



Standards Committee

Monday 27 November 2017 at 6.30 pm

Boardroom 7&8 - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Membership:

Members

Councillors:

Allie (Chair)
Kabir (Vice-Chair)
Ahmed
Krupa Sheth
Colwill

Substitute Members

Councillors:

Dixon, Hylton, Moher and Nerva

Councillors:

Kansagra

Independent Members:

Sheila Darr
Robert Cawley
Karen McArthur
Margaret Adenike Bruce

Independent Persons:

Mandip Johal
Nigel Shock
Keir Hopley

For further information contact: James Kinsella, Governance Manager
0208 937 2063, james.kinsella@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit: democracy.brent.gov.uk

Members are reminded to attend training at 6pm in Board Rooms 7&8. The press and public are welcome to attend the Committee meeting starting at 6.30pm.

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also a Prejudicial Interest (i.e. it affects a financial position or relates to determining of any approval, consent, licence, permission, or registration) then (unless an exception at 14(2) of the Members Code applies), after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party of trade union).

(b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision, the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who employs or has appointed any of these or in whom they have a beneficial interest in a class of securities exceeding the nominal value of £25,000, or any firm in which they are a partner, or any company of which they are a director
- any body of a type described in (a) above

Agenda

Introductions, if appropriate.

Item	Page
1 Apologies for Absence and Clarification of Alternate Members	
For Members to note any apologies for absence.	
2 Declarations of Interest	
Members are invited to declare at this stage of the meeting, the existence and nature of any relevant disclosable pecuniary, personal or prejudicial interests in the items on this agenda and to specify the item(s) to which that interest relates.	
3 Minutes of the Previous Meeting	1 - 4
To approve, as a correct record, the attached minutes of the previous meeting held on 28 September 2017	
4 Matters Arising (if any)	
To consider any matters arising from the minutes of the previous meeting.	
5 Update on Standards Matters	5 - 8
To consider a report from the Chief Legal Officer outlining a proposed change to the Members' Code of Conduct Complaints Procedure and informing Members of a review of local government standards as well as any gifts and hospitality registered during the last quarter.	
6 Any Other Urgent Business	
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 60.	
7 Date of the Next Meeting	
The next meeting of the committee is scheduled to take place at 6pm on Tuesday 27 March 2018.	



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.



LONDON BOROUGH OF BRENT

MINUTES OF THE STANDARDS COMMITTEE Thursday 28 September 2017 at 6.00 pm

PRESENT:

Councillors Allie (Chair), Ahmed, Colwill, Krupa Sheth and Moher (substituting for Kabir)

Independent Members: Sheila Darr, Robert Cawley and Karen McArthur.

Independent Persons: Kier Hopley and Nigel Shock

Also present: Councillor McLennan

1. **Apologies for Absence and clarification of any alternative members**

Apologies for absence were received from Councillor Kabir (with Councillor Moher substituting) and also from Margaret Adenike Bruce (Independent Member).

Before moving on to consider the main item on the agenda, Councillor Allie (as Chair) took the opportunity to formally welcome Nigel Shock to his first meeting of the Committee as a newly appointed Independent Person.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Minutes of the Previous Meeting**

RESOLVED that the minutes of the previous meeting held on 29 June 2017 be approved as an accurate record of the meeting.

4. **Matters Arising (if any)**

None.

5. **Update on Standards Matters**

Debra Norman (Chief Legal and Monitoring Officer) introduced the report which provided the Committee with an update on:

- the final outcome of a recent Members Code of Conduct complaint against Councillor John Duffy; and
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- any gifts and hospitality registered by Members during the last quarter (July-September 2017).

In addition the Committee had also received, as additional information in advance of the meeting, details of a consultation currently being undertaken by the Department for Communities & Local Government (DCLG) on proposals for updating the criteria disqualifying individuals from being elected, or holding office as local authority members, which comments were also being sought on.

5.1 Outcome of complaint against a Councillor

Looqman Desai (Senior Lawyer – Governance) summarised the background to the complaint against Councillor Duffy, which following investigation by the Deputy Monitoring Officer had been upheld. Members noted the final Decision Notice which had been issued and published on the Council's website confirming the outcome of the complaint and recommended sanctions. These had included Councillor Duffy being requested to apologise to the Chief Executive as well as the decision being published and reported to the Committee.

