



Standards Committee

11 October 2006

Report from the Borough Solicitor

For Information

Wards Affected:
ALL

Report Title: 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 May 2005 to April 2006. It provides an update on member conduct issues, and the work of the Standards Committee and the Monitoring Officer.

2.0 Recommendations

2.1 That the Committee note this report.

3.0 Detail

3.1 Members of the Standards Committee

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

- John Mann (Chair), Independent Member
- Rochelle Gelman (Vice-Chair), Independent Member
- Councillor Reg Colwill (Conservative)
- Councillor James Powney (Labour)
- Councillor Chris Leaman (Liberal Democrat)

3.2 Referrals to the Standards Board for England

During the period of this report, the Standards Board for England (SBE) advised us of the outcome of nine referrals to the Board regarding members

at Brent. One of these referrals was a complaint regarding all Labour Group Councillors. All other complaints were regarding individual members.

Of the nine referrals, the SBE decided not to investigate six. The other three were each referred for an investigation to an SBE Ethical Standards Officer (ESO). In two cases the ESO determined that there was no evidence of a breach. In the other case the ESO determined that no action needed to be taken.

A summary of the referrals is set out below. Note that the member referred to is the member about whom the complaint was made. The date of decision refers to the date of notification of the decision not to investigate, or where applicable, the date of the determination by the ESO. The nature of the allegation is set out for those cases that were investigated by an ESO.

Date of Decision	SBE No.	Member	Nature of Allegation	Outcome
10/08/2005	11954.05	Cllr Ann John		Should not be investigated
11/10/2005	12647-12681.05	All Labour Group Councillors		Should not be investigated
21/10/2005	11695.05	Cllr Jack Sayers	Failed to treat others with respect and brought office into disrepute (alleged anti-semitic comments)	ESO Investigated - no evidence of breach
01/11/2005	12990.05	Cllr Ann John		Should not be investigated
16/12/2005	13468.05	Cllr Carol Shaw		Should not be investigated
19/01/2006	12520.05	Cllr Vijaykumar Shah	Brought authority into disrepute (alleged assault)	ESO Investigated - no evidence of breach
21/02/2006	14075.06	Cllr Ann John		Should not be investigated
08/03/2006	14218.06	Cllr Noel Thompson		Should not be investigated
10/03/2006	12409.05	Cllr Carol Shaw	Failed to treat others with respect and secured an advantage for herself (in dealing with Brent Housing Partnership)	ESO Investigated - no action needs to be taken

3.3 The Committee's Work During 2005-2006

The Committee met on five occasions during the municipal year. Unfortunately, on two of those occasions the meeting was inquorate. The main items addressed by the committee at each meeting are set out below:

6 April 2005

- Procedure for local determinations
- Standards Board for England Consultation on Code of Conduct
- Work Programme

8 June 2005

This meeting was inquorate but members present discussed the items on an unofficial basis. In the case of items which required some formal action by the committee, the reports were re-presented to the November meeting of the committee.

- Review of Members' Interests and the Register of Gifts and Hospitality
- Declarations in the Register of Gifts and Hospitality
- Local Investigations (New Regulations)
- Twinning Update
- Monitoring Officer's Annual Report
- Standards Board for England – Borough Statistics

11 October 2005

This meeting was inquorate and was therefore abandoned

22 November 2005

- Whistleblowing Procedure
- Twinning Update
- Annual Review of the Member Development Programme
- Financial Rules Governing the Mayor's Charities
- Planning Code of Practice
- Review of Members' Interests and the Register of Gifts and Hospitality
- Declarations in the Register of Gifts and Hospitality
- Local Investigations (New Regulations)
- Monitoring Officer's Annual Report
- Standards Board for England – Borough Statistics

21 February 2006

- Review of Code of Conduct and New Ethical Framework
- Twinning with South Dublin Protocol
- Standards Networking Event – GLA Visit
- Process for Reappointment of Independent Members
- Money Laundering

3.4 Proposed Work Programme for the Standards Committee

On 7 June 2006 the Standards Committee agreed a work programme for the forthcoming year as follows:

	Agenda Item	Proposed Date	Status
1.	Standards Committee procedures	7 June 2006	Received
2.	Annual Conduct Letter by Monitoring Officer	7 June 2006	Received

