

	<p style="text-align: center;">Audit and Standards Advisory Committee 11 May 2021</p>
	<p style="text-align: center;">Report from the Director of Legal, HR, Audit & Investigations</p>
<p style="text-align: center;">Annual Standards Report for 2020</p>	

Wards Affected:	All
Key or Non-Key Decision:	N/A
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	Two: Appendix A: List of members required to complete Unconscious bias training 2020 Appendix B: List of members required to complete the Data Protection/GDPR training
Background Papers:	None
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1.0 Purpose of the Report

- 1.1 This is the Monitoring Officer's Annual Report to the Audit and Standards Advisory Committee for 2020. It provides an update on Member conduct issues

and the work of the Audit and Standards Advisory Committee, the Audit and Standards Committee and the Monitoring Officer during 2020.

2.0 Recommendations

- 2.1 That the Committee note the contents of the report.

3.0 Detail

Committee's Work during 2020

- 3.1 In May 2018, the Standards Committee was merged with the Audit Committee to form the Audit and Standards Advisory Committee (ASAC). All formal decisions which fell within these committees' functions are now undertaken by the merged Audit and Standards Committee (ASC).
- 3.2 During January to December 2020, the ASC met on two occasions to discuss and ratify audit and standards matters, namely the annual governance statement, the statement of accounts and changes to the Member's Code of Conduct Complaints Procedure.
- 3.3 The ASAC met on seven occasions during 2020 and on five of these occasions discussed matters relating to standards, policy and procedure, and gifts and hospitality, as follows:
 - a) On the 20 of January 2020, the ASAC considered and noted gifts and hospitality and attendance for mandatory training provided by the council to members. It considered the Member Development and Learning Programme in addition to the Members' Expenses Scheme; and the committee conveyed congratulations for achieving the Gold Standard for Member Development from the London Chartered for Elected Member Development.

The Committee undertook its high-level review of the council's use of the Regulatory of Investigatory Powers Act (RIPA) during 2019. It noted the changes to be made to the RIPA policy and that the periodic RIPA Inspection was due to take place in March 2020. Further, it considered a discussion paper on the Complimentary Roles of the ASC, ASAC and Scrutiny Committee (review of the performance of the committee – self-assessment) which explored the areas of compatibility and ways of better working between the respective committees.

- b) On the 5 of May 2020, the Committee held its first virtual meeting and considered the Annual Governance Statement before it was submitted to the ASC for approval.

- c) On the 26 of May 2020, the Committee considered the Annual Standard's report 2019. This provided an update on conduct issues, the work of the Committee, the LGA Consultation on the Draft Model Member Code of Conduct, as well as gifts and hospitality during 2019. It noted two complaints against Members; and considered a summary of the recommendations and best practice recommendations arising out of the Committee on Standards in Public Life's report on the Standards regime, against the council's current practice in relation to the recommendations.
- d) On the 29 of July 2020, the Committee considered complaints pursuant to the Members Code of Conduct and Complaints procedure. The report summarised recent complaints considered by the Monitoring Officer and a particular complaint upheld against Cllr Aslam Choudry. In addition, it considered the LGA draft Model Code of Conduct consultation.

Although not strictly a standards matter, it is worth noting that the ASAC did consider a detailed report addressing the council's response to and lessons learned during and as a consequence of the COVID -19 pandemic which had (and continues to have) a significant impact not only upon the London Borough of Brent, but across the world.

- e) On the 8 of September 2020, the Committee considered an annual review report of the Member's Code of Conduct Complaints Procedure. This report outlined complaints received and proposed changes to be made to the Members Code of Conduct Complaints procedure. In addition, the Committee noted an update on the LGA draft Member Code of Conduct Consultation, gifts and hospitality and the attendance record for members in relation to mandatory training sessions.
- f) On the 8 of December 2020, the Committee considered a report on gifts and hospitality registered by members and the attendance record for members in relation to mandatory training sessions, as well as discussing the Committee on Standards in Public Life review no 2, and formally requesting a response be submitted on behalf of the council.

