

Ethics Committee Agenda



To: Councillor Clive Fraser (Chair)
Councillor Pat Clouder (Vice-Chair)
Councillors Jerry Fitzpatrick, Joy Prince, Mario Creatura and Simon Hoar

Independent Members: Ashok Kumar and Anne Smith

Reserve Members: Councillors Jeet Bains, Jan Buttinger, Patricia Hay-Justice, Karen Jewitt, Pat Ryan and Louisa Woodley

A meeting of the **Ethics Committee** which you are hereby summoned to attend, will be held on **Thursday, 11 February 2021** at **6.30 pm** and will be held virtually.

JACQUELINE HARRIS BAKER
Council Solicitor and Monitoring Officer
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

Cliona May
Democratic.Services@croydon.gov.uk
www.croydon.gov.uk/meetings
Wednesday, 3 February 2021

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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 - 10)

To approve the minutes of the meeting held on 18 November 2020 as an accurate record.

3. Disclosure of Interests

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £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. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

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. Independent Persons Succession Planning (Pages 11 - 16)

To receive the report of the Council Solicitor and Monitoring Officer regarding the Independent Persons succession planning and to consider the recommendations of the Selection Panel.

6. LGA's New Model Code of Conduct (Pages 17 - 42)

To receive the report of the Council Solicitor and Monitoring Officer on the LGA's new model Code of Conduct.

- 7. Annual Update on Member Complaints (Pages 43 - 46)**
To receive the report of the Council Solicitor and Monitoring Officer on ethics complaints received up to and including 31 December 2020.
- 8. Annual Update on Members' Learning and Development (Pages 47 - 50)**
To receive the report of the Council Solicitor and Monitoring Officer providing details of Member learning and development during the 2020/21 municipal year.
- 9. Work Programme (Pages 51 - 54)**
To consider the Committee work programme for the remainder of the Municipal Year.
- 10. Dispensation Applications for Members**
To receive the report of the Council Solicitor and Monitoring Officer on Members' dispensations for consideration, if any are received.
- 11. Exclusion of the Press and Public**
The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

PART B

- 12. Dispensation Applications for Members**
To receive the report of the Executive Director of Resources & Monitoring Officer on Members' dispensations for consideration, if any are received.

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Ethics Committee

Meeting held on Wednesday, 18 November 2020 at 6.00 pm. This meeting was held remotely

MINUTES

Present: Councillor Clive Fraser (Chair);
Councillor Pat Clouder (Vice-Chair);
Councillors Jerry Fitzpatrick, Joy Prince, Mario Creatura and Simon Hoar
Independent Members Ashok Kumar and Anne Smith

PART A

22/20 Minutes of the Previous Meeting

The minutes of the meeting held on 12 February 2020 were agreed as an accurate record.

23/20 Disclosure of Interests

There were none.

24/20 Urgent Business (if any)

There were no items of urgent business.

25/20 Independent Member succession planning

The Monitoring Officer introduced the report which was an update in relation to succession planning for the recruitment and appointment independent persons. This report followed the committee previously delegating authority to her to commence the recruitment process to increase the pool of independent persons as there were currently only two.

It was noted that independent persons had a specific role identified in the Localism Act in relation to helping to promote high standards. As the Monitoring Officer it was her duty to make arrangements for those standards to be upheld. Should there be any allegations of misconduct then the independent person supported in both investigations and subsequent decision making.

There were further duties of an independent person in relation to disciplinary action in regard to statutory council officers; which the Monitoring Officer noted were key and were outlined within the Constitution; with at least two independent persons being involved in the process.

Members were advised that the report included the proposal to extend the pool of independent person to comprise of five people; including the two who were already appointed. It was noted that the role of the independent person was underpinned by recent guidance from the National Committee on Standards in Public Life. That guidance, which was included within the report, the Monitoring Officer noted recognised the important role of independent persons and suggested that their role be strengthened further.

Following the delegation from the Committee, the Monitoring Officer advised Members that she had begun the recruitment process and had list of interested persons, however the process had been delayed due to the pandemic. The recommendations contained within the report sought the appointment of two Members to form a Selection Panel with an independent person who would advise the Panel alongside the Monitoring Officer. It was recognised that the candidates had waited some time and so she stated she would like to begin shortlisting on 25 November 2020 with interviews scheduled to take place on 10 December 2020.

The Chair confirmed that to form the Selection Panel that two Members and an independent person would need to be appointed by the Committee and sought nominations.

The Vice Chair stated that she felt the Chair should sit on the Panel and that it should be a cross-party Panel. Furthermore, she nominated Anne Smith to be independent person.

The Chair received confirmation that Councillor Creatura would be a Member of the Panel on behalf of the Opposition.

Following queries from Members, the Monitoring Officer confirmed that the shortlisting was scheduled to take place between 10.30am and 11.30am on 25 November 2020 and interviews were provisionally scheduled to take place between 2pm and 5pm on 10 December 2020, but subject to Member's availability those times could be moved.

The Monitoring Officer informed Members that the Selection Panel would report their finding to the Committee ahead of a recommendation to Council.

RESOLVED: To appoint the following persons to sit on the Independent Member Selection Panel:

- Councillor Fraser, Chair
- Councillor Clouder
- Councillor Creatura
- Anne Smith, Independent Member
- Jacqueline Harris Baker, Monitoring Officer

26/20 Work Programme

Members queried whether the meeting scheduled on 5 May 2021 could be moved due to the Mayoral Elections taking place on the following day.

