

Ethics Committee Agenda



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

Independent Members: Don Axcell, Jennifer Gordon, Ashok Kumar, Alan
Malarkey and Anne Smith

Reserve Members: Councillors Jeet Bains, Richard Chatterjee,
Karen Jewitt, Humayun Kabir and Holly Ramsey

A meeting of the **Ethics Committee** which you are hereby summoned to attend, will
be held on **Wednesday, 8 February 2023** at **6.30 pm** in

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

Marianna Ritchie, Democratic Services
marianna.ritchie@croydon.gov.uk
www.croydon.gov.uk/meetings
Tuesday, 31 January 2023

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

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www.croydon.gov.uk/meetings

If you require any assistance, please contact the person detailed above, on the righthand side.

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 21 September 2022 as an accurate record.

3. Disclosure of Interests

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

4. Urgent Business (if any)

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

5. Work Programme (Pages 11 - 12)

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

6. Update on Ethics Complaints Received in the Third Quarter up to and including 30 September 2022 (Pages 13 - 20)

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.

7. Update on Ethics Complaints received in the Fourth Quarter up to and including 31 December 2022 (Pages 21 - 24)

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.

8. Annual Report on Ethics Complaints for 2022 (Pages 25 - 30)

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.

9. Recent Developments in Ethical Standards (Pages 31 - 40)

It is a function of Ethics Committee, among other matters to support the statutory role of the Monitoring Officer as set out in Article 9 of the Constitution, including the promotion of high standards of Member conduct and receiving reports from the Monitoring Officer on matters of probity and ethics.

10. Member Gifts and Hospitality (Pages 41 - 46)

Members must comply with the Members' Code of Conduct including the protocol around declaring gifts and hospitality. This report (Appendix 1) gives the committee the details of gifts and hospitality declared by Members (Executive Mayor and Councilors) since the 13 September 2022 (following publication date of the previous Ethics Committee meeting).

Public Document Pack Agenda Item 2

Ethics Committee

Meeting of held on Wednesday, 21 September 2022 at 6.30 pm in Room 1.01 and 1.02 - Bernard Weatherill House, Mint Walk, Croydon CR0 1EA

MINUTES

Present: Councillor Louis Carserides (Chair);
Councillor Clive Fraser (Vice-Chair);
Councillors Jade Appleton, Holly Ramsey (in substitution for Councillor Mario Creatura), Helen Redfern, and Esther Sutton
Independent Members Don Axcell, Ashok Kumar and Alan Malarkey

Also Present: Councillor Humayun Kabir

Apologies: Councillor Mario Creatura

PART A

9/22 Minutes of the Previous Meeting

The minutes of the meetings held on:

- 19 February 2021;
- 30 September 2021;
- 9 December 2021, and;
- 9 February 2022 were agreed as accurate records.

The minutes of the meeting held on 26 May 2021 were agreed with the following amendment:

That comments attributed to Sandra Herbert, Head of Litigation and Corporate Law and Deputy Monitoring Officer, at item 4/20 (Review of the Terms of Reference) be attributed to Asmat Hussain, Interim Executive Director of Resources and Interim Deputy Monitoring Officer.

10/22 Disclosure of Interests

Councillor Appleton disclosed that she was an employee of London Councils, and so would need to be excluded from any discussion involving the recruitment of London Councils for any paid training for members.

11/22 Work Programme 2022-23

Adrian May, Interim Head of Democratic Services and Scrutiny, outlined the work programme to members.

In response to a question from an Independent Person officers agreed to incorporate into the Member Conduct Complaints Process review a review of the Council's adopted Assessment Criteria for complaints and process for consultation with Independent Persons.

RESOLVED:

To note, consider and comment on the draft work programme as detailed in the report.

12/22 Annual Report on Ethics Complaints for 2021

The Head of Litigation and Corporate Law and Deputy Monitoring Officer, outlined the two-stage complaints process for members, highlighting that 23 complaints had been received in the year January to December 2021, 16 of which had been assessed by the Monitoring Officer. Six of those related to alleged failures by councillors to respond to correspondence from the public, and ten related to a collection of other matters including members' participation in meetings. There were no specific trends.

In response to members' questions officers confirmed that the number of complaints received had increased on the previous two calendar years. Officers also confirmed that it was unknown how many individuals had made complaints and that complaints about members not responding to social media posts would not generally be seen as a potential breach of the Code of Conduct.

In addition to noting the contents of the report, members were asked to note the Monitoring Officer's proposal to create a single landing page on the council website for members of the public to log complaints across numerous separate regimes including complaints regarding councillors. In response to a question from a member of the committee officers agreed to report back on progress and ensure that in the creation of the generic complaints landing page the digital team follow best practice from other Local Authorities and ensure that accessibility and London Office of Technology and Innovation (LOTI) guidance was followed. Confirmation was also requested by a member of the committee that a risk assessment of the sustainability of the webpage be carried out before going live.

RESOLVED, to:

Note the contents of the report.

13/22 Update on Ethics Complaints received up to and including 31 July 2022

Councillor Fraser declared that one of the complaints outlined in Appendix A likely related to a matter he had self-reported.

The Head of Litigation and Corporate Law and Deputy Monitoring Officer summarised that there had been 30 complaints during the first two quarters of 2022, of which 13 had resulted in no-further-action being taken by the Monitoring Officer as further information requested from the complainant had not been provided; one complaint had not been within the remit of the Monitoring Officer to assess; and of the remaining sixteen 10 related to a single incident; three were about ex-councillors, and three were not substantiated.

