



Standards Committee

Tuesday 27 March 2018 at 6.00 pm

Board Room 5 - Brent Civic Centre, Engineers Way,
Wembley HA9 0FJ

Membership:

Members

Councillors:

Allie (Chair)
Kabir (Vice-Chair)
Ahmed
Krupa Sheth
Colwill

Substitute Members

Councillors:

Dixon, Hylton, Moher and Nerva

Councillor:

Kansagra

Independent Members:

Sheila Darr
Robert Cawley
Karen McArthur
Margaret Bruce

Independent Persons:

Mandip Johal
Nigel Shock
Keir Hopley

For further information contact: James Kinsella, Governance Manager
Tel: 020 8937 2063 or email: james.kinsella@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:
democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also a Prejudicial Interest (i.e. it affects a financial position or relates to determining of any approval, consent, licence, permission, or registration) then (unless an exception at 14(2) of the Members Code applies), after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party of trade union).

(b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision, the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who employs or has appointed any of these or in whom they have a beneficial interest in a class of securities exceeding the nominal value of £25,000, or any firm in which they are a partner, or any company of which they are a director
- any body of a type described in (a) above

Agenda

Introductions, if appropriate.

Item	Page
1 Election of Chair for the Meeting	
To elect a chair for the duration of the meeting.	
2 Apologies for Absence and Clarification of Alternate Members	
For Members to note any apologies for absence.	
3 Declarations of Interest	
Members are invited to declare at this stage of the meeting, any relevant personal and prejudicial interests and disclosable pecuniary interests in any matter to be considered at this meeting.	
4 Minutes of the Previous Meeting	1 - 4
To approve, as a correct record, the attached minutes of the previous meeting held on Monday 27 November 2017.	
5 Matters Arising (if any)	
To consider any matters arising from the minutes of the previous meeting.	
6 Annual Report to the Standards Committee	5 - 20
To receive and consider the Monitoring Officer's Annual Report to the Standards Committee for 2017, which provides Members with an update on Member conduct issues and a summary of the work of the Standards Committee and the Monitoring Officer in 2017.	
In addition Members are being asked to consider and comment on a public stakeholder consultation on local government standards being undertaken by the Committee on Standards in Public Life.	

Ward Affected: All Wards

Contact Officer: Looqman Desai,
Senior Solicitor, Governance
Tel: 020 8937 1366
looqman.desai@brent.gov.uk

7 Any Other Urgent Business

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 60.

8 Date of the Next Meeting

To be confirmed once the Council's annual calendar of meetings for 2018/19 has been approved at the Annual Council Meeting in May 2018..



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 Held on Monday 27 November 2017 at 6.30 pm

PRESENT: Allie (Chair), Kabir (Vice Chair), Ahmed, Colwill and Krupa Sheth

Independent Members: Sheila Darr, Karen McArthur and Margaret Bruce

Independent Persons: Nigel Shock and Keir Hopley

1. **Apologies for Absence and Clarification of Alternate Members**

There were no apologies for absence received.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Minutes of the Previous Meeting**

Subject to Keir Hopley's name being spelled correctly on the attendance list, it was **RESOLVED** that the minutes of the previous meeting held on 28 September 2017 be approved as an accurate record of the meeting.

4. **Matters Arising (if any)**

Debra Norman (the Council's Chief Legal Officer) outlined that the three substantive actions identified for officers within the minutes of the previous meeting had all been completed.

5. **Update on Standards Matters**

Looqman Desai (the Council's Senior Solicitor, Governance) introduced the report which provided detail on: a proposed change to the Members' Code of Conduct Complaints Procedure; an upcoming review of local government standards arrangements; and the gifts and hospitality registered by Members during the last quarter.

He began by outlining the suggested change to the Members' Code of Conduct Complaints Procedure, and established the rationale for asking Members to formally approve the change. He explained that, as the Council's procedure currently stood, the complainant was entitled to receive a copy of a draft standards investigation report in *all* cases of complaints against members. This was regardless of whether the complainant themselves had been involved with the matter being investigated. He said that the Council had identified that instances may arise where it would not be warranted for the complainant to receive a copy of

the draft report due to the risk of confidential elements to the investigation being divulged. He specified that the amendment being put forward was that draft reports could be withheld from the complainant '*in exceptional circumstances*' in future, and that the investigator would be expected to provide reasoning for withholding the draft document within their final report.

