



Standards Committee

9 January 2014

Report from the Director of Legal and Procurement

For Action

Wards Affected:
ALL

Annual Report of the Monitoring Officer

1.0 Summary

- 1.1 This is the Monitoring Officer's Annual Report to the Standards Committee for the period December 2012 to December 2013 and provides an update on member conduct issues, and the work of the Standards Committee and the Monitoring Officer during that period. This report also reviews the introduction of the new Standards regime which was introduced in July 2012.

2.0 Recommendations

- 2.1 That the Committee note this report.

3.0 Detail

Members of the Standards Committee

- 3.1 Following the change to the Standards regime under the Localism Act 2011 the composition of the Standards Committee as an ordinary committee of the Council is now based on the political balance of the membership of Council. The Council also recognised the value of an independent member on the committee, even though under the change in legislation, that person is no longer able to vote. The composition of the Committee is therefore 3 Labour, 1 Conservative, 1 Liberal Democrat and Sheila Darr as the independent member of the committee. Sheila Darr's initial appointment ends in May 2014 and it

will be recommended to Full Council in May 2014 that consideration be given to re appointing for a further two years.

Appointment of the Independent Persons

- 3.2 Under the legislation the Council is required to appoint at least one Independent Person whose views are or can be sought at various key stages in a complaint against a member. This role is different from the role of Sheila Darr as an independent member of the committee. The Council appointed Sola Afuape and John Mann as the Independent Persons under the transitional arrangements set out in regulations accompanying the Localism Act 2011. Their term of office comes to an end in May 2014. Under the legislation the Council is required to advertise the vacancies. Ordinarily there is no bar on reapplication. However, in the case of the current post holders, the transitional arrangements no longer apply and they are caught by provisions which bar officers, members, and co opted members from being appointed as Independent Persons, including if they have held office in the last 5 years. Sola Afuape and John Mann were both previously co opted members on the Standards Committee under the old arrangements.

The Committee's work during December 2012- December 2013

- 3.3 The Code of Conduct was adopted by the Council in July 2012 following changes in the requirements and processes introduced by the Localism Act 2011. Members will recall that the main changes are the abolition of Standards for England, the removal of requirements to have Standards Committees with independent members, the removal of the list of sanctions available to a Standards Committee, and giving Councils discretion about the content and form of the Code of Conduct. The Localism Act 2011 introduced new requirements for members' to register declarations and declarations at meetings, which seemed to focus on Disclosable Pecuniary Interests. The Council decided to largely maintain the system previous used, with amendments where appropriate to reflect the new requirements. New procedures for dealing with complaints were approved by this committee in January 2013.
- 3.4 In March 2013 a decision was taken by this Committee to meet on three pre-arranged dates during the municipal year to discuss and decide on matters of policy and procedure, to conduct reviews and to deal with other general business. Previously the committee met on four occasions per year but a number of scheduled meetings were cancelled during the municipal years 2011/12 and 2012/13; with the ending of centralised information, reviews, statistics etc on Standards matters during the transitional period and with the move to the new arrangements under the Localism Act 2011 it was apparent that such frequency was not required. The Committee also meets on additional

dates as and when required to determine any complaints against councillors.

- 3.5 There have been two meetings in the review period December 2012 to December 2013. The focus of the meetings has been the introduction of the new requirements and procedures. The items considered are as follows:

22nd January 2013

- 3.6 New procedures for dealing with complaints against members were discussed and approved. The work programme including the new frequency of scheduled meetings was agreed. Members' expenses were discussed.

12th March 2013

- 3.7 Report by the Monitoring Officer on Disclosable Pecuniary Interests and member's compliance, and discussions with the group whips about the Code, and the processes and sanctions where complaints are made about members.

June and December 2013

- 3.8 One scheduled meeting of the Standards Committee was cancelled in June 2013 since there were no items of business to be discussed. The meeting previously scheduled for 4th December 2013 was postponed to 9th January 2014 so as to avoid two meetings of members close together. There remains one further meeting in this municipal year scheduled for March 2014.

- 3.9 In the period under review there has been one non scheduled meeting of the Committee to consider a complaint against a member. The matter was in the early stages of enquiry. Members considered Schedule 12A Local Government Act 1972 and its application and resolved that the matter be held in private.

Complaints against members

- 3.10 Under the previous legislation all complainants made under the Code of Conduct had to be referred to the Standards Committee. One of the criticisms of the previous arrangement was the time spent and cost wasted on matters that need not be considered under the Code, or which could be resolved other than through a formal process. Under the new law the Council is permitted to set out its own processes for dealing with complaints and it has adopted a system whereby the Monitoring Officer is delegated some discretion as to how some matters be dealt with. There are clear parameters for this and these are

set out in the procedure that was adopted by this Committee in January 2013.