Members noted that Councillor Duffy had not exercised his right to request a review of the decision prior to it being finalised and, to date, had not issued an apology to the Chief Executive.

In response to comments raised on the update, Looqman Desai confirmed that the outcome of the complaint had been reported to the Committee for information only. There was no opportunity to undertake a further investigation, as the complaint had already been concluded in accordance with the complaints procedure.

Whilst noting the limited powers available to local authorities under the current standards regime, the Committee fully supported the sanctions imposed as an outcome of the complaint. As a result, concerns were raised by members of the Committee and Independent Persons that no apology had yet been offered by Councillor Duffy, which the Committee felt compounded his original breach of the Code of Conduct. Further concern was expressed about an email Councillor Duffy had sent to all Members of the Council on the day prior to the Committee which had reiterated some of the previous accusations that had been subject to the original complaint. The Committee felt this further compounded his earlier misconduct and was unacceptable, with Members keen to explore what additional sanctions were available to them in order to reflect the concerns raised.

Looqman Desai advised that under the current standards regime there were limited additional powers available (over and above censure) to impose further sanctions given that the complaints process and original investigation had been concluded. It would, however, be possible for the Monitoring Officer on behalf of the Committee to write to Councillor Duffy expressing their concern and disappointment over his behaviour and seeking the apology originally requested, with the letter (as a further form of censure) being published on the Council's website. The Committee supported this proposal and as a more general request also felt it would be useful if a further briefing could be provided outlining the powers available to them under the current standards regime to impose sanctions and enforce compliance in case involving breaches of the Members Code of Conduct.

As a result of the discussion it was therefore **RESOLVED:**

- (1) the Monitoring Officer write to Councillor Duffy on behalf of the Committee highlighting the concerns expressed over his conduct and requesting, albeit belatedly, that he issue an apology to the Council's Chief Executive in accordance with the sanctions imposed as an outcome of the original complaint against him.
- (2) that the letter sent to Councillor Duffy under (1) above should be published on the Council's website for the remainder of the 6 month period that it was agreed the decision notice in relation to the original complaint should be published or until he had apologised (whichever occurred first).
- (3) that a separate development session should be arranged for all members of the Committee and the Independent Persons to outline the sanctions and powers currently available to them when dealing with breaches of the Member Code of Conduct.

5.2 Update on Gifts and Hospitality

The Committee noted that no receipt of gifts or hospitality had been registered by Members during July – September 2017.

5.3 DCLG consultation on disqualification criteria for elected members

Debra Norman (Chief Legal & Monitoring Officer) referred to the additional information circulated to Members in advance of the Committee regarding a consultation being undertaken by DCLG on proposals for updating the criteria disqualifying individuals from being elected, or holding office as local authority members.

Members of the Committee and the Independent Persons were invited to comment on any issues they felt should be included as part of a Council response and the following observations were made:

- Karen McArthur (Independent Member) felt the proposed criteria was sensible and should be supported. She also suggested as an additional criteria that someone be disqualified if they had been censured by their professional organisation e.g. a barrister.
- Keir Hopley (Independent Person) also commented expressing support for the proposals.

The comments were supported by the remainder of the Committee, who were generally supportive of the proposals in the consultation document and on which the Chief Legal and Monitoring Officer would submit a response accordingly.

As no further issues were raised the Chair thanked the Independent Members and Persons for their input and ongoing support.

6. Any Other Urgent Business

None.

7. **Date of the Next Meeting**

It was noted that the next meeting of the Committee had been scheduled to take place at 6:00pm on Monday 27 November 2017.

The meeting closed at 6:30pm

COUNCILLOR JAMES ALLIE
Chair

 Brent	Standards Committee 27 November 2017
	Report from the Chief Legal Officer
Update on Standards Matters	

Wards Affected:	All
Key or Non-Key Decision:	Not applicable
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Looqman Desai, Senior Solicitor (Governance) (ext.1366)

1.0 Purpose of the Report

- 1.1 This report proposes a change to the Members' Code of Conduct Complaints Procedure, informs Members of a review of local government standards and updates Members on gifts and hospitality registered by Members in the last quarter.