Members asked for clarity on who determined what was deemed to be 'exceptional circumstances' and whether standards matters tended to be investigated by an independent investigator. Looqman Desai said that the investigator would decide on matters felt to be exceptional, and that investigations were not necessarily externally conducted. He explained that there were cases where it would be acceptable for officers within the Council to carry out a standards investigation, but that the Council would continue to take a proportional approach to appointing investigators on a case-by-case basis.

It was questioned whether any recent occurrence had led the Council to seek to amend the procedure or if it was simply being prudent in its approach to dealing with standards complaints. Looqman Desai said that the issue had first been discussed when the Committee considered recent case law on Freedom of Information (FOI) requests at its meeting on 29 June 2017. He noted that there had been a complaint in the recent past against a Councillor based solely on a newspaper article. He highlighted that any member of the public could have made the complaint despite not being personally involved, and that the Code of Conducts Complaints Procedure at present would therefore have allowed them privileged access to a confidential and draft report. He emphasised that the Council needed to consider the relevant risks of potentially releasing personal information whilst an investigation report had not been finalised.

Debra Norman (the Council's Chief Legal Officer) moved to the second part of the report and drew the Committee's attention to a review of local government standards by the Committee on Standards in Public Life (CSPL). The findings and recommendations of which would be expected in 2018. An independent Member of the Committee raised the collective dissatisfaction with the current standards regime for local government due to the limited scope of the measures that Councils could take against Members who had breached the code of conduct.

Debra Norman continued onto the final substantive section of the report and highlighted the recent gifts and hospitality which had been registered by Members between 20 September 2017 and 15 November 2017. Clarity was requested on the process for how Councillors tended to obtain tickets for large events in the borough. Tom Cattermole (Head of Executive and Member Services) explained that in the case of Wembley Stadium and Wembley Arena, it was typically a general offer of tickets to the Council as a whole rather than a direct gift to Councillors.

Questions also arose from the Committee as to whether Members should be obliged to declare how the ticket had been utilised once it had been received. Tom Cattermole outlined that Councillors often passed tickets on to schools or community groups in their wards, but there was no specific need presently to declare this formally. Looqman Desai agreed and stated that Members could, for transparency, declare if they had passed the tickets on but that they were only presently mandated to declare that they had received the tickets. He added that if no further information had been included on their register entry about the gift or

hospitality being passed on then the assumption would be that the Members used the gift or hospitality themselves.

Further discussions ensued on whether Members should also be required to declare the estimated value of the gift or hospitality as several of the register entries stated 'no value specified'. An Independent Member of the Committee made the point that complimentary tickets with 'nil' value stated on them would still have a face value for members of the public and that Members could search the event online to establish an estimate value to record. Looqman Desai agreed that no value printed on the ticket itself did not necessarily mean it had no face value, however the gifts and hospitality protocol did not oblige members to record an estimate. He also added that there remained a potential risk in this scenario of Members making honest estimates that were incorrect. The Chair requested that officers assessed how other Local Authorities recorded values for gifts and hospitality on their respective registers of interest, and a report be brought back to the Committee to enable it to take a more informed view on best practice.

It was **RESOLVED** that:

- (i) The proposed change to the Members' Code of Conduct Complaints Procedure, as specified within the report, be approved;
- (ii) An update report on the CSPL review of local government standards be brought to the next meeting of the Committee;
- (iii) A report which provided an analysis of how different Local Authorities recorded values of gifts and hospitality on their respective registers of interest, be presented at the next meeting of the Committee; and
- (iv) The contents of the report be noted.

6. **Any Other Urgent Business**

There was no other urgent business to transact.


7. **Date of the Next Meeting**

The date of the next meeting was noted as being 27 March 2018. As such, the Chair wished everyone present at the meeting an advanced merry Christmas and happy new year.

