

# Public Document Pack



## **Councillor Conduct Committee**

Contact: Penelope Williams

Tuesday, 24 May 2016 at 6.30 pm  
Room 1, Civic Centre, Silver Street, Enfield,  
EN1 3XA

Direct : 020-8379- 4098  
Tel: 020-8379-1000  
Ext: 4098

E-mail: [Penelope.Williams@enfield.gov.uk](mailto:Penelope.Williams@enfield.gov.uk)  
Council website: [www.enfield.gov.uk](http://www.enfield.gov.uk)

Councillors: Claire Stewart (Chair), Joanne Laban, Katherine Chibah and  
Alessandro Georgiou (Vice-Chair)

Independent Persons: Christine Chamberlain and Sarah Jewell

## **AGENDA – PART 1**

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

### **2. SUBSTITUTIONS**

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. COMPLAINTS AGAINST COUNCILLORS (To Follow)**

To consider a report produced by Olwen Dutton, of Bevan Brittan Associates, setting out the results of her investigation into two complaints against councillors.

### **5. DISPENSATION REQUEST (Pages 1 - 6)**

To consider a request from a councillor for a dispensation in respect of a disclosable pecuniary interest.

### **6. COUNCILLOR CONDUCT COMMITTEE ANNUAL REPORT 2015/16 (To Follow)**

To consider and agree the Annual Report for 2015/16

To note that once approved by the Committee the report will be referred to Full Council.

**7. MINUTES OF MEETING HELD ON 21 MARCH 2016** (Pages 7 - 10)

To receive and agree the minutes of the meeting held on 21 March 2016.

**8. WORK PROGRAMME 2016/17** (Pages 11 - 12)

To consider and agree the Committee's work programme for 2016/17.

**9. DATES OF FUTURE MEETINGS**

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

- Wednesday 6 July 2016
- Wednesday 5 October 2016
- Wednesday 7 December 2016
- Thursday 2 March 2016

**10. EXCLUSION AND 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.

## MUNICIPAL YEAR 2016/2017 - REPORT NO. **7**

### MEETING TITLE AND DATE

**Councillor Conduct Committee**  
24 March 2016

**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  
Email: [asmat.hussain@enfield.gov.uk](mailto:asmat.hussain@enfield.gov.uk)

<b>Agenda - Part: 1</b>	<b>Item: 5</b>
<b>Subject:</b> Dispensation Request	
<b>Wards:</b> Not ward specific	
<b>Key Decision No:</b> N/A	
<b>Cabinet Member consulted:</b> Not applicable	

### 1. EXECUTIVE SUMMARY

This report includes information about a request for a dispensation from Councillor Bernadette Lappage, to cover the year 2016/17 while she is Mayor of Enfield. The dispensation concerns the declaration of a disclosable pecuniary interest in relation to her husband's senior position at the North London Waste Authority. The dispensation form is attached as Appendix A to the report.

### 2. RECOMMENDATIONS

Members are asked to consider the dispensation request and agree whether or not a dispensation should be granted to the Mayor of Enfield, Councillor Bernadette Lappage, for Council meetings during the 2016/17 municipal year, so that she is not required to declare her disposable pecuniary interest in matters relating to her husband's position on the North London Waste Authority.

### 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).

The Monitoring Officer has received a request from Councillor Bernadette Lappage (attached as Appendix A to the report) applying for a dispensation from the requirement not to participate or vote in respect of matters at full Council involving the North London Waste Authority and the Council because of a disclosable pecuniary interest. The Monitoring Officer has referred this request to the Councillor Conduct Committee for their decision.

The Mayor’s husband has a senior position at the North London Waste Authority which she would have to declare as a disclosable pecuniary interest. This would mean that she would have to leave the meeting, could

not vote or take part in any items concerning North London Waste considered at full Council meetings. The Deputy Mayor would have to take over the chairing of the meeting for these items. She feels that this would impede the transaction of business and is therefore applying for a dispensation for reason (a) as set out above.

The Monitoring Officer has referred this request to the Committee. The Committee is being asked to consider the request and decide whether or not it should be granted.

**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 would allow the Mayor to chair all Council meetings without interruption during her year of office.

**9. EQUALITIES IMPACT IMPLICATIONS**

An equalities impact assessment was not necessary for this decision.

**10. PUBLIC HEALTH IMPLICATIONS**

None.

**Background Papers**

None

Reference:



## Request for a Dispensation Form

### Part 1 – Members Application

**TO: MONITORING OFFICER / DEPUTY MONITORING OFFICER**

I Councillor Bernadette Lappage

wish to apply for a dispensation from the requirement not to participate in or vote in respect of matters at Full Council involving North London Waste Authority and the Council because of a Disclosable Pecuniary Interest (DPI).

