

Public Document Pack



Councillor Conduct Committee

Thursday, 16 July 2015 at 6.00 pm
Room 3, Civic Centre, Silver Street, Enfield,
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Independent Persons: Christine Chamberlain and Sarah Jewell

AGENDA – PART 1

1. WELCOME AND APOLOGIES

2. DECLARATION OF INTERESTS

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

3. MEDIA RELATIONS FOR COUNCILLORS (Pages 1 - 4)

To receive an update on the guidance provided for councillors when dealing with the media.

The Press and Communications Chapter of the Members Handbook 2014 is provided for information.

4. WORK PROGRAMME 2015-16 (Pages 5 - 6)

To agree the work programme for 2015-16.

5. CHANGES TO THE CODE OF CONDUCT ON THE DECLARATION OF INTERESTS

To receive feedback from the whips following the report discussed at the last meeting of the committee on changes to the provisions relating to declaration of interests in the Councillor Code of Conduct.

6. INTERNET AND EMAIL USAGE POLICY FOR COUNCILLORS (Pages 7 - 22)

To receive a verbal report from Mohi Nawaz, Corporate Systems Assurance Officer on the internet and email usage policy for councillors.

A copy of the Members Information Security Policy Agreement is attached for information.

7. GIFTS AND HOSPITALITY (Pages 23 - 34)

To receive a report updating members on the gifts and hospitality received by councillors and associated guidance.

8. DISPENSATIONS (Pages 35 - 46)

To receive an update report on dispensations granted to members in 2014/15.

9. UPDATE ON CURRENT COMPLAINTS

To receive a verbal update from the Monitoring Officer on the complaints currently under consideration.

10. MINUTES OF THE MEETING HELD ON 24 MARCH 2015 (Pages 47 - 52)

To receive and agree the minutes of the meeting held on 24 March 2015.

11. DATES OF FUTURE MEETINGS

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

- Thursday 17 September 2015
- Wednesday 2 December 2015
- Thursday 24 March 2016

12. 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).

There is no part 2 agenda.

7. Press and Communications

Press and communications

All press enquiries to the council should be referred to the communications team contact David Greely, Communications Manager: david.greely@enfield.gov.uk before any comment is given. All council press releases should be issued from the communications team following discussion with officers and councillors.

1. The role of the communications team

The Communications team works on behalf of Enfield Council as a whole. It does not support any political party. Its role is to:

- Ensure the council provides high quality information about its policies and services
- Protect and promote the council's reputation
- Encourage awareness, participation and engagement in decision making.

Involving members – appropriate members and chief officers will be involved in approving press releases that relate to their position before being issued to the media. In the



absence of the relevant member, urgent work will be cleared by the relevant chief officer and the leader.

Final approval of all press releases rests with the Head of Communications.

2. Key spokesmen

The council's key spokesmen are:

- The Leader of the Council and/or the deputy
- Executive members within their portfolios
- Chairs of Overview and Scrutiny Committee, Scrutiny Panels, Councillor Conduct Committee, Planning Committee, Audit Committee and Licensing Committee
- The Mayor

They will be quoted or featured in publicity where it relates to their responsibility on the council.

The chief executive, directors and senior council officers will also act as spokesmen on their area of

expertise, ensuring any comment is based on factual information in line with council policy.

No member should:

- Discuss or disclose confidential or exempt information to the press
- Impugn the professional integrity of officers
- Make personal attacks or undermine respect for officers
- Bring the council into disrepute as a corporate body, but this is not intended to inhibit proper political scrutiny of the council administration.

3. Press releases

All press releases from the council must be issued by the Communications Team on the appropriate headed paper. Any political press releases must be clearly identified as being from the political party and not from the council.

Press releases will not contain quotes from councillors other than those designated as spokesmen above. Press releases will explain council decisions and issues faced by the council in a factual way. Releases issued after a committee meeting must only relate to issues



discussed at that meeting. Releases issued before a meeting should be limited to factual information only.

The Communications Team will liaise with the relevant Cabinet Member and senior manager about whether a press release should be prepared on an issue and whether it is issued before or after the event.

All press releases will be given to the relevant member and senior manager for clearance before being issued. The level of senior management clearance required will depend on the sensitivity of the issue. Deputies should be agreed in the absence of the senior manager or Cabinet Member. (Only another Cabinet Member can deputise for a Cabinet Member according to the Constitution.) In the absence of both the Cabinet Member and relevant senior manager and their designated deputies, final clearance will be sought from the Leader of the Council and the Chief Executive. All press releases will be made

available on the council's website and intranet within 24 hours of being issued to the press.

4. Press enquiries

All press enquiries should be referred to the council's Communications team before any comment is given. It is the responsibility of the communications team to develop the response or set up an interview in consultation with services and/or the relevant cabinet member.

Some basic queries requiring only factual information, e.g. planning applications will be agreed between the relevant service and the Communications team. When the issue relates to council policy or is of a sensitive nature, the communications team will liaise with the relevant Cabinet Member and senior manager on the response.

If the nature of the enquiry means a political response is necessary, the call will be referred to the relevant party.

Journalists only need to give the council adequate opportunity to respond to allegations. If we fail to meet their deadline or choose not to comment, we have little recourse if we do not like the

resulting coverage (unless it breaks the law or the press complaints commission guidelines, both of which are lengthy processes). We aim to respond to all press enquiries within 24 hours or by the deadline whichever is soonest. This ensures that the council can maintain a positive relationship with journalists, acting in a professional and responsive manner. It also gives the council an opportunity to influence or stop an inaccurate story early on.

5. Media interviews

The Leader and Cabinet Members will be approached in the first instance to respond to media bids for interviews on matters of policy. Senior officers will continue to be asked to respond to media requests for interviews/information if they require technical, professional or practical operational information. Media training will be available to both officers and members designated as spokesmen.

6. Photo opportunities/press conferences

Only those designated as spokesmen or those given special responsibility should be proposed for photo opportunities or press conferences. In the event of a request to promote someone else,

the final decision will be taken by the leader of the council and the chief executive.

7. Scrutiny

The process of scrutiny and the outcomes of reviews will be publicised in a factual way by the council's Communications team. Where scrutiny challenges a council decision/policy the Communications team will make this clear and explain the process for resolving the issue.

8. Corporate identity

To show accountability all council publications, publicity materials, buildings, vehicles and uniforms will be branded as being part of Enfield Council.

9. Further advice

All councillors will have access to Enfield's Communications Toolkit on Enfield Eye – a collection of advice leaflets including corporate identity, managing the media, the communications strategy, internal communications, producing publicity and publications and jargon buster. It is also available on the council's intranet.

If you want any further advice or

need our support in communicating your message, contact us on 020 8379 4439. Forewarned is forearmed so please contact us early and we will be able to deliver a better package of support.

10. Websites/Social Media

All press releases will be published on the Enfield Council website within 24 hours of release to the press. Relevant Enfield Council social media sites will also be used to promote council services, initiatives and achievements.

Obviously, you might choose to set up and use your own social media sites in a personal capacity or to communicate with residents. However, please be aware that you will be viewed as personally responsible for everything on your sites including any link to any material on other web pages. All content which appears on your social media pages will be subject to the Councillors' Code of Conduct – so please ensure that you do not publish anything that could damage the council's reputation.

Councillor Conduct Committee: Work Programme 2015/16

ITEM	Lead/ Support Officer	16 July 2015	17 September 2015	2 December 2015	24 March 2016
Annual Report	Asmat Hussain/Penelope Williams				To agree Annual Report 2015/16
Work Programme 2015/16	Asmat Hussain/ Penelope Williams	To Agree the Outline Work Programme for 2015/16	Work Programme Monitoring	Work Programme Monitoring	Work Programme Monitoring
Review of Code of Conduct and Complaints Processes	Asmat Hussain				Review
Update on Complaints Received	Asmat Hussain	Update	Update	Update	Update
Independent Persons Training	Independent Persons			Report on training Received	
Complaints – Review of complaints received in 2015/16	Asmat Hussain				
Member Training			Update		
Media Relations for Councillors	David Greely				
Gifts and Hospitality	Asmat Hussain	Report			
Internet and Email Usage Policy for Councillors					
Review of Planning and Licensing Committees Code of Practice					
Treating					
Regular update on Standards Matters – bringing members attention to recent standards news items for information.	Asmat Hussain	If required	If required	If required	If required
Review of Protocol for Member Officer Relations					
Review of Member's Expenses					

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London Borough of Enfield

Members Information Security Policy

Author	Mohi Nowaz	Classification	UNCLASSIFIED	Date of First Issue	28/05/2014
Owner	IGB	Issue Status	FINAL	Date of Latest Re-Issue	
Version	1.0	Page	1 of 15	Date approved by IGB	
				Date of next review	28/05/2015

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1. Introduction

Information security means safeguarding information from unauthorised access or modification to ensure its:

- **Confidentiality** – ensuring that the information is accessible only to those authorised to have access;
- **Integrity** – safeguarding the accuracy and completeness of information by protecting against unauthorised modification;
- **Availability** – ensuring that authorised users have access to information and associated assets when required.

