

MUNICIPAL YEAR 2016/2017 - REPORT NO. 118

MEETING TITLE AND DATE
Councillor Conduct Committee
10 October 2016

REPORT OF: Asmat Hussain
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Agenda - Part: 1	Item: 3
Subject: Dispensations granted by the Monitoring Officer and Councillor Conduct Committee – Annual Update 2015/16	
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 2015/16.

2. RECOMMENDATIONS

To note that the Monitoring Officer and the Councillor Conduct Committee had granted the dispensations listed in section 3 of the report during 2015/16.

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).

This year we developed a new form for recording dispensations which makes the process of agreeing and recording them run more smoothly. The Councillor Conduct Committee were consulted on and approved the design of the form at their meeting held on 2 December 2015.

Dispensations were granted in 2015/16 in relation to the following items of Council business:

Motion 15.3 (Trade Union Bill) in the name of Councillor Chibah – Council Meeting - 11 November 2016

Following a request from the Leader of the Council, the Monitoring Officer agreed to grant a dispensation under Section 33 (a) and (b) of the Members Code of Conduct for all members of the Majority Group in relation to the declaration of any disclosable pecuniary interests they may have had relating to trade union sponsorship. Members noted that declarations would still need to be made in relation to any interests not involving sponsorship and that the dispensation only related to that meeting.

Opposition Business on Cycle Enfield and Motion 13.4 on the Housing and Planning Bill –Council Meeting - 28 January 2016

Dispensations were also granted following a request from the Leader of the Council and the Leader of the Opposition, by the Monitoring Officer for all members under Section 33 (a) and (b) of the Members Code of Conduct in relation to the declaration of any disclosable pecuniary interest they may have relating to agenda items 7 (Opposition Business on Cycle Enfield) and 13.4 (Motion 13.4 on the Housing and Planning Bill)..

The Monitoring Officer was satisfied that there had been likely to be sufficient members with a disclosable pecuniary interest which would have adversely affected the transaction of business that evening. The political representation in the chamber would be similarly affected so as to alter the outcome of any vote on the matter. The dispensations only related to this meeting.

Setting of Council House Rents – Council Meeting – 24 February 2016

In May 2013 the Councillor Conduct Committee had granted a dispensation for all members in terms of the declaration of Disclosable Pecuniary Interests relating to the setting of housing rents.

Subject to the requirements within Section 106 of the Local Government Finance Act 1992, this allowed all members to participate in the debate and vote on the decisions relating to the setting of housing rents 2016/17.

Motion on the Housing and Planning Bill – Council Meeting – 23 March 2016

The Monitoring Officer agreed to a dispensation for 26 Labour councillors who felt that they might have disclosable pecuniary interests as they; their family; friends and close associates were tenants or landlords impacted by this bill. The dispensation was granted for the 23 March 2016 meeting only, on the grounds that it would impede the transaction of the business and/or affect the political balance of the council. These members were:

Councillor Abdul Abdullahi

Councillor Ali Bakir
Councillor Dinah Barry
Councillor Chris Bond
Councillor Alev Cazimoglu
Councillor Nesil Cazimoglu
Councillor Bambos Charalambous
Councillor Katherine Chibah
Councillor Guney Dogan
Councillor Christiana During
Councillor Christine Hamilton
Councillor Ahmet Hassan
Councillor Achilleas Georgiou
Councillor Doris Jiaage
Councillor Nneka Keazor
Councillor Adeline Kepez
Councillor Bernadette Lappage
Councillor Dino Lemonides
Councillor Mary Maguire
Councillor Ayfer Orhan
Councillor Ahmet Oykener
Councillor Vicki Pite
Councillor George Savva
Councillor Andrew Stafford
Councillor Claire Stewart
Councillor Doug Taylor

The Councillor Conduct Committee on 21 March 2016 also agreed a dispensation to Councillor Celebi, at this Council meeting on this same matter, in relation to her disclosable pecuniary interest as a landlord. Councillor Celebi is not only a landlord but also represents other landlords in the borough. The dispensation would have enabled her to represent her constituent landlords, tenants and residents.

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 issues of Cycle Enfield, Motion on the Housing and Planning Bill, Motion on Trade Unions, and Setting Council House rents.

9. EQUALITIES IMPACT IMPLICATIONS

An equalities impact assessment was not necessary for this decision.

Background Papers

None