

Councillor R Barnbrook

Legal & Democratic Services
Civic Centre
Dagenham
RM10 7BN

Reference: NC/CC/MC9/08
Date: 13 May 2009

Dear Councillor Barnbrook

Complaint by Councillor V Rush - MC9/08

I write to update you on the complaint made against you in your capacities as a Member of Barking and Dagenham Council and as an Assembly Member of the Greater London Authority (GLA).

The relevant Standards (Consideration) Sub-Committees of each authority met separately on 29 April 2009 at City Hall to receive the investigation report into the allegation made against you that you acted in breach of the Members' Code of Conduct. Both Sub-Committees accepted the report recommendations and agreed that the matter will now proceed to a full hearing before further Sub-Committees of the two authorities meeting at the same time. I must, however, stress that they will make individual determinations as relevant to each Authority.

The main hearing is scheduled to take place between 8 June and 24 July 2009. **Please confirm by return if there are any dates (weekdays, daytime) within this period that you cannot attend before we set a date for the hearing.** The hearings procedures of Barking and Dagenham Council will apply and I have enclosed a copy for your reference.

I also enclose a further copy of the investigation report which as you know was carried out jointly between officers from Barking and Dagenham and the GLA respectively. In accordance with the Standards Committee (England) Regulations 2008 and the Guidance issued by the Standards Board for England, I need to raise the following matters ahead of the main hearing.

1. At the Consideration Sub-Committees on 29 April 2009, members indicated that they will require further evidence on the following matter to assist the hearing and help the Sub-Committees at that stage reach a final determination:

To establish via the police and/or the hospitals what the facts are around the number of murders/hospitalisations during the period referred to by yourself. I will be asking the investigating officers to make further inquiries in this regard.

2. The Sub-Committees will also wish to hear evidence from yourself on any areas of dispute identified within the investigation report. Please therefore confirm in writing by 26 May 2009 whether you dispute any parts of the investigation report, together with reasons. I enclose a form (Form A) to assist you in this regard. Please be advised that the Sub-Committees may choose not to allow you to raise any new points in the hearing which you have not specified to be in dispute beforehand.
3. If you have any new evidence in support of your case please indicate on Form B and also return this to me by 26 May 2009.
4. You have the right to be represented at the hearing by counsel, a solicitor or (if, and only if, the Standards Sub-Committees approve) by any other person.

Please also note that under the terms of insurance held by the Council for complaints under the Code of Conduct you are entitled to cover for your legal costs up to a maximum of £50,000. If you choose to access this cover the Council's insurance company will provide the necessary representation for you. **However, please be advised that if you are found to have breached the Members' Code of Conduct you will be liable to repay all legal expenses yourself in full.** I enclose a copy of the 'Councillors' Group Legal Protection Policy' for Barking and Dagenham for your attention. The provider is Zurich Municipal and their agent is DAS Legal Expenses Insurance Company Limited. If you wish to access this facility their number is 01179 342111, which you should call as soon as possible. Please be advised that the Council's insurance only covers advice and representation in relation to Barking and Dagenham.

The GLA also has an equivalent policy in place through the same Agent. I have raised the issue of cover with Zurich and they advise that in the first instance you contact them/their Agent on the number above to provide full details of any support you require and their claims team will advise you how best to proceed in the circumstances. I must stress that you are under no obligation to be represented; it is entirely your choice. The equivalent contact for the GLA policy is on 01179 340264.

As and when you have determined who, if anyone, will be representing you, please complete the attached Form D setting out details of any representative you wish to use at the hearing and return it to me by 26 May 2009

5. You are entitled to give evidence yourself and call witnesses in support of your case as outlined in the procedures. Please confirm:
 - a. If you intend to give evidence and if so whether verbally or in writing
 - b. If you intend to provide written evidence, please submit by 26 May 2009 concise witness statements setting out the evidence each witness intends to give. The statement should be signed and dated by the witness concerned.

- c. The names and status of all witnesses you intend to call to give evidence at the main hearing (please note that the Standards Sub-Committees will have ultimate discretion as to the evidence it will receive and the manner in which it can be presented). To assist with this I enclose Form E for inclusion of details of witnesses you intend to call. Please complete and return it to me by 26 May 2009.
6. The Standards Committees will have discretion to exclude the public from some or part of the main hearing and similarly they have discretion to withhold some or all of the investigation report from the public. However, as you will know from my earlier email, the report has been made available in the public domain by the GLA. Please confirm with reasons by 26 May 2009 whether you wish to ask the Standards Committee to exclude the public from any part of the hearing and/or to prevent further release of any part of the investigation report into the public domain.

If I can be of any help please do not hesitate to contact me.

Yours sincerely,

Nina Clark
Monitoring Officer
(on behalf of both Authorities)

cc: Fiona Ledden, Monitoring Officer, Greater London Authority
Winston Brown, Legal Partner, Corporate Law & Employment
Barking and Dagenham Council
Sanjay Prashar, Deputy Head of Law, (Investigating Officer), Barking and Dagenham Council
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