

Decision Maker: STANDARDS COMMITTEE

Date: Tuesday 21 February 2023

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

Title: MONITORING OFFICER'S GENERAL REPORT

Contact Officer: Philippa Gibbs, Deputy Democratic Services Manager
Tel: 0208461 7638 E-mail: Philippa.Gibbs@bromley.gov.uk

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.
-

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
-

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.
-

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
-

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.
-

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

Independent Persons

- 3.1 The position of Independent Person was advertised on the Council's website and promoted on LinkedIn from Thursday 10 November 2022 to Monday 5 December 2022.
- 3.2 One expression of interest was received. In consultation with the Chairman and Vice-Chairman of the Standards Committee it was agreed that the position would be readvertised in January 2023.
- 3.3 The position was readvertised from 13 January 2023 to 2 February 2023 and a further expression of interest was received.
- 3.4 Consequently, with the agreement of the Chairman and Vice-Chairman of the Standards Committee, interviews with the Standards Committee will be arranged for early in March 2023.

Training for Independent Person(s)

- 3.4 Training for Independent Persons was provided on 2 March 2022.
- 3.5 An induction will be provided for the newly appointed Independent Person as soon as possible and Officers will look to provide refresher training towards the end of the next municipal year (in March 2024).

Appeals Process for Members Subject to Complaints

- 3.6 At its last meeting on 3rd November 2022, the Committee asked the Monitoring Officer to draw up a proposed appeals process for consideration by the Committee.
- 3.7 A draft appeals process is attached at Appendix A.

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 2023/24 programme of meetings includes three scheduled meetings of this Committee. The proposed dates are: 15 June 2023, 2 November 2023, 20 February 2024. Meetings dates will be conformed at the meeting following confirmation of the Programme of Meetings by General Purposes and Licensing Committee on 16 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 Eighteen complaints were received concerning the conduct of one councillor. The complaints concerned a tweet posted in response to a news article tweeted by the News Shopper, a media outlet, from the councillor's personal twitter account. Very few of the complaints received specifically referenced the Council's Code of Conduct or cited any potential breach which may have occurred. Although the number of complaints received reflected the scale of disquiet about the Councillor's comment in his tweet, which was removed subsequently. In line with the Council's procedure, the complaints were initially assessed by the Deputy Democratic Services Manager under the guidance of the Monitoring Officer and views were sought from the Independent Person. The outcome of the initial assessment and the conclusion of the Monitoring Officer (endorsed by the Independent Person) was that the Code was not engaged and therefore the complaints would not be eligible for consideration as a potential breach of the Code.

3.15 The Code was not engaged because in the Localism Act requires that the Code of Conduct should apply to Councillors when acting in that capacity and not in their personal capacity. Both the Monitoring Officer and the Independent Person commented that Members should be reminded again of the issues of perception and the guidance on use of social media adopted by the Council on recommendation from the Standards Committee.

3.16 There are no formal standards investigations at present.

Appendices

(A) Draft Appeals Process

(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

Process for Hearing Appeals from Members (Code of Conduct – Standards) – to be added as paragraph 8 of the Code of Conduct Complaints Handling Procedure

- 8.1. The complainant has no right of appeal against the decision of the Standards Committee. If the complainant feels that the Council has failed to deal with the complaint properly and that this failure has caused injustice, they may make a complaint to the Local Government Ombudsman.
- 8.2. However, if it is resolved that the Member has breached the Code, the Member will have an opportunity to appeal against the decision by advising the Monitoring Officer in writing within 14 days of the outcome of the Standards Hearing. The Member will be required to detail the grounds upon which an appeal is sought.
- 8.3. Upon receipt of notification of appeal the Monitoring Officer will consult an Independent Person for their views. The Monitoring Officer will forward a report detailing the allegations, views of the Independent Person and the findings of the investigation to a second (Appeal) Hearing Sub-Committee who will determine the appeal case. This Sub-Committee will comprise three different Members to that of the first Sub-Committee. The decision of the Appeal Hearing Sub-Committee will be final.

Gifts and Hospitality Declarations (November 2022 to 1 February 2023)

Councillor	Date	Provider	Gift or hospitality
Cllr Adam Grant	10/01/23	Ambassador for Taiwan	Bottle of Taiwanese Whiskey as thanks for hosting a dinner where he was the guest speaker.
Cllr Hannah Gray	December 2022	Churchill Theatre	Two complimentary tickets for the pantomime.
Cllr Simon Jeal	16/12/22	Crystal Palace Park	Attended Crystal Palace Park Trust Christmas Party
Cllr Charles Joel	09/12/22	Bruce Walker	Lunch at Bullers Wood School
	19/12/22	Churchill Theatre	Four tickets at reduced price for the Pantomime
Cllr Keith Onslow	November 2022	Baillie Gifford	Accommodation and subsistence for the Baillie Gifford Investment Forum in Scotland
Cllr Alison Stammers	07/12/22	Friends of Chislehurst Recreation Ground	Lunch at Cote Chislehurst
	09/12/22	Bruce Walker	Lunch at Bullers Wood School
Cllr Pauline Tunncliffe	06/12/22	Amano	Dinner at Amano, Orpington

Work Programme and Matters Outstanding from Previous Meetings

Matters Outstanding from Previous Meetings:

03.11.22	That the Monitoring Officer to draw up a proposed appeals process for consideration at the next meeting.	A draft is attached at Appendix A
----------	--	-----------------------------------

Work Programme:

The proposed dates for the 2023/24 municipal year are: 15 June 2023, 2 November 2023, 20 February 2024.

Standards Complaints against Councillors

Complainant	Subject Member	Date of complaint	Issue	Independent Person	Date of Reply	Summary of Response	Follow Up
2022/23							
Complainant AA	Cllr A	02/01/23	Comments on Twitter	Kath Nicholson	23/01/23	On balance, the conclusion of the Monitoring Officer (endorsed by the Independent Person) was that the Code was not engaged and therefore the complaints would not be eligible for consideration as a potential breach of the Code. However, the Independent Person highlighted that had the Code been engaged, they were very satisfied that there were a number of grounds which would be ample basis for investigation.	One complainant came back to say that whilst they understood the rationale for the decision they did think that this councillors behaviour was irresponsible and should not be tolerated by public bodies.
Complainant AB		03/01/23					
Complainant AC		04/01/23					
Complainant AD		05/01/23					
Complainant AE		06/01/23					
Complainant AF							
Complainant AG							
Complainant AH							
Complainant AI							
Complainant AJ							
Complainant AK							

Complainant AL							
Complainant AM							
Complainant AN							
Complainant AO							
Complainant AP							
Complainant AQ							
Complainant AR							