

# Public Document Pack



## **COUNCILLOR CONDUCT COMMITTEE**

Wednesday, 13 June 2012 at 7.30 pm  
Room 2, Civic Centre, Silver Street, Enfield,  
EN1 3XA

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Councillors : Yasemin Brett (Chairman), Tom Waterhouse (Vice-Chair),  
Ingrid Cranfield and Michael Rye OBE

### **AGENDA – PART 1**

#### **1. WELCOME AND APOLOGIES**

#### **2. DECLARATION OF INTERESTS (Pages 1 - 2)**

Members of the Cabinet are invited to identify any personal or prejudicial interests relevant to items on the agenda. Please refer to the guidance note attached to the agenda.

#### **3. STANDARDS REGIME - NEW ARRANGEMENTS (Pages 3 - 28)**

To receive a report from the Director of Finance, Resources & Customer Services on the standards regime and new arrangements for dealing with issues around councillor conduct.

(Report No.20)

#### **4. WORK PROGRAMME 2012/13 (Pages 29 - 30)**

To consider and agree an outline work programme for the Committee during 2012/13

#### **5. MINUTES OF THE LAST MEETING OF THE STANDARDS COMMITTEE (Pages 31 - 36)**

To receive the minutes of the last Standards Committee meeting held on the 5<sup>th</sup> March 2012.

#### **6. DATES OF FUTURE MEETINGS**

To note the dates agreed for future meetings of the Councillor Conduct Committee.

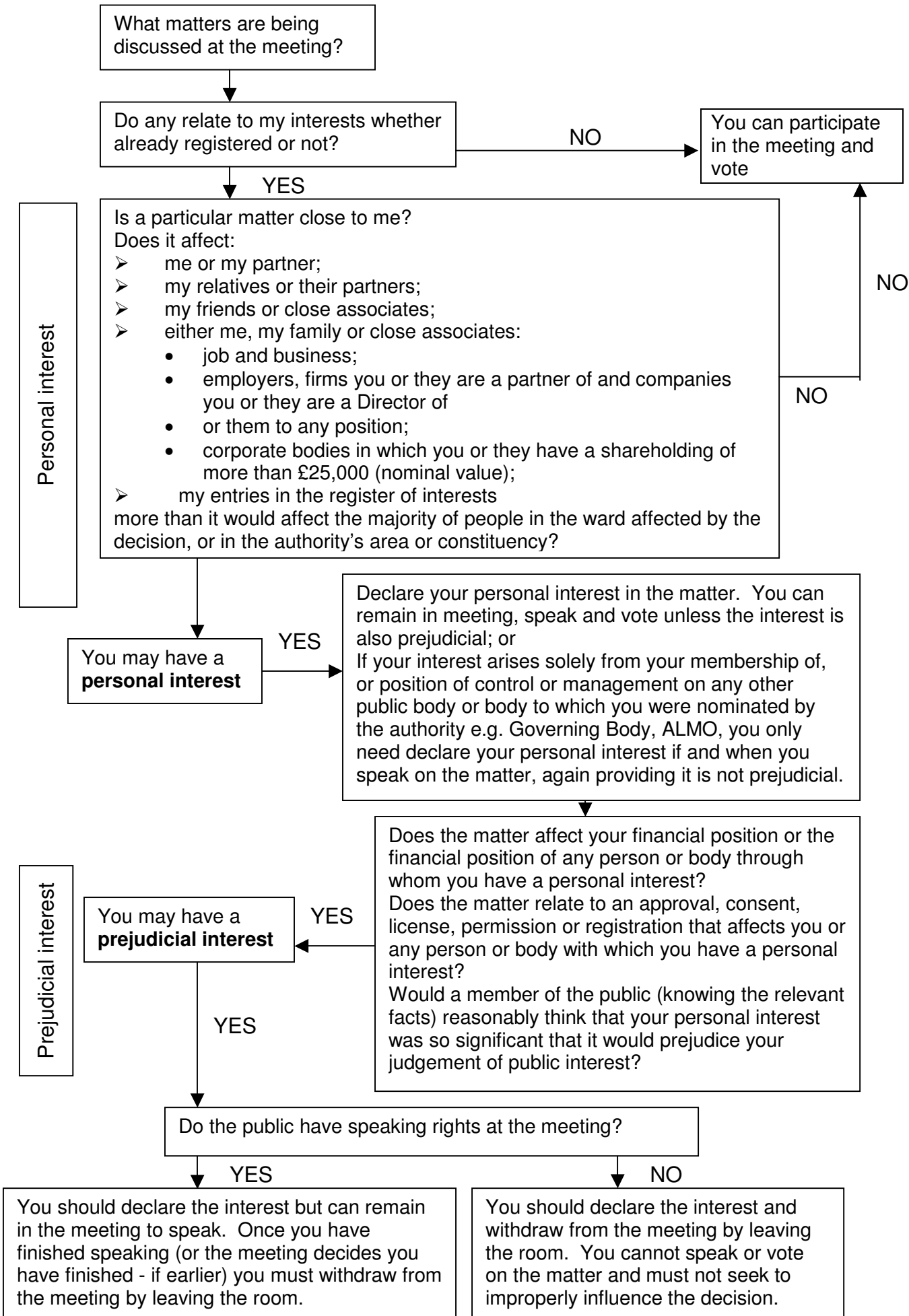
- Wednesday 17 September 2012
- Thursday 17 January 2013

