



Standards Committee

30 January 2008

Report from the Borough Solicitor

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 2006 to April 2007. 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:
- John Mann (Chair), Independent Member
 - Rochelle Gelman (Vice-Chair), Independent Member
 - Councillor Reg Colwill (Conservative)
 - Councillor James Powney (Labour)
 - Councillor Chris Leamen (Liberal Democrat)

Appointment of the Independent Members

- 3.2 The appointment of the independent members is for a period of 2 years with the next appointment due in May 2008. As required by law an advertisement will be placed inviting expressions of interest for the posts shortly. The advertisements will be placed in local newspapers and the appointment process will be completed in time to confirm the new appointments at the May meeting of Full Council.

Referrals to the Standards Board for England

- 3.3 During the period of this report, the Standards Board for England advised us of the outcome of two referrals to the Board regarding individual members. The Standards Board decided not to investigate either complaint.
- Complaint SBE14835.06 related to a complaint about former Councillor Gladbaum and the decision not to investigate was made on 10 May 2006.
 - Complaint SBE17246.07 related to Councillor Blackman and the decision not to investigate was made on 13 February 2007.

The Committee's work during 2006-2007

- 3.4 The Committee meet on four occasions during the municipal year. The main items addressed by the committee at each meeting are set out below.

7 June 2006

Standards Committee Procedures – Guide to Hearings
Monitoring Officer's Annual Conduct Letter to Members
Guidance on Granting Dispensation by the Standards Committee
Work Programme for the year 2006/07

11 October 2006

Annual Report of the Monitoring Officer
Register of Gifts and Hospitality
Twinning Update

17 January 2007

Annual Review of the Member Development Programme 2005/06
Annual Review of the Members' Interests
Annual Review of the Planning Code of Practice Review
Standards Board for England Borough Statistics

13 March 2007

Proposed changes to the Model Code of Conduct
Annual Work Programme 2007/08

Monitoring Officer Advice Notes

- 3.6 During the period the Monitoring Officer continued to issue Advice Notes to members as required. Together with the previously issue Advice Notes these form an ongoing resource for Councillors. The Complete set of Advice Notes can be found on the standards web page but those issued for the period covered by this report are set out below.

Number	Subject	Date issued
20.	Annual Conduct Letter	10/5/06
21.	The Dimoldenberg Case	5/7/06
22.	Dispensations from the Standards Committee	18/7/06
23.	Personal and Prejudicial Interests and Apparent Bias in the Determination of Planning Applications	18/7/06
24.	Determining Planning Applications	18/7/06
25.	Planning Committee - Procedures	4/8/06
26.	Friends Interests	17/8/06
27.	Challenge Proof Decision Making	31/8/06
28.	Update on recent complaints	3/1/07
29.	Members Interests	26/1/07

Networking

- 3.7 In addition to the formal meetings the Committee hosted the West London Alliance Standards Committee Networking Event on the 21st of March 2007.
- 3.8 Twenty three members and officers from seven London Boroughs attended the event. Although the event is primarily for the five West London Alliance Boroughs an officer from Brent is a member of the Barnet Standards Committee and so an invite was extended to her and a member from the Royal Borough of Kensington and Chelsea also attended.
- 3.9 The feature presentation of the evening was from Peter Keith Lucas, a partner at Messrs. Bevan Brittan, solitors and an acknowledged expert in the area of local authority ethics. Peter delivered a presentation on the proposed changes to the Model Code of Conduct and the Local Government Bill. The presentation was very well received with very positive feedback about the presentation and the event itself.

Review of the Register of Member's Interests

- 3.10 On 17 January 2007 the Standards Committee agreed that in future the annual review of member's register of interests would be included in the annual report from the Monitoring Officer. Because the annual review of the register of member's interests was previously done on a calendar year basis and the Monitoring Officer's annual report is done on a municipal year basis the period covered by this report is largely the same time period that was covered by the previous annual review. Future Annual reports will not involve the same duplication.

3.11 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. During the period covered by this report the interests that were required to be registered were set out in paragraphs 14 and 15 of the then Code of Conduct. These are set out below.

