

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

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APPENDICES:

None

BACKGROUND DOCUMENTS:

None