



Standards Committee
6 December 2011

**Report from the Director of
Legal and Procurement**

For Action

Wards Affected:
ALL

**Annual Report of the Monitoring Officer (Including
the Review of the Register of Gifts and Hospitality
and the Register of Member's Interests)**

1.0 Summary

1.1 This is the Monitoring Officer's Annual Report to the Standards Committee for the period May 2010 to April 2011. This report provides an update on member conduct issues, and the work of the Standards Committee and the Monitoring Officer during that period.

2.0 Recommendations

2.1 That the Committee note this report.

3.0 Detail

Members of the Standards Committee

3.1 The members of the Standards Committee at the end of the period were:

- Angela Ruotolo (Chair), Independent Member
- John Mann (Vice-Chair), Independent Member
- Sola Afuape, Alternate Independent Member
- Sheila Darr, Alternate Independent Member
- Councillor Reg Colwill (Conservative)
- Councillor Helga Gladbaum (Labour)
- Councillor Jack Beck (Liberal Democrat)

Appointment of the Independent Members

- 3.2 The independent members were appointed in May 2010 for a two year period which ends in May 2012. There has been considerable uncertainty as to the future of the Standards Committee and the role of independent members as a result of proposed changes to the arrangements by the government under the Localism Bill. The Bill is now an Act having received Royal Assent on 15th November 2011. During its passage through parliament various changes were made to the original draft provisions in relation to standards. It is now clear that one or more independent persons must be appointed by the Council and must be involved when the Council has investigated allegations and is deciding whether there has been a breach of the Code. The detail of the new arrangements set out in the Localism Act 2011, including the provisions regarding independent persons, are provided in a separate report to members of this committee.

The Committee's work during 2010-2011

- 3.3 The Code of Conduct was adopted by the Council on 10 September 2008. The Council has been operating under the current practices and procedures in relation to complaints and investigations regarding members' conduct since April 2008. The processes adopted and followed reflect the requirements set out in the Local Government Act 2000 (as amended) and the Standards Committee (England) Regulations 2008.
- 3.4 The Committee is scheduled to meet on four 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. It also meets on additional dates as and when required to determine any complaints against councillors.

The matters dealt with at the ordinary meetings of the Committee are as follows;

- 3.5 Two scheduled meetings of the Standards Committee were cancelled in the municipal year 2010/11; 8th July 2010 and 19th January 2011. The work programme for the Standards Committee set on 24th March 2010 had planned various items relating to reviewing and developing the practices, procedures and guidance notes relating to the Code of Conduct for members and the investigation of breaches. However, in May 2010 the government announced plans to make significant changes to the law in relation to members' conduct, Standards for England, and the Standards Committee arrangements under the Localism Bill. Further development of the Council's standards arrangements was therefore put on hold pending confirmation of the new legal position. Also, a consequence of the government's proposed changes, the role of Standards for England diminished immediately; Statistics, information and guidance previously prepared by Standards

for England and routinely reported to this committee significantly reduced. This also had a direct impact on the volume of work required at scheduled meetings of this committee in the municipal year 2010/11.

- 3.6 At its meeting, on 3rd November 2010 the Committee considered the annual report of the Monitoring Officer (which included the review of member interests and the review of gifts and hospitality) and the annual review of members' expenses.
- 3.7 At its meeting on 22nd March 2011 the Committee considered the financial and procedural rules for the Mayor's Charity Appeal, a report on the Localism Bill and the annual review of the Members' Development Programme.

Complaints against members

- 3.8 Since April 2008 this Standards Committee has been responsible for receiving and dealing with complaints. During the period May 2010 to April 2011 there were two matters considered by this committee.
- 3.9 On 8th July 2010 the Standards (Review) Sub Committee considered a complaint against Ms Joseph. Ms Joseph was a member of this Council until May 2010 but was not re-elected in the local elections in May 2010 and is therefore no longer a councillor. At a meeting of the Standards (Initial Assessment) Sub Committee in April 2010 members decided, based on a number of factors, including the time lapse between the alleged incident and the complaint, that no action be taken. The complainant requested a review of that decision and at the Standards (Review) Sub Committee on 8th July 2010 the decision to take no action was upheld.
- 3.10 In September 2010 the Monitoring Officer received a complaint made in July 2010 regarding alleged breach of the Code of Conduct by Councillor Shaw and Councillor Cheese. The Standards (Initial Assessment) Sub Committee considered the matter on 9th November 2010 and decided that the complaint should be investigated. The report of the Investigating Officer was considered by the Standards Committee on 28th April 2011. The Investigating Officer found that there was no breach of the Code of Conduct by Councillor Cheese. In relation to the two allegations against Councillor Shaw, the Investigating Officer found no breach of the Code in respect of one allegation, but a breach in respect of the second allegation. The Standards Committee accepted the Investigating Officer's findings in respect of no breach and decided that the alleged breach of the Code by Councillor Shaw be considered at a hearing of the Standards Committee. The hearing took place on 20th September 2011, outside of the period covered by this report. On 20th September 2011 the