Officers explained that the ten complaints relating to a single incident had been made shortly after the Council had adopted a new councillor Code of Conduct and as a result the Monitoring Officer had decided the appropriate action would be for the relevant Members to undertake Code of Conduct training. In response to a question from a member of the committee officers agreed to ascertain whether this training had been completed.

In response to a question from an Independent Person officers agreed to ascertain whether the Monitoring Officer had consulted an Independent Person on any of the complaints outlined in the quarterly report.

Officers also explained under current arrangements approved by the Council, consultation by the Monitoring Officer with an Independent Person on any complaint received was at their discretion but that this could be reviewed as part of the proposed review of the arrangements and assessment criteria for complaints being undertaken by the committee to enable more frequent consultation by the Monitoring Officer with Independent Persons.

RESOLVED, to:

Note the contents of the report.

14/22 Member Learning and Development

Simon Trevaskis, Senior Democratic Services and Governance Officer (Scrutiny) gave an update to the committee on the progress of the Member Learning and Development (MLD) Programme.

At the beginning of the meeting members had reminded officers that there had been a request by councillors for a structure chart and session on understanding the council. Officers agreed to pick this up as part of the MLD Programme going forwards.

Officers also noted members' requests to cater to councillors' busy work lives by encouraging training providers to deliver training online or hybrid as much as possible.

Officers also informed members that a councillor survey was going to be conducted to improve the programme, and that training for members who were elected following by-elections needed to be carefully crafted so that they did not get left behind.

RESOLVED, to:

1. Note the content of the report, and;
2. Consider whether there was any further training for Members, not already identified, that should be commissioned.

15/22 Member Gifts and Hospitality

The Interim Head of Democratic Services and Scrutiny outlined the record of gifts and hospitality received by councillors since the last report.

RESOLVED, to:

- 1.1 Note the requirements on Members with regards to declaring Gifts and Hospitality, and;
- 1.2 Note any Gifts and Hospitality declarations since 9 May 2022.

16/22 Dispensation Applications for Members

None had been received.

The meeting ended at 7.26 pm

Signed:

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Date:

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Agenda Item 5

REPORT TO:	ETHICS COMMITTEE 8 February 2023
SUBJECT:	ETHICS COMMITTEE: WORK PROGRAMME
LEAD OFFICER:	Stephen Lawrence-Orumwense Director of Legal Services and Monitoring Officer
WARDS:	ALL
PUBLIC/EXEMPT:	Public
FINANCIAL IMPACT: The implementation of the recommendations contained in this report shall be contained within existing budgets.	
1. RECOMMENDATIONS: 1.1. To note, consider and comment on changes to the work programme as detailed in this report.	

2. EXECUTIVE SUMMARY

- 2.1. The table sets out the remaining items on the Ethics Committee Work Programme for 2022/23. 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)
8 th February 2023	Complaint Monitoring Work Programme Gifts & Hospitality Recent Developments in Ethical Standards	Annual Complaints report.
19 th April 2023	Members' dispensations Complaint Monitoring Work Programme Gifts & Hospitality	Member Attendance Statistics (annual)

Meeting date	Standing item(s)	Other item(s)
	Legal & Ethics Update Constitution Review related to Ethics Committee responsibilities	

Please note, the Outside Bodies Protocol was scheduled to come to committee in February; due to capacity issues it has been necessary to move this to a future meeting of the Ethics Committee after April 2023.

4. **CONSULTATION**

- 4.1. This Work Programme is subject to consultation with 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. **LEGAL CONSIDERATIONS**

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

7. **EQUALITIES IMPACT**

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

CONTACT OFFICER:

Adrian May
Interim Head of Democratic Services

REPORT APPENDICES:

None

BACKGROUND DOCUMENTS:

There are no unpublished documents upon which this report has been based

Croydon Council

For General Release

REPORT TO:	ETHICS COMMITTEE
AGENDA ITEM NO:	8 FEBRUARY 2023
SUBJECT:	UPDATE ON ETHICS COMPLAINTS RECEIVED IN THE THIRD QUARTER UP TO AND INCLUDING 30 SEPTEMBER 2022
LEAD OFFICER:	STEPHEN LAWRENCE-ORUMWENSE DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER
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 quarterly report to the Ethics Committee to update members on any complaints or investigations undertaken by the Monitoring Officer during the third quarter of the year up to 31 September 2022, subject to what is set out at paragraph 3.7 below.

3. DETAIL

- 3.1 The 2011 Act requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the code of conduct, and arrangements under which decisions on allegation may be made. Members will be aware that a new Code of Conduct was adopted by the Council in October 2021 and the complaints detailed in this report were subject to that new Code of Conduct.
- 3.2 Pursuant to the current arrangements which the Committee has approved on behalf of the Council, any complaints which pertain to Members Conduct are made in the first instance to the Monitoring Officer.
- 3.3 The Monitoring Officer has authority to undertake an initial assessment of the complaint in accordance with the Assessment Criteria which the Committee have specifically adopted for these purposes. The Assessment Criteria are summarised below.
- Does the allegation relate to a Disclosable Pecuniary Interest? If so, this is a police matter.
 - Is the complaint about someone who is still a Member? If not no further action can be taken.
 - Has the matter already been the subject of an investigation – if so, the Monitoring Officer is unlikely to consider further action in the public interest.
 - Has a period of 3 months elapsed since the alleged conduct occurred – if so the Monitoring Officer may consider no further action is appropriate.
 - Is the complaint sufficiently serious to warrant further action?
 - Is the complaint malicious, politically motivated or tit-for-tat – if so the Monitoring Officer is unlikely to take action.
 - Is the complaint part of the ‘rough and tumble of political debate’ and conduct between Members – if so, the Monitoring Officer is unlikely to take action.
 - Has insufficient information been provided? If so, unless further information is provided no further action can be taken.
 - Is referring complaint the complaint for an investigation the best use of public resources and in the public interest? If not, no further action is likely to be taken particularly as no sanctions are available to the Council.
 - Does the complaint demonstrate a lack of understanding of the code or policies/procedures? If so, the complaint will likely be dealt with by recommending/arranging training.
 - Does the complaint relate to the manner in which meetings are conducted? If so, this will not be a matter in respect of which an investigation will be instituted.
 - Is the complaint one person’s word against another? If so, with no independent evidence it is unlikely further action will be taken.
 - Can the complaint be resolved informally without the need for an investigation e.g. by the offer of an apology. If so, the Monitoring Officer will take this into account in deciding what further action should be taken on the complaint.