- Thursday 2 May 2013

## **7. EXCLUSION OF THE PRESS AND PUBLIC**

If necessary, to consider passing 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)

**DECLARING INTERESTS FLOWCHART - QUESTIONS TO ASK YOURSELF**



**Note:** If in any doubt about a potential interest, members are asked to seek advice from Democratic Services in advance of the meeting.

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# **London Borough of Enfield**

**Draft**

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## **The Code of Conduct for Members and Co-Opted Members**

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**together with the rules for  
Registration of Interests  
and Conflicts of Interest**

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# The Code of Conduct for Members of London Borough of Enfield

## **A. Purpose of the Code**

1. The purpose of this Code of Conduct is to assist you in the discharge of your obligations to the Authority, the local communities and the public at large by:
  - a) setting out the standards of conduct that are expected of you when you are acting in that capacity, and in so doing
  - b) providing the openness and accountability necessary to reinforce public confidence in the way in which you perform those activities.
2. The Code applies equally to co-opted members of Council Committees who are entitled to vote on any issues coming before those committees.

## **B. Scope of the Code**

3. The Code applies to you in all aspects of your activities as a member, including when acting on Authority business, ward business or when otherwise purporting to act as a member. It does not seek to regulate what you do in your purely private and personal lives.
4. The obligations set out in this Code are also complementary to related Codes and Protocols of the Authority within the Council's Constitution and elsewhere.
5. References to committees or meetings of the Authority within this Code also refer to Council, Cabinet, sub-committees, panels and working groups, as well as joint-committees.

## **C. Public Duties of Members**

6. You have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act, and to act on all occasions in accordance with the public trust placed in you.
7. You have an overriding duty to act in the interests of the London Borough of Enfield's area as a whole, but also have a special duty to represent the views of the residents and communities of your ward.

## **D. General Principles of Conduct**

8. In carrying out your duties, in exercising the functions of the Authority, or otherwise acting as a Councillor, you will be expected to observe the following general principles of conduct. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

**8.1 Selflessness**

You should take decisions solely in terms of the public interest. You should not seek to gain financial or other material benefits for yourself, your family, or friends.

**8.2 Integrity**

You should not place yourself under any financial or other obligation to outside individuals or organisations that might influence you in the performance of your official duties.

**8.3 Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit.

**8.4 Accountability**

You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

**8.5 Openness**

You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.

**8.6 Honesty**

You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**8.7 Leadership**

You should promote and support these principles by leadership and example.

**8.8 Respect for Others**

You should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. You should



respect the impartial role of the authority's statutory officers, and its other employees.

**8.9 *Duty to Uphold the Law***

You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

**8.10 *Stewardship***

You should do whatever you are able to do to ensure that the Authority uses its resources prudently and in accordance with the law.

**E. Expectations of Conduct**

9. You shall base your conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
10. You shall at all times ensure that your use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that you observe any limits placed by the Authority on the use of such expenses, allowances, facilities and services.
11. You shall at all times 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 other members or officers generally, into disrepute.

**F. Rules of Conduct**

12. You shall observe the following rules when acting as a Member or co-opted Member of the Authority:
  - (1) Treat others with respect and courtesy.
  - (2) You must not -
    - (a) do anything which may cause your authority to breach any of its equality duties (in particular as set out in the Equality Act 2010);
    - (b) bully any person;
    - (c) lobby, intimidate or attempt to lobby or intimidate any person who is or is likely to be:
      - (i) a complainant,
      - (ii) a witness, or

- (iii) involved in the administration or determination of any investigation or proceedings  
  
in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
    - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
  - (3) You should 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;
  - (4) You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
    - (i) you have the consent of a person authorised to give it;
    - (ii) you are required by law to do so;
    - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
    - (iv) the disclosure is:
      - (a) reasonable and in the public interest; and
      - (b) made in good faith and in compliance with the reasonable requirements of the authority
  - (5) You must not prevent another person from gaining access to information to which that person is entitled by law.
  - (6) You should not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
13. You shall observe the following rules when using the resources of the Authority, or authorising the use of those resources by others:
- (1) Act in accordance with the Authority's reasonable requirements including the requirements of its ICT policy and the policies listed in the Constitution which you are deemed to have read and understood.
  - (2) Ensure that such resources are not used improperly for political purposes (including party political purposes);
  - (3) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

14. You shall observe the following rules when making decisions on behalf of or as part of the authority:
  - (1) Have regard to any relevant advice provided to you by the Council's Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to their statutory duties.
  - (2) Give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.
  - (3) Have regard to the rules and advice on the registration and disclosure of interests as set out in paragraphs I & J of this Code.

