
Decision Maker: **GENERAL PURPOSES AND LICENSING COMMITTEE**

Date: **Wednesday 6 July 2022**

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

Title: **MINOR CONSTITUTIONAL CHANGE – STANDARDS COMMITTEE**

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Chief Officer: Tasnim Shawkat, Director of Corporate Services and Governance

Ward: All

1. Reason for decision/report and options

- 1.1 This report proposes that an amendment is made to the Council's Constitution regarding the composition of the Standards Committee. As currently worded, the Constitution prevents members of the Executive from sitting on the Standards Committee, but, following the Localism Act 2011, this provision is no longer required in law and can be removed.

2. **RECOMMENDATION**

That Council be recommended to update Article 9 of the Constitution – The Standards Committee – by replacing the current paragraph 9.2 (b) with –

“Members of the Executive may sit on the Standards Committee, subject to not being in a majority.”

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
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Transformation Policy

1. Policy Status: Existing Policy:
 2. Making Bromley Even Better Priority (delete as appropriate):
(5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
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Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Democratic Representation
 4. Total current budget for this head: £1,137,390
 5. Source of funding: Revenue Budget
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Personnel

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

1. Legal Requirement: None – the requirement to have a Standards Committee was removed under the Localism Act 2011.
 2. Call-in: Not Applicable: Non-executive decisions are not subject to call-in
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Procurement

1. Summary of Procurement Implications: Not Applicable
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Property

1. Summary of Property Implications: Not Applicable
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Not Applicable
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Customer Impact

1. Estimated number of users or customers (current and projected): Not Applicable
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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

3.1 Article 9 of the Council's Constitution specifies the composition of the Standards Committee, requiring a membership of five Councillors, three from the majority group and one each from the next two largest groups. The Constitution also stipulates that members of the Executive cannot sit on the Committee. This provision stems from the Local Government Act 2000 which required the compulsory establishment of a Standards Committee with no executive members. This provision was later removed under the Localism Act 2011 but this unnecessary requirement has not yet been deleted from the Council's Constitution.

3.2 Article 9, paragraph 9.2 (b) states –

“A Councillor who is a member of the Executive is not eligible to sit on the Standards Committee.”

It is proposed that this is replaced by –

“Members of the Executive may sit on the Standards Committee, subject to not being in a majority.”

3.3 The full current text of Article 9 is set out in Appendix A.

Non-Applicable Headings:	Impact on Vulnerable Adults and Children/Policy/Finance? Personnel/Property/Procurement/Customer Impact/Ward Councillor Views
Background Documents: (Access via Contact Officer)	LBB Constitution

CONSTITUTION OF THE LONDON BOROUGH OF BROMLEY

Article 9 – The Standards Committee

9.1 Standards Committee

The Council will establish a Standards Committee

9.2 Composition

- (a) The Standards Committee will have a membership of five Councillors, up to three from the largest political group and a minimum of one from each of the next two political groups.
- (b) A Councillor who is a member of the Executive is not eligible to sit on the Standards Committee.
- (c) The Chairman will be appointed from, and by, members of the Standards Committee and will hold office for one year.
- (d) Independent persons appointed under the Localism Act 2011 shall be entitled to attend and speak at all meetings of the Standards Committee.

9.2 Role and Function

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and Church and Parent Governor representatives.
- (b) Assisting the Councillors, co-opted members and Church and Parent Governor representatives to observe the requirements on declaring pecuniary interests within the Members Code of Conduct and associated local protocols.
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct and associated local protocols.
- (d) Monitoring and reviewing the operation of the Members Code of Conduct and associated local protocols.
- (e) Developing for recommendation to the Council, local protocols to supplement the members Code of Conduct.
- (f) Enforcing local protocols and applying sanctions in respect of breaches of the members' Code of Conduct as appropriate.

- (g) Advising, training or arranging to train Councillors, co-opted members and Church and Parent Governor representatives on matters relating to the declaration of pecuniary interests, Members' Code of Conduct and associated local protocols.
- (h) Hearing cases against Councillors in consultation with the Independent Person.
- (i) To keep under review, amend and make additional provisions to the Protocol on Member/Officer relations.
- (j) To monitor the Officers' Code of Conduct to ensure consistent application and enforcement Council-wide.
- (k) General overview of probity matters arising from Ombudsman reports, Monitoring Officer reports, Audit Committee reports and ethical indicators.