



LONDON BOROUGH OF BRENT

MINUTES OF THE STANDARDS COMMITTEE Tuesday 12 March 2013 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair) Gladbaum, HB Patel and Harrison

Also present: Councillors Colwill and Choudhary

Apologies for absence were received from: Councillors Beck and Sheila Darr

1. Declarations of personal and prejudicial interests

None declared.

2. Election of Chair

Nominations for the position of Chair were invited.

RESOLVED:

that Councillor Ketan Sheth be elected Chair for this meeting only.

3. Minutes of the previous meeting

RESOLVED:

that the minutes of the previous meeting held on 22 January 2013 be approved as an accurate record of the meeting subject to the following:

- i. That Sheila Darr's name be moved to 'present' and John Mann's name be removed from the minutes.
- ii. That the phrase 'err on the side of caution' in the final paragraph of page one be amended to read 'exercise caution'.

4. Matters arising

None.

5. Monitoring Officer report on Members' Disclosable Pecuniary Interests

Fiona Ledden informed the Committee that this report was an important update on Members Disclosable Pecuniary Interests (DPIs). She reminded the Committee that, due to Localism Act 2011, there had now been a change to what interests

Members must declare and how those interests should be declared. By law Members now only have to declare their disclosable pecuniary interests. Although the legislation stated that this has to be done after an election, to aid transparency, the Council asked all Councillors to complete their DPI forms by August 2012. However, despite two reminders and help of the group offices, two forms remained outstanding and seven forms were still incomplete.

It was explained that one of the reasons that the party Whips had been invited to today's meeting was to see if they would be willing to encourage their colleagues who had yet to complete the forms to do so. Fiona Ledden suggested that if the forms were not completed by April, then at the next Standard's Committee in June the names of the Councillors who had yet to successfully complete their forms should be released. She added that she welcomed any suggestions from the Committee on how best to ensure all forms were completed and the time scale they should be given for completion.

Fiona Ledden then concluded by highlighting the table on page eight of the report, which identified the gifts and hospitality that Councillors had declared. Although this was no longer required by law, the Council still advise Councillors to list gifts they had received to aid transparency.

In response to a number of questions raised, it was first clarified that previously Councillors had to declare information about a wider group of people. However, under the Localism Act, Councillors now only had to declare on the register the DPI of their significant partner or person they were co habiting with. It was then agreed that prior to the Localism Act there had been more clarity about what Councillors needed to declare. It was explained that other than DPIs it was now only a recommendation that Councillors still declare any relevant personal interests. Fiona Ledden reminded Councillors to always consider how the reasonable person would view the situation if a Councillor did not disclose a relevant personal interest. It was added that it would always be best to exercise caution and be as transparent as possible. Fiona Ledden stated that she would be very happy to conduct some training in regards to this, and provide Councillors with tangible examples to make it easier to understand.

In regards to the DPI forms the Committee were unsure if the group offices had informed the individual members that their forms had not been completed. If this had not been done it was agreed that this would be very helpful as Councillors may be unaware if their form had not been completed correctly.

Both Fiona Ledden and Kathy Robinson clarified for Members that if they were to use Council resources then it must be for Council purposes. If Councillors wish to send out party political messages then they cannot use Council resources. It was added that Councillors could sign their name on any Council resource as long as what they were sending was not party political. Fiona Ledden and Kathy Robinson both offered to make themselves available to any Councillors who needed further clarification on this matter.

Councillor Gladbaum asked that it be noted that she recommended that all Councillors should undertake a CRB check when they stand for election. The Chair stated that the requirements for candidates for elections was not within the

Standards Committee remit and added that that would be a decision that Parliament would have to make.

Fiona Ledden then confirmed that where it stated in Part one, section two, subsection four of the Code of Conduct that it included criminal offences, that this did not include parking offences. However it would include significant driving offences such as death by dangerous driving.

Fiona Ledden welcomed the Committee's recommendation that those who had not completed their DPIs should have 21 days to do so and if they do not then their names should be disclosed. The Committee agreed that too much time had lapsed since the first request for the forms in August 2012.

Both the Conservative and Labour group Whips stated that they would help the Monitoring Officer and the Committee to ensure that all DPIs were completed.

