

Decision Maker: STANDARDS COMMITTEE

Date: 3 November 2022

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: Tasnim Shawkat, Director of Corporate Services and Governance

Ward: All

1. Reason for decision/report and options
 - 1.1 To update the Committee on a number of issues.
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2. RECOMMENDATION

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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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 Services
 4. Total current budget for this head: £376k
 5. Source of funding: Revenue Budget
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Personnel

1. Number of staff (current and additional): 6fte (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:
 2. Call-in: Not Applicable:
-

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Property

1. Summary of Property Implications: Not Applicable
-

Carbon Reduction and Social Value

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

Customer Impact

1. Estimated number of users or customers (current and projected):
-

Ward Councillor Views

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

3. COMMENTARY

Changes to the Constitution

- 3.1 At the full Council meeting on 25th July 2022 the Council, on the recommendation of the General Purposes and Licensing Committee, approved two changes to Article 9 of the Constitution affecting this Committee. The changes were to increase the size of the Committee to enable representation from all Groups (following the increase in Groups from three to five) and to allow members of the Executive to sit on the Committee (subject to them not being in a majority.) The new text of Article 9 is attached as Appendix A for Members' information.

Independent Persons

- 3.2 The Council now has two Independent Persons, Jonathan Farrell and Kath Nicholson, Dr Simon Davey having stood down on 31st July 2022 after many years' service. At its last meeting on 8th March 2022 the Committee proposed that a third Independent Person should be appointed and that the recruitment process should be reviewed and agreed at this meeting. The proposal is to follow the same process as that followed in 2021 when the current Independent Persons were appointed, with advertising across the Council's social media platforms.

Election and Induction of new Councillors

- 3.3 The local elections took place on 5th May 2022, resulting in the election of 58 councillors covering 22 new wards. 34 Councillors were re-elected, with 24 new councillors (although one of these had served previously.) As part of their acceptance of office, all Councillors were required to agree to abide by the Council's Code of Conduct.
- 3.4 A programme of 11 induction sessions were provided through May and into June, which all councillors were encouraged to attend. Attendance of individual members was recorded for all sessions. The first session was a welcome and overview from the Chief Executive aimed at new councillors, while the second session focussed on decision-making, the Constitution and the Code of Conduct. This session was well-attended, with 48 councillors present (23 new councillors and 25 returning councillors). This includes 6 councillors who joined online using the Council's new hybrid facilities. Overall feedback from the Induction programme was positive, with all sessions being well-received.

Mandatory Planning and Licensing Training

- 3.5 Councillors serving on Planning and Licensing Committees are now required to undertake mandatory training within three months of election. One of the priority Induction sessions (on 17th May 2022) was designed to address this, covering the work of both sub-committees. 22 new councillors and 19 returning councillors attended this session. Four members sitting on planning committees did not attend; these are being followed up individually and have been offered one-to-one sessions with the Assistant Director, Planning and Building Control, or the Council's senior planning lawyer. All members who sit on Licensing Sub-Committee have attended at least one of the two sessions.

Appeals Process for Members Subject to Complaints

- 3.6 At its meeting on 8th March 2022 the Monitoring Officer described the process for responding to complaints against Members, emphasising the more streamlined position since the Localism Act 2011 and the limited range of sanctions available where breaches of the Code of Conduct are established. The Committee, bearing in mind that that the imposition of sanctions against a member could potentially result in damage to their public reputation, requested that the options for an appeal process be considered.

3.7 Westminster City Council and the London Borough of Lewisham both have a formal appeal mechanism. Both processes allow that, after a Standards Committee has met and decided that a Councillor is guilty of a substantial breach of their Code of Conduct, the member concerned has a set time frame from the date of the meeting to submit an appeal to the Monitoring Officer, specifying the grounds of the appeal. The Monitoring Officer then has to consult the Independent Person before reporting again to the Standards Committee. On the second occasion, the Standards Committee must comprise different members to the first meeting. There is no right of appeal for the complainant.

Dispensations

3.8 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.

3.9 There have been no dispensations granted since the Committee's last meeting.

Gifts and Hospitality Register

3.10 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 since the Committee's last meeting, is attached as [Appendix B](#).

Work Programme/Matters Outstanding

3.11 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 C](#).

3.12 The Council's 2022/23 programme of meetings includes three scheduled meetings of this Committee. The Committee's next is scheduled to take place on 21 February 2023.

Complaints Summary

3.13 An anonymised summary of complaints against Councillors, received since the Committee's last meeting, is included at [Appendix D](#).

3.14 There are no formal standards investigations at present.

Appendices

(A) Constitution – Article 9

(B) Gifts and Hospitality Register

(C) Matters Outstanding

(D) Complaints Summary

Non-Applicable Headings:	Impact on vulnerable adults and children/Policy/Finance/Personnel/Legal/Procurement/Property/Ward Councillors
Background Documents: (Access via Contact Officer)	None

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 comprising one member from each minority group and sufficient members of the majority group to maintain a majority.
- (b) Members of the Executive may sit on the Standards Committee, subject to not being in a majority.
- (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.

9.3 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 and Risk Management Committee reports and ethical indicators.

