
Decision Maker: STANDARDS COMMITTEE

Date: Thursday 2 November 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 Interviews for the Independent Person vacancy were held on Wednesday 22 March 2023. All Members of the Standards Committee were invited to participate in the interviews, but due to timings the final interview Panel was comprised of Councillor Nicholas Bennett, Councillor Melanie Stevens, Councillor Pauline Tunnicliffe and Kath Nicholson. The Interview Panel was supported by the Monitoring Officer and the Deputy Democratic Services Manager.
- 3.2 Two candidates were interviewed and at the conclusion of the interviews the post of Independent Person was offered to both applicants, Mr Andrew Jackson and Mr Gary Rogers.
- 3.3 On 24 April 2023, full Council approved the appointment of Mr Jackson and Mr Rogers for a four-year term until the end of May 2027. Mr Jackson and Mr Rogers were also co-opted to the Standards Committee.

Training for Independent Person(s)

- 3.4 An induction for the newly appointed Independent Person was held on 12th July 2023. Officers will look to provide further refresher training towards the end of the next municipal year (in March 2025).

Dispensations

- 3.5 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.
- 3.6 There have been no dispensations granted since the Committee's last meeting.

Gifts and Hospitality Register

- 3.7 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 A.

Work Programme/Matters Outstanding

- 3.8 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. There are currently no matters outstanding from previous meetings.
- 3.9 The Council's 2023/24 programme of meetings includes three scheduled meetings of this Committee. The confirmed dates are: 15 June 2023, 2 November 2023, 20 February 2024. Members of the Standards Committee are encouraged to put forward items for discussion at future meetings to be added to the Work Programme attached at Appendix B.

Complaints Summary

- 3.10 An anonymised summary of complaints against Councillors, received since the Committee's last meeting, is included at Appendix C.
- 3.11 There are no formal standards investigations at present.
- 3.12 In terms of trends, there has been a rise in the number of complaints received regarding the tone of email communication from Members. It has been suggested by one Member that complainants should be required to provide copies of the emails complained of in support of any complaint.
- 3.13 The Monitoring Officer has met with one Member to discuss the tone of email communication. The Monitoring Officer will also be issuing advice to all Members regarding the need to consider issuing a timely apology in the event that complaints are received identifying breach of the Code of Conduct. The Monitoring Officer has noted the guidance within the Localism Act 2011 which sets out that where a Member issues an apology following a complaint no further action can be taken.

Appendices

(A) Gifts and Hospitality Register

(B) Matters Outstanding

(C) 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

Gifts and Hospitality Declarations (January 2023 to 10 October 2023)

Councillor	Date	Provider	Gift or hospitality
Cllr Dunbar	April 2023	Unicorn Publishing LLP	Copy of "Nine Lives" signed by the Author
	June 2023	VRN3XT	Invitation to VRN3XT including a bunch of flowers, time on their Airsoft shooting range, time using the interactive gaming suite and light refreshments.
	September 2023	Biggin Hill Airport	Ticket to the AIREXPO23
Cllr Grant	26.06.23	Bishop Challoner 6th Form	Bottle of Champagne (for presenting awards at 6th Form Graduation Ceremony)
Cllr Jack	31.03.23	The Crown, Chislehurst	VIP Guest
	05.05.23	The Crown, Chislehurst	VIP Guest
	17.06.23	The Chestnut Café, Chislehurst	Discounted meals and drinks
	07.09.23	Paul Britt	Dinner at Chislehurst Golf Club
Cllr Marlow	23.06.23	Liberata UK Limited/Outsourcing UK Limited/OUTSOURCING Incorporated	Japan Power of Polo charity tournament and lunch, Guards Polo Club, Windsor
Cllr Onslow	July 2023	Sponsors of the event	DG Publishing Strategic Investment Forum in Watford covering a series of local government pension fund issues and training - July 2023: Attended as Chairman of Pensions Committee - Accommodation and subsistence paid for by the sponsors of the event
	July 2023		Gifts of £100 and £80 in the form of Amazon Vouchers for assisting in two surveys regarding local government pensions issues. The total of £180 has been paid to the London Borough of Bromley Mayor's Charity Appeal.
Cllr Ross	13.08.23	Kent County Cricket Club	Three complimentary cricket match tickets and hospitality
Cllr Slator	10.04.23	Bromley Football Club	Ticket and hospitality for match against Borehamwood
Cllr Colin Smith	04.01.23	Crystal Palace FC	Hospitality at match
Cllr Diane Smith	27.08.23		Gift of bottle of brandy and bouquet of flowers (value unknown) for judging

