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DATE: 27 May 2010

To: Members of the  
**STANDARDS COMMITTEE**

Mr Richard Allen, Dr Simon Davey, Councillor Peter Dean, Councillor Peter Fookes, Mr George Kidd, Mr Nicholas Marcar, Councillor Alexa Michael, Councillor Tom Papworth, Mr Jonathan Prince and Councillor Stephen Wells

A meeting of the Standards Committee will be held at Committee Rooms - Bromley Civic Centre on **MONDAY 7 JUNE 2010 AT 7.00 PM**

MARK BOWEN  
Director of Legal, Democratic and  
Customer Services.

## A G E N D A

### 1 ELECTION OF CHAIRMAN

The Committee is invited to elect its Chairman for the 2010/11 Municipal Year.

The Chairman must be one of the independent members.

### 2 APOLOGIES FOR ABSENCE

### 3 DECLARATIONS OF INTEREST

### 4 MINUTES OF THE MEETING HELD ON 9TH MARCH 2010 AND MATTERS ARISING (Pages 3 - 8)

### 5 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

To hear questions put in writing to the Director of Legal, Democratic & Customer Services by 5pm on Thursday 3<sup>rd</sup> June and to respond.

### 6 DISPENSATIONS

*To consider any requests received for dispensations from Members of the Authority.*

**7 MATTERS ARISING FROM PREVIOUS MEETINGS (Pages 9 - 12)**

To consider a summary of matters arising from previous meetings.

**8 DISCUSSION WITH LEADER OF LABOUR GROUP (Pages 13 - 14)**

Councillor John Getgood, Leader of the Labour Group on the Council, has accepted the Committee's invitation to attend this meeting, to discuss ethical governance issues.

An extract from the Minutes of his last visit to the Committee, in December 2008, is attached as an Appendix.

**9 DISCUSSION WITH CHIEF PLANNER (Pages 15 - 16)**

The Council's Chief Planner has been invited to attend this meeting in order to follow-up on previous discussions with this Committee held in October 2009.

**10 MONITORING OFFICER'S GENERAL REPORT (Pages 17 - 22)**

**11 ETHICAL INDICATORS (Pages 23 - 26)**

Attached is a report summarising progress against a range of ethical indicators.

**12 STANDARDS COMMITTEE WORK PROGRAMME 2010/11 (Pages 27 - 28)**

To consider the proposed Work Programme for the forthcoming year.

**13 LOCAL GOVERNMENT ACT 1972 AS SUBSEQUENTLY AMENDED**

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of confidential information.

**Items of Business**

**Schedule 12A Description**

**14 COMPLAINTS (IF ANY)**

## STANDARDS COMMITTEE

Minutes of the meeting held on 9 March 2010

### Present:

Mr Jonathan Prince (Chairman)  
Dr Simon Davey (Vice-Chairman)  
Councillor Martin Curry, Councillor Peter Fookes, Mr  
Nicholas Marcar, Rabbi Sylvia Rothschild and Councillor  
Michael Tickner

### Also Present:

Councillor David McBride

### 36 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Peter Dean and Stephen Wells.

### 37 DECLARATIONS OF INTEREST

There were none.

### 38 MINUTES OF THE MEETING HELD ON 8TH DECEMBER 2009 AND MATTERS ARISING

Amendments to the Minutes were agreed as follows:

- The inclusion of Councillor Curry in the list of attendees
- Minute 28 paragraph 2 to read: "Whilst there were growing legislative powers for the Council to hold non-elected bodies to account, there were still frustrations where unelected bodies such as the Schools Forum were able to exert considerable sway over the Council's ability to deploy resources as it wished".

Councillor Curry expressed his disagreement with aspects of Minute 28 and requested that it record his recollection that the Chief Executive had described the Council as 'member-led' whilst acknowledging that he had after discussion with the administration instructed officers not to consult local ward councillors about a bid for projects that might be undertaken within their wards supported by government funding and his challenge to the Chief Executive on this point at the meeting.

It was agreed that future agendas should contain a specific report on outstanding matters from previous meetings.

