

## **Ethics Committee**

Meeting of Ethics Committee held on Thursday, 16 May 2019 at 6.30 pm in Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX

### **MINUTES**

- Present:** Councillor Clive Fraser (Chair);  
Councillor Pat Clouder (Vice-Chair);  
Councillors Patricia Hay-Justice, Joy Prince, Helen Redfern and Jeet Bains
- Also Present:** Jacqueline Harris Baker (Executive Director of Resources and Monitoring Officer)
- Apologies:** Councillor Mario Creatura and Independent Members Anne Smith and Ashok Kumar

### **PART A**

#### **33/19 Minutes of the Previous Meeting**

The minutes of the meeting held on 7 March 2019 were agreed as an accurate record. The correction to 'Councillors' (plural) was noted on the recording of apologies.

#### **34/19 Disclosure of Interests**

There were no disclosures of pecuniary interests. Members confirmed their disclosure of interest forms were accurate and up-to-date.

#### **35/19 Urgent Business (if any)**

There were no items of urgent business.

#### **36/19 Local Government Ethical Standards: A review by the Committee on Standards in Public Life**

The item was introduced by the Executive Director of Resources and Monitoring Officer; an overview of the review of Local Government Ethical Standards undertaken by the Committee on Standards in Public Life had been provided at the Committee's previous meeting with the agreement to go through the best practice recommendations. Whilst it had been indicated by Government that these recommendation would be proposed for implementation in 2020, there was benefit in Croydon addressing these in advance. Each of the best practice recommendations was discussed by the Members of the Committee in turn:

**Best practice 1:** this related to prohibitions on bullying and harassment. The Executive Director for Resources and Monitoring Officer briefed Members on how the existing Members' Code of Conduct included provision around breaching equalities legislation and how there was a protocol on staff relations. The Code formed part of the Constitution and Members were expected to comply. However, it was acknowledged that the protocol did not include examples of what might constitute bullying. It was suggested that this could be inserted under the appropriate protocol (number six). It was recommended that the precise wording be taken from the Standards report which reflected best practice amongst other Councils.

The Members of the Committee AGREED the addition of examples of what might constitute bullying to the protocol on staff relations based on the examples provided in the Standards report.

**Best practice 2:** this related to the need to comply with any formal standards investigation. The Executive Director for Resources and Monitoring Officer highlighted that the Members' Code of Conduct already stated the need to comply fully with any scrutiny. It was also noted that the assessment criteria allowed for it to be determined that no further action be taken and provided for malicious accusations by members of the public. It was therefore recommended that this best practice recommendation had already been addressed.

The Members of the Committee AGREED that no change was required with regard to this best practice recommendation.

**Best practice 3:** this related to the regular review of and consultation on the Members' Code of Conduct. The Executive Director of Resources and Monitoring Officer highlighted that this was already achieved through the Ethic Committee. It was noted these reviews had resulted in changes to the Code such as the incorporation of the Nolan Principles of Public Life. However, it was acknowledged that this did not include consultation with the public and neighbouring authorities although it was not clear the degree to which this was necessary.

Given the Code of Conduct was regularly reviewed it was recommended that the Committee wait further guidance from Government on any further changes needed and that no change be implemented at the current time.

The Members of the Committee AGREED that no change be implemented regarding the review of and consultation on the Members' Code of Conduct.

**Best practice 4:** this related to the accessibility of the Members' Code of Conduct. Specifically how this is accessible to members of the public and Councillors. The Executive Director of Resources and Monitoring Officer described how the Members' Code of Conduct is part of the Constitution and accessible to all through the Council's website. It was noted that there was no change needed regarding the accessibility of the Code.

The Members of the Committee AGREED to note this best practice recommendation and that no change was needed.

**Best practice 5:** this related to the gifts and hospitality register being updated quarterly. The Executive Director for Resources and Monitoring Officer explained that this is done live and therefore more frequently than quarterly with a separate section on the website for the declaration of gifts and hospitality received by Members. The Committee discussed Members declaring being on any outside body even if not receiving a pecuniary interest.

The Members of the Committee AGREED that all Members be contacted and asked to declare any non-pecuniary positions and gifts.

**Best practice 6:** this related to the need for a clear and straightforward test of public interest against which allegations are filtered. The Executive Director for Resources and Monitoring Officer noted that this had been reviewed in 2019 by the Ethics Committee with a public interest test clearly stated in the assessment criteria. Therefore, the recommendation was that no change was required.