- 3.11 Since January 2013 when the new process came into effect the Monitoring Officer has received 11 complaints under the Code. Of those 11, five did not overcome the initial threshold since those complaints, even if the facts were true, fell short of any possibility of a breach of the Code. One was referred to this committee and one is outstanding at the time of writing this report because it was received recently. The remaining four were dealt with by the Monitoring Officer by local resolution. The Independent Person was consulted by the Monitoring Officer as appropriate and this assisted in determining how matters should be dealt with.

Monitoring Officer Advice Notes and Training

- 3.12 During the period December 2012 to December 2013 the Monitoring Officer continued to issue Advice Notes to members as required. Together with the previously issued Advice Notes these form an ongoing resource for councillors. In the relevant period the Monitoring Officer issued the Annual Monitoring Officer Advice Note in September 2013.
- 3.13 The Monitoring Officer provides training to members on matters pertaining to members' conduct immediately after the local elections and appointment of new members as part of the induction process and on further occasions as and when appropriate. Training by the Monitoring Officer and other training provided to Members is set out in a separate report before this committee.

Review of the Register of Member's Interests

- 3.14 A separate review of members' Disclosable Pecuniary Interests was undertaken in the Spring 2013 and reported to this committee. All members have now completed and returned their disclosable pecuniary interest forms.

Gifts and Hospitality

- 3.15 There is no longer a specific requirement in the legislation to register gifts of over £25. However, the principles of conduct in public life require transparency and openness and in furtherance of those principles members are advised to continue to declare gifts and hospitality over this value. Information on this was provided to members in March 2013. An update is below.

Details of the Register to December 2013

<i>Councillor</i>	<i>Date</i>	<i>Description</i>	<i>Value</i>	<i>Who from</i>
<i>Arnold</i>	<i>11 Aug 2013</i>	<i>2 tickets for FA Community Shield match at Wembley Stadium</i>	<i>Not known but above £25</i>	<i>Wembley Stadium via Brent Council</i>
<i>Ashraf</i>	<i>11 Aug 2013</i>	<i>Tickets to football match at Wembley Stadium</i>	<i>Not known but above £25</i>	<i>Wembley Stadium via Brent Council</i>
	<i>14 Sept 2013</i>	<i>Tickets to football match at Wembley Stadium (two passed on to local residents)</i>	<i>Not known but above £25</i>	<i>Wembley Stadium via Brent Council</i>
	<i>15 Nov 2013</i>	<i>2 x tickets for Eng v Chile football match</i>	<i>Not known but above £25</i>	<i>Wembley Stadium</i>
<i>Cheese</i>	<i>13 Apr 2013</i>	<i>Wembley Stadium football tickets</i>	<i>Not known but above £25</i>	<i>Wembley Stadium via Brent Council</i>
	<i>11 May 2013</i>	<i>Wembley Stadium football tickets</i>	<i>Not known but above £25</i>	<i>Wembley Stadium via Brent Council</i>
	<i>29 May 2013</i>	<i>Wembley Stadium football tickets</i>	<i>Not known but above £25</i>	<i>Wembley Stadium via Brent Council</i>
	<i>14 Aug 2013</i>	<i>Wembley Stadium football tickets</i>	<i>Not known but above £25</i>	<i>Wembley Stadium via Brent Council</i>
	<i>6 Sept 2013</i>	<i>Wembley Stadium football tickets</i>	<i>Not known but above £25</i>	<i>Wembley Stadium via Brent Council</i>
<i>Choudhary</i>	<i>5 Sept 2013</i>	<i>Dinner (non alcohol)</i>	<i>£35</i>	<i>Henderson</i>
<i>Choudry</i>	<i>11 Aug 2013</i>	<i>6 tickets to football match: Eng v Scotland</i>	<i>Not known but above £25</i>	<i>Wembley Stadium</i>
	<i>14 Aug 2013</i>	<i>6 tickets to football match: Man U v Wigan</i>	<i>Not known but above £25</i>	<i>Wembley Stadium</i>
<i>Colwill</i>	<i>15 Nov 2013</i>	<i>Eng v Chile</i>	<i>Not known but above £25</i>	<i>Wembley Stadium</i>
<i>Crane</i>	<i>5 Sept 2013</i>	<i>Dinner and Local Govt Pension Summit</i>	<i>£100</i>	<i>Henderson Global Investors</i>
	<i>11 Aug 2013</i>	<i>Tickets for charity shield</i>	<i>Not known but above £25</i>	<i>Wembley Stadium</i>
	<i>14 Aug 2013</i>	<i>Tickets for Eng v Scotland</i>	<i>Not known but above £25</i>	<i>Wembley Stadium</i>
	<i>8-9 Nov 2013</i>	<i>Hotel accommodation</i>	<i>£125</i>	<i>Morgan Sindall</i>