Information security is everyone's responsibility.

Enfield Council elected Members need to protect all information assets from the risks posed by inappropriate use. This includes protecting equipment and information from unauthorised or unlawful access, accidental or deliberate loss, damage, theft, disclosure or destruction.

This policy applies to elected members of the Council and will also apply to the following:

- Employees and agents of other organisations who directly or indirectly support or use the Council's Information Systems
- Temporary or agency staff directly or indirectly employed by the Council
- Users having access of any kind to the Council's systems, resources and/or networks

There is a specific Staff Information Security Policy which includes most of the content of this document.

This policy applies to all types of information, including, but not limited to:

- Paper
- Electronic Documents
- E-Mails
- Voicemail
- Text messages
- Web 2.0 records such as wikis, blogs and discussion threads
- Visual images such as photographs
- Scanned images
- Microform, including microfiches and microfilm
- Audio and video tapes, DVDs and cassettes
- Published web content (Intranet, Internet, Extranet, Social Media sites)
- Databases and information systems

Anyone who uses the Council's systems should be made aware of and be expected to comply with this policy and need to understand that the following UK and European legislation is relevant to information security:

Data Protection Act 1998

Freedom of Information act 2000

Computer Misuse Act 1990

Electronic Communications Act 2000

Copyright, Designs and Patents Act 1988

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This is a CONTROLLED document. Any printed copy must be checked against the current electronic version prior to use.

Human Rights Act 1998

Regulation of Investigatory Powers Act 2000

Telecommunications (Lawful Business Practice) Regulations 2000

A serious breach of this policy may lead to:

- withdrawal of ICT services
- A breach of the councillors' code of conduct and / or
- a criminal action being taken by the Police.

Compliance with this policy is part of your responsibility as a Councillor of Enfield Council. All incidents will be investigated and action may be taken in order to safeguard the Council and Councillors from legal action from residents, employees and statutory organisations.

2. Aims and Objectives

This policy aims to:

- Assist with raising the level of awareness of the need for information security as an integral part of the day to day business.
- Ensuring that Council Members are aware of and comply with the relevant legislation as described in policies and fully understand their own responsibilities.
- Ensure the Council's investment in information, software, hardware and other electronic resources is protected.
- Ensure the Council is compliant with law and government guidelines around information management.
- Safeguarding the accuracy, completeness and authorised accessibility of information and preventing unauthorised disclosure.

3. Using and Protecting our Assets

The Council encourages its stakeholders to seek innovative ways of using information technology in order to improve the way services are provided. This needs to be balanced with the need for information security, making sure that risk are managed and that assets are not used inappropriately.

The basic rules that apply are:

- The level of security required in a particular system, manual or electronic will depend upon the risks associated with the system, the data held on the system and the working environment of the system.
- A certain amount of limited and responsible personal use of our equipment is permitted. No Council assets or information can be used for your own commercial or business use or for political purposes (see Section 5).
- Enfield Council electronically audits computers, internet and email usage and random audits are also carried out when required.

- All information relating to our customers and business operations is confidential. You should treat paper-based and electronic information with equal care.
- Any correspondence, documents, records or handwritten notes that you create for Council related purposes, may have to be disclosed to the public under the Freedom of Information Act 2000 or the Data Protection Act 1998. Any comments recorded or notes written must therefore be professional.

Further information about using our ICT equipment can be found in the Acceptable Use Policy, available on the Member's Portal.

4. Provision of Council ICT equipment

The Council's ICT security arrangements are in line with central government's Public Services Network (PSN) Authority requirements, industry best practice (ISO 27001) and the Data Protection Act 1998. This document serves as an abridged version of the framework. As part of this, all councillors are required to sign the form in the **Privacy, Confidentiality, and Information Security Agreement** at the end of this document.

The Council provides councillors with technology to assist in the performance of their duties, which includes **laptops, iPads and Windows smart phones** together with software and materials provided for use with the computer. Anyone using the Council's equipment is required to undertake in writing that they observe and will comply with the procedures and protocols set by the Council as set out in this document.

Whichever choice is, or is not, selected, the Council will no longer automatically forward Council emails to personal email accounts such as hotmail, Google mail etc from 1 August 2014. This is to ensure the authority complies with the Government's PSN Code of Connection. Also, the Council will only send emails to a councillor at the @enfield.gov.uk email address.

The Council will provide a laptop or iPad that is technically secure, to enable the Councillor to access the internet, Corporate Email, Modern.Gov, Microsoft Office and necessary documents.

The Council provides the computer together with ancillary equipment and materials required, for the Councillor's functions as a Councillor. Use of this equipment by anyone other than a Councillor is not permitted.

Support for the device will be limited to resolving any issues with accessing Corporate information systems and will be provided by the authority's ICT section by telephoning the Customer Service Desk on 020 8379 4048 between the hours of 8.00 am to 5.00 pm – Monday to Friday. If you have any problems the equipment will need to be returned to the Civic Centre for inspection of faults, repair or replacement. Before coming into the Civic Centre please ring the VIP Support line on 020 8379 4048 to arrange an appointment.

All ICT equipment provided by the authority remains the property of the Council and must be returned at the end of the election term.

5. Using your Council ICT equipment

Councillors are required to act in accordance with the Council's requirements when using the resources of the Authority. IT equipment must not be used for purely political purposes but may be used where part of the purpose could reasonably be regarded as likely to facilitate or be conducive to the discharge of the functions of the Authority or an office to which the Councillor has been elected or appointed by the Council. Constituency work would be regarded as proper use of the facilities provided subject to notification to the office of the Information Commissioner under the Data Protection Act 1998 (see the 'Councillors and the Data Protection Act section below).

The Council is prohibited by law from publishing any material of a party political nature. If a Councillor uses their IT equipment for the preparation of material of a party political nature in pursuance of council duties they must do so in a way which is not attributable to, or appears to be on behalf of the Council. No costs should be incurred by the council as a consequence of publication of any party political material by a Councillor using IT equipment provided at the expense of the Council.

A Councillor must not use IT equipment provided in any manner which will prevent or interfere with its primary purpose as a facility to assist in the discharge of the functions of the Council. Accordingly, the Councillor must not:

- a) misuse the computer in such a manner as to cause it to cease to function;
- b) install or use any equipment or software which may cause the computer to malfunction.

The Councillor shall make reasonable arrangements for the safe-keeping of the computer.

- a) laptops must be removed from a vehicle when it is left unattended
- b) computer equipment must be placed away from windows
- c) when not in use ICT equipment should be kept out of sight and preferably locked away

6. Using a Council issued laptop

If you are using a Council issued laptop then you will be able to access the Council's network from your laptop.

Information created or collected as part of working for Enfield Council is the property of the Council. For laptop users work related information should be saved to an individual's personal Documents folder on the Council network so that it can be stored securely.

Councillors must not store Council data on their own personal machines - data sets should only be accessed through the network.

The personal Documents folder is the property of Enfield Council. There should be no expectation of personal privacy on this Drive and the Council may require access to this folder with the approval of the Chief Executive.

Personal information about others held on the personal Documents folder is also subject to the Data Protection Act 1998 and may need to be disclosed to the person who the information is about, if they make a request to see it.

7. Using a Council issued iPad

If you are using an iPad then it is not possible to access the Council's network but you will still be able to access your Council email.

You will be able to store data on your iPad. You will also be able to save data on an externally hosted folder but please note that any documents that contain personal information or confidential Council information must not be stored externally.