The Vice Chair raised Members training needs in light of the report from Grant Thornton; especially in relation to finance training for Members who sat on committees which dealt with finance reports. In response, the Chair stated that financial training was an item on the Report in the Public Interest (RIPI) Action Plan which was due to be debated the following day but agreed that it was matter for the Ethics Committee to consider going forward

Further questions were raised in relation to staff bullying and the review by Joe Montgomery on equality within the workplace. The Monitoring Officer confirmed that there were recommendations within the report by Joe Montgomery and committed to circulating the report to Members. In response to concerns regarding staff bullying, the Monitoring Officer stated there were procedures, such as conduct and disciplinary procedures in place alongside a Whistleblowing Policy which staff could access if there were issues of harassment and bullying in the workplace.

In light of the position of the council, Councillor Hoar requested a report be brought to a future meeting on member code of conduct in the lead up to the issuing of the RIPI and the issuing of a Section 114 Notice. It was stated that there was a need to not only review officer conduct but Member conduct also.

Councillor Hoar further suggested that the Whistleblowing Policy should be made widely available to support officers to raise concerns should they have any. In response, the Chair confirmed his support that the Whistleblowing Policy should be circulated and be made available to staff to utilise at any point in time.

In response to the suggestion of an investigation into member conduct, the Chair noted the Interim Chief Executive (Katherine Kerswell) had committed to an independent investigation into how the council had reached the position it was in. It was suggested that this investigation should take place in first instance and then the Ethics Committee follow it with an investigation to enable Members to fully understand how financial and governance situation came about.

Councillor Creatura requested that a copy of the report on the investigation be brought to the next meeting of the Committee for consideration. It was noted by the councillor that in light of the investigations and RIPI that the meetings of the Ethics Committee be reviewed to ensure the Committee was fulfilling its role in ensuring good governance and that models of behaviour were being adhered to.

The Monitoring Officer thanked Members for their comments and noted that it was right and proper for reflection to take place. It was recognised that there had been issues of conduct in general and the role of the Committee was to uphold the highest standards but noted that it was important that the Committee did not duplicate work taking place elsewhere but supplemented that work as such the Monitoring Officer suggested that an item be brought to

a future meeting which set out what the Committee could do to ensure that it supported the council's governance.

In addition, the Monitoring Officer suggested the Committee could look at the Members' Code of Conduct in light of the Local Government Association releasing an updated model code later that year to ensure the council's code was following best practice. Furthermore, it was suggested that the guidance from the Committee for Standards in Public Life could be considered at the meeting in February 2021.

The Chair concluded that going forward it was important that the Committee looked at the issues that had been raised and ensured there was an ethical boundary between Members and officer and address where there had been issues.

RESOLVED:

1. To note the Work Programme;
2. For the Monitoring Officer to circulate the Joe Montgomery report and recommendations to Committee Member;
3. That a report on Members' Code of Conduct be taken to the meeting in February 2021;
4. That a report on Committee for Standards in Public Life guidance be taken to the meeting in February 2021;
5. That the Whistleblowing Policy be made widely available to facilitate in supporting officers to raise concerns; and
6. That a report on the role of the Ethics Committee in light of ongoing investigations within the council be taken at the meeting in February 2021.

27/20 Dispensation Applications for Members

There were no applications received for Member dispensations and therefore this item was not required.

28/20 Exclusion of the Press and Public

This item was not required.

29/20 Dispensation Applications for Members

There were no applications received for Member dispensations and therefore this item was not required.

The meeting ended at 6.31 pm

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Signed:

Date:

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REPORT TO:	ETHICS COMMITTEE 11 February 2021
SUBJECT:	UPDATE: SUCCESSION PLANNING FOR AND RECRUITMENT AND APPOINTMENT OF FURTHER INDEPENDENT PERSONS
LEAD OFFICER:	JACQUELINE HARRIS-BAKER MONITORING OFFICER AND EXECUTIVE DIRECTOR FOR RESOURCES
CABINET MEMBER:	COUNCILLOR CALLTON YOUNG CABINET MEMBER FOR RESOURCES AND FINANCIAL GOVERNANCE
WARDS:	ALL
<p>CORPORATE PRIORITIES 2021-2024/POLICY CONTEXT.</p> <p>The proposal will ensure good governance within the Council and by councillors. Good governance underpins the Council’s Core Priorities and Ways of Working:</p> <ul style="list-style-type: none"> • we will live within our means, balance the books and provide value for money for our residents. • we will focus on tackling ingrained inequality and poverty in the borough. • we will focus on providing the best quality core service we can afford. First and foremost, providing social care services that keep our most vulnerable residents safe and healthy. And to keep our streets clean and safe. • to ensure we get full benefit from every pound we spend, other services in these areas will only be provided where they can be shown to have a direct benefit in keeping people safe and reducing demand. 	
<p>FINANCIAL IMPACT</p> <p>There are no direct costs arising from the proposals within this report.</p>	

1.	RECOMMENDATIONS
	The Committee is recommended to:
1.1	<p>Agree the recommendation of the Selection Panel for the following candidates:</p> <ul style="list-style-type: none"> • Donald Axcell • Alan Malarkey • Jennifer Gordon <p>to be appointed to the pool of Independent Persons and delegate to the Monitoring Officer the selection of an Independent Person from the pool for specific purposes.</p>
1.2	<p>Recommend to Full Council that their appointment as Independent Persons should be confirmed for a term of 4 years, subject to annual appointment at</p>

Full Council, and that such appointment be subject to the Council's Scheme of Co-option set out in Part 6D of the Constitution.

- 1.3 Invite Anne Smith and Ashok Kumar, the Council's current Independent Persons, to serve for a further term of 2 years expiring at the end of the municipal year in 2023, subject to annual appointment at Full Council and the Council's Scheme of Co-option set out in Part 6D of the Constitution.
- 1.4 Recommend to Full Council that the continued appointment of Anne Smith and Ashok Kumar be confirmed on this basis.