		<i>in Bristol. SCALA awards ceremony</i>		
<i>Hirani</i>	11 Aug 2013	<i>2x tickets to Charity Shield</i>	<i>Not known but above £25</i>	<i>FA</i>
	14 Aug 2013	<i>2x tickets to Eng v Scotland</i>	<i>Not known but above £25</i>	<i>FA</i>
<i>John, OBE</i>	11 Aug 2013	<i>2 tickets for the Charity Shield</i>	<i>Not known but above £25</i>	<i>Wembley National Stadium Ltd</i>
	14 Aug 2013	<i>2 tickets for the Eng v Scotland International</i>	<i>Not known but above £25</i>	<i>Wembley National Stadium Ltd</i>
<i>Kansagra</i>	11 Aug 2013	<i>2 x Charity Shield tickets</i>	<i>Not known but above £25</i>	<i>Wembley Stadium</i>
	14 Aug 2013	<i>2 x Eng v Scotland</i>	<i>Not known but above £25</i>	<i>Wembley Stadium</i>
<i>Long</i>	11 Aug 2013	<i>2 tickets for Man u v Wigan</i>	<i>Not known but above £25</i>	<i>Wembley Stadium/FA</i>
	14 Aug 2013	<i>2 tickets for Eng v Scotland</i>	<i>Not known but above £25</i>	<i>Wembley Stadium/FA</i>
<i>Lorber</i>	11 Aug 2013	<i>Football match tickets received and distributed to residents</i>	<i>Not known but above £25</i>	<i>FA via Brent Council</i>
	14 Aug 2013	<i>Football match tickets received and distributed to residents and attended in person as host</i>	<i>Not known but above £25</i>	<i>FA via Brent Council</i>
<i>McLennan</i>	11 Aug 2013	<i>Two tickets for the FA Charity Shield (Man U v Wigan)</i>	<i>Not known but above £25</i>	<i>The Football Association</i>
	14 Aug 2013	<i>Two tickets for the Eng v Scotland match</i>	<i>Not known but above £25</i>	<i>The Football Association</i>
<i>Jim Moher</i>	11 Aug 2013	<i>Wembley Stadium ticket FA charity cup</i>	<i>Not known but above £25</i>	<i>Wembley Stadium</i>
<i>Ruth Moher</i>	11 Aug 2013	<i>Ticket for football match</i>	<i>Not known but above £25</i>	<i>Wembley Stadium</i>
<i>Bhiku Patel</i>	11 Aug 2013	<i>2x Charity Shield tickets</i>	<i>Not known but above £25</i>	<i>Wembley Stadium</i>
	14 Aug 2013	<i>4 Eng v Scotland</i>	<i>Not known but above £25</i>	<i>Wembley Stadium</i>
<i>Harshadbhai Patel</i>	11 Aug 2013	<i>Football match tickets – Wembley Stadium</i>	<i>Not known but above £25</i>	<i>Wembley Stadium</i>
	14 Aug 2013	<i>Football match tickets – Wembley Stadium</i>	<i>Not known but above £25</i>	<i>Wembley Stadium</i>
	15 Nov 2013	<i>Football tickets x2</i>	<i>Not known but above £25</i>	<i>Wembley Stadium</i>
<i>Harihar Patel</i>	11 Aug 2013	<i>2x tickets for</i>	<i>Not known but</i>	<i>Wembley Stadium</i>

		<i>Charity Shield</i>	<i>above £25</i>	<i>via Brent Council</i>
	<i>14 Aug 2013</i>	<i>2x tickets for Eng v Scotland</i>	<i>Not known but above £25</i>	<i>Wembley Stadium via Brent Council</i>
	<i>15 Nov 2013</i>	<i>4 tickets Eng v Chile</i>	<i>Not known but above £25</i>	<i>Wembley Stadium via Brent Council</i>

4.0 Financial Implications

4.1 This report contains no specific financial implications.

5.0 Legal Implications

5.1 The legal requirements relating to members' Code of Conduct and the Standards regime are set out in the Localism Act 2011.

6.0 Diversity Implications

6.1 This report contains no specific diversity implications.

7.0 Staffing Implications

7.1 This report contains no specific staffing implications.

Background papers

Members Register of Disclosable Pecuniary Interests
Brent Members' Code of Conduct
Localism Act 2011

Should any person require any further information about the issues addressed in this report, please contact Kathy Robinson, Senior Corporate Solicitor, on telephone number 020 8937 1368.

Fiona Ledden
 Director of Legal and Procurement