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Councillor Conduct Committee

Wednesday, 11 July 2018 at 6.30 pm
Room 3, Civic Centre, Silver Street, Enfield,
EN1 3XA

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Councillors: Ergin Erbil (Chair), Glynis Vince (Vice-Chair), Christine Hamilton 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. COUNCILLOR CONDUCT COMMITTEE ANNUAL REPORT 17/18 (Pages 1 - 10)

To recommend the Councillor Conduct Committee Annual Report for 2017/18 to the next Council meeting (19 July 2018).

The report was circulated to the previous chair and committee members for comment.

5. WORK PROGRAMME 2018/19 (Pages 11 - 12)

To consider the committee's work programme for 2018/19.

Draft work programme attached.

6. DISPENSATIONS - ANNUAL REVIEW 2017/18 (Pages 13 - 16)

Members are asked to note the report of the Director of Law and Governance

on the annual review of dispensations granted in the 2017/18 municipal year.

7. UPDATE ON COMPLAINTS (To Follow)

To receive an update from the Monitoring Officer on complaints currently being considered.

Rolling record to follow.

8. COUNCIL CONDUCT COMMITTEE TRAINING

Members are asked to discuss their future training needs.

9. MINUTES OF MEETING HELD ON 11 DECEMBER 2017 (Pages 17 - 24)

To receive and agree the minutes of the meeting held on 11 December 2017 as a correct record.

10. DATES OF FUTURE MEETINGS

Members are asked to note the dates agreed for future meetings:

- Thursday 4 October 2018
- Tuesday 11 December 2018
- Tuesday 5 March 2019

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.

London Borough of Enfield

Councillor Conduct Committee

Annual Report 2017/18

1. INTRODUCTION

This is the sixth 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 2018/19.

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), Glynis Vince (Vice Chair), Katherine Chibah, Elaine Hayward.

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 four years to 30 June 2019.

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 2018.

Officers

The Committee's lead officers were the Council's Monitoring Officer and

Penelope Williams (Senior Committee Administrator). The Monitoring Officer position was covered by Asmat Hussain (Assistant Director Legal and Governance) until 16 June 2017, Jayne Middleton Albooye (Head of Legal and Acting Assistant Director Legal and Governance) from 16 June until 6 November 2017 and Jeremy Chambers (Director of Law and Governance) from 6 November 2017.

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 22 May 2017, 6 July 2017, 5 October 2017 and 11 December 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 attend all 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.

Christine's term of office was extended for a further two years, this year, to 30 June 2019.

6. THE COMMITTEE'S WORK PROGRAMME – 2017/18

This year the Committee welcomed two new members Councillor Glynis Vince, the new whip for the Conservative Group and Councillor Elaine Hayward from the Conservative Group who had served on the committee previously.

The Committee agreed a work programme at their first proper meeting of the year in July 2017. They continued 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 the dispensations granted, gifts and hospitality received by members and members' expenses.

The main items considered this year are listed below:

6.1 Gifts and Hospitality

- The Committee received a report in October setting out all the entries in the Councillors' Gifts and Hospitality Register between April and October 2017.

- Enfield Councillors are recorded as receiving far fewer offers of gifts and hospitality than similar boroughs. Only 14 declaration forms had been completed during the period covered by the report. Declarations that had been received involved lunches, dinners, hospitality at sports events, conferences, drinks receptions and the Chelsea Flower Show.
- Following consideration of the report, the two party whips agreed to write to their group members to remind them that they should declare any gifts or hospitality, worth more than £25, received or refused.

6.2 Dispensations

- For the third 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 2017/18 it was reported that dispensations had been granted in 2016/17 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 12.5 (Women Against State Pension Inequality) – Council Meeting – 9 November 2016
- Setting of Council House Rents – Council Meeting – 21 February 2017.
- Motions 10.8 and 10.10 (School Funding) – Council Meeting – 6 April 2017

The Mayor (2016/17), Councillor Bernadette Lappage, had also been granted a dispensation lasting for the entire year of her mayoralty. This was because of her disclosable pecuniary interest relating to 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 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.

6.3 Review of Member Expenses

- For the third 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.
- In summary, expenses totalling £210.75 were claimed in 2016/2017, down from £615 in 2015/2016.
- The Committee noted that Enfield had a much lower level of expenses than other comparator London authorities.