2. EXECUTIVE SUMMARY

- 2.1 The report identifies recommended candidates for appointment to a pool of Independent Persons to perform the Council's statutory functions under the Localism Act 2011 and under Part 4J of the Council's Constitution (Staff Employment Procedure Rules) as detailed below. Interviews had originally been planned to take place in the Spring of 2020 but were postponed due to the Covid-19 pandemic. The report follows interviews conducted by the Selection Panel on 10 and 16 December 2020 which were held remotely.

3. DETAIL

- 3.1 **Background.** 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.
- 3.2 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.
- 3.3 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 five elected Members of the Council and the Independent Persons who are non-voting advisory members of the Committee.
- 3.4 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 ("the 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. 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 Committee. The Appointments Committee shall, for this purpose, include at least one Member of the Cabinet and at least two Independent Persons when consideration is being given to dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer. Any such Appointments Committee shall consider the matter in accordance with the processes and procedures approved by Ethics Committee for this purpose and make a report and recommendations to full Council for consideration and final determination. Any such report shall specifically include the Independent Persons' views on the recommendations and appropriate action.

3.5 The Council's Independent Persons therefore fulfil a statutory role both in relation to Member conduct issues and also disciplinary decisions involving the Council's statutory officers.

3.6 Members of the Committee will recall the recommendations contained in the Committee on Standard in Public Life (CSPL) report which was considered at its meetings in March and May 2019. Attached is the link to the full report of the CSPL which was considered by the Committee.

<https://www.gov.uk/government/collections/local-government-ethical-standards>

In particular with regard to Independent Persons the CSPL felt that the role of the Independent Person should be strengthened. They considered that security of tenure was important to protect Independent Persons from being removed from their role for unpopular advice or recommendations. Equally, however, they considered that restricted tenure can ensure that the Independent Person's judgment and independence is not compromised by a long period of involvement in a single authority although no evidence was provided in the report to support this view.

3.7 There is currently no requirement for a set term of office for the Independent Person role in law.

Recommendation 8 of the CSPL report provides that:

The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.

In order to become a legal requirement this recommendation would require a change in the law. However, Members discussed, at their previous meetings, how long they considered an Independent Person should remain in post to ensure their independence and it was agreed that the matter should return to the Committee for consideration in January 2020.

3.8 **The recruitment process.** In January 2020 the Committee agreed to delegate authority to the Monitoring Officer to commence a recruitment process for purposes of increasing the number of Independent Persons appointed to a pool of up to five Independent Members, including current Independent Persons. The Committee also agreed to set up a Selection Panel, comprising the Chair and two further Members. In November 2021 the Committee agreed that Councillor Clouder and Councillor Creatura would support the Chair on the panel with advice from the current Independent Person Anne Smith and also Jacqueline Harris-Baker the Monitoring Officer.

3.9 Applicants were initially shortlisted on the basis of their application having regard to the Job Description and Role Profile and essential criteria. Following a shortlisting process the Selection Panel met on 10 and again on 16 December 2020 to interview shortlisted candidates remotely. Candidates were assessed by way of interview with competency based questions.

3.10 The Selection Panel can now report that 3 candidates scored highly when assessed and therefore recommend to the Committee that the following candidates be appointed by full Council as Independent Persons.

- Donald Axcell. Donald is a resident of the borough. Donald served for 30 years as a police officer. He is also a non-denominational Chaplain to the Police Rehabilitation Centre and has worked both as a chair and executive director of a charity. Donald is also trustee and company secretary of Pointman Leadership UK providing character based leadership and anti-corruption seminars to 70 countries world-wide.
- Alan Malarkey. Alan is a resident of the borough. Prior to retirement Alan worked in Education Services at Croydon Council at Director level. He was also an Ofsted school inspector for many years and worked for the predecessor to the Local Government Association supporting the development of policy initiatives.
- Jennifer Gordon. Jennifer has previously worked both at the Home Office as a chief immigration officer and at a London authority in the adoption and fostering unit. She has served on the Equality and Diversity Action Committee for the Home Office and currently serves as a volunteer on the Windrush Committee and on the Ladies Board of a local church.

3.11 It is proposed that these appointments are made for a term of 4 years and subject to the Scheme of Co-option set out in Part 6D of the Constitution.

<https://democracy.croydon.gov.uk/documents/s22425/31%20Part%206D%20-%20Scheme%20of%20Co-option%20as%20amended%20Jan%202020.pdf>

Whilst no term is currently prescribed in legislation for Independent Persons it is recommended that a term of 4 years strikes a balance between security of tenure and maintaining independence. In addition, the Council's Constitution provides in Part 6D paragraph 12 with regard to terms of office that for co-opted members "subject to the requirements of the Committee in question, co-opted members will usually be invited to serve for a term of office of four years but be appointed annually at Full Council".

3.12 **Current Independent Persons.** Separately the Committee is recommended to invite the current Independent Persons Anne Smith and Ashok Kumar to continue their support for the Council by agreeing a further term of 2 years until the end of the municipal year in May 2023. As indicated above there is currently no legal restriction on the term of office for an Independent Person although the CSPL suggests a term of 2 years with a 2 year renewal. Both Anne and Ashok have provided valuable support to the Committee and the Council and their experience would be a loss to the Council. In addition Anne has supported the Council with a number of additional projects such as the Governance Review and also the interviews for new recruits to the role. In the circumstances, it is proposed that their appointments be renewed for a further term of 2 years to provide continuity

and enable the new Independent Persons an opportunity to settle into their new responsibilities.

