

Decision Maker: **STANDARDS COMMITTEE**

Date: **27 October 2020**

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

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

Contact Officer: Philippa Gibbs, Deputy Democratic Services Manager
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Chief Officer: Director of Corporate Services

Ward: All Wards

1. Reason for report

1.1 To update the Committee on a number of standards issues -

- Dispensations granted
- Gifts and Hospitality declarations
- Register of Interests
- Work Programme and Matters Outstanding
- Complaints
- LGA Draft Code of Conduct Consultation
- Committee on Standards in Public Life
- Revised Code of Conduct

2. **RECOMMENDATION(S)**

That the Committee notes and comments on the Monitoring Officer's report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
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Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council:
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Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £358,740
 5. Source of funding: 2019/20 revenue budget
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Personnel

1. Number of staff (current and additional): 6.79fte
 2. If from existing staff resources, number of staff hours: Not Applicable
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Legal

1. Legal Requirement: Statutory Requirement: Local Government Acts 1972 and 2000 and subsequent legislation.
 2. Call-in: Not Applicable: This report does not involve an executive decision.
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Procurement

1. Summary of Procurement Implications: Not Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The standards system affects all Members of the Council, and potentially any member of the public who considers that a member may have breached the Code of Conduct.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

Dispensations Granted

- 3.1 The Council has delegated to the Monitoring Officer, in consultation with members of the Urgency Committee, the authority to grant dispensations to Councillors to attend and speak at meetings of the authority in circumstances where, under the Code of Conduct, they have a disclosable pecuniary interest (Scheme of Delegation to Officer, Part 2A, 3 (xxv)). Where these dispensations have been sought, they are typically about town planning issues, where the Code of Conduct means that councillors have less opportunity to assert their interests than other residents, or about employment, where technically there is a disclosable pecuniary interest, but in practice that interest is not significant. The following dispensation has been granted since the last meeting.

Cllr	Request received	Date of Decision	Decision by Mark Bowen, Director of Corporate Services (Monitoring Officer)
Yvonne Bear	17/6/20	24/6/20	That an unconditional dispensation be granted to Cllr Yvonne Bear to be allowed to attend Plans Sub-Committee No. 2 on 25 th June 2020 for her planning application for Hewitts House, Hewitts Road, Orpington BR6 7QL, and to speak as a member of the public in support of the application. The dispensation applies to any subsequent meetings on the same or similar application until the end of the municipal year.

Gifts and Hospitality Register

- 3.2 Under the Code of Conduct, Councillors are required to declare gifts and hospitality received due to their role as Councillors over the value of £25. These are published on the Council website, with a link from each Member's page. Since the last meeting no Members have registered the receipt of any gifts or hospitality.

Register of Interests

- 3.3 Under the Localism Act 2011, the Register of Interests is required to be published on the Council's website, and a link to each Councillor's declaration is provided on their page. Members of the Standards Committee are asked to review the Register of Interest prior to the meeting. The online Register of Interest will also be available at the meeting.

Work Programme and Matters Outstanding from Previous Meetings

- 3.4 Full Council at its meeting on 8th April 2019 decided that all Council Committees and Sub-Committees should include provision at scheduled meetings to consider matters outstanding from previous meetings. These matters will often form part of the future work programme. A summary of matters outstanding from previous meetings is attached at [Appendix 1](#).
- 3.5 The Council's 2020/21 programme of meetings now includes three scheduled meetings of this Committee. The Committee's next meeting is scheduled to take place on Tuesday 2nd March 2021. Members of the Committee are requested to consider what issues they wish to consider at future meetings.

Complaints

- 3.6 A summary of recent complaints against Councillors, since the Committee's last meeting, is included at [Appendix 1](#). As these complaints contain personal details about Councillors and complainants, and also as the Councillors concerned have not necessarily done anything that is clearly against the Code of Conduct, this information is included on the part 2 (private) agenda. There are no formal standards investigations at present.

LGA Draft Code of Conduct Consultation

- 3.7 On 8th June 2020, the LGA published its draft [Member Code of Conduct](#) for consultation. As recommended by the Committee on Standards in Public Life's report into Local Government Ethical Standards the LGA committed to reviewing its current model member code of conduct, and there has been a further commitment to create additional guidance, working examples and explanatory text.
- 3.8 With more communication taking place remotely and online between members and residents, particularly through social media, there may be more difficult and heated discussions as some seek to express the fear, frustration and heightened emotions they are experiencing at this time. However, abuse, threatening and intimidatory communications continue to be unacceptable, and the LGA has sought to address these issues in the draft code.
- 3.9 The Standards Committee was informed of the LGA's consultation on 15th July 2020, and Members were invited to submit their response to the consultation which closed on Monday 17th August 2020.

Revised Code of Conduct

- 3.10 At its meeting on 12th March 2020, the Standards Committee agreed the changes to the Code of Conduct. The revised Code of Conduct will be presented for approval at the next meeting of Full Council on 12th October 2020.

Committee on Standards in Public Life

- 3.11 In January 2019, the Committee on Standards in Public life published its [report](#) on local government ethical standards. In that report, the Committee identified some best practice recommendations which represented a benchmark for ethical practice which they expected local authorities to implement.
- 3.12 The implementation of the best practice recommendations in were due to be reviewed in Spring 2020. However, the unexpected and unprecedented pressures that local authorities have managed this year arising from COVID-19 have led this review to be delayed to the Autumn of 2020.
- 3.13 The recommendations made by the Committee on Standards in Public Life were:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

- 3.14 Following a review of its Code of Conduct and procedures around the handling of Code of Conduct complaints brought against Councillors the London Borough of Bromley if Council agrees the report at its meeting on 12th October will be able to demonstrate compliance with all the recommendations made by the Committee on Standards in Public Life.
- 3.15 The Committee on Standards in Public Life has written to local authorities enquiring on progress with implementation of its recommendations and a draft response may be tabled at the Standards Committee following the Council meeting.