#### **G. Registration and Declaration of Interests**

15. You shall fulfil conscientiously the requirements of the Authority in respect of the registration of interests in the Register(s) of Members' Interests and, where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Authority or its Committees, or in any communications with the Authority, its Members or officers.
16. Such disclosures must be made even if the interest has already been included on the register of interests or where there is a notification pending to the Monitoring Officer.
17. In accordance with this Code, you must keep the register up-to-date and refresh such interests as requested by the Monitoring Officer.
18. These interests extend to those of your spouse, civil partner, family members or persons with whom you have a close association or personal relationship and you are aware that they have the interest.

#### **H. Duties in respect of the Authority's Councillor Conduct Committee and the Monitoring Officer**

19. The application and guidance on this Code shall be a matter for the Authority and for the Councillor Conduct Committee and, as appropriate, the Monitoring Officer, acting in accordance with their terms of reference.
20. You shall co-operate, at all stages, with any investigation into your conduct by the Authority or those persons acting on its behalf.

# Registration, Disclosure and Duties on Interests held by Members and Co-Opted Members of the London Borough of Enfield

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## **I. Registration of Interests**

1. You must comply with the requirements of the law and the Council in registering your interests in the Register of Members' Interests. These are explained on the following pages. These interests extend to those of your spouse, civil partner, family members or persons with whom you have a close association or personal relationship.

2. Apply the following test of bias when considering registering or disclosing any pecuniary interests:

“Would a member of the public, with knowledge of the relevant facts, reasonably regard your interest as so significant that it is likely to prejudice your judgement of the public interest? “

If the answer to this question is “yes”, then you should disclose that interest.

3. Within 28 days of becoming a member of the Authority, you must notify the Monitoring Officer of any disclosable pecuniary interests you have at that time. You must also draw attention to any relevant interest, where it is required or appropriate to do so, in any proceeding of the Council or its Committees with which you are involved or in any communications with any colleague, officer or outside body in your role as a member. Such disclosures must be made even if the interest has already been included in the register of interests or where there is a notification pending to the Monitoring Officer.
4. You should approach the Authority’s Monitoring Officer if you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation. If it is agreed that you have such an interest, you will be obliged to register it but details will not be disclosed in the published version of the register. Similarly, when at a meeting, you only need to state the fact that you have a disclosable interest, and not details of the interest itself.

Part A: Disclosable Pecuniary Interests

The following will constitute pecuniary interests for the purposes of section 30(3) of the Localism Act 2011.

Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge)— (a) the landlord is the relevant authority; and

(b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

(a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and  
(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Part B: Other Pecuniary Interests

- [Other financial interests (if any) that would qualify as grounds for bias in an application to quash a decision of the Authority]

Part C: Other Non-Pecuniary Interests

- [Other interests that would qualify as grounds for bias in an application to quash a decision of the Authority]

[Part D: Register of Gifts and Hospitality]

You shall comply with the Council's agreed policy on gifts and hospitality and disclose to the Monitoring Officer the offer or receipt of any gift or hospitality with an estimated value of £25 or more. Offers made but refused must also be disclosed.

## **J. Disclosure and Duties in Respect of Interests Held by Members**

### **1. Declaration of interests not included in the Register**

- 1.1 If you have an interest in a matter under discussion at a meeting of the authority and are aware of that interest, you must disclose the interest to the meeting (unless the Authority's Monitoring Officer considers that it is a sensitive interest – see paragraph I 3 of this Code)
- 1.2 You must notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure (unless it is subject of a pending notification)
- 1.3 You must then act in accordance with paragraph 2 below.

### **2. Disclosable Pecuniary Interests**

- 2.1 Where you
  - (a) are present at a meeting of the authority and
  - (b) have, or become aware that you have, a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,you must
  - (c) not participate, or participate further, in any discussion of the matter at the meeting
  - (d) not participate in any vote, or further vote, taken on the matter at the meeting
  - (e) leave the room until the conclusion of the matter under discussion
- 2.2 Where you are an executive member taking a portfolio decision and are aware you have a disclosable pecuniary interest, you must notify the Monitoring Officer of that interest within 28 days and take no action in respect of the matter other than refer to another executive member to take the decision.
- 2.3 Where you have taken a portfolio decision that is subsequently discussed at a meeting of the authority, you must not try to influence the outcome of that discussion or take any further part in the proceedings unless answering questions to facilitate those discussions

- 2.4 If you have a disclosable pecuniary interest in a matter coming before a meeting of the authority, you can make a written request to the Monitoring Officer beforehand for a dispensation, which may allow you to participate in the discussion and vote.

