

LONDON BOROUGH OF CROYDON

REPORT:	ETHICS COMMITTEE	
DATE OF DECISION	29 JULY 2024	
REPORT TITLE:	UPDATE ON ETHICS COMPLAINTS RECEIVED IN THE FOURTH QUARTER OF 2023 UP TO AND INCLUDING 31 DECEMBER 2023	
CORPORATE DIRECTOR / DIRECTOR:	DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER	
LEAD OFFICER:	Stephen Lawrence-Orumwense Stephen.Lawrence-Orumwense@croydon.gov.uk Ext: 27443	
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 fourth quarter of the year up to 31 December 2023.
- 1.2** The report is supported by Appendix A, which is an anonymised summary of complaints received during the fourth quarter and Appendix B which contains exempt and confidential information which pertains to those complaints which formed part of earlier quarter reports which have since been completed and not thus far reported to members. 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 fourth quarter of the year up to 31 December 2024. This information is subject to what is set out at paragraph 4.8 below and the Appendix B contents are exempt 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. The most recent version of the Code of Conduct was adopted by the Council in October 2021 and the complaints detailed in this report are subject to this 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 and the outcomes are in accordance with the IP’s views.
- 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 fourth quarter of 2023 up to and including 31 December 2023. Between the date of the last updating report which set out the second and third quarter of 2023, the Monitoring Officer has received 1 complaint and had 1 ongoing complaint from quarter three which was previously reported to members. The anonymised information on the complaint from quarter four is set out in Appendix A.
- 4.8 Appendix B contains confidential information which pertains to the two complaints referenced above which have been completed since the last updating report was

provided to members. Appendix B 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. 21/06/24

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 11/07/2024)

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 Comments approved by Ken Orlukwu, Senior Equalities Officer, on behalf of Helen Reeves, Head of Strategy & Policy on 01/07/2024

OTHER IMPLICATIONS

8.4 None

9. APPENDICES

9.1 Appendix A For General Release Complaints

Appendix B EXEMPT Code of Conduct Complaints

10. BACKGROUND DOCUMENTS

10.1 Not applicable.

11. URGENCY

11.1 Not applicable.