Standards Committee found there had been no breach of the Code of Conduct by Councillor Shaw.

Monitoring Officer Advice Notes and Training

- 3.11 During the period May 2010 to April 2011 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 on 28th September 2010.
- 3.12 The Monitoring Officer provided training to members on matters pertaining to members' conduct immediately after the local elections and appointment of new members on 11th May 2010, and at a subsequent training session on 9th November 2010.

Networking

- 3.13 The annual networking event for the 2009/10 year was held on 27th January 2011. The Council hosted 27 guests from Brent, Ealing, Hammersmith and Fulham, Hounslow, Hillingdon, Harrow, Islington, Barnet and Kensington and Chelsea, Camden, Hackney and Richmond Standards Committees. Jonathan Goolden and Richard Dix of Wilkin Chapman Goolden Solicitors provided the speeches on 27th January 2011. The event was once again a great success and was considered to be very useful both in terms of the content of the presentation, and the opportunity for committee members of different boroughs to share ideas.

Review of the Register of Member's Interests

- 3.14 Section 81(1) of the Local Government Act 2000 requires the Monitoring Officer to establish and maintain a register of interests of the elected members and the co-opted members of the Council. Section 81 of the Local Government Act 2000 requires the register to be available for inspection by the public at all reasonable hours. The Brent register of member's interests is held by Legal and Procurement Department and is available for inspection by the public via appointment or via the Council's website.
- 3.15 The interests that are required to be registered are set out in paragraph 8 of the Code of Conduct. These are set out in **Appendix 1**.
- 3.16 Following the local elections in May 2010 all members – new and re-elected were required to complete new declaration of interest forms within 28 days of accepting office. Guidance was provided to members

about the completion of the declaration form both by way of written information and a presentation on 11th May 2010.

3.17 A review of the declarations takes place annually. However, it is important to stress that the responsibility for declaring interests rests with members.

3.18 In October 2011 members were reminded by correspondence via Group Offices of the possible pitfalls and common errors and were advised to check their declarations. The current position in November 2011 is that all members have declared their appointments to outside bodies, there are four outstanding issues in relation to membership of governing bodies, four queries in relation to members' property interests in the borough and some members have not declared membership of a political party. These will be followed up.

Gifts and Hospitality

3.19 Under the Code of Conduct, gifts and hospitality with a value of £25 or over are treated as a personal interest and they are therefore included in each member's register of personal interests.

3.20 Set out in the table below are all the gifts and hospitality that were registered by members during the period covered by this report. The declarations are organised alphabetically.

Details of the Register for the period 1 May 2010 to 30 April 2011

Councillor's name	Date of gift/receipt of hospitality	Details of gift/hospitality	Estimated value	Person/ body providing gift / hospitality	date of declaration
Cllr Al Ebadi	17/11/2010	3 tickets to England v France at Wembley	£90	Wembley National Stadium Ltd	19/10/2010
Cllr Al Ebadi	12/10/2010	3 tickets to England v Montenegro at Wembley	£150	Wembley National Stadium Ltd	13/10/2010
Cllr Arnold	17/11/2010	2 tickets to England v France at Wembley	£60	Wembley National Stadium Ltd	18/11/2010
Cllr Beck	11/08/2010	6 tickets to England v Hungary football match (for local residents to experience stadium)	£240	The Football Association	12/08/2010
Cllr Beck	12/10/2010	2 tickets to England game	£100	Wembley Stadium Football Association	15/10/2010