4. CONSULTATION

- 4.1 No formal consultation has been undertaken in relation to this proposal. However, the recruitment was subject to a public advertisement. In addition, the Committee have considered the findings of the CSPL report and adhered to the previous decisions and recommendations from the Committee.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 There are no direct financial implications from these appointments as the Scheme of Members' Allowances does not contain provision for allowances to be paid to co-opted members.

Approved by: Lisa Taylor, Director of Finance Investment and Risk.

6. LEGAL CONSIDERATIONS

- 6.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that the role of Independent Persons is a statutory requirement through the Localism Act 2011. The law provides that a person may not be an Independent Person if he or she is a Member, a Co-opted Member or an officer of the Council or a relative or close friend thereof. It also provides that a person may not be appointed if they were a Member or Co-opted Member during the past five years.

- 6.2 All other legal requirements are as set out within the body of this report.

Approved by: Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Law and Governance & Deputy Monitoring Officer.

7. HUMAN RESOURCES IMPACT

There are no HR implications arising from this report. If any should arise these will be managed under the Council's policies and procedures.

Approved by: Jennifer Sankar, Head of HR Place, for and on behalf of Sue Moorman, the Director of Human Resources, January 2021

8. EQUALITIES IMPACT

- 8.1 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.

- 8.2 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 Co-option is a way of ensuring that under represented voices are represented on Council committees.
- 8.4 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 applicants demonstrating ‘independence’ the vacancy would be available to all.

Approved by: Yvonne Okiyo, Equalities Manager on behalf of the Director of Policy and Partnerships.

9. ENVIRONMENTAL IMPACT

There are not considered to be any environmental impacts of the proposal.

10. CRIME AND DISORDER REDUCTION IMPACT

The proposal supports the requirement to maintain good governance within the Council.

11. DATA PROTECTION IMPLICATIONS.

Personal data stored in connection with the recruitment process will be processed in accordance with the Data Protection Act 2018.

CONTACT OFFICER:

Jacqueline Harris-Baker
Executive Director of Resources and Monitoring Officer

APPENDICES TO THIS REPORT

None

BACKGROUND DOCUMENTS:

None

Agenda Item 6

REPORT TO:	ETHICS COMMITTEE
AGENDA ITEM NO:	11 FEBRUARY 2021
SUBJECT:	REPORT OF NEW MODEL MEMBERS' CODE OF CONDUCT BY THE LOCAL GOVERNMENT ASSOCIATION
LEAD OFFICER:	JACQUELINE HARRIS-BAKER EXECUTIVE DIRECTOR OF RESOURCES AND MONITORING OFFICER
CABINET MEMBER:	COUNCILLOR CALLTON YOUNG CABINET MEMBER FOR RESOURCES AND FINANCIAL GOVERNANCE
WARDS:	ALL
<p>CORPORATE PRIORITIES 2021-2024/POLICY CONTEXT.</p> <p>The proposal will ensure good governance within the Council and by councillors. Good governance underpins the Council's new Core Priorities and Ways of Working:</p> <ul style="list-style-type: none"> • we will live within our means, balance the books and provide value for money for our residents; • we will focus on tackling ingrained inequality and poverty in the borough; • we will focus on providing the best quality core service we can afford. First and foremost, providing social care services that keep our most vulnerable residents safe and healthy. And to keep our streets clean and safe; and • to ensure we get full benefit from every pound we spend, other services in these areas will only be provided where they can be shown to have a direct benefit in keeping people safe and reducing demand. 	
<p>FINANCIAL IMPACT</p> <p>Implementation of the recommendations contained in this report shall be contained within existing budgets.</p>	
<p>FORWARD PLAN KEY DECISION REFERENCE NO.: N/A</p>	
<p>1. RECOMMENDATIONS</p> <p>The Ethics Committee is asked to:</p> <p>1.1 Note the contents of the new Local Government Association model Code of Conduct for Members in Appendix A and the detail of this report; and</p> <p>1.2 Request officers to conduct a gap-analysis between the new LGA model Code of Conduct and the current adopted Code of Conduct for Members within the Constitution and report back to the Committee for further consideration.</p>	

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 and to consider matters relating to the Code of Conduct.
- 2.2 The Committee on Standards in Public Life (“the CSPL”) was established in 1994 by the then Prime Minister, and is responsible for promoting the Seven Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership – commonly known as the Nolan Principles which also form a part of the current Council’s Code of Conduct for Members.
- 2.3 This report follows the review conducted by the CSPL into the current state of ethical standards in Local Government on 30 January 2019 and in particular the CSPL recommendation 1:

“The Local Government Association should create an updated model code of conduct in consultation with representative bodies of councillors and officers of all tiers of local government”.

- 2.4 In response to CSPL recommendation 1 and, whilst the Government continues to consider the recommendations made by the CSPL in their report, a new voluntary model Members’ Code of Conduct has now been issued by the Local Government Association and is attached at Appendix A for the Committee’s consideration.

3. DETAIL

BACKGROUND

The CSPL review

- 3.1 Members will recall the CSPL review which was launched in 2018 into the current state of ethical standards in local government. The review was considered at the Committee’s meeting on 28 February 2018 (Minute 6/18) and a response was submitted detailing the Council’s experience of standards matters and highlighting areas of the current ethics arrangements in place under the Localism Act 2011 which the Ethics Committee (including its Independent Members) considered were operating well and areas where this was not the case.

