



Standards Committee

Thursday 1 October 2015 at 7.00 pm

Boardroom - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Membership:

Members

Councillors:

Dixon (Chair)
Kabir (Vice-Chair)
Collier
Krupa Sheth
Warren

Substitute Members

Councillors:

Khan, Mahmood, McLeish and Tatler

Councillors:

Co-opted Member:

Sheila Darr

For further information contact: Anne Reid, Principal Democratic Services Officer
020 8937 1359, anne.reid@brent.gov.uk

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democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
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1	Declarations of personal and prejudicial interests	
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Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

2	Minutes of the previous meeting	1 - 6
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3	Matters arising	
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4	Members' Code of Conduct and Members' Gifts and Hospitality Protocol	7 - 28
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This report gives the Standards Committee the opportunity to consider proposed changes to the Members' Code of Conduct and a draft Members' Gift and Hospitality Protocol and to recommend to Full Council that they be approved.

Ward Affected: All Wards

Contact Officer: Looqman Desai, Legal Services

Tel: 020 8937 1366

looqman.desai@brent.gov.uk

5	Date of Next Meeting	
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The next meeting of the committee is scheduled to take place on 7 January 2016.

6	Any other urgent business	
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Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 64.



Please remember to switch your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.

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LONDON BOROUGH OF BRENT

MINUTES OF THE STANDARDS COMMITTEE Tuesday 9 December 2014 at 7.00 pm

PRESENT: Councillor Dixon (Chair), Councillor Kabir (Vice-Chair) , Councillors Davidson (substitute for Councillor Warren), Krupa Sheth and Thomas and Co-opted Member Sheila Darr

Also present: Councillor Mahmood

An apology for absence was received from: Councillor Warren

1. **Declarations of personal and prejudicial interests**

None declared.

2. **Minutes of the previous meeting held on 27 March 2014**

RESOLVED:-

that the minutes of the previous meeting held on 27 March 2014 be approved as an accurate record of the meeting.

3. **Matters arising**

None.

4. **Review of the Member Development Programme and members' expenses**

Rhiannon Leary (Mayor's Office and Member Development Manager) presented the report that outlined the member and learning development sessions delivered to members since May 2014 and the upcoming sessions for the quarter January to April 2015. The committee heard that overall the sessions had received positive feedback and the last session on school place planning on 3 December 2014 had been well attended, with 17 members present. Members noted that feedback from the Member Development Charter Award assessors had indicated that there was an excellent chance of achieving Charter Plus, regarded as the gold standard for good practice in the field of member development. The committee noted the attendance records for the respective training sessions. Rhiannon Leary advised that there had been changes to members' expenses and this was set out in the report. Members also noted the Member Learning and Development Steering Group terms of reference included in appendix two of the report.

During members' discussions, it was remarked that the sessions to date offered high quality training, although not every member signed the attendance sheet for

the sessions that they had attended. A member enquired whether there had been moves to introduce new members to the council's partners, such as going on a tour of the Brent Housing Partnership (BHP) estates and of the borough in general. He suggested that the council liaise with the relevant housing providers for new members to visit the estates in areas such as Chalkhill and Stonebridge. A member asked whether all members who needed to undertake mandatory training, such as those on the Planning Committee and the Alcohol and Entertainment Licensing Committee, had done so. A member queried to what extent the Member Learning and Development Steering Group informed what sessions would be provided to members and was the intention to achieve Charter Plus being promoted. Another member commented that members from other boroughs had been impressed upon hearing about the council's Member Development Programme.

In reply to the issues raised, Rhiannon Leary advised that members' attendance at sessions was usually spotted and recorded even if the member had not signed the attendance sheet. She advised that the regeneration coach tour of the borough in July 2014 had given the opportunity for new members in particular to find out more about the borough, whilst showing members around the various estates managed by the council's partners would also be looked at as part of the Member Development Programme in the next quarter.

Thomas Cattermole (Head of Executive and Member Services) confirmed that all members who required mandatory training had undertaken this. He confirmed that the council had successfully been re-accredited with the Member Development Charter Award in January 2014 and this was attributable to the efforts of members, the Mayor's Office and Member Development Manager and the Chief Finance Officer, along with the key role played by the Member Learning and Development Steering Group. Thomas Cattermole stated that serious consideration should be given to achieving Charter Plus in order to build on the high standards in the area of member development. He added that the council was not complacent with regard to member development and the large proportion of new members meant that training needed to be ongoing.

RESOLVED:

that the report on the review of the Member Development Programme and members' expenses be noted.