6.4 Review of Councillor Code of Conduct and Councillor Complaints Process

The Committee considered a report from the Monitoring Officer seeking the views of the Committee as to whether a review of or any changes to the Councillor Complaints process was needed.

This was partly as 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 recommended that the following paragraph be added to the procedure:

“Where a registered complaint is subsequently withdrawn or resolved outside the procedure, the Monitoring Officer, in consultation with the independent person(s) 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”.

There were some anomalies between the information on the complaint form and the procedure for hearing complaints. On the complaint form it stated:

“The Monitoring Officer will normally pass a copy of your complaint to the Councillor complained about so that he/she can comment. It is also in the interests of fairness and natural justice that a Councillor complained about should have the right to know who has made the complaint and what it is.

In very exceptional circumstances, the Monitoring Officer may agree to withhold your name and address. He/she would only do this if he/she has a good reason to believe that to give your name or address to the Councillor would be contrary to the public interest or would prejudice any investigation.”

In the procedure:

“The Council encourages complainants to provide their name and contact details. If the complainant asks for their identity to be protected, the Council will not disclose such details without their consent.”

Following discussion members agreed with the Monitoring Officer that the information on the form could be off putting and could deter people making complaints. It was therefore agreed that the form should be changed so that the information on the form matched what was written in the procedure.

The procedure for hearing complaints was not currently included as part of the Council Constitution. Members agreed that it should be added.

7. MEMBER CODE OF CONDUCT - COMPLAINTS

During 2017/18 no complaints were referred to the Committee but two appeals against Monitoring Officer decisions were received and the following hearings took place.

7.1 Appeal Hearing 1 (22 May 2017)

The first appeal hearing concerned a complaint from Helen Osman against Councillor Anderson. The complaint concerned a Facebook post made by Councillor Anderson in October 2016.

The Monitoring Officer had referred the original complaint to an independent investigator, Olwen Dutton (Anthony Collins Solicitors) for further investigation. The Independent Investigator had produced a report recommending that the complaint should not be upheld.

During the hearing, the Committee considered the investigator’s report and agreed with the findings. They thought that it had presented a fair, detailed and balanced view and they could not fault the report’s logic.

The Committee agreed with investigator’s recommendation that the complaint should not be upheld and no further action required. Helen Osman had not provided any new information in support of her case.

As part of the discussion the Committee agreed 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.

7.2 Appeal Hearing 2 (11 December 2017)

The second appeal hearing concerned a complaint received from Mrs Kate Leach against Councillor Anderson, concerning an incident that had occurred at a ward surgery on 15 November 2016.

An internal investigation had been carried out by Gill Bayley (Principal Lawyer Safeguarding). She had concluded that Councillor Anderson had not been in breach of the Councillors Code of Conduct. Jayne Middleton-Albooye as Monitoring Officer had agreed with her findings.

The Committee considered the investigation report, heard all the evidence about the incident, and agreed with the findings, deciding not to uphold the appeal.

As an outcome of the hearing it was agreed that the party whips should feedback the following recommendations to their groups:

- Where there were known contentious local issues, greater clarity should be provided to the public as to how they engage with the Council and raise their concerns.
- Arrangements for ward surgeries should be reviewed to ensure that safety of members of the public and councillors in attendance.

7.3 There are currently 6 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.

10. FUTURE WORK PROGRAMME 2018/19

The Committee will agree a work programme for 2018/19, 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 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 Officers, 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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Draft Councillor Conduct Committee: Work Programme 2018/19

ITEM	Lead/ Support Officer	28 June 2018	4 October 2018	11 December 2018	5 March 2019
Annual Report	Penelope Williams	To note the Annual Report 2017/18			
Work Programme 2017/18	Penelope Williams	To Agree the Outline Work Programme for 2017/18	Work Programme Monitoring	Work Programme Monitoring	Work Programme Monitoring
Review of Code of Conduct and Complaints Processes					
Update on Complaints Received	Jeremy Chambers	Update	Update	Update	Update
Independent Persons Training	Independent Persons				
Complaints – Review of complaints received in 2017/18					
Regular update on Standards Matters – bringing members attention to recent standards news items for information.	Jeremy Chambers	If required	If required	If required	If required
Review of Protocol for Member Officer Relations					
Review of Member's Expenses	Kathy Constantinou		Report		
Dispensations	Penelope Williams	Annual Update			
Gifts and Hospitality	Kathy Constantinou		Report		

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MUNICIPAL YEAR 2018/2019 - REPORT NO. **44**

MEETING TITLE AND DATE

Councillor Conduct Committee

11 July 2018

REPORT OF: Jeremy Chambers

Monitoring Officer and Director Law and Governance

Contact officer: Penelope Williams

Tel: 020 8379 4098

Email: Penelope.Williams@enfield.gov.uk

Agenda - Part: 1

Item: 6

Subject: Dispensations granted by the Monitoring Officer and Councillor Conduct Committee – Annual Update 2017/18

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 2017/18.

