

Ethics Committee Agenda



To: Councillor Leila Ben-Hassel (Chair)
Councillor Brigitte Graham (Vice-Chair)
Councillors Jade Appleton, Mario Creatura, Helen Redfern and
Esther Sutton

Independent Persons: Don Axcell, Jennifer Gordon, Ashok Kumar and Alan
Malarkey

Reserve Members: Councillors Jeet Bains, Richard Chatterjee, Clive Fraser,
Holly Ramsey and Catherine Wilson

A meeting of the **Ethics Committee** which you are hereby summoned to attend, will
be held on **Wednesday, 5 July 2023** at **6.30 pm** in **Council Chamber, Town Hall,
Katharine Street, Croydon CR0 1NX**

Stephen Lawrence-Orumwense
Monitoring Officer
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

Marianna Ritchie, Democratic Services
marianna.ritchie@croydon.gov.uk
www.croydon.gov.uk/meetings
Tuesday, 27 June 2023

Members of the public are welcome to attend this meeting. If you would like to record
the meeting, we ask that you read the guidance on the recording of public meetings
[here](#) before attending.

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AGENDA – PART A

1. Apologies for Absence

To receive any apologies for absence from any Members of the Committee.

2. Minutes of the Previous Meeting (Pages 5 - 8)

To approve the minutes of the meeting held on 19 April 2023 as an accurate record.

3. Disclosure of Interests

Members are invited to declare any disclosable pecuniary interests (DPIs) they may have in relation to any item(s) of business on today's agenda.

4. Urgent Business (if any)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

5. Work Programme (Pages 9 - 12)

To consider the Committee work programme for the remainder of the Municipal Year.

6. Appointments to Independent Person Selection Panel (Pages 13 - 18)

The Ethics Committee, on the 19th April 2023, due to a vacancy which had arisen, agreed to commence a recruitment process under the provisions of the Localism Act 2011 to ensure a sufficient pool of Independent Persons.

7. Member Gifts and Hospitality (Pages 19 - 24)

Members must comply with the Members' Code of Conduct including the requirements around declaring gifts and hospitality. Appendix 1 to this report provides the details of gifts and hospitality declared by Members since the Committee was last updated on declarations of this nature.

8. Update on Ethics Complaints Received In The First Quarter Up To And Including 31 March 2023 (Pages 25 - 42)

The Council has determined that the Ethics Committee shall be responsible for receiving and considering reports on matters of probity

and ethics. This is a follow up to the first quarter report to the Ethics Committee to update members on any complaints previously reported to members during quarter one but now completed.

Public Document Pack Agenda Item 2

Ethics Committee

Meeting of held on Wednesday, 19 April 2023 at 6.30 pm in Council Chamber, Croydon Town Hall, Croydon CR0 1NX

MINUTES

Present: Councillor Louis Carserides (Chair);
Councillor Clive Fraser (Vice-Chair);
Councillors Jade Appleton, Helen Redfern and Esther Sutton

Also Present: Independent Member Don Axcell

Apologies: Councillor Mario Creatura
Stephen Lawrence-Orumwense

PART A

26/22 Minutes of the Previous Meeting

Independent Person, Don Axcell, asked for his apologies to be recorded in the minutes.

The minutes of the meeting held on 8 February 2023 were agreed as an accurate record with the above change.

27/22 Disclosure of Interests

There were none.

28/22 Urgent Business (if any)

There were no items of urgent business.

29/22 Work Programme

RESOLVED, to:

1. Note, consider and comment on changes to the work programme as detailed in the report.

30/22 Member Gifts and Hospitality April 2023

Interim Head of Democratic Services, Adrian May, presented the report to members and explained that co-opted members of committees would be added to the Democratic Services Quarterly Newsletter and informed that

they also needed to declare Gifts and Hospitality received related to their roles.

RESOLVED, to:

1. Note the requirements on Members with regards to declaring Gifts and Hospitality as detailed in the report; and,
2. Note the Gifts and Hospitality declarations made by Members since 31 January 2023.

31/22 Independent Person Selection

Interim Head of Democratic Services, Adrian May, presented the report to the committee and in response to members' questions clarified that there was no limit to the term of office of an Independent Person but that good practice recommended that their appointment should be limited to two years with a possible extension period of a further two years to maintain their independence.

