

London Borough of Enfield

Councillor Conduct Committee

Annual Report 2018/19

1. INTRODUCTION

This is the seventh 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 2019/20.

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: Ergin Erbil (Chair), Glynis Vince (Vice Chair), Christine Hamilton and Elaine Hayward

Substitute Committee Members

There were also four substitute members: Councillors Tolga Aramaz, Alessandro Georgiou, Michael Rye and Claire Stewart.

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 last year to 30 June 2019.

Sarah Jewell (appointed 8 October 2014 initially for a term of office ending on 8 October 2016). This was extended this year to 8 October 2020.

Officers

The Committee's lead officers were the Council's Monitoring Officer, Jeremy Chambers, Director of Law and Governance, the Council's

Deputy Monitoring Officer, Jayne Middleton-Albooye (Head of Legal Services) 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 three meetings during the year: on 11 July 2018, 4 October 2018 and 11 December 2018.

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 Officer, 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.

Sarah Jewell's term of office was extended for a further two years, this year, to 8 October 2020.

6. MEMBER TRAINING

The Monitoring Officer held a brief training session for members and substitute members to ensure that all members were aware of the contents of the Councillor Code of Conduct and the associated complaint procedures. This was held on 11 December 2018 and was attended by 6 members.

7. THE COMMITTEE'S WORK PROGRAMME – 2018/19

This year the Committee welcomed two new members Councillor Ergin Erbil and Councillor Christine Hamilton from the Labour Group.

The Committee agreed a work programme at their first proper meeting of the year in July 2018. 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:

7.1 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 2018.

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- Enfield Councillors are recorded as receiving far fewer offers of gifts and hospitality than similar boroughs. Only 4 declaration forms had been completed during the period covered by the report compared to 14 completed in a similar period the previous year. 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 committee felt that, although they were happy with the low number of declarations, there must be a certain degree of under reporting. The two party whips therefore agreed to remind their group members that they should always declare any offers of gifts or hospitality, worth more than £25, received or refused. The numbers of declarations subsequently increased slightly.

7.2 Dispensations

- For the fourth 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.

Dispensations are not often used in this authority. In 2018/19 it was reported that dispensations had been granted on only one occasion in 2017/18. This was by the Monitoring Officer’s predecessor, Asmat Hussain, and related to three motions at the Council meeting held on 19 July 2017.

7.3 Review of Member Expenses

- 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 £322.10 were claimed in 2017/2018, up from £210.75 in 2016/2017.

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- In 2017/18 £20,038.84 had also been spent on ICT equipment for new members following the local government election in May 2018 and there were £24,101.33 worth of other costs for associated annual licenses.
 - The Committee also noted the agreement not to increase members' allowances, by the rate of inflation each year since 2009 and that allowances had been frozen since this date. The Committee felt that this agreement should be reviewed.

7.4 Review of Councillor Code of Conduct and Councillor Complaints Process

A review of the councillor code of conduct and councillor complaints processes is planned as part of the ongoing wider review of the Council constitution.

8. MEMBER CODE OF CONDUCT - COMPLAINTS

During 2018/19 no complaints were referred to the Committee but two appeals against Monitoring Officer decisions were received and the following hearings took place.

8.1 Appeal Hearing 1 (11 December 2018)

The first appeal hearing concerned a complaint from two members of the public about Councillor Stephanos Ioannou for some posts he had made on his facebook account, which they had found offensive.

The Monitoring Officer had referred the complaint to Jayne Middleton-Albooye (Head of Legal) for further investigation. Following the investigation, she had found that Councillor Ioannou had breached the code and recommended to the Monitoring Officer that the complaint be upheld. He had agreed and Councillor Ioannou had accepted the findings and agreed to undertake race awareness training.

All of the complainants had accepted the findings but two of them had appealed on the basis that they were not happy with the sanctions agreed. They had felt that Councillor Ioannou should be asked to make a public apology on the facebook page where the original post had appeared. When asked, Councillor Ioannou had refused to do this.

The members of the Committee discussed the appeal and decided to uphold it. They agreed that Councillor Ioannou be asked to make an apology on the same social media forum as the original post. They agreed that this should be done by the end of the December 2018, and that the post should remain in place until 31 January 2019. If Councillor Ioannou failed to make a social media apology, it was agreed that the Monitoring Officer would arrange for a notice, including the findings of the complaint, to be taken out in the Enfield Independent newspaper.

Councillor Ioannou refused to apologise on social media and a notice was placed in the Enfield Independent in March 2019.

8.2 Appeal Hearing 2 (11 December 2018)

The second appeal hearing concerned a complaint received from Councillor Laban, Leader of the Opposition, against the Monitoring Officer's decision on a complaint she had made concerning six individual councillors' alleged failure to declare interests at the Annual Council meeting on 23 May 2018. Two of the complaints were subsequently resolved and were not part of the appeal.

The investigation was carried out by Wilkin Chapman, a solicitor's firm with the appropriate expertise. They investigated the complaints and found that all four of the councillors accused, Councillors Elif Erbil, Susan Erbil, Huseyn Akpinar and Guney Dogan were not related to the Mayor, therefore had no interests to declare and so had not been in breach of the code of conduct. The Monitoring Officer had accepted the findings and agreed that there had been no breach of the code. Councillor Laban appealed his decision but had offered no further evidence in support of her appeal.

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

As an outcome of the appeal the Committee suggested that the code could be clearer about what was meant by "family member". The Monitoring Officer advised that the code was due to be reviewed and that this would be considered as part of the review.

- 8.3 The Monitoring Officer dealt with 22 complaints in total this year and there were 6 outstanding complaints subject to further investigation at the end of the municipal year.
- 8.4 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 2019/20

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:

- Review of Councillor Code of Conduct and Complaints Processes
- Recommendations on councillor conduct issues from Committee for Standards in Public Life
- 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 over the past year.

Councillor Ergin Erbil