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

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

- 3.4 The initial assessment by the Monitoring officer will indicate whether or not the complaint is one which ought to be referred for investigation. In reaching this decision, the Monitoring Officer may, although is not obliged to do so, consult with an Independent Person (IP) before reaching this decision.
- 3.5 If the matter is referred for investigation, the matter is then referred to Members in accordance with the arrangements for dealing with allegations of breach of the code of conduct under the Localism Act 2011.
<https://democracy.croydon.gov.uk/documents/s17243/Part%2051%20-%20Members%20Code%20of%20Conduct.pdf>
- 3.6 This report provides an update on the third quarter of the year, up to 31 September 2022. Between the date of the last updating report which set out the first two quarters of the year and 31 September 2022, the Monitoring Officer has received 12 potential complaints. 11 of the 12 matters were linked (i.e. alleging the same facts) and from the same complainant and further information was needed in order to progress the complaints, but this was not provided. In addition, 5 of those 11 related to former Councillors. No further action was taken by the MO pursuant to Assessment Criteria 8 (further information needed) and Assessment Criteria 2 (no longer councillors). The remaining matter related to a former councillor and no further action was taken by the MO pursuant to Assessment Criteria 2. The Monitoring Officer did not consult with an IP in respect of any of the matters set out in Appendix A.
- 3.7 Appendix A summarises the information detailed in paragraph 3.6 above pertaining to the complaints which have been completed. It should be noted that any such disclosure of information needs to have the necessary regard to the Councils' obligations under Data Protection and the processes adopted by the Council in relation to Code of Conduct complaints. The Committee also need to be mindful that the contents of Appendix A only represent complaints made and assessment decisions against the criteria as detailed in paragraphs 3.3 and 3.4 above rather than the outcome of an investigation and any necessary hearings in line with the Council's processes in this regard. None of the matters on Appendix A progressed beyond the assessment stage.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

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

Approved by: Nish Popat – Interim Head of Corporate Finance.

5. LEGAL CONSIDERATIONS

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

attention is specifically drawn to the information contained in paragraph 3.7 pertaining to disclosure of information in relation to Data Protection and the Council's ethics processes as well as the fact that the complaints detailed within this report only reflect the outcomes of assessment decisions and not findings following an investigation or hearing under the Localism Act 2011 requirements.

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

6. CONSULTATION

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

7. HUMAN RESOURCES IMPACT

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

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

8. EQUALITIES IMPACT

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

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

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

Denise McCausland – Equality Programme Manager

9. ENVIRONMENTAL IMPACT

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

10. CRIME AND DISORDER REDUCTION IMPACT

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

11. DATA PROTECTION IMPLICATIONS

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

NO

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

NO

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

APPENDICES TO THIS REPORT

Appendix A- Summary of code of conduct complaints for third quarter to 30 September 2022

BACKGROUND DOCUMENTS: None

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Ref.	Nature of complainant	Member/Co-opted member?	Nature of the complaint	Initial Assessment Outcome	Initial assessment completed in Time	Referred for investigation
31/22	Member of the public	Member	Unclear. Further information requested but not provided.	NFA. Assessment Criteria 8	N/A	N/A
32/22	Member of the public	Member	Unspecified. Further information requested but not provided.	NFA. Assessment Criteria 8	N/A	N/A
33/22	Member of the public	Member	Unclear. Further information requested but not provided.	NFA. Assessment Criteria 8	N/A	N/A
34/22	Member of the public	Member	Unclear. Further information requested but not provided.	NFA. Assessment Criteria 8	N/A	N/A
35/22	Member of the public	Member	Unclear. Further information requested but not provided.	NFA. Assessment Criteria 8	N/A	N/A
36/22	Member of the public	Member	Unclear. Further information requested but not provided.	NFA. Assessment Criteria 8	N/A	N/A

Ref.	Nature of complainant	Member/Co-opted member?	Nature of the complaint	Initial Assessment Outcome	Initial assessment completed in Time	Referred for investigation
37/22	Member of the public	Former Member	Unclear. No Further action as no longer a member	NFA. Assessment Criteria 2.	N/A	N/A
38/22	Member of the public	Former Member	Unclear. No Further action as no longer a member	NFA. Assessment Criteria 2.	N/A	N/A
39/22	Member of the public	Former Member	Unclear. No Further action as no longer a member	NFA. Assessment Criteria 2.	N/A	N/A
40/22	Member of the public	Former Member	Unclear. No Further action as no longer a member	NFA. Assessment Criteria 2.	N/A	N/A
41/22	Member of the public	Former Member	Unclear. No Further action as no longer a member	NFA. Assessment Criteria 2.	N/A	N/A
42/22	Member of the public	Former Member	Allegation of inappropriate social media posts	NFA as no longer a member – Assessment Criteria 2, but posts were not inappropriate in any event.	No. Complaint went to senior officer spam folder and not noticed for several months.	N

Key:

IP: Independent Person

MO: Monitoring Officer

N: No

N/A: Not applicable

NFA: No further Action

Y: Yes

Croydon Council

For General Release

REPORT TO:	ETHICS COMMITTEE
AGENDA ITEM NO:	8 FEBRUARY 2023
SUBJECT:	UPDATE ON ETHICS COMPLAINTS RECEIVED IN THE FOURTH QUARTER UP TO AND INCLUDING 31 DECEMBER 2022
LEAD OFFICER:	STEPHEN LAWRENCE-ORUMWENSE DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER
CABINET MEMBER:	
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 quarterly report to the Ethics Committee to update members on any complaints or investigations undertaken by the Monitoring Officer during the fourth quarter of the year up to 31 December 2022, subject to what is set out at paragraph 3.7 below.

