

# Public Document Pack



## **Councillor Conduct Committee**

Tuesday, 16 September 2014 at 6.30 pm  
Room 3, Civic Centre, Silver Street, Enfield,  
EN1 3XA

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Councillors: Claire Stewart (Chair), Yasemin Brett, Elaine Hayward (Vice-Chair) and Joanne Laban

Independent Person: Christine Chamberlain

## **AGENDA – PART 1**

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

### **2. SUBSTITUTE MEMBERS**

Any member who wishes to appoint a substitute for this meeting must notify the Monitoring Officer in writing, before the beginning of the meeting, of the intended substitution.

Any notifications received will be reported at the meeting.

### **3. DECLARATION OF INTERESTS**

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

### **4. TERMS OF REFERENCE (Pages 1 - 2)**

To give an opportunity for the new committee to review the terms of reference for the committee.

### **5. BRIBERY ACT 2012**

To receive a presentation, including a summary of the requirements of the new Bribery Act 2012.

### **6. RECRUITMENT OF INDEPENDENT PERSON**

Members were asked to note that the interviews for the vacant position of Independent Person took place on Thursday 24 July 2014.

Five candidates were interviewed. Sarah Jewell was selected. Her appointment is due to be confirmed by Council on Wednesday 8 October

2014.

**7. COMPLAINTS UPDATE**

To receive a report updating members on the complaints received by the Monitoring Officer. Item 12 on the Part 2 Agenda also refers.

**8. WORK PROGRAMME 2014-15 (Pages 3 - 4)**

To review the work programme for 2014-15.

Members are asked to make suggestions for future items to be considered.

**9. MINUTES OF THE MEETING HELD ON 1 JULY 2014 (Pages 5 - 10)**

To receive and agree the minutes of the meeting held on 1 July 2014.

**10. DATES OF FUTURE MEETINGS**

To note the dates agreed for future meetings of the Committee:

- Wednesday 3 December 2014
- Tuesday 24 March 2015

**11. 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).

**Councillor Conduct Committee**

(Updated: Council 17/07/13 &amp; 29/01/14)

Terms of Reference

**REMIT**

- (i) To deal with policy, complaints against councillors and issues concerning the members' Code of Conduct.
- (ii) To promote and maintain high standards of conduct by councillors and all co-opted members.
- (iii) To assist councillors and co-opted members to observe their Code of Conduct and all other Codes within the Constitution.
- (iv) To monitor the operation of the Councillors' Code of Conduct and report when appropriate to the full Council on the adoption or revision of the Code and all other codes within the Constitution.
- (v) To consider requests for dispensations by councillors, and co-opted members relating to interests set out in the Code of Conduct.
- (vi) To discharge such other functions either general or specific as the Council may from time to time allocate to the Committee.

**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.

Two substitute members by each Group to be appointed at the Annual Council meeting. Substitute members to be permitted in the following circumstances:

- (a) To take the place of an ordinary member from the respective Group on the Committee where that member will be absent for the whole of the meeting. Such an appointment would apply for the entire meeting, including where the meeting is reconvened after any adjournment; or
- (b) Where an ordinary member of the Committee is prevented from attending and participating in a meeting due to any disclosable interest they may have in an issue or complaint to be considered. In these cases the substitute appointment would only apply to the consideration of the relevant item on the agenda.

The Committee member who wishes to appoint a substitute member must notify the Monitoring Officer in writing, prior to the beginning of the relevant Committee meeting of the intended substitution. Once notification of a substitute member

has been received the ordinary member of the Committee will not (unless the notice of substitution is withdrawn prior to the start of the meeting) be entitled to attend the relevant meeting or part of the meeting to which the substitution applies as a member of the Committee.

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.

## Councillor Conduct Committee: Work Programme 2014/15

ITEM	Lead/ Support Officer	1 July 2014	16 September 2014	3 December 2014	24 March 2015
Annual Report	John Austin				To agree Annual Report 2014/15
Work Programme 2014/15	John Austin	To Agree the Outline Work Programme for 2014/15	Work Programme Monitoring	Work Programme Monitoring	Work Programme Monitoring
Briefing for New Committee Members	John Austin	Briefing			
Review of Complaints Process	John Austin/ Asmat Hussain			Review	
Review of Terms of Reference	John Austin	Review	Review		
Update on Complaints Received	John Austin/ Asmat Hussain	Update	Update	Update	Update
Post Election Code of Conduct Training	John Austin	Update			
Independent Person Recruitment	Penelope Williams	Update	Update		
Training Programme – Identifying areas for future training	John Austin/ Asmat Hussain			Update	
Bribery Act	Asmat Hussain		Report		
Independent Persons Training				Report on training Received	

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**COUNCILLOR CONDUCT COMMITTEE - 1.7.2014****MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE  
HELD ON TUESDAY, 1 JULY 2014****COUNCILLORS**

**PRESENT** Claire Stewart, Yasemin Brett, Elaine Hayward and Joanne Laban

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

**Also Attending:** No one.

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**WELCOME AND APOLOGIES**

Councillor Stewart welcomed everyone to the meeting.

Apologies for absence were received from Christine Chamberlain (Independent Person) and Asmat Hussain (Assistant Director Legal Services).

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**DECLARATION OF INTERESTS**

There were no declarations of interest.

**29**

**SUBSTITUTE MEMBERS**

NOTED

1. That four substitute members would be appointed at Council on 16 July 2014.
2. The substitutes being put forward were Councillors B Charalambous, Lavender, AM Pearce and Pite.

