

## **Ethics Committee**

Meeting of held on Thursday, 11 February 2021 at 6.30 pm. This meeting will be 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**

#### **30/20 Minutes of the Previous Meeting**

The Ethics Committee expressed disappointment that the actions agreed at the previous meeting had not been taken forward, particularly in regards to future report requests. The officers presented explained that the reports requested, namely the Joe Montgomery report, had not yet been ready for circulation, but it would be distributed to Ethics Committee Members as early as possible. The Assistant Chief Executive noted that she would also circulate the recommendations made by the Head of Learning and Organisational Development in response to the report.

The minutes of the meeting held on 18 November 2020 were agreed as an accurate record.

#### **31/20 Disclosure of Interests**

There were none.

#### **32/20 Urgent Business (if any)**

There were no items of urgent business.

#### **33/20 Independent Persons Succession Planning**

The Committee considered a report which identified 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). The Head of Litigation & Corporate Law explained to the Committee that interviews had originally been planned to take place in the spring of 2020 but were

postponed due to the Covid-19 pandemic. The interviews were conducted by the Selection Panel on 10 and 16 December 2020 and were held remotely. The report recommended to Full Council that current Independent Persons, Anne Smith and Ashok Kumar, continued for a further two years.

The Chair thanked officers for the report and noted the recommended candidates all had a wealthy experience in the borough and would be valuable Independent Persons on the Ethics Committee. In response to queries, the Chair clarified that six people applied, five were shortlisted, and the report was recommending for three candidates to be appointed.

Councillor Prince noted that the second corporate priority outlined in the report was to focus on tackling ingrained inequality in the borough; she asked whether any protected characteristics, other than gender, were being represented in the three recommended candidates. The Head of Litigation & Corporate Law confirmed that one candidate was from an ethnic minority background.

The Committee **RESOLVED** to:

- 1) Agree the recommendation of the Selection Panel for the following candidates:
  - Donald Axcell
  - Alan Malarkey
  - Jennifer Gordonto 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.
- 2) Recommend to Full Council that their appointment as Independent Persons should be confirmed for a term of 4 years, subject to annual appointment at Full Council, and that such appointment be subject to the Council's Scheme of Co-option set out in Part 6D of the Constitution.
- 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.
- 4) Recommend to Full Council that the continued appointment of Anne Smith and Ashok Kumar be confirmed on this basis.

## **34/20 LGA's New Model Code of Conduct**

The Head of Litigation & Corporate Law introduced the report and explained that the recommendations in the report were to note the appended model Code of Conduct from the LGA, and to request officers to conduct a more

detailed gap-analysis between the new LGA model Code of Conduct and the current adopted Code of Conduct for Members. This would be brought back to Ethics Committee for consideration.

In response to Councillor Creatura, in regards to the use of sanctions, the Head of Litigation & Corporate Law confirmed that Committee on Standards in Public Life (CSPL) review had reached the consensus that the current sanctions available to local authorities in relation to breaches of the code of conduct were insufficient. The sanctions that were currently available would remain the same under the new LGA model Code of Conduct if adopted. Local authorities tended to focus on training Members and relied on the political parties to take action when there had been a breach; she further confirmed that the local authority did not have a legal power to suspend allowances or suspend or dismiss Councillors. In response to Councillor Clouder, it was further clarified that the LGA and lawyers in Local Government were encouraging the change in law to permit the Ethics Committee to be able to enforce sanctions.

Councillor Creature asked for clarification on what the work the Croydon Renewal Plan was conducting in relation to improving governance and leadership practice included. In response, the Assistant Chief Executive explained that the Report in the Public Interest had a series of recommendations to the council, including both Member and officer training and ensuring that all the work conducted by the council was in line with the Nolan Principles. This had been agreed by Cabinet in January 2021 and a comprehensive programme of training was currently being developed, which would be brought to Ethics Committee for approval. Ashok Kumar, Independent Person, noted that he wanted to see the training programme as he had concerns that the council could continue to make mistakes without having the full plan enrolled as soon as possible.

The Committee **RESOLVED** to:

- (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
- (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.

### **35/20 Annual Update on Member Complaints**

The Head of Litigation & Corporate Law introduced the report and outlined the complaints that had been received and investigated, up until December 2020. She noted that the nine complaints received had all been made by members of the public, and none had been taken to full investigation following assessment.

In response to the Chair, it was confirmed that complaints received outside of Committees were often in regards to activity on social media. It was explained that a report would be presented to a future Ethics Committee which would recommend the council adopting a policy in regards to Members' use of social media. The Chair stated that the Labour Party had adopted a Social Media Code, and he would distribute this to Members for information.

**RESOLVED** – That the Committee agreed to note the contents of the report.

**36/20 Annual Update on Members' Learning and Development**

The Head of Democratic Services introduced the report and explained to the Committee that attendance at conferences and training sessions had been severely affected by the pandemic, but there had been an increase in August as restrictions had eased. He added that the Members' Learning and Development programme was being strengthened, in response to the Report in the Public Interest.

In response to Councillor Clouder, it was explained that some training was not captured in the report as it had not been booked through Democratic Services, or Members had signed up for individual online webinars; he agreed with Councillor Clouder that officers would look in to how all training information could be captured in the report.

In response to Councillor Prince, the Head of Democratic Services requested that when Councillors request to go on a training course that they outline which council statutory function it is in regards to, to allow Democratic Services Officers to present the business case to the Spending Control Panel.

**RESOLVED** – That the Committee agreed to note the contents of the report.

**37/20 Work Programme**

**RESOLVED** – That the Committee agreed to note the contents of the report.

**38/20 Dispensation Applications for Members**

There were no dispensation applications received for consideration.

**39/20 Exclusion of the Press and Public**

This was not required.

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**40/20 Dispensation Applications for Members**

There were no dispensation applications received for consideration.

The meeting ended at 7.36 pm

**Signed:**

**Date:**

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