Nominations were received from Councillor Mario Creatura, and Councillor Clive Fraser to support the Chair on the proposed selection panel. Independent Person, Don Axcell, was also nominated, subject to the lack of dissent from the other Independent Persons.

RESOLVED, to:

1. Delegate to the Monitoring Officer authority to commence a recruitment process in line with Section 28 of the Localism Act 2011 for the appointment of Independent Person/s to maintain a pool of five Independent Persons;
2. Agree the establishment of a selection panel of the Ethics Committee for the purposes of interviewing and shortlisting applicants for the role of Independent Person and making subsequent recommendations to this committee for consideration and onward recommendation to full Council for appointment;
3. Agree the Selection Panel comprises three members of this Committee: the Chair and two further Members to be nominated and agreed by the Committee with advisory support to be provided by the Monitoring Officer, Democratic Services and a current Independent Person;
4. Agree membership of the Selection Panel as follows: Councillor Louis Carserides, Councillor Mario Creatura and Councillor Clive Fraser with advisory support from the Monitoring Officer, democratic services and Independent Person Don Axcell;

5. Note the proposed time frame of the recruitment and subsequent reporting back to this Committee prior to onward recommendations to Full Council;
6. Subject to his agreement, to recommend the re-appointment of Ashok Kumar as Independent Person for a further term of 2 years from May 2023, which term shall be subject to appointment by Full Council annually;
7. Thank Anne Smith for her exemplary and invaluable service as Independent Person and to note her resignation as Independent Person;
8. Note that Independent Persons Don Axcell, Jennifer Gordan and Alan Malarkey remain Independent Persons who have been appointed for a term up to May 2025 but that this appointment is subject to re-appointment by Full Council annually; and,
9. Subject to appointment at Full Council, to authorise the Monitoring Officer to confirm those appointments to the Independent Persons and re-confirm to the Independent Persons the terms of appointment and standards of conduct expected.

32/22 Quarterly Complaints Report

Head of Litigation and Corporate Law, Sandra Herbert, presented the report to the committee summarising the complaints which had been received by the Monitoring Officer during the last quarter. Officers advised that Appendix A had been updated to identify relevant parts of the Code of Conduct alleged by complainants to have been breached by Members together with details as to whether or not the Independent Person had been consulted by the Monitoring Officer as part of his assessment.

Members reiterated their request for a Part B schedule of the complaints as requested at the February meeting. In response Officers advised that the Monitoring Officer considered it would be premature to do so whilst this quarter's complaints were still subject to assessment but that once assessment had been concluded further information would be provided at the next meeting.

Members also wished to understand whether each complaint logged was unique and to discuss trends. Officers explained it was difficult to identify trends in complaints in a quarterly report and that the annual report that would be presented to the committee later in the year would be more useful in that regard.

Members wished to discuss matters more fully in a Part B report from the Monitoring Officer next time.

Members noted that the Monitoring Officer proposed to write to all Members with a reminder as to the expected standards of behaviour as set out in Appendix C.

RESOLVED, to note the report's contents.

33/22 Social Media Guidance to Members

Members requested that the covering note to the guidance included the point of contact for advice.

RESOLVED, to agree that the attached guidance be re-circulated to Members alongside a covering letter from the Monitoring Officer and Chair of Ethics as an aide memoire to members on social media use and expectations.

34/22 Exclusion of the Press and Public

There was no motion to exclude the Press and Public from any portion of this meeting.

The meeting ended at 7.00 pm

Signed:

Date:

LONDON BOROUGH OF CROYDON

| | | |
|-------------------------------------|--|---------------|
| REPORT: | ETHICS COMMITTEE | |
| DATE OF DECISION | 5th July 2023 | |
| REPORT TITLE: | ETHICS COMMITTEE: WORK PROGRAMME | |
| DIRECTOR: | Stephen Lawrence-Orumwense Director of Legal & Governance | |
| LEAD OFFICER: | Adrian May, Interim Head of Democratic Services adrian.may@croydon.gov.uk | |
| CONTAINS EXEMPT INFORMATION? | NO | Public |
| WARDS AFFECTED: | N/A | |

1 SUMMARY OF REPORT

- 1.1 The report sets out the future work programme for the Ethics Committee Work Programme and for noting, consideration and comment.

2 RECOMMENDATIONS

For the reasons given in this report, the Ethics Committee is recommended to:

- 2.1 Note, consider and comment on changes to the work programme as detailed in this report.

