

	Audit and Standards Advisory Committee 26 May 2020
	Report from Director of Legal, HR, Audit & Investigations
Annual Standards Report (including quarterly update on Gifts & Hospitality and mandatory training)	

Wards Affected:	All
Key or Non-Key Decision:	Not applicable
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Four Appendix A Gifts & Hospitality register Appendix B Summary of MOANs to date Appendix C Member training Attendance record Appendix D(i) and (ii) LGA draft Model Code of Conduct
Background Papers:	None
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1.0 Purpose of the Report

- 1.1 This is the Monitoring Officer's Annual Report to the Audit and Standards Advisory Committee for 2019. It provides an update on Member conduct issues and the work of the Audit and Standards Advisory Committee, the Audit and Standards Committee and the Monitoring Officer during 2019.

2.0 Recommendations

- 2.1 That the Committee note the contents of the report.

3.0 Detail

Committee's Work during 2019

- 3.1 In May 2018, the Standards Committee was merged with the Audit Committee to form the Audit and Standards Advisory Committee (ASAC). All formal decisions which fell within these committees' functions are now undertaken by the merged Audit and Standards Committee (ASC).
- 3.2 During January to March 2019 the ASC met on one occasion to discuss and approve the financial and procedural rules governing the Mayor's Charity Appeal. Between April to December 2019, the ASC met on two occasions to discuss and ratify audit matters, namely the annual governance statement and statement of accounts.
- 3.3 In 2019 the ASAC met on five occasions, and on two of these occasions discussed matters relating to standards, policy and procedure, and gifts and hospitality, as follows:
 - a) on the 20 March 2019, the ASAC considered the annual review of member development and expenses. It noted the range of mandatory and non-mandatory training sessions provided to members and the various methods employed to maximise engagement. It considered gifts and hospitality and noted two complaints against Members. It also considered a summary of the recommendations and best practice recommendations arising out of the Committee on Standards in Public Life's report on the Standards regime, against the council's current practice in relation to the recommendations. The Committee undertook its high-level review of the council's use of the Regulatory of Investigatory Powers Act (RIPA) during 2018 and also noted the recommended changes to the financial and procedural rules governing the Mayor's Charity Appeal.
 - b) on the 10 July 2019 the Committee noted a report on gifts & hospitality and the updated position regarding the attendance record for Members in relation to mandatory training sessions. In addition, it considered and approved actions arising out of the ASAC self –assessment workshop; for example, closer liaison with Scrutiny, exploring processes that underpin the corporate risk register and encouraging greater attendance at Member development sessions etc. It should also be highlighted that in September 2019 the Committee noted a further update report against its agreed actions on its self - assessment exercise.

Independent/Co-opted members

- 3.4 There have been no new appointments to the ASAC throughout 2019. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had the effect of extending the appointment of two of the council's Independent Persons (Keir Hopley and Nigel Shock) and the three co-opted members of this committee (Karen McCarthy, Margaret Bruce and Robert Crawley) until the next annual meeting of the council, or until such time as the council should determine. Karen McCarthy and Robert Crawley have indicated that they have found their time as members of the committee interesting and rewarding but wish their appointments to

cease on the originally anticipated date when the council's 2020 Annual Meeting was due to take place. These appointments will therefore cease on 27th May 2020.

Both the Independent Persons and the remaining Co-opted member have been advised that a recruitment process will commence during the course of the current municipal year, as it is best practice to do so from time to time. Further, that they would each be welcomed as an applicant should they wish to continue.

Complaints against Members

- 3.5 Complaints under the Member Code of Conduct are submitted to the Monitoring Officer (Director of Legal, HR, Audit and Investigations). Following consideration of the complaint the Monitoring Officer will decide the appropriate course of action in accordance with the Member's Code of Conduct Complaints Procedure.
- 3.6 During 2019, two complaints were received against the same councillor for alleged breaches of all seven of the Nolan Principles (selfishness, integrity, objectivity, accountability, openness, honesty and leadership).

In summary, the first complaint was not upheld on the basis there was no evidence of any breach of the Member's Code of Conduct (Code) as alleged. The second complaint was not upheld as it did not disclose any conduct which fell within the remit of the Code.

Gifts & Hospitality

- 3.7 Members are required to register gifts and hospitality received in an official capacity worth an estimated value of at least £50. This includes a series of gifts and hospitality from the same person that add up to an estimated value of at least £50 in a municipal year.
- 3.8 Gifts and hospitality received by Members are published on the Council's website and open to inspection at the Brent Civic Centre. A list of gifts and hospitality registered by Members from 21 December 2019 to 31 March 2020 is attached at Appendix A.
- 3.9 During 2019 three Monitoring Officer Advice Notes (MOANs) were issued to Members. The first two (a & b below) were issued in January 2019, the third (c) was issued in August 2019:
- (a) MOAN 59 was issued concerning covert surveillance outside of the scope of the Regulation of Investigatory Powers Act 2000 (RIPA). It summarises the outcome and actions resulting from an internal audit on the use of social networking sites and the internet for surveillance purposes; it also advises on the new procedure for conducting covert surveillance outside of the scope of the RIPA.
 - (b) MOAN 60 was an updated MOAN in relation to the FA/Tottenham Hotspurs FC Wembley Stadium Planning Application 2019. It provided Members with general advice on interests and related issues in respect of the Wembley National Stadium/Spurs planning application, which was going to be considered by members of the Planning Committee.
 - (c) MOAN 61 provides a user friendly overview to understanding the legal and practical context of decision making by Cabinet, Cabinet Members and officers in respect of specific categories of decisions, such as key decisions.

