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Councillor Conduct Committee
Wednesday, 2 December 2020 at 6.30 pm

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PLEASE NOTE: VIRTUAL MEETING

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<https://bit.ly/3m9aADS>

Councillors : Claire Stewart (Chair), Glynis Vince (Vice-Chair), Elaine Hayward, Rick Jewell, Chamberlain and Jewell

Independent Person: Christine Chamberlain

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. INDEPENDENT PERSON RECRUITMENT (Pages 1 - 8)

To receive a report on the recruitment to the Council's vacant "Independent Person" post.

To confirm the arrangements for the "Independent Person" interviews.

5. MINUTES OF THE PREVIOUS MEETINGS (Pages 9 - 14)

To receive and agree the minutes of the meeting held on 3 March 2020 and 23 September 2020.

6. DATE OF NEXT MEETING

To note the dates agreed for future meetings of the committee:

- Tuesday 2 March 2021

7. PART 2 ITEM CONTAINING EXEMPT INFORMATION

8. UPDATE ON COMPLAINTS (Pages 15 - 16)

To receive a Confidential Appendix from the Director of Law and Governance on the complaints currently being considered.

(This item contains exempt information as defined in Paragraph 3 (information relating to the financial or business affairs of any particular person – including the authority holding that information) of Schedule 12A to the Local Government Act 1972, as amended).

London Borough of Enfield**Councillor Conduct Committee****Meeting Date: 2 December 2020**

Subject: Recruitment of Independent Persons**Cabinet Member:** Not applicable**Director:** Director of Law & Governance**Key Decision:** Non-Key

Purpose of Report

1. The Localism Act 2011 requires all local authorities to appoint at least one independent person whose views are sought and taken into account by the local authority before it makes a decision on an allegation that has been investigated.

The independent view and expertise they bring on conduct issues is vital to the proceedings. The Monitoring Officer consults one Independent person on all complaints received and they provide considered advice and guidance on complaints and other issues that arise.

The appointments are for a period of two years. The term of office of one of the appointed posts has ended, and in order to avoid having to undertake 2 separate recruitment processes, it is recommended to extend the current post to Annual Council 2021, and advertise for two Independent persons at the same time.

Proposal(s)

1. To agree to fill the Independent Person vacancy due for renewal with effect from the date of the Council AGM in 2021 and to ask the current holder of the role to continue until that date.
2. To agree the job advert and job description for the appointment of an Independent Person.
3. To instruct the Monitoring Officer to make arrangements for advertising and interviewing of suitable candidates by the Committee for onward recommendation to Council at its AGM in May 2021.

Reason for Proposal(s)

4. The term of office of one of the current Independent Persons posts, ended in October 2020, an extension of this post to Annual Council 2021 would

bring the two appointments in line with each other, and avoid undertaking 2 separate recruitment processes within a relatively short space of time.

5. To implement the requirement of the Localism Act in relation to local authorities to appoint Independent Persons to advise on ethical matters of councillor conduct.

Relevance to the Council Plan

4. Promoting good conduct on the part of members will have a positive effect on their representational role and a consequential impact on communities.

Background

6. The role of an independent person was created as one of the measures of the Localism Act which received Royal Assent in November 2011 and came into effect on 1 July 2012. The Act made fundamental changes to the system of regulation of standards of conduct for elected and co-opted members of local authorities placing a duty on local authorities to promote and maintain high standards of conduct for its elected and co-opted members.
7. 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 appoints two Independent Persons.
8. The terms of office expire in October 2020 for one of the appointments, and June 2021 for the other appointment.
9. 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.
10. Enfield independent persons work closely with the Monitoring and Deputy Monitoring Officer, considering whether complaints against councillors meet the criteria for investigation. They are consulted before a decision is made and 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.
11. Council agreed (4 July 2012) that the selection of Independent Persons should be made by the Councillor Conduct Committee. It is proposed that the same processes are followed this time.
12. Appendix A contains the draft job description and person specification, and Appendix B contains the draft advert for approval by the committee.

Main Considerations for the Council

6. The Localism Act 2011 states that Independent Persons must be appointed through a process of public advertisement, application and competitive appointment by a positive vote of the majority of all members of the Authority.

Safeguarding Implications

7. The new Independent Person will receive the same training as councillors to ensure that they are aware of any safeguarding implications that may arise in the course of their duties.

Public Health Implications

8. Not applicable

Equalities Impact of the Proposal

9. The proposals within this report by providing an Independent advisor will help to ensure fair, equal and consistent treatment in the consideration of complaints against councillors for all parties concerned.

