

**Minutes of the Members' Code of Conduct Committee
13 February 2019**

Present:
Murray Litvak (Chairman)

Councillors:

| | |
|--------------|---------------|
| A.E. Friday | A.C. Harman |
| N.J. Gething | V.J. Leighton |

Apologies: Councillors R.W. Sider BEM and B.B. Spoor

36/19 Minutes

The minutes of the meeting held on 25 April 2017 were agreed as a correct record.

The Chairman agreed to the Committee's request to provide an update on the matter referred to in Minute 373/17 and confirmation that it was resolved.

37/19 Disclosures of Interest

There were none.

38/19 Localism Act 2011: Appointment of Independent Persons 2019-2023

The Committee considered a report seeking approval to enter into joint arrangements with six other Surrey local authorities for the appointment of the Council's Independent Persons for the period 2019 to 2023.

The following councils had expressed a wish to participate with Spelthorne in the Joint Appointments Panel:

- Epsom & Ewell
- Guildford
- Mole Valley
- Reigate & Banstead
- Surrey Heath
- Waverley

The proposed arrangements would enable the Council to comply with its obligations under the Localism Act 2011 in respect of ethical standards and The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 in respect of dismissal and disciplinary arrangements for statutory officers.

Resolved to recommend Council:

1. That the Monitoring Officer (Michael Graham) be authorised to establish a Joint Appointments Panel with participating Surrey councils' monitoring officers so that the Panel may:
 - (a) advertise for, short-list, and interview candidates and
 - (b) make recommendations to the respective councils for the appointment of Independent Persons under Section 28(7) of the Localism Act 2011, for a four-year term of office expiring in May 2023;
2. That the Independent Persons appointed by this Council be entitled to receive the same level of travelling expenses as are provided for councillors under the Scheme of Allowances for Councillors; and
3. That the Monitoring Officer be authorised to withdraw from joint arrangements in the event that we are not content with the process or proposed appointments, and make separate arrangements for Spelthorne Borough Council to appoint its Independent Persons.

39/19 Gifts and Hospitality

The Committee considered a report on a review of the procedure for reporting gifts and hospitality. The review suggested improvements to the reporting mechanism to make the whole process more transparent and visible. It would ensure that staff and councillors are accountable under the policy and provide assurance to residents and other stakeholders that the process is fit for purpose.

Members were concerned that £35 was no longer an appropriate nominal value for gifts received, when considering the cost of a bouquet, and proposed to raise it to £50.

Members requested that in addition to the books available for reporting gifts, hospitality and sponsorship, that an electronic form be devised and made available so that councillors did not find it necessary to make special visits to the Council offices in order to submit a report in the book.

The Committee discussed the proposed amendments to the Gifts and Hospitality Policy. It considered that there were certain roles for both councillors and staff where it was common to receive gifts of nominal value or less, from grateful members of the public, on certain occasions or at certain times of the year. The Committee agreed that the receipt of such gifts by Refuse operatives, Community Day centre staff, Meals on Wheels and Spelride drivers or by the Mayor or Deputy Mayor, in the course of fulfilling their civic role, should not be required to be recorded.

Members discussed whether it was necessary for each councillor to record their acceptance of an open invitation for hospitality extended to all members. It was proposed that officers would record all those offers of hospitality which were open to all members, on their behalf.

In relation to Appendix 2 to the report, which described the types of information which councillors and staff would be required to enter in relation to any gifts, hospitality or sponsorship received, the Committee suggested the following changes:

- i. Delete 'date of offer'
- ii. Delete the word 'full' before 'description of gift'
- iii. 'Name and address of donor' to be replaced by 'Description of donor'
- iv. Add 'if any' after 'connection with council'
- v. Delete 'reason for offer'

Resolved:

- 1) To instigate the reporting mechanism outlined at paragraphs 2.2 to 2.8 of the report, subject to the following amendments:
 - b. An electronic reporting form to be available in addition to the books; and
 - c. Appendix 2 be amended as follows:
 - i. Delete 'date of offer'
 - ii. Delete the word 'full' before 'description of gift'
 - iii. 'Name and address of donor' to be replaced by 'Description of donor'
 - iv. Add 'if any' after 'connection with council'
 - v. Delete 'reason for offer'
- 2) To instigate an annual review of all staff and councillor declarations at the Members' Code of Conduct Committee and
- 3) That the Monitoring Officer to conduct periodic training and updates to staff and councillors to remind them of the policy and reporting requirements.

Resolved to recommend Council:

- 4) that the Policy on Gifts Hospitality and Sponsorship be amended as attached and subject to the following changes proposed by the Committee:
 - a. That the nominal value for gifts be raised to £50;
 - b. Offers of hospitality open to all members to be recorded by officers
 - c. Gifts below the nominal value received by Refuse operatives, Community Day centre staff, Meals on Wheels and Spelride drivers from grateful members of the public are not required to be recorded
 - d. Gifts below the nominal value received by the Mayor or Deputy Mayor, in the course of fulfilling their civic role are not required to be recorded.