Paragraph 14

- (a) any employment or business carried on by the member;
- (b) the name of the person who employs or has appointed the member, the name of any firm in which he or she is a partner, and the name of any company for which he or she is a remunerated director;
- (c) the name of any person, other than a relevant authority, who has made a payment to the member in respect of his or her election or any expenses incurred by him or her in carrying out his or her duties;
- (d) the name of any corporate body which has a place of business or land in the authority's area, and in which the member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- (e) a description of any contract for goods, services or works made between the authority and the member or a firm in which he or she is a partner, a company of which he or she is a remunerated director, or a body of the description specified in sub-paragraph (d) above;
- (f) the address or other description (sufficient to identify the location) of any land in which the member has a beneficial interest and which is in the area of the authority;
- (g) the address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which the member is a partner, a company of which he or she is a remunerated director, or a body of the description specified in sub-paragraph (d) above; and
- (h) the address or other description (sufficient to identify the location) of any land in the authority's area in which he or she has a licence (alone or jointly with others) to occupy for 28 days or longer.

Paragraph 15

Membership of or position of general control or management in any;

- (a) body to which he or she has been appointed or nominated by the authority as its representative;
- (b) public authority or body exercising functions of a public nature;
- (c) company, industrial and provident society, charity, or body directed to charitable purposes;

- (d) body whose principal purposes include the influence of public opinion or policy; and
- (e) trade union or professional association.

3.12 Section 81 of the Local Government Act 2000 also 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 Democratic Services and is available for inspection by the public via appointment or through the Council's website.

3.13 During the period covered by the report all members completed a declaration of interests as required.

3.14 During January 2007 the Monitoring Officer conducted a review of the register of interests which included checking that members had registered any membership of a political party, whether they had registered an interest in any land in the Council's area and a cross check of the register against the Council's records of school governors. As a result of the review

- The Monitoring Officer wrote to ten members who Council records showed were school governors but who had not registered that interest.
- The Monitoring Officer also wrote to one member who had declared an appointment as a school governor but Council records showed they were not.
- The Monitoring Officer wrote to twelve members who had not registered membership of a political party.
- The Monitoring Officer wrote to six members who had not registered any interest in land within the Council's area.

3.15 Members should note that during the period covered by this report the interest in land that members were required to register included ownership, tenancy or any licence to occupy longer than 28 days so while not every member would have an interest in land in the Council's area it is likely that any members living in the Borough would.

3.16 Members should also note that during the period covered by this report the Code of Conduct did not expressly require members to register membership of a political party. However the Standards Board guidance at the time was that political parties were bodies whose principle purpose included the influence of public opinion and that membership should therefore be registered. In contrast the new Code of Conduct specifically requires membership of a political party to be registered.

3.17 As part of the review the Monitoring Officer issued a Monitoring Officer Advice Note on 29 January 2007 reminding all members of their obligations under the Code of Conduct to register personal interests and in particular in relation to

political parties, property, appointments as a School Governor, involvement with outside bodies and the duty to register any change.

- 3.18 Although it falls outside the period covered by this report, when the new Code of Conduct was introduced in September the types of interests members are required to register was changed slightly. Accordingly in the lead up to the adoption of the new Code a further review of the register was undertaken which included another check of whether members had declared an interest in land in the Council's area and membership of political parties as well as cross checking all declarations against the Councils record of nominations or appointments to outside bodies.
- 3.19 Following the adoption of the new Code members were provided with declarations of interest that had all the information that had previously been provided pre-printed on the form as well as the information from the Council's records. Members were asked to read and check the declarations making any changes that were required before signing and returning the forms.
- 3.20 As it stands today four members have not declared membership of a political party and one member has not declared an interest in any land in the Council's area. The Monitoring Officer will write to these members shortly to remind them of their obligations.

Review of Gifts and Hospitality

- 3.21 On 11 November 2006 the Standards Committee agreed that in future the annual review of gifts and hospitality would be included in the annual report from the Monitoring Officer.
- 3.22 During the period covered by this report members were required by the then Code of Conduct to declare the receipt of any gifts or hospitality they received with a value of £25 in the register of gifts and hospitality. Set out in the table below are all the gifts and hospitality that were received by members during the period covered by this report that were declared to the Monitoring Officer. The table has been arranged by the date of the gift.

Name	Date of Gift	Description (as provided by the member)	Value	Received from	Date of declaration
Cllr Farrell	14/04/07	Marks and Spencers voucher	£25	Mrs M Walsh, NW9	21/04/07
Cllr Allie	24/03/07	Tickets and Hospitality at England U21 game	£40	Football Association and Wembley National Stadium Ltd	27/04/07
Cllr Lorber	24/03/07	Tickets and Hospitality at England U21	£40	Football Association and Wembley National	23/04/07

