



Standards Committee
4 November 2009

**Report from the Borough
Solicitor**

For Information

Wards Affected: None

**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 2008 to April 2009. 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 Recommendation

- 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
- Councillor Reg Colwill (Conservative)
- Councillor James Moher (Labour)
- Councillor Daniel Bessong (Liberal Democrat)

Appointment of the Independent Members

- 3.2 John Mann and Rochelle Gelman are appointed by the Council for a period of two years until May 2010. Shelia Darr was appointed in September 2008 to serve as an alternate independent member until May 2010.

The Committee's work during 2008-2009

- 3.3 Members will recall that a new Model Code of Conduct was issued by the Secretary of State (4 April 2007) and following this a new Code of Conduct was adopted by the Council on 10 September 2008. Additionally major changes were made to the ethical standards framework by the Local Government and Public Involvement in Health Act 2007. The changes were brought into effect in April 2008 by the Standards Committee (England) Regulations 2008. The impact of the changes is that complaints are now referred to and considered by the Standards Committee at first instance. Guidance was issued by Standards for England (previously known as the Standards Board) which has been adopted and incorporated into the committee's procedures for dealing with complaints against members. This is the first annual report under the new regime.
- 3.4 The Committee meet on four occasions during the municipal year. The main items addressed by the committee at each meeting are set out below.

24 June 2008

- Standards Sub Committees
- Applications for Political Restriction
- Ethical Standards Framework

5 November 2008

- Review of Members Expenses
- New Model Code of Conduct
- Annual Report of the Monitoring Officer (including the review of the Register of the Gifts and Hospitality and the Register of Members' Interests)

21 January 2009

- Planning Code of Practice Annual Review
- Standards Board Investigation – report back from Ethical Standards Officer
- Allegation of Misconduct

25 March 2009

- Annual review of the member development programme
- Annual work programme for 2009/10
- Standards Board for England Statistics

Complaints against members

- 3.5 In previous Annual Reports there has been an update on complaints received and dealt with by Standards for England. However, since April 2008 this Standards Committee has been responsible for receiving and dealing with complaints. During the period May 2008 to April 2009 there was one matter referred to Standards for England. In January 2009 the Standards for England Ethical Standards Officer reported back on this case in which there was found to be no breach of the Code.
- 3.6 In January 2009 complaints were referred to the Standards Committee by an officer and a councillor regarding Councillor Bertha Joseph. 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 the Standards for England. Although outside the period covered by this report, members will be aware that some allegations were found not to constitute a breach of the Code of Conduct. Other allegations proceeded to be considered at a hearing where the Committee found breaches had occurred and a decision was made to suspend Councillor Joseph. Councillor Joseph may appeal the decision.

Monitoring Officer Advice Notes

- 3.7 During the period May 2008 to April 2009 the Monitoring Officer continued to issue Advice Notes to members as required. Together with the previously issue Advice Notes these form an ongoing resource for councillors. The complete set of Advice Notes can be found on the Standards Committee web page but those issued for the period covered by this report are set out below.

| Number | Subject | Date Issued |
|---------------|---------------------------------------------------------|--------------------|
| 38. | Booking rooms by Members | 25.07.08 |
| 39. | Planning Code of Practice | 1.8.08 |
| 40. | Annual Conduct Letter 2008 | 30.9.08 |
| 41. | Prejudicial Interests – Overview and Scrutiny Committee | 29.10.08 |

Networking

- 3.8 In addition to the formal meetings, the committee hosted the West London Alliance Standards Committee Networking Event on the 27th of January 2009.
- 3.9 Thirty three members and officers from nine London boroughs attended the event. The event is primarily for the six West London Alliance boroughs. However, due to the success of this annual event, other

Councils have also shown a keen interest and accordingly members and officers from The Royal Borough of Kensington and Chelsea and the London Boroughs of Barnet and Islington were also invited.

