



Audit and Standards Advisory Committee

25 September 2024

**Report from:
Corporate Director, Law &
Governance**

**Lead Member – Deputy Leader &
Cabinet Member for Finance &
Resources
(Councillor Mili Patel)**

Standard's Report (including Q1 update on gifts and hospitality)

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:	One Appendix A: Gifts & Hospitality Register (Q1)
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Debra Norman, Corporate Director Law & Governance 020 8937 1578 debra.norman@brent.gov.uk Biancia Robinson, Senior Constitutional & Governance Lawyer 020 8937 1544 biancia.robinson@brent.gov.uk (1)

1.0 Purpose of the Report/Executive Summary

1.1 The purpose of this report is to update the Audit and Standards Advisory Committee on (a) gifts and hospitality registered by Members (b) member training, and (c) a recent complaint concerning breaches of the Member's Code of Conduct which has been upheld against Councillor Diana Collymore.

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.

Gifts & Hospitality

3.2 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.

3.3 Gifts and hospitality received by Members are published on the Council's website and open to inspection at the Brent Civic Centre.

3.4 For the first quarter of 2024/25 there have been four 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.

3.5 The Committee will recall that hospitality accepted by the Mayor in their civic role is recorded separately and published on the Council's website.

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.

3.7 With the exception of Data Protection (DP), all members have completed their mandatory (refresher) training, including the newly elected Queens Park ward member, Cllr Smith. With respect to the DP training members have until Wednesday, 25 September 2024 to complete this training which consists of on online recording. Officers will update the Committee at its next meeting on the 04.12.24

3.8 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 2024/25 the Committee will receive regular updates on Members who have not completed the mandatory training sessions.

Member's Code of Conduct Complaint

The Complaint

- 3.9 On the 24.07.24, the manager of a Civil Enforcement Officer (CEO)¹ submitted a complaint. He asserted that on the 20.05.24 the CEO issued a Parking Contravention Notice (PCN) for a parked vehicle on a double yellow line. Cllr Collymore, on returning to and claiming the vehicle, behaved in such a manner that she breached the Member's Code of Conduct in terms of respect, failing to maintain a high standard of conduct and conducting herself in a manner which could reasonably be regarded as bringing her office into disrepute.
- 3.10 The Complainant alleged Councillor Collymore:
- after asking why a ticket had been issued, did not permit the CEO the opportunity to explain why the ticket had been issued,
 - repeatedly stated she did not require a response from him.
 - informed the CEO that he "does not know how to carry out his duties, that she will speak to someone higher in the council and, that she will report him to the immigration services."
 - repeatedly stated she is a councillor and will report the CEO to council officers.
 - stated "the officer got married to a woman in order to regularise his [stay] in the UK". Implying that the officer got his immigration document through an illegal means.

Alleged Breaches of the Code

- 3.11 The Complainant alleged the following provisions of the Code had been breached:
- para 4 – "You must maintain a high standard of conduct".
 - para 6 – "You must treat others with respect".
 - para 12 – "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute".

¹ working on behalf of Brent Council for a third-party contractor

Whilst not specified by the Complainant, the below provisions of the Code were also invoked:

- Para 5 - you must comply with the seven principles of conduct in public life (with particular reference to 1.2 Integrity; 1.4 Accountability, 1.6 Honesty, and 1.7 Leadership).
- para 8 - "You must not bully any person".
- Para 15 "You must not use or attempt to use you position as a member improperly to confer on or secure for yourself an advantage..."

The Main Facts

3.12 A recording of the interaction was made through the CEO's headcam, which provided independent evidence as to what happened and a transcript was obtained. These have been reviewed as part of assessing this complaint. Following the incident Cllr Collymore contacted council officers to request that the PCN be set aside and, on being advised to do so, then lodged an appeal through the correct channels. Her appeal also included a stage 1 complaint against the CEO. The appeal against the PCN was not upheld and the stage 1 complaint was partially upheld on the basis "*..that the CEO ... did make some inappropriate and unnecessary comments*" in his communication with her.

3.13 On the 24.07.24 the Monitoring Officer received an apology email from Councillor Collymore with a request to apologise to the CEO in person. A meeting was duly arranged to facilitate the personal apology which took place on the 21.08.24. At the conclusion of the meeting the CEO accepted Councillor Collymore's apology.

