

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE
HELD ON TUESDAY, 16 SEPTEMBER 2014**

COUNCILLORS

PRESENT Claire Stewart, Yasemin Brett, Elaine Hayward and Joanne Laban, Christine Chamberlain (Independent Person)

OFFICERS: John Austin (Assistant Director - Corporate Governance), Asmat Hussain (Assistant Director Legal) and Jayne Middleton-Albooye (Principal Lawyer) Penelope Williams (Secretary)

In attendance: Sarah Jewell

**115
WELCOME AND APOLOGIES**

The Chair welcomed everyone to the meeting and introduced Sarah Jewell who was due to be appointed as the new Independent Person at Council on 8 October 2014.

There were no apologies for absence.

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SUBSTITUTE MEMBERS**

No substitute members were required for this meeting.

John Austin, Monitoring Officer, explained that members were required to notify him in writing if they wished to appoint a substitute to ensure that the substitutes would be formally recognised. This was particularly important when decisions were being taken which could be open to challenge.

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DECLARATION OF INTERESTS**

There were no declarations of interest.

**118
CHANGE IN ORDER OF THE AGENDA**

Members agreed to change the order of the agenda so that the item 5 on the Bribery Act was taken before item 4.

The order of the minutes reflects the original agenda.

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TERMS OF REFERENCE**

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Members received a copy of the Committee terms of reference for them to review.

No members had any comments to make at this stage.

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BRIBERY ACT 2012

The Committee received a presentation from Jayne Middleton Albooye, Principal Solicitor (Corporate), summarising the requirements of the new Bribery Act 2012. Copies of the slides are attached to the agenda.

1. Presentation

Jayne Middleton Albooye highlighted the following from the presentation:

- The Bribery Act came into force in July 2011, consolidating existing criminal law on making and accepting bribes and creating a new corporate offence of failing to prevent bribery.
- Public sector organisations were covered by offences in sections 1,2 and 6 of the act. Bribery being defined as seeking to obtain financial advantage by influencing a decision maker.
- The act covers the actions of both officers and members.
- Organisations can be convicted for failing to prevent bribery but can defend their case if they can show that they had adequate procedures in place to prevent bribery.
- The Government brought out guidance in 2011 which listed 6 principles to be adhered to: that procedures should be proportionate, there should be a top level commitment to them, risk assessments be carried out, due diligence maintained, the existence of good communication (and training) as well as monitoring and review of procedures.
- The greatest risk of bribery is among councillors, who have decision making and influencing powers: members of the Cabinet, Planning and Licensing Committees.
- The member code of conduct has been revised to incorporate the terms of the act with added sections on the declaration of gifts and hospitality.
- Planning Committee members have been trained and the importance of avoiding exposing themselves to risk emphasised.
- Members involved in the companies, which have recently been set up by the Council, have received training specific to their new roles.
- Severe punishment for offences, show that this issue is taken seriously, with unlimited fines being imposed in some cases.
- A recent case involved a magistrates clerk called Munir Patel who took bribes to make parking summons disappear. For this he was sentenced to 6 years for misfeasance and 3 years for bribery.

2. Questions/Comments

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- 2.1 A section of the Members Induction Training was dedicated to this issue, emphasising the importance of members asking themselves why they were being offered any gifts or hospitality.
- 2.2 It was felt to be particularly important that new members of the Planning Committee should receive training in this area as well as the Cabinet Member for Housing and Estate Regeneration, and other members and officers involved in housing and regeneration projects. This was especially so as so many new developments were planned which would mean that Enfield's profile would be in the sight of the media.
- 2.3 All members received training on the Councillor Code of Conduct and had had to sign up to this on taking office.
- 2.4 Asmat Hussain and Jayne Middleton Albooye would look again at the training provided for members of the Planning Committee.
- 2.5 Changes as a result of the Localism Act 2012 had altered the way that members were expected to work with developers before any application was submitted. This could lead to accusations of misconduct. The Council would be judged on what was reasonable and proportionate and would have to be aware of the need to consider whether actions could be defended in any public or press enquiry.

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RECRUITMENT OF INDEPENDENT PERSON

Councillor Stewart reported that the interviews had taken place on 24 July 2014. Councillors Bambos Charalambous and Anne Marie Pearce had replaced Councillors Yasemin Brett and Joanne Laban on the interview panel.

Sarah Jewell had been selected and Councillor Stewart was glad that she had accepted the appointment. The appointment was now subject to formal approval at full council.

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COMPLAINTS UPDATE

John Austin, Monitoring Officer, updated the members on the most recent complaints received.

He reported that

- He had recently considered a case which had been brought by a member of the public against a councillor of whom it was claimed that he had failed to respond adequately to an issue.
- The councillor had recently provided evidence that he had made reasonable efforts to resolve the issue.

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- He advised that he would be determining the complaint shortly.

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WORK PROGRAMME 2014-15

The Committee received and noted the Work Programme for 2014/15.

NOTED that

1. Changes to the programme included the addition of a training session which was being arranged for all committee members on complaint hearing procedures, based on a mock hearing. It was agreed that this would take place on Wednesday 15 October 2014 at 2pm.
2. References to best practice from other authorities would be included in the training session. Officers and members also use every opportunity on conferences, through networking and on training to find out best practice in other authorities.
3. Complaint processes will be looked at again in the March 2015 with suggestions for improvements.
4. The independent persons would be attending a training event on 1 December 2014.

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MINUTES OF THE MEETING HELD ON 1 JULY 2014

The minutes of the meeting held on 1 July 2014 were received and agreed as a correct record.

Councillor Elaine Hayward said that she would arrange a date for John Austin to attend a Conservative Group meeting to talk about the code of conduct.

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DATES OF FUTURE MEETINGS

The Committee noted the dates agreed for future meetings:

- Wednesday 3 December 2014
- Tuesday 24 March 2015

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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

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involves the likely disclosure of exempt information as defined in paragraph 1 (information relating to an individual) and Paragraph 2 (information likely to reveal the identity of 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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COMPLAINTS UPDATE

John Austin presented a report (No: 69) on a complaint against a councillor.

NOTED

1. The complaint had been brought by a former councillor against another councillor earlier in the year.
2. The councillor was alleged to have breached section 12.1 of the Councillor Code of Conduct treating others with respect and courtesy by making unfair and unfounded comments at a Council Meeting.
3. John Austin had talked the matter through with Christine Chamberlain, Independent Person, and accepted the complaint. He now referred it to the Committee for them to decide if it warranted further action.
4. The councillors involved had agreed to meet to try and resolve the complaint, but this meeting had not taken place.
5. Following discussion, members agreed that the two party whips would talk to the councillors involved to see if the complaint could be resolved informally. If the issues could not be resolved in this way it would be brought back to the committee.