3 REASONS FOR RECOMMENDATIONS

- 3.1 This report supports the role and responsibility of the Committee in terms of reviewing the current identified work programme.

4 BACKGROUND AND DETAILS

- 4.1 The table sets out the items currently scheduled for the future Ethics Committee Work Programme. This Work Programme will be considered at every meeting of the Committee to enable it to respond to issues of concern and incorporate any additional items.

It is anticipated officers will review the programme work and potential additional items with the new Chair.

| Meeting date | Standing item(s) | Other items |
|--------------------------------|--|---|
| 15 th November 2023 | Members' dispensations Complaint Monitoring Work Programme Gifts & Hospitality Legal & Ethics Update | Independent Person/s Selection Panel Recommendations Member Conduct and Complaints Process Review |
| 6 th March 2024 | Members' dispensations Complaint Monitoring Work Programme Gifts & Hospitality Legal & Ethics Update | |

5 ALTERNATIVE OPTIONS CONSIDERED

5.1 No other options considered.

6 CONSULTATION

6.1 This Work Programme is subject to consultation with Members of the Ethics Committee.

7. CONTRIBUTION TO COUNCIL PRIORITIES

7.1 Mayor's Business Plan - Priority 4 : Ensure good governance is embedded and adopt best practice

8. IMPLICATIONS

8.1 FINANCIAL IMPLICATIONS

8.1.1 The implementation of the recommendations contained in this report shall be contained within existing budgets.

8.1.2 Please note, these are draft implications submitted by the author, and may be subject to change by Finance (any update will be given at meeting).

8.2 LEGAL IMPLICATIONS

- 8.2.1 There are no direct legal implications arising from the contents of the recommendations in this report.
- 8.2.2 Comments approved by Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Legal Services and Monitoring Officer. (Date 26/06/2023)

8.3 EQUALITIES IMPLICATIONS

- 8.3.1 There are no direct equalities impact consequences arising from the contents of this report.
- 8.3.2 Please note, these are draft implications submitted by the author, and may be subject to change by the Equalities team (any update will be given at meeting).

9. APPENDICES

None

10 BACKGROUND DOCUMENTS

None

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| | | |
|-------------------------------------|--|---------------|
| REPORT: | ETHICS COMMITTEE | |
| DATE OF DECISION | 5 th July 2023 | |
| REPORT TITLE: | Appointments to Independent Person Selection Panel | |
| DIRECTOR: | Stephen Lawrence-Orumwense Director of Legal & Governance | |
| LEAD OFFICER: | Adrian May, Interim Head of Democratic Services adrian.may@croydon.gov.uk | |
| CONTAINS EXEMPT INFORMATION? | NO | Public |
| WARDS AFFECTED: | N/A | |

1 SUMMARY OF REPORT

- 1.1 The Ethics Committee, on the 19th April 2023, due to a vacancy which had arisen, agreed to commence a recruitment process under the provisions of the Localism Act 2011 to ensure a sufficient pool of Independent Persons.
- 1.2 The Committee appointed three Committee Members (Cllr Carserides, as Chair and Cllr Creatura and Cllr Fraser) to a selection panel, with advisory support from an Independent Person, Don Axcell, for the purpose of interviewing and shortlisting applicants for the role of Independent Person, which would subsequently make recommendations to this Committee for consideration and onward recommendation to Full Council for appointment.
- 1.3 Due to changes in the Committee's membership, the Committee is asked to appoint three Members to the Selection Panel, from the six committee Members appointed at the Annual Council Meeting, May 2023.

2 RECOMMENDATIONS

For the reasons given in this report, the Ethics Committee is recommended to:

- 2.1 Agree three Member nominations to sit on the Selection Panel: the Chair and two further Members to be nominated and agreed by the Committee.
- 2.2 To note, Don Axcell, was previously nominated as Independent Person advisory support to the Selection Panel.

- 2.3 Note the revised proposed time frame of the Independent Person/s recruitment and subsequent reporting back to this Committee prior to onward recommendations to Full Council.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The recommendations ensure that the Council has sufficient Independent Persons to continue to perform its statutory functions under the Localism Act 2011 in respect of the Ethics Functions of the Authority and under Part 4J of the Council's Constitution (Staff Employment Procedure Rules) in respect of disciplinary matters pertaining to Head of Paid Service, Section 151 Officer or Monitoring Officer.