2. RECOMMENDATIONS

To note that during the municipal year 2017/18, dispensations had been granted as listed in sections 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 In 2017/18 no requests for dispensations were referred for the consideration of the Councillor Conduct Committee.

3.6 In 2017/18 dispensations were granted by the Monitoring Officer in relation to the following items of Council business:

At the Council Meeting held on 19 July 2017 dispensations were granted in relation to Motion 13.2 in the name of Councillor Doug Taylor and Motion 13.7 in the name of Councillor Ertan Hurer on the Grenfell Tower Fire and Motion 13.3 in the name of Councillor Krystle Fonyonga on lifting the public sector pay cap.

The Monitoring Officer had granted the dispensations on the basis that she had been satisfied that were likely to be sufficient members with a disclosable pecuniary interest which would adversely affect the transaction of business that evening and that the political representation in the chamber would be similarly affected so as to alter the outcome of any vote on the matter. The dispensations were granted for that Council meeting only.

- 3.7 Standard dispensations were also allowed in relation to the Budget Report 2018/19 and Medium Term Financial Plan discussed at the 21 February 2018 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 Council meeting (21 February 2018) 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 - 11.12.2017**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE
HELD ON MONDAY, 11 DECEMBER 2017****COUNCILLORS**

PRESENT Claire Stewart, Glynis Vince and Katherine Chibah

ABSENT Elaine Hayward

OFFICERS: Jeremy Chambers (Director of Law and Governance), Jill Bayley (Principal Lawyer - Safeguarding) and Jayne Middleton-Albooye (Head of Legal Services) Penelope Williams (Secretary)

Also Attending: One member of the public

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WELCOME AND APOLOGIES

Introductions were made and the Chair welcomed everyone to the meeting. Apologies for absence were received from Councillor Elaine Hayward.

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SUBSTITUTIONS

There were no substitutions.

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DECLARATION OF INTERESTS

There were no declarations of interest.

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APPEAL HEARING

The Committee received the report of the Monitoring Officer setting out the details of the complaint received from Mrs Kate Leach against Councillor Daniel Anderson and the subsequent appeal from Mrs Leach. (Report No: 124).

1. The former interim Monitoring Officer presented her report to the Committee highlighting the following:
 - The original complaint had been received by Asmat Hussain, the former Monitoring Officer, within the required 3 months.

COUNCILLOR CONDUCT COMMITTEE - 11.12.2017

- Asmat Hussain had asked Jill Bayley, principal lawyer, to carry out an internal investigation into the original complaint, on her behalf. She had also consulted Sarah Jewell as Independent Person.
 - Having reviewed the investigation report, Jayne Middleton Albooye had agreed to uphold the recommendations made, that Councillor Anderson had not been in breach of the Councillor Code of Conduct.
 - The “to follow” documents included comments from the complainant in support of her appeal.
2. Jill Bayley highlighted the following from her independent investigation report:
- Two sets of interviews had been carried out. The first with Councillor Anderson, Mr George Dunnion and Mrs Kate Leach and the second with Stephen Genus, the caretaker at Garfield School and David Taylor, Head of Traffic and Transportation at Enfield Council. David Taylor who had had responsibility for the disputed decision.
 - Councillor Anderson had been asked to apologise at an early stage in the investigation but had not consented to do so.
 - In relation to the first allegation on lack of accountability, she had had at first had some concern that Councillor Anderson had not accepted that he had to be accountable, stating at one point “I don’t have to be accountable”. This had been queried by Jayne Middleton Albooye in a later interview and Jill Bayley had subsequently felt that Councillor Anderson had misunderstood her questioning and that he did fully accept accountability for the decision he had taken in his role as a Cabinet Member, but was not accountable to Mrs Leach, as a ward councillor, as he was not her ward councillor. Jill Bayley had concluded that Councillor Anderson had felt that he had been following correct procedures.
 - In relation to the second allegation on the lack of openness, the investigation had revealed that there had been several conversations between officers and Councillor Anderson, between officers and Mrs Leach, a meeting with ward councillors and that information on the decision and the reasons behind it had been provided to residents. Although Councillor Anderson may not have responded in the most appropriate manner, Jill Bayley concluded that there had been not a deliberate attempt to avoid openness.
 - In relation to the third allegation on lack of respect and courtesy it had been clear that the incident had been heated and had escalated quickly, but Jill Bayley concluded that there was insufficient evidence to prove that Councillor Anderson had acted in a way which showed a lack of respect. There had also been evidence that he had tried to calm things down.

