



**Standards Committee**  
3 November 2010

**Report from the Borough  
Solicitor**

For Action

Wards Affected:  
ALL

**Annual Report of the Monitoring Officer (Including  
the Review of the Register of Gifts and Hospitality  
and the Register of Member's Interests)**

**1.0 Summary**

1.1 This is the Monitoring Officer's Annual Report to the Standards Committee for the period May 2009 to April 2010. This report provides an update on member conduct issues, and the work of the Standards Committee and the Monitoring Officer during that period.

**2.0 Recommendations**

2.1 That the Committee note this report.

**3.0 Detail**

*Members of the Standards Committee*

3.1 The members of the Standards Committee at the end of the period were:

- John Mann (Chair), Independent Member
- Rochelle Gelman (Vice-Chair), Independent Member
- Shelia Darr, Alternate Independent Member
- Councillor Reg Colwill (Conservative)
- Councillor James Moher (Labour)
- Councillor Daniel Bessong (Liberal Democrat)

### *Appointment of the Independent Members*

- 3.2 The two year appointment of the independent members mentioned above ended in May 2010. The Council advertised the roles both in the Brent magazine and the local press. The Council received an excellent response of 28 applications. Following a short listing and interview process, members decided to appoint four instead of three independent members to allow for attendance at the sub committees and to enable succession planning. Those members are John Mann, Angela Ruotolo, Sola Afuape and Sheila Darr. Each is appointed for a term of office of two years commencing May 2010.

### *The Committee's work during 2009-2010*

- 3.3 The Code of Conduct was adopted by the Council on 10 September 2008. The Council has been operating under the current practices and procedures in relation to complaints and investigations regarding members' conduct since April 2008. The processes adopted and followed reflect the requirements set out in the Local Government Act 2000 (as amended) and the Standards Committee (England) Regulations 2008.
- 3.4 The Committee meets on four pre arranged dates during the municipal year to discuss and decide on matters of policy and procedure, to conduct reviews and to deal with other general business. It also meets on additional dates as and when required to determine any complaints against councillors.

The matters dealt with at the ordinary meetings of the Committee are as follows;

- 3.5 At its meeting on 25 August 2008 the Committee considered a report summarising the new Standards Committee (Further Provisions) (England) Regulations which set out the circumstances in which Standards for England could suspend a Standards Committee from carrying out certain functions, provided a power to establish Joint Standards Committees and included amendments to the grounds on which the committee can grant a dispensation to a member who would otherwise be prohibited from participating on a matter of prejudicial interest. The Committee was also informed of guidance issued in August 2009 for members involved in outside bodies which included the types of organisations to which a member may be appointed.
- 3.6 At its second meeting, on 5 November 2009 the Committee considered the annual report of the Monitoring Officer (which included the review of member interests and the review of gifts and hospitality) and the annual review of members' expenses.

- 3.7 At its third meeting on 23 January 2010 the Committee considered the annual review of the Planning Code of Practice. Various amendments to the Planning Code of Practice were approved and it was agreed that in view of the ongoing improvements noted in recent reviews that the frequency of review be reduced to once every two years.
- 3.8 At its fourth meeting on 24<sup>th</sup> March 2010 members considered the Annual Review of the Member Development Programme, the Standards for England Statistics and decided the annual work programme for 2010/11.

