

# Public Document Pack



## **Councillor Conduct Committee**

Thursday, 2 May 2013 at 7.30 pm  
Room 1, Civic Centre, Silver Street, Enfield,  
EN1 3XA

Contact: Penelope Williams  
Secretary  
Direct : 020-8379- 4098  
Tel: 020-8379-1000  
Ext: 4098  
Fax: 020-8379-3177 (DST)  
Textphone: 020 8379 4419  
E-mail: Penelope.Williams@enfield.gov.uk  
Council website: www.enfield.gov.uk

Councillors: Yasemin Brett (Chair), Tom Waterhouse (Vice-Chair), Chris Murphy and Michael Rye OBE

Independent Persons: Lawrence Greenberg, Christine Chamberlain

## **AGENDA – PART 1**

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

### **2. DECLARATION OF INTERESTS**

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

### **3. REVIEW OF DISPENSATIONS, DISCLOSABLE PECUNIARY INTERESTS AND COMPLAINTS PROCEDURE (Pages 1 - 18)**

To receive an update following the review of dispensations, disclosable pecuniary interests and the complaints procedure carried out by the Monitoring Officer in consultation with the Independent Persons.

Copies of the Committee Terms of Reference, Code of Conduct and Complaints Procedure are attached to the agenda.

### **4. MINUTES OF MEETING HELD ON 19 MARCH 2013 (Pages 19 - 22)**

To receive and agree the minutes of the meeting held on 19 March 2013.

### **5. DATES OF FUTURE MEETINGS**

To note the dates to be agreed by Council on 8 May 2013 for future meetings of the Committee:

- Tuesday 25 June 2013
- Thursday 5 September 2013
- Thursday 3 December 2013
- Tuesday 25 March 2013

These are subject to change.

**6. EXCLUSION OF PRESS AND PUBLIC**

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

**Terms of Reference - Councillor Conduct Committee** (Updated: Council 28/03/12 & 09/05/12)

### **REMIT**

To deal with policy, complaints against councillors and issues concerning the members' Code of Conduct.

The procedure to deal with complaints against councillors and co-opted members will be considered by Council 04/07/12.

### **MEMBERSHIP**

4 Members, 2 from the Majority Party and 2 from the Minority Party to include both group whips.

Council will therefore be asked at the Annual Council meeting to agree to this being exempt from the proportionality rules.

Membership to be appointed at the Annual Council meeting, with the chairman and vice-chairman coming from each of the political groups.

The Independent Person(s) and the Monitoring Officer will be asked to attend the meetings to offer advice and support.

Meetings to be scheduled on a quarterly basis but only to meet if there was business to be transacted.

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

## **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.

## **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 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.

## **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 particular duty to represent the views of the residents of your ward.

## **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.

**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.

**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 proceedingsin 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.

### **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, partner, 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.

### **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. Failure to do so is likely to be a breach of this Code.

### **Registration of Interests**

21. 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, partner, civil partner, family members or persons with whom you have a close association or personal relationship.

22. When considering registering or disclosing any interests, you should ask yourself:

“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.

23. Within 28 days of becoming a member of the Authority, or of knowing you have a disclosable pecuniary interest, you must notify the Monitoring Officer. 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 registration and 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.
24. 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.

## Disclosable Pecuniary Interests

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

Employment, office, trade, profession or vocation	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.

**Other Pecuniary Interests**

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

**Other Non-Pecuniary Interests**

27. Other interests that would qualify as grounds for bias in an application to quash a decision of the Authority.

**Memberships**

28. In addition, this Code requires you to disclose any interests in any business of the Authority where it relates to, or is likely to affect, either:

(i) any body of which you are a member, or in a position of general control or management, and to which you are appointed or nominated by your Authority:

(ii) any body which exercises functions of a public nature, is directed to charitable purposes, or has a primary purpose of influencing public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

### **Register of Gifts and Hospitality**

- 29 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.

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

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

- (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)
- (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)
- (3) You must then act in accordance with paragraph 2 below.

#### **31. Disclosable Pecuniary Interests**

- (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) 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.

- (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
- (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).

- (5) Failure to register a disclosable pecuniary interest could be a breach of the Code and a criminal offence. You must register all such interests relating to you, your spouse, civil partner or partner.
- (6) If a disclosable pecuniary interest arises in relation to your family member or person with whom you have a close association or personal relationship, and you are aware that they have the interest, you must disclose and register that interest. Failure to do so could be in breach of this Code.
- (7) 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.
- 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 who will be consulted in respect of complaints received and before findings and sanctions are agreed. The Independent Person will not be a councillor and will be drawn from the local community. The Council has agreed to appoint two Independent Persons who will be recruited through public advertisement and a competitive interview process. Further information on the role of the Committee and the Independent Persons 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 Council will not accept anonymous complaints. 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 frivolous
  - (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 details. 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



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- 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:

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- (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.

### **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. Dissatisfaction with the decision itself will not constitute a right to appeal.
- (b) An appeal must be made in writing 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) In the event of 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.

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- (d) These members will consider firstly whether the Councillor Conduct Committee
- Had focussed only on relevant matters
  - Had not refused or neglected to take account of relevant matters, and
  - Was not influenced by irrelevant matters.

Secondly, given the above, the members will then consider whether the Committee had come to a conclusion that any reasonable body would have reached under the circumstances.

- (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.