5. Review of the Protocol for Member/Office Relations and the Local Code of Corporate Governance

Kathy Robinson (Senior Lawyer, Legal and Procurement) presented the report and advised that the role of the Standards Committee involved routinely reviewing various codes and protocols. The review of the Protocol for member and officer relations promoted high quality conduct and she referred to the proposed changes as set in appendix one of the report. Members heard that the Protocol was a document of principle on member and officer behaviour and did not seek to address every conceivable situation. Kathy Robinson then drew members' attention to the proposed changes to the Local Code of Corporate Governance as set out in appendix two of the report. She explained that the Code was mainly concerned about the council's behaviour overall and in promoting good governance. The

Code was aspirational and set a benchmark for good governance and other local authorities Codes were also fairly similar

During discussion, a member enquired whether member and officer relations could be discussed at the Employees' Joint Consultative Committee. He commented that relations between members and officers was particularly important in matters relating to issues such as planning and licensing. Another member referred to the Members Code of Conduct and sought further clarification about the relevant grounds for members making complaints about other members and asked for an example of what would constitute a breach of leadership. He also requested that he be emailed the Members Code of Conduct. Another member commented that advice notes on the various codes were also useful. With regard to the revised Local Code of Corporate Governance, a member commented that the six principles were very clear and was fuller and more comprehensive than the previous one.

Sheila Darr (Co-opted Member) commented that respect for others was a particularly important and powerful principle in the Members Code of Conduct and this needed to be taken into account when considering leadership issues.

In reply, Kathy Robinson advised that the interface between members and officers and their role in the council was distinct from employer and employee relations. The role of the Employees' Joint Consultative Committee was to discuss general employer/employee relations as opposed to individual cases. With regard to the Members Code of Conduct, Kathy Robinson advised that the Localism Act set out the principles that should be included and it was up to individual local authorities to produce a code from this. There were also supplementary codes and protocols for planning and licensing. With regard to leadership, Kathy Robinson advised that lead members should act with integrity and respect and she agreed to email Councillor Davidson the Members Code of Conduct and stated that she would circulate all codes to members if they felt that this would be useful. With regard to the Local Code of Corporate Governance, Kathy Robinson advised that this had been updated following recent revised guidance from the Government. Members noted that the recommendations in the report would also need approval at Full Council on 19 January 2015.

Thomas Cattermole added that the Protocol for member and officer relations also provided useful guidance for both parties in relation to more complex issues such as confidentiality.

RESOLVED:

- (i) that the changes made to the Protocol for member/officer relations as set out in appendix one of the report be endorsed; and
- (ii) that the changes made to the Local Code of Corporate Governance as set out in appendix two of the report be endorsed.

6. **Annual report of the Monitoring Officer**

Kathy Robinson presented the annual report on behalf of the Monitoring Officer which set out the work of the Standards Committee between December 2013 and December 2014. The composition of the Standards Committee was now politically

balanced and also included an independent member as required by legislation and also because it was important that the committee received external input. Members noted that complaints against members would involve not only the Monitoring Officer but also an independent person and the council was currently recruiting to this role. Members heard that under previous arrangements, all complaints whether major or minor were referred to the Standards Committee. Under changes to legislation, the Standards Committee was not required to meet as often.

During members' discussion, it was asked whether a serious complaint would be referred to the Standards Committee and what subsequent action would be taken and within what timelines. Another member commented that it would be useful to have more information about the process in respect of complaints against a councillor. Clarification was sought as to whether a member was required to declare any gift that they received.

Sheila Darr commented on the importance of timescales in relation to complaints against councillors and the processes that were to be undertaken to be explained to members.

In reply to the issues raised, Kathy Robinson advised that in respect of a serious complaint against a councillor, an independent person would look into the matter and make a decision as to whether to investigate further. If it was decided that further investigation was required, an independent investigator would be appointed to produce a report making recommendations to the Standards Committee which would then decide whether it would follow the recommendations. If the matter was felt particularly serious, a hearing may also be arranged. Members noted that local procedures set out the timeframe and Kathy Robinson agreed to provide the committee with details of this and also a description of the process of handling a complaint against a councillor. Kathy Robinson advised that advice notes issued throughout the year from the Monitoring Officer also reminded members about various codes and protocols, including when these were updated and guidance was also subsequently issued to ensure members understood what was expected from them. Members noted that all receiving of gifts should be declared and that there should also be careful consideration as to whether it was appropriate to accept the gift and would it potentially harm perception of objectivity or give the impression of potential bias if it was accepted.

RESOLVED:

that the annual report from the Monitoring Officer be noted.