8. Using Removable Media

The Council has a policy of restricting the use of USB sticks, digital memory cards and CDs/DVDs in order to meet our Privacy, Confidentiality and Information Security requirements.

A Council issued laptop will be able to read any USB stick, digital memory card or CD/DVD. You will also be able to copy files, images etc from these devices onto the network drive for work related purposes.

Using such media should be restricted to non-sensitive data wherever possible. However, in the event that you need to put sensitive data on removable media you should ensure that the data is encrypted.

The Council will provide you with a USB memory stick that will be encrypted and password protected prior to use. If you lose your USB stick you must report it as a security breach.

If you are using USB key/stick this can be achieved by the use of Council supplied encrypted USB sticks which prompt for a password whenever the key is inserted. The use of non-Council issued USB memory key/sticks is only permitted in the circumstances where you need to use a USB memory key/stick from a third party (e.g. someone from another organisation wishes to show a PowerPoint presentation). You may use this key only to read the required data from the device.

In the case of other devices such as CDS, DVDs the Data should be password protected using the software's (e.g. Word/Excel) own built-in mechanism or by creating a protected Zip file. Telephone the VIP Support line On 020 8379 4048 if you need further advice.

9. Reporting Security Incidents

An incident is an event that could cause damage to the Council's reputation, service delivery or even an individual. This could be a lost laptop or paper case file, a virus on the network or a damaged piece of hardware.

It is everyone's responsibility to ensure the safekeeping of any Council information or equipment in their control. Any theft or loss of any data or Council issued device used for Council business, email or containing Council related information must be reported to the VIP Support line or the ICT Security Analyst by completing the Information Security Incident / Risk Reporting Form, available on The Member's Portal. This needs to be done at the earliest opportunity.

The Council also needs to take action where potential incidents are identified. Where 'near misses' occur, these should be reported to VIP Support Manager and a local

decision taken as to whether the cause of the 'near miss' is one which could involve the enhancement of the policy or the process. If this is the case the Information Security Incident / Risk Reporting Form should be completed.

Please contact the VIP Support Manager for further information.

10. Internet Use

Enfield Council provides access to the information resources on the Internet to help Members carry out their role. The Internet must be used for lawful purposes only and you must comply with relevant legislation.

Internet access from the Council's network for personal use is at Enfield Council's discretion and should not be assumed as a given. Any misuse of this facility can result in it being withdrawn. Limited personal use of the Internet from a Council issued device is permitted.

We expect Members to use the Internet honestly and appropriately, to respect copyrights, software licensing rules, property rights, privacy and prerogatives of others, just as in any other business dealings.

Further information about using Internet use can be found in the Email, Internet and Social Networking Usage Policy, available on Enfield Eye.

11. E-mail Use

The e-mail system is for Council business use only. However the Council understands that Members may also need to send or receive personal e-mails using their work address.

Council business by email can only be conducted using an Enfield email account (e.g. no Hotmail or Gmail account can be used for Council business). Communicating with external individuals or organisations as required is permitted from the Enfield email account.

The Council will not allow the auto-forwarding of emails from a Council email account to an external email account used by a Member as this is in breach of the government's Public Services Network Code of Connection. Members will need to use their own personal email account if they do not wish to use the Council email account to conduct non-Council related Member duties.

Members will be provided with a Council issued laptop or iPad and a Windows smart phone to access their Council email and store a limited Council data in these devices. Data should be stored on the network as soon as possible to prevent loss of data if the device is lost or stolen. The devices will be encrypted to a standard required by the Public Services Network Code of Connection as well as the Information Commissioner's Office in order to meet the requirements of the Data Protection Act 1998.

Sending e-mails within the Council email system is secure. Sending e-mails externally is not secure and they can be intercepted and viewed by unauthorised people. Secure e-mail must be used when e-mailing information to external agencies or individuals when the content of the e-mail includes:

- Personally identifiable client or third party information

- Financial, sensitive or other information that could cause detriment to the Council or to an individual

Personal or sensitive business information must not be sent to an e-mail address outside of Enfield Council, unless it is absolutely necessary and the transmission is secure. This can be done using Egress Switch secure email and the Council can provide all Members with an Egress Switch account providing they use the Council email account.

Further information about transferring information securely can be found in the Email, Internet and Social Networking Usage Policy, and Secure Email Policy available on The Member's Portal.

12. Telecommunications

The Council may provide Telecommunication Services for Members to facilitate the performance of their work for Enfield Council. Users should not have an expectation of privacy in anything they create, send, or receive on telecoms equipment including Personal Digital Assistants (PDAs) and smart phones. However the authority of the Monitoring Officer or the Chief Executive will be sought before officers review any Councillors email and voice communications using Council equipment.

All use of phones must be in accordance with the Telecommunications Acceptable Usage Policy, available on The Member's Portal.

Details of calls made (e.g. sent to/from, date, duration and cost) are recorded on all mobile and most fixed line telephones. It will be assumed that all telephone calls or Short Message Service (SMS) messages made or received on Enfield Council equipment, are for business purposes unless the contrary is indicated.

It is everyone's responsibility to ensure the safekeeping of any telecommunications equipment in their control. Any theft or loss of any mobile device used for work email or containing work related information must be reported to the VIP Support Manager or the ICT Security Analyst by completing the Information Security Incident / Risk Reporting Form, available on The Member's Portal.

13. Access to Systems

It is a criminal offence under the Computer Misuse Act 1990, to deliberately attempt to access a system which you have no authority to access. ICT Services reserves the right to regularly monitor systems and unauthorised attempts at accessing systems may be investigated.

It is also a criminal offence under the Data Protection Act 1998 for any person to knowingly or recklessly obtain, disclose, sell or offer to sell personal information, without the permission of the data controller (Enfield Council). This is subject to certain exemptions. Full details about this offence can be found under Section 55 of the Data Protection Act 1998.

Members of the public and employees are entitled to see what information is held about them by Enfield Council. This includes handwritten notes, e-mails and any other information held electronically or in paper form. Always ensure that information is recorded in a professional manner.

Further information about Data Protection and its implication for information security can be found in the Data Protection Policy available on The Member's Portal.

14. Virus Control

Enfield Council seeks to minimise the risks of computer viruses through education, good practice/procedures and anti-virus software on laptops and PCs. It is a crime under the Computer Misuse Act 1990 to deliberately introduce malicious programmes into the network or server (e.g. viruses, worms, Trojan horses, e-mail bombs, etc).

All Enfield Council computers have approved anti-virus software installed and this is scheduled to be updated at regular intervals. Users need to ensure that the anti-virus software is being updated on their devices and to report any problems with anti-virus updates.

Users of Enfield supplied computer equipment must be aware of the risk of viruses from email, internet and any removable devices inserted into their machine. Users should never download files from unknown or suspicious sources. All spam e-mails should be deleted and suspicious attachments or those from an unknown source must not be opened.

If you are in doubt about any data received or suspect a viruses has entered your PC, log out of the network immediately, stop using the PC and inform the ICT Service Desk on 020 8379 4888. You should always follow the instructions that the service desk issues about virus attacks.

15. Passwords

All users are given a unique Username and Password. Passwords should not be written down, kept where others might find them and must not be shared with anyone else.

The strength of your password will depends on the different types of characters that you use, the overall length of the password, and whether the password can be found in a dictionary. It should be 8 or more characters long.

All passwords must conform to the password standard which is as follows:

Password length must be a minimum of 8 characters and contain the following:

- At least one Numeric (0 1 2 3 4 5 6 7 8 9)
- At least one upper case (A B C D E F G H I J K L M N O P Q R S T U V W X Y Z)
- At least one lower case (a b c d e f g h i j k l m n o p q r s t u v w x y z)
- At least one special character (* ! # . @ # \$ % ^ & * ,)

It is the Councillor's responsibility to ensure their password for accessing any Corporate Information service is not shared with any other person and that connection to such services is ended by logging off the system, as soon as work is completed or the connection is left unattended. This is to prevent unauthorised access to information.

If it suspected that someone else may know their password, or any security problem has occurred, Councillors must report this to the Customer Services Centre on 020 8379 4888 immediately so it can be rectified.

Further information on passwords can be found on the Access Control Policy, available on The Member's Portal.