3.	Work Programme 2006-07	7 June 2006	Received
4.	Guidance on the granting of dispensations by the Standards Committee	7 June 2006	Received
5.	Annual Report of the Monitoring Officer	11 October 2006	This Report
6.	Annual Review of Register of Gifts and Hospitality	11 October 2006	See Agenda
7.	Annual Review of Members' Interests	11 October 2006	Included in this report
8.	Guidance on membership of outside bodies	11 October 2006	Awaiting external legal advice
9.	Report re twinning resources and progress	11 October 2006	See agenda
10.	Possible Networking Event	November 2006	
11.	Annual Review of the Member Development Programme	17 January 2007	
12.	Annual Standards Board Statistics	17 January 2007	
13.	Annual Review of the Planning and Licensing Codes of Practice	17 January 2007	
14.	Networking Event	March 2007	

NB: In addition to the above proposed work programme the Standards Committee may need to hear allegations of misconduct from time to time although none are currently scheduled.

3.5 Monitoring Officer Advice Notes

During the course of the year 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. The complete set of Advice Notes as at the close of this report was as follows:

1	Annual Conduct Letter	22/07/2004
2	Standards Update	22/07/2004
3	Standards Committee and Adjudication Panel Decisions	22/07/2004
4	Standards Workshop	16/08/2004
5	Attendance at Meetings	25/08/2004
6	Case Note: Hathaway v Ethical Standards Office (2004)	01/09/2004
7	Attendance at Council Meetings	10/09/2004
8	Richardson v North Yorkshire County Council	14/10/2004
9	Enforcing Ethical Standards of Members	29/10/2004
10	Councillors who are Solicitors	29/11/2004
11	Councillors who are Freemasons	06/12/2004
12	Non compliance with discretionary time limits	18/01/2005
13	Gifts and Hospitality	26/01/2005
14	Taking up training and seeking advice	07/04/2005
15	Issue of recording members as present	14/04/2005
16	Disqualification of lay justices who are members of local authorities	20/04/2005
17	Application of Paragraph 10(2) of the Code of Conduct	25/04/2005
18	Minister's Announcement on SBE changes	05/01/2006
19	Summary of Recent Adjudication Panel Decision	09/01/2006

N.B: Further advice notes have been issued after the end of the period covered by this report, namely:

20	Annual Conduct Letter	10/05/2006
21	The Dimoldenberg Case & Confidentiality	05/07/2006
22	Dispensations from the Standards Committee	18/07/2006
23	Personal & Prejudicial Interests and Apparent Bias in the Determination	18/07/2006
24	Determining Planning Applications	18/07/2006
25	Planning Committee - Procedures	04/08/2006
26	Friends' Interests	17/08/2006
27	Challenge Proof Decision Making	31/08/2006
28	Councillors who are Freemasons	08/09/2006

3.6 Training / Networking

In addition to formal meetings, the Committee arranged networking events with the Standards Committees of other West London boroughs. This included a visit to the GLA in January 2006. The Chair also made visits to meetings of the Standards Committees of several other boroughs. A separate report on member training and development will be presented to the committee in January 2007 in accordance with the agreed work programme.

3.7 Review of Register of Members Interests

Members may recall that an audit of the register was conducted as part of the 2004-05 internal audit plan. The Register of Members' Interests is held by Legal and Democratic Services. The Borough Solicitor who, as monitoring officer, is responsible for advising members on issues relating to personal and prejudicial interest. The register is available to the public via the website. All members elected at the 2006 election were required to complete declarations for this register.

3.8 Register of Gifts and Hospitality

Members will note that there is a separate report elsewhere on this agenda which deals with the Register of Gifts and Hospitality. In future, that register may also be included in the annual report from the Monitoring Officer.

4.0 Financial Implications

4.1 This report contains no specific financial implications.

5.0 Legal Implications

5.1 This report has been prepared by the Borough Solicitor, and legal issues have been addressed as they arise within the report.

6.0 Diversity Implications

6.1 This report contains no specific diversity implications.

Background Papers

Brent Register of Members' Interests
Brent Register of Gifts and Hospitality

Contact Officer

Any person wishing to inspect the papers in connection with this report should contact Graham Beever at the Town Hall Annexe, Forty Lane, Wembley, Middlesex HA9 9HD, telephone 020 8937 1368.

TERRY OSBORNE
BOROUGH SOLICITOR