

STANDARDS COMMITTEE

Minutes of the meeting held at 7.00 pm on 20 February 2024

Present:

Councillor Nicholas Bennett J.P. (Chairman)
Councillor Melanie Stevens (Vice-Chairman)
Councillor David Cartwright QFSM, Councillor Julie Ireland, Councillor Tony McPartlan, Councillor Michael Tickner, Jonathan Farrell, Andrew Jackson and Kath Nicholson

Also Present:

Councillor Simon Jeal, Councillor Colin Smith, Councillor Mark Smith and Councillor Simon Fawthrop

6 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Jack.

7 DECLARATIONS OF INTEREST

There were no additional declarations of interest.

8 MINUTES OF THE MEETING HELD ON 2 NOVEMBER 2023

RESOLVED: That the minutes of the meeting held on 2 November 2023 be agreed, and signed as a correct record.

9 QUESTIONS

There were no questions.

10 DISCUSSION WITH GROUP LEADERS

The Chairman welcomed the Group Leaders to the meeting and the Committee asked the following questions:

Do you feel your Members' behaviour measures up to the high ethical standards we expect in Bromley and what do you do as a leader to hold yourself accountable to ensuring those standards?

The Leader of the Labour Group said that broadly speaking Members' behaviour did measure up to the high ethical standards expected in Bromley. In the past two years, two complaints about Labour Members had been received and neither had been taken forward for investigation. A Group

Leader had to lead by example and model the behaviour that was expected of all Members by honouring the Nolan Principles.

The Leader of the Conservative Group and Leader of the Council confirmed that broadly Members of the majority party acted with the class and decorum expected of elected Members. The Leader of the Conservative Group said that he liked to believe that Members knew what was socially acceptable and acted accordingly. For a Group Leader, leading by example was critical to ensuring that all Members conducted themselves to the Standards expected. Also, as a Leader, when Members of the Group failed meet the levels of behaviour expected it was important to move firmly and decisively and remove them from the Group until such time as the Members proved themselves.

The Leader of the Chislehurst Matters Group noted that there were only three Members of the Group and as such they worked as a Team and supported and monitored each other. The Leader of the Chislehurst Matters placed on record that he had been very impressed with the way in which two particular issues that had arisen during the current term had been handled by the Leader of the Majority Group.

The Leader of the Liberal Democrat Group explained that at the beginning of the term some key principles for behaviour had been agreed by the Group. Members of the Group were conscious of being courteous at all times whether it be to residents, councillors or officers.

The Leader of the Biggin Hill Independent Group explained that the two Members of the Group tended to work together. They called on advice when needed.

Are you aware of any inappropriate influencing behaviour within the broader councillor community?

The Leader of the Conservative Group confirmed that he was not aware of any inappropriate influencing behaviour within the broader councillor community. There were instances where individual councillors tried to lobby other councillors. If there were any mild concerns, they may be around relationships with the developer community, although there has never been any evidence to report concerning inappropriate behaviour. Where concerns did arise, conversations took place with individual Members, but on the whole it was the view of the Leader that Bromley was very “clean nosed” as a Councillor Community.

The Leader of the Labour Group largely agreed with the Leader of the Council. All councillors received chain emails that tried to influence the views of Members. Developers were a challenge and the Leader of the Labour Group explained that he personally refused invitations and hospitality from developers who may have interest in the Borough. It could however be easy for new Councillors to be put in an awkward position if they were not provided with suitable advice and guidance.

The Leader of the Liberal Democrat Group confirmed that she was not aware of any inappropriate influence worth reporting. In relation to meetings with developers, Members of the group ensured that every meeting was fully documented.

The Leader of the Chislehurst Matters Group confirmed that Members of the Group were careful and non-committal with developers and ensured that meetings were noted and documented.

The Leader of the Biggin Hill Independents highlighted the importance of Leaders providing guidance and advice to new members as influence was not always obvious.

The Chairman of the Committee suggested that in the future the Committee should undertake a review of the guidance for members around interaction with developers and companies seeking to do business with the Council to ensure that there were clear rules in place.

In response to a question from one of the Independent Persons, a discussion took place around whether Members (and particularly Members of the Planning Sub-Committees) met with developers on their own. The Leader of the Conservative Group confirmed he was not on a Plans Committee but nevertheless only ever met with developers with a fellow ward member present.

The Leader of the Liberal Democrat Group explained that due to time constraints members of the Group often did meet with developers on their own, but notes were taken. Members of the Group felt that site visits were an important part of the planning process.

