

Councillor Conduct Committee

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Tuesday, 24 May 2016 at 6.30 pm
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Dear All

To Follow Papers – Councillor Conduct Committee – 24 May 2016

Please find attached the following papers mentioned as “to follow” on the agenda for the next meeting of the Councillor Conduct Committee.

Item 6: Councillor Conduct Committee - Draft Annual Report 2015/16

Please bring these papers with you to the meeting next Tuesday.

If you have any queries in the meantime, please contact me details above.

With best wishes

Yours faithfully

Penelope Williams

Penelope Williams
Democratic Services

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London Borough of Enfield

Councillor Conduct Committee

Annual Report 2015/16

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1. INTRODUCTION

This is the fourth 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 2016/17.

2. MEMBERSHIP

The Councillor Conduct Committee is made up of four councillors (two from each party, including each of the party whips), supported by two independent persons.

Councillors

Councillors: Claire Stewart (Chair), Elaine Hayward (Vice Chair), Joanne Laban, Donald McGowan

Independent Persons

Christine Chamberlain (appointed 30 January 2013 initially for a term of office ending on 30 June 2015). This was extended this year for a further two years to 30 June 2017.

Sarah Jewell (appointed 8 October 2014 for a term of office ending on 8 October 2016).

Officers

The Committee's lead officers were Asmat Hussain (Monitoring Officer and Assistant Director Legal and Governance) and Penelope Williams (Senior Committee Administrator).

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.

- 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.

The Committee last reviewed their terms of reference at their meeting on 16 September 2015 and agreed that no changes were necessary at that time.

4. MEETINGS

The Committee held five meetings during the year: on 16 July 2015, 17 September 2015, 2 December 2015, 21 March 2016.

5. INDEPENDENT PERSONS

The Localism Act 2011 provided that all local authorities had to appoint an Independent Person(s) to assist the Council in promoting and maintaining high standards of conduct amongst its members. Enfield agreed 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 to 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.

In this report we would like to acknowledge the invaluable support provided by Christine Chamberlain and Sarah Jewell. The independent view and expertise they bring on conduct issues has been much appreciated. Although not members of the Councillor Conduct Committee, they have regularly attended meetings and play an important role in the proceedings. The Monitoring Officer consults one or other of them on all complaints received and they are able to provide considered advice and guidance on complaints and other issues that arise. .

This year both independent persons attended a special training session for independent persons, Christine Chamberlain in December 2015 and Sarah Jewell in January 2016.

Following their training, they recommended that the Council adopt as good practice that they should be invited to any training offered to members on councillor conduct issues, to enable them to offer their views as Independent Persons.

6. THE COMMITTEE'S WORK PROGRAMME – 2015/16

The membership of this year's committee was a continuation of last year's with the exception of one new member (Councillor McGowan): the other members had all previously served on the committee.

It was agreed therefore that, having consolidated knowledge of the council's ethical and standards framework last year, this year the committee would adopt a wider, more ambitious programme.

They decided to review some of the Council's key policies and procedures, those that had a significant impact on ethical and corporate governance matters, many of which had not been reviewed recently.

The main items considered this year are listed below:

6.1 Media Relations for Councillors

- The Committee received a briefing from the Corporate Communications Manager on the guidance offered to councillors in dealing with all forms of media. Complaints reviewed by the Committee had involved inappropriate use of both social and mainstream media.

6.2 Internet and Email Usage Policy for Councillors

- The Committee reviewed the current Member and Information Security Policy containing guidance on internet and email usage.
- Members recommended that the code should be updated to include reference to the councillor code of conduct and clear guidelines and expectations in relation to the use of IT equipment.
- A revised version of the policy was agreed and has been included on the Member's Portal.

6.3 Changes to the Councillor Code of Conduct

- Members considered a proposal to change the code of conduct, as it related to the declaration of disclosable pecuniary interests.

- The change under consideration was whether the code should include interests relating to “family members or persons with whom you have a close association of personal relationship”. This was beyond the statutory minimum required by law. There was an opinion that this wording was too broad and too difficult to define.
- Both whips after consultation with the political groups fed back to the Committee, and the Committee having considered the possible public perception of removing this requirement, agreed not to change the code at that time, but to keep the matter under review.

6.4 Gifts and Hospitality

- For the first time the Committee received a report setting out all the entries in the Councillors’ Gifts and Hospitality Register and including new member guidance on the process for registering gifts and hospitality.
- Enfield Councillors received fewer gifts and hospitality than similar boroughs. Most declarations involved meals or galas.
- The Committee decided that the information that the offer or receipt of any gift or hospitality must be notified within 28 days should be included in the guidance note and enlarged on the draft form.
- The Committee agreed that the guidance should be adopted and it has been included on the Members’ Portal. All gifts and hospitality will be reviewed annually.

6.5 Dispensations

- For the first time the Committee received an annual report from the on the number of dispensations granted during the municipal year.

