

	<b>Audit and Standards Advisory Committee</b> 6 June 2023
	<b>Report from Corporate Director, Governance</b>
<b>Standards Report (including quarterly update on gifts and hospitality)</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Not Applicable
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	One Appendix A: Gifts & Hospitality Register (Qtr. 1)
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Debra Norman, Corporate Director Governance 020 8937 1578 <a href="mailto:Debra.Norman@brent.gov.uk">Debra.Norman@brent.gov.uk</a>  Biancia Robinson, Senior Constitutional & Governance Lawyer 020 8937 1544 <a href="mailto:Biancia.Robinson@brent.gov.uk">Biancia.Robinson@brent.gov.uk</a>

## 1.0 Purpose of the Report

1.1 The purpose of this report is to update the Audit and Standards Advisory Committee on gifts and hospitality registered by Members and member training.

## 2.0 Recommendations

2.1 That the Committee note the contents of the 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 first quarter of 2023/24 there have been eight gifts and hospitality recorded as being received, these are set out in further detail in Appendix A, together with the details of the receiving Councillor.
- 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.

#### Independent/Co-opted members

- 3.5 The Committee will recall that following the recruitment process for the Independent Co – opted Members (Standards focused) Full Council approved the appointment of Rachael Tiffen on the 17.05.23. A further recruitment exercise has commenced to fill the second Independent Co-opted Members vacant post, and officers will update the Committee at its next meeting.

#### Member Training Attendance

- 3.6 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. Refresher mandatory training for all members is currently underway. With the exception of Scrutiny Committee (which is scheduled to take place in September) all refresher training is due to conclude mid – July. Officers will update the Committee at its next meeting with respect to the attendance record for Members in relation to refresher mandatory training sessions
- 3.7 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.
  - 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, and 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) During 2023 the Committee will receive regular updates on Members who have not completed the mandatory training sessions.

### First-Tier Tribunal decision

- 3.8 Whilst this First Tier Tribunal decision is not strictly to do with Standards it may be of interest to members using the Freedom of Information regime. In Derrick v Information Commissioner [2023] UKFTT 428 (GRC) (18 May 2023) The First-Tier Tribunal has concluded that the public interest in disclosure did not outweigh legal professional privilege to justify fulfilling a councillor's FOI request to see legal advice obtained by her own local authority.
- 3.9 The dispute centred around legal advice that the council obtained about notices of objection it had received at the Land Registry about payments from the council to the Hughenden Community Support Trust (HCST). It also asked for advice on whether 99-year leases between the council and HCST were valid.
- 3.10 The appellant, Cllr Linda Derrick, was asked to recuse herself from the discussions as she was one of the main objectors at HCST. She later asked to see the legal advice, but the council said it would be inappropriate to share the information with her, prompting her to make a freedom of information (FOI) request. This request was rejected.
- 3.11 Cllr Derrick went on to complain to the Information Commissioner, who found that the public interest in maintaining the exemption in section 42(1) FOIA (legal professional privilege) outweighed the public interest in disclosure and that the council had correctly applied section 42(1) FOIA.
- 3.12 The judge continued: "We recognise that there may be cases where the public interest in disclosure will outweigh the in-built public interest in protecting legal professional privilege, and that s42 FOIA does not provide for a blanket exemption. However, in our view this is not one of those cases and the Commissioner was correct to find that the balance of public interest lies in withholding the information and protecting the council's ability to obtain free, frank and high quality legal advice without the fear of premature disclosure.
- 3.13 Furthermore, he noted that: "This decision is not a decision that the appellant should not see the legal advice. There may be other avenues to explore where this might be appropriate. However, this decision does find that access for the

appellant to the legal advice through FOIA, which would effectively amount to disclosure to the public at large, is not permitted.”

#### **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:**

**Debra Norman**

Corporate Director, Governance