The Members of the Committee AGREED to note the best practice recommendation and that no change was required.

**Best practice 7:** this related to being able to access at least two Independent Members. The Executive Director for Resources and Monitoring Officer noted that there were two Independent Members in place who were accessible. Therefore, it was proposed that no further change was required as a result of this best practice recommendation.

The Members of the Committee debated the length of time an Independent Member should be in place before they could be considered to have lost their independence and how this should be weighed against the difficulties experienced in recruiting Independent Members.

The Members of the Committee AGREED that the Chair would consider the issue of how long an Independent Member should remain in post with this item to potentially return to the Committee for further consideration.

**Best practice 8:** related to consulting with an Independent Member about whether or not to undertake a formal investigation. The Executive Director of Resources and Monitoring officer described how discretion is applied in Croydon regarding consultation with the Independent Member. It was described how the Monitoring Officer and Councillors can take advantage of the ability to consult.

The Members of the Committee noted their contentment on this best practice recommendation given this was already being followed.

**Best practice 9:** this related to the publishing of a decision notice following a formal investigation. The Executive Director for Resources and Monitoring Officer noted that this provision already existed.

Members noted that no changes were recommended.

**Best practice 10:** this related to guidance on the complaints process be accessible on the Council's website. The Executive Director for Resources and Monitoring Officer noted that this was already in place with no changes recommended.

Members noted that no changes were recommended.

**Best practice recommendations 11 and 12:** were noted as only applying to Parish Councils and therefore were not appropriate for consideration by the Committee.

**Best practice recommendation 13:** related to having procedures in place to address conflicts of interest when undertaking a standards investigation. The Executive Director for Resources and Monitoring Officer explained how the Council benefits from having two deputy Monitoring Officers but consideration would also be given to appointing an external investigator should the need arise. It was therefore recommended that the issue of conflicts of interest was adequately addressed and no recommendation was required.

Members noted that no changes were recommended.

**Best practice 14:** related to reporting on separate bodies that have been set-up or which Councils own as part of their annual governance statement. The Executive Director for Resources and Monitoring Officer described how this was dealt with on the General Purposes and Audit Committee (GPAC) annually. As such no change was required with no recommendation made. The Executive Director for Resources and Monitoring Officer noted this will be highlighted with the Head of Audit who prepares the statement.

Members noted that no changes were recommended.

**Best practice 15:** related to senior officers meeting to discuss standards issues with Leaders and Group Whips of both political parties. The Executive Director for Resources and Monitoring Officer described how these meeting happened regularly and noted that both Chief Whips were members of the Ethics Committee.

Members noted that no changes were recommended.

**RESOLVED:** Members AGREED the recommendations in the report:

- 1.1. Noted the contents of the report;
- 1.2. Recommended to Full Council that the Protocol on Staff-Member relations, Part 5B of the Constitution, be updated to include, as detailed in paragraph 3.10, a definition of bullying and harassment;

- 1.3. Noted the current compliance with best practice items 2 – 4, 6, 7, 9-13 and 15 and that no changes be made to the Code or Committee practice in those regards;
- 1.4. Noted that best practice items 11 and 12 were currently not applicable to the Council;
- 1.5. In relation to Best Practice item 5, encourage Members to ensure that they complete the “Any other personal interest” section of the Register of Members’ Interests where they consider that there are additional matters in respect of which declarations ought to be made;
- 1.6. Noted that the Council is in compliance with the statutory requirements as they related to Best Practice item 8 and currently had one more Independent Person in post than the statutory minimum. However, given the matters highlighted within the report, recommended no changes to Council arrangements in relation to this element;
- 1.7. Noted that Best Practice item 14 is not a matter within the Ethics Committee remit but is a matter which is consider by General Purposes and Audit Committee as part of the Annual Governance Statement process and approval.

**37/19 Work Programme**

**RESOLVED:** the work programme as contained in the agenda pack (pages 31 – 34), was AGREED by the Members of the Committee.

**38/19 Dispensation Applications for Members**

No requests for personal dispensations were received.

**39/19 Exclusion of the Press and Public**

No requests for personal dispensations were received and therefore this item fell.

**40/19 Dispensation Applications for Members**

No requests for personal dispensations were received and therefore this item fell.

The meeting ended at 7.16 pm

**Signed:**

**Date:**

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