

LONDON BOROUGH OF CROYDON

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

1. SUMMARY OF REPORT

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

2 RECOMMENDATIONS

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

- 2.1** To note the report contents.

3. REASONS FOR RECOMMENDATIONS

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

4. BACKGROUND AND DETAILS

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

Filtering complaints

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

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

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

- 4.4 The list is not exhaustive and a full copy of the criteria for assessment of complaints can be access [here](#).
- 4.5 The initial assessment by the Monitoring officer will indicate whether or not the complaint is one which ought to be referred for investigation. In reaching this decision, the Monitoring Officer may, although is not obliged to do so, consult with an Independent Person (IP) before reaching this decision.
- 4.6 If the matter is referred for investigation, the matter is then referred to Members in accordance with the [arrangements](#) for dealing with allegations of breach of the code of conduct under the Localism Act 2011.
- 4.7 Of the complaints which were pending at the time of the first quarter report to members in April 2023: 6 matters are awaiting further information in order to allow the Monitoring Officer to consider against the assessment criteria, 4 have been completed following comments from the members complained about and with assistance and views of an Independent Person and 2 are awaiting further comments from the complainant before being finalised. All these matters have previously been [reported to members](#) and formed part of [Appendix A](#) to the first quarter report on complaints. Appendix A to this report contains confidential information which pertains to those complaints which have

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

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

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 None

6. CONSULTATION

- 6.1 Not applicable.

7. CONTRIBUTION TO COUNCIL PRIORITIES

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

8. IMPLICATIONS

8.1 FINANCIAL IMPLICATIONS

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

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

8.2 LEGAL IMPLICATIONS

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

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

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

8.3 EQUALITIES IMPLICATIONS

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

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

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

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

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

OTHER IMPLICATIONS

8.4 None

9. APPENDICES

9.1 Appendix A: Exempt: Code of Conduct Complaints

BACKGROUND DOCUMENTS

9.1 Not applicable.

10. URGENCY

10.1 Not applicable