

Councillor Conduct Committee

Thursday, 6 July 2017 at 6.30 pm
Room 3, Civic Centre, Silver Street, Enfield,
EN1 3XA

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Councillors: Claire Stewart (Chair), Glynis Vince (Vice-Chair), Katherine Chibah and Elaine Hayward

Independent Persons: Christine Chamberlain and Sarah Jewell

AGENDA – PART 1

1. WELCOME AND APOLOGIES

2. SUBSTITUTIONS

Any member who wishes to appoint a substitute for this meeting must notify the Monitoring Officer in writing, before the beginning of the meeting, of the intended substitution.

Any notifications received will be reported at the meeting.

3. DECLARATION OF INTERESTS

Members are asked to declare any disclosable pecuniary, other pecuniary or non pecuniary interests relating to items on the agenda.

4. WORK PROGRAMME 2017/18 (Pages 1 - 2)

To consider and agree the work programme for 2017/18. Work programme attached.

Members are asked to suggest if there are any additional issues they would like included.

5. UPDATE ON COMPLAINTS (Pages 3 - 6)

To receive an update from the Monitoring Officer on the councillor complaints currently under consideration. Rolling record attached.

6. REPORT BACK ON INDEPENDENT PERSON TRAINING

To receive a verbal update from the Independent Persons on training undertaken in March 2017.

7. ANNUAL REPORT 2016/17 (Pages 7 - 14)

To receive and agree the Councillor Conduct Committee Annual Report for 2016/17.

To note that once agreed by the committee, the report will be referred up to Council.

8. DISPENSATIONS 2016/17 (Pages 15 - 20)

To receive a report from the Monitoring Officer updating members on the dispensations granted in 2016/17.

9. MINUTES (Pages 21 - 30)

1. To receive and agree the minutes of the meeting held on 2 March 2017
2. To receive and agree the minutes of the meeting held on 22 May 2017.

10. DATES OF FUTURE MEETINGS

To note the dates agreed for future meetings:

- Thursday 5 October 2017
- Thursday 7 December 2017
- Tuesday 6 March 2018

11. EXCLUSION OF PRESS AND PUBLIC

To pass a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

There is no part 2 agenda.

Councillor Conduct Committee: Work Programme 2017/18

ITEM	Lead/ Support Officer	6 July 2017	5 October 2017	7 December 2017	6 March 2018
Annual Report	Asmat Hussain/Penelope Williams	To agree the Annual Report 2016/17			
Work Programme 2017/18	Jayne Middleton-Albooye/ Penelope Williams	To Agree the Outline Work Programme for 2016/17	Work Programme Monitoring	Work Programme Monitoring	Work Programme Monitoring
Review of Code of Conduct and Complaints Processes	Jayne Middleton-Albooye		Review		
Update on Complaints Received	Jayne Middleton-Albooye	Update	Update	Update	Update
Independent Persons Training	Independent Persons	Report on training Received			
Complaints – Review of complaints received in 2016/17	Jayne Middleton-Albooye	Review			
Member Training	Claire Johnson			Update	
Regular update on Standards Matters – bringing members attention to recent standards news items for information.	Jayne Middleton-Albooye	If required	If required	If required	If required
Review of Protocol for Member Officer Relations	Jayne Middleton-Albooye			Report	
Review of Member's Expenses	Kathy Constantinou		Report		
Dispensations	Penelope Williams	Annual Update			
Gifts and Hospitality	Kathy Constantinou		Report		

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Councillor Complaints – Monitoring Officer Rolling Record (2016/17 – 17/18)

