

	<p style="text-align: center;"><b>Audit and Standards Advisory Committee</b> 28 March 2024</p>
	<p style="text-align: center;"><b>Report from:</b> <b>Corporate Director of Governance</b></p>
	<p style="text-align: center;"><b>Lead Member – Deputy Leader &amp; Cabinet Member for Finance, Resources &amp; Reform</b> <b>(Councillor Mili Patel)</b></p>
<p style="text-align: center;"><b>Annual Standards and Governance Report for 2023</b> <b>(including quarterly update on gifts and hospitality)</b></p>	

<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>	Two Appendix A: Summary Member Code of Conduct complaints considered during 2023 Appendix B: Gifts and hospitality register for Q4
<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 Executive Summary

1.1.1 This is the Monitoring Officer's Annual Report to the Audit and Standards Advisory Committee (ASAC) for 2023. It provides an update on Member conduct issues and the work of the Audit and Standards Advisory Committee, the Audit and Standards Committee (ASC) and the Monitoring Officer during

2023; together with the quarterly report on gifts and hospitality registered by Members and a recent case highlighting a prosecution for failing to disclose a disclosable pecuniary interest.

## **2.0 Recommendations**

2.1 That the Committee note the contents of the report.

## **3.0 Detail**

### Contribution to Borough Plan Priorities & Strategic Context

3.1. The reviewing and maintenance of high standards of member conduct supports the delivery of the borough plan by promoting confidence in the operation and good governance of the council.

### Committee's Work during 2022

3.2 The ASAC met on five occasions during 2023 and on each of these occasions discussed matters relating to standards related matters, as follows:

- (a) On the 07.02.23, the Committee considered an update report on gifts and hospitality registered by Members, and the attendance record for Members in relation to mandatory training sessions. The report also summarised a Local Government & Social Care Ombudsman (LGSCO) case on standards - where fault was found as the Council failed to follow due process when investigating alleged breaches of its code of conduct for elected councillors. The LGSCO found the Cllr was unfairly sanctioned with damage to his personal and professional reputation; his right to freedom of expression had been breached; and he spent unnecessary time and trouble in responding to the investigation and then seeking redress.
- (b) On the 21.03.23 this Committee considered and noted the gifts and hospitality registered by Members, and the attendance record for Members in relation to mandatory training sessions. It considered a report addressing the annual review of the financial and procedural rules for governing the Mayor's Charity Appeal; the Monitoring Officer's Annual Report to the Audit and Standards Advisory Committee (ASAC) for 2022, and the annual review of the Council's use and conduct of surveillance techniques in accordance with the Regulation of Investigatory Powers Act (RIPA) 2000.
- (c) On the 06.06.23, ASAC considered the quarterly report on gifts and hospitality registered by Members, and the attendance record for Members in relation to mandatory training sessions. The report also outlined the provisional appointment of an Independent Person for the purposes of Code of Conduct complaints and the recruitment steps to be undertaken to fill the second Independent Co-opted Members vacant post. Lastly, the report considered a First Tier Tribunal case regarding the Freedom of Information (FOI) regime. The First-Tier Tribunal 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. Lastly, the committee considered the Annual Governance Statement (AGS) for 2022/23 as required by the Accounts and Audit Regulations 2015.

- (d) On the 26.09.23 the Committee considered gifts and hospitality registered by Members, and the attendance record for Members in relation to mandatory training sessions. The report also updated the Committee on the recruitment exercise to fill the second Independent Co-opted Members vacant post and confirmation that Full Council's approval was sought on the 10.07.23. Further, it summarised a case involving Hull City Council recalling a councillor under the Local Government Act 1972 where the Cllr whilst active in her ward, failed to attend any council meetings for six months.
- (e) On the 06.12.23 the Committee considered gifts and hospitality registered by Members and the attendance record for Members in relation to mandatory training sessions.

3.3 During January to December 2023, the ASC met on one occasion to discuss and ratify governance and standards matters, namely the Annual Governance Statement.