4 BACKGROUND AND DETAILS

- 4.1 Section 28 of the Localism Act 2011 ("the Act") imposes a duty upon the Council to 'promote and maintain high standards of conduct by Members and Co-opted Members of the Council'. The Council is required to adopt a Code dealing with the conduct that is expected of Members and Co-opted Members of the Council when they are acting in that capacity. In addition, under Section 28(6) and (7) of the Act, the Council must have in place "arrangements" under which allegations that a Member or co-opted Member of the authority, or of a Committee or Sub-Committee of the authority, has failed to comply with the Council's Code of Conduct can be investigated and decisions made on such allegations. For Members' information, the arrangements as adopted by Full Council, can be accessed [here](#)¹.
- 4.2 Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a Member or co-opted Member against whom an allegation has been made.
- 4.3 In addition, the Council's arrangements provide that the Monitoring Officer may consult an Independent Person when considering, at assessment stage, whether or not an allegation ought to be referred for investigation. In other words to avoid the potential conflict of the same Independent Person having to advise different persons/bodies on the same matter, up to four Independent Persons might be involved in providing advice at different stages of and to different parties in the Ethics Process – one to advise the Member complained about, one who may advise the Monitoring Officer at Assessment Stage, one who might be consulted by the Authority at any other stage in the process and one whose views must be sought by the Council before it takes any final decision on an allegation of breach of the Code which is the subject of investigation.

1

https://www.croydon.gov.uk/sites/default/files/articles/downloads/Arrangements%20under%20the%20Localism%20Act%202011_July%202012.pdf

- 4.4 The Council has delegated to the Ethics Committee the function of investigating and determining any allegations of a breach of the Code of Conduct. The Committee comprises six elected Members of the Council and the Independent Persons who are not committee members but attend in a non-voting advisory capacity at Committee and are involved at other stages of the process as detailed above.
- 4.5 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (“the Regulations”) which amend the earlier 2001 Regulations, make specific provision for the involvement of Independent Persons in relation to Disciplinary Action taken against Head of Paid Service, Section 151 Officer or Monitoring Officer.
- 4.6 Part 4J of the Constitution which incorporates the requirements of the Regulations provides that consideration of disciplinary action which could result in dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer will be the responsibility of the Appointments and Disciplinary Committee. In addition, an Independent Panel constituting at least two Independent Persons (who are appointed pursuant to the Localism Act 2011) will advise the Council on any recommendation from Appointments and Disciplinary Committee to dismiss Head of Paid Service, the Chief Finance Officer or the Monitoring Officer. Following any disciplinary hearing the outcome of which is a proposal to dismiss, the Independent Panel’s views must be reflected specifically in the Report to full Council setting out the Appointments and Disciplinary Committee’s recommendations. The full Council shall have regard to the recommendations of Appointments and Disciplinary Committee and the Independent Panel in reaching its decision on the matter.
- 4.7 The Committee, 19th April 2023, agreed to commence a recruitment and selection process to ensure a sufficient pool of Independent Persons to carry out statutory duties including in relation to any disciplinary matters described in the body of this report above. A Selection Panel consisting of 3 Members (supported by an Independent Members in an advisory capacity) was agreed. The Committee appointed three Committee Members (Cllr Carserides, as Chair and Cllr Creatura and Cllr Fraser).
- 4.8 At the Annual Council Meeting (ACM), May 2023, membership of the Ethics Committee changed - Cllr Carserides is no longer a member of the Committee and Cllr Fraser changed from a Committee Member to a substitute/reserve Member. Cllr Creatura was reappointed to the Committee at Annual Council.
- 4.9 The Committee is asked to nominate and agree three Member appointments to the Selection Panel from the six current members of the Committee.
- 4.10 Donald Axcell was appointed to support the Selection Panel at the 19th April 2023 and was reappointed as an Independent Person at the last ACM.
- 4.11 The maximum pool of Independent Persons is currently five. The Council currently has 4 Independent Persons - Donald Axcell, Jennifer Gordon, Alan Malarkey, and Ashok Kumar.

- 4.12 Subject to agreement of the recommendations within this report, the outcome of the Selection Panel shall be reported to this Committee for onward recommendation to Full Council for a proposed appointment of an additional Independent Person for a term of 4 years, whilst noting that appointment within that term does ordinarily take place annually by Full Council.
- 4.13 With regards to likely timescales, the advert will be published in local press and online through the Council's website in July 2023 with the selection process proposed to take place Sept/ Oct (and thereafter the recommendation/s back to this Committee and onto Council).