#### *Complaints against members*

- 3.9 Since April 2008 this Standards Committee has been responsible for receiving and dealing with complaints. During the period May 2009 to April 2010 there were three complaints against councillors dealt with by the Committee.
- 3.10 In January 2009 complaints were referred to the Standards Committee by an officer and a councillor regarding Councillor Bertha Joseph (as she was at the time). A decision was made by the Committee that an investigation should be undertaken and that the matter should remain with the Standards Committee rather than be referred to Standards for England. Some allegations were found not to constitute a breach of the Code of Conduct. Other allegations proceeded to be considered at a hearing of the Standards Committee on 13<sup>th</sup> October 2009. Members found breaches had occurred and a decision was made to suspend Councillor Joseph for 6 months. Councillor Joseph appealed the decision and the matter was heard by the First Tier Tribunal on 9<sup>th</sup> February 2010. The Tribunal upheld the decision of the Standards Committee and Councillor Joseph remained suspended. Ms Joseph stood for re election in the local elections in May 2010 but was unsuccessful, and is no longer a councillor. This was the first complaint considered and decided by the Council under the new standards arrangements.
- 3.11 On 24<sup>th</sup> March 2010 the Standards (Initial Assessment) Sub Committee considered a complaint against Councillor Malik who was a member of this Council for the period May 2006 – 2010 but who was not re elected in the local elections in May 2010 and is therefore no longer a councillor. The Committee decided that the matter should be referred to Standards for England in view of the nature of the complaint, the complexity of the investigation and the involvement of the police.
- 3.12 On 29<sup>th</sup> April 2010 the Standards (Initial Assessment) Sub Committee considered another complaint against Councillor Joseph. As mentioned above Ms. Joseph was a member of this Council until May 2010 but was not re elected in the local elections in May 2010 and is therefore

no longer a councillor. Based on a number of factors, including the time lapse between the alleged incident and the complaint, the Initial Assessment Sub Committee decided that no action be taken. The complainant requested a review and at the Review Sub Committee on 8<sup>th</sup> July the decision to take no action was upheld.

#### *Monitoring Officer Advice Notes*

3.13 During the period May 2009 to April 2010 the Monitoring Officer continued to issue Advice Notes to members as required. Together with the previously issued Advice Notes these form an ongoing resource for councillors. Those issued for the period covered by this report are set out below.

<b>Number</b>	<b>Subject</b>	<b>Date Issued</b>
42.	Annual Conduct Letter 2009	14.8.09
43.	Guidance for Members Involved in Outside Bodies	14.8.09
44.	Changes to the Planning Code of Practice	16.4.10

#### *Networking*

3.14 The annual networking event for the 2009/10 year was held on 12<sup>th</sup> January 2010. The Council hosted 26 guests from Brent, Ealing, Hammersmith and Fulham, Hounslow, Hillingdon, Harrow, Islington, Barnet and Kensington and Chelsea Standards Committees. Peter Keith- Lucas provided the speeches on *Confidentiality and Standards Hearings*, and *Review of Recently Reported Standards Cases; trends and lessons to be learned*. The event was once again a great success and was considered to be very useful both in terms of the content of the presentation, and the opportunity for committee members of different boroughs to share ideas.

#### *Review of the Register of Member's Interests*

3.15 Section 81(1) of the Local Government Act 2000 requires the Monitoring Officer to establish and maintain a register of interests of the elected members and the co-opted members of the Council. Section 81 of the Local Government Act 2000 requires the register to be available for inspection by the public at all reasonable hours. The Brent register of member's interests is held by Legal and Procurement Department and is available for inspection by the public via appointment or via the Council's website.

- 3.16 The interests that were required to be registered are set out in paragraph 8 of the Code of Conduct. These are set out in **Appendix 1**.
- 3.17 In November 2009 a full review of the members' register of personal interests was carried out as part of the internal audit programme. The audit showed that on the whole councillors were updating the register properly and the instances of failure to do so were minimal. For example, there was one possible non compliance identified regarding failure to register ownership of land in the borough, and four cases where a change in school governor status did not appear to have been declared. There were also some instances where members had not updated their role on outside bodies. These were followed up with the members concerned.
- 3.18 Following the local elections in May 2010 all members – new and re elected were required to complete new declaration of interest forms within 28 days of accepting office. Guidance was provided to members about the completion of the declaration form both by way of written information and a presentation on 11th May 2010. In September 2010 members were reminded by correspondence of the possible pitfalls and common errors and were asked to check their declarations. Also in September 2010 Group Offices were asked to remind members about appointments to outside bodies including LEA governor and children centre appointments.
- 3.19 The current position in October 2010 is that there are two members who have not declared appointments to outside bodies, one outstanding issue in relation to the appointment of a Children Centre Board, nine queries relating to members' property interests in the borough, and some members have not yet declared membership of a political party. These are being actively followed up.

#### *Gifts and Hospitality*

- 3.20 Under the Code of Conduct, gifts and hospitality with a value of £25 or over are treated as a personal interest and they are therefore included in each member's register of personal interests.
- 3.21 Set out in the table below are all the gifts and hospitality that were registered by members during the period covered by this report. The declarations are organised alphabetically.

