



LONDON BOROUGH OF BRENT

MINUTES OF THE STANDARDS COMMITTEE Tuesday 22 January 2013 at 7.00 pm

PRESENT: Councillors Beck (Chair), Gladbaum, HB Patel, Harrison and Ketan Sheth

Also present: Sheila Darr (Independent Member) and John Darr (Independent Person)

1. **Declarations of personal and prejudicial interests**

None declared.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 25 June 2012 be approved as an accurate record of the meeting.

3. **Matters arising**

None.

4. **Sub-Committee membership changes (if any)**

Not applicable.

5. **Report on Code of Conduct: Procedures for dealing with allegations of breach of the Code of Conduct**

Fiona Ledden (Director of Legal and Procurement) introduced the report, stating that when drafting the new procedures for dealing with allegations of breach of the Code of Conduct, she had retained what was deemed to be good practice under the previous procedures and excluded elements that were unnecessarily complicated. New aspects had also been incorporated to ensure that the procedures were more effective and beneficial for all those involved.

In regards to the role of the Independent Person(s) within the new proposed procedure, Fiona Ledden explained that she wanted to ensure that the Independent Person(s) were used appropriately. All matters discussed with the Independent Person(s) would be open and transparent; to ensure this the Monitoring Officer would submit an annual report to the Standards Committee providing information on those matters. It was clarified that the Monitoring Officer would always err on the side of caution when deciding which complaints to filter.

It was reiterated that the Standards Committee would have limited powers under the new procedures to sanction Members if they were found to be in breach of the code, as prescribed by the Localism Act 2011. However it was hoped that with the help of the Whips and the party leaders that the Standards Committee would be able to ensure that good standards of behaviour, by Members, were upheld.

Councillor Sheth queried what was meant by 'significant delay between the incident complained of and the complaint'. He added that in his opinion significant delay should be quantified. Sheila Darr expressed concern about placing a deadline on when complaints could be brought as it may deter people from raising a complaint after the specified time frame. After an in-depth discussion, it was agreed by the Committee, that a time frame of 12 months should replace 'significant delay'. However if a complaint was made regarding a matter that was older than 12 months and the complaint satisfied the Public Interest consideration then it would still be investigated and there may be other exceptional circumstances where the time frame would not apply. It was also clarified that if a member was no longer in office it would have to be carefully assessed as to whether to investigate the complaint; mainly due to the lack of sanctions the Standard Committee could issue. In response to Councillor HB Patel's question as to whether a complaint would be investigated in the immediate run up to an election, Fiona Ledden stated that once again it would have to be considered carefully, however if the Councillor was in office at the time then it would probably be investigated.

In response to a number of other issues raised, Fiona Ledden first explained to the Committee that all Councils were required to appoint at least one Independent Person under the Localism Act 2011. The role of the Independent Person was purely advisory. The legislation stated that previous members of the Standards Committee could be appointed as an Independent Person. Therefore Brent had appointed both John Mann and Sola Afuape as they were both very experienced. In the future Independent Members would be recruited in the usual way. It was added that the Council were not required to have an Independent Member under legislation. However Brent, like a number of other authorities, has appointed an Independent Member to add an objective element to the Committee. Fiona Ledden then stated that in regards to working with the political groups, this would only happen when a member had acted inappropriately as a member or representative of the Council.

It was then clarified that when the procedure stated 'remedial action' at paragraph 4.7 , what this meant was that if a resolution could be found that would appease both parties then that would be the desired outcome. For example if an item was broken, the offending party could pay to replace the item.

Following a discussion regarding the bullet point in paragraph 4.7 of the procedure, it was agreed that the reasons for meeting with the Monitoring Officer or other Chief Officers be clarified to include the purpose of such a meeting.

Addressing the final point in relation to 4.5 of the procedure Fiona Ledden explained that she was confident that she would be able to reach a decision on what course of action to take within 14 days. She added that she wanted the process to be more proactive and responsive and felt that the 14 day limit would help promote this.

The Chair concluded the discussion on the report stating that it had been a positive discussion and that the Committee were pleased to be able to contribute to the process. It was agreed that the party whips would be invited to the next Standard's Committee.

RESOLVED:

- (i) The Members recommended the procedures set out in Appendix 1 subject to the following amendments:
 - That paragraph 4.6 be amended to provide that complaints made over a year after the alleged behaviour would not be investigated save for exceptional circumstances, for example where there was a significant public interest in doing so That paragraph 4.7 be amended to read 'The member being required to meet with the Monitoring Officer and/ or other chief officers to discuss the member's conduct.'

6. **Work programme**

Fiona Ledden explained that the work plan had been circulated so that the Committee could agree terms of reference for the Committee and agree a set work plan.

In response to some queries that were raised, Fiona Ledden explained that if a member of staff breached the staff code of conduct then it was generally dealt with by managers. However Members may become involved if there was an appeal to the Staff Appeals Committee. It was also clarified that in relation to point 2 of the Terms of Reference, the Standards Committee could achieve this through training or by issuing Monitoring Officer Advice Notes. Fiona Ledden also stated that Full Council would continue to be responsible for Members' allowances and that the Standards Committee would continue to monitor Members' expenses. After discussion it was agreed that the Standards Committee would retrospectively study expenses but only for the purposes of developing good practice and formulating a consistent approach with clear guidance. It was also clarified that the Standard's Committee looked at the Mayor's Charity for the purpose of due diligence.

The Committee were informed that not all members had signed their Declarations of Interest forms. This concerned Fiona Ledden as it was a legal requirement to complete the forms. Both Fiona Ledden and Kathy Robinson stated that they would offer assistance to any Councillors who were having difficulties completing the form. The Chair added that group offices staff should also help Councillors if they needed it and they should also ensure that Councillors had completed the form.

RESOLVED:

- (i) Standards Committee to meet three times a year instead of four and that the meetings should be flexible.
- (ii) That items four and five on page two of the report be combined and item seven be deleted.

7. **Date of next meeting**

The next meeting of the committee is scheduled to take place on 12/03/2013.

8. **Any other urgent business**

None.

The meeting closed at 8.01 pm

COUNCILLOR BECK
Chair