

Decision Maker: COUNCIL

Date: Monday 28 February 2022

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

Title: RECOMMENDATIONS FROM THE STANDARDS COMMITTEE

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

At its meetings on 15 July 2021, and 10 January 2022, the Standards Committee made four formal recommendations concerning processes and procedures for improving ethical standards and improving the public perception of decision-making processes.

2. RECOMMENDATION(S)

That Full Council endorse the following recommendations of the Standards Committee:

2.1 That the following wording should be used for declarations at quasi-judicial meetings in the interest of openness and transparency:

“I know X purely as a Councillor” or “I know X socially and I have not discussed this matter with them” or “I know X socially and have discussed with them but have not made any commitment”.

2.2 That the Procedure for Handling Code of Conduct Complaints be amended to reflect that in cases where the conduct of a councillor, whilst falling short of the high standards of conduct expected, has been judged not to have amounted to a breach of the Code of Conduct, the Monitoring Officer is encouraged to give informal words of advice.

2.3 That in the rare instances of disagreement between the Monitoring Officer and an Independent Person, the Standards Committee or a Sub-Committee of the Standards Committee should consider a report from the Monitoring Officer which outlines the view of both the Monitoring Officer and the Independent Person.

2.4 That the Monitoring Officer establish an induction process for Independent Persons.

Impact on Vulnerable Adults and Children

1. Summary of Impact: There is no immediate impact
-

Corporate Policy

1. Policy Status: Not Applicable:
 2. BBB Priority: Excellent Council:
-

Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £366k (2021/22)
 5. Source of funding: Revenue Budget
-

Personnel

1. Number of staff (current and additional): 2
 2. If from existing staff resources, number of staff hours: On average less than 2 hours a weeks is spent on matters concerning ethical standards
-

Legal

1. Legal Requirement: Statutory Requirement: The Council is required to have a Code of Conduct governing the ethical standards of Elected Members of the Council.
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All Members of the Council
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable

3. COMMENTARY

- 3.1 At its meeting on 15 July 2021, the Standards Committee held a discussion with the Chairman of the Development Control Committee regarding the report of the Planning Advisory Service and the Council's existing Local Planning Protocol. It was recognised that planning committees were a difficult area for elected members to navigate as decisions were often subjective and in many cases it was almost impossible to please all those party to a planning application. The focus of the Standards Committee was on the issue of Member integrity and the public perception of Member integrity.
- 3.2 At that time, planning training for Members was provided but stopped short of being mandatory. The Standards Committee recognised the importance of elected Members undertaking regular training and refresher training in order to demonstrate that they had the necessary competencies to take decisions at meetings.
- 3.3 The Standards Committee welcomed the following proposals in relation to planning applications which it was felt would ensure that there was open and transparent decision making and that the Council was seen to be open and transparent in its decision making:
- a) When more than 50% of a planning committee declared that they knew a planning applicant the matter would automatically be referred to the Development Control Committee. The Chairman of the Development Control Committee would regularly liaise with officers and when applications were submitted by local developers whom many Members may know the application would automatically be referred to the Development Control Committee.
 - b) Members to be made aware that a "Cab Rank" principle operated for the allocation of planning applications and they should therefore not request that an application be referred to a specific committee.
 - c) Councillors who have called an application to committee should not move or second the motion.
- 3.4 The Committee further resolved to recommend that basic training in planning for all Councillors, before they sit on a planning committee or within 3 months of election, be made mandatory. To be implemented by May 2022.
- 3.5 At its meeting on 10 January 2022, the Standards Committee had a further discussion concerning probity in planning and the report that had recently been provided by the Planning Advisory Service. At that meeting the Chairman of the Development Control Committee reported that she was pleased to confirm that all the recommendations made by the Standards Committee in July 2021, were on the agenda for the Development Control Committee on 11 January 2022, and were all recommended for approval. On 11 January 2022, the Development Control Committee approved all recommendations in relation to the report of the Planning Advisory Service and this will be the subject of a separate report to Full Council.
- 3.6 The Standards Committee noted that one of the recommendations from the Planning Advisory Service (PAS) was that all Members involved in planning decision making should have basic training. It was further noted that there was support amongst Members that any councillor sitting on planning committees must undertake this basic training. It was agreed that training would take place early after the May 2022 elections. The general view was that there would not be a Member of the Council who was not involved in planning in one way or another, due to the nature of the role of local ward members. Consequently, all Members of the Council would be strongly encouraged to engage with and undertake the planning training provided, however the training would be mandatory for those members sitting on Planning Committees.

- 3.7 Other issues considered by the Standards Committee on 10 January 2022 were declarations of interest at meetings and the complaints handling process and recommendations to Council were made.
- 3.8 In respect of declarations of interest at meetings, particularly quasi-judicial decision-making committees (those dealing with Planning and Licensing Matters), it was agreed that openness and transparency were paramount. Whilst recognising that it was almost impossible for elected members to fulfil their roles without developing professional networks and getting to know people, the Committee felt that it was essential that Members were transparent about these professional relationships and free from the appearance of bias. There was consensus across the Standards Committee that when a Member knew any parties to a particular decision, this should be declared in order to protect both the Member and the other parties.
- 3.8.1 **RECOMMENDATION: That wording along the following lines should be used for declarations at quasi-judicial meetings in the interest of openness and transparency:**
- “I know X purely as a Councillor” or “I know X socially and I have not discussed this matter with them” or “I know X socially and have discussed with them but have not made any commitment”.***
- 3.9 In respect of the process for handling Code of Conduct (Standards) complaints, the Standards Committee noted that in the past there had been certain circumstances under which the Monitoring Officer had offered “words of advice” to a councillor where a complaint had been received but where the conduct of the councillor, whilst falling short of the high standards of conduct expected, had been judged not to have amounted to a formal breach of the Code of Conduct. The Standards Committee felt that “words of advice” should be formally incorporated into the Procedure for Handling Code of Conduct Complaints.
- 3.9.1 **RECOMMENDATION: That the Procedure for Handling Code of Conduct Complaints be amended to reflect that in cases where the conduct of a councillor, whilst falling short of the high standards of conduct expected, has been judged not to have amounted to a breach of the Code of Conduct, the Monitoring Officer is encouraged to give informal words of advice.**
- 3.10 Whilst noting that instances of disagreement between the Monitoring Officer and an Independent Person were rare, the Standards Committee felt it appropriate that in such instances the Standards Committee or a Sub-Committee of the Standards Committee should arbitrate. As such, where arbitration was necessary the Monitoring Officer should present a report to the relevant Committee or Sub-Committee outlining the view of both the Monitoring Officer and the relevant Independent Person.
- 3.10.1 **RECOMMENDATION: That in the rare instances of disagreement between the Monitoring Officer and an Independent Person, the Standards Committee or a Sub-Committee should consider a report from the Monitoring Officer which outlines the view of both the Monitoring Officer and the Independent Person.**
- 3.11 The Standards Committee also agreed that an induction process for Independent Persons should be established.
- 3.11.1 **RECOMMENDATION: That the Monitoring Officer establish an induction process for Independent Persons.**

Non-Applicable Sections:	Impact on Vulnerable Adults and Children, Financial Implications, Personnel Implications, Procurement Implications, Policy Implications, Legal Implications
Background Documents: (Access via Contact Officer)	Minutes of the Standards Committee meetings held on 15 July 2021 and 10 January 2022.