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## COUNCILLOR CONDUCT COMMITTEE - 14.3.2013

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE  
HELD ON THURSDAY, 14 MARCH 2013****COUNCILLORS**

**PRESENT** Tom Waterhouse and Chris Murphy

**ABSENT** Yasemin Brett and Michael Rye OBE

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

**748****WELCOME AND APOLOGIES**

In the absence of the Chair the Vice Chair, Councillor Tom Waterhouse chaired the meeting.

Apologies for absence were received from Councillors Yasemin Brett, and Michael Rye.

Councillor Waterhouse welcomed Christine Chamberlain, the new Independent Person, to the meeting.

**749****DECLARATION OF INTERESTS**

There were no declarations of interest.

**750****COUNCILLOR CODE OF CONDUCT**

The Committee received a copy of the Councillor Code of Conduct for review.

1. John Austin, Monitoring Officer, advised that
  - The new code of conduct had been drawn up to be more flexible than the previous code and councils had had more freedom in deciding what to include.
  - When the code had initially been approved last July, it had been decided that it would be reviewed after 6 months.
  - This was the start of a review, which it was anticipated would be carried out over the next few months.
  - Officers had two issues that they wanted to bring to members attention: registration of disclosable pecuniary interests and dispensations.

**COUNCILLOR CONDUCT COMMITTEE - 14.3.2013**

- The circle of influence as regards disclosable pecuniary interests had been drawn quite widely to include anyone with whom the member had a close personal association. Other councils had adopted a narrower definition.
- It was also felt that the issue of dispensations should be reviewed, in the light of recent experience on the Council Tax benefit issue.
- Some research has already been carried out to find out how other councils were dealing with these issues; this would be continued.

**2. Questions/Comments**

- 2.1 The list of disclosable pecuniary interests as set out in the Localism Act 2012 is set out on page 9 of the Code of Conduct. Other pecuniary interests include any other financial interest which is not listed on that page.
- 2.2 In reference to land and licenses, both landlord and tenant would be seen to have a beneficial interest. Lawrence Greenberg felt that this should be spelt out more clearly.
- 2.3 Tom Waterhouse said that he would be in favour of reducing the scope of the interests as he felt that most members would err on the side of caution and this could give a misleading impression. In some cases general dispensations could be given enabling people with a strong individual interest to vote and influence the decision.
- 2.4 There was also some discussion about how a dispensation should be granted. In the current code members have to request a dispensation in advance of a meeting, in writing. If an issue arises at the meeting, it would not be possible for a dispensation to be granted on the spot, members with an interest would have to leave and could not take part in the decision making. To be more flexible this could be changed to enable members to raise issues at the meeting itself.
- 2.5 Currently John Austin, as Monitoring Officer could only grant dispensations if the political balance of the council would be distorted by members with interests having to leave, or if it would affect the quorum of the meeting. Other requests need to be approved by the Councillor Conduct Committee.
- 2.6 Initially members felt that it was appropriate that a request should be put in writing as this enabled it to be reviewed properly, even if it did impede the transaction of the business. Dispensations should be exceptions used only very occasionally, when absolutely necessary. Further consideration of the issue would take place at the next meeting.

**COUNCILLOR CONDUCT COMMITTEE - 14.3.2013**

**AGREED** that officers would carry out some further research, discuss possible changes with the Independent Persons and bring back proposals for discussion at the next meeting of the committee.

**751**

**TERMS OF REFERENCE**

The Committee received a copy of the Councillor Conduct Committee terms of reference for review.

NOTED that

1. The terms of reference may need to change following any changes to the code of conduct.
2. The sentence in the terms of reference, regarding the complaints procedure should be amended to take account of what was agreed at Council in July 2012.

**AGREED** that the terms of reference, together with the complaints procedure will be brought back to the next meeting to consider any alterations arising from changes to the code of conduct.

**752**

**MINUTES OF THE MEETING HELD ON THURSDAY 14 FEBRUARY 2013**

The minutes of the meeting held on Thursday 14 February 2012 were agreed as a correct record.

**753**

**DATES OF FUTURE MEETINGS**

NOTED the date agreed for the next meeting of the Committee:

- Thursday 2 May 2013

**754**

**EXCLUSION OF PRESS AND PUBLIC**

**AGREED** to pass a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for the following item (Complaint Against Councillor - Update) moved from the Part 1 to Part 2 agenda on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 1 (information relating to an individual) of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information Variation Order 2006).

**755**

**MATTERS ARISING FROM THE MINUTES - COMPLAINT AGAINST A COUNCILLOR**

**COUNCILLOR CONDUCT COMMITTEE - 14.3.2013**

John Austin updated the committee on the progress being made in dealing with the recent complaint against a councillor discussed at the last meeting.

NOTED

1. Since the original complaint had been made, action had been taken by the member's group, an investigation carried out and a decision made to remove the whip, from the member, on a permanent basis. The councillor is no longer a member of the Conservative Group on Enfield Council.
2. Asmat Hussain, Head of Legal, is to investigate what progress the Police have made on their investigation of the complaint.
3. Tom Waterhouse advised that he could not take part in any Councillor Conduct Committee meeting held to consider the complaint, as he had conducted the original investigation.
4. All action by the Councillor Conduct Committee had been put on hold, pending the outcome of the police investigation.

(Exempt information as defined in paragraph 1 of Schedule 12A to the Local Government Act 1972 as amended)