

**Minutes of the Standards Committee  
25 August 2009 at 7.00pm**

Present: John Mann (Chair, independent member), Rochelle Gelman (Vice Chair, independent member), Bessong, J Moher and HB Patel (for Colwill).

Sheila Darr (independent member) was also in attendance at the meeting.

Apologies for absence were submitted on behalf of Councillor Colwill.

**1. Declarations of interest**

Councillor HB Patel declared a personal interest in the item relating to the allegation of a breach of the Code of Conduct as he was Deputy Mayor of Brent at the time the alleged incidents took place.

**2. Minutes of previous meeting**

RESOLVED:

that the minutes of the previous meeting held on 2 July be approved as an accurate record.

**3. Standards for England Intervention, Joint Standards Committees and Dispensations**

The report from the Borough Solicitor summarised the new Standards Committee (Further Provisions) (England) Regulations which came into force on 15 June 2009. These set out the circumstances in which Standards for England could suspend a Standards Committee from carrying out certain functions, provide a power to establish Joint Standards Committees and amend 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 heard that the Regulations were based on the new system of determination set out in the Local Government and Public Health Involvement in Health Act 2007 and as such were not new. Guidance was expected to be published later in the week.

RESOLVED:

that the report be noted.

**4. Guidance for members involved in outside bodies**

The Committee heard that guidance for members involved in outside bodies was issued on 14 August setting out general obligations for members involved in outside bodies and also the types of organisations to which that a member may be appointed. The Council had earlier in the year completed a review and updated its guidance which was subsequently adopted by the General Purposes Committee on 30 June 2009.

RESOLVED:

that the guidance issued by the Borough Solicitor as attached at Appendix 1 to her report be noted.

**5. Committee membership changes**

None.

**6. Exclusion of press and public**

RESOLVED:

that the press and public be now excluded from the meeting as the report and appendix to it are not for publication because it contains a confidential report that will be presented to the Standards Committee set up to consider a matter under Regulation 17 of the Standards Committee (England) Regulation 2008.

**7. Allegation of a breach of the Code of Conduct**

The committee had before it a report from the Borough Solicitor which introduced a report from an independent investigator into two allegations of misconduct against a councillor referred for investigation by the Standards (Initial Assessment) Sub-Committee on 21 January 2009 and on 2 July 2009 a further allegation referred for investigation. The committee was required to either agree that there had been no breach of the Code of Conduct, to hold a hearing to determine whether there had been a breach of the Code of Conduct or to refer the matter to the Adjudication Panel for England for a hearing.

The Borough Solicitor advised the committee that the first matter on which a decision was required was whether this meeting should be held in public, and the report be publicly available. The test to be applied was whether the public interest in holding the meeting in private outweighed the public interest in disclosure. After some discussion, the committee agreed to hold the remainder of the meeting in public and agreed by

majority that the investigator's report into allegations of misconduct by Councillor Joseph be publicly available. The committee noted that a revised version of the investigator's report had been circulated following the receipt of comments from the councillor concerned, Councillor Joseph, in relation to one of the allegations.

The committee next considered the allegations set out in the investigator's report in order to come to a conclusion on whether there was a case to answer, in which case a hearing would be necessary. The Borough Solicitor referred members to the allegations summarised in her report.

In relation to the allegation that Councillor Joseph breached the Code of Conduct by failing to register gifts and hospitality in relation to a trip to Dominica in 2006, the Borough Solicitor stated that whilst there were some conflicts in the evidence, the investigator found that, on balance the trip was official and that there was no breach of the Code. Similarly, in relation to items received from certain local businesses in the borough, the investigator was of the view that there was insufficient evidence to prove a breach of the Code of Conduct had taken place and consequently there was no need for a hearing into this allegation. In connection with the allegation that the Councillor obtained gifts from two local businesses (Malcolm Butchers and Twinstar Motors) and failed to register them within 28 days, the investigator was of the view that there had been a breach of the Code of Conduct which warranted a hearing by the Standards Committee.

The Borough Solicitor outlined the options open to the committee namely to come to a view that no breach had occurred, to agree that a breach had occurred and to conduct a hearing or to refer the matter to the Standards Adjudication Panel for adjudication.

The committee agreed that given the conflicting evidence there was little value in conducting a hearing into the receipt of gifts and hospitality from overseas nor of the gifts received from certain local businesses. In relation to gifts from Malcolm Butchers and Twinstar Motors the committee agreed that a hearing should be convened to hear allegations that Councillor Joseph brought her office into disrepute, that she had used her position to gain an advantage for herself and that she failed to register the receipt of the gifts within the prescribed period. The committee agreed to hold a hearing into these allegations notification of which would be sent in accordance with the agreed procedures.

RESOLVED:-

- (i) that the public interest in holding the meeting in public outweighed the public interest in having the meeting in private and that the meeting should be held in public;

- (ii) that that the investigator's report be made public;
- (iii) that in relation to the allegation that Councillor Joseph breached the Code of Conduct by failing to register gifts and hospitality from a trip to Dominica in 2006 that there has been no breach of the Code of Conduct;
- (iv) that in relation to the allegation that Councillor Joseph breached the Code of Conduct by failing to register the receipt of gifts from Wembley Printing, Spema Print Finishers, Gentle Care Home Care Services and Alexandra Motors that there has been no breach of the Code of Conduct;
- (v) that in relation to the allegation that Councillor Joseph breached the Code of Conduct by failing to register the receipt of gifts from Twinstar Motors and Malcolm Butchers within 28 days of receiving the gifts, a hearing be held to determine whether there has been a breach of the Code of Conduct.
- (vi) that in relation to the allegation that Councillor Joseph brought her office into disrepute by seeking and obtaining cash gifts which were used to buy items that conferred a personal benefit on her, a hearing be held to determine whether there has been a breach of the Code of Conduct;
- (vii) that in relation to the allegation that Councillor Joseph used her position to gain an advantage for herself by seeking and obtaining cash gifts which were used to buy items that conferred a personal benefit on her, a hearing be held to determine whether there has been a breach of the Code of Conduct.

The meeting ended at 8.10pm.

JOHN MANN  
Chair