

Decision Maker: STANDARDS COMMITTEE

Date: Tuesday 20 February 2024

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.

2. RECOMMENDATION

That

1. The Committee notes and comments on the Monitoring Officer's report; and
2. The proposed addition to Paragraph 7.7 of the Procedure for the consideration of Code of Conduct (Standards) complaints against elected Councillors (as outlined in paragraph 3.15) of the report be agreed.

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

Dispensations

- 3.1 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 local 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.
- 3.2 There have been no dispensations granted since the Committee's last meeting.

Gifts and Hospitality Register

- 3.3 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

- 3.4 The Council's 2024/25 programme of meetings includes three scheduled meetings of this Committee. The confirmed dates are: 17 July 2024, 7th November 2024, and 2 April 2025. 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.
- 3.5 All the Group Leaders who are not Members of this Committee are attending the meeting on 20 February. Following this, it is being proposed that the Chief Executive be invited to a meeting in the new municipal year to discuss his thoughts around ethical standards with the Standards Committee.

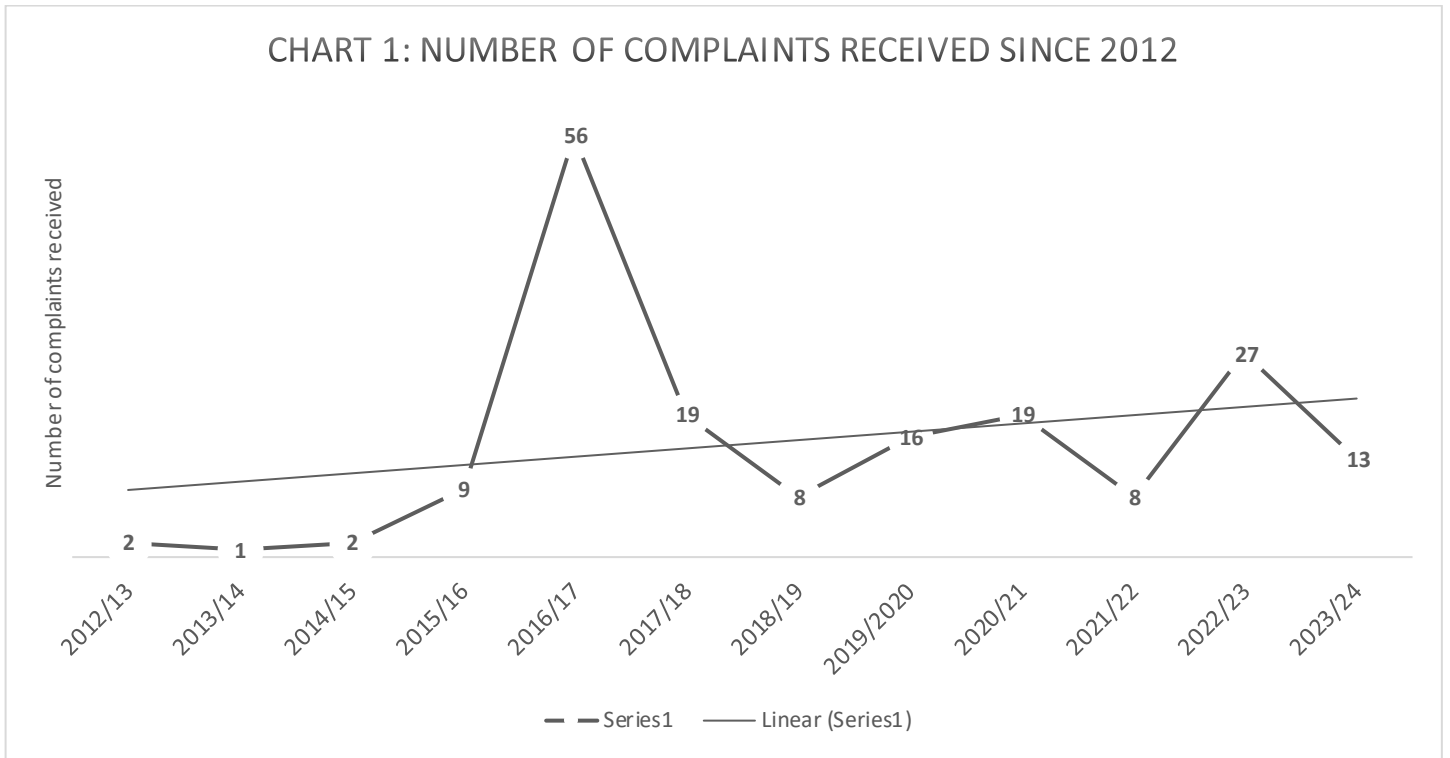
Complaints Summary

- 3.6 An anonymised summary of complaints against Councillors, received since the Committee's last meeting, is included at Appendix C.
- 3.7 There are no formal standards investigations outstanding at present.
- 3.8 In terms of trends, since May 2012 there has been a gradual increase in the number of complaints received, although, in general, numbers remain low. Social media continues to be an area where we encourage Members to adopt a cautious approach. Where there has been a spike in the number of complaints received, this can usually be attribute to an increase in complaints regarding social media posts.

Review of Complaints

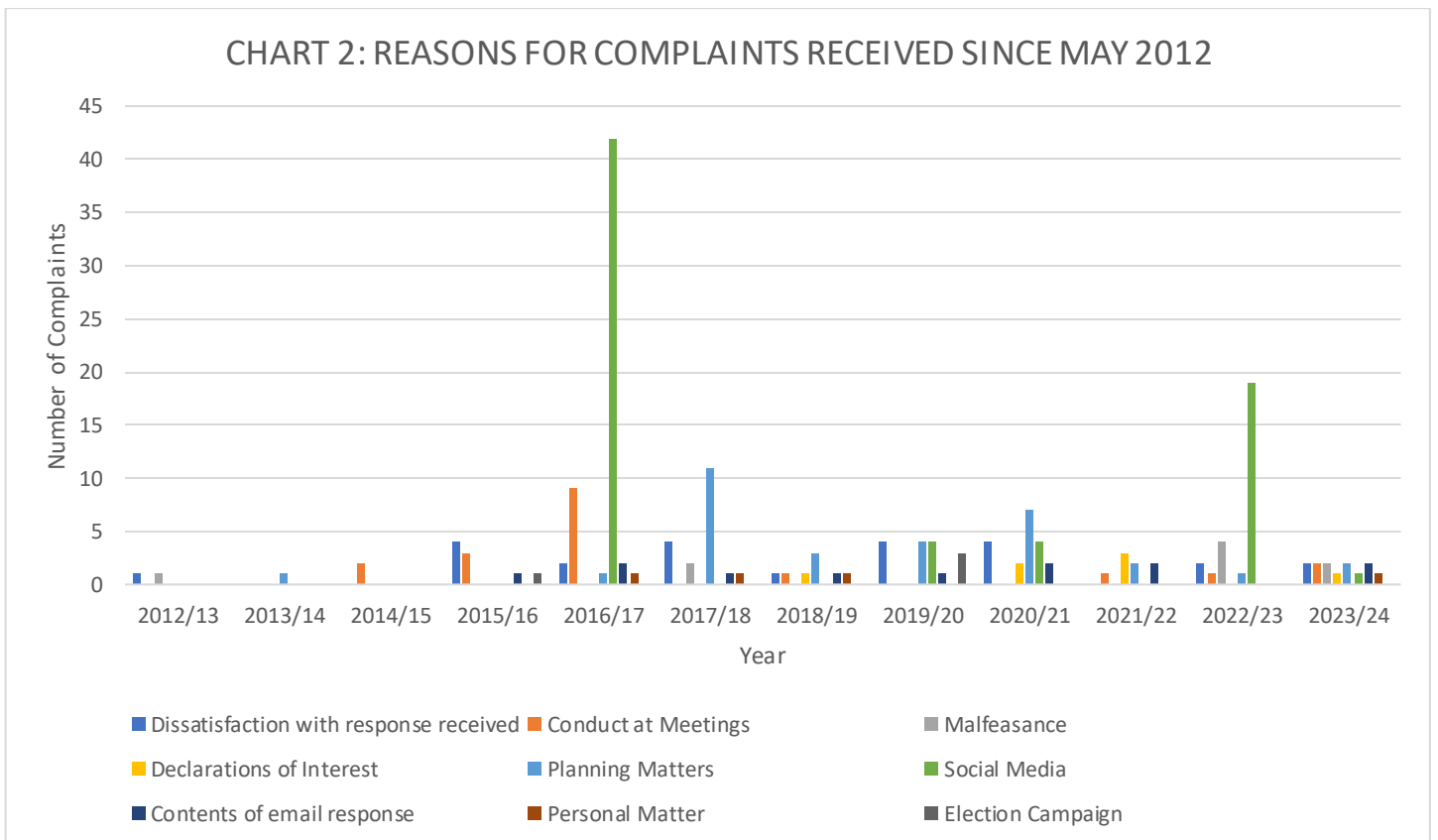
- 3.9 The chart below sets out the number of complaints received since May 2012.

