



LONDON BOROUGH OF BRENT

MINUTES OF THE STANDARDS COMMITTEE Monday 25 June 2012 at 7.00 pm

PRESENT: Angela Ruotolo (Chair), Sola Afuape (Vice-Chair) and Councillors Beck and Colwill and Hossain (alternate for Councillor Gladbaum)

An apology for absence was received from: Councillor Gladbaum

1. Declarations of personal and prejudicial interests

None declared.

2. Minutes of the previous meetings held on 6 December 2011 and 2 May 2012

RESOLVED:-

that the minutes of the previous meetings held on 6 December 2011 and 2 May 2012 be approved as accurate records of the meetings.

3. Matters arising (if any)

None.

4. Annual review of the Member Development Programme May 2011 - April 2012

Rhiannon Leary (Mayor's Office and Member Development Manager, Customer and Community Engagement) introduced the report and confirmed that an 18 month review of the Member Development Programme's three year accreditation was being conducted by South East Employers. The report was due for publication later this week and it was anticipated that it would be favourable. The programme was on track to achieve all its targets and an update could be provided at a future meeting if Members so wished. Rhiannon Leary advised that there had been no occasions where councillors had failed to attend courses that they had been booked on and then cancelled at short notice, save one occasion when a councillor was unable to attend a free event but had given ample notice, and another where a councillor had fallen ill. Members noted the areas identified as common areas of development following personal development plan interviews of 36 councillors and feedback that had been provided by the member development steering group. Rhiannon Leary added that Civic Centre drop-in sessions would be available for councillors in July.

Sola Afuape asked for further information on feedback from councillors and the Chair enquired what steps were being taken to take forward personal development plans.

In reply, Rhiannon Leary advised that most feedback was received from internal events and requests made by councillors would be actioned as soon as possible. There were also plans to introduce an electronic feedback form once the move to the Civic Centre was complete and the committee noted that training events were rolled out appropriately in response to the personal development plan interviews.

RESOLVED:-

that the report on the Annual review of the Member Development Programme May 2011 – April 2012 be noted.

5. **New Standards regime under Localism Act**

Fiona Ledden (Director of Legal and Procurement) introduced the report and explained that a draft new Code of Conduct had been in circulation for some time and had been discussed at the Constitutional Working Group (CWG). Clear guidance was still awaited as to how complaints would work under the new code which was due to come into effect from 1 July 2012. The main changes to the new code were in respect of interests and in particular pecuniary interests and how these would also apply to councillors' spouses. Furthermore, if a pecuniary interest had not been properly registered or disclosed, it would be a criminal offence to do so.

In respect of the future role of the Standards Committee, Fiona Ledden advised that it was not intended to refer every single matter to the committee and following consideration with regard to the composition of the committee, it was felt that this should be politically balanced. The regulations had also changed in respect of independent members and existing independent members could only continue to serve on the Standards Committee if they resigned from their post before 1 July and then subsequently re-apply. A rolling programme for recruitment of independent members would be required in future years. Fiona Ledden advised that in respect of recommendation 2.5 in the report concerning dispensations, it was highly unlikely that such action would be needed in practice. The committee noted that all councillors would be written to providing clear guidance on the new code.

During discussion, Councillor Colwill expressed his disapproval in the changes to legislation that would diminish the Standards Committee's powers to take action against councillors who had violated the code. He felt that the Standards Committee had functioned well and that there had been worthy debates on a number of issues. Councillor Beck sought further information on the views of the CWG in respect of political balance on the Standards Committee and clarification that the size of the committee could be decided by the individual local authority. He also commented that the current composition of one member from each political group prevented the committee from being controlled by a particular political group and expressed concern that introducing political balance would allow the opportunity for the largest political group to monopolise decisions.

In noting the proposed changes to the composition of the Standards Committee, Sola Afuape enquired what measures were being taken to safeguard the council's reputation with regard to upholding the code's standards.

The Chair stated that information on the code should be disseminated to the public to manage expectations in terms of upholding standards. She commented on the need to address the issues that had been raised and to make arrangements for an independent adviser for the committee. The Chair advised that the committee was being asked to provide broad agreement of the structure prior to the Full Council meeting on 9 July.