#### **Details of the Register for the period 1<sup>st</sup> May 2009 – 31<sup>st</sup> April 2010**

Councillor's Name	Date of gift / receipt of hospitality	Details of gift / hospitality	Estimated Value*	Person / Body providing gift / hospitality	Date of declaration
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Cllr Ahmed	03/03/10	Ticket to England v Egypt match at Wembley	£30	Football Association and Wembley Stadium Ltd	03/03/10
Cllr Anwar*	11/4/2010	2 tickets to England game + hospitality	£200	Quintain Ltd	13/5/2010
Cllr Baker	03/03/10	2 tickets to England v Egypt at Wembley Stadium	£80	Communications Dept.	06/03/10
Cllr Bessong	14/10/09	Ticket to England game at Wembley Stadium	£100	F.A.	02/11/09
Cllr Bessong*	05/09/09	Wembley Stadium tickets	£100	Quintain	12/10/09
Cllr Bessong	30/05/09	Ticket to FA cup final at Wembley Stadium	£100	Football Association	11/06/09
Cllr Beswick	03/03/10	England international v Egypt	£40	Football Association	03/03/10
Cllr Beswick	12/09/09	Award presentation plaque	approx. £50	Jamaica Building Society	21/09/09
Cllr Blackman	14/10/09	2 x tickets for England v Belarus	£60	Wembley Stadium	28/10/09
Cllr Blackman	3/3/2010	2 tickets for England v Egypt	£60	Wembley National Stadium	19/3/2010
Cllr V Brown	07/12/09	17 piece tea service	NK	Mr V Shah	24/12/09
Cllr Butt	05/09/09	1 ticket to watch England v Slovenia internation football match	£45	Wembley Stadium Ltd	01/10/09
Cllr Chavda	26/10/09	Attended dinner in honour of the President of India	over £25	The High Commission of India	12/11/09
Cllr Colwill	03/03/10	2 tickets to Wembley Stadium	£60	Via Communications Dept.	01/03/10
Cllr Colwill	28/02/10	Cup final ticket/hospitality	£100	Quintain	01/03/10
Cllr Colwill	14/10/09	Two tickets England v Belarus	£N/K	Via Communications Dept.	27/10/09
Cllr Crane	10/09/09	Dinner at Pension Conference	£100	Henderson Asset Management	14/09/09
Cllr Eniola	03/03/10	2 tickets to England v Egypt at Wembley	£80	Communications Dpet.	13/03/10
Cllr Farrell	03/03/10	2 tickets to England v Egypt football match	£60	Wembley Stadium	03/03/10
Cllr John	08/03/10	2 DVDs	£25	BTWSC (community organisation)	15/03/10
Cllr John	09/09/09	2 tickets for	not known	Wembley National	07/09/09

		England v Croatia at Wembley Stadium	>£25	Stadium Ltd	
Cllr John	29/08/09	2 tickets for the rugby league cup final at Wembley Stadium	not known >£25	Wembley National Stadium Ltd	07/09/09
Cllr John	9/08/09	3 tickets for the Charity Shield at Wembley Stadium	£300	Peter Swordy Wembley Stadium	7/08/09
Cllr John	9/05/09	Party to celebrate the award of an OBE from HM the Queen	Not known	The Trustees of the Swaminaryan Temple, Brentfield Road	11/05/09
Cllr Jones	22/3/2010	Voucher equivalent sum £20 given to Mayor's Charity	£20	Resident – 20 Chapter Road, NW2	23/3/2010
Cllr Kansagra	05/09/09	England v Slovakia tickets at Wembley Stadium	unknown	via Communications Dept	14/09/09
Cllr Long	18/12/09	Meal, drinks and gift at Christmas dinner	£25 approx	Fortunegate Elders Forum	19/12/09
Cllr Long	28/10/09	Meal after awayday	£25 approx.	Fortunegate Community Housing	2/11/09
Cllr Long	05/09/09	Ticket to England v Slovekia football friendly	unknown	Wembley Stadium	08/09/09
Cllr Lorber	28/01/10	Lunch for Phil Sealy's OBE	£25 est.	Leari Constantine Centre	09/02/10
Cllr Lorber	26/11/09	Dinner at the Plaza (annual event) - invited as Leader of the Council	£40	Jack Nicholas and The Plaza Hotel, Wembley	30/11/09
Cllr Lorber	09/08/09	FA Community Shield tickets and hospitality	£200 (est)	Quintain Development Ltd	18/08/09
Cllr Lorber	30/05/09	FA cup final ticket	£100	Football Association to Leader of the Council	1/06/09
Cllr Matthews	03/03/10	2 tickets to England v Egypt at Wembley	£100	Wembley National Stadium Ltd and FA	09/03/10
Cllr Matthews	05/09/09	2 tickets to England v Slovenia Wembley Stadium	£250	Wembley Stadium	09/09/09
Cllr Mendoza	03/03/10	2 tickets to England v Egypt	£60	Football Association and Wembley Stadium Ltd	03/03/10
Cllr J Moher	03/03/10	2 tickets for Wembley Stadium football	£60	Wembley National Stadium	03/03/10
Cllr Moloney	03/03/10	Tickets to Wembley	£60	Football Association	03/03/10