7. Date of next meeting

It was noted that the next meeting of the Standards Committee was scheduled to take place on Wednesday, 25 March 2015 at 7.00 pm.

8. Any other urgent business

None.

The meeting closed at 8.05 pm.

L DIXON
Chair

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 Brent	<p style="text-align: center;">Standards Committee 1 October 2015</p> <p style="text-align: center;">Report from the Chief Legal Officer</p>
<p>For Action Wards Affected: ALL</p>	
<p>Members' Code of Conduct and Members' Gifts and Hospitality Protocol</p>	

1.0 Summary

- 1.1 This report gives the Standards Committee the opportunity to consider proposed changes to the Members' Code of Conduct and a draft Members' Gift and Hospitality Protocol and to recommend to Full Council that they be approved.

2.0 Recommendations

- 2.1 That the Committee consider the proposed changes to the Members' Code of Conduct and the draft Members' Gift and Hospitality Protocol and comment as appropriate.
- 2.2 That the Committee note that the Licensing and Planning Codes of Practice will also be revised to reflect the proposed changes to the Members' Code of Conduct.
- 2.3 That the Committee recommend to Full Council that the revised Members' Code of Conduct and the draft Members' Gift and Hospitality Protocol be approved.

3.0 Detail

Statutory background

- 3.1 The Council has a statutory duty under the Localism Act 2011, to promote and maintain high standards of conduct by elected members and co-opted or

appointed members (collectively referred to in this report as members) of the Council. In particular, the Council has to adopt a code dealing with the conduct that is expected of members when they act in an official capacity. This code has to be consistent with the following principles: selflessness; integrity; objectivity; accountability; openness; honesty and leadership. It also has to make provision for the registration and disclosure of interests by members.

- 3.2 The Council can revise its code at any time but is required to publicise the revision of the code in such manner as it considers is likely to bring the revision to the attention of persons who live in its area.
- 3.3 The function of revising a code of conduct cannot be delegated and has to be discharged by Full Council.

Factual background

- 3.4 The existing Members’ Code of Conduct was adopted in July 2012 and revised last year, following an external review of the Council’s Licensing and Planning Codes of Practice. This review recommended that consequential changes be made to the Members’ Code of Conduct to deal more comprehensively with conflicts of interest, especially non-financial interests.

Revised Members’ Code of Conduct and draft Members’ Gift and Hospitality Protocol

- 3.5 A more recent review by the Monitoring Officer and, in particular, a recent Internal Audit report on declaration of interests and gifts and hospitality by members (which was considered by the Audit Committee), highlighted the need for further improvements and formal guidance to members on gifts and hospitality.
- 3.6 Consequently, the revised Brent Council Code of Conduct for Members is attached to this report as Appendix 1 for the Committee’s consideration and comments as appropriate.
- 3.7 In broad terms, changes have been made to the Council’s code to improve the wording, formatting and presentation of the document. The textual and technical changes aim to express and explain the requirements of the code more clearly and helpfully.
- 3.8 The table below highlights and explains the substantive changes in greater detail.

Paragraph No.	Heading	Explanation
1(3)	Introduction and interpretation	The code applies to both elected councillors and co-opted members.

		<p>For the avoidance of doubt, the code now defines the term “co-opted member”. It includes appointed members with or without voting rights.</p> <p>The council’s minimum statutory obligation is to extend its code to co-opted members <i>with</i> voting rights but it is generally considered to be good corporate governance practice to require non-voting co-opted members to comply with the same standards too. The only practical difference is that the criminal offences created by the Localism Act 2011 (the Act) do not apply to non-voting co-opted members.</p>
7(b)	General obligations (use of council resources)	<p>Members use of council resources is restricted.</p> <p>The requirement to have regard to any applicable local authority code of publicity made under the Local Government Act 1986 has been added. This reflects the wording of the former prescribed code which was abolished in 2012.</p> <p>In actual fact, the requirement to comply with the local authority code of publicity is referred to at the end of the existing code.</p> <p>It is suggested that it should also be referred to in this paragraph too.</p>
9	General obligations (training)	<p>The requirement to attend mandatory training on the Members’ Code of Conduct and on Members’ standards in general has been added.</p> <p>The purpose of this change is to underscore the importance of members ensuring that they know and understand their obligations under the code and how to manage conflicts of interest.</p> <p>The intention is to secure 100% attendance on all mandatory training sessions for members.</p>
11	Registration of interests	<p>The wording has been simplified to make clear that the initial trigger point for the registration of interests is on election or appointment.</p> <p>The existing code states that members are required to register any interests within 28 days of the code being adopted or their election/appointment (whichever is later).</p> <p>However, the Act requires members to register</p>