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.

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).

- 2.5 Failing to act in respect of disclosable pecuniary interests is a criminal offence.

- 2.6 If you fail to comply with the Code of Conduct (whether or not the finding is made in accordance with the Council’s agreed arrangements) the Authority may have regard to that failure in deciding:

- (a) whether to take action in relation to you, and
- (b) what action to take.



## LONDON BOROUGH OF ENFIELD

# PROCEDURE FOR HANDLING COMPLAINTS AGAINST COUNCILLORS AND CO-OPTED MEMBERS

## 1 Introduction

- 1.1 The Council has established a Councillor Conduct Committee to implement the relevant requirements of Section 28 of the Localism Act 2011. These include arrangements for dealing with allegations that a councillor or co-opted member has failed to comply with the Authority's Code of Conduct (*attach hyper link to code*).
- 1.2 The Councillor Conduct Committee comprises 4 members of the Council and deals with policy, complaints against councillors and issues concerning the members' Code of Conduct. The Localism Act also set up a role of Independent Person (IP) who will be consulted in respect of complaints received and before findings and sanctions are agreed. The IP will not be a councillor and will be drawn from the local community. The Council has agreed to appoint two IPs who will be recruited through public advertisement and a competitive interview process. Further information on the role of the Committee and the IP can be found at (insert hyper link)
- 1.3 Further reference to 'councillor' or 'member' in this document also refers to co-opted members of the Authority.

## 2 Key principles

The procedure for dealing with complaints should:

- 2.1 be relevant to the Council's Code of Conduct
- 2.2 command the confidence of the public, Council members and council staff.
- 2.3 be as simple and economical as possible
- 2.4 be speedy and fair to all parties
- 2.5 be decisive
- 2.6 provide oversight and support to the Monitoring Officer
- 2.7 be proportionate and comply with the principles of natural justice

## 3 Criteria for eligibility of complaints

- 3.1 Complaints must be received by the Council's Monitoring Officer in writing within three months of the alleged matter, stating why it is felt the councillor concerned has breached the Code of Conduct. It will be considered solely on the evidence presented. 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. The Monitoring Officer will consult the Councillor Conduct Committee or relevant Independent Person as appropriate throughout the process – subject to neither being at risk of being compromised in the event of them being involved at some future point.

3.2 Complaints will not be accepted where:

- (a) they are considered to be malicious, vexatious or repetitive
- (b) the subject matter has already been considered by the Council - except where new evidence has become available which could not previously have been produced
- (c) it would be more appropriate for the complaint to be dealt with by a court or under another complaints or arbitration procedure
- (d) one of the parties had registered their intention to take legal action on all or some of the matters complained about
- (e) legal action was under way
- (f) some or all of the matters complained about have been resolved through litigation.
- (g) the complaint is being/has been dealt with by another independent complaints process.
- (h) the complainant seeks to overturn decisions made by the Council.

4 Process

- 4.1 The Council will use its best endeavours to determine a complaint within 3 months of receipt. It will acknowledge the complaint within 5 working days, giving the complainant a contact name and number. 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
- 4.2 The Monitoring Officer, based primarily on the criteria set out in paragraph 3.2 above, will consider the complaint received and, in consultation with an Independent Person, will determine whether it warrants further action.
- 4.3 If it is decided that the complaint does not warrant further action, the Monitoring Officer will advise the complainant accordingly with reasons.
- 4.4 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. This may include any of the options in 4.1 above.

- 4.5 The Monitoring Officer may undertake any of the actions him/herself or appoint another person to act on his/her behalf. Whichever option is chosen, the outcome will be the responsibility (and in the name) of the Monitoring Officer.
  - 4.6 There will be a right of appeal for the complainant against the above decisions of the Monitoring Officer. Such appeals must be submitted within 10 working days of the receipt of the decision (with reasons) and will be considered by the Councillor Conduct Committee, with advice from an Independent Person not previously involved if available.
  - 4.7 The Monitoring Officer will report quarterly to the Councillor Conduct Committee on:
    - (a) the number and nature of complaints received
    - (b) those rejected with reasons
    - (c) those resolved through informal resolution and other methods (eg mediation)
    - (d) the number investigated,
    - (e) outcome/progress of investigations and action taken.
5. Consideration of complaints by Councillor Conduct Committee
- 5.1 If appropriate, the Monitoring Officer (in consultation with the Independent Person) may refer the outcome of an investigation to the Councillor Conduct Committee.
  - 5.2 The Committee will consider the investigating officer's report which should include evidence and representations from both parties associated with the complaint. The attendance of the complainant(s) and the member(s) against whom the allegations were made will not be required, unless the Committee decides otherwise..
  - 5.3 The Committee after considering the investigating officer's report will decide either that:
    - (a) the member concerned has breached the Code of Conduct;or
    - (b) there has been no breach
  - 5.4 In the event of a finding of a breach of the Code, the Committee will have the option of recommending a sanction against the member concerned. This can include:
    - (a) reporting the findings to full Council
    - (b) recommending to the relevant Group Leader that the councillor be removed from relevant meetings of the Authority of which they are a member
    - (c) recommending to the Leader of the Council that the member be removed from the Cabinet or from particular portfolio responsibilities
    - (d) withdrawing facilities provided to the member by the Council – such as computer access and/or e mail or internet access