Independent/Co-opted members

- 3.4 The Committee will recall there were no new appointments to the ASAC throughout 2020. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, had the effect of extending the appointment of two of the council's Independent Persons (Keir Hopley and Nigel Shock) and the three co-opted members of this committee (Karen McCarthy, Margaret Bruce and Robert Crawley) until the next annual meeting of the council, or until such time as the council should determine. The Committee will recall, Karen McCarthy and Robert Crawley indicated that they have found their time as members of the committee interesting and rewarding but wished their appointments to cease on the originally anticipated date when the council's 2020 Annual Meeting was due to take place. These appointments therefore ceased on 27th May 2020.

- 3.5 The Committee will remember from its meeting on the 31.03.21 that a recruitment process for the Independent/Co-opted members commenced in December 2020 and concluded in January 2021, and that at its meeting in April 2021 (brought forward from May) Full Council will be asked to approve the provisional appointments, in accordance with a) and b), below
- a) Independent Persons (Standards focused) William Goh, Kier Hopley and Nigel Shock;
 - b) Independent Co –opted Member (Standards focused) Javed Ansari and Mark Mills.

Nigel Shock had intended to stand down but has agreed to stay on for an extended period while we undertake a further recruitment exercise to find a third Independent Person for the longer term.

Complaints against Members

- 3.6 Complaints under the Member Code of Conduct are submitted to the Monitoring Officer (Director of Legal, HR, Audit and Investigations). Following consideration of the complaint the Monitoring Officer will decide the appropriate course of action in accordance with the Member's Code of Conduct Complaints Procedure.
- 3.7 During 2020, 11 complaints were received against different Councillors for alleged breaches of the Members Code of Conduct. Of these complaints, two resulted in public apologies being made on the Brent Council's website as follows.
- a) The first apology resulted from an upheld complaint arising from the sharing of a link to a video discussion on the Dudden Hill Mutual Aid Group WhatsApp group. It was held to be in breach of paragraph 4 (high standards), para 5 (seven principles of conduct in public life and para 12 (conduct... in a manner which could reasonably be regarded as bringing your office or the council into disrepute) of the Member's Code of Conduct.
 - b) The second apology arose in relation to the attendance of two councillors at Ealing Road Temple during a prayer and reflection event. The complaint, that the councillors had brought their office into disrepute, was not upheld but both councillors acknowledged they had inadvertently breached the restrictions on such events in place at the time and were apologetic about how this may have appeared to the public.

Gifts & Hospitality

- 3.8 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.

- 3.9 Gifts and hospitality received by Members are published on the Council's website and open to inspection at the Brent Civic Centre.
- 3.10 The Committee will recall that only one gift/ hospitality was recorded during 01.1.20 – 31.12.20. The main rationale for this decline being the national lockdowns due to Covid -19. The Committee will recall, that at its request, members were reminded that gifts and hospitality could still be declared and a note was placed in the Members Bulletin (11.09.20) asking Members to complete the form if they had any Gifts and Hospitalities to declare.
- 3.11 During the third quarter (October to December 2020) one gift and hospitality entry has been recorded as per the table below. To date, no further gifts or hospitality has been recorded.

Councillor	Date of gift	Gift received	Value £	From
Cllr Ketan Sheth	24.12.20	Book: Fast Forward - An Autobiography of Andy Cole	£20.00.	Andy Cole/The Jason Roberts Foundation

- 3.12 During 2020 no Monitoring Officer Advice Notes (MOANs) have been issued to Members. A list of all MOANs issued since 2015 is available on the Member's internal SharePoint portal.