Ref	Receipt of Complaint	Councillor/s	Complainant	Nature of Complaint	Investigation	Hearing	Outcome	Status (Open/ Closed)	Follow-up /Learning	Independent Person
00A	Sept 2016	Single Member Complaint Cllr Anderson	Citizens	Possible breach of the code of conduct – Cycle Enfield	External Investigation (OD)	Appeal hearing tba.	Investigation concluded that there had been no breach of the code of conduct. Appeal received in Feb 2017.	Appeal heard. (22.5.17) MO Decision confirmed. HO appealed to Ombudsman. O decided not to investigate. Closed	Cllrs to take care when using social media. Training to be arranged	SJ
00B	Sept 2016	Single Member Cllr Erbil	Member	Possible breach of code/ criminal conviction	Internal Investigation Monitoring Officer	Yes 2 March 2017	Hearing held. Concluded that there had been a breach of the code. Sanction – 6 months exclusion from Civic Centre	Closed	To review the Code of Conduct	CC
00C	Oct 2016	Labour Party Members	48 Citizens	Possible breach of code – LBE Court Hearing FECA	Internal Investigation Monitoring Officer	No	Did not meet eligibility criteria for complaints	Closed		SJ
00D	Nov 2016	Member Cllr Chibah	Member	Possible breach of code – Comments made in email	Internal Investigation Monitoring Officer	No	Did not meet eligibility criteria for complaints	Closed		CC

Ref	Receipt of Complaint	Councillor/s	Complainant	Nature of Complaint	Investigation	Hearing	Outcome	Status (Open/ Closed)	Follow-up /Learning	Independent Person
00E	Nov 2016	Member – Councillor Erbil	Citizen	Possible breach of code – Issue about rubbish	Internal Investigation Monitoring Officer	No	Did not meet eligibility criteria for complaints. Dealt with by another process	Closed		CC
001	Dec 2016	Conservative Party Members	Member	Possible breach of code – Walkout at full Council	External Investigation Legal Partner (BJ)			Open – Ongoing investigation		CC
002	Dec 2016	Single Member Cllr Laban	Member	Possible breach of code – behaviour to Mayor at full Council	External Investigation Legal Partner (BJ)			Open – Ongoing investigation		CC
003	Dec 2016	Single Member Cllr Savva	Citizen	Possible breach of code - Behaviour in front of community group at public meeting	Internal Investigation Monitoring Officer			Open – Ongoing investigation		SJ
004	Feb 2017	Single Member Cllr Anderson	Citizen	Complaint about decision on Cycle Enfield	Internal Monitoring Officer		Not applicable sent to Council Complaints	Closed		
005	Feb 2017	2 Members Cllrs Erbil and Dogan	Citizen	Possible breach of the code – false and malicious allegations against an individual	Internal Investigation Monitoring Officer			Open – Ongoing Investigation		

Ref	Receipt of Complaint	Councillor/s	Complainant	Nature of Complaint	Investigation	Hearing	Outcome	Status Open/Closed	Follow up Learning	Independent Person
006	Jan 2017	1 Member Cllr Anderson	2 Citizens	Possible breach of the code – conduct at public meeting	Internal Investigation (JB)			Open – Ongoing		SJ

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London Borough of Enfield

Councillor Conduct Committee

Annual Report 2016/17

1. INTRODUCTION

This is the fifth 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 2017/18.

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), Alessandro Georgiou (Vice Chair), Katherine Chibah, Joanne Laban.

Substitute Committee Members

There were also four substitute members: Councillors Bambos Charalambous, Patricia Ekechi, Michael Lavender and Anne Marie Pearce

A substitute member is permitted in the following circumstances:

- a. To take the place of an ordinary member from the respective Group on the Committee where that member will be absent for the whole of the meeting. Such an appointment would apply for the entire meeting, including where the meeting is reconvened after any adjournment; or
- b. Where an ordinary member of the Committee is prevented from attending and participating in a meeting due to any disclosable interest they may have in an issue or complaint to be considered. In these cases the substitute appointment would only apply to the consideration of the relevant item on the agenda.

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 initially for a term of office ending on 8 October 2016). This was extended for a further two years to 8 October 2019.

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 four meetings during the year: on 24 May 2016, 10 October 2016, 7 December 2016, 2 March 2017.

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, in March 2017, both independent persons attended a special training session for independent persons organised by Hoey Ainscough Associates Ltd at Westminster City Council.

6. THE COMMITTEE'S WORK PROGRAMME – 2016/17

This year the committee welcomed two new members Councillor Alessandro Georgiou, the new whip for the Conservative Group and Councillor Katherine Chibah from the Labour Group.

The Committee agreed a work programme at their first meeting in May 2016. This year they continued with the work started last year, reviewing some of the Council's key policies and procedures, those that had a significant impact on ethical and corporate governance matters. They also received annual reports reporting on and enabling them to review dispensations granted, gifts and hospitality received by members and member training and development.