		<p>their interests within 28 days of their election or appointment in all circumstances and without exception. The existing wording is therefore confusing and misleading as it could be interpreted as extending the statutory deadline.</p> <p>The wording of the existing code requires members to register all of their interests on their re-election. This has been changed to match the requirements of the Act. Namely, members only have to notify the Monitoring Officer of any <i>changes</i> to a registered interest or a <i>new</i> interest.</p>
13(2)(a)	Personal interests	<p>The existing code states that members have a personal interest if, amongst other reasons, their well-being or financial position is affected or if the well-being and financial position of a member of their family or any person with whom they have a close association. For the avoidance of doubt, the term ‘friend’ has now been added.</p>
17 & 18	Disclosure of interests and participation in meeting	<p>The existing code allows members to participate (i.e. make representations, answer questions or give evidence) in meetings, even if they have a prejudicial or disclosable pecuniary interest provided that the public have the same participation rights too.</p> <p>However, according to the Act, unless a dispensation is granted, it is a criminal offence for members to, without reasonable excuse, “participate in any discussion” if they have a disclosable pecuniary interest.</p> <p>According to the DCLG guide to councillors titled “Openness and transparency on personal interests”, if a member has a disclosable pecuniary interest the prohibitions apply “to any form of participation including speaking as a member of the public. Although the guide has no force of law, it is significant and carries weight.</p> <p>The Act clearly overrides the code and it is important therefore that any confusion the wording of the existing code may create is eliminated.</p> <p>Accordingly, the code has been changed to set out separately the consequences of, on the one</p>

		<p>hand, having a prejudicial interest and, on the other, a disclosable pecuniary interest. The code now makes clear if a member has a disclosable pecuniary interest, he/she must not participate in any discussion of, or in any vote on, the matter at the meeting.</p> <p>In these circumstances, members can make written representations or appoint a representative or, at least in principle, apply for a dispensation.</p>
19	Dispensations	<p>The existing code lists some but not all the statutory grounds for granting dispensations.</p> <p>The code has been changed to refer to section 33(2) of the Act but does not specify any of the grounds.</p>
Appendix B, 3)	Personal interests	<p>The existing code requires members to register gifts and hospitality “worth more than an estimated value of £50”.</p> <p>This has been changed as follows:</p> <p>“....a gift or hospitality worth an estimated value of at least £50 in your capacity as a Member. This includes a series of gifts and hospitality from the same person that add up to an estimated value of at least £50 in a municipal year.”</p>
20	Related documents	<p>The Members’ Gifts and Hospitality protocol has been added.</p>

- 3.9 As the requirements of the Members’ Code of Conduct are repeated in the Licensing and Planning Codes of Practice, the Committee is asked to note that these codes will also be revised to reflect the proposed changes to the Members’ Code of Conduct.
- 3.10 The draft Members’ Gifts and Hospitality Protocol, which is attached to this report as Appendix 2, is intended to supplement the Members’ Code of Conduct as a non-statutory guidance document. The Protocol reminds members of their Code of Conduct obligations to register and declare gifts and hospitality received in an official capacity worth an estimated value of at least £50; gives examples of different types of gifts and hospitality; provides guidance to members about when it is appropriate to accept gifts and hospitality and the questions members should ask themselves.
- 3.8 Members are asked to consider the draft Protocol and comment as appropriate. Finally, Members are invited to recommend to Full Council that

the revised Members' Code of Conduct and the draft Members' Gift and Hospitality Protocol be approved.

4.0 Financial Implications

4.1 There are no specific implications arising from this report.

5.0 Legal Implications

5.1 These are addressed in the body of the report.

6.0 Diversity Implications

6.1 None.

Background Papers

None

Contact Officers

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FIONA ALDERMAN
Chief Legal Officer

BRENT COUNCIL CODE OF CONDUCT FOR MEMBERS

PART 1

Introduction and interpretation

1. (1) This Code applies to you as a member of Brent Council.
- (2) It is your responsibility to comply with the provisions of this Code.
- (3) In this Code –

“meeting” means any meeting of –

- (a) Full Council;
- (b) The Cabinet ;
- (c) Any of the Council’s or Cabinet’s committees, sub-committees, joint committees or joint sub-committees;

“member” includes a co-opted member. A co-opted member is a person who is not a member of the Council but is a member (with or without voting rights) of any committee or sub-committee of the Council or represents the Council on any joint committee or joint sub-committee of the Council.