The meeting was declared closed at 6.58 pm

COUNCILLOR JAMES ALLIE
Chair

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	<p align="center">Standards Committee 27 March 2018</p>
	<p align="center">Report from the Director of Legal and HR Services</p>
<p>Annual Report to the Standards Committee</p>	

Wards Affected:	All
Key or Non-Key Decision:	Not applicable
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Two: Appendix 1: Register of Gifts & Hospitality (Jan 17 – March 18) Appendix 2: Consultation questions and draft response to review of local government standards being undertaken by the Committee on Standards in Public Life
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Debra Norman, Director of Legal and HR Services (ext.1578) and Looqman Desai, Senior Solicitor (Governance) (ext.1366)

1.0 Purpose of the Report

- 1.1 This is the Monitoring Officer's Annual Report to the Standards Committee for 2017 and provides an update on Member conduct issues and a summary of the work of the Standards Committee and the Monitoring Officer in 2017.
- 1.2 Members also have the opportunity to comment on a public stakeholder consultation on local government standards.

2.0 Recommendation(s)

That the Committee:

- 2.1 Note the contents of this report.

- 2.2 Approve the proposed response to the public stakeholder consultation on local government standards.

3.0 Detail

The Committee's work in 2017

- 3.1 In 2017 the Committee met on 3 occasions to discuss matters of policy and procedure, gifts and hospitality received by Members and a Code of Conduct complaint.
- 3.2 On 29 June the Committee considered a report on (1) the Member Development Programme, including an outline of the Member induction programme to be delivered following the local elections in May 2018, and (2) expenses claimed by Members. There was also a general update on standards investigations and recent FOI decisions.
- 3.3 On 28 September 2017, a Code of Conduct complaint about Councillor John Duffy, which was upheld by the Deputy Monitoring Officer, was reported to the Committee. The Committee also commented on a Government consultation on updating statutory disqualification criteria for Members.
- 3.4 On 27 November 2017, the Committee agreed a change to the Members' Code of Conduct Complaints Procedure; noted that the Committee on Standards in Public Life (CSPL) planned to undertake a review of local government standards; reviewed gifts and hospitality received by Members in the previous quarter and requested a report on how other councils recorded the value of gifts and hospitality.

Complaints against Members

- 3.5 During 2017 four complaints about Members were dealt with.
- 3.6 The complaint about Councillor Duffy has already been reported to the Committee because that was part of the decision.
- 3.7 The second complaint concerned the alleged conduct of a Member at a Planning Committee meeting. The Member's failure to disclose a personal interest, even though it had been registered and published on the Council's website, was upheld by the Monitoring Officer. All other complaints were rejected. The Monitoring Officer reminded the Member of the disclosure requirements at meetings and took no further action.
- 3.8 The third complaint concerned allegedly offensive comments made by a Member. It was rejected after initial assessment by the Monitoring Officer because the Member was not acting in an official capacity and/or the facts did not disclose either a potential breach or a sufficiently serious breach of the code to justify further consideration.

- 3.9 The final complaint, concerned allegedly inappropriate comments made by a Member. However, an informal resolution of the complaint was agreed.

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 Gifts and hospitality received by Members are published on the Council's website and open to inspection at Brent Civic Centre. A list of gifts and hospitality registered by Members from January 2017 to 19 March 2018 (the publication of this report) is attached at **Appendix 1**.
- 3.12 At the Committee's previous meeting, Members discussed the requirements for recording the value of gifts and hospitality and requested that the practices of other councils be reviewed. A random inspection of gifts and hospitality declared by Members at various other councils suggests that a majority record the value (or approximate value) of the gift and hospitality received. For example, at Barking and Dagenham, Camden, Croyden, Ealing, Greenwich, Haringey, Lambeth, Merton, Redbridge and Southwark the value was recorded. However, others did not such as Enfield, Hackney, Islington and Waltham Forest.
- 3.13 Even though the Brent Members' Code of Conduct does not require Members to record the value (or approximate value) of gifts and hospitality they have received, they are advised to do so in the interests of transparency and accountability. This is considered to be good practice and to ensure that the highest standards are achieved more consistently, steps will be taken to amend the Members' Code of Conduct accordingly.

Training

- 3.14 Having already provided mandatory training to all Members on standards, in 2017 mandatory training to members of the Planning and Alcohol & Entertainment Licensing Committee were repeated in response to committee membership changes and as a refresher for others.
- 3.15 Ad hoc mandatory training on standards was also provided to new co-opted or independent Members.

Monitoring Officer Advice Notes (MOANs)

- 3.16 In February 2017, MOAN 56 advised Members specifically on interests and standards issues concerning the Football Association (FA)/Tottenham Hotspurs FC Wembley Stadium Planning Application.