The main items considered this year are listed below:

6.1 Gifts and Hospitality

- For the second time the Committee received a report setting out all the entries in the Councillors' Gifts and Hospitality Register.
- Enfield Councillors received fewer gifts and hospitality than similar boroughs. Most declarations involved meals or galas.
- Further detail was requested and would be considered at a future meeting.

6.2 Dispensations

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

A dispensation can 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 2016/17 it was reported that dispensations had been granted by the Monitoring Officer in relation to the issues listed below. This had allowed all members to participate in the debate and vote on decisions on the following:

- Motion 15.3 (Trade Union Bill) – Council Meeting - 11 November 2015
- Opposition Business on Cycle Enfield and Motion 13.4 on the Housing and Planning Bill – Council Meeting - 28 January 2016
- Setting of Council House Rents – Council Meeting – 24 February 2016
- Motion on the Housing and Planning Bill – Council Meeting – 23 March 2016

6.3 Review of Member Expenses

- For the second 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.
- Further detail was requested for a future meeting.

6.4 Member Training and Development Programme 2016/17

- The Committee considered and noted a report providing a summary of the member development programme for 2015/16 and the proposed programme for 2016/17
- Members expressed some concern about the poor attendance of members at some of the sessions. Following the discussion, the whips agreed to be more proactive in encouraging their members to attend more of the training sessions arranged.

6.5 Review of Councillor Complaints Process

The Committee considered a report from the Monitoring Officer seeing the views of the Committee as to whether a review of or any changes to the Councillor Complaints process was needed. This was a result of concerns raised that there could be circumstances where a complaint raised issues that were felt to warrant further investigation even if a complaint had been withdrawn or resolved to the satisfaction of the complainant.

Following discussion, the Committee agreed that a review should be undertaken and that as part of the review it should be considered

“Where a registered complaint is subsequently withdrawn or resolved outside the procedure, the Monitoring Officer, in consultation with the independent persons should have the discretion to decide if the matter has been adequately and/or proportionately resolved or whether, given the substance of the original complaint it should be escalated to the committee for further consideration/resolution”.

The review of the complaints procedure would be completed in the next municipal year.

7. MEMBER CODE OF CONDUCT - COMPLAINTS

During 2016/17 2 complaints were referred to the Committee and two hearings took place.

7.1 Hearing 1

The first hearing concerned four complaints: a complaint from Councillor Alessandro Georgiou about Councillor Haydar Ulus and three complaints from Councillor Haydar Ulus about Councillors Alessandro Georgiou, Terry Neville and Erin Celebi. They were all concerned with events that had taken place at the full Council meeting on 11 November 2015.

The Monitoring Officer had referred the four complaints to an

independent investigator for further investigation. The Independent Investigator had produced a report recommending that the complaints should not be upheld. The committee considered her report and agreed with her recommendations that the four complaints should not be upheld and no further action was required.

Following the hearing, members suggested that the Monitoring Officer organise a refresher training session on the councillor code of conduct that all members should be required to attend and that the Mayor should read out a statement at the start of each council meeting reminding members that they should show each other respect and should abide by the Councillor Code of Conduct.

7.2 Hearing 2

The second hearing concerned a complaint from Councillor Neville against Councillor Nesimi Erbil regarding an email he had sent to all members concerning his conviction under section 4 (1) and (4) of the Public Order Act 1986.

The Monitoring Officer produced a report which the Committee considered at a hearing during the meeting on 2 March 2017.

Following discussion and consideration of the report, the Committee agreed that the email that Councillor Erbil had sent to all members did not meet the expected general principles of conduct set out in paragraph 7 of the Councillor Code of Conduct in terms of openness, honesty, leadership or accountability and was not consistent with his duty to uphold the law. He had therefore breached the Councillor Code of Conduct.

The Committee agreed to sanction Councillor Erbil by excluding him from the Civic Centre and other council offices - with the exception of meeting rooms as necessary for the purpose of attending meetings of the authority or meeting residents - for six months.

