

MUNICIPAL YEAR 2016/2017 REPORT NO. 16

MEETING TITLE AND DATE

Councillor Conduct Committee
24 May 2016

REPORT OF: Director of Finance,
Resources and Customer Services
James Rolfe

Contact officer: Asmat Hussain
(Monitoring Officer) Tel: 020 8379
6438
Email: asmat.hussain@enfield.gov.uk

Part: 1

Item: 4

Subject: Investigation of
complaints against councillors

Wards: All

Cabinet Member consulted:
Not applicable

1. EXECUTIVE SUMMARY

- 1.1 This report advises the Councillor Conduct Committee (CCC) of the outcome of an external investigation involving alleged breaches of the Councillor Code of Conduct made by two councillors into events which took place at or as a result of events at the meeting of Enfield Council which took place on 11 November 2015.
- 1.2 The Investigation report is attached as Appendix A to this report.

2. RECOMMENDATIONS

- 2.1 That the Councillor Conduct Committee considers the Investigating Officer's report and decides as a result of the findings in the report:
 - a. Whether they agree that no further action is required and the complaints are not upheld or
 - b. Whether a formal complaint hearing should be held.
- 2.2 If it is agreed that a complaint hearing is necessary, to decide whether or not the complainants and councillors complained against should be asked to attend the hearing.

3. BACKGROUND

- 3.1 This matter relates to two complaints: the first from one councillor against another councillor and the other from one councillor against three councillors involving events which took place at or as a result of events at the Full Council meeting which took place on 11 November 2015.

- 3.4 The Monitoring Officer considered the complaints and in consultation with one of the Independent Persons decided that the complaints warranted further action. The Monitoring Officer asked Olwen Dutton, of Bevan Brittan to carry out an investigation into the complaints on her behalf.
- 3.5 Olwen Dutton has investigated the complaints and the resulting investigation report has been circulated to members as Appendix A to this report. Olwen Dutton, as the investigating officer, will be at the meeting to present her report and answer questions in accordance with the Council's procedure.
- 3.5 Both the complainants and all the members concerned have been consulted on the draft investigation report, and their comments have been incorporated in the final report.
- 3.8 If the Committee decides to uphold the findings in the investigation report that there have been no breaches, this will be communicated to all parties together with reasons.

4. ALTERNATIVE OPTIONS CONSIDERED

The procedure for handling complaints clearly sets out the options available.

5. REASONS FOR RECOMMENDATIONS

To comply with the Council's Councillor Complaints Procedure.

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

6.1 Financial Implications

None.

6.2 Legal Implications

- 6.2.1 The Authority has adopted a local code of conduct under the Localism Act 2011 to assist members in the discharge of their obligations to the Authority, local communities and the public at large. The code also oversees the behaviour of members, covers the receipt and handling of complaints and provides a safeguard against unacceptable behaviour. This report is carried out in accordance with the Council's Code of Conduct and procedure for Handling Complaints.
- 6.2.2 The Committee should note that under the Councillor Code of Conduct / Procedure for Handling Complaints against Councillors and Co-opted Members, paragraph 8 states that the decision of the CCC will be final and binding with no further right of appeal to the Council. If the complainant feels that the Council has failed to deal with the complaint properly and that this failure caused injustice, they can make a complaint to the Local Government Ombudsman

7. KEY RISKS

Decisions could be open to challenge if the Council's procedure is not properly followed.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All, Growth and Sustainability and Strong Communities

Not applicable

9. EQUALITIES IMPACT IMPLICATIONS

Not applicable

10. PERFORMANCE MANAGEMENT IMPLICATIONS

Not applicable

11. PUBLIC HEALTH IMPLICATIONS

Not applicable

Background Papers – None