

Councillor Conduct Committee

Tuesday, 20 January 2015 at 6.00 pm
Room 3, Civic Centre, Silver Street, Enfield,
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Councillors: Claire Stewart (Chair), Yasemin Brett, Elaine Hayward (Vice-Chair) and Joanne Laban

Independent Persons: Christine Chamberlain and Sarah Jewell

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 interests relating to items on the agenda.

4. COMPLAINT AGAINST A COUNCILLOR (To Follow)

To receive a part 1 report from Asmat Hussain, the Monitoring Officer, about a complaint against a councillor. Item 8 on the Part 2 agenda also refers.

5. MINUTES OF MEETING HELD ON 3 DECEMBER 2014 (Pages 1 - 6)

To receive and agree the minutes of the meeting held on 3 December 2014.

6. DATES OF FUTURE MEETINGS

To note the date agreed for the next meeting of the committee:

- Tuesday 24 March 2015

7. 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 - 3.12.2014**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE
HELD ON WEDNESDAY, 3 DECEMBER 2014****COUNCILLORS**

PRESENT Claire Stewart, Yasemin Brett and Joanne Laban, Anne Marie Pearce, Sarah Jewell (Independent Person)

ABSENT Elaine Hayward, Christine Chamberlain (Independent Person)

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

259**WELCOME AND APOLOGIES**

The Chair welcomed everyone to the meeting. Apologies for absence were received from Councillor Elaine Hayward and Christine Chamberlain, Independent Person.

260**SUBSTITUTE MEMBERS**

It was noted that Councillor Anne Marie Pearce was standing in as the substitute for Councillor Elaine Hayward.

261**DECLARATION OF INTERESTS**

There were no declarations of interests.

262**COMPLAINTS UPDATE**

A complaints update would be provided in the part 2 section of the meeting.

263**TRAINING UPDATE****1. Feedback on Hearings Procedure Training**

Members felt that it would have been helpful to have also had a dummy hearing.

Asmat Hussain agreed that we would look in to organising a session in the New Year.

2. Independent Person Training

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Sarah Jewell reported back on a training session for Independent Persons that she had attended at Southwark Council, organised by Hoey Ainsclough Associates. She highlighted the following:

- The session had begun with a review of the Independent Person role.
- The consensus view was that the new standards framework was working well, but there was some concern about the limited nature of the sanctions available.
- Discussion around the difficulties of assessing whether or not a councillor was acting in his private or official capacity had taken place.
- Wigan Council was said to have a useful list of sanctions available on its website: including issuing press releases, barring members from council offices and the use of council resources. Any ban should be time limited. In cases where members were asked to apologise, and they refuse, sanctions should be applied.
- Use of social media was an area where clarity was needed.
- In some councils, but this did not apply in Enfield, codes of conduct needed updating to include issues of disrespect and non-pecuniary interests.
- In other councils there were problems where a macho culture of leadership prevailed - it was felt that this could be addressed through training. All councillors could also benefit from sessions on how to handle and respond to difficult situations.
- There was also a lack of clarity about what information should be kept private and what could be subject to Freedom of Information requests.
- Article 6 of the European Convention on Human Rights – the right to a free trial was not relevant because of the limited censure powers: but Article 10 was, as it related to freedom of expression and should be considered in appropriate cases.
- An example of a standards investigation report, provided by a legal advisor, would be circulated to all members.
- Some independent persons had reported that they were not as included in the discussion of standards issues as they thought they should be and others were expected to be involved beyond their remit.

3. Other Training

- 3.1 A package of training for councillors was being put together. It was suggested that something on appropriate use of social media could be included in a session on the councillor code of conduct.
- 3.2 In the past there had been difficulties getting members to attend similar sessions. Members felt that it was important that special dates and times should be set aside in the council calendar and that sessions should not clash with other meetings.
- 3.3 Including more than one session on councillor conduct would be considered.

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- 3.4 Members were concerned that as many councillors as possible should attend. There was a suggestion that these sessions should be mandatory, but after discussion it was agreed that it would be more appropriate for the whips to be responsible for encouraging people to attend.
- 3.5 Asmat Hussain agreed to bring the proposed training programme to the March meeting for discussion.

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WORK PROGRAMME 2014/15

The Committee reviewed the work programme for 2014/15.

NOTED

1. The Enfield Councillor Code of Conduct asks councillors to declare interests that extend to those of their “spouse, partner, civil partner, family members or persons with whom you have a close association or personal relationship”.
2. This is above and beyond what the legislation requires. Some members have asked that the requirements are scaled back so that it is only necessary to declare interests that apply to “spouse, partner, civil partner, family members” and does not include “persons with whom you have a close association or personal relationship”. This is because there can be confusion about what this means in practice.
3. Members agreed that the issue should be added to the work programme and a report with recommendations, setting out the reasons for making a change, or not, be brought back to the March meeting.
4. It was also agreed that a summary of the PWC report, published recently concerning matters at Tower Hamlets Council, be brought to the March meeting.

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MINUTES OF THE MEETING HELD ON 16 SEPTEMBER 2014

The minutes of the meeting held on 16 September 2014 were received and agreed as a correct record.

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DATES OF FUTURE MEETINGS

NOTED

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1. The date agreed for the next meeting of the committee was Tuesday 24 March 2014.
2. An additional meeting would be arranged in January to consider a complaint against a councillor.

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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) 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

The Committee received an update from John Austin, Deputy Monitoring Officer, on the complaints under consideration:

1. Complaint against a councillor by a former councillor

It had been agreed at the last meeting that the two whips would talk to their members to see if the individuals concerned could agree to meet to try and resolve the issue informally. This had been unsuccessful.

It was therefore agreed that the committee would consult Christine Chamberlain, Independent Person, before making a decision on whether or not the complaint merited further action. A report would be brought to the next meeting: an extra meeting of the committee would be arranged in January, for the committee to consider the matter.

2. Complaint against a councillor by a member of the public

John Austin reported that, having investigated the complaint, he had decided that there was no case to answer, and had informed the complainant: the councillor had not breached the code of conduct. The complainant had been informed that he had a right to appeal against this decision, but no appeal had been received. The deadline was the end of the week.

Councillor Brett suggested that the Council Communications Team should write an article for publication in the local press explaining the councillors' role, to give the public a better understanding of what they could expect from their ward councillors.

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