members in observing the Code and so mitigate the risk of complaints about Members.

Financial and Value for Money Implications

21. 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

22. 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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