A dispensation could be granted in the following circumstances:

- (a) Where members of the decision making body have disclosable pecuniary interests in a matter that would “impede the transaction of the business”
- (b) That without the dispensation, the representation of different political groups on the body conducting the business would be so upset as to alter the outcome of any vote on the matter
- (c) That the authority considers that the dispensation is in the interest of persons living in the authority’s area
- (d) That the authority considers that it is otherwise appropriate to grant a dispensation.

- In 2014/15 it was reported that only one dispensation had been granted by the Monitoring Officer. This had allowed all members to participate in the debate and decision on the Opposition Priority Business item: the cost of temporary accommodation and what can be done about it.
- At the meeting held on 21 March 2016 the Committee approved a dispensation for one councillor in relation to the motion on the Housing and Planning Bill for the 23 March 2016 full Council Meeting.
- The Committee agreed any dispensations granted would be reported to the Committee annually.
- A new form for the registration and recording of dispensations was devised to enable a more uniformed approach to be taken. This form was added to the Members Portal for members to download as required.

6.6 Planning and Licensing and Gambling Codes of Conduct

- The Committee reviewed the codes of conduct for members on both the Planning Committee and the Licensing Committees.
- All planning committee members were required to receive training before taking up a position on the Planning Committee. Regular briefing sessions are held for all committee members to update them on new issues.
- The Committee suggested special refresher sessions should also be run for members who had been on the Planning Committee for some time.
- Following the Committee's suggestions the two codes were streamlined taking account of the Councillor Code of Conduct, removing duplication, and ensuring the use of Plain English.
- The possibility of merging the two codes had been considered, but it had been decided to keep them separate to avoid confusion about the different roles.
- The codes were forwarded to the Member and Democratic Services Group for their consideration before being formally adopted by full Council.

6.7 Disclosure and Barring Checks

- The Committee considered a report on new requirements under the Disclosure and Barring Service (DBS), previously known as Criminal Records Bureau checks.

- The new requirements were to be implemented as a result of the outcomes from the enquiry into the recent problems in Rotherham. The enquiry had found that Rotherham councillors had not received the appropriate checks.
- It was agreed that all members in Enfield with a function or responsibility relating to children, vulnerable adults or education must receive DBS checks and that checks should be requested within 14 days of appointment.
- The Committee recommended that all members of the Cabinet, Shadow Cabinet, and all members of any committee with a social care function, whether relating to adults or children, all members with any education function and the Mayor and Deputy Mayor must have current DBS checks.
- The Committee recommended that these checks to take place every 4 years, after the local Council elections and appointment to relevant groups.

6.8 Review of Member Expenses

- For the first time the Committee received a report on Members' Expenses, outlining the expenses paid to members in the course of their duties and including comparator information.
- The Committee noted that Enfield had a similar level of expenses to comparator authorities and that all this information is in the public domain.

6.9 Member Training and Development Programme 2015/16

- The Committee considered and noted a report updating them on the Training and Member Development Programme for 2015/16.
- As an outcome, the whips agreed to encourage their members to attend the training sessions arranged.

6.10 Member/Officer Protocol

- The Committee reviewed the Member Officer Protocol but no new changes were proposed.
- Members noted that the whips would bring the protocol to the attention of their respective political groups.

6.11 Councillor Complaints Procedure

- The Committee reviewed the Procedure for Handling Complaints against Councillors and Co-opted members.
- The Committee recommended that there be an amendment to the procedure with respect to if a complaint was made and the complainer withdrew the complaint then no further action could be taken.
- The Committee agreed that the Monitoring Officer would be given the ability to continue to investigate the complaint even if it had been withdrawn, for example in cases where the resolution was not proportionate and/or if it were in the public interest that the complaint should be pursued.
- The Committee agreed that the Monitoring Officer would revise the wording in the policy and bring it back to a future meeting for the Committee to consider further.

7. MEMBER CODE OF CONDUCT - COMPLAINTS

During 2015/16 no complaints were referred to the Committee.

There are currently two outstanding complaints which are subject to an external investigation. The investigation report will be considered at the first committee meeting of the new municipal year.

During the year, the Monitoring Officers also received a number of other complaints. These have been resolved informally, with guidance and support from the independent persons, but without the need for referral to the Committee, either as a result of the withdrawal of the complaint or following the acceptance of apologies.

9. WEBPAGES

The webpages are regularly reviewed and provide information about the Councillor Conduct Committee, its role and purpose, as well as information about making a complaint against councillors and co-opted members. It includes links to the forms which need to be completed when making a complaint or appealing a monitoring officer decision as well as the code of conduct. The pages are within the 'Councillors, Elections and Decisions' section of the Council's website.

10. FUTURE WORK PROGRAMME 2016/17

The Committee will agree a work programme for 2016/17, at the first meeting of the new Municipal Year. Areas of work for next year will include:

- Review of Councillor Code of Conduct and Complaints Processes
- Member Training
- Member Expenses

- Annual Report on Dispensations Granted
- Annual Report on Gifts and Hospitality Registered

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 the 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 Claire Stewart

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