On 30 January 2019 the outcome of the review was concluded and the CSPL report issued which was considered by the Committee at its meeting on 7 March 2019 (Minute 9/19). A full copy of the final report can be viewed here:

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

- 3.2 The CSPL report observed in relation to Member conduct that high standards of conduct in local government are needed to protect the integrity of decision-making, maintain public confidence, and safeguard local democracy. The report dealt with a number of specific areas summarised below.
- 3.3 Code of Conduct. The CSPL found in relation to codes of conduct that there was considerable variation in the length, quality and clarity of codes of conduct and

considered that this created confusion among members of the public, and among councillors who represent more than one tier of local government. The CSPL considered that many codes of conduct failed to address adequately important areas of behaviour such as social media use and bullying and harassment. The CSPL therefore recommended that an updated model code of conduct should be made available to local authorities in order to enhance the consistency and quality of local authority codes.

- 3.4 The CSPL considered, however, that there were benefits to local authorities being able to amend and have ownership of their own codes of conduct. The updated model code should therefore be voluntary and able to be adapted by local authorities. There was also a specific recommendation that the scope of the code of conduct should also be widened, with a rebuttable presumption that a councillor's public behaviour, including comments made on publicly accessible social media, is in their official capacity.
- 3.5 Declaring and managing interests. The CSPL also found that the current arrangements for declaring and managing interests was unclear, too narrow and did not meet the expectations of councillors or the public. The CSPL recommended that the current requirements for registering interests should be updated to include categories of non-pecuniary interests. They also recommended that the current rules on declaring and managing interests should be repealed and replaced with an objective test, in line with the devolved standards bodies in Scotland, Wales and Northern Ireland.
- 3.6 Sanctions. There was consensus that the current sanctions available to local authorities in relation to breaches of the code of conduct were insufficient. Party discipline, whilst it has an important role to play in maintaining high standards, was considered to lack the necessary independence and transparency to play the central role in a standards' system. The CSPL found that the current lack of robust sanctions damaged public confidence in the standards' system and left local authorities with no means of enforcing lower level sanctions, nor of addressing serious or repeated misconduct.
- 3.7 The CSPL therefore recommended to government that local authorities should be given the power to suspend councillors without allowances for up to six months. Also councillors, who are suspended should be given the right to appeal to the Local Government Ombudsman, who should be given the power to investigate allegations of code breaches on appeal. The decision of the Ombudsman should be binding.
- 3.8 Finally, the CSPL considered that the current criminal offences relating to Disclosable Pecuniary Interests were disproportionate in principle and ineffective in practice, and should be abolished.
- 3.9 As a result the Committee will recall the report contained 26 recommendations addressed to the government and other public bodies (see pages 14-17 of the report). However, many of these recommendations require changes to primary legislation, including the introduction of the right to suspend a member for up to 6 months, all of which would be subject to Parliamentary timetabling; but also to secondary legislation and the Local Government Transparency Code. The government continues to consider its response to those recommendations made by the CSPL.

3.10 The report also contained 15 best practice recommendations highlighted by the CSPL to improve ethical standards in local government (see pages 18-20 of the report) which were considered by the Committee on 16 May 2019 (minute 36/19) alongside a gap-analysis conducted by officers against the Council's current Code of Conduct for Members and ethical arrangements. Following consideration by the Committee the following changes were recommended by the Committee and ultimately agreed by full Council:

- The Protocol on Staff-Member relations Part 5B of the Constitution be updated to include a definition of bullying and harassment (best practice recommendation 1)
- Members be encouraged to declare non pecuniary interests on their Register (best practice recommendation 5)
- To consider the term for Independent Members at a future Committee (best practice recommendation 8)

It was noted that as the Council was already in compliance with best practice recommendations 2 – 4, 6, 7, 9-13 and 15 the Committee considered no further change was required.

With regard to best practice recommendation 14 this referenced the Annual Governance Statement (AGS) and the Committee noted that this was a matter which was considered by the General Purposes and Audit Committee (GPAC) as part of the AGS approval process. (For information Members are advised that the AGS for 18/19 was agreed by the GPAC on 23 July 2019 (minute 28/19) and the AGS for 19/20 was agreed by GPAC on 7 October 2020 (minute 32/20)). In the circumstances, the Executive Director of Resources agreed to raise this recommendation direct with the Head of Audit. The matter was raised with both the Head of Audit and also the Head of Finance Insurance and Risk. By way of clarification the Committee should note that responsibility for the AGS is in fact a matter for the Head of Finance Insurance and Risk and not the Head of Audit as originally indicated. Going forward it is proposed that the AGS 20/21 will include a section to record the ongoing work in relation to the PWV companies' review being undertaken and the progress of these recommendations will be tracked through the Croydon Improvement Plan and reported to GPAC in the Autumn.

3.11 The CSPL has reviewed progress of councils in complying with the 15 best practice recommendations and on 8 January 2021 published the outcome of their progress report.

<https://cspl.blog.gov.uk/2021/01/08/local-government-ethical-standards-follow-up-to-best-practice-recommendations/>

According to the CSPL responses received have been positive with most local authorities confirming that they have already implemented or are taking steps to implement their best practice recommendations. Of the 213 local authorities who had responded by 17 December 2020:

- 75.6 % said they have prohibitions on bullying and harassment in their code of conduct, or were putting them into place. (Other councils they heard from were waiting for finalisation of the LGA model code of conduct to review how best to include prohibitions on bullying and harassment.)
- 51.2 % said they have provisions in their code of conduct requiring councillors to comply with formal standards investigation. (Most of the other councils they heard from said that they were waiting to see what the LGA model code of conduct looked like before they adapted their own codes of conduct to incorporate our best practice.)

