

# Croydon Council

For General Release

<b>REPORT TO:</b>	<b>ETHICS COMMITTEE</b>
<b>AGENDA ITEM NO:</b>	<b>8 FEBRUARY 2023</b>
<b>SUBJECT:</b>	<b>UPDATE ON ETHICS COMPLAINTS RECEIVED IN THE FOURTH QUARTER UP TO AND INCLUDING 31 DECEMBER 2022</b>
<b>LEAD OFFICER:</b>	<b>STEPHEN LAWRENCE-ORUMWENSE DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER</b>
<b>CABINET MEMBER:</b>	
<b>WARDS:</b>	<b>ALL</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b> The Council has determined that the Ethics Committee shall be responsible for receiving and considering reports on matters of probity and ethics and to consider matters relating to the Code of Conduct.	
<b>FINANCIAL IMPACT</b> Implementation of the recommendations contained in this report shall be contained within existing budgets	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.: N/A</b>	

## 1. RECOMMENDATIONS

The Committee is asked to:

- 1.1 Note the contents of the report

## 2. EXECUTIVE SUMMARY

- 2.1 The Council has determined that the Ethics Committee shall be responsible for receiving and considering reports on matters of probity and ethics. This is the quarterly report to the Ethics Committee to update members on any complaints or investigations undertaken by the Monitoring Officer during the fourth quarter of the year up to 31 December 2022, subject to what is set out at paragraph 3.7 below.

### 3. DETAIL

3.1 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 allegation 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.

3.2 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.

3.3 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.

- Does the allegation relate to a Disclosable Pecuniary Interest? If so, this is a police matter.
- Is the complaint about someone who is still a Member? If not no further action can be taken.
- 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.
- Has a period of 3 months elapsed since the alleged conduct occurred – if so the Monitoring Officer may consider no further action is appropriate.
- Is the complaint sufficiently serious to warrant further action?
- Is the complaint malicious, politically motivated or tit-for-tat – if so the Monitoring Officer is unlikely to take action.
- 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.
- Has insufficient information been provided? If so, unless further information is provided no further action can be taken.
- 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.
- 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.
- 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.
- Is the complaint one person’s word against another? If so, with no independent evidence it is unlikely further action will be taken.
- 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.

The list is not exhaustive and a full copy of the criteria for assessment of complaints can be access here:

<https://www.croydon.gov.uk/sites/default/files/articles/downloads/assessment-criteria-january2019.pdf>

- 3.4 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.
- 3.5 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.  
<https://democracy.croydon.gov.uk/documents/s17243/Part%2051%20-%20Members%20Code%20of%20Conduct.pdf>
- 3.6 This report provides an update on the fourth quarter of the year, up to 31 December 2022. Between the date of the last updating report which set out the third quarter of the year and 31 December 2022, the Monitoring Officer has received 1 potential complaint which is still subject to consideration at Assessment stage accordingly no further information is available at this stage regarding the outcome of this matter.

#### **4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

- 4.1 There are no direct financial implications arising from this report. All costs for this work will be contained within existing budgets.

Approved by: Nish Popat – Interim Head of Corporate Finance

#### **5. LEGAL CONSIDERATIONS**

- 5.1 There are no additional legal considerations arising from the contents of this report which are not set out in the body of the report.

Approved by: Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Legal Services and Monitoring Officer.

#### **6. CONSULTATION**

- 6.1 There has been no consultation with Officers or Members regarding the contents of this report.

#### **7. HUMAN RESOURCES IMPACT**

- 7.1 There are no human resources impacts arising from the recommendations in this report for Croydon Council employees or staff.

Approved by: Gillian Bevan Head of HR – Resources and Assistant Chief Executives

## **8. EQUALITIES IMPACT**

8.1 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:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. (Section 149(1)(a))
- Advance equality of opportunity between people who share a protected characteristic and those who do not. (Section 149(1)(b))
- Foster good relations between people who share a protected characteristic and those who do not. (Section 149(1)(c))

There are no breaches of this duty or further equalities impacts arising from the recommendations in this report.

Approved by : Denise McCausland – Equality Programme Manager

## **9. ENVIRONMENTAL IMPACT**

9.1. There are no environmental impacts arising from the recommendations within this report.

## **10. CRIME AND DISORDER REDUCTION IMPACT**

10.1 There are no crime and disorder reduction impacts arising from the recommendations within this report.

## **11. DATA PROTECTION IMPLICATIONS**

11.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

**NO**

**HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?**

**NO**

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**CONTACT OFFICER:** Stephen Lawrence-Orumwense, Director of Legal Services and Monitoring Officer

## **APPENDICES TO THIS REPORT**

None

**BACKGROUND DOCUMENTS:** None