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- In relation to the fourth allegation of bullying, Jill Bayley concluded that there was no evidence to support the allegation. The time frame had been very short, as the incident occurred 5 minutes before the surgery was due to end. The complainants would have been aware of this when they attended the surgery.
3. Sarah Jewell (Independent Person) who had been consulted on the case by the Monitoring Officer advised that:
- She had felt Councillor Anderson had shown himself to be accountable and referred the committee to the email he had written on the day following the surgery included as page 26 of the investigation report.
 - On openness she felt that it was not the role of the Cabinet Member to have to go into detail to justify every decision they had made. There was a need to manage public expectations in this area.
 - On respect and courtesy she felt that there had been no independent evidence that Councillor Anderson had behaved with discourtesy and that he had been in a vulnerable position which had obviously shaken him up. His use of language had not been ideal, but it probably reflected how he felt in the situation.
 - On bullying she felt that there was no evidence.
4. The members of the Committee discussed the report as follows:
- They considered whether or not Councillor Anderson had shown himself to be accountable and whether he had handled the situation well. Members agreed that the situation could have been handled in a better way.
 - Concern was expressed about the current culture towards politicians and the expectation that they should always be available to respond to residents and justify their decisions. It had been an especially difficult time for elected representatives, because of the recent murder of Jo Cox MP.
 - They considered whether it had been appropriate for the ward councillors to refer their constituents direct to the Cabinet Member. Some members felt that a ward councillor ought to take up issues on behalf of their constituents with the relevant Cabinet member, rather than refer members to him direct. They felt that more needed to be done to manage resident's expectations of their councillors.
 - A possible explanation as to how the door of the room where the surgery was being held came to be locked was put forward by Jill Bayley who had visited the school. She thought that the chair that was holding the door open had been accidentally knocked out of the way allowing the door to close automatically on its spring. There was a

COUNCILLOR CONDUCT COMMITTEE - 11.12.2017

button which could have been used to open the door, but this was not obvious to those unfamiliar with the room.

- Councillor Anderson's use of language and reference to "an ambush and a lynch mob" were discussed. Members agreed that such language was ill advised, that the incident had been regrettable, but did not feel these words could be considered to breach the code of conduct.
 - It was not clear whether Councillor Anderson had followed up his complaint to the police, although Jill Bayley advised that she was not aware of any criminal investigation.
 - It was felt that more guidance was required for the public on what they could expect from ward surgeries which were very different from a public meeting or ward forum.
 - There were lessons to be learned from the incident including on the need for security, that members ought not to attend surgeries alone. The suggestion was made that surgeries should always be held in a more public arena where support could be called on if needed. Residents needed a clear route map, a simple guide so they could see a way forward, if they wished to query a decision.
 - The view that the evidence was very finally balanced, but that allowance should be made for Councillor Anderson's vulnerability in the light of recent threats. A Southgate Green ward forum had recently had to be cancelled on the instruction of the Borough Commander.
 - Understanding of the residents' point of view and sympathy with their frustration
5. The Committee reviewed and discussed the information received above.
- Christine Chamberlain (Independent Person) asked if Jill Bayley could respond to the allegation in Mrs Leach's response that she had given greater credence to Councillor Anderson's evidence than her own. Jill Bayley responded that she had carefully considered all the evidence but had to work on the balance of probabilities.

Following the 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 Monitoring Officer decision that Councillor Anderson had not been in breach of the Councillor Code of Conduct.