5 ALTERNATIVE OPTIONS CONSIDERED

No other options considered as the Selection Panel needs to be comprised of existing members of the Ethics Committee.

6 CONSULTATION

- 6.1 No formal consultation has been undertaken in relation to this proposal however the Localism Act requires that the recruitment process will involve a public advertisement and formal application process.

7. CONTRIBUTION TO COUNCIL PRIORITIES

- 7.1 Mayor's Business Plan - Priority 4 : Ensure good governance is embedded and adopt best practice

8. IMPLICATIONS

8.1 FINANCIAL IMPLICATIONS

8.1.1 No allowance is payable for the role of Independent Person. There are no employee costs arising from these appointments, and recruitment costs are minimal and can be funded from operational budgets.

8.1.2 Please note, these are draft implications submitted by the author, and may be subject to change by Finance (any update will be given at meeting).

8.2 LEGAL IMPLICATIONS

8.2.1 The Council has a statutory duty 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.

8.2.2 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.

- 8.2.3** 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.
- 8.2.4** For these purposes a person is not independent if the person is a Member, co-opted 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.
- 8.2.5** A person may not be appointed as an Independent Person if at any time during the 5 years ending with the appointment the person was a Member, co-opted Member or officer of the authority.
- 8.2.6** Finally, a person may not be appointed unless the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public, the person has submitted an application to fill the vacancy to the authority, and the person's appointment has been approved by a majority of the members of the authority.
- 8.2.7** Remaining legal requirements and matters are set out within the body of this report.
- 8.2.8** *Approved by:* Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Legal Services and Monitoring Officer (26/06/23).

8.3 EQUALITIES IMPLICATIONS

- 8.3.1** The Equality Act 2011(section 149) places a public sector equality duty (section 146) on the Council. The duty requires the Council to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- 8.3.2** Having “due regard” to the need to advance equality of opportunity involves having due regard, in particular, to the need to encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 8.3.3** The law requires that the vacancy for an independent Person is advertised in such a manner as the Council consider is likely to bring it to the attention of the public.

Subject to the statutory restrictions around applicant's demonstrating 'independence' the vacancy would be available to all.

8.3.4 Please note, these are draft implications submitted by the author, and may be subject to change by the Equalities team (any update will be given at meeting).

9. APPENDICES

None

10 BACKGROUND DOCUMENTS

None

LONDON BOROUGH OF CROYDON

| | | |
|-------------------------------------|--|---------------|
| REPORT: | ETHICS COMMITTEE | |
| DATE OF DECISION | 5th July 2023 | |
| REPORT TITLE: | MEMBER GIFTS AND HOSPITALITY | |
| DIRECTOR: | Stephen Lawrence-Orumwense Director of Legal & Governance | |
| LEAD OFFICER: | Adrian May, Interim Head of Democratic Services adrian.may@croydon.gov.uk | |
| CONTAINS EXEMPT INFORMATION? | NO | Public |
| WARDS AFFECTED: | N/A | |

1 SUMMARY OF REPORT

- 1.1 Members must comply with the Members' Code of Conduct including the requirements around declaring gifts and hospitality. Appendix 1 to this report provides the details of gifts and hospitality declared by Members since the Committee was last updated on declarations of this nature.

2 RECOMMENDATIONS

For the reasons given in this report, the Ethics Committee is recommended to:

- 2.1 Note the requirements on Members with regards to declaring Gifts and Hospitality as detailed within the report.
- 2.2 Note any Gifts and Hospitality declarations made by Members' since 11th April 2023.

3 REASONS FOR RECOMMENDATIONS

- 3.1 This report supports the role and responsibility of the Committee related to reviewing the operation of the Member Code and monitoring compliance.