Scope

2. (1) You must comply with this Code whenever you -
 - (a) Conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) Act, claim to act, or give the impression you are acting as a representative of the Council,
and references to your official capacity are construed accordingly.
- (2) Where you act as a representative of the Council –
 - (a) On another authority, you must, when acting for that other authority, comply with that other authority’s code of conduct, or
 - (b) On any other body, you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligation to which that other body may be subject.

PART 2

High standards of conduct

3. You must maintain a high standard of conduct and, in particular, comply with the following general principles:

The General Principles

Selflessness – you should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Integrity – you should not place yourself in situations where your integrity may be questioned, should not behave improperly and should on all occasions avoid the

appearance of such behaviour.

Objectivity – you should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – you should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.

Openness – you should be as open as possible about your actions and those of their authority, and should be prepared to give reasons for those actions.

Honesty – you should be truthful in your Council work and avoid creating situations where your honesty may be called into question.

Leadership – you should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

General Obligations

4. (1) You must treat others with respect.

(2) You must not –

(a) Do anything which may cause the Council to breach any of the duties under the Equality Act 2010;

(b) Bully any person;

(c) Intimidate or attempt to intimidate any person who is or is likely to be –

(i) A complainant,

(ii) A witness, or

(iii) Involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with this Code; or

(d) Do anything which comprises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

6. You must not –

(a) Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –

(i) You have the consent of a person authorised to give it;

(ii) You are required by law to do so;

(iii) The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

<p>(iv) The disclosure is –</p> <ul style="list-style-type: none"> (aa) Reasonable in all the circumstances; and (bb) In the public interest; and (cc) Made in good faith and in compliance with the reasonable requirements of the Council; or <p>(b) Prevent another person from gaining access to information to which that person is entitled by law.</p>
<p>7. You –</p> <ul style="list-style-type: none"> (a) Must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage, and (b) Must, when using or authorising the use by others of the resources of the Council – <ul style="list-style-type: none"> (i) Act in accordance with the Council’s reasonable requirements; (ii) Ensure that such resources are not used improperly for political purposes (including party political purposes); and (iii) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
<p>8. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by –</p> <ul style="list-style-type: none"> (a) The Council’s Chief Finance Officer; or (b) The Council’s Monitoring Officer, <p>where that officer is acting pursuant to his or her statutory duties.</p> <p>(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.</p>
<p>9. You must attend mandatory training sessions on this Code or Members’ standards in general, and in accordance with the Planning Code of Practice and Licensing Code of Practice.</p> <p>10. You must attend Safeguarding training provided by the Council and receive, attend and consider updates as appropriate.</p>
<p>PART 3</p> <p>Interests</p> <p>Registration of Interests</p> <p>11. (1) You must, within 28 days of your election or your appointment as a co-opted member, notify the Monitoring Officer in writing of any interests which fall within the categories specified in Appendix A (Disclosable Pecuniary Interests) or Appendix B (Personal Interests).</p> <p>(2) You must, within 28 days of your re-election or re-appointment as a co-opted Member, or becoming aware of any change to an interest registered or any new interest, notify the Monitoring Officer in writing of any change to your</p>

interests or any new interests which fall within the categories specified in Appendices A (Disclosable Pecuniary Interests) and B (Personal Interests).

- (3) The Monitoring Officer will maintain the Council's register of interests and enter onto that register all interests notified to him/her.

Sensitive Interests

- 12 (1) If the nature of the your interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation your interest will be considered to be a sensitive interest.
- (2) Your sensitive interest will still be entered in the Council's register of interests, but the copies of the register that are made available for inspection, and any published version of the register, will not include details of the interest. Instead it will state that you have an interest but the details have been withheld because it is a sensitive interest.
- (4) If at a meeting you have an interest which the Monitoring officer agrees is a sensitive interest, you must disclose to the meeting that you have an interest that is sensitive but need not disclose the nature of the interest or any sensitive information to the meeting.

Definition of Interests

Personal Interests -

- 13 (1) For the purposes of this Code you have a **personal interest in any** business of the Council where either -
- (a) The business of the Council relates to or is likely to affect an interest that you are required to register under Appendix B; or
- (b) Where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision;
- and that interest is not a disclosable pecuniary interest.
- 13 (2) For the purpose of paragraph 13(b) a "relevant person" is -
- (a) a member of your family or your friend or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed persons in sub-paragraph (2)(a), any firm in which they are a partner, or any company of which they are a director; or
- (c) any person or body in whom persons in sub-paragraph (2)(a) have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in Appendix B, paragraph 1) and 2).