Following their decision the Committee also recommended that the wording of the Councillor Code of Conduct be reviewed to ensure that it was absolutely clear in what circumstances that the code applied and to consider whether a committal of a serious criminal offence should automatically be a breach of the code.

- 7.3 There are currently seven other outstanding complaints which are subject to further investigation.
- 7.4 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 were transferred over to the new Council website earlier this year.

10. FUTURE WORK PROGRAMME 2017/18

The Committee will agree a work programme for 2017/18, 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

MUNICIPAL YEAR 2017/2018 - REPORT NO. **29**

MEETING TITLE AND DATE
Councillor Conduct Committee

6 July 2017

REPORT OF: Jayne Middleton-Albooye

 Interim Monitoring Officer and Assistant
Director Legal and Governance

Contact officer: Jayne Middleton-Albooye
Tel: 020 8379 6431
Email: Jayne.Middleton-Albooye@enfield.gov.uk

Agenda - Part: 1
Item: 8
Subject: Dispensations granted by the Monitoring Officer and Councillor Conduct Committee – Annual Update 2016/17

Wards: Not ward specific

Key Decision No: N/A

Cabinet Member consulted:
Not applicable

1. EXECUTIVE SUMMARY

This report is an annual update, providing information to the Councillor Conduct Committee, on the dispensations granted in relation to the declaration of disclosable pecuniary interests in 2016/17.

2. RECOMMENDATIONS

To note that during the municipal year 2016/17, the Monitoring Officer and the Councillor Conduct Committee had granted the dispensations listed in section 3.5, 3.6 and 3.7 of the report.

3. BACKGROUND

- 3.1 The Councillors Code of Conduct requires that members register any disclosable pecuniary, other pecuniary and non-pecuniary interests in the Register of Members Interests. If a councillor has an interest in a matter under discussion at a meeting of the authority and is aware of that interest, it

must be disclosed at the meeting. If they have a disclosable pecuniary interest they must:

- Not participate or participate further, in any discussion at the meeting.
- Not participate in any vote, or further vote, taken on the matter at the meeting.
- Leave the room until the conclusion of the matter under discussion.

If the member has a disclosable pecuniary interest in a matter coming before a meeting of the authority, they can make a written request to the Monitoring Officer beforehand for a dispensation, which if granted would allow them to participate in the discussion and vote.

3.2 A dispensation may 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.

Any grant of dispensation must specify how long it will last, up to a maximum of 4 years.

3.3 Dispensations under (a) and (b) above shall be decided by the Monitoring Officer, with the right of appeal to the Councillor Conduct Committee. Those in (c) and (d) shall be considered by the Councillor Conduct Committee, after consultation with the Independent Person(s).

3.4 This year we continued using the form for recording dispensations which makes the process of agreeing and recording them run more smoothly. The Councillor Conduct Committee were consulted on and approved the design of the form at their meeting held on 2 December 2015.

3.5 The Councillor Conduct Committee (24 May 2016) granted a dispensation to Councillor Bernadette Lappage for the municipal year 2016/17 to cover the period when she was Mayor of Enfield. This was in relation to her

disclosable pecuniary interest concerning her husband's position on the North London Waste Authority. The dispensation was agreed on the basis that although the Mayor did not normally vote at Council meetings, having to leave the meeting as chair of the Council meeting could impede the transaction of business. The dispensation was therefore granted to allow her to remain in the position of chair when items relating to the North London Waste Authority were discussed.

3.6 In 2016/17 dispensations were granted by the Monitoring Officer in relation to the following items of Council business:

Council Meeting 9 November 2017 Motion 12.5 Motion in the name of Councillor Sarah Doyle on the Women's State Pension Age.

The Monitoring officer granted a dispensation on the basis that sufficient members had disclosable pecuniary interests in the issue that not allowing dispensations would impede the transaction of the business of the meeting. The dispensation enabled the following councillors to take part in the discussion on this motion and vote.

