

STANDARDS COMMITTEE

Minutes of the meeting held at 7.00 pm on 22 February 2018

Present:

Councillor Ian F. Payne (Chairman)
Councillor Vanessa Allen (Vice-Chairman)
Dr Simon Davey, Councillor David Livett, Mr Nicholas
Marcar, Councillor Michael Tickner and Councillor Stephen
Wells

10 APOLOGIES FOR ABSENCE

There were no apologies for absence.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

12 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been submitted before the deadline. The Chairman reported that he had been contacted by a member of the public asking whether there was any intention to change the Council's Code of Conduct in the light of the Development Control Committee's recent re-consideration of the planning application for the proposed Bullers Wood Boys School. This issue would be considered by the Committee.

13 MINUTES OF THE MEETING HELD ON 6TH JULY 2017 AND MATTERS ARISING

It was noted that the Head of Audit should have been invited to attend this meeting; this would now be arranged for the Committee's next meeting.

RESOLVED that the minutes of the meeting held on 6th July 2017 be confirmed.

14 MONITORING OFFICER'S GENERAL REPORT Report CSD18033

The Committee considered a report from the director of Corporate Services as Monitoring Officer summarising a number of issues for consideration.

Code of Conduct

At its last meeting, the Committee had agreed that no changes were needed to the Code of Conduct except that a Member with a disclosable pecuniary

interest should be allowed to remain in a meeting provided that they did not address the Committee where that right would be available to a member of the public.

One area where the Code could be made more consistent was in the issue of declaration of non-pecuniary, personal interests. Bromley's Code of Conduct went beyond the statutory provision in requiring Members to register a range of personal interests and gifts and hospitality. Although most Members routinely declared such interests when they arose in meetings, there was no requirement to do so in the Council's Code of Conduct. The Committee concluded that the current Code of Conduct worked well and there was no need to make a further change. It was suggested that a print-out of the Register of Interests could be brought to each meeting so that it could be inspected by members of the public.

It was confirmed that new Councillors would be provided with a copy of the Code of Conduct.

RESOLVED that no further changes to the Code of conduct be recommended.

Registration of Gifts and Hospitality

The Committee received a schedule (Appendix A to the report) setting out all gifts and hospitality declarations made by Councillors in the current Council – from May 2014. It was suggested that the Committee should review these declarations at their meetings on a regular basis. Committee Members commented that in some cases it was not clear who had provided hospitality – this was as important as the date, the event and the value. It was also suggested that there should be a RAG system linked to different values of hospitality received.

RESOLVED that the declarations of Gifts and Hospitality made since May 2014 be noted.

Review of Local Government Ethical Standards

The Committee on Standards in Public Life was conducting a stakeholder review of local government ethical standards and was carrying out a public consultation closing on 18th May 2018. The Standards Committee was asked to consider whether Bromley should respond to the consultation, and whether there were any areas of particular concern.

The Committee considered that the main area of concern was the lack of sanctions open to Standards Committees, and the potential reliance on party groups to suspend or discipline their Members. There were criminal penalties for serious failures to register or declare disclosable pecuniary interests, but the vast majority of complaints against Members were fairly trivial and often related to issues where the complainant was not happy with a Council decision, or where Councillors had, legitimately, expressed a strong view on

an issue. The Monitoring Officer highlighted that Councillors were not disqualified from office if convicted of a criminal offence unless given a sentence, suspended or not, of at least eighteen months. This was a loophole that could potentially see a Member convicted of a serious offence but still able to continue as a Councillor.

The Monitoring Officer confirmed that the Committee could still hold hearings to investigate particular complaints, but that where this was required he had to consult with one of the Independent Persons.

A Member noted that there were stiff penalties for offences involving electoral fraud – Councillor Michael Tickner declared that his company was involved in providing postal services for the Electoral Commission.

RESOLVED that a response be sent to the consultation setting out the Committee’s concerns about disqualification from office and the lack of sanctions available to Standards Committees, as outlined above.

Annual Governance Statement 2017/18

The Committee was informed of the timetable for the production of the Annual Governance Statement for 2017/18, which formed a part of the Council’s statutory accounts. With the example of the statement for 2016/17 before them, the Committee provided comments as follows –

Page 26: Members asked whether the Standards Committee had the right profile, and whether the public, contractors and officers were aware of the processes for complaining against Councillors.

Page 28: Regarding the review of effectiveness of the governance framework, a member suggested that the phrase “detailed checklist” was perhaps a little too glib. Members asked whether there was indeed a thorough check, or just a paper exercise.

Page 30: Members noted the comment in the text that Internal Audit was “generally” compliant, and suggested stronger language could be used. It was also suggested that evidence was needed to support the comment that the authority’s fraud arrangements were satisfactory.

Page 31: The Committee noted that although the formal Ofsted judgement of Inadequate for Children’s Services was still in place until the next inspection, the Council had confronted the issues and the direction of travel was very positive.

Page 32: Officers would check whether reference to the Youth Justice Board was required in relation to the Youth Offending Service.

Councillor Wells, as chairman of the Contracts Sub-Committee, asked whether the Council could insist that potential contractors complied with the same levels of ethical conduct as the Council. The monitoring Officer

responded that although equalities issues could be taken into account, broadly speaking the Council had to take a commercial view when assessing tenders.

RESOLVED that the Committee's comments as set out above be fed in to the 2017/18 Annual Governance Statement.

Work Programme

Members proposed that three meetings a year be timetabled, and commented that they wished to examine the Council's whistle-blowing procedures at their next meeting.

RESOLVED that three meetings per annum be included in the Council's Programme of Meetings.

15 LOCAL GOVERNMENT ACT 1972 AS SUBSEQUENTLY AMENDED

RESOLVED that the Press and public be excluded during consideration of the items of business referred to 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 exempt information.

**The following summary
refers to matters
involving exempt information**

16 MONITORING OFFICER'S GENERAL REPORT - APPENDIX D: COMPLAINTS

The Committee considered a part 2 appendix containing details of complaints received about individual councillors.

As this was the last meeting before the local elections, the Chairman offered his thanks to everyone present for their work.

The Meeting ended at 9.12 pm

Chairman