Member Training Attendance

- 3.13 At this Committee's request reports updating it on the attendance records for Member's in relation to mandatory training sessions has become a standard reporting item.
- 3.14 The Committee will know that:
- a) It is a requirement of the Members' Code of Conduct that all members' *"must attend mandatory training sessions on this Code or Members' standards in general, and in accordance with the Planning Code of Practice and Licensing Code of Practice"*.
 - b) The schedule for all mandatory sessions is ordinarily published and approved in the Council calendar at the May Annual Council meeting. There was no Annual Meeting in May 2020 in view of the Regulations which removed this requirement for this municipal year because of the COVID crisis. For 20/21, the Chief Executive agreed the annual calendar of meetings in consultation with the Political Groups. The annual calendar was then confirmed at the council meeting on 13.07.20.
 - c) All internal training sessions attended by Members are published on the Council's Website and on individual Member profile pages.

- d) For face-to-face training sessions, reminders are sent via email, calendar invitations, text messages and, on some occasions, direct telephone calls to Members. The same reminder process is employed for re-run(s) of sessions, where applicable, to take account of personal circumstances like work commitments and childcare arrangements etc.
- e) Currently, there are five mandatory training sessions provided for all Members and five mandatory sessions provided for Committee Members and, where appropriate, co-opted Members. These are set out in Table 1 below.
- f) Mandatory sessions are provided annually and all Committee Members and substitutes are required to attend the relevant session. In addition, all other Members are invited to attend the sessions.
- g) Since the Covid -19 crisis mandatory training sessions have been delivered by zoom and recorded. This has built in flexibility by:
 - enabling Members not able to attend scheduled sessions to view the recordings;
 - provided a resource for future use/reference;
 - releasing officers' time, so they are not required to schedule repeat sessions.

3.15 During 2020 the Committee received regular updates on Members who had not completed the mandatory training sessions. On the 31.03.21 the Committee was notified that all Members had now undertaken and completed all mandatory training with exception of the Unconscious Bias and Data Protection/GDPR training.

3.16 The Committee will recall due to the subject matter, the unconscious bias training, which was delivered virtually on the 11.09.20, was not recorded. At the time this session was not mandatory and was attended by 42 members. A list of members who were not able to attend is summarised in Appendix A. A further session is presently being scheduled to take place in the latter part of 2021. This training is now mandatory.

3.17 In relation to the Data Protection/GDPR training, a list is attached at Appendix B of members who are yet to complete this training. This training is mandatory. To date, a deadline date to complete this training has not been imposed. The Committee will note Cllr Ramesh Patel has been, and presently is, exempt from attending member training.

3.18 As the Committee will know a fresh member development and training programme for 2021-2022 will commence in May 2021.

Table 1

Mandatory Training	Attendee requirement
1) Standards and the Code of Practice	All Members
2) Corporate Parenting & Safeguarding Children	All Members
3) Safeguarding vulnerable adults	All Members
4) Equalities Training	All Members
5) Data and Information Security (UK GDPR training) E-learning modules	All Members
6) Planning	Committee Members only
7) Alcohol and Entertainment Licensing	Committee Members only
8) Scrutiny induction	Committee Members only
9) Audit & Standards Committee and the Audit & Standards Advisory Committee induction training	Committee Members only
10) Brent Pensions Fund – Approach to responsible investment	Committee Members only

4.0 Financial Implications

4.1 There are no financial implications arising out of this report.

5.0 Legal Implications

5.1 Pursuant to the Localism Act 2011, the Council has to have arrangements in place to deal with any allegations of failure to comply with the code of conduct and must appoint an Independent Person whose views are sought and taken into account by the council before it makes its decision on an allegation that it has decided to investigate.

5.2 The Council, individual Members and co-opted Members are required to promote and maintain high standards of conduct in accordance with s27 of the Localism Act 2011. The attendance at mandatory training sessions is a means to achieve this and a requirement pursuant to the Brent Members' Code of Conduct as set out in Part 5, of the council's Constitution.

6.0 Equality Implications

6.1 There are no equality implications arising out of this report.

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:

Director of Legal, HR, Audit & Investigations