

London Borough of Enfield

Councillor Conduct Committee

Annual Report 2014/15

1. INTRODUCTION

This is the third Annual Report of the London Borough of Enfield's Councillor Conduct Committee. It sets out the key issues we have dealt with during the past year and looks ahead to our priorities for 2015/16.

2. MEMBERSHIP

The Councillor Conduct Committee is made up of four councillors (two from each party, including each of the party whips), supported by two independent persons.

Councillors

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

Independent Persons

Christine Chamberlain (appointed 30 January 2013 for a term of office ending on 30 June 2015)

Sarah Jewell (appointed 8 October 2014 for a term of office ending on 8 October 2016).

Officers

The Committee's lead officers were Asmat Hussain (from October 2014 Monitoring Officer and Assistant Director Legal and Governance) previously Deputy Monitoring Officer and Assistant Director Legal Services, John Austin (Monitoring Officer and Assistant Director Corporate Governance until October 2014) Assistant Director Governance Projects from October 2014), and Penelope Williams (Committee Secretary).

3. TERMS OF REFERENCE

The terms of reference of the Councillor Conduct Committee, as set out in the Council's Constitution (see Part 2 – Section 2.7), are

- To deal with policy, complaints against councillors and issues concerning the members' Code of Conduct.
- To promote and maintain high standards of conduct by councillors and all co-opted members.
- To deal with policy, complaints against councillors and issues concerning the members' Code of Conduct.
- To assist councillors and co-opted members to observe their Code of Conduct and all other Codes within the Constitution.
- To monitor the operation of the Councillors' Code of Conduct and report when appropriate to the full Council on the adoption or revision of the Code and all other codes within the Constitution.

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- To consider requests for dispensations by councillors, and co-opted members relating to interests set out in the Code of Conduct.
 - To discharge such other functions either general or specific as the Council may from time to time allocate to the Committee.

The Committee is ultimately responsible for the promotion and monitoring of high standards of conduct among Enfield councillors.

The Committee reviewed the terms of reference at their meeting on 16 September 2015 and agreed that no changes were necessary at that time.

4. MEETINGS

The Committee held five meetings during the year: on 1 July 2014, 16 September 2014, 3 December 2014, 20 January 2015 and 24 March 2015.

5. INDEPENDENT PERSONS

The Localism Act 2011 provided that all local authorities had to appoint an Independent Person(s) to assist the Council in promoting and maintaining high standards of conduct amongst its members. Enfield agreed to appoint two Independent Persons.

The main role of an Independent Person is to be available to be consulted on complaints against councillors and ethical governance issues. They provide an independent viewpoint, looking at issues from the point of view of an ordinary member of the public. Our Independent Persons work closely with the Monitoring and Deputy Monitoring Officers, considering whether or not complaints against councillors meet the criteria for investigation, and they are also consulted before a decision is made, on the outcomes of any investigated complaint. On top of this they can offer advice on other standards' matters, including to the member who is subject to an allegation.

Through their work they have developed a sound understanding of the ethical framework, as it operates within the Council and are able to act as advocate and ambassador for the Council in promoting ethical behaviour.

This year we recruited a new independent person to fill the post vacated by Lawrence Greenberg in June 2013. Following an extensive recruitment exercise, held earlier in the year, Sarah Jewell's appointment was confirmed by Council (8 October 2014).

Advertisements were placed on the Council website and in Our Enfield, the Council's magazine, with information on the position also sent to local voluntary groups. In the past we had had difficulty attracting

people to apply, so this time to encourage applicants we produced an article for Our Enfield with information about the role and quotes from Christine Chamberlain, our existing Independent Person at the time. This was successful as we had over ten applicants, interviewed five suitable people, and were able to appoint Sarah Jewell.

In this report we would like to acknowledge the invaluable support provided by Christine Chamberlain and Sarah Jewell. The independent view and expertise they bring on conduct issues has been much appreciated. Although not members of the Councillor Conduct Committee, they have regularly attended meetings and play an important role in the proceedings. The Monitoring Officer consults one or other of them on all complaints received and they are able to provide considered advice and guidance on complaints and other issues that arise. .

