

	<p style="text-align: center;">Audit and Standards Advisory Committee 7 June 2022</p>
	<p style="text-align: center;">Report from: Director of Legal, HR, Audit & Investigations</p>
<p>Standards Report (including quarterly update on Gifts & Hospitality, and mandatory training)</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:	1) Appendix A: The Department for Levelling Up, Housing and Communities response to the Committee on Standards in Public Life's (CSPL) report on Local Government Ethical Standards.
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	(1) Debra Norman, Director of Legal, HR, Audit & Investigations (ext. 1578) (2) Bianca Robinson, Senior Constitutional & Governance Lawyer (ext. 1544)

1.0 Purpose of the Report

- 1.1.1 The purpose of this report is to update the Audit and Standards Advisory Committee on gifts and hospitality registered by Members, and the attendance record for Members in relation to mandatory training sessions.
- 1.1.2 The report also updates the Committee in respect of the provisional appointment of an Independent Person for the purposes of Code of Conduct complaints, the Government's response to the Committee on Standards in Public Life review; and a Standard's case involving a Maldon Councillor being removed from Office.

2.0 Recommendations

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

3.0 Detail

Gifts & Hospitality

- 3.1 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.
- 3.2 Gifts and hospitality received by Members are published on the Council's website and open to inspection at the Brent Civic Centre.
- 3.3 For the final quarter of 2021/22 (Jan – March), there have been no gifts and hospitality recorded as being received.
- 3.4 The Committee will recall that hospitality accepted by the Mayor in their civic role are recorded separately and published on the Council's website.

Member Training Attendance

- 3.5 Following the 2022 local elections and Annual Council meeting, the mandatory training for all members is currently underway. Training is due to conclude mid – July. Officers will update the Committee at its meeting on the 26.07.22 with respect to the attendance record for Members in relation to mandatory training sessions.
- 3.6 The Committee is reminded of the following.
 - 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” para 19.

“must attend Safeguarding, Equalities and Data Protection training provided by the council” para 20.
 - b) The schedule for all mandatory sessions was published and approved at the May 2022 Annual Council meeting.
 - c) All internal training sessions attended by Members are published on the Council's Website and on individual Member profile pages.
 - d) 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.
 - e) 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.

3.7 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 Protection Training	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

Independent/Co-opted members

3.8 The Committee may recall that a recruitment process for an Independent Person commenced in January 2022. This process has now concluded.

3.9 As the Committee knows, Independent Persons must be chosen in a fair and open manner. They have a statutory role to play in the dealing of conduct complaints about elected and co-opted members of the council. They also have to be consulted as part of the dismissal procedures relating to certain senior officers. The role of Independent Person is defined by section 28(8) of the Localism Act 2011 as follows:

- has not been a member or employee of the Council within the five years before the date of appointment;
- is not a Member or officer of that or any other relevant authority;
- is not a relative or close friend of a Member or employee of the Council;
- has submitted an application for the appointment;
- has been approved by a majority of the members of the Council.

3.10 The Committee is asked to note that at its meeting in July 2022 Full Council will be asked to approve the appointment of Julie Byrom as Independent Person until 2026. William Goh and Kier Hopley our existing Independent Persons, will continue in post until 2025.

3.11 This Committee will recall Nigel Shock stood down resulting in the recruitment exercise to find a third Independent Person for the longer term. Unfortunately, Mark Mills, Independent Co-opted member for this Committee has tendered his resignation, effective 30.06.22. Mr Mills has secured a new post overseas and will shortly be moving to Hong Kong to take up a new post. Officers are extremely grateful for all the

work and support both Mr Shock and Mr Mills have provided to this Committee and the work overseen by this Committee and wish them well in their new endeavours.