Councillor Abdullahi
Councillor Anderson
Councillor Barry
Councillor Brett
Councillor A Cazimoglu
Councillor N Cazimoglu
Councillor Celebi
Councillor Chamberlain
Councillor B Charalambous
Councillor Delman
Councillor Dines
Councillor Dogan
Councillor Doyle
Councillor During
Councillor Ekechi
Councillor Esendagli
Councillor Fallart
Councillor Fonyonga
Councillor Achilleas Georgiou
Councillor Alessandro Georgiou
Councillor Hamilton
Councillor E Hayward
Councillor R Hayward
Councillor Hurer
Councillor Jemal

Councillor Jiagge
Councillor Jukes
Councillor Keazor
Councillor Laban
Councillor Lavender
Councillor Lemonides
Councillor Levy
Councillor Maguire
Councillor Milne
Councillor Neville
Councillor Orhan
Councillor AM Pearce
Councillor D Pearce
Councillor Pite
Councillor Rye
Councillor Savva
Councillor Sitkin
Councillor Smith
Councillor Stafford
Councillor Steven
Councillor Taylor
Councillor Uzoanya
Councillor Vince

Council Meeting 6 April 2017 Motion 10.10 in the name of Councillor Orhan and Motion 10.8 in the name of Councillor Alessandro Georgiou on school funding.

The Monitoring Officer granted a dispensation to all members as so many had disclosable pecuniary interests relating to schools that not to do so would have meant that the transaction of business would have been impeded. The dispensation allowed all members to take part in the discussion on school funding and vote.

- 3.7 Standard dispensations were also allowed in relation to the Budget Report 2017/18 and Medium Term Financial Plan discussed at the 28 February 2017 Council meeting. Under guidance issued by the Department of Communities and Local Government members were not to be required to declare a Disclosable Pecuniary Interest (DPA) in relation to the budget or setting of the Council Tax. This was on the basis that Council Tax liability would apply to the borough's population as a whole, with councillors not having any unique position in that regard.

The requirements within Section 106 of the Local Government Finance Act 1992 would, however, still apply, which required any Member who was two or

more months in arrears on their Council Tax to declare their position and not vote on any issue that could affect the calculation of the budget or Council Tax. No declarations in this respect were made at the meeting.

At this meeting it was also noted that the Councillor Conduct Committee (May 2013) had also granted a dispensation for all members in terms of the declaration of Disclosable Pecuniary Interests relating to the setting of housing rents.

Members also had a standard dispensation in relation to Members Allowances.

4. ALTERNATIVE OPTIONS CONSIDERED

None.

5. REASONS FOR RECOMMENDATIONS

The remit of the Councillor Conduct Committee includes responsibility for requests for dispensations, by councillors and co-opted members, relating to interests set out in the Councillor Code of Conduct.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications – There are no financial implications.

6.2 Legal Implications

The Terms of Reference of the Councillor Conduct Committee includes within its remit the requirement to consider requests for dispensations by councillors and co-opted members relating to member interests in relation to circumstances c and d as set out above.

It is good practice for the granting of the dispensations by the Monitoring Officer to be reported to the Councillor Conduct Committee.

7. KEY RISKS

None identified.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All, Growth and Sustainability and Strong Communities

Granting the dispensations allowed all members to take part in the discussion on the issues of school funding, women's state pension age as well as setting the Council budget and council tax, housing rents and members allowances.

9. **EQUALITIES IMPACT IMPLICATIONS**

An equalities impact assessment was not necessary for this decision.

Background Papers

None

COUNCILLOR CONDUCT COMMITTEE - 2.3.2017**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE
HELD ON THURSDAY, 2 MARCH 2017****COUNCILLORS**

PRESENT Claire Stewart, Joanne Laban, Katherine Chibah and Alessandro Georgiou, Christine Chamberlain (Independent Person), Sarah Jewell (Independent Person)

OFFICERS: Asmat Hussain (Assistant Director Legal) and Jayne Middleton-Albooye (Head of Legal Services) Penelope Williams (Secretary)

Also Attending: Councillors Nesimi Erbil and Guney Dogan

**376
WELCOME AND APOLOGIES**

The Chair welcomed everyone to the meeting. There were no apologies for absence.

**377
SUBSTITUTIONS**

There were no substitutions.

**378
DECLARATION OF INTERESTS**

There were no declarations of interest.

**379
UPDATE ON COMPLAINTS**

The Committee received a table setting out a rolling record of all complaints dealt with by the Monitoring Officer since September 2016.