Cllr Beck	17/11/2010	Ticket to England v France at Wembley	£25	FA/Wembley Stadium	22/11/2010
Cllr Choudry	17/11/2010	2 tickets to England v France at Wembley	£60	Wembley National Stadium Ltd	23/11/2010
Cllr Colwill	08/08/2010	2 tickets for Charity Shield football match - Chelsea v Manchester United	£80	The Football Association	17/08/2010
Cllr Colwill	11/08/2010	2 tickets for England v Hungary football match	£80	The Football Association	17/08/2010
Cllr Colwill	12/10/2010	Two tickets for England football match at Wembley Stadium	£100	Wembley Stadium Ltd	27/10/2010
Cllr Colwill	17/11/2010	2 tickets to England v France at Wembley	£100	Wembley Stadium	18/11/2010
Cllr Crane	09/09/2010	Dinner	£100	Henderson Asset Managers	13/09/2010
Cllr Gladbaum	12/10/2010	2 tickets to England v Montenegro at Wembley	£100	The FA and Wembley National Stadium Ltd	13/10/2010
Cllr Gladbaum	17/11/2010	2 tickets to England v France at Wembley	£60	Wembley National Stadium Ltd	18/11/2010
Cllr Green	25/11/2010	Wine - 2 bottles	£27	Natashi Hidvegi (local resident)	25/01/2011
Cllr Hashmi	17/11/2010	4 tickets for England v France football match	£100	Football Association / Wembley National Stadium Ltd	22/11/2010
Cllr Hirani	12/10/2010	2 tickets for England v Montenegro football match	£100	The Football Association and Wembley National Stadium Ltd (took local resident)	13/10/2010
Cllr John	15/05/2010	3 tickets to FA cup final at Wembley Stadium	£250	Quintain	17/05/2010
Cllr John	11/08/2010	2 tickets for England v Hungary football match (daughter and grandson)	£80	Wembley National Stadium Ltd	11/08/2010
Cllr John	17/11/2010	2 tickets for England v France	£60	Wembley National Stadium Limited	18/11/2010
Cllr John	12/12/2010	Formal dinner to celebrate 44 years of the Independence of the Caribbean island of Barbados	£65	Mr and Mrs Sealy	14/12/2010

		at the Camden Centre			
Cllr John	14/12/2010	Dinner at the Mandeville Hotel	£25	Vinu Bhattessa, Trustee of the Swaminarayan Temple	17/12/2010
Cllr John	26/01/2011	Model mechanical digger	not known	Skanska at the Civic Centre Groundbreaking Ceremony	27/01/2011
Cllr John	27/02/2011	1 ticket for Carling Cup	not known, above £25	WNSL	28/02/2011
Cllr Leaman	02/06/2010	Bottle of champagne	£25	Mark Easton and Marcia Saunders	10/06/2010
Cllr Lorber	08/08/2010	2 tickets for Charity Shield football match (given to local resident)	£80	The Football Association	12/08/2010
Cllr Lorber	11/09/2010	4 tickets to Muse concert at Wembley Stadium	£240	Wembley National Stadium/FA	14/09/2010
Cllr Lorber	17/11/2010	Tickets to England game (given to local residents)	£50	FA/Wembley Stadium	15/12/2010
Cllr Lorber	25/11/2010	Dinner at Wembley Plaza Hotel	£30	Wembley Plaza Hotel	26/11/2010
Cllr Lorber	28/04/2011	Tour of Wembley Stadium (1 adult, 2 children)	£31	Football Association and Wembley Stadium	03/05/2011
Cllr Mashari	12/10/2010	2 tickets for England v Montenegro football match*	£80	Wembley National Stadium Limited	18/11/2010
Cllr Mashari	17/11/2010	2 tickets for England v France football match	£60	Wembley National Stadium Limited	18/11/2010
Cllr Matthews	11/08/2010	2 tickets to England v Hungary football match	£80	The Football Association	12/08/2010
Cllr McLennan	12/10/2010	2 tickets for England v Montenegro football match	£100	The Football Association and Wembley National Stadium Ltd	19/10/2010
Cllr McLennan	17/11/2010	2 tickets for England v France	£60	Wembley National Stadium Limited	18/11/2010
Cllr J Moher	11/08/2010	2 tickets England v Hungary football match at Wembley	£80	Wembley National Stadium Ltd	02/09/2010
Cllr J Moher	12/10/2010	2 tickets for England v Montenegro football match	£100	The Football Association and Wembley National Stadium	13/10/2010