A Member of the Committee suggested that it was wise for any Member to be accompanied when meeting with developers and that a cautious approach needed to be taken to such meetings.

A visiting Member who was also Chairman of one of the Plans Sub-Committees confirmed that he never met developers on his own. Specific guidelines were in place for planning, and it was hoped that all Members followed the guidelines.

The Monitoring Officer reported that the Constitution Working Group would be undertaking a further review of the planning protocol.

Complaints come in for all sorts of reasons, do Group Leaders feel the processes in place are an effective and timely way of addressing complaints and dealing with the issues raised by residents?

The Leader of the Liberal Democrat Group explained that she was not comfortable with the complaints process as the Code of Conduct had failed to deal with some outrageous behaviour that had occurred during the current

term. The legal framework placed limitations on the sanctions that could be put in place and there needed to be a Code of Conduct which enabled reprimand.

The Leader of the Chislehurst Matters Group said that whilst he had some sympathy for the comments made by the Leader of the Liberal Democrat Group he had felt that the issues that had occurred during the term had been adequately dealt with albeit through the Group disciplinary system rather than the Code of Conduct. The Leader of the Chislehurst Matters Group felt that the Standards Committee worked well and the system for reporting and considering complaints against Members worked well.

The Leader of the Conservative Group explained that in his view, the system had become a little messier since the legislative changes to the standards regime in 2011/12. It would not be a bad thing if there were a little more means and grip to sanction in cases where it was deemed necessary.

The Leader of the Labour Group suggested that the current legal framework, put in place thirty years ago, was out dated and needed to be updated to reflect the context of the modern world of technology and social media. The political party system acted as a back stop to ensure that issues of poor conduct were addressed but the downside of this was that the process was not transparent. The Leader of the Labour Group suggested that the Code of Conduct and the process for handling complaints worked well, given the legislative limitations. However, there could be a possible update to the process in respect of closing down complaints that were not possible to investigate from the outset (if for example no subject member was identified) to ensure that any Member that was implicated with no evidence was notified that the complaint would not be taken forward. The Leader of the Labour Group also highlighted that it was worth recognising that Members may become anxious when complaints were made and the complaints handling procedure should be conducted as efficiently as possible with Members supported through the process as necessary.

The Leader of the Biggin Hill Independents confirmed that she felt that the complaints process worked well, and that Members were treated with respect and courtesy throughout. In the experience of the Leader of the Biggin Hill Independent Group timely responses to complaints were provided and Members kept well informed and supported. The Leader of the Biggin Hill Independent Group agreed that there were issues around the sanctions that were available, and this needed to be addressed through legislation.

In response to some of the comments that had been made, the Monitoring Officer provided an overview of the process for handling complaints and the limited action that could be taken. It was recognised that there was a lack of understanding about the sanctions that could and could not be put in place – there were very few sanctions available. It was agreed that it would be helpful to provide a Member briefing around the operation of the law.

In response to a question, the Leader of the Conservative Group confirmed that he had received adequate support with handling the two sensitive issues that had arisen during the current term.

In response to a further question around managing the expectations of complainants, the Monitoring Officer explained that in general responses were sent promptly. Responses generally followed a standard format which explained the legislative framework and set out the limited sanctions available.

In response to a question, the Group Leaders set out the different processes adopted by the parties for vetting and selecting new candidates. It was noted that in all cases Group Leaders had no involvement in the process but that there was a clear role for Leaders in ensuring that any newly selected candidates fully understood the restrictions that were put on councillors in terms of commenting on potential issues (especially in relation to planning) and there was a clear role for training in this matter.

The Chairman thanked all the Group Leaders for attending the meeting and sharing their views with the Committee.

11 MONITORING OFFICER'S GENERAL REPORT Report CSD24018

The report updated the Committee on a range of standards issues. It was noted that the changes proposed in paragraph 3.13 of the report could not be taken forward at the current time as the necessary legislative changes had not yet taken place to enable the changes. Currently there was no legal basis to without allowances from Members.

The Monitoring Officer confirmed that there would be a review of the Code of Conduct. Further benchmarking would take place as some other Councils had done some work around sanctions.

The Committee agreed that plans should be put in place to provide training for Members around cyber security and data protection. It was suggested that the training could be offered in a similar format to the training provided to staff.

RESOLVED: That the report be noted and that Cyber Security and Data Protection training be made available to all Councillors.

The Meeting ended at 7.52 pm

Chairman