The Monitoring Officer highlighted the complaints, commenting as follows:

- Each complaint had been allocated a unique reference number.
- An appeal had been received against the decision of the Monitoring Officer on Complaint 00A. An appeal hearing would be organised towards the end of April 2017.
- A hearing was to be held on Complaint 00B later in the meeting.
- The Monitoring Officer had decided that complaints 00C, 00D, 00E had not met the eligibility criteria for councillor conduct complaints.

COUNCILLOR CONDUCT COMMITTEE - 2.3.2017

- External investigations had been commissioned from our external partners Browne Jacobson for complaints 001 and 002.
- Complaint 003 was being internally investigated.
- The Monitoring Officer had decided that Complaint 004 was a complaint about a decision that had been taken, not a councillor conduct matter and should therefore be dealt with through the Council's normal complaints processes.
- Complaint 006 was being investigated internally by a senior legal officer.
- Complaint 005 was still under initial consideration.

Members agreed the following on the new complaint reporting format:

- Contentment with the new format.
- The names of councillors complained about should be included.
- More detail on the nature of the possible breach.
- An additional column to be included with the name/initial of the independent person consulted.

Members were advised that the appeal had come in on complaint 00A and it was agreed that a summary of the appeal will be provided to them as the documentation was extensive. All information of the complainer appeal will be made available to all members for the appeal hearing.

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REVIEW OF MEMBER EXPENSES

The Committee received the report of the Monitoring Officer/Assistant Director Legal and Governance outlining the expenses paid to members in pursuance of their duties and provides some comparator information. (Report No: 235)

NOTED the members request that the expenses be grouped into categories and a revised report brought back to the next meeting.

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GIFTS AND HOSPITALITY

The Committee received the report of the Assistant Director Legal and Governance updating members on the gifts and hospitality recorded by councillors in 2016-17. (Report No: 233)

NOTED that more detail on the types of gifts and hospitality being recorded was requested and it was agreed that a revised report would be brought back to the next meeting.

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MINUTES OF THE MEETING HELD ON 7 DECEMBER 2017

COUNCILLOR CONDUCT COMMITTEE - 2.3.2017

The minutes of the meeting held on 7 December 2017 were agreed as a correct record.

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WORK PROGRAMME 2016/17 AND 2017/18

The Committee received a copy of the completed work programme for 2016/17 and a draft for 2017/18.

NOTED that

1. The revisions to the Code of Conduct following concerns raised during the complaint hearing would be an item for the next meeting.
2. The reports on Members Expenses and Gifts and Hospitality would also be brought back to the next meeting.

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COMPLAINT HEARING

A hearing was held to consider the complaint received from Councillor Terry Neville against Councillor Nesimi Erbil.

The Monitoring Officer thanked Jayne Middleton-Albooye, Head of Legal Services for attending the meeting at short notice to advise the Committee.

The Committee received the report of the Monitoring Officer setting out the details of the complaint. (Report No: 234)

The Monitoring Officer presented the report to members highlighting the following:

- The report included five appendices: the report to the last meeting of the Councillor Conduct Committee, an extract from the minutes of that meeting, the councillor code of conduct, an email from Councillor Erbil sent to all members and the procedure for hearing complaints against councillors and co-opted members.
- The Council's code of conduct had been established following the implementation of the Localism Act 2011 which sets out the high standards expected of all members. All councillors have to sign up to it when they take office and confirm that they will uphold it.
- Expected behaviour was based upon seven key principles, to which Enfield had added a further three, set out in Paragraph 7 of the code.
- The matter under consideration was purely factual concerning the 6 weeks suspended sentence which Councillor Erbil had received for committing a serious offence.
- No additional representations had been received from either the complainer and complainant to submit to the committee for the hearing.
- The Monitoring Officer advised that she thought there had been a breach of the code of conduct.

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- Although the conviction was below the 3 month threshold which would warrant an immediate disqualification from office, it was sufficiently serious to warrant concern. Councillors had a duty to uphold the law. The email which Councillor Erbil had sent to all members had brought the matter into the Council arena.

Christine Chamberlain, Independent Person, advised that she had been consulted by the Monitoring Officer on the complaint and had felt that the councillor's actions did fall below what was expected of a councillor as set out in the code.

