



Standards Committee

5 November 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 2007 to April 2008. 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 Gavin Sneddon (Liberal Democrat)

Appointment of the Independent Members

- 3.2 The appointments of the independent Chair and Vice-Chair expired in May 2008 and although the new appointments were outside the period of this report, the recruitment and appointment process was largely carried out during the period covered by this report and the appointments therefore reported.
- 3.3 Advertisements of the positions were placed in a local newspaper and in the Council's 'Job shop' magazine. Seven applications were received and five candidates were shortlisted for appointment. It was decided it was unnecessary to interview the existing candidates and one other candidate who meet or exceeded each of the Councils criteria. Two candidates were invited for an interview but one candidate failed to turn up to the interview.
- 3.4 The candidate who was interviewed would have been recommended to the Council for appointment but the Standards Committee (England) Regulations 2008 came into force at about this time and prevented the Council from appointing any person employed by a Council. Previously such a person could have been appointed.
- 3.5 John Mann and Rochelle Gelman were subsequently appointed by the Council for a period of two years until May 2010. Also outside the period of this report a third independent member was interviewed and appointed by the Council as an alternate independent member. Shelia Darr was appointed in September to serve as an alternate independent member until May 2010.

Referrals to the Standards Board for England

- 3.6 During the period of this report, the Standards Board for England advised us of the outcome of three complaints made to the Board regarding individual members.
- Complaint SBE18953.07 in which the Ethical Standards Officer found that there had been no breach of the Code of Conduct.
 - Complaint SBE20714.07 which related to two separate members and in which the Standards Board decided not to investigate either allegation.

The Committee's work during 2007-2008

- 3.7 Members will recall that just prior to the period covered by this report a new Model Code of Conduct was issued by the Secretary of State (4 April 2007) and then following this a new Code of Conduct was adopted by the Council on 10 September 2008. Additionally major changes were made to the ethical standards framework by the Local Government and Public Involvement in Health Act 2007. These events dominate the work programme of the Standards Committee during the period of this report.
- 3.8 The Committee meet on four occasions during the municipal year. The main items addressed by the committee at each meeting are set out below.

4 July 2007

Model Code of Conduct (report from the Borough Solicitor)
Model Code of Conduct (external training provided by CIPFA)

15 October 2007

Changes to the Planning Code of Practice, Licensing Code of Practice and the Protocol on Members' Rights of Access to Information

30 January 2008

Review of members expenses
Changes to ethical standards framework
New requirements for considering the complaints against members
Planning Code of Practice annual review
Annual report of the Monitoring Officer (including gifts and hospitality)

26 March 2008

Review of the member development programme
Annual work programme for 2008/09
Standards Board Statistics
Composition of the Standards Committee
Local investigations procedures

Monitoring Officer Advice Notes

- 3.9 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
30.	New Code of Conduct	3.5.07
31.	Changes to the Code of Conduct	3.9.07
32.	Personal and Prejudicial Interests	11.9.07
33.	Members gifts and hospitality	11.9.07
34.	Bullying	2.11.07
35.	Requirement not to disclose Confidential Information	9.11.07
36.	Reports Issued by Local Government Ombudsman	24.12.07

Networking

- 3.10 In addition to the formal meetings the Committee hosted the West London Alliance Standards Committee Networking Event on the 6th of December 2007.

- 3.11 Twenty members and officers from six London Boroughs attended the event. Although the event is primarily for the five West London Alliance Boroughs an officer from Brent was at the time a member of the Barnet Standards Committee and so an invite was extended to her. The event has been so well received that members from the Royal Borough of Kensington and Chelsea and the London Borough of Barnet have asked if they could attend future events.
- 3.12 The feature presentation of the evening was from Claire Lefort, an Associate at Weightmans LLP who had previously been a Principal Legal Advisor to the Standards Board for England. Claire delivered a presentation on how the new ethical framework would operate in practice and then conducted a mock hearing to allow the members to experience the new procedures in action and to exercise a substantive decision on a fictional set of facts. The presentation was very well received with very positive feedback about the presentation, mock hearing and the event itself.