- (e) excluding the member from the Council's offices or other premises for a defined period of time – with the exception of meeting rooms as necessary for the purpose of attending meetings of the Authority of which they are a member
- (f) publishing the findings in the local media.

5.5 The decision will be communicated to all parties with reasons.

5.6 Where there is a finding of no breach, the Committee will communicate the decision to all parties together with reasons.

5.6 Appeals against decisions of the Councillor Conduct Committee

- (a) The parties involved in the complaint will have a right of appeal but only where the decision taken was considered unreasonable or procedurally flawed or where new evidence was produced which, if available at the time of the original decision, may have changed the outcome.
- (b) Such an appeal must be to the Authority's Monitoring Officer and be received within 10 working days of the notification of the decision. The appeal must contain reasons.
- (c) The test of reasonableness in (a) above will be in two stages. Firstly, whether the Committee had addressed its mind only to matters which it ought to have considered or did not refuse or neglect to take account of such matters and was not influenced by irrelevant matters. Secondly, given the above, had the Committee come to a conclusion that any reasonable body would have reached under the circumstances?
- (d) In the event of such an appeal, the Leaders of both Groups will be asked to nominate two members each to hear the case, advised by an Independent Person and the Monitoring Officer or representative – none of whom should have been previously involved in the complaint.
- (e) The Council will use its best endeavours to consider the appeal and notify all parties of the outcome within 4 weeks of it being received

**DRAFT**

**Recruitment Pack for  
Appointment of Independent  
Person**

## Enfield Council - Appointment of Independent Persons

### Background Information

Under the provisions of the Localism Act 2011 the way that Enfield Council will deal with conduct complaints about its elected members in its area is changing.

The statutory regulatory framework will be abolished and the Council will be responsible for deciding how to deal with Standards issues at a local level, including adopting its own local code and determining what arrangements it will adopt to deal with complaints.

The Act provides that the Council must appoint an Independent Person or Persons to assist the Council in promoting and maintaining high standards of conduct amongst its elected members. At March 2012 Council it was agreed that Enfield would appoint up to two Independent Persons.

The Independent Persons will be consulted on the decision to investigate complaints and before it makes a decision on an investigated complaint. The Independent persons may be consulted on other standard matters, including by the member who is subject to an allegation.

The new arrangements come into effect on 1 July 2012. The Council intends to finalise all the new arrangements at a Council meeting on 4 July 2012.

A fixed allowance of £???? per annum is payable together with reimbursement of travel and subsistence expenses.

Full details of the role and responsibilities of an Independent Persons are included in this Recruitment Pack. For more information contact

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Website: [www.enfield.gov.uk/](http://www.enfield.gov.uk/)

The closing date for applications is ??????. Interviews will be held on ??????

## **Role of Independent Person – Enfield Council**

### **Role Description**

**Responsible to:** The Councillor Conduct Committee and the Council

**Liaison with:** Monitoring Officer, members of the Councillor Conduct Committee, officer and members of the Council, other Independent Persons and key stakeholders within the community.

1. To assist the Council in promoting high standards of conduct by elected and co-opted members of the Council and in particular to uphold the code of conduct adopted by the Council and the principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness, leadership, respect for others, duty to uphold the law and stewardship.
2. To be consulted by the Council through the Monitoring Officer and/or the Councillor Conduct Committee before it makes a decision on an investigated allegation and to be available to attend meetings of the Councillor Conduct Committee for this purpose.
3. To be available for consultation by the Monitoring Officer and/or the Councillor Conduct Committee both before a decision is taken as to whether to investigate a complaint, or to seek local resolution of the same or to consider an appeal against decisions taken.
4. To be available for consultation by any elected or co-opted member who is subject to a standards complaint.
5. To develop a sound understanding of the ethical framework as it operates within the Council.
6. To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons operating outside the Council's area.
7. To attend training events organised and promoted by the Council's Councillor Conduct Committee.
8. To act as advocate and ambassador for the Council in promoting ethical behaviour.