Connected to both Minute 26 and 30, the Committee discussed the extent to which public questions of the Standards Committee could and should be

encouraged, and the extent to which there could be issues or confusion about the distinction between service delivery, process and ethical concerns. The Committee requested that practice from other councils should be explored, and that consideration should be given at a future meeting of the Committee to constructing an explicit ethical framework for council decision-making to be measured against. Committee members agreed to pass on any good practice examples they felt could inform the debate to the Monitoring Officer as soon as possible.

**RESOLVED that**

- 1) the Minutes of the Meeting held on 8<sup>th</sup> December 2009 be confirmed, subject to the amendments outlined above;
- 2) future agendas should have a standing item on issues outstanding from previous meetings; and
- 3) a report be put to the November meeting of the Standards Committee on developing an ethical framework for decision-making, with Committee members forwarding good practice examples to the Monitoring Officer in the meantime

**39 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

There were none.

**40 DISPENSATIONS**

No requests for dispensations had been received.

**41 LEADER OF LIBERAL DEMOCRAT GROUP**

Councillor David McBride, Leader of the Liberal Democrat Group on the Council, attended the meeting. He had previously been along to discuss ethical governance issues with the Committee in December 2008.

He expressed the view that, from his perspective, councillor behaviour towards officers had improved since the last time he had attended the Committee. He felt that these tensions tended to manifest themselves more in the earlier part of a council term, and confirmed that he would, as a political group leader, be counselling new colleagues to be sensitive to the impact their approach or behaviour might have on officers, and to promote a culture of respect and professionalism where challenges needed to be made. Whilst the Member/ Officer protocol had been longer in gestation than he would have liked he welcomed the fact that it was now in place, would play his part in promoting it to his group colleagues, and would welcome reference to it being included in new councillor induction.

He was pleased to note the shortlisting of the Council in Standards and Ethics category of the LGC Awards which he felt as due to the hard work put in by this Committee to develop their role, and he welcomed the opportunity afforded to him to feed into their thinking in this way.

The Chairman thanked Councillor McBride for coming to the Committee meeting to share his thoughts.

**RESOLVED that as part of the Committee's communications plan, thought be given to ways of promoting the Member/Officer protocol to both councillors and officers**

#### **42 ASSISTANT CHIEF EXECUTIVE (HUMAN RESOURCES)**

The Council's Assistant Chief Executive (Human Resources), Charles Obazuaye, attended the meeting. In a presentation he outlined the Council's HR perspectives on ethical issues, in particular the corporate REAL values (Respect, Empowerment, Ambition, Learning), and also on its promotion of anti-bullying measures, which were of interest to this Committee having been highlighted in the 2008 Ethical Governance Audit.

The Committee discussed the ways in which staff and other stakeholders such as Trades Unions and councillors had been involved in developing the values and competencies described. It was suggested that as and when these were next reviewed that responsibility and accountability might be considered as values rather than competencies, because of the ethical desirability of the Council constantly striving to increase transparency and openness in its decision-making.

Measures taken to ensure that staff and contractors were aware of whistle-blowing channels and felt comfortable using them were discussed as were the volume and nature of complaints received in the previous year. They were informed that issues raised had been handled promptly, and that no areas of concern had been identified.

Some concerns were raised about maintaining a fair work/life balance for Council staff, especially given increasing financial pressures; the Council's promotion of flexible working was cited as an example of ways it was exploring to try and meet these challenges. This was amongst the issues explored in the recent staff survey; Charles Obazuaye offered to present the findings of this to Standards Committee members at a future meeting.

The Committee offered to provide support for HR in promoting these issues and the Council's commitment to them; Charles Obazuaye said he would consider how he might take up this offer of reinforcing the ethical context of these initiatives at both staff and new councillor induction sessions.

The Chairman thanked Charles Obazuaye for coming along to discuss these issues with the Committee.

### 43 MONITORING OFFICER'S GENERAL REPORT

The Committee considered a number of guidance documents recently issued by Standards for England relating to:

- \* [Freemasons and the Code of Conduct](#)
- \* [Independent members](#)
- \* [Charitable Trustees and declarations of interest under the Code](#)

They requested the Monitoring Officer to ensure that these were circulated and promoted to all councillors. They noted the suggestion in the guidance on independent members that there could be opportunities to participate on Standards Committees for neighbouring authorities, and requested that options for closer working be explored by the Monitoring Officer.