Environmental and Climate Change Considerations

13. Not applicable

Risks that may arise if the proposed decision and related work is not taken

14. That the Councillor Conduct Committee and the Monitoring Officer would be unable to rely on the impartial advice and guidance that an Independent Person can provide.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

12. There is a risk that the Council will not be able to recruit suitable candidates for the Independent Person role. This will be mitigated as much as possible by proactive publicity plus public advertisement in the local press, Council publications and the website.

Financial Implications

13. The proposals set out in this report will be contained within existing budgets. Independent persons are paid an annual allowance of £500, plus travel expenses.

Legal Implications

14. All legal implications are contained within the report.

Workforce Implications

15. None.

Property Implications

16. None.

Other Implications

17. None.

Options Considered

18. To extend the term of appointment of the recent post holder for a further 2 years. It was considered that a further 2-year extension would compromise the independent nature of the role.

Conclusions

19. The Councillor Conduct Committee is asked to agree to extend the current position to Annual Council 2021, and advertise and recruit to the 2 independent person vacancies, using the recruitment documents attached.

Report Author: Jeremy Chambers
Director of Law & Governance
Jeremy.Chambers@enfield.gov.uk
020 8132 4799

Date of report: 2 December 2020

Appendices

Appendix A – Job description

Appendix B – Job Advert

Background Papers

None

APPENDIX A

Role of Independent Person Job Description

Responsible to: The Councillor Conduct Committee and the Council

Role Description

Under the Localism Act 2011, the Council must promote and maintain high standards of conduct by members and co-opted members of the authority.

To this end the Council has adopted a Code of Conduct for Members and has agreed arrangements for dealing with any allegation that a member or co-opted member has breached the code. In accordance with the requirements of the 2011 Act, these arrangements include the appointment of an Independent Person to advise on breaches of the Member Code of Conduct.

Specific duties:

1. Be available for consultation by the Monitoring Officer and/or the Councillor Conduct Committee to consider an allegation of a breach of the Members' Code of Conduct received by the council.
2. Liaise with the Council's Monitoring Officer to consider complaints against Members and offer impartial views, including any investigations undertaken.
3. To be available for consultation by any elected or co-opted member who is subject to a standards complaint.
4. Attend meetings of the Councillor Conduct Committee.
5. To develop a sound understanding of the ethical framework as it operates within the Council.
6. To attend training events organised and promoted by the Council's Councillor Conduct Committee.

Person Specification

The independent person will possess the following attributes, to be assessed through an application and interview process:

- A keen interest in standards in public life
- A wish to serve the local community and uphold local democracy
- The ability to be objective, independent and impartial.
- Experience of exercising sound objective judgements in relation to complex matters
- Excellent questioning, analytical and evaluation skills in order to advise

whether a breach of the Code of Conduct or complaint should be investigated.

- An interest in and awareness of the functions of local government relating to ethical governance, and awareness of and sensitivity to the political process
- Excellent communication skills, the ability to provide clear rationale for advice and to explain decision making when required.
- Experience of dealing with private and sensitive issues, exercising discretion and maintaining confidentiality of information received.

Eligibility for Appointment

A person cannot be appointed as an Independent Person if they are or were within a period of five years prior to the appointment any of the following apply to him or her:

- A Councillor, co-opted member or employee of the London Borough of Enfield.
- Are closely associated with anyone who is now, or has been in the last five years, a Councillor or employee of the London Borough of Enfield.
- A person with an unspent criminal record (Rehabilitation of Offenders Act applies).
- Hold any political office, belong to any political party; or be or have been politically active in the last five years.
- Have any dealings with the Council which could be seen to be prejudicial to a person's independence.

However, by virtue of transitional arrangements this will not prevent previous independent members of the Council's Standards Committee from being eligible to apply for the role.

Other requirements

- Flexibility to deal with urgent requests
- Have sufficient time to devote to the appointment.
- Will have disclosed to the Council any matter in his/her background which, if it became public, might cause the council to reconsider the appointment.

Committed to the term of office. Two years from the date of appointment

Advertisement and Appointment

The Independent Person has to be appointed through a process of public advertisement.

Successful applicants will be proposed to the Council. It is a requirement of current regulations that the appointment of Independent Persons be "approved by a majority of the Members of the authority".

Job Advert

Independent Persons – Enfield Councillor Conduct Committee

The London Borough of Enfield is seeking to fill an independent person vacancy on its Councillor Conduct Committee.

We are looking for an individual with the necessary skills and experience who will bring an external perspective to the work of the committee.

Owing to the provisions of the Localism Act 2011, independent persons are not entitled to vote at meetings, but their views are sought and taken into consideration. They play a very important role in the Committee by bringing an external perspective.