- 98.6 % said their code is readily accessible or were making changes to make the code accessible - published and available on council premises.
- 86.4 % said they update their gifts and hospitality register regularly and have made it readily accessible to the public.
- 98.6 % said they consulted an Independent Person as to whether to undertake a formal investigation on an allegation.
- 98.6 % said they had clear guidance on their websites informing members of the public how to make a complaint under the code of conduct.
- 93.9 % said that their senior offices had arrangements for meeting with political group leaders/whips to discuss standards issues

3.12 The Council's response sent by the Chief Executive to the Chair of the CSPL confirmed the actions set out in paragraph 3.10 above which had already been taken to comply. Separately the Council's response also advised that *'since the Ethics Committee undertook this review back in 2019 concerns have been raised regarding the Council's financial governance arrangements and, in particular, the management of the Council's company interests resulting in the service of a report in the public interest by the Council's auditors. The Council has already taken a number of steps to improve governance arrangements including the agreement of an action plan which includes a strategic review of the Council's company structures. Nevertheless, it is also now proposing to revisit your best practice recommendation 14 and in particular the reporting of the Annual Governance Statement and our companies' governance arrangements to ensure they fully meet the new standards and comply with the Nolan principle of openness.'*

THE NEW TEMPLATE CODE OF CONDUCT

3.13 One of the specific outcomes of the CSPL report into local government ethical standards is a recommendation that an updated model Code of Conduct for Members be created to provide consistency across England and to reflect the common expectations of the public regardless of geography or tier.

Recommendation 1 provided:

The Local Government Association should create an updated model code of conduct in consultation with representative bodies of councillors and officers of all tiers of local government".

3.14 The LGA launched a 10 week consultation and on line questionnaire with representative bodies of councillors and officers of all tiers of local government which ran from 8 June until 17 August 2020 to undertake this work. Workshops of members and Monitoring Officers took place to discuss the approach and content of a revised Code. In addition 4 webinars were conducted with over 1000 participants with lots of comments questions and feedback provided during the webinar sessions. In excess of 1600 written responses to the consultation were received.

3.15 At a high level the consultation responses found:

- Overwhelming support for the Code. But a number of issues raised.
- First person or third person
- Respect or Civility?

- More on social media including confidentiality.
- Declaration of gifts £25 to low £50 too high?
- Need for accompanying guidance with examples
- Equality Act- obligation to comply
- Obligation to co-operate with investigation
- Compulsory training for members
- Sanctions

A summary of the consultation responses is also published on the LGA website see attached link <https://www.local.gov.uk/lga-model-member-code-conduct-consultation-response-analysis-november-2020>

- 3.16 A stakeholder roundtable to discuss the response and next steps took place on 30 September 2020. The revised draft Code was then considered at an LGA Councillors forum on 22 October 2020. The LGA then reviewed the draft in the light of those discussions and a final Code was then prepared and submitted to the LGA Board on 3 December 2020. The approved Code has now been published on the LGA website <https://www.local.gov.uk/local-government-association-model-councillor-code-conduct-2020-0>

and is attached at Appendix A. The LGA are currently preparing guidance to support the Code. If the Government chooses to implement any of the recommendations which require a change in the law this will also require a change to this Code. The LGA have undertaken to review the Code on an annual basis.

A link to the Members' current Code of Conduct set out in Part 5I of the Constitution is also attached to assist the Committee. <https://www.croydon.gov.uk/sites/default/files/articles/downloads/Part%205I%20-%20Members%20Code%20of%20Conduct.pdf>

NEXT STEPS

- 3.17 The Council should now review its Code of Conduct for Members, using the final LGA national model as a starting point. It is a template for councils to adopt in whole and/or with local amendments. According to the LGA the new model Code of Conduct is aimed to be concise, written in plain English and be understandable to members, officers and the public. It has been designed to help set a framework for public and councillor interaction, protect the democratic role of councillors, encourage good conduct and safeguard the public's trust in local government. The fundamental aim of the Code being to create and maintain public confidence in the role of both councillor and local government.
- 3.18 Separately the Croydon Renewal Plan (incorporating the financial recovery plan, the submission to the MHCLG for the capitalisation direction and also the Improvement Plan) contains a number of strands of work including those designed to improve governance and leadership practice at the Council. In particular the Croydon Renewal Improvement Plan provides that a:

'review of the member and officer code of conduct to fully embed the Nolan Principles in all work' be undertaken.

The Committee's work will therefore inform and support this action under the Renewal Plan also.

4. CONSULTATION

There has been extensive consultation leading up to the release of the new model Code of Conduct by the LGA as detailed above.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 Implementation of the recommendations contained in this report shall be contained within existing budgets.

Approved by: Lisa Taylor, Director of Finance Investment and Risk

6. LEGAL CONSIDERATIONS

- 6.1 The Head of Litigation and Corporate Law comments on behalf of the interim Director of Law and Governance that the Localism Act ('the LA') 2011 section 27 places a duty on the Council to ensure that its members and co-opted members maintain high standards of conduct and requires councils to adopt a code of conduct for their members.
- 6.2 The LA section 28 requires the Council to adopt a code whose contents must be consistent with the seven 'Nolan' principles of standards in public life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership), and must set out the rules that the authority wants to put in place with regard to requiring members to register and disclose pecuniary and non-pecuniary interests. It requires the Council to put in place Arrangements under which it can investigate an allegation of a breach of a code made in writing and, if it is considered that an investigation is warranted, requires the Council to appoint at least one Independent Person whose views must be sought after it has made an investigation and before it takes a decision.
- 6.3 The LA section 29 requires monitoring officers to establish and maintain a register of members' and co-opted members' interests, to make the register available for inspection and to publish it on the council's website.
- 6.4 Under the LA section 30 members are required to notify the Monitoring Officer of any Disclosable Pecuniary Interests of them or a spouse or civil partner they live with, within 28 days of taking up office. In turn the Monitoring Officer is required to enter any notified Disclosable Pecuniary Interest in the Council's register, as well as any other interest notified to them, whether or not it is pecuniary. 'Disclosable Pecuniary Interests' are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
<https://www.legislation.gov.uk/ukxi/2012/1464/made>
- 6.5 There is no obligation by the Council to adopt a particular model of the Code of Conduct. The statutory duty is to adopt a code of conduct which complies with the statutory requirements referred to in paragraph 5.2

Approved by: Sandra Herbert Head of Litigation and Corporate Law on behalf of the Interim Director of Law and Governance.