They noted that a new Code of Conduct for Members would not be laid until after the General Election, due to lack of Parliamentary time available.

The Appointment Panel handling independent member vacancies met on 8<sup>th</sup> March, and will be recommending the appointment of Mr George Kidd and Mr Richard Allen to Council. The new members would take up their roles at the first meeting of the Committee in the new municipal year, in June 2010. There was some concern that the Panel which undertook the interviews was heavily weighted towards councillors, and the Committee requested that this might be reconsidered for future appointments to include a greater proportion of independent members, either from this Committee, or from neighbouring areas to provide an objective outside view.

The Committee noted with pleasure the fact that the Council had been one of six authorities short-listed (out of 20 entries) in the Standards and Ethics category of the 2010 Local Government Chronicle Awards. The winner would be announced at an awards ceremony on March 24<sup>th</sup>.

***RESOLVED that the Committee:***

- 1) **notes recent guidance issued by Standards for England on various issues, and requests the Monitoring Officer to draw the attention of councillors to those on Freemasonry;**
- 2) **notes the suggestions made in the guidance note on independent members about the possibility of working more closely with neighbouring authorities, and requests the Monitoring Officer to investigate these options further;**
- 3) **notes the delay at national level in taking forward the proposed revised Code of Conduct for councillors;**
- 4) **notes the recommendations to be made to Council by the appointments panel for Independent Standards Members vacancies;**

- 5) asks the Chairman and Monitoring Officer to explore options to change the make-up of future appointment panels to enable a greater participation by independent members; and
- 5) notes the Council's short-listing for the 2010 LGC Awards in the Standards and Ethics category

#### **44 STANDARDS COMMITTEE - ANNUAL REPORT 2009/10**

The Committee considered a draft of its Annual Report for 2009/2010, and agreed that it should be taken forward to Council on 29<sup>th</sup> March

##### **RESOLVED that**

- 1) the Annual report be agreed subject to minor updates being made by the Monitoring Officer in consultation with the Chairman, for presentation at the meeting of the Council on 29<sup>th</sup> March 2010; and
- 2) The Council be requested to allow Mr Prince to attend their meeting on 29<sup>th</sup> March to present the report to Council.

#### **45 ETHICAL INDICATORS**

**RESOLVED that the contents of the report be noted**

#### **46 STANDARDS COMMITTEE WORK PROGRAMME**

The Committee noted the draft Work Programme circulated with the agenda, and requested the addition of an item on an ethical framework for decision-making to the November meeting.

It was noted that the Chairman would not be present for the 2<sup>nd</sup> June meeting, and the Monitoring Officer for the September meeting, but would be represented by the Vice-Chairman and the Deputy Monitoring Officer respectively in these cases.

A standing item would be added to the Committee's agendas on matters outstanding from previous meetings, and progress on communications initiatives would be regularly updated through the Monitoring Officer's General Report.

**RESOLVED that the 2010/2011 Work Programme be adopted subject to the above changes suggested by the Committee**

#### **47 RABBI ROTHSCHILD - APPRECIATION AND THANKS**

This was the last meeting that Rabbi Rothschild would be attending as a member of the Standards Committee, and the Chairman conveyed the

Committee's thanks and appreciation for the hard work and commitment she had put in over her six years on the Committee, and for the constructive challenges and insights she had shared during its discussions.

**48 LOCAL GOVERNMENT ACT 1972 AS SUBSEQUENTLY AMENDED**

**The Chairman moved that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of confidential information.**

**49 COMPLAINTS (if any)**

The Committee were updated on progress on the case they had referred to Standards for England in December 2008, which would now be heard by the First Tier Tribunal on 8<sup>th</sup> and 9<sup>th</sup> April at the Bickley Manor Hotel.

A complaint against a councillor had just been received, and arrangements would be made to hold an Initial Assessment Sub-Committee meeting on 24<sup>th</sup> March, comprising Mr Prince, Councillor Tickner and Mr Marcar.