Government Response to the CSPL Review of Local Government Ethical Standards

- 3.12 This Committee will recall the Committee on Standards in Public Life's (CSPL) report on ethical standards in local government was published in January 2019. At that time the CSPL made 26 recommendations, which included various amendments to primary and secondary legislation. In addition, identifying a number of examples of best practice which it considered local authorities could implement without the need for changes to legislation.
- 3.13 This Committee will recall the Local Government Association acted on the CSPL's first recommendation with the implementation of the model code of conduct (published in December 2020).
- 3.14 The Department for Levelling Up, Housing and Communities has now published its response to the Committee on Standards in Public Life's (CSPL) report on Local Government Ethical Standards. A copy of the response is attached as Appendix A. The response outlines the recommendations that the Government will be taking forward to ensure high ethical standards are held across all local authorities.
- 3.15 Officers will consider further the Governments response to the CSPL report in relation to Brent Council and provide an update to this Committee at its next meeting.

Maldon Councillor removed from Office

- 3.16 This Committee is responsible for ensuring standards of conduct are maintained in Brent. To assist, and ensure that this committee are kept aware of issues arising elsewhere and have the opportunity to consider if there are any implications for Brent members, the case involving the removal of a Maldon councillor is set out below.
- 3.17 The Joint Standards Committee of Maldon District Council upheld six separate complaints of bullying against Councillor Chrisy Morris. He was also found to have deliberately attempted to undermine the Code of Conduct process, bringing his authority into disrepute.
- 3.18 At a hearing on 6 September 2021, two separate investigation reports dealing with six complaints against Cllr Morris were presented to the Joint Standards Committee. Four of the complaints had been submitted by fellow members of the Council. The final two – which alleged that Cllr Morris had bullied members of staff – were submitted by the Council's Corporate Leadership Team (CLT). With 60 years' service in local government between them, no member of the CLT had ever submitted a complaint against a councillor before.

The allegations included:

- a) disrupting a meeting of the Planning Committee by repeatedly shouting over the chair and calling her "Cruella".
- b) calling a fellow member of the council "old" and "past his best" during a meeting.
- c) persistently singling out an officer for criticism with aggressive and intimidating behaviour.
- d) ambushing another officer at a meeting by taunting him while filming the encounter in a video which was subsequently published on Facebook – and then "liking" a

comment which described the officer as the "worst kind off [sic] human filth we have in our society"

3.19 During one of the investigations, Cllr Morris made repeated attempts to undermine and publicly discredit the process. His behaviour included sharing an extract from a complaint document on his Facebook page while complaining that the Council was "throwing thousands at an investigation that ultimately can't do a thing ..." and livestreaming his investigation interview on Facebook Live – which resulted in the Council having to report a personal data breach to the Information Commissioner.

3.20 The Joint Standards Committee upheld all six complaints, finding that Cllr Morris had bullied the members and officers involved and, in doing so, had brought his office or authority into disrepute. Additionally, the Committee found that Cllr Morris' behaviour during the investigation process showed contempt for the Nolan principles of "accountability" and "integrity" and also brought his office and authority into disrepute.

3.21 This Committee may also find of interest, that during the Joint Standards Committee meeting officers responded to several questions raised, and specifically stated:

a) that publishing conversations was a point of principal and can have a detrimental impact on ability to work well together. The conversation in question related to council business.

b) that breaches of the code also apply to behaviour on social media when presenting as a Councillor.

c) that the use of the word 'corrupt' suggested serious wrong doing and questioned the integrity of Officers. This issue should not have been addressed in the Forum outlined in the report given Officers did not have the right to reply.

d) that there was no requirement to sign the Code of Conduct as it applied to all members by operation of law under the Localism Act 2011.

3.22 In November 2021, a meeting to discuss what sanctions to impose on Cllr Chrisy Morris resulted in the police attending and the meeting being abandoned as a result his persistent interruption (including use of a megaphone). This incident was reported by BBC's Jackie Weaver who condemned Mr. Morris' behaviour as inappropriate: https://www.bbc.co.uk/news/uk-england-essex-59174940?at_medium=RSS&at_campaign=KARANGA.

3.23 On 28 February 2022, Mr Morris was:

- given an eight-month prison sentence (suspended for 18 months)
- given a restraining order and 200 hours of unpaid work.
- Ordered to complete 30 days of rehabilitation and pay prosecution costs of £500.

by HHJ Timothy Walker. Under section 80(1) (d) of the Local Government Act 1972, this meant that Mr Morris was automatically disqualified from being a member of the Council.

4.0 Financial Implications

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

5.0 Legal Implications

5.1 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