7. HUMAN RESOURCES IMPLICATIONS.

- 7.1 There are no HR implications arising from this report. If any should arise these will be managed under the Council's policies and procedures.

Approved by: Jennifer Sankar, Head of HR Place, for and on behalf of Sue Moorman, the Director of Human Resources, January 2021

8. EQUALITIES IMPACT

- 8.1 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.
- 8.2 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 The draft model LGA Code contains a specific obligation to promote equalities and not to discriminate unlawfully against any person (paragraph 2.3.1) with reference to the Equalities Act.

Approved by: Yvonne Okiyo Equalities Manager on behalf of the Director of Policy and Partnership.

9. ENVIRONMENTAL IMPACT

There are not considered to be any environmental impacts of the proposal.

10. CRIME AND DISORDER REDUCTION IMPACT

The proposal supports the requirement to maintain good governance within the Council.

11 DATA PROTECTION IMPLICATIONS.

There are no data protection implications arising from the proposal.

CONTACT OFFICERS:

Jacqueline Harris-Baker,
Executive Director of Resources and Monitoring Officer (ext. 62328)

APPENDICES TO THIS REPORT

Appendix A - new template LGA Model Code of Conduct for Members

BACKGROUND DOCUMENTS:

None



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I 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 my 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, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none">a) any body of which you are in general control or management and to which you are nominated or appointed by your authorityb) any body<ul style="list-style-type: none">(i) exercising functions of a public nature(ii) any body directed to charitable purposes or(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

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Agenda Item 7

REPORT TO:	ETHICS COMMITTEE
AGENDA ITEM NO:	11 FEBRUARY 2021
SUBJECT:	ANNUAL UPDATE ON ETHICS COMPLAINTS RECEIVED UP TO AND INCLUDING 31 DECEMBER 2020
LEAD OFFICER:	EXECUTIVE DIRECTOR OF RESOURCES, COUNCIL SOLICITOR & MONITORING OFFICER
CABINET MEMBER:	COUNCILLOR CALLTON YOUNG CABINET MEMBER RESOURCES AND FINANCIAL GOVERNANCE
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT: 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.	
FINANCIAL IMPACT Implementation of the recommendations contained in this report shall be contained within existing budgets	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	
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 annual report to the Ethics Committee to update members on any complaints or investigations undertaken by the Monitoring Officer during the past year to 31 December 2020. Last years' report is accessible here:

[https://democracy.croydon.gov.uk/documents/s20723/Agenda%20Item%208%20-%20Rpt Complaints %20Ethics%20Ctee Feb%202020.pdf](https://democracy.croydon.gov.uk/documents/s20723/Agenda%20Item%208%20-%20Rpt%20Complaints%20Ethics%20Ctee%20Feb%202020.pdf)

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.

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 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 and if that occurs, 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>

- 3.5 Whilst each matter has different facts which would impact on the assessment, historic examples from previous years of when matters have not been considered appropriate for investigation have included where a Councillor has failed to respond to correspondence sent by a constituent or not responded as constituent wished them to or as quickly; where a Councillor has not advocated on behalf of a constituent or has supported a different constituent or cause; or non-decision making Councillors having a particular views on a matter which is being considered by the Council and expressing those views.
- 3.6 Since the last updating annual report to Members which covered complaints up to and including 31 December 2020, the Monitoring officer has received 9 complaints. In respect of 1 of those complaints, the matter was not within the remit of the Monitoring Officer and therefore not progressed.
- 3.7 In relation to the remaining 8 matters, 1 is still at assessment stage. In respect of the other 7 matters, all were made by members of the public. The Monitoring Officer undertook an assessment as against the assessment criteria detailed in 3.3 above and determined that none of the 7 matters were appropriate to be referred for investigation predominantly on the basis that, on the facts of the matter, a breach of the Code was not made out. Of those 7 matters, just over half related to conduct outside of meetings, including in relation to how Councillors interacted with members of the public in person and on social media, whilst the remainder related to conduct within meetings, including planning committee (1 complaint) and full Council (2 complaints) and how this conduct was perceived by members of the public.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 4.1 There are no direct financial implications arising from this report.

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.

CONTACT OFFICERS:

Jacqueline Harris-Baker
Executive Director of Resources, Monitoring Officer and Council Solicitor (ext. 62328)

APPENDICES:

None

BACKGROUND DOCUMENTS:

None

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Agenda Item 8

REPORT TO:	ETHICS COMMITTEE 11 February 2021
SUBJECT:	MEMBER LEARNING AND DEVELOPMENT 2020-21 UPDATE
LEAD OFFICER:	JACQUELINE HARRIS BAKER, EXECUTIVE DIRECTOR OF RESOURCES & MONITORING OFFICER
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON: The Council has determined that the Ethics Committee shall be responsible for receiving reports from the Monitoring Officer on matters of probity and ethics for consideration.	
FINANCIAL IMPACT: There are no additional financial implications arising from the contents of this report.	