The Meeting ended at 9.20 pm

Chairman



# Agenda Item 7

Report No.

London Borough of Bromley

Agenda  
Item No.

## PART 1 - PUBLIC

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**Decision Maker:** Standards Committee

**Date:** 7<sup>th</sup> June 2010

**Decision Type:** Non-Urgent                      Non-Executive                      Non-Key

**Title:** **MATTERS ARISING FROM PREVIOUS MEETINGS**

**Contact Officer:** Sheila Bennett, Assistant Director, Democratic and Customer Services  
Tel: 020 8313 4484 E-mail: sheila.bennett@bromley.gov.uk

**Chief Officer:** Mark Bowen, Director of Legal, Democratic and Customer Services

**Ward:** N/A

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1. Reason for report

1.1 **Appendix 1** updates Members on matters arising from previous meetings which continue to be "live." 6 matters are listed, the oldest of which dates from October 2009.

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2. **RECOMMENDATION(S)**

2.1 **The Committee is invited to consider progress on recommendations made at previous meetings.**

<b>Non-Applicable Sections:</b>	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	N/A

### Corporate Policy

1. Policy Status: Existing policy. The Committee receives an update on matters arising from previous meetings at each meeting.
  2. BBB Priority: Excellent Council.
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### Financial

1. Cost of proposal: No cost
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: n/a
  4. Total current budget for this head: £There is not a budget for the work of the Standards Committee. Any costs need to be met from virements from other Budget Heads.
  5. Source of funding: Existing budgets
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### Staff

1. Number of staff (current and additional): The Director of Legal, Democratic & Customer Services is designated the Council's Monitoring Officer. The Assistant Director, Democratic and Customer Services, supports the Standards Committee. )
  2. If from existing staff resources, number of staff hours: Monitoring the Committee's matters arising takes up to an hour per meeting
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### Legal

1. Legal Requirement: No statutory requirement or Government guidance. The Standards Committee and standards system are requirements of the Local Government Act 2000, as amended by subsequent legislation, most recently by the Local Government & Public Involvement in Health Act 2007, but there is no statutory requirement for this particular report.
  2. Call-in: Call-in is not applicable. The report does not involve an executive decision.
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): This report is intended primarily for the benefit of Committee Members.
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

<u>Minute Number/Title</u>	<u>Committee Request</u>	<u>Update</u>	<u>Action by</u>	<u>Completion Date</u>
<b><u>2009/10</u></b>				
17. December 2009 - Discussion with Chief Planner	Chief Planner to attend a future meeting to update on outcome of suggestions made	Deferred from March to June meeting	Bob McQuillan	7/6/2010
38. March 2010 - Minutes and Matters arising	Future agendas to have a matters arising report as a standard item	Implemented June 2010 onwards	Sheila Bennett	7/6/2010
	Report to November 2010 meeting on ethical standards framework, with committee members providing good practice examples for consideration	On proposed Work Programme  Good practice examples still welcome	Sheila Bennett	November 2010
41 – March 2010 – Discussion with Liberal Democrat Group Leader	Member Officer protocol promotion to be considered as part of next communications plan revision	Communication plan on Work Programme for November 2010	Sheila Bennett	November 2010
42 – Assistant Chief Executive – Human Resources	ACE (HR) to present staff survey findings to a future meeting of the Committee	Outcomes of staff working group on action planning yet to be produced	Charles Obazuaye	Tba
43 – Monitoring Officer’s General Report	MO to investigate feasibility of closer joint working with other authorities	Further information awaited	Mark Bowen	Tba
	MO and Chairman to pursue changes to future make-up of independent member appointment	Further information awaited	Mark Bowen/Jonathan Prince	Tba

	Panels, to allow greater independent member participation			
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## Standards Committee 7<sup>th</sup> June 2010

### Extract from Standards Committee Minutes, December 2008

#### 26 DISCUSSION WITH MINORITY PARTY LEADERS

The leaders of the two minority parties on the Council, Councillor John Getgood (Labour) and Councillor David McBride (Liberal Democrat) attended the meeting. They both felt that standards of behaviour of both officers and councillors was generally very high, although they did express concerns about whether some councillors took a more adversarial or hostile attitude to officers. They were concerned to ensure that officers were aware of whistleblowing procedures or other ways to raise issues if they felt that undue pressure were brought to bear, and that they were confident in raising issues if necessary.

