

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE
HELD ON MONDAY, 16 SEPTEMBER 2013**

COUNCILLORS

PRESENT Yasemin Brett, Tom Waterhouse, Tahsin Ibrahim and Michael Rye OBE

OFFICERS: John Austin (Assistant Director - Corporate Governance) and James Kinsella (Governance)

Also Attending: One member of the public

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WELCOME AND APOLOGIES

The chair welcomed everyone to the meeting. No apologies for absence were received.

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DECLARATION OF INTERESTS

There were no declaration of interest.

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INDEPENDENT PERSON RECRUITMENT

The Committee received a briefing note from the Assistant Director Corporate Governance updating members on the recent Independent Person (IP) recruitment process.

NOTED

1. The post had been advertised in the local press and on the Council's website, as well key local voluntary organisations being targeted via email.
2. 12 enquires had been received in response to the advert, however only two formal applications were submitted with neither applicant having been assessed as meeting the relevant criteria within the person specification.
3. The need identified to consider the approach towards any further recruitment activity for the vacant position in order to generate interest and applications. Feedback had already been sought from other London Boroughs who had identified use of social media and the local press as they key ways in which they had sought to attract interest.

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4. The thanks expressed by the chair for the work already undertaken around the recruitment process. In terms of specific suggestions looking at any future recruitment activity members highlighted:
 - a. the need to review the nature of enquiries received in response to the advert and, where possible, reasons why no formal application had been submitted by those expressing initial interest in the post. John Austin advised that the queries had ranged in nature from questions about the level of payment to the experience and time required for the position;
 - b. the more focussed targetting (in addition to the usual advert) of any future activity on specific areas e.g. solicitors and legal companies, retired headteachers etc. Members also supported the proposal to run a more proactive advertisement campaign seeking the support of the local press backed up, for example, with a specific feature article about the role.
 - c. the need for more clarity within the advert in relation to the nature of the role and payment that would be provided and to ensure that the criteria set were as flexible as possible, whilst ensuring compliance with any legal requirements.

AGREED that prior to any further recruitment activity being undertaken for the vacant IP post the Assistant Director Corporate Governance be requested to:

- (1) review the advert and planned approach towards the process recruitment activity in order to take into account of the comments and suggestions highlighted at the meeting.
- (2) liaise with the current Independent Person and press team regarding the production of a feature article on the IP role to accompany any recruitment activity.

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MINUTES OF MEETING HELD ON 25 JUNE 2013

AGREED that the minutes of the Councillor Conduct Committee held on 25 June 2013 be approved and signed as a correct record.

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WORK PROGRAMME 2013/14

The Committee received a copy of the work programme for 2013/14.

NOTED

1. The progress against the work programme for 2013/14 and need to schedule an additional meeting of the Committee to consider an appeal against a decision of the Monitoring Officer in relation to the investigation of a complaint.

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2. Consideration was now being given to development of the induction and training programme for councillors following the council elections in May 2014. In addition pre-election briefings were also being arranged for individuals interested in standing as candidates at the election outlining the scope of the role, support and training available and requirements in relation to the Member Code of Conduct. Members were also keen for any briefing and subsequent training for members to include the requirements in terms of use of social media.
3. The remaining scheduled meetings of the Committee, which had been arranged on Tuesday 3 December 13 and Tuesday 25 March 14.

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EXCLUSION OF PRESS AND PUBLIC

AGREED to pass a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the items of business listed on part 2 of the agenda on the grounds that it involves 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).

The decision to move into Part 2 and exclude the press and public from the remainder of the meeting was queried by a representative of the local press in attendance at the meeting. John Austin (Assistant Director Corporate Governance) explained that the Committee was permitted to exclude the press and public when dealing with certain matters which involved the consideration of information classified as exempt under the provision of the Local Government Act 1972. These classifications included information that was assessed to be commercially sensitive, or would reveal certain types of personal detail relating to an individual or related to legal proceedings.

As the item to which the exclusion agreed by the Committee applied involved the consideration of personal details relating to a complaint against a councillor the decision to move into Part 2 was confirmed and the representative from the press left the meeting.

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COUNCILLOR COMPLAINTS

The Committee received a verbal update from the Assistant Director Corporate Governance on the outcome of a complaint against a Councillor.

NOTED

1. The Monitoring Officer had now completed his investigation of the complaint referred to and, following consultation with the Independent Person, had found no breach of the code. The complainant had been

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advised of the Monitoring Officer's decision and exercised their right of appeal.

2. Under the terms of the complaints procedure the appeal referred to in 1.above would need to be considered by the Councillor Conduct Committee. As this was the first appeal to be heard under the new complaints procedure members were asked to consider the process for undertaking the appeal hearing, with the following protocol identified as a result:
 - a. Representations in relation to the appeal should only be accepted in writing from both parties. The Committee did not feel that personal representation should be allowed this stage of the appeal hearing process.
 - b. Written representations should be sought via a pro forma template which set out:
 - The initial outcome of the investigation;
 - the grounds provided for the appeal along with any supporting evidence and other relevant matters either party felt needed to be taken into account during the appeal hearing;
 - date of the appeal; and
 - comments/advice from the Independent Person;
 - c. In order to ensure that the rules of natural justice were applied, written comments submitted in relation to the appeal would need to be shared with both parties.
3. The need identified, once the current appeal had been concluded, to review the complaints and appeals procedure in order to clarify the process. Members felt it would be helpful to produce a basic flowchart setting out the complaints process and at which stage the right of appeal would apply.

AGREED that:

- (1) The process for hearing the complaint against the Monitoring Officers findings in the case referred to at the meeting should be based on written rather than personal representations, with these sought in advance of the meeting via a pro forma template.
- (2) A review of the complaints and appeals process be undertaken by the Assistant Director Corporate Governance in order to clarify the procedure with a report setting out the proposed amendments along with a flowchart, to be provided for consideration at the next meeting.
Action: John Austin (Assistant Director Corporate Governance)