- 3.10 A list of MOANs issued since 2015 is attached as Appendix B, with copies available on the Member's internal SharePoint portal.

Member Training Attendance

- 3.11 On the 20 March and 10 July 2019, the Committee received reports updating it on the attendance records for Member's in relation to mandatory training sessions. This has now become a standard reporting item.
- 3.12 The Committee is reminded that:
- a) It is a requirement of the Members' Code of Conduct that all members' *"must attend mandatory training sessions on this Code or Members' standards in general, and in accordance with the Planning Code of Practice and Licensing Code of Practice"*.
 - b) The schedule for all mandatory sessions is published and approved in the Council calendar at the May Annual General meeting. As there will not be an Annual Meeting in May 2020 in view of the new Regulations which remove the annual council meeting requirement for this municipal year because of the COVID crisis, for 20/21 the Chief Executive is agreeing the annual calendar of meetings after consultation with the Political Groups. It is anticipated that the calendar will confirmed at the council meeting in July. All internal training sessions attended by Members are published on the Council's Website and on individual Member profile pages.
 - c) Training session reminders are sent via email, calendar invitations, text messages and, on some occasions, direct telephone calls to Members. The same reminder process is employed for re-run(s) of sessions, where applicable, to take account of personal circumstances like work commitments and child care arrangements etc.
 - d) There are four mandatory training sessions provided for all Members and five mandatory sessions provided for Committee Members and, where appropriate, co-opted members. These are both identified in Table 1 below.
 - e) Mandatory sessions are provided annually and all committee members and substitutes are required to attend the relevant session. In addition, all other Members are invited to attend the sessions.

3.13 Table 1

Mandatory Training	Attendee requirement
1) Standards and the Code of Practice	All Members
2) Corporate Parenting & Safeguarding Children	All Members
3) Safeguarding vulnerable adults	All Members
4) Equalities Training	All Members
5) Planning	Committee Members only
6) Alcohol and Entertainment Licensing	Committee Members only

7) Scrutiny induction	Committee Members only
8) Audit & Standards Committee and the Audit & Standards Advisory Committee induction training	Committee Members only
9) Brent Pensions Fund – Approach to responsible investment	Committee Members only

3.14 **By way of an overview:**

All committee members for Planning, Standards, Alcohol and Licensing have attended the mandatory training sessions. The following relates to the number of members who have not attended training sessions

Mandatory all member sessions:

- 10 Members need to attend the Safeguarding vulnerable adults training – no repeat session is currently planned.
- 8 Members need to attend the Corporate Parenting & Safeguarding
- 5 Members need to attend the Equalities Training

Committee Member mandatory sessions:

- 10 Members need to attend the Scrutiny induction training.
- 5 Members / substitute members need to attend the Brent Pensions Fund – Approach to responsible investment training.
- 2 Members / substitute members need to attend the Alcohol and Entertainment Licensing training.

3.15 As the Committee will be aware, in the case of Planning and Licensing Committee membership and the Adoption and Permanency and the Fostering Panels, no special responsibility allowance that would otherwise be applicable can be received under the Members' Allowances Scheme if the relevant mandatory training has not been attended.

3.16 A summary setting out the sessions of mandatory training and Members names is attached as Appendix C. The Committee is invited to consider what further steps could be undertaken to improve the attendance records of some members.

Local Government Association Draft Model Code of Conduct

3.17 The Committee will be aware, pursuant to the Localism Act 2011, that the Council is under a statutory duty to promote and maintain high standards of conduct amongst their elected and co-opted members, and to adopt a code governing members. Brent's Member's Code of Conduct is set out in Part five of the Constitution.

3.18 In January 2019, the Committee of Standards in Public Life's (CSPL) report on Local Government Ethical Standards recommended that "*the Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government*". The Committee will recall that it considered and noted the CSPL recommendations (26 recommendations directed at Central Government and 15 best practice recommendations aimed at Local authorities) at its meeting on the 20.03.19. In response to this recommendation the

LGA have issued a consultation on a draft Model Code (a copy of which is attached as Appendix D (i) and (ii)) and commenced a nine week consultation process which commenced shortly before the Covid -19 lockdown.

- 3.19 The LGA are in the process of finalising the consultation questions. They will endeavour to publish them on their website shortly, circulating the link to the respective authorities. However, given the timescales, it maybe that the consultation period is extended to enable authorities time to consider the consultation questions and respond.
- 3.20 At this stage, the committee are invited to note that the draft Model Code of Conduct is very different to the old Model version, but it is much more closely aligned to the current version the council already has in place. Officers are awaiting the consultation questions and the committee will be kept informed as to how the consultation progresses.

4.0 Financial Implications

- 4.1 There are no financial implications arising out of this report.

5.0 Legal Implications

- 5.1 Pursuant to the Localism Act 2011, the Council has to have arrangements in place to deal with any allegations of failure to comply with the code of conduct and must appoint an Independent Person whose views are sought and taken into account by the council before it makes its decision on an allegation that it has decided to investigate.
- 5.2 The Council, individual Members and co-opted Members are required to promote and maintain high standards of conduct in accordance with s27 of the Localism Act 2011. The attendance at mandatory training sessions is a means to achieve this and a requirement pursuant to the Brent Members' Code of Conduct as set out in Part 5, of the council's Constitution.

6.0 Equality Implications

- 6.1 There are no equality implications arising out of this report.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Not applicable.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 Not applicable.

Report sign off:

DEBRA NORMAN

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