4 BACKGROUND AND DETAILS

- 4.1 As outlined in the Member Code of Conduct, Members agree to adhere to the following with regards to declaring gifts and hospitality:

- Members do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on their part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, license or other significant advantage.
 - Members register with the Monitoring Officer, within 28 days of receipt, any gift or hospitality with an estimated value of at least £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve-month period .
 - Register with the Monitoring Officer any significant gift or hospitality that they may have been offered but have refused to accept.
- 4.2 In terms of submitting gift and hospitality declarations, Members notify the Monitoring Officer (or the Head of Democratic Services acting on behalf of the Monitoring Officer) via email - with the Member's online Register of Interests (on the Council's website) subsequently updated.
- 4.3 All Members of the Council are reminded quarterly (last edition 26th May 2023) via a Members' Newsletter of the gift and hospitality declaration requirements and submission process. The next Newsletter (and subsequent reminder) is scheduled to be sent end of Aug/early Sept 2023. The reminder includes voting co-opted members.
- 4.4 Committee members are asked to note the gifts & hospitality declarations made as detailed in Appendix 1.

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 No other options considered as regular reporting of gifts and hospitality is considered standard practice.

6 CONSULTATION

- 6.1 The declarations are sent directly from the relevant member, with any clarification sought by Democratic Services on behalf of the Monitoring Officer and reported to the Ethics Committee.

7. CONTRIBUTION TO COUNCIL PRIORITIES

- 7.1 Mayor's Business Plan - Priority 4 : Ensure good governance is embedded and adopt best practice

8. IMPLICATIONS

8.1 FINANCIAL IMPLICATIONS

8.1.1 The implementation of the recommendations contained in this report shall be contained within existing budgets.

8.1.2 Please note, these are draft implications submitted by the author, and may be subject to change by Finance (any update will be given at meeting).

8.2 LEGAL IMPLICATIONS

8.2.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Legal Services and Monitoring Officer that the Council has a statutory duty 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 of Conduct dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

8.2.2 This Code of Conduct must make provision for the declaration of certain interests (Disclosable Pecuniary Interests) and may make provision for the declaration of other interests. This Council has adopted a Code which also requires the declaration of "Other registerable Interests", the declaration of and restriction on participation for "Non-registerable interests" and the declaration of Gifts and Hospitality as detailed in the body of the report above.

8.2.3 Approved by Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Legal Services and Monitoring Officer (26/06/2023)

8.3 EQUALITIES IMPLICATIONS

8.3.1 There are no direct equalities impact consequences arising from the contents of this report.

8.3.2 Please note, these are draft implications submitted by the author, and may be subject to change by the Equalities team (any update will be given at meeting).

9. APPENDICES

Appendix A – Declared Gifts and Hospitality

10 BACKGROUND DOCUMENTS

None

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Appendix 1 - Member Gifts and Hospitality Declarations
11th April 2023 to 26th June 2023

| Member | Person / Body from whom gift / hospitality received | Nature and value of gift or hospitality and date(s) received |
|-------------------|--|---|
| Cllr Stuart King | Meeting with Chief Executive of Croydon BID (Business investment District) | Hospitality – Lunch and a Soft Drink, Est. £20, 12 th May 2023. |
| | | |
| Mayor Jason Perry | SGSS Invitation to Vaisakhi 2023 Festival Events | 16th April 2023 - Lunch, £10 |
| | Refugee Forum - Big Common Colouring-in Project | 16th April 2023 - Light Snack - £5 |
| | Not Known/Sent Anonymous in Post | 24th April - Book - Value Unknown |
| | Birch Hotel Visit | 6th May – Dinner for 4 people - £100 |
| | Amedaiya Mosque Visit | 8th May – Lunch - £10- Paperweight – not known |
| | Jo McDonagh from London Square | 16th May - a personalised London Square themed Monopoly Board - around £30 |
| | Jose Joseph, Surrey Street trader | 18th May 2023 - bag of fruit - £5 |
| | Recognition event | 5th June 2023 - Book, £15; ticket £0; (book was donated to Croydon library) |
| | Bishop of Croydon Windrush event | 17th June 2023 -Dinner, value unknown, estimated at below £50 |

| | | |
|--------------------|---------------------------------|--|
| | Croydon Symphonic Band | 25th June 2023 - x2 Tickets £12.50 each - Total £25.00; Croydon Symphonic Band 50th Anniversary Concert |
| | | |
| Cllr Andy Stranack | Crystal Palace FC Beer Festival | 3 rd June 2023 - 2x Complimentary tickets, food and drink tokens, complimentary beer glass - Estimated value of £50 |

