

# London Borough of Enfield

## Councillor Conduct Committee

### Annual Report 2013/14

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## 1. INTRODUCTION

This is the second Annual Report of the London Borough of Enfield's Councillor Conduct Committee. It sets out the key issues we have dealt with during the past year and looks ahead to our priorities for 2014/15.

## 2. MEMBERSHIP

The Councillor Conduct Committee is made up of four councillors (two from each party, including each of the party whips), supported by independent persons. Currently we have one Independent Person with another post vacant since 1 July 2013.

### Councillors

Councillors: Yasemin Brett (Chair), Tahsin Ibrahim, Michael Rye and Tom Waterhouse (Vice Chair)

### Independent Persons

Lawrence Greenberg (appointed 7 November 2012 for a term of office ending on 30 June 2013)

Christine Chamberlain (appointed 30 January 2013 for a term of office ending on 30 June 2015)

### Officers

The Committee's lead officers were John Austin (Assistant Director of Governance and Monitoring Officer), Asmat Hussain (Assistant Director Legal Services and Deputy Monitoring Officer) and Penelope Williams (Committee Secretary).

## 3. TERMS OF REFERENCE

The terms of reference of the Councillor Conduct Committee, as set out in the Council's Constitution (see Part 2 – Section 2.7), are

- To deal with policy, complaints against councillors and issues concerning the members' Code of Conduct.
- To promote and maintain high standards of conduct by councillors and all co-opted members.
- To deal with policy, complaints against councillors and issues concerning the members' Code of Conduct.
- To assist councillors and co-opted members to observe their Code of Conduct and all other Codes within the Constitution.
- To monitor the operation of the Councillors' Code of Conduct and report when appropriate to the full Council on the adoption or revision of the Code and all other codes within the Constitution.

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- To consider requests for dispensations by councillors, and co-opted members relating to interests set out in the Code of Conduct.
  - To discharge such other functions either general or specific as the Council may from time to time allocate to the Committee.

The Committee is ultimately responsible for the promotion and monitoring of high standards of conduct among Enfield councillors.

#### **4. MEETINGS**

The Committee held six meetings during the year: on 25 June 2013, 16 September 2013, 22 October 2013, 3 December 2013, 3 February 2014 and 30 April 2014.

#### **5. INDEPENDENT PERSONS**

The Localism Act provided that all local authorities had to appoint an Independent Person or Persons to assist the Council in promoting and maintaining high standards of conduct amongst its members. Enfield decided to appoint two Independent Persons.

The main role of an Independent Person is to be available to be consulted on complaints against councillors and ethical governance issues. They provide an independent viewpoint, looking at issues from the point of view of an ordinary member of the public. Our Independent Persons work closely with the Monitoring and Deputy Monitoring Officers, considering whether or not complaints against councillors meet the criteria for investigation, and they are also consulted before a decision is made, on the outcomes of any investigated complaint. On top of this they can offer advice on other standards' matters, including by the member who is subject to an allegation.

Through their work they have developed a sound understanding of the ethical framework, as it operates within the Council and are able to act as advocate and ambassador for the Council in promoting ethical behaviour.

This year, in June 2013, the term of office of Lawrence Greenberg, the experienced former chair of the Standards Committee, came to an end. We were sorry to lose his expertise and thank him for his services.

We are currently recruiting to find a replacement for Lawrence Greenberg. Advertisements have been placed on the Council website and in Our Enfield, the Council's magazine, with information on the position also sent to local voluntary groups. We hope to have a new person in place by June/July 2014, in good time to work with the new administration to be elected in May 2014.

In the meantime we would like to acknowledge the invaluable support

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provided to the monitoring and deputy monitoring officer by Christine Chamberlain as our remaining Independent Person. The independent view and expertise she is able to provide on conduct issues has been much appreciated. Although not a member of the Councillor Conduct Committee she has regularly attended meetings and plays an important role in the proceedings. She also frequently speaks to the Monitoring and Deputy Monitoring Officers to discuss the complaints received.