3. DETAIL

3.1 The 2011 Act requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the code of conduct, and arrangements under which decisions on allegation may be made. Members will be aware that a new Code of Conduct was adopted by the Council in October 2021 and the complaints detailed in this report were subject to that new Code of Conduct.

3.2 Pursuant to the current arrangements which the Committee has approved on behalf of the Council, any complaints which pertain to Members Conduct are made in the first instance to the Monitoring Officer.

3.3 The Monitoring Officer has authority to undertake an initial assessment of the complaint in accordance with the Assessment Criteria which the Committee have specifically adopted for these purposes. The Assessment Criteria are not exhaustive but are summarised below.

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

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

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- 3.4 The initial assessment by the Monitoring officer will indicate whether or not the complaint is one which ought to be referred for investigation. In reaching this decision, the Monitoring Officer may, although is not obliged to do so, consult with an Independent Person (IP) before reaching this decision.
- 3.5 If the matter is referred for investigation, the matter is then referred to Members in accordance with the arrangements for dealing with allegations of breach of the code of conduct under the Localism Act 2011.
<https://democracy.croydon.gov.uk/documents/s17243/Part%2051%20-%20Members%20Code%20of%20Conduct.pdf>
- 3.6 This report provides an update on the fourth quarter of the year, up to 31 December 2022. Between the date of the last updating report which set out the third quarter of the year and 31 December 2022, the Monitoring Officer has received 1 potential complaint which is still subject to consideration at Assessment stage accordingly no further information is available at this stage regarding the outcome of this matter.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

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

Approved by: Nish Popat – Interim Head of Corporate Finance

5. LEGAL CONSIDERATIONS

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

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

6. CONSULTATION

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

7. HUMAN RESOURCES IMPACT

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

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

8. EQUALITIES IMPACT

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

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

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

Approved by : Denise McCausland – Equality Programme Manager

9. ENVIRONMENTAL IMPACT

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

10. CRIME AND DISORDER REDUCTION IMPACT

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

11. DATA PROTECTION IMPLICATIONS

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

NO

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

NO

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

APPENDICES TO THIS REPORT

None

BACKGROUND DOCUMENTS: None

For General Release

REPORT TO:	ETHICS COMMITTEE
AGENDA ITEM NO:	8 FEBRUARY 2023
SUBJECT:	ANNUAL REPORT ON ETHICS COMPLAINTS for 2022
LEAD OFFICER:	STEPHEN LAWRENCE-ORUMWENSE DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER
CABINET MEMBER:	
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. The Committee receives quarterly reports on ethics complaints received. This report is an annual report on ethics complaints trends from the 2022 annual year without seeking to duplicate matters already reported to members in previous quarterly reports which can all be accessed here:

https://democracy.croydon.gov.uk/ieListMeetings.aspx?Committeeld=171&utm_source=mod-gov&utm_medium=taxonomy&utm_campaign=%20committee-calendar-ethics

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 not exhaustive and 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 There were a total of 43 ethics complaints received last year. Of those, all bar two were received from members of the public.
- 3.6 Of those 43, 1 of the matters is still under consideration at assessment stage and is not able to be detailed further. Of the remaining matters, 9 related to persons who were no longer councillors, and no further action was taken due to the person complained about no longer being a councillor (under assessment criteria 2). 20 of the complaints required additional information in order to consider the matter under the ethics processes and the additional information was not provided and it was therefore not possible to proceed with those matters and the Monitoring officer took no further action under Assessment Criteria 8. In respect of 10 of the remaining 13 matters, these were linked complaints with the same subject matter and in respect of the same members and the interim Monitoring Officer concluded that training of those members was warranted as the failure appeared to stem from a lack of understanding of what was then the newly adopted Code of Conduct (under assessment criteria 10). In respect of the remaining 3 matters, no further action was taken as the allegations were not substantiated.
- 3.7 In terms of the nature of the complaints, other than the linked complaints referred to above, the issue most often complained about by members of the public were perceived failures by members to respond to emails/correspondence/calls in the time frame that the complainant considered appropriate or dissatisfaction with the nature of those responses.
- 3.8 Members will be aware that many councillors receive significant amounts of correspondence and contact from members of the public including via social media. This can cover not only ward matters but a range of matters relating to Council services, proposals and general dissatisfaction. Members do not receive administrative support in dealing with that correspondence/contact. It is acknowledged that it would be helpful for councillors to be able, for example, to be able to direct members of the public to ways in which complaints services by the Council can be accessed, however it is not considered reasonable to expect Councillors to be able to respond to or address each and every item of correspondence or contact made, nor is it considered that a failure to do this would, as a matter of course, amount to a failure to comply with the Code of Conduct. Similarly correspondence or contact may pertain to matters which express a view or approach with which the Councillor does not agree and there is no obligation on a Member to advocate a view or position with which they do not agree or support.

