



Standards Committee

21 January 2009

Report from the Borough Solicitor

For Action

Wards Affected:
ALL

Standards Board Investigation – Councillor Malik

*** Not for publication ('below the line')**

Appendices 1 and 2, attached to this report, are confidential because they contain information the disclosure of which is prohibited by law.

1.0 Summary

- 1.1 This report provides members with a copy of the Ethical Standard Officer's (ESO) report into an allegation that Councillor Malik breached the Code of Conduct. The ESO found that there was no evidence of a breach of the Code of Conduct but recommended that the report be referred to the Standards Committee for consideration.

2.0 Recommendations

That members

- 2.1 Agree that the ESO's report is confidential.
- 2.2 Agree that the press and public should be excluded when **appendix 1** and **2** are discussed.
- 2.2 Note that the ESO's report concluded that there was no evidence that Cllr Malik breached the Code of Conduct.

3.0 Detail

- 3.1 Earlier this year a complaint was made against Councillor Malik alleging that he breached the Code of Conduct. Specifically that he distributed a confidential letter written by the Monitoring Officer that he received via a third party among members of the public. The Standards Board investigation concluded that there was no evidence that Councillor Malik had breached the Code of Conduct.
- 3.2 As part of her report the ESO has asked the Council to bring the report to the attention of the Standards Committee. Under section 64(3A) of the Local Government Act 2000 an ESO can refer a report to the Standards Committee where they believe it will assist the committee to discharge its functions under the Local Government Act 2000. Members should note that the report has been referred to the committee to consider whether the Council can learn anything from the investigation but not to consider whether Councillor Malik breached the Code of Conduct. The ESO has already made a decision on that matter.
- 3.3 A discussion of the ESO's report is attached as **appendix 1** and a copy of the report itself is attached as **appendix 2**.
- 3.4 **Appendices 1 and 2** contain confidential information as defined by section 100A(3) of the Local Government Act 1972 because the disclosure of the ESO's report and the information contained within it is prohibited by law. Section 63 of the Local Government Act 2000 prohibits the disclosure of any information obtained during the course of an investigation (except where disclosed with permission). Members of the press and the public must therefore be excluded from the meeting before any discussion of the contents of either **appendix 1** or **2** takes place.
- 3.5 Officers do not consider that the ESO's report gives rise to the need for any changes with the way the Council or the committee operates. The circumstances that gave rise to the complaint are unique and the ESO's decision does not have any wider application.

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

Brent Members' Code of Conduct

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.

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Borough Solicitor