

**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)

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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.

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DECLARATION OF INTERESTS

There were no declarations of interest.

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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.

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- 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.

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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.

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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.

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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.

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DATES OF FUTURE MEETINGS

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

- Thursday 2 May 2013

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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).

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MATTERS ARISING FROM THE MINUTES - COMPLAINT AGAINST A COUNCILLOR

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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)