- 3.10 The feature presentation of the evening was from James Goudie QC. Mr Goudie QC addressed two topical areas: Firstly the '*Empowerment White Paper, Communities in Control: Real people, Real Power*' and the Local Government and Public Involvement in Health Act 2007, and secondly the government's wider agenda for local government and how this will affect the role of the local ward councillor. There was also a short panel discussion led by Brent's Monitoring Officer and the Constitutional Lawyer for the London Borough of Harrow. The debate concerned whether the Code of Conduct should apply to members when acting in a non- official capacity and there was discussion about initial experiences under the new local determination framework. 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

- 3.11 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 Democratic Services and is available for inspection by the public via appointment or through the Councils website.
- 3.12 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.
- 3.13 In January 2008 a full review of the members' register of personal interests was carried out as part of the internal audit programme. The audit showed that there were some minor failures by members to register memberships of political parties, interest in any land in the Council's area and appointments as school governors. This was followed up with members. Upon a current review by the Monitoring Officer it is apparent that on the whole councillors are updating the register properly and the instances of failure to do so are minimal. For example, there is 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 does not appear to have been declared. There are also some instances where members have not updated their role on outside bodies. These are being followed up with the members concerned.

Gifts and Hospitality

3.14 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.

3.22 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 May 2008 - April 2009

| Councillors Name | Date of gift / receipt of hospitality | Details of gift / hospitality | Estimated Value* | Person / Body providing gift / hospitality | Date of declaration |
|-------------------------|----------------------------------------------|------------------------------------------------------------------------------------------|-------------------------|----------------------------------------------------|----------------------------|
| ClIr Beswick | 05/06/08 | Dinner with Governor General of Jamaica and High Commission at Learie Constantine Centre | £30 | Patrons of Learie Constantine Centre | 17/06/08 |
| ClIr Beswick | 13/06/08 | Copland School, Annual Dinner, House of Lords | £50 | Copland School | 17/06/08 |
| ClIr Blackman | 13/06/08 | Dinner at House of Commons | £100 | Copland High School | 19/06/08 |
| ClIr Blackman* | 17/05/08 | FA Cup Final Ticket and Hospitality | £100 | Quintain Estates | 17/06/08 |
| ClIr D Brown | 8/11/08 | 5 tickets to the Lord Mayor's show lunch and reception | £250 | City of London | 10/11/08 |
| ClIr D Brown | 24/10/08 | Veolia kit inc jacket and trousers for photo. | £41 | Veolia | 10/11/08 |
| ClIr Chavda* | 01/09//08 | Visited India as guset of Government of India | £3313.05 | Government of India | 21/09/09 |
| ClIr Colwill | 13/06/08 | House of Commons Dinner - 2 tickets | £100 | Copland School | 16/06/08 |
| ClIr Hashmi* | 28/05/08 | Ticket and hospitality to England/USA game | £100 | Alex Horne and Wembley Stadium Ltd via ClIr Lorber | 04/07/08 |
| ClIr John | 11/03/09 | Lunch | £25 | Bethell Community Centre | 11/03/09 |

