

Decision Maker: **STANDARDS COMMITTEE**

Date: **Monday 13 December 2021**

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

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

Contact Officer: Philippa Gibbs, Deputy Democratic Services Manager
Tel: 020 8461 7638 E-mail: Philippa.Gibbs@bromley.gov.uk

Chief Officer: Director of Corporate Services and Governance

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
 - Feedback from Independent Person
 - Recruitment of additional Independent Persons
 - Publishing the Procedure for Handling Code of Conduct (Standards) Complaints online
 - Consideration of Appeals Process for Members subject to complaints (committee to discuss)
 - LGA Guide for Councillors on Handling Intimidation (including online intimidation)
 - Social Media Guidance for Councillors
 - Complaints
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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: £359k
 5. Source of funding: Revenue budget
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Personnel

1. Number of staff (current and additional): 6.67fte (although Standards Complaints are filtered by either the Democratic Services Manager or Deputy Democratic Services Manager in consultation with the Monitoring Officer)
 2. If from existing staff resources, number of staff hours: The number of staff hours requires fluctuates depending on the volume of complaints received at any given time.
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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.
- 3.2 No dispensations have been granted since the last meeting.

Gifts and Hospitality Register

- 3.3 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. A schedule of the gifts and hospitality declarations made in 2019 so far, and since the Committee's last meeting, is attached as Appendix 1. Only two declarations have been registered in this period.

Register of Interests

- 3.4 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

- 3.5 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 2.
- 3.6 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 Tuesday 8th March 2022. Members of the Committee are requested to consider what issues they wish to consider at future meetings.

Feedback from Independent Person

- 3.7 On 10th August 2021, the Chairman, Vice-Chairman and Member from the Council's Independent Group met with Mr Palmer who had decided to step down from his role as Independent Person.
- 3.8 The key points arising from the discussion were:
- The Monitoring Officer should be encouraged to give "words of advice" to councillors in appropriate cases where there is no formal breach of the Code of Conduct.

- Complaints that are obviously vexatious should be closed down at an early stage.
- Anonymous complaints should not be accepted (although in some cases it may be appropriate to withhold the complainant's details from the councillor they are complaining about.)
- All complaints should be submitted via a complaints form (currently complaints are accepted via the form, letter or email).
- There should be a rota for Independent Persons to look at complaints.
- Where there is a disagreement between the Monitoring Officer and an Independent Person about a complaint, another Independent Person, the Chairman and a Minority Group Member should be asked to look at the complaint.
- All decision letters should be copied to the Chairman and a Minority Group Councillor.
- There should be an induction process for new Independent Persons.
- There should be compulsory induction (as with Planning and Licensing) for all Members on standards, probity and the complaints procedure.
- Advertisements for the Independent Person role should be targeted at a wider range of potential candidates, and up to three Independent Persons should be appointed if there are suitable candidates.

3.9 Following the meeting Mr Palmer rescinded his resignation.

Recruitment of Additional Independent Persons

3.10 Interviews for additional Independent Persons took place on Friday 12th November. Four applicants were interviewed and at the conclusion of the interviews the post of Independent Person was offered to two of the applicants, Ms Kath Nicholson and Mr Jonathan Farrell. The Standards Committee agreed that a four-year term of office should be imposed – to the end of the next Council in May 2026.

3.11 Council had previously resolved, on 24th February 2020, to appoint Mr Ken Palmer and Dr Simon Davey as Independent Persons to the end of the current Council in May 2022. The revised recommendation to Council was that Mr Palmer's term of office be extended to May 2023.

Publishing the Procedure for Handling Code of Conduct Complaints on the Website

3.12 The Procedure for Handling Code of Conduct (Standards) Complaints has been updated following the comments made by the Committee at its meeting on 2nd March 2021, and has been published on the Council's Website.

Consideration of Appeals Process for Members subject to complaints

3.13 The Chairman of the Standards Committee has requested that consideration be given to introducing an appeals process for Members subject to complaints. The Monitoring Officer has agreed to give this further detailed consideration and report back to the Standards Committee on 8th March 2022.

LGA Guide for Councillors on Handling Intimidation

3.14 The LGA have produced a guide for councillors in recognition of the growing need among councillors for support related to intimidation. The guide also covers online bullying of councillors and this is an area that has received attention from both the Committee for Standards in Public Life and the LGA. At the Committee's meeting on 15 July 2021, it was suggested that this may be something the Standards Committee would wish to consider further

at this meeting with a view to establishing a policy from May 2022. The LGA Guide is included in this report at [Appendix 3](#).

Social Media Guidance for Councillors

- 3.15 An increasing number of Code of Conduct (Standards) complaints that are received relate to councillor's activities on social media. In response to this a short guide for councillors has been developed for consideration by the Standards Committee. The draft guidance is included in the report at [Appendix 4](#).

Complaints

- 3.16 An anonymised summary of complaints against Councillors, received since the Committee's last meeting, is included at [Appendix 5](#).
- 3.17 There are no formal standards investigations at present.