Sarah Jewell, Independent Person, added that she felt that it was clear that the code only applied to members when they were acting in their capacity as an elected councillor.

The Monitoring Officer and Christine Chamberlain left the meeting at this point.

The Committee considered the Monitoring Officer's report, the comments made by officers, the independent persons and the views of the Committee.

Having taken everything into account the Committee agreed, that the complaint be upheld and that Councillor Nesimi Erbil had breached the Councillor Code of Conduct.

The decision was made on the following basis:

The breach was in relation to the email which Councillor Erbil had sent to all members concerning his recent conviction under section 4 (1) and (4) of the Public Order Act 1986. Whilst the conduct and criminal conviction were considered by the Committee to be unacceptable behaviour of a councillor, they decided in accordance with paragraph's 1 and 3 of the Code of Conduct that in undertaking the criminal conduct, Councillor Erbil had not been acting as a Councillor and therefore the code did not apply to this aspect of the complaint.

AGREED: that

1. Councillor Erbil had been acting in his capacity as a councillor when he sent the email.
2. The email did not meet the expected general principles of conduct set out in Paragraph 7 of the code in terms of openness, honesty, leadership or accountability and was not consistent with his duty to uphold the law.

The reason for the decision was: that the statement in the email had been misleading in relation to the crime that Councillor Erbil had been convicted for. The words "I've been stitched up" and the email which sought to underplay the seriousness of the offence was held to be misleading. The Committee held that in misleading other members about his offence

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Councillor Erbil did not meet the expected general principles set out in Paragraph 7 of the code.

SANCTION

The Committee agreed to sanction Councillor Erbil by excluding him from the Civic Centre and other council offices for 6 months – with the exception of meeting rooms as necessary for the purpose of attending meetings of the authority or meeting local residents. Attendance was only to be permitted with the advance permission of the Monitoring Officer.

The Committee felt that some of the wording in the code of conduct was not clear and should be redrafted. They were concerned to make it absolutely clear in what circumstances the code applied and to consider whether committal of a serious criminal offence should automatically be a breach of the code.

AGREED that the code would be reviewed and revisions brought back to the next meeting for further consideration.

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DATE OF NEXT MEETING

The date of the next meeting will be included in the calendar of meetings agreed at Annual Council on 10 May 2017.

A date for an appeal hearing will be arranged towards the end of April 2017.

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COUNCILLOR CONDUCT COMMITTEE - 22.5.2017

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE
HELD ON MONDAY, 22 MAY 2017**

COUNCILLORS

PRESENT Claire Stewart, Glynis Vince, Elaine Hayward and Bambos Charalambous

ABSENT Katherine Chibah

OFFICERS: Asmat Hussain (Assistant Director Legal) Penelope Williams (Secretary)

Also Attending: Olwen Dutton (Anthony Collins Solicitors) Alex Lawrence (Anthony Collins Solicitors)

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WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting. She extended a special welcome to the new committee members Councillors Elaine Hayward and Glynis Vince and to Olwen Dutton and Alex Lawrence from Anthony Collins Solicitors.

Apologies for absence were received from Councillor Katherine Chibah.

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SUBSTITUTIONS

Councillor Bambos Charalambous acted as substitute for Councillor Katherine Chibah who was unable to attend the meeting.

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DECLARATION OF INTERESTS

Councillors Charalambous, Vince and Elaine Hayward declared that they had a non-pecuniary interest in the issue as they knew Helen Osman, through her community activities, had sent information to her website and had read her blogs.

The Monitoring Officer reminded members that we were in an election purdah period but that this did not mean that the normal business of the Council should not continue.

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APPEAL HEARING

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The Committee received the report of the Monitoring Officer setting out the details of the complaint received from Helen Osman against Councillor Daniel Anderson and the subsequent appeal from Helen Osman. (Report No: 4).

The Committee also received copies of the Councillor Code of Conduct, the Procedure for Handling Complaints against Councillors and Co-opted Members and for Appeals against Monitoring Officer Decisions and the Procedure for dealing with Complaint Hearings.