- 3.17 In April 2017, MOAN 57 advised Members on (1) the registration and declaration of interests; (2) dealing with the council in a personal capacity; and (3) the hidden dangers of the use of social media.
- 3.18 In November 2017, MOAN 58 advised Members on (1) how call-in works; (2) the other rights councillors have to review and scrutinise decision making.

A consultation by the Committee on Standards in Public Life

- 3.19 The Committee on Standards in Public Life (CSPL) has now launched its review of local government standards and is seeking the views of stakeholders. The consultation questions and draft response are attached at **Appendix 2** for the Committee to consider and approve.
- 3.20 As mentioned in the draft response, the section of the Members' Code of Conduct on interests is long, complex and not easy for members to understand. Ahead of a possible change in the law, steps will be taken to simplify the Code even within the existing statutory framework.

4.0 Financial Implications

- 4.1 None.

5.0 Legal Implications

- 5.1 These are contained within the report.

6.0 Equality Implications

- 6.1 None.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Not applicable.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 Not applicable.

Report sign off:

DEBRA NORMAN

This report is being taken in the name of the Director of Legal and HR Services.

Appendix A

Gifts and Hospitalities register(January 2017 to March 2018)

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Councillor	Date of gift	Received by Governance	Gift received	Value	From
Aden	09/01/17	10/01/17	Harrods Biscuits	Nil value	Received from International Islamic Link and Masjid Imam Ali
Ahmed	04/04/17	06/04/17	4 x tickets for Shreya Ghoshal live concert on 30 April 2017.	House complimentary – value unknown.	Received from the SSE Arena
Butt	02/02/17	03/03/17	West London Business Awards	£57	Received from West London Business
	08/03/17	08/03/17	Signed football (NFL)	apprx £100	Received from Mark Lamping
	26/03/17	27/03/17	England v Lithuania tickets	No face value	Received from the FA
	07/04/17	10/04/17	QPR v Brighton ticket. For promoting Brent schools partnership with QPR	Nil	Received from QPR
	22/04/17	22/04/17	Arsenal v Manchester City ticket	unknown	Received from the FA
	22/04/17	22/04/17	Chelsea v Tottenham ticket and hospitality	unknown	Received from Tottenham Football Club
	09/05/17	10/05/17	Meal on 9 th May 2017 from Terrapin communications. Attendees included 9 developers from the construction industry. Gifts was 1 three course meal and soft drink.	between £30-£40	Received from Terrapin Communications suite 112 first floor, 95 Wilton road, London
	25/10/17	27/10/17	London Tigers Annual Awards Ceremony and Dinner (as Leader of the Council)	unknown	Received from Mesba Ahmed - Chief Executive, London Tigers
	12/11/17	15/11/17	Four tickets for MTV European Music Awards.	unknown	Received from John Drury - VP & General Manager, the SSE Arena, Wembley
	31/01/18	31/01/18	5 x tickets for Tottenham v Manchester United.	Nil	Received from the FA
Carr	14/10/17	14/10/17	World Boxing Super-Series Supper middleweight quarter final) - G Groves vs J Cox	unknown - promoter complimentary	Received from SSE Arena
Chohan	14/01/17	16/01/17	Books signed by author	Nil value	Received from event by the Romanian cultural ceremony
	18/10/17	18/10/17	Hamper for Diwali (donated to Mayoral charity raffle in December 2017)	£35	Received from Jaysam (joinery, metalwprl amd shop fitting company)
	22/11/17	02/01/18	One thin metal gold chain donated as part of Lord Shivai blessing.	Estimated value £100	Received from JJ Recruitment Company (Wembley).
	20/12/17	16/01/18	Air India flight to Persons of Indian Origin Parliamentarian Conference, Delhi.	£5,990.51	Received from High Commission of India in London.
	01/03/18	08/03/18	CK Perfume (100ml)	£40	Received from resident Mr Vohra
Colacicco	04/04/17	30/04/17	Two football match tickets at Wembley Stadium	unknown	Not specified
	Oct-17	01/12/17	Developer presentation and dinner	Value £35	Received from Pocket Ltd
Colwill	14/10/17	24/10/17	Two Tickets for Boxing Match George Groves v jamie Cox	unknown	Received from Wembley Arena
Daly	Dec-17	30/01/18	Chocolates - Biscuits - Sweets – Scarf - Cashews	Chocolates - Approximate value £10 - Biscuits - Approximate value £20 - Sweets - Approximate value £20 - Scarf - Approximate value £10 - Cashews - Approximate value £20 -	All gift received from residents
Hirani	14/03/17	23/03/17	Speaker fee for an event (donated to charity)	£150	Received from Westminster Briefing
	17/11/17	28/11/17	Lunch with the Lawn Tennis Association (LTA) and ticket to ATP match at the O2.	£15	Received from the British Lawn Tennis Association.
Hoda Benn	14/01/17	16/01/17	Christmas Biscuits	£19.95	Received from the Sudbury Mosque Secretary
Long		14/12/17	Cocktail, Food, Wine, DJ, Staff, Room Hire Wembley International Hotel	unknown	Received from Residents Network Group (Council Tenants and Leaseholders)
McLennan	14/10/17	13/11/17	Promoter complimentary tickets for Groves v Cox, Super Series (middle weight).	nil	Received from the SSE Arena
Mitchell Murray, W	14/10/17	22/11/17	World Boxing Super-Series 9Supper middleweight quarter final) - G Groves vs J Cox on 14 October 2017	unknown - promoter complimentary	Received from SSE Arena