**30**

**PROCESSES FOR DEALING WITH COMPLAINTS**

The Committee received a briefing from John Austin, the Monitoring Officer, on the processes for dealing with complaints.

NOTED

1. The procedure for handling complaints against councillors and co-opted members, complaints hearing procedure, complaints flowchart and complaints forms, attached to the agenda which had been approved by the previous committee.

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2. All allegations are initially considered by John Austin, as Monitoring Officer, in consultation with one of the independent persons, applying the criteria listed in paragraph 3 of the procedure.
3. Complainants and those complained against had no right of appeal against decisions of the committee, although there was a right of appeal against monitoring officer decisions.
4. The Council had provision for two independent persons. Only one would be consulted on each case so that if necessary the other could be called on later in the process. The Council is currently recruiting to the second position.
5. Anonymous complaints were not accepted, although in some cases the name of the complainant was kept confidential, depending on the nature of the case and/or the vulnerability of the complainant.
6. The Monitoring Officer would try to resolve complaints informally before referring them to the Committee.
7. Attendance at hearings, by the complainants and councillors complained against, was not normally required, but the committee could agree to invite them, if they felt it was necessary.
8. The new committee would have an opportunity to review the processes, and suggest changes later in the year.
9. If it was found that a breach of the code had occurred, there was a list of possible sanctions that could be applied. These were set out in paragraph 7.5 of the complaints procedure.
10. The hearings procedure covered both complaints hearings and hearings for appeals against monitoring officer decisions.
11. Case studies would be put together to help the new committee understand how the processes worked in practice.
12. A councillor raised the issue that councillors often had problems dealing with vexatious complainants at their surgeries. This was a matter that would be investigated in more detail.

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**TERMS OF REFERENCE**

**AGREED** that the terms of reference, which had recently been reviewed by the previous committee, would be discussed at the September meeting.

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**WORK PROGRAMME 2014-15**



**COUNCILLOR CONDUCT COMMITTEE - 1.7.2014**

The Committee received a copy of a draft work programme for 2014/15.

NOTED

1. That there would be opportunities to add to the programme in the course of the municipal year.
2. The suggestion that mediation training be provided both for members of the committee, and for all councillors to help them when resolving issues with members of the public.
3. The suggestion that new Government legislation in the Bribery Act 2012, regarding a company's responsibility for financial crimes committed by their employees, should be considered as part of the Councillor Code of Conduct.

Agreed that Legal be asked to look into the issue and provide a summary of the new requirements and the actions to be taken by the council.  
**Action:** Asmat Hussain

**AGREED** the work programme for 2014/15.

**33  
INDEPENDENT PERSON RECRUITMENT**

Received the briefing note on the recruitment activities that had been carried out for the vacant independent person post.

NOTED that the applications of the shortlisted candidates had been circulated to all members of the committee.

**AGREED** that

1. The interviews would take place on Thursday 24 July 2014, starting at 5.00pm.
2. Half an hour would be allowed for each interview, with a break in the middle for refreshments.

**34  
MEMBER TRAINING ON THE COUNCILLOR CODE OF CONDUCT**

NOTED that

1. A training session on the Councillor Code of Conduct had been held on 5 June 2014, with twenty members attending.
2. John Austin had also attended a Labour Group meeting to provide a supplementary session for those who missed the first.

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3. The offer to attend a Conservative Group meeting had also been put forward. Councillor Elaine Hayward agreed to discuss this with the Leader of the Opposition.

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**COMPLAINTS UPDATE**

John Austin, Monitoring Officer, reported that he had three outstanding complaints that he was dealing with. Further details were discussed in the part 2 part of the meeting. Minutes 40 refers.

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**COMPLAINT AGAINST A COUNCILLOR**

This item was discussed in part 2 section of the meeting. Minute 41 refers.

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**MINUTES OF MEETING HELD ON 30 APRIL 2014**

The minutes of the meeting held on 30 April 2014 were received and agreed as a correct record.

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**DATES OF FUTURE MEETINGS**

AGREED that future meetings would take place on the following dates at 6.30pm, unless otherwise agreed:

- Tuesday 16 September 2014
- Wednesday 3 December 2014
- Tuesday 24 March 2014

**39**

**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) 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**

NOTED

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1. John Austin reported that he had received a further two complaints from residents alleging that ward councillors had not responded to issues raised.
2. In one case the councillor concerned said that he had not received the correspondence. This was sent again and the councillor had now replied. The complainant was given the option of making a corporate complaint about the missing correspondence, but this had not been taken up.
3. In another case the complainant alleged that the councillor had not been supportive, when consulted on an issue. The councillor concerned had been asked to provide evidence of what he had done.

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**COMPLAINT AGAINST A COUNCILLOR**

NOTED

1. John Austin, Monitoring Officer, reported that he had received a complaint from a councillor about comments made by a councillor about another councillor at a Council meeting. The complainant alleged that the councillor concerned had shown a lack of respect, bringing the office of councillor into disrepute.
2. John Austin had investigated the complaint and had tried to resolve the issue. Both the councillors involved had been willing to meet and try and settle the matter but this meeting had not yet taken place.
3. The complaint was to have been considered at the last meeting of the committee but this had not been possible due to purdah restrictions.
4. John Austin would talk to the complainant to find out whether he wished to continue to pursue the matter further.

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