Prejudicial Interests

- 14 (1) Where you have a personal interest, you also have a **prejudicial interest** in that matter where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest;

and the matter:

- (a) affects your financial position or the financial position of a person or body described in paragraph 13, **or**
- (b) relates to the determining of any approval, consent, licence, permission, or registration in relation to you or any person or body described in paragraph 13.

- 14 (2) A personal interest in any matter to be considered or being considered at a meeting is not a prejudicial interest where that matter relates to the functions of the Council in respect of –

- (i) housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which your child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; or
- (vi) setting council tax or a precept under the Local Government Finance Act 1992

Disclosable Pecuniary Interests

15. You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State as set out in Appendix A to this Code. The descriptions refer to your interests and the interests your spouse or civil partner (or person with whom you are living as a spouse or civil partner) has and which you are aware of.

Disclosure of Interests and Participation in Meetings

Disclosure of personal interests

- 16 (1) Subject to paragraph 12, where you have a personal interest in any matter being considered by the Council and you are present at a meeting of the Council at which the matter is considered, you should disclose the existence and nature of the interest before the matter is discussed or as soon as it becomes apparent to you.

- 16 (2) Paragraph 16(1) only applies where you are aware or ought reasonably to be

aware of the existence of the interest.

Disclosure of prejudicial interests and effect on participation

17. (1) Sub-paragraphs (2), (3) and (4) apply to you if you –
- (a) Are present at a meeting of the Council, and
 - (b) Have a prejudicial interest in any matter to be considered, or being considered, at the meeting.
- (2) You must disclose the existence and nature of the interest to the meeting, but this is subject to paragraph 12.
- (3) You must not participate, or participate further, in any discussion of, or in any vote or further vote taken on, the matter at the meeting, save that you may remain in the meeting only for the purpose of making representations, answering questions or giving evidence relating to the matter, and provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (4) Subject to sub-paragraph (3), you must withdraw from the room where a meeting considering the matter is being held.

Disclosable pecuniary interests and effect on participation

18. (1) Sub-paragraphs (2), (3), (4) and (5) apply to you if you –
- (a) Are present at a meeting of the Council,
 - (b) Have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and
 - (c) Are aware that the condition in sub-paragraph (b) is met.
- (2) You must disclose the existence and nature of the interest to the meeting, but this is subject to paragraph 12.
- (3) You must not participate, or participate further, in any discussion of, or in any vote or further vote taken on, the matter at the meeting.
- (4) You must withdraw from the room where a meeting considering the matter is being held.
- (5) If the interest is not yet entered in the Council's register, and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the meeting.
- (6) Sub-paragraphs (7) and (8) apply if –
- (a) a function of the Council may be discharged by a member acting alone;
 - (b) you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by you in the course of discharging that function, and
 - (c) you are aware that the condition in sub-paragraph (b) is met.
- (7) If the interest is not yet entered in the Council's register, and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that the condition in sub-paragraph (5)(b) is met in relation to the matter.

- (8) You must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by you).
- (9) For the purpose of this paragraph, an interest is the “subject of a pending notification” if –
 - (a) the interest has been notified to the Monitoring Officer, but
 - (b) that interest has not yet been entered in the Council’s register in consequence of that notification.

Dispensations

19. On a written request to the Monitoring Officer, the Council may grant you a dispensation to participate in a discussion and/or vote on a matter at a meeting, or discharge a Council function acting alone, where you would otherwise not be allowed to if, after having had regard to all relevant circumstances, one of the grounds specified in section 33(2) of the Localism Act 2011 is satisfied.

Appendix A

Disclosable Pecuniary Interests

A disclosable pecuniary interest is an interest of a description specified in regulations made by the Secretary of State (as set out below) which you may have or your spouse or civil partner (or person with whom you are living as a spouse or civil partner) also has (referred to below as “the relevant person”) and you are aware of it.

Subject	Description of interest
<i>Employment, office, trade, profession or vocation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain which you or the relevant person undertakes.</i>
<i>Sponsorship</i>	<i>Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade</i>

Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you notify the Monitoring Officer about your disclosable pecuniary interests following your election or re-election.

Contracts

Any contract which is made between you or the relevant person (or a body in which you or the relevant person has a beneficial interest) and the Council -

(a) under which goods or services are to be provided or works are to be executed; and

(b) which has not been fully discharged.

Land

Any beneficial interest in land which you or the relevant person have and which is within the area of the Council.

Licences

Any licence (alone or jointly with others) which you or the relevant person holds to occupy land in the area of the Council for a month or longer.