The decision was made on the following basis:

COUNCILLOR CONDUCT COMMITTEE - 11.12.2017

In reviewing the allegations relating to Councillor Anderson's behaviour at the ward surgery on 15 November 2016, the Committee agreed with the conclusions of the investigating officer's report as follows:

- In relation to the complaint of lack of accountability, the investigating officer had noted that Councillor Anderson had said in interview that he was not responsible, but he had also agreed "to take the flak". On the basis of this and his subsequent discussion with Ms Middleton Albooye and on the balance of probabilities the complaint was not upheld.
- In relation to the complaint of lack of openness, despite appreciating the sense of frustration expressed by Mrs Leach, the investigator had concluded that Councillor Anderson had been involved in drafting the letter to residents to explain the reason for the decision not to change the traffic arrangements and that there had been a meeting to discuss this between the ward members and members of the residents group. Councillor Anderson had also been in discussions with officers about the decision and had considered sending out a further letter to the residents. On the balance of probabilities the complaint on lack of openness was therefore not upheld.
- In relation to the complaint on the lack of respect for others and lack of courtesy, on the balance of probabilities, the investigator had resolved that all three parties at the meeting had acted aggressively and therefore the complaint was not upheld.
- In relation to the allegation of bullying, on the balance of probabilities the complaint was not upheld because it was felt that there had been insufficient evidence to show that show that the allegation of bullying was made out.

The reason for their decision was:

That they agreed with the findings of the investigation report and with the recommendation that all four complaints against Councillor Anderson be dismissed.

As an outcome of the investigation it was agreed that the party whips should feedback the following recommendations to their respective groups: -

1. Where there were known contentious local issues, greater clarity should be provided to the public as to how they engage with the Council and raise their concerns;
2. Arrangements for ward surgeries should be reviewed to ensure the safety of members of the public and councillors in attendance.

**402
UPDATE ON COMPLAINTS**

The Committee received the rolling record of complaints currently being considered by the Monitoring Officer.

COUNCILLOR CONDUCT COMMITTEE - 11.12.2017

Jayne Middleton-Albooye (Head of Legal Services and Deputy Monitoring Officer) advised the Committee that it had been agreed with Jeremy Chambers, the new Monitoring Officer that she would complete the complaints which had started under her tenure and that Jeremy Chambers would take over any new complaints.

Jayne Middleton-Albooye briefed members on the complaints currently under consideration as follows:

- Complain 001 – The complaint was now closed. The decision had been taken that there had been no breach of the councillor code of conduct, members and complainant notified and no appeal received.
- Complaint 002 - The investigation was continuing as a further interview had still to be arranged. If this could not be done by the end of the first week of January 2018, then the Jeremy Chambers, as the new Monitoring Officer, would make a decision on the case.
- Complaint 005 - Jayne Middleton-Albooye had re-interviewed the members. She apologised for the delay in progressing this, due to pressure of work.
- Complaint 006 - The appeal against the monitoring officer's decision had just been heard.
- Complaint 007 - The case was now closed.
- Complaint 008 - Interviews had taken place and Jayne Middleton-Albooye would be reporting her findings to Jeremy Chambers.

NOTED that

1. Jayne Middleton-Albooye apologised for not providing the costs of the Brown Jacobson investigations and promised to do so. The information would be circulated to all members of the committee as soon as available.

AGREED to note the information on current complaints.

**403
REVIEW OF MEMBER'S EXPENSES**

The committee received a report from the Monitoring Officer containing the additional information on 2016/17 member expenses, as requested by members at the meeting held in March 2017.

AGREED to note the information provided.

404

COUNCILLOR CONDUCT COMMITTEE - 11.12.2017

CHANGE TO THE PROCEDURE FOR HANDLING COMPLAINTS AGAINST COUNCILLORS AND CO-OPTED MEMBERS

The committee received the report that had been submitted to Council on the change to the procedures for handling and hearing complaints against elected and co-opted members.

NOTED

1. That the changes had been agreed at Council on 22 November 2017, subject to further clarification at the next meeting of the Councillor Conduct Committee.
2. Members were re-assured that the change would just permit the Monitoring Officer to continue investigating a complaint, even if it had been withdrawn, but that all the existing procedures following any investigation would still apply. The change would not make a difference to any aspect of the complaints handling process. It was anticipated that this situation would not occur very often.

405

WORK PROGRAMME 2017/18

The work programme for 2017/18 was received and noted. No further items were added.

406

MINUTES OF MEETING HELD ON 5 OCTOBER 2017

The minutes of the meeting held on 5 October 2017 were agreed as a correct record.

407

DATES OF FUTURE MEETINGS

The date of the next meeting was noted as follows:

- Tuesday 6 March 2017

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