**Please specify title of the meeting and date**

Council - 11 May, 8 June 13 July, 21 September, 9 November 2016, 25 January, 28 February and 29 March 2017. And any extraordinary meeting that may be called in accordance with the Council Constitution.

**Please specify your DPI and how it relates to taking part:**

My husband has a senior position at the North London Waste Authority which I would have to declare as a disclosable pecuniary interest meaning that I would have to leave the meeting and could not vote or take part in any items concerning North London Waste considered at Council meetings. As the Mayor of Enfield for next 12 months, his would mean that the Deputy Mayor will need to chair the meetings.

**Please Specify why a Dispensation should be granted:**

**This should be for one or more of the reasons set out in Appendix B)**

This would be for reason (a) set out in Appendix B as follows:

- (a) Where members of the decision making body have disclosable pecuniary interests in a matter that would "impede the transaction of the business".

I would not be able to chair the Council meetings as Mayor of Enfield for items on North London Waste at any Council meetings if I had to leave the meeting due to declaring this interest and this would impede the transaction of business.

SIGNED .....

.....DATED.....

16.5.16

#### Note

This form enables you as a Member to seek a dispensation from the restriction from participating and voting in meetings when you have a Disclosable Pecuniary Interest under the Localism Act 2011 (These are defined in Appendix A).

There are four grounds, set out in Appendix B, under which a dispensation can be granted. Please note that dispensations under grounds (a) and (b) can be decided by the Monitoring Officer, with a right of appeal to the Councillor Conduct Committee. Grounds (c) and (d) will be considered by the Councillor Conduct Committee, after consultation with the Independent Persons.

Reference:



## **Request for a Dispensation Form Part 2 - Decision of Monitoring Officer**

The Monitoring Officer (or in his / her absence the Deputy Monitoring Officer) **AGREES / DISAGREES** that a dispensation on behalf of the Council is appropriate after having had due regard to the four grounds for a dispensation and all relevant circumstances because:-

<p><b>PARTICULARS OF HOW GROUND(S) 1- 5 ARE SATISFIED / NOT SATISFIED:</b></p>
--

The Monitoring Officer / Deputy Monitoring Officer **HAS REFERRED TO Councillor Conduct Committee** the requested dispensation.

**PERIOD OF DISPENSATION: For the period of Mayoral year 8 June 2017 – 10 May 2017**

(The dispensation must be for a fixed time period not exceeding 4 years or till re-election whichever is shorter though will normally cover only a specific matter or meeting)

### **CHANGE OF CIRCUMSTANCES**

Please note this Dispensation only applies for the circumstances as disclosed to the Monitoring Officer – if your circumstances change please let the Monitoring Officer know immediate as it may affect any Dispensation granted.

**SIGNED**

**DATED**



## COUNCILLOR CONDUCT COMMITTEE - 21.3.2016

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE  
HELD ON MONDAY, 21 MARCH 2016****COUNCILLORS**

**PRESENT** Claire Stewart, Elaine Hayward and Joanne Laban, Sarah Jewell (Independent Person), Christine Chamberlain (Independent Person)

**OFFICERS:** Asmat Hussain (Assistant Director Legal and Governance) and Mohi Nowaz (Corporate Systems Assurance Manager)  
Penelope Williams (Secretary)

**514  
WELCOME AND APOLOGIES**

The Chair welcomed everyone to the meeting. Apologies for absence were received from Councillor McGowan.

**515  
SUBSTITUTIONS**

There were no substitutions.

**516  
DECLARATION OF INTERESTS**

There were no declarations of interest.

**517  
MEMBERS INFORMATION SECURITY POLICY**

The Committee received a copy of the revised Members Information Security Policy.

Mohi Nowaz (Corporate Systems Assurance Officer) presented the report to the Committee highlighting the following:

- The policy had also been considered by the Member and Democratic Services Group and their suggestions incorporated.
- The major changes included updating the references to current equipment and software, such as information classification and including the right to access information and to delete viruses without asking permission if they are a threat to the system,

**COUNCILLOR CONDUCT COMMITTEE - 21.3.2016**

- Access to the system outside the European Union was not currently possible.
- The final version will be circulated to all members.

**AGREED** to note the revisions.

**518**

**COUNCILLOR COMPLAINTS PROCEDURE**

The Committee received the Procedure for Handling Complaints against Councillors and Co-opted members for review.

