



LONDON BOROUGH OF BRENT

MINUTES OF THE STANDARDS COMMITTEE Held on Monday 27 November 2017 at 6.30 pm

PRESENT: Allie (Chair), Kabir (Vice Chair), Ahmed, Colwill and Krupa Sheth

Independent Members: Sheila Darr, Karen McArthur and Margaret Bruce

Independent Persons: Nigel Shock and Keir Hopley

1. **Apologies for Absence and Clarification of Alternate Members**

There were no apologies for absence received.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Minutes of the Previous Meeting**

Subject to Keir Hopley's name being spelled correctly on the attendance list, it was **RESOLVED** that the minutes of the previous meeting held on 28 September 2017 be approved as an accurate record of the meeting.

4. **Matters Arising (if any)**

Debra Norman (the Council's Chief Legal Officer) outlined that the three substantive actions identified for officers within the minutes of the previous meeting had all been completed.

5. **Update on Standards Matters**

Looqman Desai (the Council's Senior Solicitor, Governance) introduced the report which provided detail on: a proposed change to the Members' Code of Conduct Complaints Procedure; an upcoming review of local government standards arrangements; and the gifts and hospitality registered by Members during the last quarter.

He began by outlining the suggested change to the Members' Code of Conduct Complaints Procedure, and established the rationale for asking Members to formally approve the change. He explained that, as the Council's procedure currently stood, the complainant was entitled to receive a copy of a draft standards investigation report in *all* cases of complaints against members. This was regardless of whether the complainant themselves had been involved with the matter being investigated. He said that the Council had identified that instances may arise where it would not be warranted for the complainant to receive a copy of

the draft report due to the risk of confidential elements to the investigation being divulged. He specified that the amendment being put forward was that draft reports could be withheld from the complainant '*in exceptional circumstances*' in future, and that the investigator would be expected to provide reasoning for withholding the draft document within their final report.

Members asked for clarity on who determined what was deemed to be 'exceptional circumstances' and whether standards matters tended to be investigated by an independent investigator. Looqman Desai said that the investigator would decide on matters felt to be exceptional, and that investigations were not necessarily externally conducted. He explained that there were cases where it would be acceptable for officers within the Council to carry out a standards investigation, but that the Council would continue to take a proportional approach to appointing investigators on a case-by-case basis.

It was questioned whether any recent occurrence had led the Council to seek to amend the procedure or if it was simply being prudent in its approach to dealing with standards complaints. Looqman Desai said that the issue had first been discussed when the Committee considered recent case law on Freedom of Information (FOI) requests at its meeting on 29 June 2017. He noted that there had been a complaint in the recent past against a Councillor based solely on a newspaper article. He highlighted that any member of the public could have made the complaint despite not being personally involved, and that the Code of Conducts Complaints Procedure at present would therefore have allowed them privileged access to a confidential and draft report. He emphasised that the Council needed to consider the relevant risks of potentially releasing personal information whilst an investigation report had not been finalised.

Debra Norman (the Council's Chief Legal Officer) moved to the second part of the report and drew the Committee's attention to a review of local government standards by the Committee on Standards in Public Life (CSPL). The findings and recommendations of which would be expected in 2018. An independent Member of the Committee raised the collective dissatisfaction with the current standards regime for local government due to the limited scope of the measures that Councils could take against Members who had breached the code of conduct.

Debra Norman continued onto the final substantive section of the report and highlighted the recent gifts and hospitality which had been registered by Members between 20 September 2017 and 15 November 2017. Clarity was requested on the process for how Councillors tended to obtain tickets for large events in the borough. Tom Cattermole (Head of Executive and Member Services) explained that in the case of Wembley Stadium and Wembley Arena, it was typically a general offer of tickets to the Council as a whole rather than a direct gift to Councillors.

Questions also arose from the Committee as to whether Members should be obliged to declare how the ticket had been utilised once it had been received. Tom Cattermole outlined that Councillors often passed tickets on to schools or community groups in their wards, but there was no specific need presently to declare this formally. Looqman Desai agreed and stated that Members could, for transparency, declare if they had passed the tickets on but that they were only presently mandated to declare that they had received the tickets. He added that if no further information had been included on their register entry about the gift or

hospitality being passed on then the assumption would be that the Members used the gift or hospitality themselves.

Further discussions ensued on whether Members should also be required to declare the estimated value of the gift or hospitality as several of the register entries stated 'no value specified'. An Independent Member of the Committee made the point that complimentary tickets with 'nil' value stated on them would still have a face value for members of the public and that Members could search the event online to establish an estimate value to record. Looqman Desai agreed that no value printed on the ticket itself did not necessarily mean it had no face value, however the gifts and hospitality protocol did not oblige members to record an estimate. He also added that there remained a potential risk in this scenario of Members making honest estimates that were incorrect. The Chair requested that officers assessed how other Local Authorities recorded values for gifts and hospitality on their respective registers of interest, and a report be brought back to the Committee to enable it to take a more informed view on best practice.

It was **RESOLVED** that:

- (i) The proposed change to the Members' Code of Conduct Complaints Procedure, as specified within the report, be approved;
- (ii) An update report on the CSPL review of local government standards be brought to the next meeting of the Committee;
- (iii) A report which provided an analysis of how different Local Authorities recorded values of gifts and hospitality on their respective registers of interest, be presented at the next meeting of the Committee; and
- (iv) The contents of the report be noted.

6. Any Other Urgent Business

There was no other urgent business to transact.

7. Date of the Next Meeting

The date of the next meeting was noted as being 27 March 2018. As such, the Chair wished everyone present at the meeting an advanced merry Christmas and happy new year.

The meeting was declared closed at 6.58 pm

COUNCILLOR JAMES ALLIE
Chair