Tatler	02/02/17	03/03/17	Invitation to West London Business Awards Dinner	£57.50	Received from West London Business
	09/05/17	10/05/17	Meal on 9 th May 2017 from Terrapin communications. Attendees included 9 developers from the construction industry. Gifts was 1 three course meal and soft drink	Value between £30-40	Received from Terrapin Communications suite 112 first floor, 95 Wilton road, London
	25/10/17	26/10/17	London Tigers Annual Awards Ceremony and Dinner (as Cabinet Member for Regeneratioan, Growth, Employment and Skills)	unknown	Received from Mesba Ahmed - Chief Executive, London Tigers
	22/12/17	29/12/17	3 x loaves, 3x cakes, 2 x mugs, 2x calendars.	unknown	Received from 'The Polish Bakery'
Van Kalwala	04/09/17	30/09/17	One England v Slovakia ticket	>£50	Received from Daniels Estate Agent

Appendix 2: Review of Local Government Ethical Standards: Stakeholder Consultation

The Committee on Standards in Public Life is undertaking a review of local government ethical standards.

Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

As part of this review, the Committee is holding a public stakeholder consultation. The consultation is open from 12:00 on Monday 29 January 2018 and closes at 17:00 on Friday 18 May 2018.

Terms of reference

The terms of reference for the review are to:

1. Examine the structures, processes and practices in local government in England for:
 - a. Maintaining codes of conduct for local councillors;
 - b. Investigating alleged breaches fairly and with due process;
 - c. Enforcing codes and imposing sanctions for misconduct;
 - d. Declaring interests and managing conflicts of interest; and
 - e. Whistleblowing.
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
3. Make any recommendations for how they can be improved; and
4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

Local government ethical standards are a devolved issue. The Committee's remit does not enable it to consider ethical standards issues in devolved nations in the UK except with the agreement of the relevant devolved administrations. However, we welcome any evidence relating to local government ethical standards in the devolved nations of the UK, particularly examples of best practice, for comparative purposes.

Submissions will be published online alongside our final report, with any contact information (for example, email addresses) removed.

The Committee will publish anonymised submissions (where the name of the respondent and any references to named individuals or local authorities are removed) where a respondent makes a reasonable request to do so.

Consultation questions

The Committee invites responses to the following consultation questions.

Please note that not all questions will be relevant to all respondents and that submissions do not need to respond to every question. Respondents may wish to give evidence about only one local authority, several local authorities, or local government in England as a whole. Please do let us know whether your evidence is specific to one particular authority or is a more general comment on local government in England.

Whilst we understand submissions may be grounded in personal experience, please note that the review is not an opportunity to have specific grievances considered.

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.

The legal framework established by the Localism Act 2011 ensures high standards of conduct by local councillors to a large extent but there are structural limitations, both in terms of the standards of behaviour set and the processes for enforcing compliance.

First, the lack of statutory provision for non-pecuniary interests.

Second, the absence of any meaningful sanctions to address serious and/or persistent misconduct (which is in breach of the members' code of conduct but does not constitute a criminal offence) is a conspicuous weakness.