Gifts and Hospitality Declarations (March to August 2022)

Councillor	Date	Provider	Gift or hospitality
Mark Brock	22/5/22	Biggin Hill Airport Limited	Ticket for the FA Trophy Final at Wembley from Biggin Hill Airport Ltd, including access to the Bobby Moore Room
Mark Brock	26/5/22	Biggin Hill Airport limited	Ticket for the Chelsea Flower Show to view a show garden by the RAF Benevolent Fund – which will be moved to a permanent home at Biggin Hill Airport
Sophie Dunbar	May 2022	Biggin Hill Airport Limited	Two tickets for the Chelsea Flower Show
	September 2022	Biggin Hill Airport Limited	Ticket & refreshments for ACE22 Expo at Biggin Hill Airport
Simon Fawthrop	5/7/22	Biggin Hill Airport Limited	Light refreshments provided during visit – probably under £25
Hannah Gray	20/5/22	Newton Wood	Gift of Organic Epsom Salt Crystals and Bath & Body Oils
Mike Jack	18/6/22	Chislehurst Rocks	VIP Guest
Kate Lymer	22/5/22	Biggin Hill Airport Limited	Two adult and 2 children's tickets for the FA Trophy Final at Wembley, including access to the Bobby Moore Room
Kate Lymer	26/5/22	Biggin Hill Airport Limited	Tickets for the Chelsea Flower Show to view a show garden by the RAF benevolent Fund, which will be moved to a permanent site at Biggin Hill airport
Kate Lymer	30/5/22	Mayor of London	Dinner at the Mansion House for Mayors and Leaders across London.
Ruth McGregor	6/8/22	Friends of Crystal Palace Park	Two tickets to South Facing
Chloe-Jane Ross	7/8/22	Kent County Cricket Club, Beckenham	Three cricket match tickets and lunches.
Shaun Slator	2/8/22	Biggin Hill Airport Limited	Hospitality and gift bag received from Biggin Hill Airport during a visit to the Airport
Mark Smith	18/6/22	Chislehurst Rocks	VIP Guest
Alison Stammers	May 2022	A neighbour	Bouquet of flowers following election to the Council
Alison Stammers	18/6/22	Chislehurst Rocks	VIP Guest
Melanie Stevens	May 2022	Biggin Hill Airport	Two tickets to Chelsea Flower Show
Michael Tickner	15/5/22	Chairman of Kent County Cricket Club	Cricket match and hospitality
Michael Tickner	7/8/22	Kent County Cricket Club	Cricket match and lunch

Work Programme and Matters Outstanding from Previous Meetings

Matters Outstanding from Previous Meetings:

Minute No.	Issue	Update
21	Independent Persons	Dr Simon Davey's term of office as Independent person was extended to 31 st July 2022. It was recommended that the recruitment process for a third Independent Person be considered at the current meeting.
21	2022 Induction/ Mandatory Training	See commentary above
21	Appeals Process for Members found to be in breach of the Code of Conduct	See commentary above
21	Social Media Guidance for Councillors	A Guidance note was circulated to all members as part of their Induction pack.

Work Programme:

The remaining dates for the 2022/23 municipal year are:
21st February 2023

Standards Complaints against Councillors

Complainant	Councillor	Date of complaint	Issue	Independent Person	Date of Reply	Summary of Response	Follow Up
2021/22							
Complainant A	Subject Member A	15/3/22	Tone of an email which was alleged to possibly be bullying in nature	Jonathan Farrell	29/3/22	The complainant was copied into a series of emails which they considered 'unpleasant'. The Councillor did not instigate the emails and was not initially responsible for copying in the third parties – this was done by the originator of the emails who did not themselves make a complaint. The seriousness or lack thereof of this case hinge on the fact that the originator of the email did not make a complaint alleging any form of bullying or harassment.	
Complainant B	Subject Members B&C	21/3/22	Substitutions at Planning Committee	Dr Simon Davey	8/5/22	Due to the timing of the meeting, there	

						was no breach of the Code of Conduct as Council had not approved the Planning Protocol at the time of the Planning Sub-Committee.	
Complainant C	Subject Member C	28/4/22	Concern that Cllr may be acquainted with developer and failed to declare this	Kath Nicholson	29/7/22	No evidence of personal relationship between the Councillor and the applicant.	
Complainant D	Subject Member D	28/7/22	Improper use of Council resources - press release on ULEZ was party political.	Jonathan Farrell	10/8/22	The press release reported the Council's policy position, did not mention any party and was not party political.	
Complainant E	Subject Member E	13/6/22	Allegation of use of personal position to assist a friend (regarding the placing of sports equipment at a Recreation Ground.)	Kath Nicholson	16/8/22	No evidence of personal relationship found - the Councillor was simply pursuing a ward issue.	
Complainant F	Subject Members F & G	26/07/22	Conduct at ECS PDS call-in meeting on 15/7/22 – creation of a hostile environment.	Jonathan Farrell	18/10/22	The complaint arose out of a politically charged meeting regarding a “call-in” and there is no evidence the complainant was targeted and	

						therefore no breach of the Code.	
Complainant H	Subject Member H	23/08/22	Abuse of status in seeking advice from Adult Social Care	Kath Nicholson	08/09/22	No evidence of a breach of the Code of Conduct. The Councillor appropriately acted on concerns about an elderly and potentially vulnerable resident that had been raised with her verbally by a concerned neighbour.	The complainant sent a further communication expressing dissatisfaction with the Council's procedure and further dissatisfaction that condolences had not been expressed which had caused further distress.