Cllr R Moher	17/11/2010	2 tickets for England v France	£60	Wembley National Stadium Ltd	17/11/2010
Cllr BM Patel	11/08/2010	2 tickets England v Hungary football match - given to a friend	£80	Football Association	17/08/2010
Cllr CJ Patel	12/10/2010	5 tickets to England football match	£250	Wembley Stadium Ltd / Football Association	15/10/2010
Cllr CJ Patel	17/11/2010	2 tickets to England v France football match	£50	Football Association / Wembley National Stadium Ltd	22/11/2010
Cllr HB Patel	11/08/2010	2 tickets England v Hungary football match	£80	Football Association	17/08/2010
Cllr HB Patel	17/11/2010	2 tickets for England v France football match	£100	Wembley Stadium	18/11/2010
Cllr HM Patel	11/08/2010	2 tickets England v Hungary football match	£80	Football Association	13/08/2010
Cllr HM Patel	12/10/2010	2 tickets England v Montenegro football match	£100	Wembley Stadium	10/11/2010
Cllr HM Patel	17/11/2010	2 tickets for England v France football match	£100	Wembley Stadium	19/11/2010
Cllr Sheth	15/05/2010	Abhishek*	-	BAPS Shri Swaminarayan Manir, Neasden	01/10/2010
Cllr Sheth	12/06/2010	Yogi Jayanti dinner*	£0	Mr Vinu and Mrs Sudha Bhattessa	01/10/2010
Cllr Sheth	19/06/2010	Open day and lunch*	£0	Parish Church of St Michael the Archangel, Tokyngton	01/10/2010
Cllr Sheth	04/07/2010	4 tickets – Britain's Got Talent Live 2010*	-	Wembley Arena	01/10/2010
Cllr Sheth	06/08/2010	Jamaica's Independence Day Celebration and dinner*	£0	Parish Church of St Michael the Archangel, Tokyngton	01/10/2010
Cllr Sheth	11/08/2010	2 tickets England v Hungary football match*	£80	The Football Association and Wembley National Stadium Ltd	01/10/2010
Cllr Sheth	14/08/2010	Hanuman Aradhana*	£0	Yagnam Sanskar Mandal	01/10/2010
Cllr Sheth	15/08/2010	India's Independence Day Celebration and lunch	£0	Brent Indian Association	01/10/2010
Cllr Sheth	03/09/2010	2 tickets England v Bulgaria football match	£80	The Football Association and Wembley National	01/10/2010

				Stadium Ltd	
Cllr Sheth	12/10/2010	2 tickets England v Montenegro football match	£100	The Football Association and Wembley National Stadium	13/10/2010
Cllr Sheth	17/11/2010	2 tickets for England v France at Wembley	£60	Wembley National Stadium Limited	18/11/2010
Cllr Singh	11/08/2010	3 tickets for England v Hungary football match	£120	Wembley National Stadium Ltd	02/09/2010
Cllr Singh	03/09/2010	2 football match tickets	£80	Football Association	08/09/2010
Cllr Thomas	03/05/2010	2 tickets to England v Egypt match	£60	Wembley Stadium and Football Association	04/05/2010

3.21 Members generally complied with the requirement to declare the gift or hospitality within 28 days. However, there are 8 instances where declarations were made outside this time limit. These gifts have been highlighted with an asterisk. Members will be reminded of the requirements

3.22 The Act requires that gifts of over £25 be registered. The Council's form requires members to provide an estimate of the value. In declarations where such information is not provided the member will be asked to provide that detail.

4.0 Financial Implications

4.1 This report contains no specific financial implications.

5.0 Legal Implications

5.1 These are addressed in the body of the report.

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 Personal Interests
Brent Members Code of Conduct

Local Government Act 2000

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

Fiona Ledden
Director of Law and Procurement Department

APPENDIX 1

Paragraph 8 (1)

'You have a personal interest in any business of your authority where either

- (a) it relates to or is likely to affect
 - (i) 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 your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of 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;

- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant; or
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer'.

Personal interests

8. (1) You have a personal interest in any business of your authority where either –
- (a) it relates to or is likely to affect -
 - (i) 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 your authority.
 - (ii) any body -
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of 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;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you

are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
 - (b) 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 division or ward, as the case may be, affected by the decision;
- (2) In sub-paragraph (1)(b), a relevant person is –
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons 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 sub-paragraph (1)(a)(i) or (ii).