



Standards Committee

Monday 28 November 2016 at 7.00 pm

Boardrooms 7&8 - Brent Civic Centre, Engineers Way,
Wembley HA9 0FJ

Membership:

Members

Councillors:

Allie (Chair)
Kabir (Vice-Chair)
Collier
Krupa Sheth
Warren

Substitute Members

Labour Councillors:

Harrison, Hylton, Khan and Mahmood

Brent Conservative Councillors:

Davidson and Shaw

Co-opted Member:

Sheila Darr

Independents:

Robert Cawley
Mandip Johal

For further information contact: Colin Sweeney, Governance and Civic Manager; 020 8937 5451, colin.sweeney@brent.gov.uk

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The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
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1	Declarations of personal and prejudicial interests	
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Members are invited to declare at this stage of the meeting, any relevant personal and prejudicial interests and discloseable pecuniary interests in any matter to be considered at this meeting.

2	Minutes of the previous meeting	1 - 4
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3	Matters arising	
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4	Annual Report to the Standards Committee 2016	5 - 8
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This is the Monitoring Officer's Annual Report to the Standards Committee for 2016 and provides an update on Member conduct issues, and the work of the Standards Committee and the Monitoring Officer during this year.

5	Date of Next Meeting	
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The next meeting of the committee is scheduled to take place on 22 March 2017.

6	Any other urgent business	
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Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 64.



Please remember to switch your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.



LONDON BOROUGH OF BRENT

MINUTES OF THE STANDARDS COMMITTEE Thursday 22 September 2016 at 6.00 pm

PRESENT:

Councillor Allie (Chair) and Councillors Collier, Mahmood, Krupah Sheth and Warren.

Also Present: Councillors Aden, Agha, Chohan, Harrison, Hirani, Kabir, McLennan, W Mitchell Murray and Ketan Sheth

Apologies for absence were received from: Councillors Kabir (Vice Chair – with Councillor Mahmood substituting) and Dr Robert Cawley (Independent Member)

1. **Declarations of Interests**

There were no declarations made by Members.

2. **Minutes of the Previous Meeting**

The minutes of the previous meeting, held on Monday 21 March 2016, were approved as a correct record.

3. **Matters Arising**

The Council's Chief Legal Officer stated that:

- (i) The Council's Complaints' Procedure had now been published on its website;
- (ii) A further training session had been arranged for Councillors and co-opted Members; and
- (iii) Dr Robert Cawley had recently been appointed by the Council as an Independent Member on the Standards Committee but was unable to attend this evening's meeting.

4. **Matters Raised by Members - Validity of Committee Membership**

Councillor Warren wished it to be recorded that he objected to the Chairman presiding at the meeting as he believed that the Chairman's relationship with the Member at whom the complaint had been directed, could bring into question his impartiality in considering the matter before the Committee.

Councillor Collier stated that he shared Councillor Warren's concern.

In response, the Council's Chief Legal Officer advised the Committee.

Subsequently, the Chairman confirmed that he was impartial.

5. Consideration of Members' Code of Conduct Complaint

The Council's Chief Legal Officer introduced the item, provided the background to the complaint, summarised the findings of the external independent investigation carried out and the resultant recommendation to Committee.

The Council's Senior Solicitor outlined the key stages of the complaints procedure.

It was reported that a Members' Code of Conduct (the Code) complaint against the Leader of the Council, Councillor Butt, had been received and which had been the subject of an external and independent investigation.

The complaint, from Mr Philip Grant, a resident of the borough of Brent, had been received by the Council on 13 May 2016, in which, it had been alleged that Councillor Butt had misled the Council over the death of a former Member, Councillor Tayo Oladapo. The complaint had arisen from an email, sent by a Labour Party worker, the subject of which had been leaked to the media that day and which formed the basis of Mr Grant's complaint that Councillor Butt had breached the general principles of honesty, integrity, openness and leadership, as detailed in the Code.

The Committee was advised that the allegations had been independently investigated by Mr Richard Penn and that his investigation report, which concluded that there was no evidence to support the complaint and that Councillor Butt had not breached the Code, had been circulated to Members.