16. Information Classification

Information classification or protective marking of information assets are used to:

- Determine the level of protection needed for the data
- Indicate that level of protection to other people
- Established a consistent approach to ensuring that data is appropriately protected.

To make sure that we neither over nor under protect information the Council has adopted the Government Protective Marking System. The Council uses the following three classifications:

UNCLASSIFIED or NOT PROTECTIVELY MARKED PROTECT RESTRICTED

The Council must not use the "Confidential", "Secret" or "Top Secret" classifications since this is reserved for Government use only and are subject to a very high level of information security. The Council will only receive "Restricted" information from the Government or agencies such as the Police.

Note - if a protective marking is not applied, the information will be considered UNCLASSIFIED.

The Council can use sub-categories to this classification if required, such as:

Descriptor	Description
PROTECT - COMMERCIAL	Material which relates to a commercial undertaking's processes or affairs.
PROTECT - MARKET SENSITIVE	Material which may reasonably be expected to affect a share price (e.g. material in Conclusions and Summary of a draft inquiry report).
PROTECT - PERSONAL	Material which should only be seen by the individual to whom it is addressed (e.g. a letter on a pay award, or disciplinary action).
PROTECT - STAFF	Material exchanged between managers, where references are made to named or identifiable individual(s) (e.g. a discussion on plans to reallocate staffing roles). LBE includes in this descriptor Members and third-party contractors, their directors, partners and employees.
PROTECT - MANAGEMENT	Material which concerns policy and planning affecting the interests of groups of employees, members or third-party contractors.

PROTECT - APPOINTMENTS	Material concerning actual or potential appointments that have not yet been announced.
PROTECT - CONTRACTS	Material concerning tenders under consideration and the terms of tenders accepted.

These descriptors can also be used with RESTRICTED.

Paper documentation with business critical information on should not be taken off site, particularly if it has protective marking applied. Where paper documentation is taken off site this must be securely locked away when not in use.

All data marked as "PROTECT" or above stored on any removable media must be encrypted.

Further information about information classification can be found in the Information Classification Policy available on The Member's Portal.

17. Security of Equipment

Users are required to screen-lock their computers when leaving the room, for any length of time. To lock your computer screen, press the Windows key + L key at the same time.

Unsecured laptops and other portable equipment should never be left unattended. You should lock your laptop using a laptop security cable lock when left unattended but it is good practice to lock it at all times to help prevent it from being stolen. It is your responsibility to ensure that adequate safeguards are taken to protect your equipment.

All confidential or sensitive information held in paper form, should be shredded or ripped up and placed in the 'confidential waste sacks' located in Council buildings, when they are no longer required. Personal or sensitive information must not be disposed of in the black general waste sacks. These sacks are not held or disposed of securely and can be accessible to the public.

All confidential documents that have been sent to a shared printer should be collected immediately, to ensure they are not picked up or read accidentally or deliberately by someone not authorised to see the information.

Further information about using security of equipment and information can be found in the Acceptable Use Policy, available on The Member's Portal.

18. Remote Working

Working remotely can pose several security risks. To help reduce these risks, you should ensure you carry out the following:

- Position yourself so that your work cannot be overlooked by others not authorised to see the information.
- Take precautions to safeguard the security of any computer equipment on which you do Enfield Council business, and keep your passwords secret.

- Inform the Police, the VIP Support Manager and the ICT Security Analyst as soon as possible if any sensitive paperwork or computer equipment has been stolen or lost and complete the Information Security Incident / Risk Reporting Form, available from The Member's Portal.
- Ensure that any work you do remotely is saved on Enfield Council's network or is transferred to it as soon as possible.
- Ensure that secure ID tags or memory sticks are kept separately from computer equipment when not in use.
- Computer equipment should not be left on view in vehicles, public transport or hotels or left in vehicles overnight.

Remember that these rules apply equally when you working at home. Not even a member of your family should have access to Enfield Council's information.

19. Disclosure of Information

Personal or sensitive business information held by Enfield Council must not be disclosed to anyone internally or externally, unless the person disclosing the information is fully satisfied that the enquirer or recipient is authorised in all respects and is legally entitled to the information. Verification can be sought from the Council's Information Governance Board when this is not clear. To learn more about sharing information, refer to the Information Handling and Protection Policy, available on the Member's Portal.

If you have received a request for information from a member of the public, or another organisation and they mention the Freedom of Information Act 2000 or the Data Protection Act 1998, contact your VIP Support Manager for further advice if it involves Council information.

Further information about this can be found in the Freedom of Information Policy and the Data Protection Policy available on The Member's Portal.

20. Physical Security

Council office areas are protected by appropriate entry controls to ensure that only authorised personnel are allowed access. All members are required to wear visible identification.

Further information about this can be found in the Physical and Environmental Security Policy, available on The Member's Portal.

21. Disposal of Computer Equipment

If you have any redundant, faulty or unused hardware or software, contact the Enfield IT Service Desk on 020 8379 4048. Do not dispose of this yourself. The disposal of all IT equipment e.g. PC's, printers, laptops, tablet PCs, PDAs etc must be carried out in a secure manner to ensure that no data is left on devices that can be retrieved after disposal.

LONDON BOROUGH OF ENFIELD
Privacy, Confidentiality, and Information Security Agreement

As a user of Enfield Council's IT systems and data, I understand that I am responsible for the security of my User ID (login) (s) and Password(s) to any computer system for which I am granted access. I understand that I have the following responsibilities:

- Adhere to the Council's information security policies & processes
- Follow security procedures for the information systems I access
- Use only software authorised for use and prevent the introduction of unauthorised software
- Choose effective passwords and log on to Council systems using my own ID and passwords only
- Not give my password to anyone else to log into the network or business systems and ensure that the password is not written and accessible to anyone else.
- Ensure that I lock my computer screen when it is left unattended
- Accept accountability for all activities associated with the use of my individual user accounts and related access privileges
- Ensure the security of any computer equipment taking appropriate measures such as cable locks and storage in lockable cupboards to secure equipment at work location and off site
- Not to change the computer configuration unless specifically approved to do so
- Take appropriate precautions against viruses
- Use email, public networks and the Internet in a professional manner
- Maintain the confidentiality of information disclosed to me as part of my duties, even when I am no longer an elected Member
- Report policy violations, security breaches or weaknesses to the appropriate person
- Not download any personal information about staff or customers to any unencrypted removable media
- Maintain an awareness of UK information legislation and ensure that all information is processed in accordance with the Data Protection Act 1998.
- If I am about to leave the council, I will inform Democratic Services prior to departure of any important information held in my account and manage my account in accordance with the council's email and records management policy.
- I acknowledge that my use of the network may be monitored for lawful purposes.

I understand that where I have access to or use of information classified as PROTECT or RESTRICTED, additional protections are expected.

I understand that I must maintain and safeguard the confidentiality of any and all PROTECT and/or RESTRICTED information accessed or obtained in the performance of my authorized duties or activities. I will not access, use, and/or disclose PROTECT and/or RESTRICTED information for any purpose other than the performance of authorized activities or duties. I will limit my access, use and disclosure to the minimum amount of information necessary to perform my authorized activity or duty.

I have been given access to all of Enfield Council’s Information Security Policies and Guides relevant to my role as an elected Member.

In order to fully understand my responsibilities with respect to Privacy, Confidentiality and Information Security I undertake to complete the following training course:

Data Protection Act

I understand that failure to comply with the above Privacy, Confidentiality, and Information Security agreement may result in denial of access to information and termination of my access to the London Borough of Enfield’s ICT services.

Policy Declaration

I confirm that I have read, understood and will adhere to Enfield Council’s Members Information Security Policy.

By signing this Agreement, I understand and agree to abide by the conditions imposed above.

Signature:

Name:

Council Ward:

Date:

To be retained by Democratic Services

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MUNICIPAL YEAR 2015/2016 - REPORT NO. **40**

MEETING TITLE AND DATE
Councillor Conduct Committee

Thursday 16th July 2015

REPORT OF:
Asmat Hussain
Monitoring Officer and Assistant
Director of Legal and
Governance

Contact officer and telephone
number: 0208 379 6438
E mail:
asmat.hussain@enfield.gov.uk

Agenda - Part:1	Item: 7
Subject:	
Gifts and Hospitality	
Wards:	
Key Decision No: <i>(if applicable)</i>	
Cabinet Member consulted:	
N/A	

1. EXECUTIVE SUMMARY

- 1.1 This report is an annual update providing information to the Councillor Conduct Committee on the gifts and hospitality register and an overview of the process for the period 2014 to 2015.