They were not aware of any complaints from their colleagues about officer behaviour, but stated that they were confident that if an issue arose it would be handled appropriately by Chief Officers or by the Chief Executive.

The delay in bringing forward a member/officer protocol was raised; the Committee noted that the Constitution Improvement Working Party would be bringing forward a draft for discussion by councillors, focused on establishing broad principles rather than setting out detailed procedures or practices.

Councillor training was discussed, and a general view against mandatory training was expressed, in favour of making opportunities available at appropriate opportunities, targeted as much as possible to specific issues or roles. Both minority party leaders felt that ethical governance issues were rarely discussed explicitly within their groups. The independent members of the Committee offered to attend their meetings at any point if the leaders felt it might be useful.

The Chairman thanked the minority party leaders for coming along to discuss these issues with the Committee.

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**Standards Committee 7<sup>th</sup> June 2010-05-18**

**Extract from Standards Committee Minutes October 2010**

## **17. DISCUSSION WITH CHIEF PLANNER**

The Council's Chief Planner, Bob McQuillan, attended the meeting. He outlined the scope of the Planning Division's work, the volumes of applications handled, and the procedural guidance and best practice on ethical issues followed by the staff within the service and councillors who served on the Planning sub-committees and Development Control Committee. The Council's own local protocols had last been reviewed in April 2009, and had been followed up by a training session (to which all councillors had been invited) in May 2009.

The Committee had a wide-ranging discussion, which covered issues such as:

- Given sensitivities around the position of councillors sitting on planning sub-committees who might also be approached by local residents in their role as a ward councillor, and the consequent dangers of perceptions of pre-determination, whether this could be reduced by constituting planning sub-committees differently.
- Ways in which planning sub-committees could express their disagreement with planning inspectors' decisions even where they were forced into a position of allowing developments they had previously rejected because of the likelihood and expense of losing an appeal
- Their view that our local planning guidance should be published on our website, along with clear information on the basis on which planning applications were considered, so that our processes are clear and transparent to the public and so that ways to flag up any concerns the public might have about ethical or probity issues in this area can be clearly signposted
- Their request that the Standards Committee should be consulted as part of any future review of our local guidance
- The need for clear summing up by Planning Sub-Committee chairmen on the reasons for planning decisions, to ensure that decision-making was as clear and accountable as possible
- Quality assurance processes to ensure that reports accurately reflected the public representations received; and to flag up more prominently potentially misleading information supplied (e.g. plans not to scale) to allow councillors to more easily identify applications that they might wish to reject or defer pending getting more appropriate information
- A request for the Chief Planner to review the current practice of objectors to an application always speaking first, on the grounds that this could disadvantage 'lay' residents who might be considerably less experienced at handling such situations than professional developers

Bob McQuillan agreed to go away and review a number of the communications and procedural suggestions made by the Committee. The Chairman thanked Bob McQuillan for coming along to discuss these issues with the Committee.

**RESOLVED that Mr McQuillan be invited to attend the March 2010 meeting to discuss progress on these issues further**



Report No.

London Borough of Bromley

Agenda  
Item No.

PART 1 - PUBLIC

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**Decision Maker:** Standards Committee

**Date:** 7 June 2010

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** MONITORING OFFICER'S GENERAL REPORT

**Contact Officer:** Sheila Bennett, Asst Director, Democratic and Customer Services  
Tel: 020 8313 4484 E-mail: sheila.bennett@bromley.gov.uk

**Chief Officer:** Mark Bowen, Director of Legal, Democratic and Customer Services

**Ward:** Borough-wide

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1. Reason for report

1. To update the Committee on a review by Standards for England of the local standards framework, with suggestions for changes submitted to the Department of Communities and Local Government; references to the standards regime within the Liberal-Conservative Coalition agreement; actions taken to incorporate ethical governance content into the May 2010 councillor induction programme;; outcomes of a pan-London meeting of Standards Committee Chairmen and Monitoring Officers; and to seek views on Committee member attendance at the planned Annual Assembly of Standards Committees in October 2010; and on the outcome of a recent First Tier Tribunal hearing on a complaint submitted to Standards for England by this Committee..