Both independent persons attended a special training session for independent persons, organised by Hoey Ainsclough Associates at Southwark Council in December 2014.

6. THE COMMITTEE'S WORK PROGRAMME - 2014/15

Following the local government elections in May 2014, a new committee was appointed with three councillors, who had not served on the committee before.

We adopted a work programme, which enabled us to consolidate the work carried out last year, to train up new committee members on standards processes and procedures and to ensure that all newly elected councillors were fully briefed on their responsibilities, under the councillors' code of conduct.

The main items considered this year are listed below:

6.1 Procedure for dealing with Complaints against Councillors and Co-opted Members

At the first meeting the Committee received a briefing from John Austin (Former Monitoring Officer and Assistant Director of Corporate Governance) on the procedure for dealing with complaints against councillors and co-opted members, setting out the complaints processes including complaints' hearings and the different roles of the committee and the monitoring officer.

6.2 Bribery Act 2012

The committee received a presentation from Jayne Middleton Albooye (Head of Legal) on the recently introduced Bribery Act 2012, which consolidates existing criminal law on making and accepting bribes, and had created a new corporate offence of failing to prevent bribery.

Members were informed that Enfield's Councillor's Code of Conduct had been revised to incorporate the terms of the act with added sections on the declaration of gifts and hospitality. Planning Committee members and others, who could be exposed to situations where bribery might occur, have received training on the importance of avoiding exposing themselves to risk.

As a result of the presentation, members asked officers to look again at the training provided to members of the planning committee, the Cabinet Member for Housing and Estate Regeneration and other members and officers involved in housing and regeneration projects to ensure that they were fully aware of the new bribery act requirements.

6.3 Member Training Programme 2014/15

The Committee has kept an overview on the whole training programme for new members. They will be receiving a report at their March meeting setting out the training that has been delivered this year and proposals for additional training in the future.

6.4 Training on Council's Complaint's Hearing Procedure

A separate training session on the complaints hearing procedure was organised for the committee members, substitute committee members and Independent Persons. Alex Oram, a member of ch@i associates, gave a two hour session, running through the procedure, with reference to case studies and examples from other organisations. Another session which will enable councillors to take part in an actual dummy hearing is to be arranged.

7. MEMBER CODE OF CONDUCT - COMPLAINTS

During 2014/15 one complaint against a councillor was referred to the committee for their consideration, after attempts had been made to resolve the matter informally.

The committee heard the case presented by the Monitoring Officer, considered all the issues, including the advice of the Independent Person and then agreed that no further action should be taken.

As an outcome members proposed that, in future, councillors should be reminded wherever possible about behaviour in the Council Chamber and that the whips should encourage members to reconcile similar issues informally after council meetings.

During the year, the Monitoring Officers also received a number of other complaints, but these have been resolved without the need for referral to the committee but with guidance and support from the independent persons.

8. MEMBER TRAINING ON THE NEW CODE OF CONDUCT AND COMPLAINTS PROCESS

The committee continues to oversee training for members around the code of conduct.

A session for newly elected members on the Councillor Code of Conduct and other ethical governance issues was held on 5 June 2014.

John Austin (former Monitoring Officer and Assistant Director of Corporate Governance) also provided supplementary sessions at both the Labour and Conservative group meetings, for those who had missed the original briefing.

9. WEBPAGES

Our webpages are regularly reviewed and provide information about the Councillor Conduct Committee, its role and purpose, as well as information about making a complaint against councillors and co-opted members. It includes links to the forms which need to be completed when making a complaint or appealing a monitoring officer decision as well as the code of conduct. The pages are within the 'Councillors, Elections and Decisions' section of the Council's website.

10. FUTURE WORK PROGRAMME 2015/16

We will agree a work programme for 2015/16, at the first meeting of the new Municipal Year. Areas of work for next year will include:

- Gifts and Hospitality

11. CONCLUSION

As Chair, I would like to take this opportunity to thank the Monitoring Officer, Independent Persons and my fellow committee members for their sound and thoughtful contributions towards the encouragement and maintenance of the local standards regime during the year.

On behalf of the Councillor Conduct Committee, I would also like to thank the officers of the Council who have supported the work of this Committee.

Councillor Claire Stewart