In reply to the issues raised, Fiona Ledden acknowledged that the Standards Committee's powers had been reduced as a result of the Localism Act 2011. In effect, the action available to the committee in respect of councillors breaking the code would be limited to persuading councillors to change their behaviour or place them on relevant training sessions. She advised that differences of opinion had been expressed during discussions at CWG in respect of the changing the composition of the Standards Committee to reflect political balance. However, as independent members on the committee were to lose their voting rights under the Localism Act 2011, this could open the committee to politicisation, so introducing political balance would help prevent this from occurring. Fiona Ledden advised that a membership of five councillors was being considered, with three comprising Labour Group members and one each from the Conservative and Liberal Democrat Groups. However, the numbers decided on the committee could be discussed further at CWG. Fiona Ledden added that most other London boroughs were also drawing up plans to introduce political balance to their respective standards committees.

Fiona Ledden advised that as there would be less matters being referred to the Standards Committee, it would be an opportunity for the committee to become more involved in other ways on standards and code of conduct issues, such as establishing working groups on particular matters of interest. She acknowledged the need for more publicity regarding the code, including setting out a clear process for complaints and emphasising the need to enter into dialogue before a matter was raised with the Standards Committee and this could be of some benefit as it gave more opportunity for councillors to ensure that they were conducting themselves appropriately.

The Chair confirmed that as she was expecting a child, she would not be putting herself forward to be an independent member of the committee.

RESOLVED:-

- (i) that the implications of the Localism Act 2011 and in particular that it places an obligation on the council to promote and maintaining high ethical standards by its members and co-opted members be noted;
- (ii) that Full Council be recommended to appoint two "independent persons", and authorise the Director of Legal and Procurement to carry out the recruitment process for those independent persons;

- (iii) that Full Council be recommended to adopt the draft Code of Conduct for Members set out in Appendix 1 to this report, including any changes agreed by this committee;
- (iv) that Full Council be recommend to give authority to the Director of Legal and Procurement to take decisions in relation to dispensations, as set out in the draft Code of Conduct;
- (v) that the Director of Legal and Procurement, following consultation with the Constitution Working Group, be authorised to draw up and agree detailed procedures to support the Code of Conduct and the new standards regime, including detailed powers and duties, and terms of reference for the proposed new Standards Committee;
- (vi) that the advice note from the Monitoring Officer to be sent to all members in relation to the definition of Pecuniary Interests attached as Appendix 2 be noted; and
- (vii) that it be noted that if the recommendation to create a new Standards Committee is accepted by Full Council, Standards Committee will review and refine the detailed procedures and operation of the new regime at its meeting during the 2012/13 municipal year.

6. **Application to remove political restriction**

Fiona Ledden introduced the report that sought approval to exempt political restriction in respect of political assistants. She referred Members to paragraph 3.1 in the report which set out the provisions for certain posts to be politically restricted under Part One of the Local Government and Housing Act 1989. The committee heard that following the 2010 Local Elections, posts in the Political Group Offices had been re-categorised as political assistant posts. However, whilst recruiting for a vacant position in the one of the Group office, the candidate chosen had indicated that they might want to run for candidacy as a councillor in the future and a similar situation existed in respect of an officer working in another Group office. Fiona Ledden commented that as a result, it was being recommended to exempt political assistant posts from political restriction as the very nature of their work involved undertaking activities for political purposes.

During discussion, Councillor Beck agreed that political assistant posts should not be subject to political restrictions as he felt that the criteria to which political restriction should apply had very little to do with the role of the political assistants. Councillor Colwill sought confirmation that political assistants could act politically and what specific steps would be taken in respect of exempting them. He also asked if exemption would be applied to any other posts.

Sola Afuape asked whether the exemption would set a precedent for any other posts. The Chair commented that the merits of each individual case were considered prior to deciding whether applying an exemption was appropriate.

In reply, Fiona Ledden clarified that political assistants could not use resources to promote a political group during their working time at the local authority, however they would be expected to be politically aware. However, during their personal

time, they should be free to promote a political cause if they so wished, such as canvassing or becoming a councillor. There would be no need to make changes to the job description of political assistants in respect of this. Fiona Ledden confirmed that the exemptions only applied specifically to political assistants because of the unique nature of these positions and no applications had been received to exempt any other posts.

RESOLVED:-

that in light of the application received from a member of staff, that it be agreed that political restriction in respect of the posts of political assistant be exempted from the provisions.

7. **Sub-Committee membership changes (if any)**

None.

8. **Any Other Urgent Business**

None.

The meeting closed at 7.50 pm

ANGELA RUOTOLO
Chair