#### Independent/Co-opted members

- 3.4 The Committee will recall that the recruitment process for the Independent co-opted Members commenced in early 2023; with Full Council approving the final appointment of Rhys Jarvis in September 2024. Rhys Jarvis joins Stephen Ross as an Independent co-opted Member (Standards focussed) until 2027.
- 3.5 The Committee is asked to note that at its next meeting, Full Council will be asked to note and agree the three existing Independent Persons (Standards focussed) - Julie Byrom, William Goh and Keir Hopley to continue in their roles for the next municipal year.

#### Complaints against Members

- 3.6 Complaints under the Member Code of Conduct are submitted to the Monitoring Officer (Corporate Director, Governance). 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 2023, 6 complaints were received against different Councillors for alleged breaches of the Members Code of Conduct. Three of these complaints were resolved at Initial Assessment Stage and three concluded at Assessment Stage. None of the complaints were upheld. A summary of the complaints considered during 2023 are attached as Appendix A. The committee received a more detailed report on complaints at its last meeting.

#### 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 note there has been regular declarations regarding gifts and hospitality during 2023. The main types of declarations relate to FA tickets at Wembley Stadium and various dinners, awards ceremonies and theatre shows.
- 3.11 For the final quarter of 2023/24, there have been ten gift and hospitality recorded as being received. A summary of gifts & hospitality received for the quarter is set out in Appendix B.
- 3.12 The Committee will recall that hospitality accepted by the Mayor in their civic role are recorded separately and published on the Council's website.

#### Monitoring Officer Advice Notes (MOANs)

- 3.13 During 2023 five new Monitoring Officer Advice Notes (MOANs) were issued to Members addressing use of resources, respect, outside bodies, gifts & hospitality, impartiality and bringing your office/the council into disrepute. These MOANs are part of a series which will address all aspects of the Code in turn. A list of all MOANs issued since 2015 is available on the Member's internal SharePoint portal as are copies of those which are still relevant.

#### Member Training Attendance

- 3.14 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.
- 3.15 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 received regular updates on Members who had not completed the mandatory training sessions.

- 3.16 A detailed report on member training is elsewhere on the agenda for this evening's meeting and members of the committee are referred to this for further details. That said, officers are able to confirm all mandatory training for members, with the exception of the Data Protection Training for Cllr M. Patel who was on maternity leave, has been completed.

#### Prosecution – non disclosure of pecuniary interest

- 3.17 The Deputy Leader of Ashfield District Council pleaded guilty to two charges, under the Localism Act 2011, of failing without reasonable excuse to notify a disclosable pecuniary interest. The Deputy Leader was fined £2,400 at Nottingham Magistrates' Court for failing to disclose a pecuniary interest when he was re-elected in 2019 and 2021, which involved a £70,000 loan he made to friend. He allegedly loaned the money to a fellow councillor (Cllr B) in 2018. Cllr B used the money to buy a property, which she was registered as the legal owner of the Deputy Leader, who in turn failed to register it as a beneficial owner.
- 3.18 The Committee should note Deputy Chief Magistrate, stated "*It is not suggested by the prosecution that the defendant was dishonest. It is not suggested that he benefitted from any decision made in his role as a councillor*". When commenting, the Deputy Leader stated "*I pleaded guilty to a technicality of a paperwork error. My only crime was lending a friend some money, and I didn't record that loan as it was just to a friend. There have been no complaints about wrongdoing or any personal gain of any kind.*" The case acts as a reminder that prosecutions for non –disclosure do take place and members should be mindful of this type of situation which can place a disclosure obligation upon them.

#### **4.0 Financial Considerations**

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

#### **5.0 Legal Considerations**

- 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 Additional Considerations

6.1 There are no additional considerations in relation to the following areas arising from the report

- a) Equity, Diversity & Inclusion considerations
- b) Stakeholder and ward member consultation and engagement
- c) Climate Change and Environmental considerations
- d) Human Resources/Property considerations (if appropriate)
- e) Communication considerations

**Report sign off:**

***Debra Norman***

Corporate Director Governance