RECOMMENDATION: The Committee is asked to note the content of the report.

1. EXECUTIVE SUMMARY

- 1.1 This report provides the Committee with a log of Member Learning and Development activity to date in the 2020-21 Municipal Year. This activity is led and monitored by the Member Learning and Development Panel.
- 1.2 The role of the Members' Learning and Development Panel is to co-ordinate a training and development programme for Members.

2. MEMBER LEARNING AND DEVELOPMENT ACTIVITY 2020-21

- 2.1 The Council has a £21,000 annual budget for Member training and conferences, £1569 has been spent in 2020-21. This is managed through the cross party Member Learning and Development Panel.
- 2.2 As a result of the covid-19 pandemic, the ability for Members to attend external training has been severely impeded over the last year. Following the Council issuing a Section 114 notice in November 2020 and the issuing of the Report in the Public Interest by the Council's external auditors, much of the training activity has involved briefing Members on the response to the Council's financial position and financial governance.

2.3 Activity in the 2020-21 Municipal Year has been as follows:

Internal Training Events

Event	Date	Attendance
Licensing Training	20/9/20	20
Member Briefings on S114	September 2020	All Members Invited
Member Briefing on RIPI	October 2020	All Members Invited
Member Briefing on the Strategic Review of Companies	November 2020	All Members Invited
Scrutiny Briefing on the Strategic Review of Companies	November 2020	6
LGPS and Regulatory Funding (Pensions Committee)	December 2020	8
CYP Scrutiny on the Education Budget	January 2021	8

2.4 Four Members have also used the available training budget to attend external training courses and events. The courses attended in 2020-21 are as follows:-

External Training

Event	Date	Attendance
Benefits for Non-Benefits Advisors	1-2 October 2020	Individual
Working Together to Safeguard Children & Young People – Government Events	10 November 2020	Individual
Online Chairing Skills for Virtual Meetings	October 2020	Individual
Cyber Security	19 November 2020	Individual

3. MEMBER LEARNING & DEVELOPMENT 2021/22

3.1 Members' learning and development will continue to be focussed towards responding to the challenges facing the Council. The action plans arising from the Report in the Public Interest and the Strategic Review of Companies have identified a number of areas of training need for Members which will need to be scheduled. These include the need to improve Members' awareness of Council finances, investments and risk. There will also be specific training for Cabinet Members on financial and risk management, as well as development training for the Leader.

3.2 A review of Croydon's Scrutiny function by the Centre for Governance and Scrutiny is due to be published in February 2021. There will be a range training that will need to be arranged for Scrutiny Members as a result of this review.

- 3.3 The Members' Learning and Development Panel will continue to monitor the training requirements of Members to ensure that training is focussed towards those areas of greatest need. As there are Council elections in 2022, another area of focus for the Panel will be preparing an induction programme for any new Councillors.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 4.1 There are no direct financial or other implications arising from this report.

Approved by: Lisa Taylor, Director of Finance, Assurance and Risk.

CONTACT OFFICER:

Simon Trevaskis

Senior Democratic Services & Governance Officer – Scrutiny

APPENDICES:

None

BACKGROUND DOCUMENTS:

None

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Agenda Item 9

REPORT TO:	ETHICS COMMITTEE 11 FEBRUARY 2020
SUBJECT:	ETHICS COMMITTEE: WORK PROGRAMME
LEAD OFFICER:	JACQUELINE HARRIS BAKER, EXECUTIVE DIRECTOR OF RESOURCES & MONITORING OFFICER
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON: Organisational design: consideration of the business processes, systems, budgeting, workforce, capacities and capabilities that will reflect the requirements of the operating model.	
FINANCIAL IMPACT The implementation of the recommendations contained in this report shall be contained within existing budgets.	

1. RECOMMENDATIONS

- 1.1. For the Members of the Ethics Committee to consider and comment on the following Work Programme.

2. EXECUTIVE SUMMARY

- 2.1. The table sets out the Ethics Committee Work Programme for 2020/21. 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.

3. DETAIL

Meeting date	Standing item(s)	Other item(s)
10 February 2021	Members' dispensations Work programme	Succession planning for and recruitment and appointment of further independent persons Feedback from the LGA on the new model code of conduct. Annual update on members' learning and development

		Annual update on member complaints
5 May 2021 TBC (mid-April 2021)	Members' dispensations Work programme	Annual Whistleblowing Report Annual update on use of RIPA Case Law update

4. **CONSULTATION**

4.1. The Work Programme is subject to consultation with the Members of the Ethics Committee.

5. **FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

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

6. **THE EFFECT OF THE DECISION**

6.1. The decisions made about its Work Programme will determine the agenda for Ethics Committee meeting.

7. **RISKS**

7.1. There are no direct risks arising from the content of this report.

8. **OPTIONS**

8.1. 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.

9. **FUTURE SAVINGS/EFFICIENCIES**

9.1. There are no direct future savings/efficiencies arising from the content of this report.

10. **LEGAL CONSIDERATIONS**

10.1. There are no direct legal consequences arising from the contents of this report.

11. HUMAN RESOURCES IMPACT

11.1. There are no direct Human Resources consequences arising from the contents of this report.

12. EQUALITIES IMPACT

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

13. ENVIRONMENTAL IMPACT

13.1. There are no direct environmental impact consequences arising from the contents of this report.

14. CRIME AND DISORDER REDUCTION IMPACT

14.1. There are no direct crime and disorder reduction impact consequences arising from the contents of this report.

CONTACT OFFICER:

Cliona May
Democratic Services Officer, Cabinet & Executive

APPENDICES TO THIS REPORT:

None

BACKGROUND DOCUMENTS:

None

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