The committee agreed that more training would be beneficial for Councillors and would empower them. The Chair stated that at some of the other Committees he chaired they held pre briefing sessions and during that time, ten- fifteen minutes would be dedicated to training. It was clarified that this was training specific for that committee so it was very helpful for committees such as Planning. Councillor Harrison added that she would find this kind of committee specific training useful at licensing hearings. It was agreed when it was a universal issue of training then it would be problematic to do that on Committee by Committee basis. However training specific for that committee could take place prior to a committee meeting.

Kathy Robinson explained that all of the related documents listed in Part 4 of the Code of Conduct were all in the Constitution. The documents listed were just more detailed, specific codes and there was significant overlap between them and the Constitution. It was agreed that the Convention on Working Relations applied to both Officers and Councillors and that parties on either side may need reminding that they were expected to treat each other courteously and with respect. Fiona Ledden added that she would raise this at the next CMT to ensure all managers reminded their directorates that Officers must comply with the Convention on Working Relations.

In response to a query regarding the monetary value at which gifts should be declared, Fiona Ledden explained that by law gifts did not need to be declared. However in the interests of transparency it was stated in the guidance that gifts over £25 should be declared. If Councillors chose to declare a gift under £25 that was their prerogative to do so but it would not be expected.

RESOLVED:

The Committee noted the report.

6. Members' Code of Conduct - practical issues

Fiona Ledden stated that this report had been written to establish how the Standards Committee could ensure that high standards were maintained by all members, despite the lack of sanctions available in the new legislation. One way that had been agreed at the previous Standards Committee was to involve the party

Whips and that was why they had been invited to attend this meeting. Fiona Ledden added that she was open to any other ideas that the Committee had at how to make compliance with the Code of Conduct more robust.

In response to a number of questions by the Committee Fiona Ledden explained that it would be possible for any Councillor or any member of the public to make a complaint in writing to the Monitoring Officer. This included in email form as a handwritten signature was not required but the Monitoring Officer would not generally accept anonymous complaints. Fiona Ledden again stated that she would be happy to provide training for Councillors on the Code of Conduct and the sanctions for contravening it. She reiterated that there were not many formal sanctions prescribed by Law any more but as long as there was a consistent, serious approach to dealing with those who breached the Code of Conduct then that should help promote good behaviour. It was agreed that there were advantages to the new system, such as Councillors not being able to use the Standards regime for their own political gains. However it was acknowledged that the lack of sanctions could prove problematic. The committee agreed that having the group Whips at the meeting was very helpful and that they should be invited to all Standards Committee and be included in the distribution for papers.

When asked whether the Monitoring Officer would consult the Whip or the Independent Person first regarding a complainant, it was stated that it would depend on the circumstances and the type of complainant. For example if the complainant related to the leader of the group or the whip then the Monitoring Officer would consult the Independent Person first. If it were a minor matter that could be resolved with the Whip without wasting the Independent Persons time then Whip would be consulted first. It was then explained that the Monitoring Officer would inform the Standards Committee, in annual report, of all the complaints they had received, including those that had not been referred to the Committee. It was added that the Monitoring Officer was keen to make the process as open and transparent as possible.

Fiona Ledden then clarified that it would be a balancing act between the cost of any investigation and the public interest in that investigation. She stated that cost would not be an automatic bar to investigation if there was a substantial public interest.

Fiona Ledden agreed that social media was a complicated area. For example it would be expected that the Leader of the Council would have a blog on the Council's website and that that blog would not necessarily overtly promote party politics. It would be expected that the Council's website would not link to another website that was a very political page. The Chair added that given that most officers and Councillors now used electronic devices that common sense should prevail in regards to the use of those electronic devices for political activity. The Committee were informed that there had been a recent refresh of the IT policy and that this should help to clarify the position. Kathy Robinson and Fiona Ledden stated that they would be happy to help if a Councillor was unsure whether they could use Council resources.

RESOLVED:

The Committee noted the report.

7. **Date of Next Meeting**

The date of the next meeting of the Committee will be confirmed after the annual Council meeting scheduled for 15 May 2013.

8. **Any other urgent business**

None.

The meeting closed at 8.40 pm

KETAN SHETH
Chair