- 3.9 There were no specific trends in terms of the subject matter of the complaints for the past year – for example they didn't pertain specifically to one area or service where members were involved.
- 3.10 Members will be aware from previous reports that this is similar to previous years where historic examples 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.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

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

Approved by: Nish Popat – Interim Head of Corporate Finance.

5. LEGAL CONSIDERATIONS

- 5.1 There are no additional legal considerations arising from the contents of this report.

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

6. CONSULTATION

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

7. HUMAN RESOURCES IMPACT

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

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

8. EQUALITIES IMPACT

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

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. (Section 149(1)(a))

- Advance equality of opportunity between people who share a protected characteristic and those who do not. (Section 149(1)(b))
- Foster good relations between people who share a protected characteristic and those who do not. (Section 149(1)(c))

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

Approved by : Denise McCausland – Equality Programme Manager

9. ENVIRONMENTAL IMPACT

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

10. CRIME AND DISORDER REDUCTION IMPACT

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

11. DATA PROTECTION IMPLICATIONS

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

NO

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

NO

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

APPENDICES TO THIS REPORT: None

BACKGROUND DOCUMENTS: None

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LONDON BOROUGH OF CROYDON

REPORT:	ETHICS COMMITTEE	
DATE OF DECISION	8 FEBRUARY 2023	
REPORT TITLE:	RECENT DEVELOPMENTS IN ETHICAL STANDARDS	
CORPORATE DIRECTOR / DIRECTOR:	DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER	
LEAD OFFICER:	STEPHEN LAWRENCE- ORUMWENSE Email: Stephen.Lawrence-Orumwense@croydon.gov.uk Telephone:27443	
AUTHORITY TO TAKE DECISION:	Part 3 of the Constitution: It is a function of Ethics Committee, among other matters to support the statutory role of the Monitoring Officer as set out in Article 9 of the Constitution, including the promotion of high standards of Member conduct and receiving reports from the Monitoring Officer on matters of probity and ethics.	
KEY DECISION?	No	REASON: N/A
CONTAINS EXEMPT INFORMATION?	NO	Public
WARDS AFFECTED:	N/A	

1 SUMMARY OF REPORT

- 1.1 This report highlights the recent decisions of the High Court in the case involving South Somerset and the Local Government and Social Care Ombudsman (LGSCO) in the case involving Teignbridge District Council and both relating to the Members Code of Conduct. Also, the Committee on Standards in Public Life recent publication 'Leading in Practice' that encourages public sector leaders to take active steps to embed the Seven Principles of Public Life into their organisation fabric.

2 RECOMMENDATIONS

- 2.1 The Committee is asked to note the report.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The function of the Committee includes promoting and maintain high standards of Members conduct and hearing complaints of breaches of the Member Code of Conduct. This report on recent developments serves to raises awareness on member conduct and complaint related issues that are of relevance to the Committee function and responsibility.

4 BACKGROUND AND DETAILS

- 4.1 The report brings to the attention of the Committee the following recent High Court and Local Government Ombudsman cases relating to the Member Code of Conduct.

R. (on the application of CPRE (Somerset)) v South Somerset DC [2022] EWHC 2817 (Admin), 2022 WL:

- 4.2 In the South Somerset case (available here [CPRE \(Somerset\), R \(On the Application Of\) v South Somerset District Council \[2022\] EWHC 2817 \(Admin\) \(08 November 2022\) \(bailii.org\)](#)), on 8 November 2022, the High Court quashed the decision of the planning committee on the grounds that it was tainted by apparent bias due to the Chair and Vice-Chair having incorrectly declared personal rather than prejudicial interests and participating in the decision making.
- 4.3 The claimant sought judicial review of the grant of planning permission by the defendant local authority to the first interested party (the town council) for the erection of five self-contained buildings to store and facilitate the construction of carnival floats.
- 4.4 The vice-chair of the planning committee was a member of the town council which had made the planning application. The chair was a member of the carnival committee, in which capacity he supported the application. He was also a close affiliate of another committee which had acted as agent for the town council in making the application.
- 4.5 The claimant had advised the local authority's monitoring officer that 6 of the 11 planning committee members had personal interests in the application and requested that its consideration be deferred. The chair and vice-chair declared a "personal interest" under the local authority's Code of Conduct but, on the monitoring officer's advice, decided that they did not have a "prejudicial interest" on a proper interpretation of para.2.9 of the Code which applied to them at the time. They participated in the meeting and decision, voting in favour of granting planning permission. A third member did the same but voted against granting permission. The other three members declared a personal interest and did not participate in the meeting or decision-making process. The committee voted 6-5 to grant planning permission.
- 4.6 The claimant argued that the decision was unlawful because it was tainted by apparent bias on the part of the planning committee's chair and vice-chair, who had approached the application with closed minds so that the grant of permission was pre-determined.
- 4.7 **Apparent bias and predetermination** – The Court held that the test for deciding whether a planning committee's decision was vitiated by bias was whether the fair-minded and informed observer, having considered the facts, would conclude that there

was a real possibility that the committee was biased. The fair-minded observer had full knowledge of the facts and was neither complacent nor unduly suspicious.