2. RECOMMENDATIONS

- 2.1 To agree the Guidance Note attached at Appendix 1.
- 2.2 To note the data for the period to 2014 – 2015.

3. BACKGROUND

The Councillors Code of Conduct requires Members to register with the Monitoring Officer any gifts and hospitality and the offer of any gift or hospitality

with an estimated value of £25.00 or more. Offers made but refused must also be disclosed.

The Guidance note at Appendix 1 offers clear information for Members on what is a gift or hospitality and when to complete the register. If agreed, it will be circulated to all Members and placed on the intranet and Members Portal for ease of access.

The register records a total of 27 completed forms in the period 1 April 2014 to 31 March 2015, as shown in the table below.

Gifts and Hospitality Forms April 2014 – March 2015		
Accepted	Declined	Total
17	10	27

For the same period in 2013 – 2014, 19 forms were completed by Members.

4. ALTERNATIVE OPTIONS CONSIDERED

None

5. REASONS FOR RECOMMENDATIONS

To provide guidance and assistance to Members on when to register a gift and hospitality and adopt the note at Appendix 1.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

There are no financial implications.

6.2 Legal Implications

The Council has a duty to promote and maintain high standards of conduct of Members. The Code of Conduct is drafted in accordance with the Localism Act 2011.

The Gifts and Hospitality guidance note does not remove Members' duties under the Bribery Act 2010. However; the guidance note seeks to assist members in understanding when to register a gift or hospitality.

6.3 Property Implications

None

7. KEY RISKS

None

8. IMPACT ON COUNCIL PRIORITIES

The report contents and the guidance note appendix meet the Council priorities of Fairness for All, Growth and Sustainability and Strong Communities.

9. EQUALITIES IMPACT IMPLICATIONS

No equality impact assessment/analysis has been undertaken as it is not required.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

None

11. HEALTH AND SAFETY IMPLICATIONS

None

12. HUMAN RESOURCES IMPLICATIONS

None

13. PUBLIC HEALTH IMPLICATIONS

None

Background Papers: None

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Members' Gifts and Hospitality Guidance note

1. Meaning of gifts and hospitality

1.1 The expression of 'gifts' and 'hospitality' have wide and evolving meanings and no conclusive definition is either possible or desirable.

1.2 Enfield Council shall interpret gifts and hospitality to include:

- Gift of any goods or services;
- The opportunity to acquire any goods or services freely or at a discount or other terms not available to the general public;
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public.

1.3 Common gifts include pens, diaries, calendars and other business stationery, key rings, articles of clothing, books, flowers and promotional items.

1.4 Common hospitality include lunches, dinners or refreshments

1.5 Where the gift and/or hospitality has an estimated value of £25.00 or more (in accordance with our Code of Conduct), it must be registered. Where the gift or hospitality has an estimated value below £25.00, you should consider whether declaration would be appropriate in the circumstances.

1.6 When considering whether to declare you should:

- (a) Define gifts and hospitality widely
- (b) Ask yourself "would I have been given this if I was not a member of the Council?" and "what was in the mind of the giver?"; and
- (c) Always register a gift or hospitality (subject to financial limits) if it could be seen as something given because of your position.

1.7 If you are in doubt as to the motive behind a gift or hospitality, it is recommended that you register it or speak to the Monitoring Officer

1.8 You do not need to register gifts and hospitality which are not related to your role as member, such as Christmas or birthday gifts from friends or family.

2. Legal Position & general caution

2.1 The Bribery Act 2010 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement or reward for doing or forbearing to do anything in respect of any matter or transaction in which the Council is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 10 years or a fine or both.

- 2.2 The fundamental principle must always be that any offer of a gift or hospitality should be treated with great care.
- 2.3 Your prime duty as a Member is to ensure that there is no conflict of interest in the performance of your duties.
- 2.4 Treat with caution any gift or hospitality that is made to you personally. Your personal reputation and that of the Council can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.
- 2.5 You should consider carefully all the circumstances surrounding the offer of a gift or hospitality. The scale, amount of the offer and the potential frequency and source are relevant factors.
- 2.6 Also be sensitive to the timing of the offer in relation to decisions which the Council may be taking, affecting those making the offer.
- 2.7 You should avoid hospitality in situations where you would be the sole guest or at least treat such situations with particular care.

3. Member's decision

- 3.1 The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived by an ordinary member of the public.
- 3.2 To refuse may cause misunderstanding or offence. However, to accept may give rise to questions of impropriety or conflict of interest, which are likely to be of more significance to you when making your decision.
- 3.4 When you need to decide whether to accept hospitality, you must ask yourself some basic questions, for example:
 - Is a benefit to the council in accepting the invitation?
 - Is the entertainment lavish?
 - Are you accepting too much hospitality from the same source?
 - Whether just your attendance at an event might be open to interpretation as a signal of support?
- 3.5 No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. In any case of doubt, advice should be sought from the Monitoring Officer.

4. Code of Conduct requirements

- 4.1 The Member Code of Conduct requires that you register on the Council Register of Gifts and Hospitality (maintained by the Monitoring Officer)

- 4.2 You must register the receipt of any gifts or hospitality including those you have refused with an estimated value of £25.00 or more, in the conduct of the business of the Council, the business of the office to which you have been elected or appointed or when you are acting as representative of the Council.
- 4.3 You must also register the source of the gift or hospitality.
- 4.4 You must register the gift or hospitality within 28 days of its receipt/acceptance.
- 4.5 If you are dealing with Council business at a meeting (or otherwise) where the donor of the gift or hospitality is affected, you need to consider whether to make a declaration of the gift or hospitality to the meeting for the purpose of complete transparency. Declaration will not mean that you cannot participate in the Council business; however you may consider it appropriate not to participate depending on the circumstances.
- 4.6 Where any gift or hospitality (no matter the value) is accepted, it may be advisable (depending on the circumstance) to inform the donor that acceptance will not confer any advantage for that donor in his/her dealings with the Council.

5. Series of gifts or hospitality adding up to £25 or more in value

- 5.1 The registration requirement in the Code is limited to gifts or hospitality worth £25.00 or more. If you receive a series of gifts or hospitality from the same source that add up to £25.00 or more, then this must be registered as an accumulation. You may have to estimate the value of the gifts or hospitality.

6 Gifts and hospitality below the £25 threshold

- 6.1 You are encouraged to register with the Monitoring Officer, any gift or hospitality you receive which you estimate to be below the £25.00 threshold but there is no obligation to make a disclosure at a Council meeting of the source of the gift or hospitality.

7. What to avoid

- 7.1 In deciding whether it is appropriate to accept any gift or hospitality, you must apply the following principles:
 - Do not accept a gift or hospitality as an inducement or reward for anything you do as a Member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward, you must decline it. 'Reward' includes remuneration, reimbursement and fee.
 - Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
 - Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.

- Do not solicit any gift or hospitality and avoid giving any perception of doing so; do not accept a gift or hospitality, if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality from:

(i) Parties involved with the Council in a competitive tendering or other procurement process.

(ii) Applicants for planning permission and other applications for licences, consents and approvals.

(iii) Applicants for grants, including voluntary bodies and other organisations applying for public funding.

(iv) Parties in legal proceedings with the Council.

(vi) Council owned companies (wholly-owned companies are separate bodies from the Council).

- 7.2 It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Council. The onus would be on you to disprove corruption in relation to the receipt of a gift or hospitality from a person holding or seeking to obtain a contract from the Council.
- 7.3 Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer.
- 7.4 It is a well-established and recognised rule that no Councillor or other public servant should accept gifts, hospitality, or services from anyone, which would or might appear to place him/her under an obligation.
- 7.5 If you are in doubt about what is proper, there are three particular things you should bear in mind;
- DO err on the side of caution. If the thought of the acceptance of the gift or hospitality becoming public makes you uncomfortable, do not accept;
 - DO consult the Monitoring Officer if you are still unsure;
 - DO consider if you decide to go ahead to record with the Monitoring Officer that you have addressed the issue of propriety and setting out your reasons for believing that your actions comply with the guidance.