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2. **RECOMMENDATION(S)**

**That the Committee:**

- 2.1. **notes the recent review of the local standards framework issued by Standards for England in March 2010;**
- 2.2. **notes references to the standards regime within the May 2010 Liberal-Conservative Coalition agreement**
- 2.3. **notes actions taken to incorporate standards and ethical governance content into the councillor induction programme**

- 2.4 notes the outcomes of a pan-London Assembly of Standards Committee Chairmen and Monitoring Officers held in February 2010, and considers the attendance of a member at the Annual Assembly of Standards Committees in October 2010; and**
- 2.5.a notes the outcome of the standards complaint submitted by this Committee to Standards for England for consideration in December 2008**

### Corporate Policy

1. Policy Status: Existing policy. The Standards Committee is responsible for Member conduct and ethical governance in Bromley
  2. BBB Priority: Excellent Council.
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### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: There is not a budget for the work of the Standards Committee. Any costs need to be met from virements from other Budget Heads.
  4. Total current budget for this head: £0.
  5. Source of funding: n/a
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### Staff

1. Number of staff (current and additional): The Director of Legal, Democratic & Customer Services is designated the Council's Monitoring Officer. The Assistant Director, Legal & Support Services provides support as Deputy Monitoring Officer, with the Assistant Director, Democratic and Customer Services, supporting the Standards Committee.
  2. If from existing staff resources, number of staff hours: Varies, depending on issues arising
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### Legal

1. Legal Requirement: Statutory requirement. The Standards Committee and standards system are requirements of the Local Government Act 2000, as amended by subsequent legislation, most recently by the Local Government & Public Involvement in Health Act 2007.
  2. Call-in: Call-in is not applicable.
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The standards system has the potential to impact on any person who has contact with a Member of Bromley Council where that person considers the Member has breached the Code of Conduct.
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments:

### **3. COMMENTARY**

#### **Review of Local Standards framework**

3.1. In March 2010 Standards for England published a review of the local standards framework following 18 months of operation. They put forward the review, and 17 recommendations for simplifying or streamlining the operation of the processes (a summary is attached as an Appendix to this report), to the Department for Communities and Local Government

#### **Liberal-Conservative Coalition Agreement**

3.2. "The Coalition: our Programme for Government" has just been published. It includes references to a wide range of proposed changes affecting local government, covering financial arrangements, decision-making structures and planning. Relevant to this Committee is particular is the statement within it that "We will abolish the Standards Board regime" although there is no detailed commentary on exactly what this might cover. This issue will be handled through the Decentralisation and Localism Bill mentioned in the Queen's Speech. A further report will come to this Committee as and when specific proposals emerge.

#### **Councillor induction programme**

3.3. As part of discussions on the Committee's communications planning, the issue of ensuring that newly elected councillors were fully briefed on the Code and its application was highlighted. The following arrangements have been made:

- A letter was included in the nomination packs provided for candidates in the local election drawing their attention to the Code of Conduct and its implications before they put themselves forward for election
- The Code of Conduct was the centrepiece of the first full evening of induction training on May 11<sup>th</sup>, to which not only newly elected councillors, but also any existing councillors were invited. All independent Standards Committee members also attended.
- A session focussing on ethical issues relating to planning and development control decisions was run on 24<sup>th</sup> May
- Certain standards issues were referred to as part of the session on ward work run on 18<sup>th</sup> May
- Councillors have been pointed towards the governance section of the councillor teamsite as a useful area to refer to as and when they have queries or require further information on standards issues, together with an offer by the Monitoring Officer to provide specific personal advice as and when required.