- 4.8** Predetermination was a different, though related concept. The Court held that a decision could be vitiated by predetermination where there was a real risk that minds were closed, but in assessing that question in the planning context, the court had to recognise that councillors were not in a judicial or quasi-judicial position but were elected to provide and pursue policies and would be entitled, and indeed expected, to have and to have expressed views on planning issues.
- 4.9** **Code of conduct** – The Court held that compliance with the Code could not be determinative of whether the apparent bias test was met, but it was a matter which the fair-minded observer would consider in deciding whether there was a real possibility of bias. Providing that the definition of "prejudicial interest" was reasonable, and other things being equal, a fair-minded observer would consider that a member who had no prejudicial interest was less likely to be biased and vice versa.
- 4.10** In respect of the Vice-chair – the Court found that as the business being discussed at the meeting involved determining a permission relating to the town council (a significant person), the vice-chair automatically had a prejudicial interest under the Code and therefore was disqualified from voting. Whilst the vice-chair had not himself promoted the planning application, or voted to make it, he was nonetheless a member of a relatively small public body whose application he had been asked to consider.
- 4.11** In respect of the Chair - The chair had a longstanding association with the carnival committee and the carnival club. He was pictured in the application documents among a group of individuals appearing to support the committee acting as agent for the application. The fair-minded observer would clearly conclude that there was a real possibility of bias (paragraph 53 of the judgement).

Monitoring Officer comment.

- 4.12** The case is of interest to Members because it deals both with apparent bias and predetermination and their interplay with duties of Councillors under the Code of Conduct. Members must not only comply with the Code of Conduct but also the common law principles of bias and predetermination. The Council's Member Code of Conduct (available here [Members' Code of Conduct | Croydon Council](#)) includes detailed provision on registering, disclosing and non-participation in meeting in the event of a disclosable pecuniary interest (DPI), other registerable interest (ORI) or non-registerable interest (NRI). The supporting Guidance to the Code (available here [Member code of conduct guidance \(croydon.gov.uk\)](#)) includes helpful provisions on bias and pre-determination. The Council also has a Planning Code of Good Practice (available here : [Planning Code of Good Practice](#)) that advises Members of the Planning Committee to comply not just with the Members Code of Conduct but also the rules on predetermination and bias and in effect addresses the issues raised in the South Somerset case.

LGSCO investigation: Teignbridge District Council

- 4.13** The Local Government and Social Care Ombudsman has found that Teignbridge District Council's investigation into a member's conduct was flawed. The decision is available here [21 004 645 - Local Government and Social Care Ombudsman](#).
- 4.14** Teignbridge investigated the actions of a councillor, after it alleged, he had acted 'contrary to its Code of Conduct'.
- 4.15** The Councillor complained to the Ombudsman that the council failed to follow due process when investigating him, leading to him being "unfairly sanctioned" with damage to his "personal and professional reputation". He indicated that the council:
- initiated an investigation without receiving any complaint about his conduct which is contrary to the law and its own policy;
 - misled him into believing such a complaint had been made;
 - did not disclose details of any such complaint as might have been made; and
 - did not carry out due diligence of an independent investigator appointed to investigate the complaint.
- 4.16** The Ombudsman found fault with a "number of aspects" of the council's investigation. It concluded that the investigation was not prompted by a formal written complaint, contrary to the law. The Ombudsman considered the Localism Act 2011, which says: "to trigger any investigation of an alleged breach, the Council must receive details of that allegation in writing".
- 4.17** The Ombudsman revealed that during its investigation, the council said that "it is apparent that no formal complaint was received with regards to the conduct of [the] Councillor ". But that its monitoring officer did receive "written complaints/concerns/allegations" about the councillor which they "considered were written allegations".
- 4.18** The council also did not give the councillor enough information about his alleged breaches of its Code, the Ombudsman suggested. In addition, Teignbridge introduced new allegations during the process, but the independent investigator appointed to look at the case did not make it clear to the Councillor whether these were part of the investigation, the report noted.
- 4.19** The Ombudsman also found that the inquiry into the Councillors' conduct was conflated with accusations levelled at another councillor who was also being investigated at the same time.
- 4.20** The report revealed that the council failed to reflect on the investigation and consider whether due process had been followed after the Councillor raised legitimate concerns about the way the investigation was being carried out.
- 4.21** Lastly, the council failed to consider the Councillors' enhanced right to free speech as an elected representative, which was relevant when the council considered his

justification for certain comments, he acknowledged making or posted on social media, the Ombudsman said.

4.22 The Ombudsman made several recommendations to improve the council's processes following the investigation. To remedy the injustice caused, the Ombudsman recommended the council, among other things that it:

- apologise to Councillor, accepting the findings of this investigation.
- rescind its decision notice upholding the complaint that the Councillor breached the Code and ensure this is no longer available on its website. In its place it should provide a statement saying the notice has been withdrawn following the LGSCO investigation and provide a link to the LGSCO report.
- ensuring the Council has a record of complaints being made in writing.
- ensures it has a written procedure for officers and independent investigators asked to consider standards complaints.
- ensures that where an investigation expands to consider further allegations arising during the investigation, it keeps a clear written record of that and a record that this has been explained to the Councillor complained about
- In all appropriate cases, considers the rights of the councillor complained about to free expression under Article 10 of the Human Rights Act, as part of any investigation report and subsequent committee decision making.

4.23 Commenting on the matter, Local Government and Social Care Ombudsman indicated that local councillors have a key role in scrutinising their authorities' actions and have an enhanced right of free speech to ask what might at times appear to be uncomfortable questions. Councils need to bear this in mind when deciding what constitutes a breach of their Code of Conduct. While both officers and members have a right to be treated with dignity and respect at work, and Councils' desire to do more to protect them from poor treatment is to be encouraged, they still need to carry out investigations into councillor standards fairly and properly.

Monitoring Officer comment.