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|----------------|---------------|-------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------------------------------------------------|----------|
| Cllr John | 28/10-3/11/08 | Attendance at the Association of Community College Trustees conference in New York. Hotel and accommodation | Approx. £1,500 | College of North West London | 04/11/08 |
| Cllr John | 13/06/08 | Dinner at the House of Commons | Not known | Copland Community School | 23/06/08 |
| Cllr John | 28/05/08 | Tickets for England v USA game at Wembley with dinner beforehand | Not known | Football Association | 03/06/08 |
| Cllr Joseph | 19/09/08 | Business meeting drink | £N/K | Communique' | 19/09/08 |
| Cllr Joseph | 19/09/08 | Celebration dinner | £N/K | Residents Association | 19/09/08 |
| Cllr Joseph | 30/08/08 | Celebration dinner | £N/K | Somali Community | 19/09/08 |
| Cllr Long | 15/09/08 | Meal after Board awayday, Balls Brothers, London Bridge | circa £50 | Fortunegate Community Housing | 29/09/08 |
| Cllr Long | 08/08/08 | Meal, drink & entertainment | £9 | Fortunegate Community Housing | 11/08/08 |
| Cllr Long | 13/05/08 | Light Bulb, Power Down plug, key ring | £1.25 £15 £1.50 | Family Mosaic as a thank you for visiting the Family Mosaic Customer Bus | 13/05/08 |
| Cllr Lorber | 08/04/09 | Opening of Kangana Club as chief guest. Hospitality (ie dinner) | approx £25 | Proprietor - Mr Chind | 27/04/09 |
| Cllr Lorber | 20/11/08 | Xmas dinner | £40 | Plaza Hotel, Wembley | 27/11/08 |
| Cllr Lorber | 20/08/08 | 4 Tickets to Wembley England v Czech Republic Football | £200 | Football Association | 27/08/08 |
| Cllr Lorber | 17/07/08 | Consultation Dinner | £50 | London Councils | 27.08.08 |
| Cllr Lorber* | 28/05/08 | Ticket for England v USA football game at Wembley | £100 approx | Alex Horne and Wembley Stadium LTD | 26/06/08 |
| Cllr Matthews | 17/07/08 | Dinner and away day | £50 | London Councils | 27/07/08 |
| Cllr Matthews* | 28/05/08 | Ticket to Wembley for England v USA | £100 | Director of Wembley Stadium | 27/08/08 |
| Cllr Mendoza | 08/05/08 | 2x tickets to Israel Go show | £25 each | Quintain | 13/05/08 |

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|-----------------|----------|----------------------------|---------------------------------------------------------------|------------------------------------------|----------|
| Cllr Mistry | 13/06/08 | Dinner at House of Commons | £25-50 | Copland School | 25/06/08 |
| Cllr O'Sullivan | 17/10/08 | Diwali lunch | £6 | Brent Housing Partnership | 17/10/08 |
| Cllr O'Sullivan | 20/07/08 | Case of wine | £40 | Raffle prize at Masonic Open Day, Kenton | 25/07/08 |
| Cllr HB Patel | 13/06/08 | Dinner | £100 (tickets weren't priced but had 2 complimentary tickets) | Copland School | 16/06/08 |

3.23 Members generally complied with the requirement to declare the gift or hospitality within 28 days. However, there are five instances where declarations were made outside this time limit. These gifts have been highlighted with an asterisk. In relation to the declaration by Councillor Chavda members are advised that this may not be hospitality that needs to be registered due to the circumstances in which Councillor Chavda received it, namely that it seems likely that the hospitality was not provided to him as a consequence of him being a councillor and so may not be registerable.

3.24 In declarations where the value is listed as not known the entry is considered incomplete and members are urged to provide the actual or estimated amount of the gift or hospitality.

Proposed Work Programme for the Standards Committee 2009-10

3.25 On 25 March 2009 the Standards Committee agreed a work programme for the forthcoming year which is set out in the table below.

Work Programme for 2009/10

| | Name of the Report | Date |
|---|------------------------------------------------------------------------------------------------------------------------|---------------------|
| 1 | Guidance on membership of outside bodies | 25.08.09 |
| 2 | Annual report of the Monitoring officer (including the review of member interests and review of gifts and hospitality) | 4.11.2009 |
| 3 | Annual review of members' expenses | 4.11.2009 |
| 4 | Annual review of the Planning code of Practice | 20.1.2010 |
| 5 | Annual review of Licensing Code of practice | 20.1.2010 |
| 6 | Annual review of Standards Board statistics | 24.3.2010 |
| 7 | Annual review of the member development programme | 24.3.2010 |
| 8 | Annual work programme for 2010/11 | 24.3.2010 |
| 9 | Annual networking event | Special meeting tba |

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.

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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'.