CHART 1: NUMBER OF COMPLAINTS RECEIVED SINCE 2012



3.10 The chart below sets out the reasons for the complaints received since May 2012:

CHART 2: REASONS FOR COMPLAINTS RECEIVED SINCE MAY 2012



Cyber Security Training for Members (Referral from the Audit and Risk Management Committee on 7 November 2023)

3.11 On 7 November 2023 the Audit and Risk Management Committee considered the issue of cyber security training for Members (the relevant minutes is copied in Appendix D attached). It

was resolved that the request for the provision of cyber security training for Members be referred for consideration by the Standards Committee.

Update to the Procedure for the consideration of Code of Conduct (Standards) complaints against elected Councillors.

3.12 In its recently published [report](#) regarding the remuneration of councillors in London the Independent Panel on Members' Remuneration made the following recommendation:

Withholding allowances: We recommend that boroughs should include in their Allowances Scheme provision for their Standards Committee to withdraw allowances in whole or in part in the event of a member being suspended or partially suspended. All allowances should be withheld for the period of total suspension, and in the case of partial suspension the basic allowance should continue to be paid (though we would expect a member voluntarily to abate their claim according to the extent to which they were able to continue to perform the functions of a non-executive member), and to the extent that the partial suspension made it impossible or impracticable for a member to undertake activities in respect of which an special responsibility allowance was payable, that allowance should be withdrawn. It is likely that this would occur in any event, because of the need to appoint another member to undertake the functions concerned, who then become entitled to the allowance.

3.13 In response to this recommendation it is being proposed that the following addition (in italics) be made to paragraph 7.7 of the Procedure for the consideration of Code of Conduct (Standards) complaints against elected Councillors:

"If the Hearing Sub-Committee Considers that there has been a breach of the Code of conduct after consulting with the Independent Person(s) it may -

- a) decide no further action is required.
- b) censure the Respondent.
- c) request the Respondent to submit a written apology in a form specified by the Panel
- d) request the Respondent to undertake such training as the Panel may specify
- e) request that the Respondent participates in such conciliation as the Panel may specify
- f) report to the relevant Council on the outcome of the hearing with an appropriate recommendation
- g) require a report be submitted to Council requesting Council Issue a formal Censure notice
- h) advise the Leader of the Political Group to which the person belongs, of the outcome of the hearing in order that they can consider what appropriate disciplinary or other action should be taken, taking into account any relevant case law, which could include securing the removal of a member from any Council, committees
- i) advise the Leader of the Council, and where the Member complained of is also a Member of the Executive, request the suspension from or removal from the Executive.
- j) where permitted by law to recommend withdrawal of facilities or equipment.
- k) *withdraw allowances in whole or in part in the event of a member being suspended or partially suspended. All allowances will be withheld for the period of total suspension, and in the case of partial suspension the basic allowance will continue to be paid.*
- l) any other sanction permitted by law.