8. Mayor

- 8.1 There are no special rules for those who serve as Mayor.
- 8.2 Any gift or hospitality made to the authority, for example a commemorative goblet which is kept on display in the authority's offices, will be registered by the authority for audit purposes. The Mayor will attend social functions and these are recorded in the Mayoral Diary and documented.
- 8.3 Where the Mayor is invited to social functions or gifted with present in the capacity of the "Mayor" he/she will not be required to register the gift(s) or hospitality received/declined or accepted in this role. Where the member acting as Mayor, receives any gifts or hospitality in

his or her capacity as member, there is a requirement to register any such gifts and hospitality. The question the Mayor may ask themselves is “Would I have received this gift or hospitality even if I were not the mayor?” If the answer is yes then it must be registered.

9. Gifts and hospitality declined.

- 9.1 There is a requirement under the Code of Conduct any gifts or hospitality declined to be disclosed for the value of £25.00 or more.
- 9.2 The guidance also applied to declined gifts and hospitality and the register to be completed.

10. Reporting of inappropriate gifts and hospitality offered

- 10.1 It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Council. You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.
- 10.2 You may thereafter be required to assist the Police in providing evidence.

11. Overseeing this Protocol

- 11.1 The Councillor Conduct Committee has responsibility for overseeing compliance with this guidance and allegations of any failure to meet the guidance must be made in writing to the Monitoring Officer.

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LONDON BOROUGH OF ENFIELD

**NOTIFICATION OF AN OFFER OR RECEIPT OF MONEY, FAVOURS,
GIFTS OR HOSPITALITY BY A MEMBER OF
THE LONDON BOROUGH OF ENFIELD**

*The Code of Conduct now requires that members declare offers of money, favours, gifts or hospitality **accepted** over the value of £25.00 and also those which have been offered but **declined***

To: The Monitoring Officer

I, (full name)

Name of person/organisation concerned

Nature of money, favours or gifts offered

Nature, location, date and time of hospitality

I accepted/declined the money/favours/gifts/hospitality*

DateSigned

*delete as applicable

NOTE – This notification must be given by a Member to the Monitoring Officer within 28 days of declining any gift or hospitality or receiving any gift or hospitality over the value of £25.00

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MUNICIPAL YEAR 2015/2016 - REPORT NO. 49

MEETING TITLE AND DATE

Councillor Conduct Committee

16 July 2015

REPORT OF: Asmat Hussain
Monitoring Officer and Assistant
Director Legal and Governance

Contact officer and telephone number:
Asmat Hussain (Assistant Director
Legal and Governance)
Tel: 020 8379 6438
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Agenda - Part: 1	Item: 8
Subject: Dispensations granted by the Monitoring Officer – Annual Update	
Wards: Not ward specific Key Decision No: N/A	
Cabinet Member consulted: Not applicable	

1. EXECUTIVE SUMMARY

This report is an annual update, providing information to the Councillor Conduct Committee, on the dispensations granted in relation to the declaration of disclosable pecuniary interests in 2014/15.

2. RECOMMENDATIONS

To note that the Monitoring Officer granted a dispensation to councillors at the Council meeting held on Wednesday 25 March 2015, which allowed all of them to participate in the debate and decision, on the Opposition Priority Business item: the cost of temporary accommodation and what can be done about it.

3. BACKGROUND

The Councillors Code of Conduct requires that members register any disclosable pecuniary, other pecuniary and non-pecuniary interests in the Register of Members Interests. If a councillor has an interest in a matter under discussion at a meeting of the authority and is aware of that interest, it

must be disclosed at the meeting. If they have a disclosable pecuniary interest they must:

- Not participate or participate further, in any discussion at the meeting.
- Not participate in any vote, or further vote, taken on the matter at the meeting.
- Leave the room until the conclusion of the matter under discussion.

If the member has a disclosable pecuniary interest in a matter coming before a meeting of the authority, they can make a written request to the Monitoring Officer beforehand for a dispensation, which if granted would allow them to participate in the discussion and vote.

A dispensation may be granted in the following circumstances:

- (a) Where members of the decision making body have disclosable pecuniary interests in a matter that would “impede the transaction of the business”.
- (b) That without the dispensation, the representation of different political groups on the body conducting the business would be so upset as to alter the outcome of any vote on the matter.
- (c) That the authority considers that the dispensation is in the interest of persons living in the authority’s area.
- (d) That the authority considers that it is otherwise appropriate to grant a dispensation.

Any grant of dispensation must specify how long it will last, up to a maximum of 4 years.

Dispensations under (a) and (b) above shall be decided by the Monitoring Officer, with the right of appeal to the Councillor Conduct Committee. Those in (c) and (d) shall be considered by the Councillor Conduct Committee, after consultation with the Independent Person(s).

Before the 25 March 2015 full Council meeting, the Monitoring Officer received a request, signed by the Leaders of both political groups, for a dispensation to be granted under circumstances (a) and (b) above, to enable all councillors to participate in the debate and decision on the cost of temporary accommodation opposition priority business item. A copy of the request is attached as appendix A and a copy of the business paper as appendix B.

So many members would have had to declare a disclosable pecuniary interest in the item, and therefore would have been prevented from taking part in the decision and the debate, that this would have impeded the transaction of business and so upset the representation of the different political groups, on the Council, as to alter the vote.

Having considered the request, the Monitoring Officer agreed to grant the dispensation. This only applied for the 25 March 2015 meeting.

There have been no other dispensations granted this year.

4. ALTERNATIVE OPTIONS CONSIDERED

None.

5. REASONS FOR RECOMMENDATIONS

The remit of the Councillor Conduct Committee includes responsibility for requests for dispensations, by councillors and co-opted members, relating to interests set out in the Councillor Code of Conduct.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 **Financial Implications** – There are no financial implications.

6.2 Legal Implications

The Terms of Reference of the Councillor Conduct Committee includes within its remit the requirement to consider requests for dispensations by councillors and co-opted members relating to member interests in relation to circumstances c and d as set out above.

It is good practice for the granting of the dispensations by the Monitoring Officer to be reported to the Councillor Conduct Committee.

7. KEY RISKS

None identified.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All, Growth and Sustainability and Strong Communities

Granting the dispensation allowed all members to take part in the discussion on the issue of the cost of temporary accommodation in Enfield.

9. **EQUALITIES IMPACT IMPLICATIONS**

An equalities impact assessment was not necessary for this decision.

Background Papers

None

Dear Asmat Hussain

Can you please grant a dispensation to all Councillors to Full Council on the 25th March 2015 for Opposition Priority Business on the following grounds:-

- 1 Where members of the decision making body have disclosable pecuniary interests in a matter that would "impede the transaction of the business"
- 2 That without the dispensation, the representation of different political groups on the body conducting the business would be so upset as to alter the outcome of any vote on the matter

The dispensation to last for this meeting only.

Signed




Date

25/3/15

Councillor Doug Taylor Leader of the Council

Signed



Date

25/3/15

Councillor Terry Neville Leader of the Opposition Group

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Opposition Priority Business –Council meeting 25th March 2015

The cost of temporary accommodation and what can be done about it.

Background

We make no apology for returning to this topic because the spiralling cost of temporary accommodation (TA) is the single largest cost pressure facing the council next financial year. The Director of Finance estimates that the burgeoning cost of TA will cost the Council £7.7m in 2015/16. The total number of households in TA in Enfield stands at 2,698 of which 1,102 are housed in emergency accommodation. This is the 4th highest in London.

The cost of TA is the difference between the housing subsidy the council receives from the Government (calculated as 90% x local housing allowance (LHA) per week +£40 management fee per unit) and the rents the Council has to pay local private landlords to secure temporary accommodation. The LHA is the 30th decile of the private sector rented market rent level for the Broad Market Rental Area (BMRA). The BRMA boundaries are set by the Government and cover Barnet, Enfield and parts of Haringey. The local BRMA rent levels are the second highest in outer London, which may explain the attraction of Edmonton to private landlords.

The reason the Council places people in temporary accommodation is that the Council has a legal duty to house households that are eligible for homelessness status. This duty was introduced in the 1960s and hasn't been changed substantially by governments of either colour. In days gone by, councils would place homeless families in council or housing association properties. Since the introduction of the Localism Act in 2011, Councils have been able to discharge their duty by placing homeless households in private rented property, whether those households agree or not.