That said, the less prescriptive nature of the current standards enforcement regime works better. For example, the removal of the requirement for a statutory standards committee provides local authorities with the flexibility to establish stand-alone or multi-purpose committees, with or without independent or co-opted members, to best fit local decision making structures and needs.

Similarly, the discretion local authorities have to make their own arrangements to investigate and decide allegations of misconduct, with a greater role for the Monitoring Officer, is working better too.

- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

Sanctions for persistent and/or serious breaches of the member's code of conduct as detailed below.

Codes of conduct

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?

The code adopted by Brent Council requires its members (including non-voting co-opted members) to maintain a high standard of conduct and, in particular, comply with

the Seven Principles of Public Life. The code then sets out the general obligations members must comply with which covers a wide range of behaviours. The remainder of the code relates to interests: statutory disclosable pecuniary interests and personal and prejudicial interests that the council elected to carry forward from the former statutory code of conduct. The different types of interests are defined and the registration requirements and the decision making consequences of having an interest are explained.

The section of the code on interests is long, complex and not easy for members to understand. This is partly a structural issue arising from the fact that the statutory rules make provision for *pecuniary* interests only. However, there are many other potential conflict of interest situations arising from non-pecuniary interests, especially in a regulatory decision making context, which in our view any effective code would need to regulate. Otherwise, there would be gaping holes in the robust standards arrangements needed to safeguard local democracy and maintain high standards of conduct.

For that reason, the single code is forced to accommodate two completely separate sets of rules.

The statutory rules on 'disclosable pecuniary interests' which apply only to members and their spouses/civil partners and co-habitees. As well as the former (but re-adopted) statutory rules on personal and prejudicial interests which safeguard against decisions affecting the well-being or financial position of members, a member of their family or their friends.

Whether members can participate, vote or even remain in a meeting when they have an interest will vary depending on whether their interest is personal, prejudicial or a pecuniary interest.

In the interests of consistency and greater assurance, it is suggested that the statutory rules should make comprehensive provision for both pecuniary and non-pecuniary interests.

The alternative practice of relying on the Seven Principles of Public Life and the law on bias and pre-determination without any specific rules on interests would cause uncertainty and there would be a lack of transparency and accountability. In the council's assessment a code based largely on general and legal principles without the support of detailed requirements and practical guidance would serve members and the public less well.

Under the council's code, training on the code and standards in general is mandatory. Further, the code is supplemented by planning and licensing codes of practice which provide members with more specific and practical guidance.

- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring

councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

See previous response.

In addition, the current statutory rules do not require members to update their register of disclosable pecuniary interests until the interest has arisen at a meeting. Although, the council's code requires its members to notify the Monitoring Officer of any change to a registered interest or new interest within 28 days of becoming aware of it, a statutory obligation to do so would achieve greater robustness and consistency.

Investigations and decisions on allegations

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
- i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?
 - ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?
 - iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

The council has a written and approved procedure (published on its website) which ensures that allegations of misconduct are investigated and decided fairly and properly. The council has a complaints form and initial assessment or admissibility criteria (which ensures that complaints are dealt with proportionately and in the public interest). The initial assessment is carried out by the Monitoring Officer or, in her absence, a Deputy Monitoring Officer after consulting one of the council's Independent Persons. The outcome can range from no further action to requiring an investigation to a finding of breach in straightforward cases.

There are limited rights of review to the initial decision and once again an Independent Person is consulted before reconsidering the complaint.

If a complaint merits investigation, the Monitoring Officer will appoint an investigating officer to produce a report which will be considered by the Standards Committee following consultation with an Independent Person. The main options open the Standards Committee are (1) that no further action is required; (2) find that there has been a breach of the code but decide that a hearing is not necessary or (3) direct that there be a hearing.

If the Standards Committee decides that there should be a hearing before the complaint is determined, the rules set out in its published complaints procedure is followed.

It would be a rarity for the Monitoring Officer to carry out an investigation herself as that role would more appropriately be undertaken by another officer of the council or by an external investigator. The Monitoring Officer would be all too aware of the potential conflict of interest risks and the practical application of the council's arrangements for the investigation and determination of complaints are informed by the rules of natural justice and principles of good practice.