Review of the Register of Member's Interests

- 3.13 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 Democratic Services and is available for inspection by the public via appointment or through the Council's website and during January 2008 the register was inspected by two members of the public.
- 3.14 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 old Code of Conduct and in paragraph 8 of the current Code of Conduct. These are both set out below.

Paragraph 14 (of the old Code)

- (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 (of the old Code)

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.

Paragraph 8 (of the current Code)

(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.

3.15 During the period of this report covered by the old Code of Conduct the Council held declarations of interest from all the members but once the new

Code of Conduct was adopted on 10 September 2007 all members were required to complete a new declaration of personal interests as some categories of interests had changed slightly under the new Code of Conduct.

- 3.16 In January 2008 a full review of the members' register of personal interests was carried out and the following declarations of interest identified:
- Two members had not declared membership of a political party;
 - One member had not declared any interest in any land in the Council's area;
 - Three members had not declared appointments as school governors; and
 - One member who had declared appointment as a school governor had not notified us that he no longer held that position.
- 3.17 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. This provision was the same in both the old and current versions of the Code of Conduct.
- 3.18 Members should also note that it was only during the period in which the new Code of Conduct was in force (i.e. post 10 September 07) that members were required to register membership of a political party. Although Standards Board guidance had previously indicated that members should register their membership it was not expressed as such in the Code of Conduct itself until post September 2007.
- 3.19 The Monitoring Officer wrote to the members whose declarations appeared to be incomplete and as a result the three members who were appointed as school governors subsequently declared their appointment but there was no response from the other members. When preparing this report the Monitoring Officer again wrote to the members whose registers appear to be incomplete and at the time of writing this report there has not been any response.

Gifts and Hospitality

- 3.20 During the period covered by this report members were required by both the old and the current Codes 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.
- 3.21 The only difference is that under the old Code a separate register of gifts and hospitality was maintained, whereas, under the current Code of Conduct, gifts and hospitality are treated as a personal interest and they are therefore included in each member's register of personal interests.

3.22 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 declarations are organised alphabetically.

Councillors Name	Date of gift / receipt of hospitality	Details of gift / hospitality	Estimated Value*	Person / Body providing gift / hospitality	Date of declaration
Cllr Beswick	15/01/2008	Annual Reception (HMCS) Her Majesty Courts Services Royal Court of Justice	£60	Chair of Board of London HMCS	21/01/2008
Cllr Beswick	28/08/2007	Mayor's Black Leader's Dinner	£100	Mayor of London	03/09/2007
Cllr Beswick	13/07/2007	Dinner at the House of Commons	Approx £25-50	Copland School	16/07/2007
Cllr D Brown	10/11/2007	5 tickets to the Lord Mayor's show buffet lunch and reception	£250	City of London	13/11/2007
Cllr Colwill	26/09/2007	Tickets for the London Eye, Champagne	£25	RLSB, invited as lead member for Social care	10/10/2007
Cllr John	06/02/2008	Corporate box ticket to see England v Switzerland football match	not known	Nick Shattock and Quintain Estates Development	08/02/2008
Cllr John	22/01/2008	Boxed Ballpoint Pen and Boxed Orchid	£25	Mr Andrew William Coleman	23/01/2008
Cllr John	14/01/2008	Labbi Siffre CD	£15	Mariaska Romanou	18/01/2008
Cllr John	13/07/2007	Dinner at the House of Commons	Approx £25-50	Copland School	15/07/2007
Cllr John	19/05/2007	2 tickets for the FA Cup Final at Wembley Stadium	Approx £180 for the pair	Football Association	18/06/2007
Cllr Joseph*	02/2007	Clothing	£400	Twinstar Motors	06/11/2007
Cllr Joseph*	11/2006	Clothing	£500	Malcolm Butchers	06/11/2007