			exhibits at the Abbots Way Allotments Annual Site Show
Cllr Mark Smith	30.03.23	London Councils	Reception at the Guildhall for newly elected councillors
	09.05.23	The Crown, Chislehurst	Hospitality at re-opening
	17.06.23	The Chestnut Café, Chislehurst	Discounted meals and drinks
	07.09.23	Paul Britt	Dinner at Chislehurst Golf Club
Cllr Stammers	30.03.23	London Councils	Reception at the Guildhall for newly elected councillors
	04.05.23	Chislehurst Society	Bouquet of flowers
	09.05.23	The Crown, Chislehurst	Hospitality at re-opening
	17.06.23	The Chestnut Café, Chislehurst	Discounted meals and drinks
	02.09.23	Felix Manor, Chislehurst,	Hospitality at as local councillor
Cllr Stevens	January 2023		Half hour flight in a Hornet Moth G-AHBL
	16.02.23	Biggin Hill Airport Ltd.	Biggin Hill Airport Limited Careers Day 2023 Looked After Children Event – The Warren
	May 2023	Biggin Hill Airport Ltd	LoCATE and Book Launch at Biggin Hill Airport - Received copy of "Nine Lives - The Story of Biggin Hill"
	12.09.23	Biggin Hill Airport Limited	Ticket for Air Charter Expo
Cllr Tickner	07.08.23	Kent County Cricket Club	Complimentary Cricket Match ticket and lunch at Kent County Cricket Ground, Beckenham
	06.08.23	Kent County Cricket Club	Complimentary Cricket Match ticket and hospitality at Kent County Cricket Ground, Beckenham

Work Programme and Matters Outstanding from Previous Meetings

Matters Outstanding from Previous Meetings:

There are currently no matters outstanding from previous meetings.

Work Programme:

The next meeting of the Committee will be held on 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 A	Councillor A	15/03/23	Comments around ULEZ suggest a lack of objectivity and possible breach of Code of publicity (misuse of Council resources)	Jonathan Farrell	24.03.23	No breach of the Code. No evidence of lack of objectivity or misuse of Council Resources	
Complainant B	Councillor B	30.03.23	Social Media Post	Kath Nicholson	18.04.23	The information included in the post did not amount to a breach of the Code of Conduct.	Complainant sent following up email clarifying points of the response and seeking further information.
Complainant C	Councillor C	20/02/23 (passed to Officer for investigation as Standards Complaint on 18/04/23)	Allegations around making misleading statements concerning an encounter following a planning meeting.	Jonathan Farrell	28.04.23	No evidence of any beach of the Code of Conduct concerning the account of the encounter.	
Complainant D	Councillor D	26/04/23	Refusal to meet with a Ward resident concerning a lawful development certificate.	Kath Nicholson	04/05/23	No breach of the Code. There is no obligation for Ward Members to meet with residents.	

Complainant E	Councillor E	11.05.23	Concerns around tone of email communication	Jonathan Farrell	09.06.23	Whilst the email may be considered to lack empathy this does not amount to a breach of the Code.	The complainant continued to email citing sections of the model code of conduct and pressing for investigation for breach of the Code. Explanation of the principles around freedom of speech/expression with respect to political opinion provided to complainant.
Complainant F	Councillor E	17.05.23	Concerns around tone of email communication	Kath Nicholson	09.06.23	Whilst the email may be considered to lack empathy this does not amount to a breach of the Code.	Complainant requested a copy of the EIA which was provided.
Complainant D	Members of a Plans Sub-Committee	19.05.23	Handling of a Lawful Development Certificate at a meeting	TBC			Currently on hold pending decisions from the Planning Inspector
Complainant G	Councillor F	06.06.23	Delays in updating Register of Interest	Jonathan Farrell	16.06/23	Not in the public interest to investigate. No sanction available as Register of Interest had been update prior to receipt of complaint.	

Complainant H	Councillor G	13.06.23	Complainant was seeking to reopen an historical complaint that was closed in April 2019.	N/A	15.06.23	Response was sent explaining that the complaint would not be re-opened.	
Complainant I	Unidentified Cllr	25.07.23	Complaint about an altercation in the street involving someone who "claimed" to be in authority but no evidence identifying a specific individual	N/A	01.08.23	Response was sent explaining that it was not possible to investigate until the individual was identified.	
Complainant J	Councillor A	31.08.23	Comments around ULEZ suggest a lack of objectivity and possible breach of Code of publicity (misuse of Council resources)	Kath Nicholson	09.08.23	Comments around the outcome of the ULEZ High Court case did not breach the Code of Publicity or the Code of Conduct.	
Complainant K	Councillor H	22.08.23	Allegation of promoting false information in a ULEZ social media post and bullying in responses.	Andrew Jackson	05.09.23	Code of conduct not engage as the councillor was posting in a private capacity.	
Complainant L	Councillor E	01.09.23	Failure to respond to emails about the Ringo App.	Gary Rogers	13.09.23	No breach of the code – Councillors are under no obligation to respond to every email they are sent.	The complainant responded expressing dissatisfaction with the "bureaucratic" complaints process which in their opinion "takes no account of real people".
Complainant M	Councillor E	15/09/23	Dissatisfaction with response to emails.	Jonathan Farrell	24.10.23	No evidence provided of a	

						breach of the Code of Conduct.	
Complainant N	Councillors I & J	13/10/23	Conduct at Plans Sub- Committee	Kath Nicholson			