Applicants should be able to demonstrate relevant skills and experience to participate in the functions of the Committee. You should be able to demonstrate the ability to think strategically, analyse information and to question effectively, have effective interpersonal skills, and have high standards of personal integrity.

The overarching purpose of the Committee is to:

- Establish an ethical culture within the Council;
- To promote and maintain high standards of conduct by councillors and all co-opted members.
- To assist councillors and co-opted members to observe their Code of Conduct and all other Codes within the Constitution.
- To deal with complaints against councillors and issues concerning the members' Code of Conduct.

For more information on the committee and the code of conduct please click on the link below:

http://governance.enfield.gov.uk/mgGeneric.aspx?md=mgcouncillorconduct&bcr=1&_ga=2.202465681.1827644755.1606391235-1174189616.1578329452

There is a small allowance payable for the role which is presently £500 per annum plus reimbursement for travel expenses. The appointment is for a period of two years.

This role is not open to current councillors, council employees or those who have been councillors or employees within the last five years. You must not be related to or have a close friendship or relationship with a councillor or employee of the Council or a member of a political party.

If you would like to apply, or you would like more information about the role, please email Democracy@enfield.gov.uk

Closing date for applications is

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COUNCILLOR CONDUCT COMMITTEE - 3.3.2020**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE
HELD ON TUESDAY, 3 MARCH 2020****COUNCILLORS**

PRESENT Glynis Vince, Christine Hamilton, Elaine Hayward, Christine Chamberlain (Independent Person), Sarah Jewell (Independent Person) and Claire Stewart

ABSENT Ergin Erbil

OFFICERS: Jeremy Chambers (Director of Law and Governance), Dina Boodhun (Senior Solicitor / Investigating Officer) and Elizabeth Paraskeva (Principal Lawyer acting as Legal Representative to the Committee) Penelope Williams (Secretary)

Also Attending: No members of the public

1

WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting. Apologies for absence were received from Councillor Ergin Erbil.

2

SUBSTITUTIONS

Councillor Claire Stewart substituted for Councillor Ergin Erbil who had been unable to attend the meeting due to illness.

3

DECLARATION OF INTERESTS

There were no declaration of interests.

4

APPEAL HEARING

The Committee received the report of the Monitoring Officer (Report No: 124) with details of the appeal against a monitoring officer decision on a Councillor Code of Conduct complaint against Councillor Terry Neville.

1. Introduction by the Monitoring Officer

1.1 Jeremy Chambers, Monitoring Officer highlighted the following:

1.1.1 A complaint had been made on the 25 January 2019 concerning Councillor Neville's handling of a planning application matter, alleging

COUNCILLOR CONDUCT COMMITTEE - 3.3.2020

that Councillor Neville had broken the Councillor Code of Conduct. Several allegations were made but this committee was only concerned about those relating to the Councillor Code of Conduct.

- 1.1.2 The Monitoring Officer had consulted Sarah Jewell, as Independent Person on the 31 January 2019 and she had agreed with him that the case did warrant investigation.
- 1.1.3 On 7 February 2019 the Jeremy Chambers, Monitoring Officer had appointed Dina Boodhun, Senior Solicitor, to carry out an investigation.
- 1.1.4 The complainant alleged that Councillor Neville had breached nine areas of the Members Code of Conduct, as follows: -
 - a. Paragraph 8.1 (Selflessness)
 - b. Paragraph 8.3 (Objectivity)
 - c. Paragraph 8.5 (Openness),
 - d. Paragraph 8.6 (Honesty)
 - e. Paragraph 8.8 (Respect)
 - f. Paragraph 8.10 (Stewardship)
 - g. Rule 11 (conduct yourself in a manner which will maintain and strengthen the public's trust and confidence in the integrity of the authority and never undertake any action which would bring the Authority, you or members or officers generally into disrepute),
 - h. Rule 12.1 (treat others with respect and courtesy), and
 - i. Rule 12.3 (not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage).

1.2 The Investigating Officer's Report

Dina Boodhun, the investigating officer, presented her report, highlighting the following:

- 1.2.1 She had considered the letter of complaint including the 40 emails referenced in the investigation and had interviewed both parties Josie Nicolou and Councillor Terry Neville.
- 1.2.2 She had drafted her report in July 2019 and sent the completed report to the Monitoring Officer and Sarah Jewell, Independent Person, for their consideration. She had found no evidence that Councillor Neville had been in breach of the Councillor Code of Conduct. Jeremy Chambers and had agreed with the findings and the Monitoring Officer had sent a letter with this determination to the complainant on 26 July 2019.
- 1.2.3 On the 28 July 2019 an appeal had been received. Since then the appeal hearing had been delayed twice; once as Councillor Neville had

COUNCILLOR CONDUCT COMMITTEE - 3.3.2020

been on holiday and a second time because of the General Election purdah restrictions.

