

Notice of Meeting

STANDARDS SUB-COMMITTEE (HEARING)

Thursday, 5 November 2009 - 1:30 pm
Meeting Room 3, Civic Centre, Dagenham

Members: Jennifer Spearman (Chair) Councillor Mrs K J Flint and Mr K Madden

29 October 2009

R. A. Whiteman
Chief Executive

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AGENDA

1. **Apologies for Absence**
2. **Declaration of Members' Interests**

In accordance with the Council's Constitution, Members are asked to declare any personal or prejudicial interest they may have in any matter which is to be considered at this meeting.
3. **Minutes - To confirm as correct the minutes of the meeting held on 24 September 2009 (Pages 1 - 3)**
4. **Any other public items which the Chair decides are urgent**
5. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

Private Business

The public and press have a legal right to attend Council meetings such as the Standards Sub-Committee (Hearings), except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Parts 1 to 3 of Schedule 12A of the Local Government Act 1972 as amended). Paragraph 7C – information presented to a Standards Committee or to a Sub-Committee of a Standards Committee set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England Regulations 2008), or referred under section 58(1)(c) of the Local Government Act 1972).

- 6. Monitoring Officer's Report - MC9/08 (Pages 5 - 87)**
- 7. Any other confidential or exempt items which the Chair decides are urgent**

STANDARDS SUB-COMMITTEE (HEARING)

Thursday, 24 September 2009
(2:00 - 6:02 pm)

Present: Jennifer Spearman (Chair), Councillor Mrs K J Flint and Mr K Madden

Also Present for the joint hearing: Members of the Greater London Authority (GLA) Standards Sub-Committee (Hearing) - Claer Lloyd-Jones (Independent Member and Chair and Presiding Chair for the joint hearing, Sam Younger (Independent Member) and Assembly Member Roger Evans

Venue: Committee Room 3, City Hall, The Queen's Walk, London SE1 2AA

8. Concurrent Hearing to Consider an Allegation of Breach of the Code of Conduct

The Presiding Chair opened the meeting.

It was noted that the subject Member, Richard Barnbrook was present and accompanied by Miss Laura Evans, who was attending as a friend and not as his legal adviser, together with Mrs Gillian Willis, Chartered Educational Psychologist.

Mr Barnbrook advised that his legal adviser, a Mr Lee Barnes, was unable to attend due to ill health.

The Sub-Committees considered whether or not to webcast the proceedings, following a submission from Mr Barnbrook that the proceedings should not be filmed, as this may place undue and unnecessary stress on him.

Following advice from the acting Monitoring Office of the GLA **it was agreed** that the proceedings should be filmed, as is normal practice for the GLA.

9. Apologies for Absence

None.

10. Declaration of Members' Interests

None.

11. Minutes (21 July 2009)

Agreed.

12. Quorum

It was confirmed that the meeting was quorate and thereby properly constituted.

13. Monitoring Officer Report - MC9/08

The Presiding Chair confirmed that all parties had copies of the relevant documents and outlined the procedure to be followed during the hearing.

The subject Member confirmed his agreement to the publication of his bundle of evidence, subject to items 4 and 15 of Form B remaining confidential.

It was agreed that the main issues for consideration were:

1. the subject Member had mis-spoken and that when he referred to the two murders in the London Borough of Barking & Dagenham (LBBB) he had meant to say "attempted" murders; and
2. in relation to the third murder, he intended to say that the girl from the college was from LBBB, not murdered in LBBB.

Received and noted the Investigating Officers' Report, following which the video, the subject of the complaint, was viewed.

It was further noted that:

1. the subject Member advised that he would not be answering questions on his statement; and
2. the tenth paragraph on page 47 of the agenda (page 21 of the Investigating Officers' report) be amended to read "February 2009" and not "January 2009".

Following questions from the subject Member and the Sub-Committee Members to the Investigating Officers and witnesses, Councillor Mrs Valerie Rush and Police Inspector Boyle, the Sub-Committee **agreed** that the evidence before them was sufficient for them to come to a decision.

At 3.40 pm the two Sub-Committees adjourned to separate rooms to consider the matter.

The meeting re-convened at 4.39 pm when the Presiding Chair advised that decisions had been reached by both Sub-Committees. The following is the decision of the Barking and Dagenham Sub-Committee*:

1. That, by virtue of his actions described in the complaint, Councillor Barnbrook failed to comply with the Members' Code of Conduct in that he brought his office and that of the Council into disrepute.
2. That Councillor Barnbrook breached the Protocol relating to Communications for Council Members (included within the Council's Constitution) which requires that all elected Members of the Council, whatever political party, have a duty both to the Council and to residents to ensure that in commenting on the policies and work of the Council, they make every effort to ensure that everything they say, whether verbally or written, is factually correct.

The list of sanctions was read out to the meeting, following which the Presiding

Chair asked the subject Member to comment on what an appropriate sanction would be.

The subject Member made a statement in mitigation and apologised unreservedly for making the mistakes he had but not for bringing knife crime to light in London and LBBB.

At 4.57 pm the Sub-Committees **agreed** to adjourn to separate rooms to consider the sanctions.

The meeting re-convened at 5.59 pm.

The Chair reported that the Sub-Committee had **agreed** to impose the following sanctions:

1. to suspend Councillor Barnbrook for a period of one calendar month during the month of October 2009;
2. to require Councillor Barnbrook to publish an apology on his personal blog with regard to (a) the inaccuracies on the video regarding three murders in Barking and Dagenham, and (b) the recording not having been removed from the blog/website, or at least amended, once Councillor Barnbrook knew the information to have been incorrect; and
3. that in the event that Councillor Barnbrook does not publish such an apology in an agreed form to the satisfaction of the Monitoring Officer by the end of October 2009, the suspension to be extended until such time as he does.

It was pointed out by the Chair that Members of LBBB under suspension must not take part in any formal business of the authority, have access to Council facilities and their Council allowance will be suspended.

The meeting closed at 6.02 pm.

*These minutes refer to the joint hearing but only record the decisions of the Barking and Dagenham Standards Sub-Committee (Hearing) relating to the complaint against Councillor Barnbrook in his position as a Member of the London Borough of Barking and Dagenham. For the decisions of the GLA Standards Sub-Committee (Hearing) in relation to his position as an Assembly Member, see: <http://www.london.gov.uk/assembly/stnds-hearing/2009/sep24/decision-notice.pdf>

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