Sanctions

- f. Are existing sanctions for councillor misconduct sufficient?
 - i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?
 - ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

The existing sanctions are insufficient. Obvious sanctions include various forms of censure, apology, training and, in appropriate cases, limiting access to council facilities or even officers. If a Member, for example, refuses to apologise or undertake training, other than censure, no further action can be taken. There are no sanctions which are a sufficient response to very serious breaches.

In response to the Government's consultation to update the disqualification criteria in section 80 of the Local Government Act etc. last year, the council commented on the pressing need to legislate to address serious and/or persistent misconduct, after being elected, which falls short of even the proposed disqualification criteria. In other words, to empower local authorities to impose meaningful sanctions for code breaches.

When the Government implemented the Localism Act 2011, and thereby abolished the Standards Board and Adjudication Panel, the sanctions of suspension and disqualification were abolished too.

The council notes that others have already made similar representations to the Government on this important issue and supports this call for action.

The reinstatement of the full range of sanctions available under the former standards regime should be seriously considered by the Government.

In addition, currently the rules on political balance mean that councillors who are members of a political group cannot be removed from committees without the consent of their political group. This should be reviewed.

Finally, if it is considered appropriate to make available to local authorities the ultimate sanctions of suspension and disqualification in cases of serious and/or persistent misconduct,

consideration should also be given to the forfeiting of allowances: a special responsibility allowance and perhaps even some or all of a members' basic allowance.

Declaring interests and conflicts of interest

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.
- i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?
 - ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

See above.

Whistleblowing

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

The council has a staff whistleblowing policy and procedures and members of the public and members are able to bring disclosures under other arrangements within the council. The council's procedures for dealing with complaints of breach of its code covers how anonymous complaints, and those from individuals who do not want to be identified, are handled.

Improving standards

- i. What steps could *local authorities* take to improve local government ethical standards?
- j. What steps could *central government* take to improve local government ethical standards?

See above.

The council takes the issue of standards seriously. Members receive training and other forms of support, advice and guidance to ensure their conduct is in accordance with the Seven Principles of Public Life and the other behaviours mandated by its code of conduct as well as the standards set by the law.

Intimidation of local councillors

- k. What is the nature, scale, and extent of intimidation towards local councillors?
- i. What measures could be put in place to prevent and address this intimidation?

Complaints of intimidation are rare and incidents are isolated. That said, the justification for requiring members to publish their *full* home address unless it is considered 'sensitive' (because the member or a person connected with them could be subject to violence or intimidation) should be reviewed carefully.

Who can respond?

Anyone with an interest may make a submission. The Committee welcomes submissions from members of the public.

However, the consultation is aimed particularly at the following stakeholders, both individually and corporately:

- Local authorities and standards committees;
- Local authority members (for example, Parish Councillors, District Councillors);
- Local authority officials (for example, Monitoring Officers);
- Independent Persons appointed under section 28(7) of the Localism Act 2011;
- Think tanks with an interest or expertise in local government;
- Academics with interest or expertise in local government; and
- Representative bodies or groups related to local government.

How to make a submission

Submissions can be sent either in electronic format or in hard copy.

Submissions must:

- State clearly who the submission is from, i.e. whether from yourself or sent on behalf of an organisation;
- Include a brief introduction about yourself/your organisation and your reason for submitting evidence;
- Be in doc, docx, rtf, txt, ooxml or odt format, not PDF;
- Be concise – we recommend no more than 2,000 words in length; and
- Contain a contact email address if you are submitting by email.

Submissions should:

- Have numbered paragraphs; and
- Comprise a single document. If there are any annexes or appendices, these should be included in the same document.

It would be helpful if your submission included any factual information you have to offer from which the Committee might be able to draw conclusions, and any recommendations for action which you would like the Committee to consider.

The Committee may choose not to accept a submission as evidence, or not to publish a submission even if it is accepted as evidence. This may occur where a submission is very long or contains material which is inappropriate.

Submissions sent to the Committee after the deadline of 17:00 on Friday 18 May 2018 may not be considered.

Submissions can be sent:

1. Via email to: public@public-standards.gov.uk
2. Via post to:
Review of Local Government Ethical Standards
Committee on Standards in Public Life
GC:07
1 Horse Guards Road
London
SW1A 2HQ

If you have any questions, please contact the Committee's Secretariat by email (public@public-standards.gov.uk) or phone (0207 271 2948).