Cllr Moloney	05/09/09	Tickets to Wembley Stadium	£90	Wembley PLC	06/09/09
Cllr Motley	14/10/09	Tickets to football match at Wembley	£100	Wembley Stadium via Group Office	23/10/09
Cllr O'Sullivan	28/02/10	2 tickets to Carling Cup Final	£100	via Communications Dept.	10/03/10
Cllr O'Sullivan	27/02/10	Plasma TV Waterford crystal	£450 £100	Won in raffle at Leitrim Association Dinner and Dance Mayors' function	10/03/10
Cllr O'Sullivan	06/02/10	Dinner function	£80	Mr Tim Clifford (friend)	16/02/10
Cllr O'Sullivan	27/11/09	Belleek candle holder Silk tie (Kells) Kells biro Cork County flag	£25 £10 £10 £6	Meath Association, London	07/12/09
Cllr O'Sullivan	20/11/09	Crystal bowl	£35	Beara Association, London	07/12/09
Cllr O'Sullivan	28/10/09	Silk Scarf	£25	Chinese delegation visiting Brent	28/10/09
Cllr O'Sullivan	18/05/09	Mont Blanc	£100	James O'Connell	27/05/09
Cllr O'Sullivan	15/05/09	Voucher for dinner at Gallery restaurant, 407-441 Hendon Way	£100	Brendon Breen	27/05/09
Cllr HB Patel	05/09/09	Wembley Stadium two tickets for friendly football match	unknown	Wembley Stadium via Communications section	07/09/09
Cllr HM Patel	05/09/09	England v Slovakia friendly match at Wembley Stadium	unknown	via Communications Dept	14/09/09
Cllr Pervez *	05/09/09	Football match tickets at Wembley, England v Slovakia	£50 x2	Football Association	23/11/09
Cllr Sneddon	14/10/09	Ticket to Wembley	£50 (est)	Football Association	13/10/09
Cllr Thomas	03/03/10	2 tickets to England v Egypt match	£60	Wembley Stadium and FA	02/03/10
Cllr Van Colle	12-15/11/09	Fact finding trip to Germany to look at waste sites organised by Chartered Institute of Waste Management	unknown	Financed in part by West London Waste Authority (paid for travel costs) and subsidised by a manufacturer of waste bins in Germany (Brent is not supplied by this company)	21/11/09
Cllr Van Colle	20/10/09	Guest at President's Dinner, Chartered	£100 (?)	CIWM invitation, in role as Chairman, West London Waste	28/10/09



		Institute of Waste Management		Authority	
Cllr Van Kalwala	05/09/09	1 ticket to watch England v Slovenia international football match	£45	Wembley Stadium Ltd	01/10/09

3.22 Members generally complied with the requirement to declare the gift or hospitality within 28 days. However, there are three instances where declarations were made outside this time limit. These gifts have been highlighted with an asterisk.

3.23 The Act requires that gifts of over £25 be registered. The Council's form requires members to provide an estimate of the value. In declarations where such information is not provided the member will be asked to provide that detail.