## Person Specification

	Essential	Desirable
<p><b>Qualifications:</b></p> <p>No specific qualifications or background is required</p>		
<p><b>Skills and Competencies:</b></p> <p><b>The independent person will have</b></p> <ul style="list-style-type: none"> <li>• A keen interest in standards in public life ✓</li> <li>• A wish to serve the local community and uphold local democracy ✓</li> <li>• The ability to be objective, independent and impartial. ✓</li> <li>• Sound decision making skills ✓</li> <li>• Leadership qualities, particularly in respect of exercising sound judgement ✓</li> <li>• Working knowledge/experience of local government or other public service and/or of large complex organisations and awareness of and sensitivity to the political process ✓</li> <li>• Knowledge and understanding of judicial/quasi judicial or complaints processes ✓</li> </ul> <p><b>The independent person will:</b></p> <ul style="list-style-type: none"> <li>• Be a person whose impartiality and integrity the public can have confidence. ✓</li> <li>• Understand and copy with confidentiality requirements. ✓</li> <li>• Have a demonstrable interest in local issues. ✓</li> <li>• Have an awareness of the importance of ethical behaviours. ✓</li> <li>• Be a good communicator ✓</li> </ul>		
<p><b>You should demonstrate in your application how you meet the above criteria as this will assist the shortlisting process.</b></p> <p><b>Means of assessment will be by application form and by interview</b></p>		



### **Eligibility for Appointment**

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

1. A Councillor, co-opted member or employee of the London Borough of Enfield.
2. 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.
3. A person with an unspent criminal record (Rehabilitation of Offenders Act applies).
4. Hold any political office, belong to any political party; or be or have been politically active in the last five years.
5. 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:**

- 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.

### **Advertisement and application**

The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of the majority of all members of the Council.

Enfield Council has advertised this position in the ??????. The closing date for applications is ??????

### **Appointment**

The Council will shortlist and interview those who have applied to be Independent Persons. It will then recommend the successful candidate 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”.

DRAFT

**Enfield Council**

**Application for the position of Independent Person**

Individuals who wish to be considered for appointment as Independent Person at Enfield Council are requested to provide the following information to support their application. All information provided will be treated in the strictest confidence and will only be used for the purposes of selection. Please feel free to use a separate continuation page if you wish to expand your answer to any question outlined below. The form should be completed with regard to the person specification and other requirements contained within the recruitment pack.

**1. Personal Details**

**Name:**

**Address:**

**Postcode:**

**National Insurance Number:**

**Contact Details**

**Daytime Telephone Number**

**Email Address**

**2. Qualifications**

(Please list in particular any qualifications which you think are relevant to the position of Independent Person)

**3. Summary of Experience**

(Please give a brief account of your experience including career, public and voluntary work together with the nature of your current or most recent occupation)

**4. Relevant Expertise/Skills**

(Please briefly outline any knowledge or expertise which you believe would be particularly relevant to your role as an Independent Person.)

**5. Why do you wish to be considered for appointment as Independent Person and what particular attributes do you believe you would bring to the role?**

**6. Please provide any additional information you may wish to give in support of your application:**

**7. References will be taken up of all applicants who are invited for interview.**

1. Name

2. Name

Address

Address

Telephone Number:  
Email:

Telephone Number  
Email:

I wish to apply to be an independent person

In submitting this application, I declare that:

Either

- I am not and have not during the past 5 years been a Member or Officer of the Council
- I am not related to, or have a close personal relationship or association with any member or officer of the Council
- I am not currently an Officer or Member of any other relevant authority (this includes parish, district, county and unitary councils and Police and Fire Authorities)
- I am not actively engaged in local party political activity \*

And/or

- I was a previous independent member of the Standards Committee \*

Signed .....

Date .....

Please return this application form by ?? to: [penelope.williams@enfield.gov.uk](mailto:penelope.williams@enfield.gov.uk)  
or to:

Penelope Williams  
Governance Team  
Enfield Council  
Civic Centre  
Silver Street  
Enfield  
Middlesex, EN1 3XF

**Councillor Conduct Committee: Work Programme 2012/13**

<b>ITEM</b>	<b>Lead/ Support Officer</b>	<b>13 June 2012</b>	<b>17 October 2012</b>	<b>17 January 2013</b>	<b>2 May 2013</b>
<b>Annual Report</b>	John Austin				<b>Draft Outline Annual Report 2012/13</b>
<b>Work Programme 2012/13</b>	John Austin	<b>To Agree the Outline Work Programme for 2012/13</b>	<b>Updated Work Programme Monitoring</b>	<b>Updated Work Programme Monitoring</b>	<b>Updated Work Programme Monitoring Update</b>
<b>Chair's Update Report</b>	Chair	<b>Update</b>	<b>Update</b>	<b>Update</b>	
<b>New Arrangements for Councillor Conduct</b>	John Austin/ Legal	<b>Report</b>			
<b>Terms of Reference</b>	John Austin		<b>Review</b>		
<b>Training programme for members in 2012/13 (incl assessment and handling of complaints)</b>	John Austin Asmat Hussain				
<b>Promoting the work of the Councillor Conduct Committee (incl web site &amp; communications strategy 12/13)</b>	John Austin				