Enfield introduced a new allocations policy three years ago to take advantage of this new power. It had little choice because the demand from, non-homeless households in housing need (primarily decants from its regeneration scheme, overcrowded households, and the disabled, etc) was using up the available supply of new lets of permanent rented accommodation.

The Council is now faced with a major problem in trying to find enough suitable homes for homeless households in the private rented sector in the Borough. Although the private rented sector has grown to be almost a third of the housing stock, these properties are being competed for by increasing numbers of working households that can no longer afford to buy and also by other local authorities who are trying to find homes for their homeless households.

This demand caused by London's magnetic attraction to the rest of the world and within the Country is pushing up house prices and rents across the Capital. The Council (and other councils are increasingly having to place new homeless households in emergency (or what is often termed nightly paid or bed and breakfast) accommodation. Typically, the rent for emergency accommodation in Enfield is about 40% higher than the Local Housing Allowance. Broadly speaking, this difference has to be found from the Council's own resources.

The increasing procurement of rented property by other boroughs is largely due to the unintended consequences of the benefits cap (£500 per week for adult households). This cap is set by the Government at the median national household income and is not subject to tax. Households where an individual works for more than 16 hours a week are exempt from the cap. Although this policy has resulted in large numbers of people obtaining work, the vastly higher living costs in the Capital mean that households in temporary rented accommodation that cannot find employment and live in expensive central areas have to be moved to cheaper areas. This policy doesn't affect most council and housing tenants who live in Central London who do not work because their rent level are much lower than in the private sector.

The majority of households who do not work are lone parents (some 65% of the families in temporary accommodation in Enfield) but also people with mental and physical health disabilities. Whilst the Government has exempted child care from the cap, success in encouraging these groups to take up work has been slow in coming and may not be practicable for a significant proportion of such households.

Reducing the number of households accepted as homeless

Households that present themselves as homeless to the council face several tests laid down by the Government before they can be accepted and the Council becomes responsible for finding them a home. (It is interesting to note that the Homelessness duty was first introduced in the 60s by the then Government of Harold Wilson because several householders in a Welsh town were flooded out and the Council refused to re-house them. The Homelessness duty is now the tail that wags the dog and before the Localism Act virtually all new council and housing association lets were given to homeless families).

The number of households accepted as homeless has steadily risen as a percentage of the numbers who have presented themselves to the Council. 56% were refused in 2011/12 reducing to 28% in 2013/14.

Under Government Guidelines, families presenting themselves must demonstrate that they have no accommodation in the UK or abroad; they must be British or EU citizens or be entitled to live in the UK; they must be in priority need, e.g. have dependent children or be pregnant; they must not have made themselves intentionally homeless, e.g. failed to pay the rent; and finally they must have a local connection, e.g. having lived in the borough for 6 out of the last 12 months or 3 out of the last 5 years or have family connections.

Therefore to take a simple imaginary case: a pregnant EU citizen who claims to have worked in the past and has left her home country because of domestic violence and has a cousin in Enfield would be entitled to be re-housed by the Council. Officers would find it difficult to disprove any of these claims, apart from pregnancy, particularly if the woman didn't speak English.

We argue that the Council must take a far more sceptical and rigorous approach to homeless applicants. The burden of proving claims under the homelessness guidelines should rest with the claimant. Proper documentary proof should be provided that demonstrates the household has no living accommodation in their country of origin. Family

relationships need to be proved by the production of birth certificates, etc. Work records need to be produced by applicants, etc. This may sound harsh but Enfield must not be seen as a soft touch if this problem is going to be contained.

The Council has to have the courage of its convictions and face up to legal challenges that this tougher stance may generate.

Provide greater financial incentives to private landlords

Most new homeless households are being placed in emergency accommodation by the Council because there is no permanent private rented accommodation and the cheaper forms of TA have dried up. Current rent levels in Enfield are shown below for 2 bed and 3 bed properties:

	2 bed	3 bed
LHA	£246 p.w.	£303 p.w.
Median private rent	£278 p.w.	£321 p.w.
Emergency accommodation	£340 p.w.	£400 p.w.

The Council offer financial assistance with deposits in the form of cash payments or guaranteed bonds. It also provides one off non-refundable payments of £1000 to landlords and agents to secure rented properties. Brent Council is said to be willing to offer £5,000 per property in Enfield to secure it. The Council's incentive payments are funded by the Homelessness Prevention Grant (£547,000 in 2015/16). Inner London local authorities receive much higher amounts.

Enfield policy currently is to pay landlords at LHA rent levels on which housing subsidy is based.

We advocate a more targeted approach to landlords who have in the past provided TA on a leased or leased annexe basis but may be considering evicting homeless households in order to re-house them later on an emergency basis at higher rent levels.

Emergency accommodation may generate higher rents, but there are some disadvantages to landlords. There tends to be a rapid turnover of tenants (or licensees to be precise) and consequential void and cleaning and other costs and general uncertainty. We feel that a better and more cost effective balance could be achieved by agreeing higher rents than LHA levels in return for longer term security and lower turnover. We advocate that Officers should put together a revised tenure package that sets out the financial and other benefits of staying with the private sector leasing model.

Moving homeless households in TA beyond the Borough boundaries.

Enfield received more homeless families from other Councils last year than any other borough in London, except for Lewisham and Croydon (approx 1550 compared with 1,900

and 1800). The main placing authorities as far as Enfield is concerned are Barnet, Haringey and Waltham Forest.

The London Council's Pan London Agreement on Inter-Borough Accommodation placements signed in April 2011 states that placing boroughs should not offer private landlords more than the receiving Borough would. This agreement like the previous version is now pretty much a dead letter. Moreover, the private landlords have recently given notice that a case will be brought to prevent anti-competitive behaviour by Enfield in placing households in TA.

Officers in Enfield are currently trying to reach a bi-lateral partnering agreement with an adjacent council to enable them both to procure substantial numbers of properties for rent at lower fixed cost to avoid some of the problems described above. We look forward to receiving further detailed information on the progress of this initiative.

Notwithstanding the efforts to mitigate the costs of TA by the Council, the cost continues to spiral ever upward. In Q2 2014/5 Enfield placed 94 households in other London boroughs. Barnet placed 304 and Southwark placed 437. More importantly, 423 households in total were placed out of London in Q2 2014/15. Barnet moved 64 households out of London, the highest number in London. Enfield have moved no (or very few) households out of London.

DCLG has issued detailed guidance on the definition of suitable rented property. We recognise local authorities need to take into account that accommodation should be found as close as possible to where the applicant was living previously; disruption to employment; caring responsibilities and the need to minimise disruption to children's education.

Officers have looked at the cost saving that could be achieved by moving households in TA to areas on the other side of the M25. The cost saving is achieved by moving households to an area where the difference between rental cost and the LHA is lower than in Enfield. Several promising areas have been identified, such as Hatfield and Welwyn. Officers need to also look at other areas in Essex.

Councillor Oykenner has indicated that the Council will not move households outside the M25 if they do not want to go. In our view this is unrealistic. Households need to be identified, who meet the DCLG guidance and who live currently in expensive emergency accommodation. It is absurd to think that properties in Enfield often in tower blocks are more desirable than properties in more rural areas, particularly for families with small children. We are looking for evidence that the Administration is serious about pursuing this approach.

Conclusions

We acknowledge that this is a complex area with no simple solutions. It is also a problem for which the Council is not wholly responsible. However, the Council will be held to account if it does not take the difficult decisions needed and implement them vigorously. We are informed by officers that the council is looking at all of the options listed described above.

This report does not deal with the most obvious solution of all which is for the private sector and the Council to build more housing for owner occupation, for private rent, and for social housing because that is common ground between the parties locally and nationally.

This paper also doesn't deal with losses of Council stock through Right to Buy because this is currently government policy that the Council cannot alter and also the Council is seeking ways to replace these losses with new stock on a one to one basis. We will monitor its success in this regard.

Finally, the paper doesn't cover the Council's main initiative to deal with the cost of Temporary Accommodation, i.e. the Gateway project (spending £100m over 5 years on purchasing private housing in the Borough to alleviate the TA crisis). We think this will make it even more difficult for first time buyers to purchase a property and that the money would be much better spent increasing the social housing stock or purchasing properties in cheaper areas outside London.