NOTED

1. The policy was last reviewed two years ago.
2. In the current policy, if a complaint is made and the complainer withdraws the complaint then no further action can be taken. It was suggested that the Monitoring Officer, if they felt that it was necessary, should be able to continue to investigate a complaint, even if it had been withdrawn. This might occur for example in cases where the resolution was not proportionate and/or if it were in the public interest that the complaint should be pursued. Any change to the policy would be made clear on the complaint form.

**AGREED** that Asmat Hussain (Monitoring Officer) would revise the wording in sections 4.5 and 5 of the complaints procedure, and bring it back to the July meeting to consider further.

**519**

**MEMBER/OFFICER PROTOCOL**

The Committee received a copy of the Member Officer Protocol for review.

NOTED

1. The protocol was last reviewed in January 2014.
2. The Super Part 2 process is being reviewed following the presentation of a Super Part 2 report at the last Council meeting.
3. The whips agreed bring the protocol to the attention of their respective political groups.

**520**

**REPORT BACK ON INDEPENDENT PERSONS TRAINING**

The Independent Persons reported back to the Committee on recent training, organised by Hoey Ainscough, that they had attended in Lincoln and London.

**COUNCILLOR CONDUCT COMMITTEE - 21.3.2016**

Two issues were brought to the attention of the Committee:

- a. The issue of the role of an Independent Person in any action taken against statutory officers of the Council. This was not consistent. Independent Persons were not always required to take part, sometimes only invited.
- b. The question of what constitutes a good investigation when a complaint involves a councillor acting in their capacity as a councillor. It was agreed that a good investigation should have clear terms of reference, involve interviews of relevant witnesses, have clearly defined timescales and it should be ensured that the process was fair. It was important to be clear about the evidence and its link to any breach of the code of conduct. Independent Person involvement was not recommended during an investigation. It was best if they could provide their own independent comments, when the investigation report was complete, maintaining their independent role.

They also reported that it had been recommended that Independent Persons should be invited to observe training for new councillors, so that they were aware of what training had been received.

**AGREED** that in future the Independent Persons would be invited to attend training for new councillors as a matter of course.

**521**

**UPDATE ON COUNCILLOR COMPLAINTS**

Asmat Hussain, Monitoring Officer, reported that three complaints were being investigated by an external solicitor. Her draft reports would be available after Easter.

Dates for possible hearings would be circulated after the meeting.

**522**

**WORK PROGRAMME 2015/16**

The Committee noted the work programme for 2015/16 and the items on the proposed work programme for 2016/17.

**523**

**DISPENSATIONS**

The Monitoring Officer reported that she has received a request from Councillor Erin Celebi, for a dispensation relating to the motion on the Housing and Planning Bill which is on the agenda for the 23 March 2016 Council Meeting.

**COUNCILLOR CONDUCT COMMITTEE - 21.3.2016**

The Committee considered the request and agreed to grant a dispensation for the meeting on the 23 March 2016 only, so that Councillor Celebi could take part in the discussion on the Housing and Planning bill motion and vote.

**524**

**MINUTES OF MEETING HELD ON 2 DECEMBER 2015**

The minutes of the meeting held on 2 December 2016 were agreed as a correct record.

**525**

**DATES OF FUTURE MEETINGS**

A date for the next meeting will be arranged after the meeting.

## Councillor Conduct Committee: Work Programme 2016/17

ITEM	Lead/ Support Officer	24 May 2016	6 July 2016	5 October 2016	7 December 2016	2 March 2017
<b>Annual Report</b>	Asmat Hussain/Penelope Williams	To agree the Annual Report 2015/16				To agree Annual Report 2016/17
<b>Work Programme 2016/17</b>	Asmat Hussain/ Penelope Williams	To Agree the Outline Work Programme for 2016/17	Work Programme Monitoring	Work Programme Monitoring	Work Programme Monitoring	Work Programme Monitoring
<b>Review of Code of Conduct and Complaints Processes</b>	Asmat Hussain		Review			
<b>Update on Complaints Received</b>	Asmat Hussain	Update	Update	Update	Update	Update
<b>Independent Persons Training</b>	Independent Persons					Report on training Received
<b>Complaints – Review of complaints received in 2015/16</b>	Asmat Hussain		Review			
<b>Member Training</b>	Claire Johnson			Update		
<b>Regular update on Standards Matters – bringing members attention to recent standards news items for information.</b>	Asmat Hussain	If required	If required	If required	If required	If required
<b>Review of Protocol for Member Officer Relations</b>	Asmat Hussain					Report
<b>Review of Member's Expenses</b>					Report	
<b>Dispensations</b>	Asmat Hussain	To consider request received	Annual Update			
<b>Gifts and Hospitality</b>						Report

This page is intentionally left blank