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## STANDARDS COMMITTEE - 5.3.2012

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE  
HELD ON MONDAY, 5 MARCH 2012****MEMBERSHIP**

**PRESENT** Independent Members: Lawrence Greenberg (Chairman), Dr. Elliot Finer, Chris Murphy, Michael Rye OBE, Toby Simon and Ingrid Cranfield

**ABSENT** Councillors Alan Barker, Dogan Delman and Simon James (Independent Member)

**OFFICERS:** John Austin (Assistant Director - Corporate Governance) and Asmat Hussain (Assistant Director Legal) and Penelope Williams (Secretary)

**Also Attending:** Councillor Lee Chamberlain

**662**

**WELCOME AND APOLOGIES**

The Chairman welcomed everyone to the meeting. Apologies for absence were received from Councillors Barker and Delman and Simon James (Independent Member).

**663**

**DECLARATION OF INTERESTS**

There were no declarations of interests.

**664**

**CHAIRMAN'S UPDATE**

The Chairman reported that he had produced a report on the changes to the Standards Regime for this meeting.

**665**

**CHANGES TO THE STANDARDS REGIME**

The Committee received:

1. A report from John Austin (Assistant Director Corporate Governance) setting out proposals to replace the existing Standards Regime.
2. A discussion paper from Lawrence Greenberg (Chairman of the Standards Committee) entitled Replacement of the Standards Regime: Handling Conduct and Complaint in Enfield.

Members of the Committee discussed the proposals.

**STANDARDS COMMITTEE - 5.3.2012**

NOTED

1. The existing Standards Committee would be abolished under the new Localism Act 2011.
2. The members of the Committee discussed replacing the standards committee either by merging it with the Audit Committee and creating an Audit and Corporate Governance Committee or by setting up a new committee for complaints and conduct.
3. The Chairman argued for a stand alone committee which he felt would be clear and simple, easy for the public to understand, although he acknowledged that there had not been much public interest in the past. It would make clear to the public that the Council takes complaints seriously.
4. Other local authorities were either combining their Standards Committee with other committees or retaining a stand alone committee. Those that were keeping a stand alone committee were those that probably received a large number of complaints.
5. Councillor Rye reported his view and that of the Conservative Group that they were not in favour of replacing the Standards Committee and felt that it should be abolished completely in line with the Government Legislation. They did not support the recommendation that the committee should be merged with Audit.
6. If there was to be stand alone committee they felt that it should only meet when there were hearings to be dealt with, and that the proportionality rule should not apply.
7. Councillor Simon was in favour of the proposal to merge the committee with Audit but agreed with Councillor Rye that it would be most constructive if the Standards Committee members could come to an agreement on proposals to put before Council.
8. It was generally agreed that the Committee should
  - a) Schedule regular meetings, but be prepared to cancel them if there was nothing substantive to discuss;
  - b) Should not be subject to the rules of proportionality.
9. The Members agreed that the new legislation could put the Monitoring Officer in a difficult position. He would have more support if he had the backing of a committee. The position of the monitoring officer would return to the position it had been in before the Standards Regime had been created.

**STANDARDS COMMITTEE - 5.3.2012**

10. Councillor Rye said that the legislation was unhelpful as it disqualified existing independent members from standing again as the new Independent Persons. The Independent Person would have fewer powers and would act in the role of a consultee only.
12. Councillor Murphy suggested that the whips should be members of the stand alone committee together with two other members, one from each side.
13. It was felt that it would be hard to separate out consideration of policy from case work and it would be better if one committee could incorporate both, otherwise members setting policy could become detached. Also in a merged committee standards business could become submerged in the business of the Audit Committee.
14. It was suggested that the remit of the new committee could be extended to include whistleblowing, the Annual Governance Statement and other similar issues, but some members thought that these should remain with the Audit Committee. Whistleblowing was primarily concerned with officers and it was felt that the standards committee should focus on councillor conduct.
15. John Austin advised that three principles should underpin the new standards regime: clarity of process, transparency and credibility. The alternative proposals both had pros and cons but he felt that a separate committee dealing with policy and complaints would work. The difference in resource input was marginal.
16. The possibility of including members' allowances within the remit of the new committee was discussed. Members Allowances falls within the remit of the Members and Democratic Services Group. Council had agreed at the last meeting that they would be frozen for the next year. Any future discussion would be considering allowances from 2014 onwards.
17. Councillor Alan Barker had emailed his opinion that "he was unhappy with the idea that the proposed sub committee will be political in make up" and that "without an independent chair the minority party would be at a disadvantage".
18. Simon James (Independent Member) had, by email, supported Councillor Barker's view and felt that the committee should have the impartial balance which independent members give but this was disallowed under the new legislation.
19. Councillor Chamberlain raised the issue of the chair and the chair's casting vote. This would be resolved later.
20. The new report for Council would focus more on the operational issues and would explain the meaning of dispensations.

