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Councillor Conduct Committee
Thursday, 9 September 2021 at 6.30 pm
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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

Independent Persons: Christine Chamberlain and Joan Mansfield

AGENDA – PART 1

1. WELCOME & APOLOGIES

2. DECLARATIONS OF INTEREST

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

3. MINUTES OF THE PREVIOUS MEETING (Pages 1 - 4)

To receive and agree the minutes of the meeting held on 2 December 2020.

4. COUNCILLOR CONDUCT ANNUAL REPORT (Pages 5 - 12)

To receive the Annual Report of the Councillor Conduct Committee 2020/21.

5. UPDATE ON THE APPOINTMENT OF INDEPENDENT PERSONS (Pages 13 - 16)

To receive a report for the Independent Persons update.

AGENDA – PART 2

6. UPDATE ON COMPLAINTS (Pages 17 - 22)

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

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COUNCILLOR CONDUCT COMMITTEE - 2.12.2020

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE
HELD ON WEDNESDAY, 2 DECEMBER 2020****COUNCILLORS**

PRESENT Claire Stewart, Glynis Vince, Elaine Hayward and Rick Jewell

ABSENT Christine Chamberlain (Independent Person) and Sarah Jewell (Independent Person)

OFFICERS: Jeremy Chambers (Director of Law and Governance) and Jayne Middleton-Albooye (Head of Legal Services) Metin Halil (Secretary)

Also Attending:**1****WELCOME AND APOLOGIES**

The Chair welcomed everyone to the meeting.

Apologies for absence were received from Christine Chamberlain (Independent Person).

2**SUBSTITUTIONS**

There were no substitutions for this meeting.

3**DECLARATION OF INTERESTS**

There were no declaration of interests.

4**INDEPENDENT PERSON RECRUITMENT**

The Committee received a report from the Monitoring Officer on Independent Person Recruitment.

NOTED

1. Sarah Jewell's term of office as one of the Independent persons of the committee had come to an end.
2. The committee are required to have at least one independent person under the Localism Act.
3. The committee has two Independent persons: Sarah Jewell and Christine Chamberlain. The time for Sarah Jewell had come to an end in October 2020 having already been extended.
4. The Monitoring Officer was seeking permission from the committee to agree to fill the Independent Person vacancy. The month to do so would be with effect from the Council AGM in May 2021.

COUNCILLOR CONDUCT COMMITTEE - 2.12.2020

In order to do this a recruitment process needs to be followed including a public advert. For the interim, Sarah Jewell would be asked to continue in her role. The Monitoring Officer had spoken with Sarah Jewell and she was happy to do so if decision of the committee is to agree to extend her role to May 2021 and the Council AGM.

5. The reason for extending to the Council AGM, as well as to give time to go through the recruitment process, was that officers could then do the recruitment process for both independent persons, as Christine Chamberlain's time as an independent person would be coming to an end in June 2021.

If members were minded to agree, Sarah Jewell's replacement would start the day after the Council AGM in May 2021 or be appointed effective from this date. Christine Chamberlain's replacement would start with effect from June 2021 when her current extension from office comes to an end.

6. In terms of process previously, whilst the actual appointment is a Council appointment, the process of recommending the Independent Persons is something that has been done via the Councillor Conduct Committee. The Monitoring Officer sees no reason to move away from this protocol. Therefore, members of the committee would be involved in the actual selection of the two Independent Persons recommended to full council in the AGM in May 2021.

7. Attached to the report is a form of job description and a form of advert. If the committee agree then the monitoring officer would provide a timetable for the recruitment in detail and circulate this to members by e-mail including dates that members can attend for virtual or face to face meetings.

ACTION: Jeremy Chambers (Director of Law & Governance)

8. The Committee extended their thanks to both Christine Chamberlain and Sarah Jewell and commented on how wonderful it had been to have such support on the committee from them both.
9. The Chair concluded that it made sense to run the two recruitment processes at the same time and was content with everything the Monitoring Officer had laid out in the report.

AGREED:

- 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.
- The job advert and job description for the appointment of an Independent Person.
- 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.

5

MINUTES OF THE PREVIOUS MEETINGS

NOTED

COUNCILLOR CONDUCT COMMITTEE - 2.12.2020

1. The minutes of the meeting held on 3 March 2020 were agreed as a correct record.
2. The minutes of the meeting held on the 23 September 2020 were deferred.