1.2.4 The complainant raised a number of issues around the delay in processing and determining a planning application but had provided little evidence in support of her complaint. One of her concerns was that Councillor Neville had been copied in to a long email correspondence but had not responded. When interviewed Councillor Neville had said that he had seen no need to reply to an email which he had only been copied in to. He had not been emailed directly. The complainant was in touch with the relevant planning officer and he had not seen a need to intervene. If he had responded, he had felt that it may have resulted in a conflict of interest.

1.3 Questions/Comments from Councillors:

1.3.1 Members discussed the email correspondence and asked questions about the behaviour of Councillor Neville. They agreed that he had been very cautious in not responding.

1.3.2 Members felt that Councillor Neville could perhaps have communicated more effectively in respect of the e-mails he was copied into and could have suggested that the complainant approach one of the other ward councillors as regards the planning matter.

1.4 View of Independent Person

Sarah Jewell, Independent Person had studied the investigation report and had had felt that there was no evidence to suggest that a breach of the Councillor Code of Conduct had occurred.

At this point in the proceedings Jeremy Chambers, Dina Boodhun and Sarah Jewell left the meeting.

1.5 Consideration of Evidence by the Committee

1.5.1 The Committee reached their decision on a balance of probabilities. The Committee took into consideration the views of members and the independent persons, the appeal representations and supporting documents, the report, and written and oral evidence of the Monitoring Officer and Investigating Officer, and the legal advice to the committee.

1.5.2 Members after a vote with the following result agreed with the conclusions in the investigator's report that there was no evidence that there had been a breach of the councillor code of conduct:

For: 3

Against: 0

Abstentions: 1

COUNCILLOR CONDUCT COMMITTEE - 3.3.2020

AGREED: to uphold the Monitoring Officer decision based on the investigation report that Councillor Neville had not been in breach of the Councillor Code of Conduct.

1.5.3 But they also felt that Councillor Neville could have communicated with the complainant more effectively, that he could have responded to the trail of emails and could have suggested that the complainant approach one of the other ward councillors for representation in the planning matter.

At this point in the meeting Jeremy Chambers, Dina Boodhun, Sarah Jewell, returned to the meeting room.

**5
UPDATE ON CURRENT COMPLAINTS**

The Committee received a list detailing the five complaints currently under consideration.

NOTED

1. Few details had been provided in case a complaint had to be considered at a later date by the committee.
2. For the next meeting the information on complaints would be provided with the agenda,
3. The aim was to determine complaints within 3 months, but this was not always possible.
4. Wherever possible complaints were investigated internally but a complaint involving the leader or leader of the opposition would be investigated externally.

**6
MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 4 September 2019 were agreed as a correct record.

**7
DATES OF FUTURE MEETINGS**

The date of the next scheduled meeting will be agreed at Annual Council on 13 May 2020.

COUNCILLOR CONDUCT COMMITTEE - 23.9.2020

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE
HELD ON WEDNESDAY, 23 SEPTEMBER 2020**

PRESENT Claire Stewart, Glynis Vince, Elaine Hayward, Rick Jewell, Christine Chamberlain (Independent Person) and Sarah Jewell (Independent Person)

OFFICERS: Jeremy Chambers (Director of Law and Governance) Metin Halil (Secretary), Jayne Middleton-Albooye (Head of Legal Services), Claire Johnson (Head of Democratic Services, Scrutiny and Registration Services), Elizabeth Paraskeva (Principal Lawyer) and Clare Bryant (Senior Governance Officer)

Also Attending: Councillor Daniel Anderson and Rabbi Epstein

**1
WELCOME AND APOLOGIES**

The Chair welcomed everyone to the meeting.

No apologies for absence were received.

**2
WELCOME AND APOLOGIES**

The Chair welcomed everyone to the meeting.

No apologies for absence were received.

**3
SUBSTITUTIONS**

There were no substitutions for this meeting.

**4
DECLARATION OF INTERESTS**

There were no declaration of interests.

**5
APPEAL HEARING - PART 1**

The Committee agreed to move the discussions into Part 2.

AGREED: to uphold the Monitoring Officer's original decision that a breach of the Members Code of Conduct had occurred and the sanctions that were

COUNCILLOR CONDUCT COMMITTEE - 23.9.2020

imposed. If Councillor Anderson wished to contact the Local Government Ombudsman as regards his complaint, he was free to do so.

Councillor Vince and Councillor Hayward asked for their abstentions to be recorded.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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