

Decision Maker: **STANDARDS COMMITTEE**

Date: **2 March 2021**

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
- LGA Draft Code of Conduct Consultation
- Publishing Complaints procedure on Website
- Threshold for Investigation Criteria
- Protocol for Co-opted Members
- Recruitment of an Additional Independent Person
- Complaints

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. No dispensations have been granted since the last meeting.

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 2021/22 programme of meetings includes three scheduled meetings of this Committee. The Committee's next meeting is scheduled to take place on Thursday 15th July 2021. Members of the Committee are requested to consider what issues they wish to consider at future meetings.

LGA Draft Code of Conduct Consultation

- 3.6 In December 2020, the LGA published a revised Model Code of Conduct following a consultation earlier in the year. The Model Code can be accessed at the following link:
<https://www.local.gov.uk/local-government-association-model-councillor-code-conduct-2020-0>
- 3.7 The Standards Committee may wish to give consideration to whether to make a recommendation to Full Council to adopt the revised LGA Model Code of Conduct.

Revised Code of Conduct

- 3.8 Bromley's revised Code of Conduct was approved at Full Council on 12th October 2020 and had been re-published on the Council's website.

Publishing Complaints procedure on Website

- 3.9 The procedure used to consider any Code of Conduct complaints that are received is being formalised in a draft document. The document will be circulated to the Standards Committee prior to the meeting on 2 March 2021 and will be attached to this report as Appendix 4. Following discussion at the Standards Committee the document will be further updated and then published on the Council's website.

Threshold for Investigation Criteria

- 3.10 An Independent Person has suggested that it would be helpful to both elected Members and the public if the 'threshold for investigation criteria' for complaints was formalised and made public along with the evidence that would be used to determine how something moves forward.
- 3.11 The Code of Conduct Complaints procedure sets out some proposed thresholds for investigation criteria.

Code of Conduct and Protocol for Co-opted Members

- 3.12 Co-opted Members are subject to the same Code of Conduct as elected Members of the Council. Once appointed to a Committee, Co-opted Members are required to sign to confirm that they understand the expectation that they comply with the Code of Conduct at all times when undertaking their Co-opted Member role.
- 3.13 In addition to the Code of Conduct, Appendix 9 of the Council's Constitution (attached to this report at Appendix 2), sets out additional guidance to Co-opted Members.

Recruitment of an Additional Independent Person

- 3.14 Every principal local authority must appoint at least one independent person to be consulted by the authority or by members of the authority on standards issues. Bromley currently has two Independent Persons however, in the interests of business continuity, the Standards Committee is asked to give consideration to putting in place arrangements for the recruitment of a third Independent Person.

Complaints

- 3.15 A summary of recent complaints against Councillors, since the Committee's last meeting, is included in the Part 2 Appendix 3. 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. In addition to the usual summary of complaints presented to the Committee, details of the outcomes of two Code of Conduct Complaints relating to the same planning application have been included for further information.
- 3.16 There are no formal standards investigations at present.