

Ethics Committee

Meeting held on Thursday, 7 March 2019 at 6.30 pm in Town Hall

MINUTES

Present: Councillor Clive Fraser (Chair);
Councillor Pat Clouder (Vice-Chair);
Councillors Patricia Hay-Justice, Helen Redfern, Felicity Flynn and Jeet Bains
Independent Members Anne Smith and Ashok Kumar

Also Present: Jacqueline Harris Baker (Executive Director of Resources and Monitoring Officer), Stephen Rowan (Head of Democratic Services and Scrutiny) and Howard Passman (Data Protection GDPR Project Manager)

Apologies: Councillor Mario Creatura and Joy Prince

PART A

2/19 Minutes of the Previous Meeting

The minutes of the previous meeting held on 26 November 2018 were agreed as a true and accurate record. Councillor Fraser informed the Committee that he had approved the revised Whistleblowing Policy in his capacity as Chair as agreed at the last meeting.

3/19 Disclosure of Interests

There were no disclosures of interests.

4/19 Urgent Business (if any)

There were no items of urgent business.

5/19 Annual update on Member complaints

The item was introduced by the Executive Director of Resources and Monitoring Officer. It was noted that the annual update provided a composite overview of complaints regarding Members received during the previous calendar year. In total, eight complaints had been received. Further information had been requested with regard to one complaint prior to it being assessed but this was not forthcoming so could not be progressed. With regard to the remaining seven complaints, an assessment according to the criteria was undertaken and on which basis the complaints were deemed not to be appropriate to be referred for investigation. Of these seven complaints, six related to the Planning Committee.

RESOLVED: The Committee resolved to note the report.

6/19 Annual Whistleblowing Report

The item was introduced by the Executive Director of Resources and Monitoring Officer. It was noted that two disclosures had been received under the Whistleblowing Policy during the previous calendar year. With regard to one disclosure, no further action was required and the employee (subject matter of the disclosure) had left the Council's employment. In relation to the other disclosure, the employee disclosing had left the Council's employment. The Monitoring Officer had upheld the recommendations made by the investigator.

In response to questions and comments from the Members of the Committee it was established that:

- I. Where the disclosure had led to recommendations by the investigator being upheld, the nature of the complaint, the outcome of the investigation and the resulting recommendations were all documented in the investigation report. This had been shared with the relevant Executive Director and the resulting action had been tracked by the Monitoring Officer;
- II. Whilst one employee who made a disclosure had left the Council's employment, it was confirmed by the Monitoring Officer that this was not as a result of the Whistleblowing Policy. The employee had been in temporary employment with the Council and whilst the issues they had raised had been addressed they had still decided to leave; and
- III. Exit interviews were used. However, these were determined by local arrangements and could not be imposed on individuals.

RESOLVED: The Committee noted the use of the Council's Whistleblowing Procedure during the previous calendar year.

7/19 Annual update on the use of RIPA (Regulation of Investigatory Powers Act 2000)

The item was introduced by the Information Management and Governance Co-ordinator. It was noted that there had been no requests for surveillance activity during the previous calendar year but there had been requests for communication data on four occasions. Two of those requests were successfully granted in support of ongoing investigations, both of which had ended.

In response to questions and comments from the Members of the Committee it was established that it was possible to use information gathered from social media in support of an investigation. A single use was allowed without specific permission being necessary. However, repeated use would require permission to be requested and granted. This was included within the policy.

RESOLVED: The Committee noted the use of the Regulation of Investigatory Powers Act 2000 by the Council over the previous calendar year.

8/19 Annual update on Member learning and development

The item was introduced by the Head of Democratic Services and Scrutiny. It was noted that the report comprised three elements;

1. The revised Terms of Reference for the Members' Learning and Development Panel. These revisions were noted as evolving the Panel's remit and had been developed with its Chair;
2. Details of the Member learning and development activity that had been provided during the previous year in addition to the level of participation. It was noted that as a result of the Council elections in May 2018, the Member learning and development activity included the corporate induction programme for Councillors – there had been 188 attendances at 22 events. In addition to this, 28 attendances had been secured at other training events; and
3. Information on the Member learning and development needs analysis commissioned by the new Chair and Vice Chair of the Members' Learning and Development Panel. It was noted that this survey had resulted in 23 responses from members (around a third of all Councillors). The analysis of the survey would be reported at the Panel meeting in April 2019.

In response to questions and comments from the Members of the Committee it was established that:

- I. As a result of low turnout for some training (equalities training was specifically noted), some Members would have liked participation in some training to become mandatory;
- II. The purpose of the Member learning and development survey was to ensure that the programme would be member lead/informed. The objective was to ensure the programme be developed based on the survey results;
- III. Comparison with participation in other years was difficult given the induction programme made the nature of the training offer very different in 2018. This was exacerbated further by the training offered to Members following the outcome of the Ofsted inspection of Children's Services;
- IV. In general, internally provided training, was delivered at cost meaning that in the main the allocated budget was spent on external training. In 2018, around three quarters of the allocated budget for Member learning and development was utilised. Councillor Fraser noted that it was the aspiration of the Members' Learning and Development Panel to do more to promote learning opportunities to Members. It was intended to use the results of the survey to inform this process.

RESOLVED: The Committee resolved to note the content of the report and endorsed the revised Terms of Reference of the Members' Learning and Development Panel.

9/19 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. It was noted that the Committee had previously received a report on the consultation on ethical standards. A contribution on behalf of the Committee had been submitted. Responses had also been submitted by individual members of the Committee. As set out in para 3.3, the review had examined all the structures and processes around the Code of Conduct and the investigation of breaches. The review had looked at how the code was enforced.

The recommendations resulting from the review were published in January 2019. It was noted that some of the recommendations would require intervention by Government. For example, through changes to primary or secondary legislation. The review had also provided suggestions on best practice. It was proposed by the Monitoring Officer that Committee Members be given the opportunity to read the report in full and at the meeting in May 2019 take an analysis of the best practice points in comparison to Croydon's approach. This was to be used as the basis for discussion and for agreeing any further action.

In response to questions and comments from the Members of the Committee it was established that:

- I. Indemnity for Independent Persons conducting a review wasn't provided. It was thought that it would be unusual to disclose the opinion of an Independent Person and therefore the need for indemnity wasn't clear. However, where indemnity was requested, it was thought that this would be given;
- II. It was thought that the review might clarify what happens where a Member has been suspended for six months and therefore unable to attend meetings automatically disqualifying them from being a Member;
- III. The recommendation that Members should be required by their Groups to attend a formal induction was welcomed; and
- IV. Whilst the code recommended any social media presence by Members would be deemed to be them acting in their official capacity, it was noted that the Code of Conduct does not apply to the public and therefore provides no protection for Members in terms of online harassment.

RESOLVED: The Committee resolved to:

- I. Note the content of the report: and
- II. Receive an analysis focused on the gap between the Council's current Code of Conduct and ethics arrangements and the best practice recommendations set out in the review by the Committee on Standards in Public Life. It was agreed this would be considered at the meeting in May 2019.

10/19 Work programme

RESOLVED: The Committee resolved to agree the work programme for the remainder of the municipal year as set-out in the report and to move the next meeting to of the Committee to 16 May 2019.

11/19 Dispensation Applications for Members

No requests for personal dispensations were received.

12/19 Exclusion of the Press and Public

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

13/19 Dispensation Applications for Members

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

The meeting ended at 7.17 pm

Signed:

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Date:

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