#### **Pan-London Assembly of Standards Chairmen and Monitoring Officers**

3.4. This was held in February 2010, attended by about 80 representatives from 26 London boroughs, the Corporation of London, the Metropolitan Police Authority, the London Fire and Emergency Planning Authority, Transport for London and the GLA. There were two work sessions. The first was on how the Standards Committees work and contribute to the effectiveness of their authority; and the second on experiences to date and a look to the future for Standards Committees. Emerging themes can be summarised as follows:

- Local assessments were seen as positive
- Authorities had their own specific procedures to reflect local needs
- Elected members were not being treated as hostile witnesses

- The fairness of keeping the subject member informed at a very early stage was emphasised
- The capacity to share resources and help one another (e.g. joint training) was recognised

These meetings may become half yearly in the future, depending on other wider developments.

### **Annual Assembly of Standards Committees**

3.5. This is an annual event held in Birmingham (this year planned for 18<sup>th</sup> and 19<sup>th</sup> October), aimed at:

- Independent and elected members of standards committees
- Monitoring officers and legal and democratic services teams
- Elected members with special responsibility for standards and ethics
- Chief executives and council leaders

3.6. The Programme aims to develop and build knowledge and share experience of the Code of Conduct and local frameworks. Last year the Assembly was attended by the vice0-chairman, together with the Assistant Director, Democratic and Customer Services, and the year before by the Monitoring Officer and the Chairman of Standards Committee. The Committee is asked to consider whether a member of the Committee should attend this year; the Monitoring Officer will be attending, as he has been involved in helping to plan the content of the Assembly following the Committee’s shortlisting in the LGC Standards and Ethics award.

### **Outcome of complaint**

3.7. In December 2008 an Initial Assessment Sub-Committee referred a complaint about a councillor (Colin Willetts) for consideration by Standards for England. It was alleged Councillor Colin Willetts, a member of London Borough of Bromley, called the Council’s chief executive him a cheat and a liar during a Council meeting on 17 November 2008. It was also alleged that following the meeting Councillor Willetts emailed the chief executive to reiterate that he considered him to be a cheat and a liar.

3.8. During the course of the investigation additional evidence was brought to the Ethical Standards Officer’s attention on two occasions to suggest that Councillor Willetts may have failed to comply with the Code in relation to other matters. On the first occasion, 18 May 2009, the Ethical Standards Officer decided to extend his investigation to include Councillor Willetts’ conduct towards officers on 27 April 2009. On 17 July 2009 he extended his investigation for the second time to include all matters related to emails sent by Councillor Willetts to the Council’s monitoring officer, between 28 June and 2 July 2009.

3.9. The ethical standards officer referred the matter to the First-tier Tribunal for determination. They met on 8<sup>th</sup> and 9<sup>th</sup> April, and decided to disqualify Mr Willetts for a twelve month period from 9<sup>th</sup> April 2010. The full text of the First Tier Tribunal’s decision is available on their website at <http://www.adjudicationpanel.tribunals.gov.uk/Decisions/i463/LGS%200483%20Full%20Final%20decision.doc>

<b>Non-Applicable Sections:</b>	Policy, Financial, Legal and Personnel
Background Documents: (Access via Contact Officer)	



Report No.  
LDCS10097

London Borough of Bromley

Agenda  
Item No.

## PART 1 - PUBLIC

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**Decision Maker:** Standards Committee

**Date:** 7<sup>th</sup> June 2010

**Decision Type:** Non-Urgent                      Non-Executive                      Non-Key

**Title:** ETHICAL INDICATORS

**Contact Officer:** Graham Walton, Democratic Services Manager  
Tel: 020 84761 7743 E-mail: graham.walton@bromley.gov.uk

**Chief Officer:** Mark Bowen, Director of Legal, Democratic and Customer Services

**Ward:** N/A

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1. Reason for report

- 1.1 The Committee receives a report at each meeting on a selection of ethical indicators, including complaints against Councillors, Audit Commission Public Interest Reports, objections to the Council's accounts, whistle-blowing incidents, employment tribunals involving an ethical dimension and ombudsman complaints.
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2. **RECOMMENDATION**

- 2.1 **That the information provided in the report be noted.**

### Corporate Policy

1. Policy Status: Existing policy. The Standards Committee has an obligation to consider complaints that have an ethical dimension.
  2. BBB Priority: Excellent Council.
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### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: £N/A
  5. Source of funding: N/A
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### Staff

1. Number of staff (current and additional): N/A
  2. If from existing staff resources, number of staff hours: N/A
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### Legal

