



LONDON BOROUGH OF BRENT

MINUTES OF THE STANDARDS COMMITTEE Thursday 1 October 2015 at 7.00 pm

PRESENT: Councillor Dixon (Chair), Councillor Kabir (Vice-Chair) and, Councillors Collier, Krupa Sheth and Warren together with coopted member Sheila Darr.

1. Declarations of personal and prejudicial interests

None made.

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 25 March 2015 be approved as an accurate record of the meeting.

3. Matters arising

Members were pleased to hear that the council had been successfully accredited with the London Councils Member Development Charter Plus award, the first London borough to have achieved accreditation and requested an update on member training at a future meeting.

It was noted that all members would have the opportunity to debate improvements to the format of Full Council meetings at the next Full Council meeting in November and that the Annual Governance Report of the Monitoring Officer would come to the January meeting of this committee.

4. Members' Code of Conduct and Members' Gifts and Hospitality Protocol

Fiona Alderman (Chief Legal Officer) introduced her report which set out proposed changes to the Members' Code of Conduct and a draft Members' Gifts and Hospitality Protocol for consideration and referral to Full Council for approval. She drew attention to the history of the Code of Conduct and the recent review and audit of gifts and hospitality which highlighted a need for greater clarity. Looqman Desai (Senior Lawyer) explained the substantive changes proposed as set out in the report including the requirement for mandatory training on the Code of Conduct, bringing the new code into line with legislation requiring registration of interests within 28 days of election, extending personal interests to include close associates and, where members disclosed pecuniary interests in a meeting, the requirement to leave the meeting. On gifts and hospitality, best practice had been adopted now to include a series of gifts from one person in a year.

Members questioned possible sanctions for failing to attend mandatory training and heard that breaches of the code could form the basis of a complaint. The Chief Legal Officer advised that a final 'wrap up' training session would be arranged which would be extended to co-opted members.

The committee discussed the general obligations of members under the Code of Conduct. It was noted that under the current arrangements, the Chief Legal Officers in her capacity of Monitoring Officer, considered all complaints from members a number of which were rejected as not disclosing a potential breach of the code or because enforcing the code was not in the public interest, without penalty or reference to this committee. The committee considered and agreed a proposal to add an additional obligation preventing members from using their position to make repeated, frivolous or vexatious complaints.

The Chief Legal Officer responded that such an obligation could be covered by the existing obligations of respect and not bringing the office into disrepute and also reminded members that freedom of expression rights under Article 10 of the Human Rights Act 1988 may have a bearing on what was considered frivolous or vexatious. Members acknowledged that the bar was set high but felt that the obligation was important enough to be expressly mentioned in the code.

Regarding the other changes to the Code of Conduct, the committee felt that it should be emphasised to members that non-compliance of the requirements relating to interests for elected members was a criminal offence. This sanction did not apply to co-opted members. It was also felt that members' obligations relating to the use of council resources, including photocopying and phone calls, should be emphasised.

The committee then considered the new Members' Gifts and Hospitality Protocol and the Chief Legal Officer advised that training was being devised that would draw attention to the related criminal offences. Members welcomed the new protocol which they felt was very clear and allowed a practical approach to be adopted.

RESOLVED:

- (i) that approval be given to the proposed changes to the Members' Code of Conduct and the draft Members' Gifts and Hospitality Protocol;
- (ii) that it be noted that the Licensing and Planning Codes of Practice would be revised to reflect the proposed changes to the Members' Code of Conduct;
- (iii) that Full Council be recommended to approve the revised Members' Code of Conduct and the draft Members' Gifts and Hospitality Protocol subject to the inclusion of an additional obligation (e) under the Members' Code of Conduct paragraph 4. (2) as follows:

You must not –

- (e) make frivolous, vexatious or repeated complaints against another member or an officer of the council.”

5. **Date of Next Meeting**

It was noted that the next meeting was scheduled for 7 January 2016.

6. **Any other urgent business**

Reference was made to allegations of misconduct that had been recently emailed to councillors by a member of the public. The Monitoring Officer advised that under the procedure, she would be considering the complaint with the Chief Executive and the independent person. If necessary, there would be a referral to a special meeting of the Standards Committee.

The meeting closed at 7.40 pm

L DIXON
Chair