The Chair was under the impression that notes were to be inserted in the final part of the last hearing after discussing this with officers.

The Monitoring Officer would check this with the legal representative, who was advising the committee at this meeting, and establish if there is an agreement for the notes to be in the public minutes. He would e-mail the answer to members of the committee.

ACTION: Jeremy Chambers (Director of Law & Governance).

6

DATE OF NEXT MEETING

NOTED

1. The next meeting of the Councillor Conduct Committee would be Tuesday 2 March 2021.

7

PART 2 ITEM CONTAINING EXEMPT INFORMATION

8

UPDATE ON COMPLAINTS

1. Members received a brief report of complaints currently under consideration.

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London Borough of Enfield

Councillor Conduct Committee

Annual Report 2020/21

Chairs Introduction

As Chair of the Councillor Conduct Committee from 2020-21, 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 upholding the ethical culture within the Council.

Councillor Claire Stewart
Chair

1. Introduction

This report details the key aspects of the committees work during 2020/21.

The committee ensures there is an effective process for dealing with code of conduct complaints, supports the principles of good governance and upholds an ethical culture within the Council.

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. The councillors appointed to the committee for 2020/21 were:

Councillor Claire Stewart (Chair);
Councillor Glynis Vince (Vice Chair);
Councillor Christine Hamilton;
Councillor Elaine Hayward

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.

3. Independent Persons

As required by the Localism Act 2011 all local authorities must 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.

Christine Chamberlain and Sarah Jewell are appointed as the Independent persons for the committee and assist in the investigation of complaints under the Council's Member Code of Conduct.

In this report we would like to acknowledge the invaluable support provided by Christine Chamberlain and Sarah Jewell.

The independent view and expertise they have brought 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. Christine Chamberlains appointment was extended at Council AGM until May 2022, and Sarah Jewells appointment concluded.

The Committee advertised, interviewed and appointed Joan Mansfield to the vacant position, and this was approved at Council AGM in May 2021. Joan's appointment is for a period of two years, finishing in May 2023.

5. Terms of reference

The full terms of reference of the Councillor Conduct Committee are set out at appendix 1, the key points 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 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.

6. The committees work programme

There were three meetings held during the year. One was an appeal hearing, one was a normal business meeting dealing with an update on cases, and approval to recruit to the Independent persons post, and the other meeting was to hold interviews for the post.

7. Member Training

Training on the code of conduct and the associated complaint procedures will be provided by the Monitoring Officer following the changes to the Independent Persons or if there are any changes to committee. If

members or substitute members of the committee are unsure of the process for hearings or appeals, then individual sessions are held to ensure members are comfortable with the requirements of their role.

8. Dispensations

No dispensations had been granted in the past 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.

9. Complaints

The Council will use its reasonable endeavours to determine a complaint within 3 months of receipt. The complainant will be kept informed of progress throughout. The process may include:

- (a) Requests for further information/evidence;
- (b) Informal resolution to the satisfaction of all parties;
- (c) Mediation;
- (d) Investigation; and/or
- (e) Referral to the Councillor Conduct Committee where the Monitoring Officer feels it would not be appropriate for him/her to take a decision

The Monitoring Officer, based primarily on the criteria set out above, will consider the complaint received and, in consultation with an Independent Person, will determine whether it warrants further action.

Complaints will not be accepted where:

- (a) They are considered to be trivial, malicious, vexatious or frivolous
- (b) It is not in the public interest to investigate the complaint.

- (c) The subject matter has already been considered by the Council - except where new evidence has become available which could not previously have been produced
- (d) It would be more appropriate for the complaint to be dealt with by a court or under another complaints or arbitration procedure
- (e) One of the parties had registered their intention to take legal action on all or some of the matters complained about
- (f) Legal action is under way
- (g) Some or all of the matters complained about have been resolved through litigation.
- (h) The complainant seeks to overturn decisions made by the Council.

If a complaint is rejected on the basis of the above, there is no right of appeal.

If the complaint is referred for further action, the Monitoring Officer will determine, in consultation with the Independent Person, the most appropriate way of dealing with the complaint.

During 2020/21 the Monitoring Officer received 18 complaints.

The Monitoring Officer rejected 5 of these as they were not eligible under the code of conduct.

The Independent Person considered 6 of these complaints and found no breach of the code.

The remaining complaints were dealt with through informal resolution, and 6 have ongoing investigations and requests for further information in place.