Agenda Item 8

LONDON BOROUGH OF CROYDON

| | | |
|---------------------------------------|--|---|
| REPORT: | ETHICS COMMITTEE | |
| DATE OF DECISION | 5 JULY 2023 | |
| REPORT TITLE: | UPDATE ON ETHICS COMPLAINTS RECEIVED IN THE FIRST QUARTER UP TO AND INCLUDING 31 MARCH 2023 | |
| CORPORATE DIRECTOR / DIRECTOR: | DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER | |
| LEAD OFFICER: | Stephen Lawrence-Orumwense Stephen.Lawrence-Orumwense@croydon.gov.uk Ext: 27443 | |
| LEAD MEMBER: | | |
| DECISION TAKER: | ETHICS COMMITTEE | |
| KEY DECISION? | No | |
| CONTAINS EXEMPT INFORMATION? | YES | Public with an exempt Appendix A Appendix A Exempt pursuant to paragraphs 1 (Information relating to any individual) & 2 (Information which is likely to reveal the identity of an individual) of Schedule 12A of the Local Government Act 1972. |
| WARDS AFFECTED: | ALL | |

1. SUMMARY OF REPORT

- 1.1 The Council has determined that the Ethics Committee shall be responsible for receiving and considering reports on matters of probity and ethics. This is a follow up to the first quarter report to the Ethics Committee to update members on any complaints previously reported to members during quarter one but now completed.
- 1.2 The report is supported by Appendix A, which contains exempt and confidential information which pertains to those complaints which formed part of the quarter one report and have since been completed. The Appendix A and the contents thereof will need to be considered by Members in private session and should not be subject to discussion or disclosure outside of Members' private session.

2 RECOMMENDATIONS

For the reasons set out in the report the Committee are asked:

- 2.1 To note the report contents.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The Council has determined that the Ethics Committee shall be responsible for receiving and considering reports on matters of probity and ethics. This is an update to the first quarterly report to the Ethics Committee to update members on any complaints which were reported to members in that first quarter report and have since been completed. This information is subject to what is set out at paragraph 4.7 below and the Appendix contents is exempt and confidential.

4. BACKGROUND AND DETAILS

- 4.1 The 2011 Act requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the code of conduct, and arrangements under which decisions on allegations may be made. Members will be aware that a new Code of Conduct was adopted by the Council in October 2021 and the complaints detailed in this report were subject to that new Code of Conduct.
- 4.2 Pursuant to the current arrangements which the Committee has approved on behalf of the Council, any complaints which pertain to Members Conduct are made in the first instance to the Monitoring Officer. The Committee on Standards in Public Life Report on Local Government Ethical Standards (2019) acknowledged the role of Monitoring Officers in receiving and filtering complaints:

Filtering complaints

The Monitoring Officer usually filters complaints about councillor conduct and judges if the complaints are trivial or vexatious, or whether they should proceed to a full investigation. Usually this filtering is based on the judgment of the officer, often against a formal policy, though the Monitoring Officer may seek the advice of an independent person or members of a standards committee when they do so” (Chapter 3, Page 53).

- 4.3 The Monitoring Officer has authority to undertake an initial assessment of the complaint in accordance with the Assessment Criteria which the Committee have specifically adopted for these purposes. The Assessment Criteria are not exhaustive but are summarised below.
- a. Does the allegation relate to a Disclosable Pecuniary Interest? If so, this is a police matter.
 - b. Is the complaint about someone who is still a Member? If not no further action can be taken.
 - c. Has the matter already been the subject of an investigation – if so, the Monitoring Officer is unlikely to consider further action in the public interest.

- d. Has a period of 3 months elapsed since the alleged conduct occurred – if so the Monitoring Officer may consider no further action is appropriate.
- e. Is the complaint sufficiently serious to warrant further action?
- f. Is the complaint malicious, politically motivated or tit-for-tat – if so the Monitoring Officer is unlikely to take action.
- g. Is the complaint part of the ‘rough and tumble of political debate’ and conduct between Members – if so, the Monitoring Officer is unlikely to take action.
- h. Has insufficient information been provided? If so, unless further information is provided no further action can be taken.
- i. Is referring complaint the complaint for an investigation the best use of public resources and in the public interest? If not, no further action is likely to be taken particularly as no sanctions are available to the Council.
- j. Does the complaint demonstrate a lack of understanding of the code or policies/procedures? If so, the complaint will likely be dealt with by recommending/arranging training.
- k. Does the complaint relate to the manner in which meetings are conducted? If so, this will not be a matter in respect of which an investigation will be instituted.
- l. Is the complaint one person’s word against another? If so, with no independent evidence it is unlikely further action will be taken.
- m. Can the complaint be resolved informally without the need for an investigation e.g. by the offer of an apology. If so, the Monitoring Officer will take this into account in deciding what further action should be taken on the complaint.