Cllr Joseph*	11/2006	Photographs	£1,200	Gentlecare Homecare Services	06/11/2007
Cllr Joseph	14/09/2007	Parker Pen	£25	JVC (Staples Corner)	08/10/2007
Cllr J Long	11/02/2008	Viewing of premier of a play at the Tricycle Theatre followed by a buffet	£15	Brent Citizen's Advice bureau	15/02/2008
Cllr J Long	07/12/2007	Gifts, meal & entertainment	£99.73	Brent Housing Partnership	11/01/2008
Cllr Lorber	06/04/2008	Tickets & hospitality at FA Cup semi-final at Wembley Stadium	£200	Quintain Estates & Development plc	14/04/2008
Cllr Lorber	25/08/2007	Two tickets to Challenge Cup Final in capacity as Leader of the Council	£200	Rugby Football League	06/09/2007
Cllr Lorber	19/05/2007	3 tickets and hospitality for FA cup final (Donation of £250 made to Mayor's charity in lieu)	£250	Football Association	29/05/2007
Cllr Mistry	13/07/2007	Dinner at the House of Commons	£25-£50	Copland Community School	10/09/2007
Cllr O'Sullivan*	07/12/2007	Gifts, meal & entertainment	£99.73	Brent Housing Partnership	20/08/2008
Cllr HB Patel	27/02/2008	Silver pen & pencil set	45	Irish Minister of Integration, Mr Connor Lenihan	03/03/2008
Cllr Van Colle	28/04/2008	Post-it note stand and matching small digital clock	Probably less than £50	South Dublin Council (given to me on twinning visit with The Mayor and Director of Environmental Services)	13/05/2008
Cllr Wharton	10/12/2007	Lunch	£25+	Edutrust	18/12/2007

3.23 Members generally complied with the requirement to declare the gift or hospitality within 28 days however there are four instances where declarations were made outside this time limit. These gifts have been highlighted with an asterisk.

- 3.24 In future declarations where the value is listed as not known the entry will be considered incomplete and members will be urged to provide the actual or estimated amount of the gift or hospitality.

Proposed Work Programme for the Standards Committee 2008-09

- 3.25 On 26 March 2008 the Standards Committee agreed a work programme for the forthcoming year which is set out in the table below.

Name of Report	Scheduled date	Status
Applications for exemption from political restriction – the new rules	24 June 2008	Agreed
Guidance on membership of Outside Bodies		
Annual report of the Monitoring officer (including the review of member interests and review of gifts and hospitality)	5 November 2008	See agenda
Annual review of members' expenses	5 November 2008	See agenda
Annual review of the Planning code of Practice	21 January 2009	
Annual review of Licensing Code of practice	21 January 2009	
Annual review of Standards Board statistics	25 March 2009	
Annual review of the member development programme	25 March 2009	
Annual Work programme for 2009/10	25 March 2009	
Annual networking event	To be confirmed	

Follow up Audit – Review of Register of Members Interest and Gifts and Hospitality

3.26 In January 2005 an internal audit of the Register of Members' interests and Gifts and Hospitality was conducted and fifteen recommendations were made by the auditors to improve the operation and management of the register. In February and March 2008 the Council's internal audit team conducted a follow up audit to see if these recommendations had been implemented.

3.27 The follow up audit report is attached to this report as **appendix 1** and the auditors found that twelve of the recommendations had been implemented, two partially implemented and one not implemented at all.

3.28 The recommendations that the auditors found were partially implemented were that;

- The Democratic Services Manager should check all "Notification by Members of Financial and Other Interests" and "Amendment of Entry to Members' Interest" forms completed and returned by members to ensure that all boxes have been completed and the member contacted if there are any omissions.

Our response: While an annual review of the register is carried out and letters sent to members with obvious discrepancies it was felt that ultimately the responsibility for checking the accuracy of a declaration is upon the member themselves not the Democratic Services Manager or the Monitoring Officer.

- The Monitoring Officer should produce a six-monthly report to the Standards Committee listing members and details of the gifts and hospitality that they have declared over the previous period.

Our response: It was felt that the annual review was the appropriate time period as reporting every six months would mean that a report would be made to the Standards Committee at every second meeting.

3.29 The recommendation that was not implemented was for;

- An Amendment of Entry to Members' Interest Form should be enclosed to facilitate the notification of any changes.

Our response: Members make many amendments throughout the year and so providing one copy of a change form at the time they make their original declaration does not make any sense. Instead forms for making a change are available electronically and in hard copy from the political group offices, Democratic Services and the Borough Solicitor's Office at any time.

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

Members Register of Personal Interests

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
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