



Brent

Standards Committee
9th December 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 2013 to December 2014 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 Code of Conduct and related codes in June 2014 following the local elections in May 2014.

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 appointment for a period of 2 years (subject to approval each year of Full Council) was confirmed by the Council in June 2014.

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 is in the process of recruiting new people to this post.

The Committee's work during December 2013- December 2014

- 3.3 This Committee has three pre-arranged dates during the municipal year to discuss and decide on matters of policy and procedure, to conduct reviews of policies and processes and to deal with other general business. 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 2013 to December 2014; 9th January 2014 and 27th March 2014. The January meeting included the Monitoring Officer annual review and the annual review of members' training and expenses. Members also considered a complaint against Councillor Lorber. Members accepted the recommendation of the independent investigator that there had been no breach of the Members' Code by Councillor Lorber. Members did however consider the issues that the case had raised and made various recommendations regarding the Code and members' conduct which were reflected in the update to the Codes. At the March 2014 meeting members reviewed the Members' Code of Conduct, the Planning Code of Practice and the Licensing Code and agreed various updates and amendments. The new Codes were approved by members at Full Council in June 2014 and following the May 2014 local elections all members have been required to comply with the new requirements. The notable changes to the Codes are the need to disclose personal interests on the Register of Members Interests as well as financial interests, and the mandatory requirements regarding training – particularly in relation to membership of the planning and licensing committees.
- 3.6 All members have completed their declaration of interests and training on the Codes was provided following the local elections in May 2014 when a number of new members were elected.

Complaints against members

- 3.7 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.
- 3.8 For the period December 2013 to December 2014 the Monitoring Officer received 7 complaints under the Code. Of those 7, one was about an alleged incident over two years ago, 2 on the alleged facts as presented did not amount to breaches of the Code and or the public interest did not warrant further investigation, 3 were resolved locally, and 1 remains outstanding. None of the complainants were sufficiently serious to warrant a referral to the committee.

Monitoring Officer Advice Notes and Training

- 3.9 During the period December 2013 to December 2014 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 June 2014 setting out the requirements of the revised codes and advising members to comply with the declaration of interest requirements.
- 3.10 The Monitoring Officer provided training to members on matters pertaining to members' conduct immediately after the local elections. 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

- 3.11 A review of declaration of members' interests was undertaken in the Autumn 2014 and where it appears they may be information missing from some declarations this is being followed up by direct correspondence.

Gifts and Hospitality

- 3.12 The Council's Code requires that members register gifts and hospitality of over £50 as part of the enhanced transparency of members'

conduct. One declaration was made in this period and that was by the Mayor in relation to a gift of a pair of spectacles from Specsavers on 27th September 2014 estimated value £345. In relation to tickets provided to the Council by Wembley Stadium these are distributed by the Council to a variety of community and other groups and to the Group Offices. Members are not expected to declare these on the Register but the council keeps a record of tickets received and distributed.

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 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.

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