One appeal against the Monitoring Officers decision on a complaint from 2019 was received and the hearing by the committee took place on the 23rd September 2020.

The appeal was rejected, and the Monitoring Officer's original decision was upheld by the committee.

10. Conclusions

The complaints form, appeal form and process are accessible to residents and councillors on the website.

Appendix A

COUNCILLOR CONDUCT COMMITTEE
Appointed by: Council
Proportionality: Disapplied
<p>Membership:</p> <p>4 members of the Council: 2 majority and 2 opposition to include both group whips.</p> <p>2 substitute members by each group to be appointed at the Annual Council meeting. Substitute members to be permitted in the following circumstances:</p> <p>8. 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</p> <p>(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.</p> <p>The committee member who wishes to appoint a substitute member must notify the Monitoring Officer in writing, prior to the beginning of the relevant committee meeting of the intended substitution. Once notification of a substitute member has been received the ordinary member of the committee will not (unless the notice of substitution is withdrawn prior to the start of the meeting) be entitled to attend the relevant meeting or part of the meeting to which the substitution applies as a member of the committee.</p> <p>The Independent Person(s) and the Monitoring Officer will be asked to attend the meetings to offer advice and support.</p>
The membership must be drawn from: As set out in membership
Chair and Vice-Chair appointed by: Council, with the chair being the majority group whip and the vice-chair being an opposition whip.
Public / Private meeting: Public

Substitutes: 2 substitute members by each group to be appointed at the Annual Council meeting. Procedures set out in Membership above.

Quorum:

No business shall be considered at committee meetings unless at least one quarter of the total number of members, rounded up to a whole number, is present. In no case however shall the quorum be less than 2 members.

Frequency:

Meetings to be scheduled on a quarterly basis but only to meet if there was business to be transacted. Extra meetings can be arranged if necessary.

Terms of Reference:

- (i) To deal with policy, complaints against councillors and issues concerning the members' Code of Conduct.
- (ii) To promote and maintain high standards of conduct by councillors and all co-opted members.
- (iii) To assist councillors and co-opted members to observe their Code of Conduct and all other Codes within the Constitution.
- (iv) 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.
- (v) To consider requests for dispensations by councillors, and co-opted members relating to interests set out in the Code of Conduct.
- (vi) To discharge such other functions either general or specific as the Council may from time to time allocate to the Committee.

London Borough of Enfield**Councillor Conduct Committee****Meeting Date: 9th September 2021**

Subject: Update on the appointment of independent persons**Cabinet Member:** Not applicable**Director:** Director of Law & Governance**Key Decision:** Non-Key

Purpose of Report

1. To update the Councillor Conduct Committee on the current position regarding the Council's two independent persons.

Proposal(s)

2. To note that at the Council AGM on the 19th May 2021, Council agreed to appoint Joan Mansfield to the role of independent person for a period of 2 years until the AGM in May 2023, and to extend the appointment of Christine Chamberlain until the AGM in May 2022 so that the committee retains 2 Independent person posts.

Reason for Proposal(s)

3. To ensure that members of the Committee are aware of the current position regarding the Council's two independent persons.

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

5. 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.
6. 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.

7. The Councillor Conduct Committee agreed on the 2nd December 2020 to recruit to the posts. The term of office for one of the posts expired at the AGM in 2021. The other post was due to expire in June 2021, however the committee agreed to recommend to Council, a further extension of a year for this appointment to ensure continuity, expertise and experience is retained by the Council.
8. Interviews took place by the Councillor Conduct Committee on the 10th March, and an offer of appointment was made subject to approval by Council.
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 Officer and the two Deputy Monitoring Officers, 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.

Main Considerations for the Council

11. The main considerations for the Council and the Committee are detailed in paragraphs 5-10 of this report.

Safeguarding Implications

12. 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

13. Not applicable

Equalities Impact of the Proposal

14. 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

15. Not applicable

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

16. 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

17. There are no risks associated with taking the action.

Financial Implications

18. 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

19. All legal implications are contained within the report.

Workforce Implications

20. None.

Property Implications

21. None.

Other Implications

22. None.

Options Considered

23. To extend the term of appointment of both post holders for a further 2 years, however, it was felt this would compromise the independent nature of the role.

Conclusions

24. The appointments to the Independent Persons posts maintains compliance with the Councils constitution.

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Deputy Monitoring Officer - Governance
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Date of report: 9th September 2021

Background Papers
None

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