Christine Chamberlain and the Deputy Monitoring Officer attended a training session on 30 October 2013, Independent Persons - One Year On.

## **6. THE COMMITTEE'S WORK PROGRAMME - 2013/14**

We adopted a work programme for the year, which this year has been focused on refining the complaints processes and developing the roles of the Committee and the Independent Persons.

The main items considered this year are listed below.

### **6.1 Procedure for dealing with Complaints against Councillors and Co-opted Members**

The Committee reviewed and revised the procedure for handling complaints against councillors and co-opted members.

A flowchart was drawn up setting out the process from start to finish with options for different actions highlighted. This helped to make it clear who and what decisions could be taken at each stage of the process whether by the Monitoring Officer or the Committee and the implications of these for further action.

Forms and templates were also produced to aid the process. All complainants will now need to complete a form including all the necessary information about the complaint at the start of the process.

The Committee reviewed the appeals process in order to make sure that it was clear to all concerned. These changes were approved by Council, as recommended, on 27 November 2013.

### **6.2 Hearings Procedure for Complaints and Appeals**

The Committee also revised the committee's procedure for hearing complaints and appeals against monitoring officer decisions at meetings. Changes were also considered at both political group meetings and the new detailed procedure was adopted by the Committee in February 2014.

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### **6.3 Independent Person Protocol**

At the meeting in December 2014 the Committee agreed a protocol setting out the relationship between the Independent Person and the various parts of the authority involved in the process of handling complaints and the wider promotion of ethical standards.

### **6.4 Substitute Members**

Arising from consideration of the hearings procedure the use of substitute members on the committee was agreed by Council on 29 January 2014. Substitute members can now be used when an ordinary member of the Committee was unable to attend a meeting due to other commitments and or if they had a disclosable interest.

Each group is now able to appoint two substitute members. They will receive training before participating in meetings.

## **7. MEMBER CODE OF CONDUCT - COMPLAINTS**

During 2013/14 the Committee considered three complaints and one appeal against a decision made by the Monitoring Officer.

In the cases of the three complaints:

- One resulted in the Committee agreeing the complaint warranted no further action.
- One resulted in the Committee finding that a councillor had breached the member code of conduct. This resulted in the sanction that a press release would be sent to the local press stating that the councillor had breached the code of conduct.
- One is subject to ongoing investigation with a report on the outcome to be provided to the committee.

The Councillor Conduct Committee considered one appeal against a Monitoring Officer decision. In this case the Committee agreed unanimously to confirm the original decision of the Monitoring Officer not to uphold the complaint.

During the year, the Monitoring Officer has also received a number of other complaints, but these have been resolved informally without the need for referral to the committee.

## **8. TRAINING ON THE NEW CODE OF CONDUCT AND COMPLAINTS PROCESS**

The committee continues to oversee training for members around the code of conduct which this year has included the review of the procedure for handling complaints and the principles of natural justice.

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Refresher training was carried out in May/June 2013 for all members.

All members (both the newly elected and those returning to office) will receive training on the Council's code of conduct after the May 2014 elections.

## **9. WEBPAGES**

Our webpages are being reviewed and will provide information about the Committee, its role and purpose and on making a complaint against councillors and co-opted members. This will now include the templates and changes made to the complaints procedure made this year. The pages are within the 'Councillors, Elections and Decisions' section of the Council's website.

## **10. FUTURE WORK PROGRAMME 2014/15**

We will agree a work programme for 2014/15, at the first meeting of the new Municipal Year. Areas of work for next year will include appointment of an Independent Person and the delivery of the new member induction programme, including ethical governance issues.

## **11. CONCLUSION**

As Chair, I would like to take this opportunity to thank the Monitoring Officer, Independent Persons and my fellow committee members for their sound and thoughtful contributions towards the encouragement and maintenance of a robust local standards regime during the year.

On behalf of the Councillor Conduct Committee, I would also like to thank the officers of the Council who have supported the work of this Committee.

Councillor Yasemin Brett  
30 April 2014