4.4 The list is not exhaustive and a full copy of the criteria for assessment of complaints can be access [here](#).

4.5 The initial assessment by the Monitoring officer will indicate whether or not the complaint is one which ought to be referred for investigation. In reaching this decision, the Monitoring Officer may, although is not obliged to do so, consult with an Independent Person (IP) before reaching this decision.

4.6 If the matter is referred for investigation, the matter is then referred to Members in accordance with the [arrangements](#) for dealing with allegations of breach of the code of conduct under the Localism Act 2011.

4.7 Of the complaints which were pending at the time of the first quarter report to members in April 2023: 6 matters are awaiting further information in order to allow the Monitoring Officer to consider against the assessment criteria, 4 have been completed following comments from the members complained about and with assistance and views of an Independent Person and 2 are awaiting further comments from the complainant before being finalised. All these matters have previously been [reported to members](#) and formed part of [Appendix A](#) to the first quarter report on complaints. Appendix A to this report contains confidential information which pertains to those complaints which have

been completed during this quarter and will need to be considered by Members in private session.

- 4.8 It should be noted that any such disclosure of information needs to have the necessary regard to the Councils' obligations under Data Protection and the processes adopted by the Council in relation to Code of Conduct complaints. The Committee also need to be mindful that the contents of Appendix A only represent complaints made and assessment decisions against the criteria as detailed in paragraphs 3.3 and 3.4 above rather than the outcome of an investigation or any hearings which could be necessitated if a matter were required to be referred for investigation in line with the Council's processes in this regard. They do not represent findings that there has or has not been a failure to comply with the Council's Code of Conduct. None of the matters on Appendix A have progressed beyond the assessment stage and members are reminded of the confidential nature of the contents of Appendix A.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 None

6. CONSULTATION

- 6.1 Not applicable.

7. CONTRIBUTION TO COUNCIL PRIORITIES

- 7.1 Reporting to Ethics Committee about complaints received under the ethics processes supports the Councils' priorities and Mayor's Business Plan by ensuring good governance is embedded and adopting best practice.

8. IMPLICATIONS

8.1 FINANCIAL IMPLICATIONS

8.1.1 There are no direct financial implications arising from this report. All costs are included within existing budgets and no pressures will be caused from this review.

8.1.2 Comments approved by Lesley Shields, Head of Finance for Assistant Chief Executive and Resources on behalf of the Director of Finance. (26/06/23)

8.2 LEGAL IMPLICATIONS

8.2.1 There are no additional legal considerations arising from the contents of this report which are not set out in the body of the report although Members attention is specifically drawn to the information contained in paragraph 4.8 pertaining to disclosure of information in relation to Data Protection and the Council's ethics processes; the confidential nature of the matters set out in Appendix A and Members' consequent duty to keep this information confidential; as well as the fact that the

complaints detailed within this report only reflect the outcomes of assessment decisions and not findings following an investigation or hearing under the Localism Act 2011 requirements.

8.2.2 Comments approved by the Director of Legal Services and Monitoring Officer.
(Date 26/06/2023)

8.3 EQUALITIES IMPLICATIONS

8.3.1 The Council should pay due regard to section 149 of the Equality Act 2010 when exercising their functions. This includes having due regard to the Public Sector Equality Duty as detailed:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not.

8.3.2 The Council prohibits discrimination in any of its functions and will endeavour to investigate any complaints of this nature in accordance with the relevant processes and in a thorough manner sharing the outcome where appropriate.

8.3.3 This report is an exempt item for Members' information only and therefore there is no need for an EQIA.

8.3.4 Approved by John Mukungunugwa, Senior Interim Equalities Officer on behalf of Denise McCausland - Equality Programme Manager. Date: 26/06/2023.

OTHER IMPLICATIONS

8.4 None

9. APPENDICES

9.1 Appendix A: Exempt: Code of Conduct Complaints

BACKGROUND DOCUMENTS

9.1 Not applicable.

10. URGENCY

10.1 Not applicable

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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