1. The Monitoring Officer presented her report to the Committee highlighting the following:
 - That she had reviewed all the information submitted by Helen Osman in support of her appeal, as instructed by the Committee at its last meeting (2 March 2017), but had not included the information relating to Cycle Enfield as she had decided it was not relevant. Helen Osman had accepted this decision.
 - She had engaged Olwen Dutton from Anthony Collins Solicitors to carry out the investigation into the original complaint on her behalf.
 - She had also consulted Sarah Jewell as Independent Person.
2. Olwen Dutton highlighted the following from her independent report:
 - The report centred on two complaints about Facebook posts made by Councillor Anderson in October 2016. The complaints were from Sue Woollard and Helen Osman. The appeal related to the second complaint from Helen Osman.
 - That she had not had any involvement with the Cycle Enfield Scheme and had not considered the rights and wrongs of the scheme which she felt were not relevant to the complaint. She had concentrated entirely on the alleged breach of the code of conduct.
 - She had set out in detail the evidence she had received from those interviewed and appended full copies to the report as appendices.
 - A draft report had been sent to the complainants in January 2017 and their responses were also included.
 - The issues under consideration related to Councillor Anderson's Facebook entries.
 - Following her investigation, she had concluded that there was no evidence to suggest that Councillor Anderson had breached the code of conduct and she therefore did not uphold the complaint.
3. Sarah Jewell (Independent Person) reported that she had been consulted on the case by the Monitoring Officer. She had agreed that it

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was reasonable to consider whether or not there had been a breach of the code and had agreed with Olwen Dutton's conclusions.

4. The members of the Committee discussed the following issues:
 - When a councillor could be considered to be acting in a private capacity or when as a councillor. It was agreed that although Councillor Anderson had been using his private Facebook account he had been using information that he would have received as a result of being a councillor and cabinet member.
 - Concern that Councillor McGowan had not responded to Olwen Dutton's request for an interview, but reassurance that this had not made a material difference to the outcome of the investigation.
 - There had been a meeting about Cycle Enfield at the Ponders End Mosque, requested by the members of the community but Helen Osman had not attended as she had been on holiday.
 - Councillor Anderson was within his rights, in fact was obliged by his position, to promote the Cycle Enfield Scheme as it was agreed Council policy and he was the Cabinet member with responsibility for it.
 - The Monitoring Officer confirmed that she had attempted to resolve the complaint informally when it first came in, but this had not been successful.
 - Members felt that the investigation report was a thorough detailed report, that it was fair and reasonable.
 - That there was a need for councillors in general to be aware of issues that can arise and to be very careful when using Facebook and other social media.

Asmat Hussain, Olwen Dutton, Alex Lawrence and Sarah Jewell left the meeting at this point in the proceedings.

5. The Committee reviewed and discussed the information received above.

Christine Chamberlain (Independent Person) advised that in her opinion Helen Osman had raised nothing new in bringing her appeal although she had had the opportunity to do so. That it would never be possible to reconcile the two different perceptions. She could not fault the logic of the report and had to support the recommendations.

Following discussion, the Committee:

AGREED not to uphold the appeal against the Monitoring Officer's decision on the complaint against Councillor Daniel Anderson and to endorse the

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Monitoring Officer decision that Councillor Anderson had not been in breach of the Councillor Code of Conduct as follows:

- In relation to the first posting that it had been made outside of Councillor Anderson's role as a councillor and so the code did not apply. Even if it had, it would not have amounted to a breach of the code.
- In relation to the second posting, they agreed that on the balance of probabilities Councillor Anderson had not been making any racial or religious comment. That to interpret the words in this way attached a meaning to words that could not reasonably be supported.
- They also agreed that Councillor Anderson had had a reasonable belief, at the time he uploaded the second posting, that Helen Osman had misled people. He had provided examples of what he considered to be misleading information.

In bringing the appeal forward Helen Osman, despite having the opportunity to do so, had not provided any new information in support of her case.

The reasons for the decision were that:

1. The Committee agreed with the findings of the investigation report which they felt had presented a fair, detailed and balanced view, they could not fault the logic of the report.
2. Helen Osman had not provided any new information in support of her case.

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DATES OF FUTURE MEETINGS

The Committee agreed to note the dates of future meetings:

- 6 July 2017
- 5 October 2017
- 7 December 2017
- 6 March 2018