Appendices

(A) Gifts and Hospitality Register

(B) Matters Outstanding

(C) Complaints Summary

(D) Extract of the minutes from the Audit and Risk Committee held on 7 December 2023

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 (10 October 2023 to 6 February 2024)

Councillor	Date	Provider	Gift or hospitality
Cllr Jessica Arnold	04.11.23	5th Beckenham South Scout Group	Two tickets for the Beckenham Fireworks (worth £36) - made a charity donation in lieu of payment.
Cllr Yvonne Bear	05.12.23	Trafalgar Theatre Group	Attended a performance of the pantomime at the Churchill Theatre
Cllr Sophie Dunbar	10.12.23	BYMT	2 Tickets for the Bromley Youth Music Trust Symphony Orchestra Autumn Concert at St George's Church, Beckenham
Cllr Charles Joel	09.12.23	Mr Bruce Walker	Lunch at Bullers Wood School
	19.12.23	Trafalgar Theatre Group	Four pantomime tickets at a reduced price.
Cllr Alison Stammers	08.12.23	Mr Bruce and Mrs Anna Walker	Christmas Lunch at Bullers Wood School
	06.02.24	Chislehurst Neurological Rehabilitation Centre	Goody-bag received at Chislehurst Neurological Rehabilitation Centre Open Day

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 17th July 2024.

Items to be considered:

- Recommendation from ERC PDS to amend the Code of Conduct to reflect Members freedom of speech.
- Review of the criteria for the decision to investigate or not including timescales for submitting complaints.

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	02/11/23	Comments made at Residents' Association meeting	Andrew Jackson	22.11.23	No evidence of a breach of the Code – there is a higher tolerance for political speech.	
Complainant B	Councillor B and Councillor C	25/01/24	Conduct at ECS PDS meeting in September 2023	Gary Rogers	02.02.24	No evidence of a breach of the Code	

AUDIT AND RISK MANAGEMENT COMMITTEE

Extract from the Minutes of the meeting held at 7.00 pm on 7 November 2023

Present:

Councillor Michael Tickner (Chairman)
Councillor Robert Evans (Vice-Chairman)
Councillors Jeremy Adams, Felicity Bainbridge,
Simon Fawthrop, Dr Sunil Gupta FRCP FRCPATH,
Simon Jeal, Ruth McGregor, Greig Allen and Theresa Farr

Greig Allen and Theresa Farr

Also Present:

Charles Obazuaye and Vinit Shukle and Stella Nightingale

(Charles Obazuaye and Stella Nightingale attended
virtually)

Adrian Balmer from Ernst and Young (Virtual).

23 UPDATE FROM THE ASSISTANT DIRECTOR OF IT

The Assistant Director for IT attended the meeting to update the Committee with respect to data protection breaches. He drew the Committee's attention to the fact that the Internal Audit Redacted Report concerning data breaches had not identified any priority one recommendations. The Assistant Director for IT was asked if he was satisfied that all data breaches were being reported to him in a timely manner. In response the Assistant Director stated that he was confident of being informed of internal data breaches in a timely manner.

The Assistant Director stated that data breach statistics were being reported to CLT (Corporate Leadership Team) and COE (Chief Officers' Group). It was intended that the Data Loss Prevention Tool in the Council's Microsoft Office suite would be activated, and new stealth policies were being written into the Council's firewalls. It was noted that data breach reporting was written into LBB contracts, and the time frames for reporting data breaches were specified by the Information Commissioner's Office (ICO). In the last 12 months there had been 45 data breaches of which three had been reported to the ICO. A log of data breaches could be made available if required.

A Member asked if Councillors would be provided with security breach training. The Assistant Director for IT responded that this was a matter that was being looked into by the Director of Corporate Services and Governance. It was suggested that this was a matter that could be referred to the Standards Committee as it dealt with Member training, and that the Director of Corporate Services and Governance should be informed of the referral.

RESOLVED that the update from the Assistant Director for IT be noted and that the request for the provision of security breach training for Members be referred to the Standards Committee.

The meeting ended at 8.40 pm