It was noted that, in accordance with the Code's Complaints Procedure, the Council's Monitoring Officer had carried out an initial assessment of the complaint and, subsequently, referred the matter for investigation. It was further noted that as well as having conducted an investigation into the Code's complaint concerning Councillor Butt, Mr Penn had also been instructed to separately review and investigate the events, which had led up to the reporting of former Councillor Oladapo's continued absence from meetings, and other related matters, at Full Council on 22 February 2016.

Given the above, the Council's Chief Legal Officer stated that the Committee's role was to consider Mr Penn's investigation report, which focussed on Mr Grant's complaint concerning the conduct of Councillor Butt.

A Member stated that the whole matter rested on whether Councillor Butt had breached the Code and at which point the alleged breach had occurred.

A Member questioned what constituted a breach of openness under the Code.

A Member acknowledged the independent investigation and said that a comprehensive review of the complaint had been carried out.

The Council's Chief Legal Officer then referred Members to Mr Penn's main conclusions, which were set out at paragraph 3.5 to the committee report and which stated that:

- (a) Councillor Butt had acted in his capacity as Leader of the Council in respect of the matters, which were the subject of the complaint and therefore he was required to comply with the Code;
- (b) There was no evidence that Councillor Butt knew of former Councillor Oladapo's death before he had been told on 7 March 2016;
- (c) There was no evidence that Councillor Butt had been trying to avoid a by-election;
- (d) It was entirely appropriate that Councillor Butt had not announced former Councillor Oladapo's death until it had been confirmed; and
- (e) There was no evidence to support the complaint or that Councillor Butt had breached the Code.

The Council's Chief Legal Officer went on to say that, before making a decision on Mr Penn's report, the Committee had to take into account, the views of the Council's Independent Person, Ms Mandip Johal, which were set out at paragraph 3.8 to the committee report and which stated that:

- (i) The report demonstrated that there had been a thorough investigation and that the report was fair and well-balanced;
- (ii) The report's conclusions were reasonable;
- (iii) There was no evidence to prove that Councillor Butt knew of former Councillor Oladapo's death before he had been informed on 7 March 2016; and
- (iv) It had been reasonable for Councillor Butt not to announce former Councillor Oladapo's death until it had been confirmed through the official channels.

It was noted that, according to Ms Johal, Councillor Butt had been cautious and prudent in order to avoid the heartache and embarrassment that would have been caused if such information had been incorrect.

The Council's Chief Legal Officer stated that her advice was set out in the report and informed the report's recommendations. She said that there was no evidence that Councillor Butt had breached the Code and Mr Grant's complaint could not therefore be upheld. She added that Mr Penn's report was detailed and thorough and all his conclusions were properly supported by the facts and evidence and she did not think there was any need for Mr Penn to reconsider his report or to make further enquiries.

In conclusion, the Council's Chief Legal Officer said that, in the circumstances, a hearing was unnecessary and that, for these reasons, recommended that the Committee agree Recommendation 2.1 to the report and accept Mr Penn's conclusions and decide that no further action was required.

By way of an amendment, Councillor Warren moved that Mr Penn be asked to reconsider his report, specifically requesting that he clarify in detail how Councillor Butt displayed openness, honesty, integrity and leadership as defined in the Code.

On a vote being taken by a show of hands, one Member voted for the amendment, three Members voted against the amendment and one Member abstained from the vote. Accordingly, the amendment was declared **LOST**.

Councillor Allie moved from the Chair that the Committee agree Recommendation 2.1 to the report and accept Mr Penn's conclusions and decide that no further action was required.

On a vote being taken by a show of hands, three Members voted for the motion, one Member voted against the motion and one Member abstained from the vote. Accordingly, the motion was declared **CARRIED**.

RESOLVED, that the Committee agree Recommendation 2.1 to the report and accept Mr Penn's conclusions and decide that no further action was required.

6. **Date of Next Meeting**

It was noted that the next meeting of the Committee was scheduled to be held on Monday 28 November 2016.

7. **Any Other Urgent Business**

There was no other urgent business.