2.0 Recommendation(s)

That the Committee:

- 2.1 Approve the proposed change to the Members' Code of Conduct Complaints Procedure.
- 2.2 Note the contents of this report.

3.0 Detail

Members' Code of Conduct Complaints Procedure

- 3.1 When at its meeting on 29 June 2017, the Standards Committee considered recent case law on freedom of information requests relevant to standards complaints, it brought into sharp focus one particular issue.
- 3.2 Namely, according to the Council's Members' Code of Conduct Complaints procedure, if a complaint is formally investigated, the complainant and the member concerned must be given the opportunity to comment on the draft investigation report. However, a complaint can be made by anyone, including someone with no involvement in the matter being investigated. For example, a complaint can be made based on second-hand information or a news report. Clearly, a draft investigation report which could be subject to change (and which may also contain personal information) has to be kept confidential as disclosure could be prejudicial to a fair determination of the complaint. Furthermore, unlike the former standards regime, the statutory rules no longer require complainants to keep draft reports confidential.
- 3.3 Against that background, it is proposed that in order to safeguard the integrity of a standards investigation the complaints procedure should be amended to qualify the requirement to seek comments and views on a draft report from the complainant.
- 3.4 The Council's Constitutional Working Group has been consulted about the change and expressed their general approval subject to the right to withhold disclosure being exercised in exceptional circumstances only and a requirement for it to be justified in the report itself.
- 3.5 Currently, paragraph 3 of Annex 2 to the complaints procedure states the following:
- "At the end of the investigation, the investigating officer will produce a draft report and will seek comments and views on the draft report from the complainant and the member against whom the complaint has been made."*
- 3.6 It is proposed that paragraph 3 be amended as follows:
- "At the end of the investigation, the investigating officer will produce a draft report and will seek comments and views on the draft report from the member against whom the complaint has been made and, except in exceptional circumstances, the complainant. If a draft report is not sent to the complainant for comment an explanation must be provided in the report."*

A review by the Committee on Standards in Public Life

- 3.7 The Committee on Standards in Public Life (CSPL) is to undertake a review of local government standards during 2017/18.
- 3.8 In its Annual Report and Forward Plan 2017/18, the watchdog said it "maintains a longstanding interest in local government standards, and regularly receives correspondence from members of the public expressing their concern about this issue".

3.9 The CSPL added that it had actively conducted research and engaged with partners on this subject throughout 2016-17.

3.10 It said the review would be based around a consultation that will be launched in early 2018. “Based on the submissions to this review and meetings with key stakeholders, we intend to publish our findings and recommendations in 2018.”

Gifts and hospitality update

3.11 From 20 September 2017 to 15 November 2017, the following gifts and hospitality have been registered by Members.

Name	Date Received	Gifts and hospitalities
Councillor Bhagwanji Chohan	18/10/17	Hamper for Diwali. Estimated value £35. Received from Jaysam Ltd.
Councillor Muhammed Butt	27/10/17 12/11/17	London Tigers Annual Achievement Awards Ceremony and Dinner. Value unknown. Hospitality received from Mesba Ahmed, Chief Executive London Tigers. MTV European Music Awards x 4 tickets. Value unknown. Hospitality received from John Drury, VP & General Manager, The SSE Arena, Wembley.
Councillor Reg Colwill	14/10/17	Two tickets for George Groves vs. Jamie Cox boxing match received from Wembley Arena. No value specified.
Councillor Shama Tatler	27/10/17	London Tigers Annual Achievement Awards Ceremony and Dinner. Value unknown. Hospitality received from Mesba Ahmed, Chief Executive London Tigers.
Councillor Zaffar Van Kalwala	30/09/17	Match ticket for England vs. Slovakia. Estimated value over £50. Received from Daniels Estate Agent.

4.0 Financial Implications

4.1 None.

5.0 Legal Implications

5.1 These are contained within the report.

6.0 Equality Implications

6.1 None.

7.0 Consultation with Ward Members and Stakeholders

7.1 Not applicable.

8.0 Human Resources/Property Implications (if appropriate)

8.1 Not applicable.

Report sign off:

This report is being taken in the name of the Chief Legal Officer and does not require Strategic Director sign-off.