4.24 The above investigation and subsequent commentary by the LGSCO indicate a clear need to ensure that processes and procedures adopted by the Council are followed and executed fairly and that such processes accord with legal requirements. It also serves as a timely reminder that the Member Code of Conduct complaint process is within the purview of LGSCO and the pitfalls of maladministration¹ must be avoided when handling complaints. There is a Local Government Association Guidance on Complaints Handling (available here [Guidance on Member Model Code of Conduct](#)

¹ i.e., delays, incorrect action or failure to take any action, failure to follow procedures or the law, failure to provide information, inadequate record-keeping, failure to investigate, failure to reply, misleading or inaccurate statements, inadequate liaison, inadequate consultation, broken promises etc

[Complaints Handling | Local Government Association](#)) which is a helpful resource on the standards expected when managing complaints under the Code.

Committee on Standards in Public Life Report - Leading in Practice

- 4.25** The Committee on Standards in Public Life (CSPL) has issued a report titled “Leading in Practice” that encourages public sector leaders to take active steps to embed the Seven Principles of Public Life² in their organisational fabric. The report available <https://www.gov.uk/government/news/the-committee-on-standards-in-public-life-publishes-new-report-leading-in-practice> is divided into six chapters and shares examples and case studies gathered from public and private sector organisations on maintaining ethical organisational practices.
- 4.26** In Chapter 1: Values and the public sector – encourages organisations to regularly create opportunities to help their employees understand the relationship between the different values that they are expected to demonstrate.
- 4.27** Chapter 2: Communicating expected behaviours and leading by example - how senior leaders set the tone for their organisation and have a responsibility to communicate how they expect their workforce to behave. Leaders must exhibit their organisation's values regardless of the context and the pressure they may be under and be willing to address behaviour that is not consistent with the values of the organisation.
- 4.28** Chapter 3: Encouraging a ‘speak up’ culture – creating a range of platforms for employees to speak up and safeguards for those who choose to raise concerns.
- 4.29** Chapter 4: Training, discussion, and decision-making – “Regular training is integral to embedding high standards”. Scenario based training is recommended and discussing ethical dilemmas increases ethical sensitivity and enhances decision-making skills. "We heard how organisations have created specific safe spaces to discuss ethical issues, including ethics committees, staff forums and counsellors,".

² The Seven Principles of Public Life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office including local government.

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 declare 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 and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

- 4.30** Chapter 5: Governance – The importance of Boards in promoting ethical conduct and ensuring that an organisation is living up to its values. “Boards should be concerned with how departments ensure that the Principles of Public Life are understood, internalised, and translated into behaviours and decisions.”
- 4.31** Chapter 6: Recruitment and performance management – “We would encourage public sector organisations to consider incorporating an assessment of how candidates’ personal values align with the Principles of Public Life within their recruitment and selection processes, particularly for senior leadership positions.” “Ensuring that the values are assessed as part of the performance management process both incentivises behaviour that is aligned with the Principles and ensures that the commitment of leaders to high standards is reflected through into the decisions they make about the people they manage.”

Monitoring Officer comment.

- 4.32** The Council’s Members and Officers Codes of Conduct includes the values and behaviours ascribed in the Seven Principles of Public Life. But the CSPL report is asking public sector leaders to take more active steps to further embed these Principles and an ethical culture in their organisations. The report was only published on 24th January 2023 and public sector organisations including the Council will need time to digest and decide how to respond.

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1** This is not applicable. The recommendations are for noting only.

6 CONSULTATION

- 6.1** This is not applicable. The recommendations are for noting only.

7. CONTRIBUTION TO COUNCIL PRIORITIES

- 7.1** It is a function of the Ethics Committee to support the statutory role of the Monitoring Officer as set out in Article 9 of the Constitution, including the promotion of high standards of Member conduct. In addition, it is a function of this committee to receive reports from the Monitoring Officer on matters of probity and ethics.

- 7.2** The Mayor’s Business Plan objectives includes ensuring good governance is embedded and adopt best practice. This report serves to promote good ethical governance arrangements.

8. IMPLICATIONS

- 8.1 FINANCIAL IMPLICATIONS**

8.1.1 There are no direct financial implications arising from this report and all costs to date are covered within existing budgets.

8.1.2 Comments approved by Nish Papat, Interim Head of Corporate Finance on behalf of the Director of Finance (Date 25/01/23).

8.2 LEGAL IMPLICATIONS

8.2.1 There are no additional legal implications arising beyond those set out in the body of the report.

8.2.2 Comments approved by Director of Legal Services and Monitoring Officer. (Date 26/01/2023)

8.3 EQUALITIES IMPLICATIONS

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

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

8.3.2 The Equalities Strategy 2020 -2024 states that 100% of Councillors and new starters should complete equality training including unconscious bias and this should be refreshed on a regular basis. This objective will be amended to read that training should be undertaken every two years in the Equality Strategy Refresh in 2023.

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

8.3.3 Comments approved by Denise McCausland, the Equalities Programme Manager. (Date 25/01/2023)

OTHER IMPLICATIONS

8.4 This report is for noting only. There are no Data Protection, Human Resources, Crime and Disorder, Procurement, Health, Environmental, Corporate Resources, ICT, Property and asset management or risk implications as a result of the recommendations in this report.

9. APPENDICES

9.1 None

10. BACKGROUND DOCUMENTS

10.1 None

11. URGENCY

11.1 Not applicable.

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REPORT TO:	ETHICS COMMITTEE 8 February 2023
SUBJECT:	MEMBER GIFTS AND HOSPITALITY
LEAD OFFICER:	Stephen Lawrence-Orumwense Director of Legal Services and Monitoring Officer
WARDS:	ALL
FINANCIAL IMPACT:	
<p>No financial implications are related to this report or recommendations. The administration of the gifts and hospitality process is managed within Democratic Services and operates within existing budgets.</p>	
<p>1. RECOMMENDATIONS for the committee:</p> <p>1.1. To note the requirements on Members with regards to declaring Gifts and Hospitality.</p> <p>1.2. To note any Gifts and Hospitality declarations since 13 September 2022 (when Gifts & Hospitality report was last published).</p>	

2. EXECUTIVE SUMMARY

- 2.1. Members must comply with the Members' Code of Conduct including the protocol around declaring gifts and hospitality. This report (Appendix 1) gives the committee the details of gifts and hospitality declared by Members (Executive Mayor and Councillors) since the 13 September 2022 (following publication date of the previous Ethics Committee meeting).