*Proposed Work Programme for the Standards Committee 2010 -11*

3.24 On 24 March 2010 the Standards Committee agreed a work programme for the forthcoming year which is set out in the table below.

**Work Programme for 2010/11**

	<b>Name of Report</b>	<b>Proposed</b>
<b>1</b>	Report on Standards for England Annual Review 2008/9, Standards for England research and areas of good practice	Meeting 1
<b>2</b>	Annual Report of the Monitoring Officer for period May 2009 – May 2010 (including the review of member interests and review of gifts and hospitality)	Meeting 1
<b>3</b>	Annual review of members' expenses for period May 2009 – May 2010	Meeting 1
<b>4</b>	Standards Committee review of Local Procedures	Meeting 2
<b>5</b>	Review of Licensing Code of practice	Meeting 2
<b>6</b>	Review of Induction programme	Meeting 2
<b>7</b>	Nationally reported conduct cases and lessons to be learnt	Meeting 3
<b>8</b>	Annual review of Standards Board Statistics and Reports	Meeting 4
<b>9</b>	Annual review of the member development programme	Meeting 4
<b>10</b>	Annual work programme for 2010/11	Meeting 4

<b>11</b>	Annual networking event	Special meeting
<b>12</b>	Training: Standards for England DVD on assessments and workshop	Special meeting

3.25 There have been some changes to this programme. The first meeting did not take place since the Chair was not available and there were no pressing matters. Items 1,4 and 7 have been postponed pending further clarity on the future of the Standards regime which is to be revised under the Decentralisation and Localism Bill expected in the Autumn 2010. Item 8 may also be withdrawn from the work programme: Standards for England are no longer collecting statistics on conduct cases and have produced no new guidance for some time. The Government have made it plain that Standards for England is to be abolished as part of the review of the standards regime.

3.26 Items 2 and 3 are being considered at the second meeting of the Standards Committee. Item 5 is to be considered at the third meeting: Outside solicitors were commissioned to undertake the Licensing Review on 10<sup>th</sup> September 2010. The Review has been started but could not be completed by the second meeting of the Standards Committee because the solicitors have not yet been able to interview all those involved. The exercise is complicated in part by the change of membership of the Licensing Committee since the local elections.

3.27 Item 6 will not proceed at the second meeting because the induction programme is ongoing into the Autumn 2010 and the item can be included in the report under item 7.

3.28 The dates for items 9 and 10 have yet to be set.

#### **4.0 Financial Implications**

4.1 This report contains no specific financial implications.

#### **5.0 Legal Implications**

5.1 These are addressed in the body of the report.

#### **6.0 Diversity Implications**

6.1 This report contains no specific diversity implications.

#### **7.0 Staffing Implications**

7.1 This report contains no specific staffing implications.

***Background papers***

*Register of Gifts and Hospitality*  
*Members Register of Personal Interests*  
*Brent Members Code of Conduct*  
*Local Government Act 2000*

Should any person require any further information about the issues addressed in this report, please contact Kathy Robinson Senior Local Government Lawyer on telephone number 020 8937 1368.

**Fiona Ledden**  
**Director of Law and Procurement Department**

## APPENDIX 1

### Paragraph 8 (1)

'You have a personal interest in any business of your authority where either

- (a) it relates to or is likely to affect
  - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
  - (ii) any body—
    - (aa) exercising functions of a public nature;
    - (bb) directed to charitable purposes; or
    - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant; or
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer'.

**Personal interests**

8. (1) You have a personal interest in any business of your authority where either –
- (a) it relates to or is likely to affect -
    - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority.
    - (ii) any body -
      - (aa) exercising functions of a public nature;
      - (bb) directed to charitable purposes; or
      - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),  
of which you are a member or in a position of general control or management;
    - (iii) any employment or business carried on by you;
    - (iv) any person or body who employs or has appointed you;
    - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
    - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
    - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
    - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
    - (ix) any land in your authority's area in which you have a beneficial interest;
    - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you

are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
  - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
- (2) In sub-paragraph (1)(b), a relevant person is –
- (a) a member of your family or any person with whom you have a close association; or
  - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).