The meeting closed at 18.49pm

COUNCILLOR JAMES ALLIE
Chair

 <p>Brent</p>	<p>Standards Committee</p> <p>28 November 2016</p> <p>Report from the Chief Legal Officer</p>
<p>For Action Wards Affected: ALL</p>	
<p>Annual Report to the Standards Committee 2016</p>	

1.0 Summary

- 1.1 This is the Monitoring Officer's Annual Report to the Standards Committee for 2016 and provides an update on Member conduct issues, and the work of the Standards Committee and the Monitoring Officer during this year.

2.0 Recommendations

- 2.1 That the Committee note the report.

3.0 Detail

The Committee's work in 2016

- 3.1 During this calendar year the Committee has met on 3 occasions to discuss and decide on matters of policy and procedure and complaints against councillors.
- 3.2 On 7 January 2016, the Committee noted that Full Council had approved the revised Members' Code of Conduct and the Members' Gifts and Hospitality Protocol as recommended by the Committee.
- 3.3 On 21 March 2016, the Committee approved a new Members' Code of Conduct Complaints Procedure and recommended that additional Independent Members be appointed.

- 3.4 On 22 September 2016, the Committee considered an independent investigation report in relation to a code of conduct complaint about Councillor Muhammed Butt. The Committee accepted the report's conclusion that there was no evidence to support the complaint and that Councillor Butt did not breach the code of conduct.

Members of the Standards Committee

- 3.5 In addition to the 5 councillors on the Committee, there are now 2 (non-voting) Independent Members on the Committee too. Namely, Sheila Darr and Rob Cawley. At its meeting on 21 November 2016, Full Council will be asked to appoint two further Standards Independent Members.

Appointment of Independent Persons

- 3.6 On 18 May 2016 the Council's current Independent Person, Mandip Johal was appointed. Under the Localism Act 2011, the Council is required to appoint at least one Independent Person whose views must or can be sought at various key stages of a complaint against a Member. This role is different from the role of the Independent Members.
- 3.7 The process to recruit further Independent Persons is underway and is expected to be concluded early in the new year.

Complaints against Members

- 3.8 During this year 17 complaints about Members were dealt with. 7 complaints were rejected because the Member was not acting in an official capacity. With the exception of the complaint already referred to in this report, all the other complaints were assessed by the Monitoring Officer, in accordance with the criteria specified in the Members' Code of Conduct Complaints Procedure as not disclosing either a potential breach or a sufficiently serious breach of the code to justify further consideration. The subject matter of complaints ranged from conduct at meetings to registration of interests to communications (correspondence and social media posts).
- 3.9 The experience to date suggests that the new complaints procedure which was approved in March of this year, has delivered on its objectives of dealing with complaints proportionately, expeditiously and cost effectively.

Gifts and Hospitality

- 3.10 Members are required to register gifts and hospitality received in an official capacity worth an estimated value of at least £50. This includes a series of gifts and hospitality from the same person that add up to an estimated value of at least £50 in a municipal year.

- 3.11 Together with all other registrable interests, gifts and hospitality received by Members are published on the Council's website and open to inspection at Brent Civic Centre. Consistent with previous years, the most common item registered was tickets for events at Wembley Stadium. The remainder of the items, in the main, comprised of hospitality such as community, cultural or sporting events and dinners.
- 3.12 Hospitality accepted by the Mayor in his civic role are recorded separately and published on the Council's website.

Training

- 3.13 The mandatory training provided to Members last year on standards was repeated again on 26 July 2016 with an invitation extended to co-opted Members.
- 3.14 In addition, mandatory training for members of the Planning and Alcohol & Entertainment Licensing Committee has been repeated several times in response to committee membership changes. On 10 November 2016, training for Members on social media was provided which included standards and Members' Code of Conduct implications. On 1 December 2016, external training for Members on the Licensing Act and Gambling Act will be provided.

Monitoring Officer Advice Notes

- 3.15 In June 2016 Monitoring Officer Advice Note 55 was issued reminding Members of their obligations to register and disclose interests and probity in a planning context.

4.0 Financial Implications

- 4.1 None.

5.0 Legal Implications

- 5.1 None over and above the matters discussed in the report.

6.0 Diversity Implications

- 6.1 This report contains no specific diversity implications.

Background papers

None

Contact

Should any person require any further information about the issues addressed in this report, please contact Looqman Desai, Senior Solicitor (Governance), on telephone number 020 8937 1366.

FIONA ALDERMAN
Chief Legal Officer