Corporate tenancies

Any tenancy where (to your knowledge) -

(a) the landlord is the Council; and

(b) the tenant is a body in which you or the relevant person has a beneficial interest.

Securities

Any beneficial interest which you or the relevant person has in securities of a body where—

(a) that body (to your knowledge) has a place of business or land in the area of the Council; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Appendix B

Personal Interests

You have a personal interest in any business of the Council where either it relates to or is likely to affect:

- 1) Any body of which you are a member or in a position of general control or management, and to which you are appointed or nominated by the Council.

2) Any body:

- a) exercising functions of a public nature;
- b) directed to charitable purposes; or
- c) whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management.

3) The interests of any person from whom you have received a gift or hospitality worth an estimated value of at least £50 in your capacity as a Member. This includes a series of gifts and hospitality from the same person that add up to an estimated value of at least £50 in a municipal year.

PART 4

Miscellaneous

Related documents

20. The Council has adopted other codes, protocols, policies and procedures which do not form part of this Code but which impact upon and regulate your conduct as a councillor. You are required to comply with these rules and any breach may be regarded as a breach of this Code. Examples include:

- (1) Members' Gifts and Hospitality Protocol
- (2) Planning Code of Practice
- (3) Licensing Code of Practice
- (4) Local Authority Code of Publicity
- (5) Protocol for Member/Officer relations
- (6) IT policies and Procedures

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Members' Gifts and Hospitality Protocol

1. Introduction

This protocol is for members of the London Borough of Brent ("the Council"), and so applies to the Mayor, Deputy Mayor, Members of the Council and co-opted Members of the Council.

2. Key points:

Your attention is drawn to the following:

- You must register any gift or hospitality worth **£50 or over** that you receive in connection with your official duties as a member, and the source of the gift or hospitality;
- You must register the gift or hospitality **within 28 days** of receiving it;
- You automatically have a personal interest in a matter being considered at a meeting if it relates to or is likely to affect a person whom you received the gift or hospitality from. If that is the case, you must declare the existence and nature of the gift or hospitality, the person who gave it to you, and then decide whether that interest is also a prejudicial interest;
- The Brent Members' Code of Conduct says you are required to comply with this protocol;
- Ask yourself "would I have been given this if I was not a member?"; "why now?"; "what was the purpose of the gift or hospitality?"; "is it reasonable and proportionate?"; "is anything expected in return? and "will I have a conflict of interest?"
- Where any gift (no matter the value) is accepted, it may be advisable (depending on the circumstances) to inform the donor that acceptance will not confer any advantage for that donor in his/her dealings with the Council;
- At all times be guided by the general principles and obligations of conduct (see the Brent Members' Code of Conduct). In particular, acceptance of inappropriate gifts and hospitality could call your integrity, objectivity, honesty and leadership into question. It could also bring your office and the Council into disrepute and be perceived as an abuse of your position; and
- If in doubt, ask the Monitoring Officer for advice.

3. Meaning of Gifts and Hospitality

The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. The Council's interpretation of gifts and hospitality includes:

- The gift of any goods or services.
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public.

- The opportunity to obtain goods or services not available to the general public.
- The offer of food, drink, accommodation or entertainment, (except that which is provided by the Council), or the opportunity to attend any cultural or sporting event.

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, wine, flowers and bouquets. Common hospitality includes lunches provided by external bodies. You should also be cautious when purchasing anything if additional services, privileges or advantages are offered, which might be related to your position as a Member.

4. General Caution

You should treat with extreme caution any offer or gift, favour or hospitality that is made to you. Your personal reputation and that of the Council can be seriously jeopardised if you inappropriately accept gifts or hospitality.

The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived. No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This protocol is intended to enable you to make your own decision.

5. Criminal Law

It is a criminal offence to solicit corruptly or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Council. For example the onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Council.

It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a Member of the Council.

You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.

You may thereafter be required to assist the Police in providing evidence.

6. Limits of Guidance

This protocol does not apply to:

- Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a Member, however, you should question any such gift or hospitality offered from an unusual source.
- The acceptance of facilities or hospitality provided to you by the Council.
- Gifts given to the Council that you accept formally on the Council's behalf and are retained by the Council and not by you personally.

