

London Borough of Enfield

Councillor Conduct Committee

Annual Report 2016/17

1. INTRODUCTION

This is the fifth 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 2017/18.

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), Alessandro Georgiou (Vice Chair), Katherine Chibah, Joanne Laban.

Substitute Committee Members

There were also four substitute members: Councillors Bambos Charalambous, Patricia Ekechi, Michael Lavender and Anne Marie Pearce

A substitute member is permitted in the following circumstances:

- a. To take the place of an ordinary member from the respective Group on the Committee where that member will be absent for the whole of the meeting. Such an appointment would apply for the entire meeting, including where the meeting is reconvened after any adjournment; or
- b. Where an ordinary member of the Committee is prevented from attending and participating in a meeting due to any disclosable interest they may have in an issue or complaint to be considered. In these cases the substitute appointment would only apply to the consideration of the relevant item on the agenda.

Independent Persons

Christine Chamberlain (appointed 30 January 2013 initially for a term of office ending on 30 June 2015). This was extended this year for a further two years to 30 June 2017.

Sarah Jewell (appointed 8 October 2014 initially for a term of office ending on 8 October 2016). This was extended for a further two years to 8 October 2019.

Officers

The Committee's lead officers were Asmat Hussain (Monitoring Officer

and Assistant Director Legal and Governance) and Penelope Williams (Senior Committee Administrator).

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.
- 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 last reviewed their 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 four meetings during the year: on 24 May 2016, 10 October 2016, 7 December 2016, 2 March 2017.

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.

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. .

This year, in March 2017, both independent persons attended a special training session for independent persons organised by Hoey Ainscough Associates Ltd at Westminster City Council.

6. THE COMMITTEE'S WORK PROGRAMME – 2016/17

This year the committee welcomed two new members Councillor Alessandro Georgiou, the new whip for the Conservative Group and Councillor Katherine Chibah from the Labour Group.

The Committee agreed a work programme at their first meeting in May 2016. This year they continued with the work started last year, reviewing some of the Council's key policies and procedures, those that had a significant impact on ethical and corporate governance matters. They also received annual reports reporting on and enabling them to review dispensations granted, gifts and hospitality received by members and member training and development.

The main items considered this year are listed below:

6.1 Gifts and Hospitality

- For the second time the Committee received a report setting out all the entries in the Councillors' Gifts and Hospitality Register.
- Enfield Councillors received fewer gifts and hospitality than similar boroughs. Most declarations involved meals or galas.
- Further detail was requested and would be considered at a future meeting.

6.2 Dispensations

- For the second time the Committee received an annual report from the Monitoring Officer on the number of dispensations granted during the municipal year.

A dispensation can 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.

In 2016/17 it was reported that dispensations had been granted by the Monitoring Officer in relation to the issues listed below. This had allowed all members to participate in the debate and vote on decisions on the following:

- Motion 15.3 (Trade Union Bill) – Council Meeting - 11 November 2015
- Opposition Business on Cycle Enfield and Motion 13.4 on the Housing and Planning Bill – Council Meeting - 28 January 2016
- Setting of Council House Rents – Council Meeting – 24 February 2016
- Motion on the Housing and Planning Bill – Council Meeting – 23 March 2016

6.3 Review of Member Expenses

- For the second time the Committee received a report on Members’ Expenses, outlining the expenses paid to members in the course of their duties and including comparator information.
- The Committee noted that Enfield had a similar level of expenses to comparator authorities and that all this information is in the public domain.
- Further detail was requested for a future meeting.

6.4 Member Training and Development Programme 2016/17

- The Committee considered and noted a report providing a summary of the member development programme for 2015/16 and the proposed programme for 2016/17
- Members expressed some concern about the poor attendance of members at some of the sessions. Following the discussion, the whips agreed to be more proactive in encouraging their members to attend more of the training sessions arranged.

6.5 Review of Councillor Complaints Process

The Committee considered a report from the Monitoring Officer seeing the views of the Committee as to whether a review of or any changes to the Councillor Complaints process was needed. This was a result of concerns raised that there could be circumstances where a complaint raised issues that were felt to warrant further investigation even if a complaint had been withdrawn or resolved to the satisfaction of the complainant.

Following discussion, the Committee agreed that a review should be undertaken and that as part of the review it should be considered

“Where a registered complaint is subsequently withdrawn or resolved outside the procedure, the Monitoring Officer, in consultation with the independent persons should have the discretion to decide if the matter has been adequately and/or proportionately resolved or whether, given the substance of the original complaint it should be escalated to the committee for further consideration/resolution”.

The review of the complaints procedure would be completed in the next municipal year.

7. MEMBER CODE OF CONDUCT - COMPLAINTS

During 2016/17 2 complaints were referred to the Committee and two hearings took place.

7.1 Hearing 1

The first hearing concerned four complaints: a complaint from Councillor Alessandro Georgiou about Councillor Haydar Ulus and three complaints from Councillor Haydar Ulus about Councillors Alessandro Georgiou, Terry Neville and Erin Celebi. They were all concerned with events that had taken place at the full Council meeting on 11 November 2015.

The Monitoring Officer had referred the four complaints to an

independent investigator for further investigation. The Independent Investigator had produced a report recommending that the complaints should not be upheld. The committee considered her report and agreed with her recommendations that the four complaints should not be upheld and no further action was required.

Following the hearing, members suggested that the Monitoring Officer organise a refresher training session on the councillor code of conduct that all members should be required to attend and that the Mayor should read out a statement at the start of each council meeting reminding members that they should show each other respect and should abide by the Councillor Code of Conduct.

7.2 Hearing 2

The second hearing concerned a complaint from Councillor Neville against Councillor Nesimi Erbil regarding an email he had sent to all members concerning his conviction under section 4 (1) and (4) of the Public Order Act 1986.

The Monitoring Officer produced a report which the Committee considered at a hearing during the meeting on 2 March 2017.

Following discussion and consideration of the report, the Committee agreed that the email that Councillor Erbil had sent to all members did not meet the expected general principles of conduct set out in paragraph 7 of the Councillor Code of Conduct in terms of openness, honesty, leadership or accountability and was not consistent with his duty to uphold the law. He had therefore breached the Councillor Code of Conduct.

The Committee agreed to sanction Councillor Erbil by excluding him from the Civic Centre and other council offices - with the exception of meeting rooms as necessary for the purpose of attending meetings of the authority or meeting residents - for six months.

Following their decision the Committee also recommended that the wording of the Councillor Code of Conduct be reviewed to ensure that it was absolutely clear in what circumstances that the code applied and to consider whether a committal of a serious criminal offence should automatically be a breach of the code.

- 7.3 There are currently seven other outstanding complaints which are subject to further investigation.
- 7.4 During the year, the Monitoring Officers also received a number of other complaints. These have been resolved informally, with guidance and support from the independent persons, but without the need for referral to the Committee, either as a result of the withdrawal of the complaint or following the acceptance of apologies.

9. WEBPAGES

The 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 were transferred over to the new Council website earlier this year.

10. FUTURE WORK PROGRAMME 2017/18

The Committee will agree a work programme for 2017/18, at the first meeting of the new Municipal Year. Areas of work for next year will include:

- Review of Councillor Code of Conduct and Complaints Processes
- Member Training
- Member Expenses
- Annual Report on Dispensations Granted
- Annual Report on Gifts and Hospitality Registered

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