1. Legal Requirement: Statutory requirement. Local Government Act 2000 (as amended) and Local Government and Public Involvement in Health Act 2007
  2. Call-in: Call-in is not applicable. Not an executive meeting.
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A



### 3. COMMENTARY

3.1 The Committee has previously agreed that information on certain ethical indicators be provided to meetings of this Committee. The indicators for the completed years 2008/09 and 2009/10 are set out below. Running totals for 2010/11 will be reported throughout the year as figures become available

		Annual Total <b>2008/09</b> (April 2008 to March 2009)	Annual Total <b>2009/10</b> (April 2009 to March 2010)
1.	<b>Audit Commission Public Interest Report</b>	0	0
2.	<b>Objections to the Council's accounts</b> <i>(where there is an ethical basis)</i>	0	0
3.	<b>Number of complaints against Councillors</b>		
	<i>(a) Received but dismissed without investigation</i>	2	1
	<i>(b) Considered by Filtering Hearing –</i>		
	- No action taken	1	2
	- Referred to Monitoring Officer	1	0
	- Referred to Standards Board	1	0
	<i>(c) Breach found and sanction imposed.</i>	0	0
4.	<b>Number of whistle-blowing incidents reported</b>	3	0
5.	<b>Number of employment tribunal cases received and settled or lost</b> <i>(but only if arising from an ethical dispute.)</i>	0	0
6.	<b>Number of Ombudsman complaints</b>		
	<i>(a) Received</i>	57	58
	<i>(b) Settled</i>	41*	42
	<i>(c) Finding of maladministration</i>	0	0
	<i>(d) Number of local settlements</i>	16*	16

\* Final figures adjusted in the light of final numbers from the Local Government Ombudsman

<b>Non-Applicable Sections:</b>	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Previous Ethical Indicators reports

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# Agenda Item 12

## STANDARDS COMMITTEE WORK PROGRAMME 2010/11

<b>7th June 2010</b>	
Specific items	<ul style="list-style-type: none"><li>• Leader of Labour Group invited to attend</li><li>• Chief Planner invited for feedback</li></ul>
Standing items	<ul style="list-style-type: none"><li>• Matters arising from previous meetings</li><li>• Monitoring Officer's General Report</li><li>• dispensations;</li><li>• complaints up-date and briefing/development issues for Members;</li><li>• review of performance information on ethical indicators</li></ul>
<p>NB. This meeting may start early to provide some training/briefing time for new independent members</p>	
<b>15th September 2010</b>	
Specific items	<ul style="list-style-type: none"><li>• Whistleblowing Annual Report</li><li>• Compact – discussion with Chief Executive, Community Links Bromley and ACS rep</li><li>• Ethical Audit – Progress report on follow-up actions taken, including communications plan</li><li>• Chief Internal Auditor – update on Code of Corporate Governance</li></ul>
Standing items	<ul style="list-style-type: none"><li>• Matters outstanding from previous meetings</li><li>• Monitoring Officer's General Report</li><li>• dispensations;</li><li>• complaints up-date and briefing/development issues for Members;</li><li>• review of performance information on ethical indicators</li></ul>
<b>24 November 2010</b>	
Specific items	<ul style="list-style-type: none"><li>• Leader of Council invited to attend</li><li>• Chief Executive invited to attend</li><li>• Ninth Annual Assembly of Standards Committees – feedback</li><li>• Licensing and ethical issues</li><li>• Ethical governance framework</li></ul>
Standing items	<ul style="list-style-type: none"><li>• Matters outstanding from previous meetings</li><li>• Monitoring Officer's General Report</li><li>• dispensations;</li><li>• complaints up-date and briefing/development issues for Members;</li><li>• review of performance information on ethical indicators</li></ul>

**24 February 2011**

Specific Items

- Annual Report for full Council
- Minority Party Leaders invited to attend
- Chairman of Executive and Resources PDS Committee invited to attend
- Work Programme 2011/12

Standing items

- Matters outstanding from previous meetings
- Monitoring Officer's General Report
- dispensations;
- complaints up-date and briefing/development issues for Members;
- review of performance information on ethical indicators