7. Principles to Apply in Relation to Gifts and Hospitality

In deciding whether it is appropriate to accept any gift or hospitality, you must apply the following principles, irrespective of its value:

- Do not accept a gift or hospitality as an inducement or reward for anything you do as a Member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.
- “Reward” includes remuneration, reimbursement and payment of fees.
- Do not accept a gift or hospitality whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
 - a) From parties involved with the Council in a competitive tendering or other procurement process.
 - b) From applicants for planning permission and other applications for licences, consents and approvals.
 - c) From applicants for grants, including voluntary bodies and other organisations applying for public funding.
 - d) From applicants for benefits, claims and dispensations.
 - e) From parties in legal proceedings with the Council.
- Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
- Do not solicit any gift or hospitality and avoid giving any perception of so doing.
- Cash or monetary gifts or equivalents (e.g. gift vouchers) should always be refused without exception and the refusal notified to the Monitoring Officer. When you need to decide whether to accept hospitality, you must ask yourself some basic questions, for example:
 - is there a benefit to the Council in accepting the invitation?
 - is the entertainment too lavish?
 - are you accepting too much hospitality from the same source?

Where you are in any doubt as to the best course of action, advice should be sought from the Monitoring Officer.

8. Gifts and hospitality declined

There is no requirement to register gifts and hospitality offered but declined. However, as a matter of good practice, it would be advisable to inform the Monitoring Officer particularly if they are of value. When gifts or hospitality are declined, the person making the offer should be courteously but firmly informed of the procedures and standards operating within the Council, which prevent the gift or hospitality from being accepted.

9. Registration of Gifts and Hospitality

Paragraph 11 of the Brent Members’ Code of Conduct requires Members to register, within 28 days of election to office, details of personal interests where they fall within categories set out at paragraph 13 of the Code. Thereafter a Member must, within 28

days of becoming aware of any new interest or change to any registered interest, register details of that interest or change.

10. Series of gifts or hospitality adding up to £50 or more in value

(a) If you receive

- gifts or hospitality; or
- a series of gifts or hospitality from the same source

that add up to £50 or more, then this must be registered on the Register of Interests as an accumulation in a municipal year. You may have to estimate the value of the gifts or hospitality.

11. Gifts and hospitality below the £50 threshold

You can still register any gift or hospitality you receive which you estimate to be below the £50 threshold should you consider that, given the circumstances, this would be appropriate and in your best interests. Members are encouraged to register any gift or hospitality which they regard as significant even if it is below £50 in value.

12. Declarations

Under the Brent Members' Code of Conduct, you have a **personal interest** in any business of the Council where that business of the Council relates to or is likely to affect the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50.

In accordance with Brent Member's Code of Conduct, Members must declare any **personal interests** they have in any item on the agenda or as they arise during the course of a meeting. Members must say to which item their interest relates.

If they have a personal interest, Members must also consider whether or not that interest is a **prejudicial interest** and take the necessary action.

If a member of the public, knowing all the relevant facts, would view a Member's **personal interest** in the item under consideration as so substantial that it is likely to prejudice the Member's judgment of the public interest **and** it affects the financial position of the person you received the gift and hospitality from or it relates to a regulatory matter (e.g. planning or licensing), then the Member has a **prejudicial interest**.

If a Member has a **personal interest** then they must declare the interest but can stay, speak and vote. If the Member has a **prejudicial interest** then they must declare the interest, cannot speak or vote on the item (but can participate to the extent that members of the public can) and must leave the room.

It is not necessary to declare the specifics of the gift or hospitality received. It is sufficient to indicate the agenda item which the declaration relates to, the organisation or individual the gift or hospitality was received from, and to state that the details of that gift and/or hospitality may be found on the register of gifts and hospitality.

12. Mayor

(a) On the whole, a Member who is currently serving as the Council's Mayor has to comply with the same rules as other Members.

(b) However, gifts that are clearly made to the Council, for example a commemorative goblet which is kept on display in the Council's offices, do not need to be registered in the Member's register of gifts and hospitality. However, such gifts will be recorded by the Council for audit purposes.

(c) Where the Mayor is invited to social functions or gifted with presents publicly in the capacity of the "Mayor", he/she will not be required to register the gifts or hospitality received/accepted in this role. Where the Member acting as Mayor, receives any gifts or hospitality in his/her capacity of a Member, there is a requirement to register such gifts and hospitality. The question a Member needs to ask themselves is "Would I have received this hospitality even if I were not the Mayor?" If the answer is "yes", then it must be registered.

13. Enforcement

The requirements of this protocol form part of the Brent Members' Code of Conduct. A breach of this protocol could result in a complaint under the Code.

Allegations of any breach of this protocol must be made in writing to the Monitoring Officer who is the Chief Legal Officer.

Fiona Alderman
Monitoring Officer and Chief Legal Officer

16 September 2015

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