

London Borough of Enfield

Councillor Conduct Committee

Annual Report 2017/18

1. INTRODUCTION

This is the sixth 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 2018/19.

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), Glynis Vince (Vice Chair), Katherine Chibah, Elaine Hayward.

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 four years to 30 June 2019.

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 2018.

Officers

The Committee's lead officers were the Council's Monitoring Officer and

Penelope Williams (Senior Committee Administrator). The Monitoring Officer position was covered by Asmat Hussain (Assistant Director Legal and Governance) until 16 June 2017, Jayne Middleton Albooye (Head of Legal and Acting Assistant Director Legal and Governance) from 16 June until 6 November 2017 and Jeremy Chambers (Director of Law and Governance) from 6 November 2017.

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 22 May 2017, 6 July 2017, 5 October 2017 and 11 December 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 attend all 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.

Christine's term of office was extended for a further two years, this year, to 30 June 2019.

6. THE COMMITTEE'S WORK PROGRAMME – 2017/18

This year the Committee welcomed two new members Councillor Glynis Vince, the new whip for the Conservative Group and Councillor Elaine Hayward from the Conservative Group who had served on the committee previously.

The Committee agreed a work programme at their first proper meeting of the year in July 2017. They continued 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 the dispensations granted, gifts and hospitality received by members and members' expenses.

The main items considered this year are listed below:

6.1 Gifts and Hospitality

- The Committee received a report in October setting out all the entries in the Councillors' Gifts and Hospitality Register between April and October 2017.

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- Enfield Councillors are recorded as receiving far fewer offers of gifts and hospitality than similar boroughs. Only 14 declaration forms had been completed during the period covered by the report. Declarations that had been received involved lunches, dinners, hospitality at sports events, conferences, drinks receptions and the Chelsea Flower Show.
 - Following consideration of the report, the two party whips agreed to write to their group members to remind them that they should declare any gifts or hospitality, worth more than £25, received or refused.

6.2 Dispensations

- For the third 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 2017/18 it was reported that dispensations had been granted in 2016/17 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 12.5 (Women Against State Pension Inequality) – Council Meeting – 9 November 2016
- Setting of Council House Rents – Council Meeting – 21 February 2017.
- Motions 10.8 and 10.10 (School Funding) – Council Meeting – 6 April 2017

The Mayor (2016/17), Councillor Bernadette Lappage, had also been granted a dispensation lasting for the entire year of her mayoralty. This was because of her disclosable pecuniary interest relating to her husband’s position on the North London Waste Authority.

The dispensation was agreed on the basis that, although the Mayor did not

normally vote at Council meetings, having to leave the meeting as chair of the meeting could impede the transaction of business. The dispensation was therefore granted to allow her to remain in the position of chair when items relating to the North London Waste Authority were discussed.

6.3 Review of Member Expenses

- For the third 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.
- In summary, expenses totalling £210.75 were claimed in 2016/2017, down from £615 in 2015/2016.
- The Committee noted that Enfield had a much lower level of expenses than other comparator London authorities.

6.4 Review of Councillor Code of Conduct and Councillor Complaints Process

The Committee considered a report from the Monitoring Officer seeking the views of the Committee as to whether a review of or any changes to the Councillor Complaints process was needed.

This was partly as 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 recommended that the following paragraph be added to the procedure:

“Where a registered complaint is subsequently withdrawn or resolved outside the procedure, the Monitoring Officer, in consultation with the independent person(s) 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”.

There were some anomalies between the information on the complaint form and the procedure for hearing complaints. On the complaint form it stated:

“The Monitoring Officer will normally pass a copy of your complaint to the Councillor complained about so that he/she can comment. It is also in the interests of fairness and natural justice that a Councillor complained about should have the right to know who has made the complaint and what it is.

In very exceptional circumstances, the Monitoring Officer may agree to withhold your name and address. He/she would only do this if he/she has a good reason to believe that to give your name or address to the Councillor would be contrary to the public interest or would prejudice any investigation.”

In the procedure:

“The Council encourages complainants to provide their name and contact details. If the complainant asks for their identity to be protected, the Council will not disclose such details without their consent.”

Following discussion members agreed with the Monitoring Officer that the information on the form could be off putting and could deter people making complaints. It was therefore agreed that the form should be changed so that the information on the form matched what was written in the procedure.

The procedure for hearing complaints was not currently included as part of the Council Constitution. Members agreed that it should be added.

7. MEMBER CODE OF CONDUCT - COMPLAINTS

During 2017/18 no complaints were referred to the Committee but two appeals against Monitoring Officer decisions were received and the following hearings took place.

7.1 Appeal Hearing 1 (22 May 2017)

The first appeal hearing concerned a complaint from Helen Osman against Councillor Anderson. The complaint concerned a Facebook post made by Councillor Anderson in October 2016.

The Monitoring Officer had referred the original complaint to an independent investigator, Olwen Dutton (Anthony Collins Solicitors) for further investigation. The Independent Investigator had produced a report recommending that the complaint should not be upheld.

During the hearing, the Committee considered the investigator’s report and agreed with the findings. They thought that it had presented a fair, detailed and balanced view and they could not fault the report’s logic.

The Committee agreed with investigator’s recommendation that the complaint should not be upheld and no further action required. Helen Osman had not provided any new information in support of her case.

As part of the discussion the Committee agreed that there was a need for councillors in general to be aware of issues that can arise and to be very careful when using Facebook and other social media.

7.2 Appeal Hearing 2 (11 December 2017)

The second appeal hearing concerned a complaint received from Mrs Kate Leach against Councillor Anderson, concerning an incident that had occurred at a ward surgery on 15 November 2016.

An internal investigation had been carried out by Gill Bayley (Principal Lawyer Safeguarding). She had concluded that Councillor Anderson had not been in breach of the Councillors Code of Conduct. Jayne Middleton-Albooye as Monitoring Officer had agreed with her findings.

The Committee considered the investigation report, heard all the evidence about the incident, and agreed with the findings, deciding not to uphold the appeal.

As an outcome of the hearing it was agreed that the party whips should feedback the following recommendations to their groups:

- Where there were known contentious local issues, greater clarity should be provided to the public as to how they engage with the Council and raise their concerns.
- Arrangements for ward surgeries should be reviewed to ensure that safety of members of the public and councillors in attendance.

7.3 There are currently 6 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.

10. FUTURE WORK PROGRAMME 2018/19

The Committee will agree a work programme for 2018/19, at the first meeting of the new Municipal Year. Areas of work for next year will include:

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- Review of Councillor Code of Conduct and Complaints Processes
 - 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 Officers, 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