**STANDARDS COMMITTEE - 5.3.2012**

21. The streamlined complaints process set out in Lawrence Greenberg's report would be considered for inclusion in the Council report.

**AGREED** that the Standards Committee would recommend to Council that

- (a) A new stand alone committee be created to deal with policy, cases and issues concerned with the conduct of Councillors:
- i) This would be called the Councillor Conduct Committee.
  - ii) It would not be subject to the proportionality rules. A unanimous cross party resolution would have to be taken at Council to achieve this.
  - iii) It would be made up of 4 members: the two party whips and two other councillors, one from each party. The Independent Person would be asked to attend the meetings in accordance with legislative requirements.
  - iv) Meetings would be set up on a quarterly basis, but would only be held if there was business to discuss.
  - v) Council would be asked to consider if any other functions should be allocated to the committee, e.g. complaints of maladministration.
- (b) To retain the following 3 principles currently underpinning the current Code of Conduct within the Council's new Code:
- Respect for others
  - Duty to uphold the law
  - Stewardship

with a clear definition to be agreed for the term 'stewardship' (paragraphs 4.1 – 4.3). John Austin would check this.

- (c) Unless otherwise required by regulations, the Monitoring Officer be instructed to draft the Council's new Code of Conduct to provide for the registration and disclosure for those interests which would (in the current code) amount to personal and/or prejudicial interests, but only require withdrawal as required by the new Act for Disclosable Pecuniary Interests (paragraph 4.4)
- (d) A much more streamlined process for dealing with complaints – as set out in the Chairman's paper - for consideration at the March Council meeting, with the Monitoring Officer being given delegated powers to deal with such matters particularly with regard to:

**STANDARDS COMMITTEE - 5.3.2012**

- the filtering out of complaints and deciding whether they require investigation (or other form of alternative resolution) – with accountability to the Audit & Corporate Governance Committee for decisions taken (paragraphs 5.3 – 5.4)
  - considering requests from complainants for re-consideration where an initial finding has been no evidence of failure to comply with the Code of Conduct with no further action to be taken. This could be where new evidence is produced. The MO will have the power to refer matters to the Audit & Corporate Governance Committee if considered appropriate (paragraph 5.5).
  - the local resolution of complaints without the need for a hearing. Local resolution should only be agreed after consultation with the Independent Person, where the complainant is satisfied with the outcome, and where a summary report will be made to the Audit & Corporate Governance Committee for information. (paragraphs 5.6 – 5.7).
- (e) The range of possible sanctions set out in paragraph 5.8
- (f) There should be an appeals process contained within the Council's new process – the detail to be decided once statutory regulations are available (paragraphs 5.9 – 5.10)
- (g) The Council agrees the role of the 'Independent Person' (IP) and at the appropriate time proceeds to recruit 2 IPs, who should be invited to attend the Audit & Corporate Governance Committee as appropriate (paragraphs 6.1 – 6.6)
- (h) Members continue to refresh their register of interests at least annually even though this will no longer be a statutory requirement (paragraph 7.4)
- (i) The Council will ask members to declare 'Disclosable Pecuniary Interests' at meetings even though they may have included them on the register or have notifications pending (paragraphs 8.1 - 8.2)
- (j) The Monitoring Officer be given the power to grant dispensations as set out in paragraphs 11.3 (a) and (b).

The views of the Standards Committee would be fed into the meeting of the Members and Democratic Services Group on Tuesday 6 March 2012.

**666**

**STANDARDS COMMITTEE ANNUAL REPORT**

**AGREED** the draft Standards Committee Annual Report for 2011/12.

**667**

**STANDARDS COMMITTEE - 5.3.2012**

**WORK PROGRAMME 2011/12**

NOTED the work programme for the 2011/12 municipal year.

**668**

**MINUTES OF THE MEETING HELD ON 3 JANUARY 2012**

**AGREED** the minutes of the meeting held on 3 January 2012 as a correct record.

**669**

**DATES OF FUTURE MEETINGS**

This was the last meeting of the Standards Committee under the old regime.

Councillors noted their thanks to the independent members for all their work on the standards committee over the past years. This would be formally recorded at Council.

The suggestion was made that Independent Members could form a support group for other councils and that this could be organised by London Councils.