		game		Stadium Ltd	
Cllr Blackman	24/03/07	Tickets and hospitality	Ticket £10, hospitality £25	Wembley Stadium	26/03/07
Cllr Colwill	24/03/07	Tickets and hospitality	Ticket £10, hospitality £25	Wembley Stadium	26/03/07
Cllr Joseph	02/07	Clothing	£400	Twinstar Motors	6/11/07*
Cllr Joseph	28/02/07	Meal and drinks paid for by Sport Beneficia during meeting at SLB Restaurant, 988 Harrow Road.	£25	Sport Benefica	1/03/07
Cllr Joseph	18/01/07	Meal and drinks for 5 people as part of birthday celebrations of son. Owner refused to accept payment from the Mayor.	£200	Moore Spice (1966) Bar and Restaurant, Unit 2, Wembley Retail Park, Engineers Way, Wembley, HA9 8ZR	19/01/07
Cllr Joseph	11/06	Clothing	£500	Malcolm Butchers	6/11/07*
Cllr Joseph	11/06	Photographs	£1,200	Gentlecare Homecare Services	6/11/07*
Cllr HB Patel	24/10/06	A candle stand (small round shape)	more than £25	ICICI Bank, Ealing Road Branch, Wembley	7/11/06
Cllr R Moher	01/10/06	Cotton top and wrap brought as a present from Pakistan	£15	Ms S Waqar (constituent)	09/10/06
Cllr Joseph	04/08/06	Silk Scarf	£25 approx	Visiting Chinese delegation comprising representatives from the Shanghai government.	15/08/06
Cllr Mendoza	01/08/06	2 tickets to a Madonna concert	£320	Quintain	07/08/06
Cllr Malik	01/08/06	concert ticket	£160	Quintain	04/08/06
Cllr Blackman	01/08/06	2 concert tickets	£320	Quintain	04/08/06
Cllr Fernandes	01/08/06	Concert ticket	£160	Quintain	04/08/06
Cllr Kansagra	01/08/06	Two concert tickets	£320	Quintain	04/08/06
Cllr Colwill	01/08/06	Ticket (passed to daughter)	£160	Quintain	01/08/06
Cllr Blackman	18/06/06	2 concert tickets	£200	Quintain	04/08/06
Cllr John	18/06/06	Tickets for Eagles concert at Wembley	£150	Quintain Estates Limited	20/06/06

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* Members will note that although these gifts were received during the period covered by this report they were declared outside of the period covered by this report and more than 28 days after receipt of the gift or hospitality. They are being investigated by the Monitoring Officer.

- 3.23 Members generally complied with the requirement to declare the gift or hospitality within 28 days however there are six instances where declarations were made outside this time limit.
- 3.24 Members are reminded that following the adoption of the new Code of Conduct on 10 September 2007 there is no longer a separate register for gifts and hospitality. Accordingly in the future the review of the register of member's interests will include the review of gifts and hospitality.

Proposed Work Programme for the Standards Committee 2007-08

- 3.25 On 13 March 2007 the Standards Committee agreed a work programme for the forthcoming year. However an amendment to the agreed work programme had to be made before the first meeting on 4 July 2007 could take place in order to give sufficient time for a presentation from Richard Lester of CIPFA about the new Model Code of Conduct which had been issued by the Secretary of State on 2 April 2007. The revised work programme is set out below.

Item	Scheduled date	Status
New Model Code of Conduct	4 July 2007	Agreed
Amendments to the Planning Code of Conduct, Licensing Code of Practice and Protocol on Members Rights of Access to Information	15 October 2007	Agreed
Annual networking event	6 December 2007	Held
Local Government White Paper/ Local Government and Public Involvement in Health Act	30 January 2008	See agenda
Annual report of the Monitoring officer (including the review of member interests and review of gifts and hospitality)	30 January 2008	See agenda
Annual review of members' expenses	30 January 2008	See agenda
Local investigations procedures	30 January 2008	Awaiting regulations
Annual review of the Planning code of Practice	30 January 2008	See agenda
Annual review of member development programme	26 March 2008	
Guidance on membership of outside bodies	26 March 2008	
Annual review of Standards Board statistics	26 March 2008	
Annual Work programme for 2008/9	26 March 2008	
Members' allowances	If req'd	
Annual review of Licensing Code of Practice	If req'd	
Annual conduct letter	Monitoring Officer Advice Note	

3.26 The work programme includes a report on the local investigation procedures set down for consideration at this meeting of the committee but given that the orders, guidance and regulations that fall out of the Local Government and Public Involvement in Health Act 2007 have yet to be finalised this report will be delayed until the legislative framework has been finalised.

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

Register of Members Financial and Other Interests

Register of Gifts and Hospitality

The Brent Code of Conduct (as adopted by the Council on 22 May 2002 but no longer in force)

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 Dan Bonifant, Local Government Lawyer on telephone number 020 8937 1368.

TERRY OSBORNE
Borough Solicitor