

LONDON BOROUGH OF CROYDON

REPORT:	ETHICS COMMITTEE	
DATE OF DECISION	15 NOVEMBER 2023	
REPORT TITLE:	UPDATE ON ETHICS COMPLAINTS RECEIVED IN THE SECOND (TO 30 JUNE) AND THIRD QUARTER UP TO AND INCLUDING 30 SEPTEMBER 2023	
CORPORATE DIRECTOR / DIRECTOR:	DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER	
LEAD OFFICER:	Stephen Lawrence-Orumwense Stephen.Lawrence-Orumwense@croydon.gov.uk Ext: 27443	
DECISION TAKER:	ETHICS COMMITTEE	
KEY DECISION?	No	
CONTAINS EXEMPT INFORMATION?	YES	Public with Exempt Appendix B Exempt under paragraph(s) 1 (Information relating to any individual); and, 2 (Information which is likely to reveal the identity of an individual) of Schedule 12A of the Local Government Act 1972 and the public interest in withholding disclosure outweighs the public interest in disclosure.
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 the quarterly report to the Ethics Committee to update members on any complaints received by the Monitoring Officer during the second quarter of the year up to 30 June 2023 and the third quarter of the year up to 30 September 2023.
- 1.2** The report is supported by Appendix A, which is an anonymised summary of complaints received during the second and third quarter and Appendix B which contains exempt and confidential information which pertains to those complaints which formed part of the quarter two or three and have since been completed. The Appendix B will need to be considered by Members in 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 the quarterly report to the Ethics Committee to update members on any complaints received by the Monitoring Officer during the second (to June 2023) and third quarter of the year up to 30 September 2023. This information is subject to what is set out at paragraph 4.8 below and the Appendix B contents are 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. The Monitoring Officer has consulted with an Independent Person in respect of all the initial assessment decisions which have been completed and which are the subject of this report.

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 This report provides an update on the second quarter of the year, up to 30 June 2023 and the third quarter of the year, up to 30 September 2023. Between the date of the last updating report which set out the first quarter of 2023, the Monitoring Officer has received no complaints during quarter two and 1 complaint during quarter three. In respect of the latter complaint, the complainant was requested to provide additional

information in order to allow the Monitoring Officer to commence consideration against the assessment criteria. This complaint is currently at initial assessment stage.

- 4.8 Appendix B confidential information which pertains to two complaints which have been completed since the last updating report was provided to members on completed matters at the June 2023 meeting and will need to be considered by Members in private session.

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. 23/10/23

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.

8.2.2 Comments approved by the Director of Legal Services and Monitoring Officer. (Date 02/11/2023)

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 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 APPROVED: Naseer Ahmad for the Equality Programme Manager, 23/10/2023.

OTHER IMPLICATIONS

8.4 None

9. APPENDICES

9.1 Appendix A: For General Release: Code of Conduct Complaints

Appendix B: EXEMPT: Code of Conduct Complaints

10. BACKGROUND DOCUMENTS

10.1 Not applicable.

11. URGENCY

11.1 Not applicable.