3. DETAIL

- 3.1. As outlined in the Member Code of Conduct, Members agree to adhere to the following with regards to declaring gifts and hospitality:
- Members do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on their part to show favor from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, license or other significant advantage.
 - Members register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve-month period within 28 days of its receipt.

- Register with the Monitoring Officer any significant gift or hospitality that they may have been offered but have refused to accept.
- 3.2. In terms of submitting gift and hospitality declarations, Members notify the Monitoring Officer (or the Head of Democratic Services acting on behalf of the Monitoring Officer) via email - with the Member's online Register of Interests (on the London Borough of Croydon website) subsequently updated.
 - 3.3. All Members of the Council in September 2022 were reminded via a Members Newsletter of the gift and hospitality declaration requirements and submission process (also in the edition was declaration at meetings, voting dispensations, and future member training sessions). A reminder is scheduled to be sent in February 2023.
 - 3.4. Committee members are asked to review and note the gifts & hospitality declarations made as detailed in Appendix 1.

4. CONSULTATION

- 4.1. The declarations are sent directly from the relevant member, with any clarification sought by Democratic Services on behalf of the Monitoring Officer and subject to review by 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. LEGAL CONSIDERATIONS

- 6.1. The Head of Litigation and Corporate Law comments on behalf of the Director of Legal Services and Monitoring Officer that the Localism Act 2011 requires the Council to adopt a Members Code of Conduct and to maintain a register of members' interests. Croydon's Members' Code of Conduct details the Member compliance requirements around declaring gifts and hospitality. (Approved by Head of Litigation and Corporate Law on behalf of the Director of Legal Services and Monitoring Officer).

7. EQUALITIES IMPACT

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

CONTACT OFFICER:	Adrian May Interim Head of Democratic Services
APPENDICES TO THIS REPORT:	Appendix 1 Gift & Hospitality Declarations.
BACKGROUND DOCUMENTS:	None

Appendix 1 - Member Gifts and Hospitality Declarations Up to 31 January 2023 (Since publication of previous report (on 13st September 2022) for Ethics Meeting 21st September)

Member	Person / Body from whom gift / hospitality received	Nature and value of gift or hospitality and date(s) received
Cllr Jade Appleton	Priscilla Burgess	Ticket to Navratri Celebration at Asian Resource Centre, Croydon, Value £10 (date of event 30 th Sept 2022)
	Compu Konnect - Kids Summer Holiday Camp Organisers, St Matthews Church Park Hill	Small wooden bell - value less than £50, July 2022 (Add to ROI end of September 2022)
	Lloyd Park Café	Hosting ward surgeries with local policing team – 13 th January 2023, est.£25
Cllr Margaret Bird	BH Live	12.2022 - 1x Pantomime ticket, value £33
Cllr Janet Campbell	Vegfest London	Nov .22 - 4x Complimentary Tickets, approximate total value £40.

	BH Live	Dec .22 - 2x tickets for premiere of Peter Pan at Fairfield Halls, estimated value £40-£50.
Cllr Danielle Denton	BHLive	Dec.2022 - 1x Pantomime ticket, value £33
Mayor Jason Perry	Croydon Food Festival	lunch at Bagattis, Sunday 26th June 2022 - £25
	Smacks Opening Event	Burger, Saturday 25th June 2022 - £10
	Alison London Councils CEX	CEX – Lunch sandwich and cup of tea, Tuesday 29th June 2022 - £10
	Hindu Swayamsevak Sangh	Two bracletts, flowers and Sweets, 11th August 2022 - £15
	McCarthy Stone	Site Visit – site boots, 12th August 2022 - £30
	Mike Fleet	3 Books, 1st September 2022 - £15
	Royal Russell Schol Visit	Lunch, 29th October 2022- £15
	CPFC V Wolverhamton	Tickets and Dinner , 18th October 2022 - £300
	Croydon Citizens Meeting	Pastry, 20th October- 2022 £2
	SELCC Executive Lunch	25th October 2022 - £20
	ELLY's Café	Tea and Coffee, 5th November 2022 - £5
	Faiths Together in Croydon	Interfaith Walk – Lunch at the Gudwara, 19th November 2022 - £10
	Addiscombe and Shirley Rotary Dinner	22nd November 2022 - £25
	Visit to the Gudwara	Dinner, 23rd November 2022 - £10

	Foster Carers Appreciation Event	Dinner, 25th November 2022 - £25
	Croydon Police Innovation Hub Event –	Goddie bag, 26th November 2022- £10
	Rick Walters	4 Booked, 9 th December 2022, £20
	My Ends	Dinner 22 nd December 2022, est. £10
	Thai Pongal	Festival, gifts including awards and jewelry, £25.
	President of the Muslim Association	Box of Chocolates, 23 rd Janu 2023 £5
	Rotary Club Lunch	Lunch, 24 th Jan, 2023, £10.
Cllr Scott Roche	BH Live	11.12.22 - 2x Tickets for Peter Pan pantomime; total value of £70
Cllr Alasdair Stewart	BH Live	11.12.22 – Fairfield Halls, 2x Tickets and refreshments, est. total value of £80
Cllr Andy Stranack	BH Live	11.12.22 - 2x Tickets for Peter Pan pantomime; total value of £70

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