Recommendations

We urge the council to:

- Reduce the number of households being accepted as homeless by placing the burden of proof on claimants to demonstrate that they meet the tests laid down in Government guidelines.
- Incentivise private landlords to let to Enfield Council at rents that more closely reflect market levels in order to reduce the use of more expensive emergency accommodation.
- Take steps to move significant numbers of households currently in emergency accommodation to cheaper areas outside the M25.

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COUNCILLOR CONDUCT COMMITTEE - 24.3.2015

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE
HELD ON TUESDAY, 24 MARCH 2015****COUNCILLORS**

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

OFFICERS: Asmat Hussain (Assistant Director Legal and Governance) and Keiley Broadhead (Legal Officer) Penelope Williams (Secretary)

471**WELCOME AND APOLOGIES**

The Chair welcomed everyone to the meeting. There were no apologies.

472**DECLARATION OF INTERESTS**

There were no declarations of interests.

473**SUBSTITUTE MEMBERS**

There were no substitute members.

474**INDEPENDENT PERSON - EXTENSION OF TERM OF OFFICE**

Christine Chamberlain left the meeting for this item.

The Committee received a report from the Monitoring Officer on options for extending the term of office of one of the Independent Persons.

NOTED

1. Christine Chamberlain's term of office is due to come to an end in June 2015.
2. It is proposed that her term of office is extended for a further two years.
3. Christine Chamberlain has brought an invaluable wealth of knowledge and experience to the role which it was felt would benefit the Council if retained.
4. There is no statutory limit on the length of time an Independent Person can serve.

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5. Christine Chamberlain has been able to provide very helpful support to Sarah Jewell, our other Independent Person, who is new to the post.
6. Independent Persons are paid an annual allowance of £500 per year.
7. This is a complex area where experience and training are necessary.

AGREED to recommend to full Council that the term of appointment of Christine Chamberlain (Independent Person), whose current term of office comes to an end on 30 June 2015, is extended by two years to 30 June 2017.

475

MEMBER TRAINING PROGRAMME

Christine Chamberlain returned to the meeting.

The Committee received a report from the Director of Finance, Resources and Customer Services, on member training and development.

1. Presentation of the Report

Asmat Hussain, Monitoring Officer, introduced the report to members, highlighting the following:

- A summary of the training provided this year is set out in paragraph 3.3 of the report. Members have also been invited to attend training organised by the Local Government Association.
- A list of subjects identified by members and officers for next year was set out in paragraph 3.10

2. Question/Comments

2.1 Members suggested that the following items should be included as subjects for training in the next municipal year:

- Community Asset Transfer – this was an area which it was felt could be divisive and training would help members deal with these issues fairly and objectively. It falls under the remit of Property Services.
- Mental Health – it was felt that it would be helpful for members to have an understanding of mental health issues to enable them to manage difficult situations more effectively. Councillor Claire Stewart said that she had recently received some excellent training organised by Parliament. She would pass on the details.
- Effective use of social media. It was suggested that this should include discussion of examples of inappropriate use, in view of the cases considered by the Councillor Conduct Committee recently.

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- Conflict Resolution
- 2.2 Information on the number of members who had taken up the offer of one to one meetings was requested. This would be fed back to members after the meeting. The opportunity for one to one meetings was still available.
- 2.3 Some concern was expressed about a casework seminar, which had received negative feedback from members. Concerns would be passed on to the officers organising the training.
- 2.4 The whips were keen to encourage members to take up the offer of training to build up their knowledge and expertise. A greater take up could be expected after the elections.

AGREED

1. To note the development programme offered since the May 2014 elections.
2. That the items listed in 2.1 above should be addressed to meet training and development needs in the next municipal year.
3. A further update would be provided to the Committee in 6 months' time.

476

CHANGES TO CODE OF CONDUCT ON DECLARATION OF INTERESTS

The Committee received a report from Asmat Hussain, the Monitoring Officer on the declaration and registration of disclosable pecuniary, other pecuniary and non-pecuniary interests.

1. Presentation of the Report

Keiley Broadhead presented the report to the Committee highlighting the following:

- There has been some confusion about what is meant by the words in the Councillor Code of Conduct “close personal relationship” in relation to the declaration of disclosable pecuniary, other pecuniary and non-pecuniary interests.
- It is a statutory requirement, as set out in the Localism Act 2011 that members should declare interests of themselves as well as their spouses, civil partners, a person with whom the members is living as if they were civil partners.
- Enfield’s code of conduct goes further than this stating that interests should extend to “your spouse, partner, civil partner, family members, or persons with whom you have a close personal relationship”.
- Members have two options: they can recommend that the code stays as it is or to amend the code to reflect the need to only declare those interests that are set out in the act.

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- Not amending the code will maintain the increased level of transparency with regard to interests that we have at present. Amending the code will reduce confusion as to what is meant by “close personal association” but could be seen as reducing transparency and as such could be a reputational risk to the Council, perhaps suggesting that members have something to hide.

2. Questions/Comments

- 2.1 This was being looked at now because it had been raised by several members because it is difficult to define exactly what is meant by “close personal relationship”.
- 2.2 Enfield’s current code was based on the previous code produced under the old standards regime. At the time the committee had agreed that the requirement for the enhanced level of disclosure should be continued.
- 2.3 Most other local authorities had restricted the need for disclosure to the narrow definition in the Localism Act 2011.
- 2.4 The wording “would a member of the public, with the knowledge of the relevant facts, reasonably regard your interest as so significant that it is likely to prejudice your judgement of the public interest” helps members to make a decision on whether or not interests should be declared.
- 2.5 Officers generally advise to err on the side of declaring any interests likely to affect decision making due to the criminal sanctions.
- 2.6 The advice of one independent person was that she felt that there could be a risk in paring back the definition at this point.
- 2.7 The other independent person felt that having a broader definition encourages members to be as transparent as possible.
- 2.8 There have been very few cases where members have failed to declare interests that should have been declared, which suggests that the current wording is effective.
- 2.9 It was suggested that the issue of kinship should be also be addressed. Some ethnic groups have a very strong sense of kinship which could influence decision making and it was felt that this should be declared. Kinship was an issue that could fall within the definition of close personal relationship and which ought to be covered in any code of conduct training.
- 2.10 More information on the numbers of declarations made was requested.

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AGREED that the committee members would take the issue back to the political groups for discussion with their members and that it should be discussed again at the next meeting of the committee.

477

COMPLAINTS UPDATE

Asmat Hussain, Monitoring Officer reported on the complaints that she had considered in the last 3 months:

1. Councillor A had made a complaint against Councillor B involving the use of inappropriate terminology. Councillor B had made a public apology and the matter had been resolved.
2. An employee had complained about an email received from a councillor. An apology had been made and the matter had been resolved.
3. A member of the public had complained about a councillor. This was still under investigation.
4. A member of the public complained about a councillor but failed to follow the procedures or respond to correspondence. Preliminary enquiries had been made, the issues unsubstantiated and so the matter had been closed.

478

ANNUAL REPORT 2014/15

The Committee received a draft copy of the Councillor Conduct Committee Annual Report 2014/15.

AGREED to accept the Annual Report 2014/15 and to recommend that it be referred on to full Council.

479

WORK PROGRAMME 2014-15

The Committee considered the work programme for 2015/16.

AGREED that the following items would be added to the 2015/16 work programme for consideration on the following dates:

July 2015

Media Relations for Councillors
Gifts and Hospitality
Review of Internet and Email Usage Policy for Councillors

September 2015

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Member Training Update
Review of Planning and Licensing Codes of Conduct

December 2015

Treating
Review of Protocol for Member Officer Relations

March 2016

Review of Member Expenses – This will be brought forward to an earlier meeting if there is an issue.

Updates on standards matters will be a regular item on the agenda but only if required.

The Local Ombudsman Complaints Update is discussed at Audit Committee so it will not be necessary to discuss it at the Councillor Conduct Committee.

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MINUTES OF THE MEETING HELD ON 20 JANUARY 2015

The minutes of the meeting held on 20 January 2015 were agreed and signed as a correct record of the meeting.

481

DATES OF FUTURE MEETINGS

The dates of meetings for the next municipal year will be agreed at the full council meeting on 13 May 2015.