

MINUTES OF THE STANDARDS COMMITTEE
Wednesday, 8th March 2005 at 7.00pm

Present: John Mann (Chair), Nav Mandair (Vice Chair) and Councillors Kansagra and Nerva.

Also in attendance were: Terry Osborne (Monitoring Officer), Jane Alver (Legal) and Anne Reid (Democratic Services) together with Councillor B M Patel and Mr Gordon Keymer (Representative).

1. Declarations of Interest

Councillor Kansagra declared a personal interest as he had attended the same school as Councillor B M Patel's wife in the 1960's. The Committee noted this declaration which the Monitoring Officer advised was not prejudicial.

2. Minutes

The minutes of the previous meeting held on 11th January 2005 were approved as an accurate record.

3. Matters arising

None

4. Hearing

The Committee met to conduct the Hearing into allegations concerning Councillor Bhiku M Patel referred by the Standards Board, reference number SBE 4306.03 (part 2). Having confirmed that the meeting was quorate, the Chair opened the meeting and introduced the parties. Councillor B M Patel was present with his representative, Mr Gordon Keymer, Leader of Tandridge District Council and on behalf of the Conservative Councillors Association. Councillor B M Patel confirmed that he had received a copy of the Procedure Note for the Hearing.

Councillor B M Patel also indicated his agreement to the Hearing taking place in public. The Monitoring Officer referred to the bundle of documents made available for the Hearing which had been circulated to all parties. The Monitoring Officer summarised the allegation against Councillor B M Patel and referred to the findings of fact from the Ethical Standards Officer namely that Councillor Patel took part in Council meetings where post office closures had been discussed and had failed to declare a personal interest as his wife owned a post office and, that interest also being a prejudicial interest, failed to withdraw from the relevant meetings and as a consequence had used his position as a councillor to secure and advantage for himself and family. The Committee noted that Councillor Patel had acknowledged that a breach had taken place and had indicated his willingness to apologise, receive training and take part in conciliation.

The Committee AGREED the following as preliminary matters

- (i) that Mr Keymer, being a non-legally qualified person would be permitted to represent Councillor Patel at the Hearing;
- (ii) that the procedure described in the Procedure Note circulated prior to the meeting would be followed for this and future Hearings;
- (iii) that the Hearing would take place in public;
- (iv) that Councillor Patel had acted in breach of the Code of Conduct as it related to the declaration of personal and prejudicial interests.

The Chair, John Mann, reminded the Committee that given Councillor B M Patel's acceptance of the findings of fact, including acknowledging a breach of the Code of Conduct, the decision was now what sanction would be imposed if any. The Monitoring Officer drew members' attention to the sanctions available.

Mr Keymer made a statement on behalf of Councillor B M Patel requesting that the Committee take no further action. By way of background, he stated that post office closures were an emotive issue affecting the local community. He stated that Councillor Patel, as a newly elected councillor, had been open about his employment as a post master and was still in the process of learning how the Council worked. He stated that there was some lack of clarity over how declarations of interests should be made. He said that Councillor Patel's involvement in the property was not direct, and nor did he have any financial interest and, as such, any breach should be considered as minor. Mr Keymer felt it was important for residents with experience of the outside world to be encouraged to stand for the Council. He added that the case had taken some 19 months to come to a Hearing which had been very stressful. As Councillor Patel had admitted the breach and indicated a willingness to give an apology and to take part in training he urged the committee to take no further action.

The Monitoring Officer outlined the training and advice that had been made available to all councillors, including Councillor Patel, concerning the registration and declaration of personal and prejudicial interests. The Committee asked questions in turn relating to Councillor Patel's understanding of the procedure for declaring interests at meetings, whether there had been any financial advantage to him or his wife as a result of the proposed closure, whether he had attended any training or sought any advice relating to declarations of interest. In response, Councillor B M Patel stated that there was no personal financial advantage to him as the rent for the premises would be unchanged as a result of the proposed closure and, in any event, he had not considered the matter, particularly as the property had been leased for at least another year. It was emphasised that the campaign against post office closures had all party support and had involved a number of post offices in the borough. He had not considered the specific mention of the Monks Park Post Office to be relevant. Mr Keymer reminded the Committee that the campaign against post office

closures had all party support and considered that on the face of it, a member of the public would not consider that the closure of a post office was likely to give a financial advantage. Additionally, Councillor Patel felt that given that the majority of members were against post office closures, his single vote would have not made a significant difference to the outcome. Furthermore Councillor Patel did not take part in the debate at the Council meetings in question.

There being no further questions, Councillor Patel, Mr Keymer and members of the public present were asked to leave the room whilst members of the Committee deliberated in private.

Members then considered the submissions made having regard to the issues for consideration as set out in the guidance on deciding the appropriate sanction contained in the Procedure Note (Chapter 5). The members also considered the sanctions that had been imposed by the Standards Committees of other authorities for similar acts of misconduct.

At 9pm, Councillor Patel, Mr Keymer and the public were readmitted to the meeting to hear the Committee's decision.

RESOLVED:-

This Committee notes that Councillor B M Patel has agreed to give an apology and to undertake training and this has been taken into account in reaching a decision, together with all other relevant factors. This Committee has decided unanimously that there had been a breach of the Code of Conduct and to censure Councillor Patel and the Chair will write to Councillor Patel in due course. The Committee were particularly concerned at Councillor Patel's lack of understanding of the rules relating to declarations of interests and did not accept that training had not been available. The Committee requires Councillor Patel to provide a written apology to the Mayor of Brent Council to be read out at the next meeting of Full Council in the form to be notified to Councillor Patel by the Chair. The Committee requires Councillor Patel to attend the next scheduled training session for members on personal and prejudicial interests and to undertake a one-to-one training session with the Monitoring Officer or her representative within one month.

The Chair advised that Councillor Patel had a right of appeal to the Adjudication Panel for England and Councillor Patel was given a note on how to appeal.

The Chair thanked the officers for their contributions.

The meeting ended 9.05pm.

John Mann
Chair