Councillor Collymore's response

3.14 Councillor Collymore provided a written response to the complaint. In summary she:

- accepted that she parked on a double yellow line displaying her Blue Badge, but did not see any visible parking restrictions.
- accepted she asked the CEO why she had been given a PCN and that she informed him she "was refusing to listen to him".
- confirmed that she made reference to her status as a Councillor and her name.
- was "terribly upset because" she "believed" she "was receiving an unfair ticket."
- accepted the argument became personal between herself and the CEO.
- profusely apologised to the CEO and to the Council for her outburst.

Decision

3.15 As the evidence in respect of the complaint was primarily a recording and written materials, and Councillor Collymore acknowledged that her behaviour fell short of what is expected of a councillor, the Monitoring Officer was able

to determine that there has been a breach of the Code of Conduct without a more detailed investigation.

3.16 With respect to specific provisions of the Code being breached, the Monitoring Officer found:

Para 4 - You must maintain a high standard of conduct. Councillor Collymore acknowledged that she had fallen below expected standards of behavior.

Para 6 – “You must treat others with respect”. Councillor Collymore’s response to receiving the PCN was to make an unreasonable and excessive personal verbal attack on the CEO. Her comments were unequivocally and deliberately offensive, disparaging and discriminatory.

Para 8 - “You must not bully any person”. The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. This can be a one-off incident or a pattern of behaviour, but essentially bullying behaviour seeks to undermine an individual. In addition to the initial incident in which Councillor Collymore used language that was insulting and in which she appeared to seek to intimidate the CEO by referring to her councillor role and connections at the council, she also made a formal complaint about him.

Para 12 – “You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute”. In line with The Local Government Association (LGA) guidance it was not found that behaviour was considered dishonest and/or deceitful in order to bring the local authority into disrepute. However, it was found that her behaviour in relation to the issuing of a PCN by a contractor working for the council did bring her office into disrepute, particularly given her office includes the important civic role of being the Deputy Mayor.

Para 15 “You must not use or attempt to use your position as a member improperly to confer on or secure for yourself.. an advantage...” It was found that the words and tone of the interaction captured on the headcam showed an intention to suggest that Councillor Collymore was in a privileged position in relation to the council and council officers who have oversight of parking enforcement on behalf of the council. Further, that she directly approached officers in relation to her PCN.

Para 5 - In particular, you must comply with the seven principles of conduct in public life set out in Appendix 1. Two principles in particular were considered, namely:

- Integrity: You should not place yourself in situations where your integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- Leadership: You should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

- 3.17 In considering all of the above and following consultation with the Independent Person the Monitoring Officer found Councillor Collymore breached paragraphs 4, 5, 6, 8, 12 and 15 of the Members Code of Conduct in her interaction, and post action, with the CEO.

Sanctions

- 3.18 In considering the appropriate sanction, the Monitoring Officer took note of the actions already taken by Councillor Collymore to seek to remedy the breach, namely her written apology to the Council and meeting with the CEO to give a personal apology. The following sanctions were imposed:

- Censure or reprimand by way of a report for information to the Audit and Standards Advisory Committee, which has responsibility for oversight of Member standards issues, with a summary of this decision.
- Request that Councillor Collymore undertakes refresher Code of Conduct training and refresher equalities training.
- Providing a copy of the transcript of the headcam recording to the Leader of the Labour Group so the group can consider its relevance to council positions.
- It was also suggested that Councillor Collymore be given the information again about appropriate use of her blue badge.

- 3.19 Councillor Collymore initially accepted the finding which led to the implementation of refresher training scheduled for October 2024, a copy of the transcript being provided to the Leader of the Labour Group and information regarding the appropriate use of her blue badge to be sent to her. On the 11.09.24 Councillor Collymore exercised her right to request a review. After careful consideration and consultation with the Independent Person no information submitted in the request for review mitigated the conduct complained of and therefore the complaint that there has been a breach of the Code with sanctions, remains upheld. The Monitoring Officer's decision is final.

- 3.20 The Committee is reminded that the council's procedure for investigating complaints includes the following provision:

Finding of a breach of the Code without an investigation

A finding that the Code of Conduct has been breached without the need for an investigation will usually be appropriate in the following circumstances:

- It can clearly be shown from the information that has been provided by the subject member and the complainant that a breach of the Code has occurred.
- The subject member has admitted to the breach of the Code, whether or not they have offered to remedy the breach.
- It can be shown that an investigation is unlikely to be able to establish any further independent relevant evidence regarding the complaint or that the cost of obtaining any further evidence would not be justified having regard to the public interest and that on the evidence supplied a breach of the

Code can be shown.

- 3.21 A complaint would be referred to the Committee for formal consideration and decision where it has been referred for a formal investigation.

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) Equality, Diversity & Inclusion (EDI) 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, Law & Governance