

London Borough of Enfield

Councillor Conduct Committee

Annual Report 2019/20

Chairs Introduction

As Chair of the Councillor Conduct Committee from 2018-2020, 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 upholding the ethical culture within the Council.

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
Chair

1. Introduction

This report details the key aspects of the committees work during 2019/20.

Having an effective process for dealing with code of conduct complaints supports the principles of good governance and upholds an ethical culture within the Council.

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. The councillors appointed to the committee for 2019/20 were:

Councillor Ergin Erbil (Chair);
Councillor Glynis Vince (Vice Chair);
Councillor Christine Hamilton;
Councillor Elaine Hayward

Throughout the year four substitute members attended the committee: 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.

3. Independent Persons

As required by the Localism Act 2011 all local authorities must appoint at least one independent person whose views are sought and taken into account by the local authority before it makes a decision on an allegation that has been investigated.

Christine Chamberlain and Sarah Jewell act as the Independent persons for the committee and assist in the investigation of complaints under the

Council's Member Code of Conduct.

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 is vital to the proceedings. The Monitoring Officer consults one Independent person on all complaints received and they provide considered advice and guidance on complaints and other issues that arise.

The appointments are for a period of two years. Christine Chamberlains appointment concludes in June 2021. Sarah Jewells appointment has just concluded, and the council will be advertising for an Independent person.

4. Officers

The Committee was supported by the Monitoring Officer Jeremy Chambers Director of Law and Governance, the Deputy Monitoring Officer Jayne Middleton-Albooye Head of Legal Services and administrative support was provided by Penelope Williams Democratic Services Secretary.

5. Terms of reference

The full terms of reference of the Councillor Conduct Committee are set out at appendix 1, the key points 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 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.

6. The committees work programme

There were three meetings held during the year, the committee considered the extension of the Independent Persons contract, the

2018/19 annual report, updates from the Monitoring Officer on complaints being handled, and 2 appeal hearings.

7. Member Training

Training on the code of conduct and the associated complaint procedures were provided by the Monitoring Officer to members and substitute members of the committee in December 2018. There were no membership changes for 2019 so a refresher wasn't required, however prior to any hearings, if members were unsure of the process then individual sessions were held to ensure members were comfortable with the requirements of their role.

8. Dispensations

No dispensations had been granted in the past 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.

9. Review of the constitution Part 5 Code of Conduct

A review of the constitution including the code of conduct was undertaken and approved at Council on the 26th February 2020. The key changes to the code of conduct are:

- Clarification about the use of social media and public statements.
- References to the definitions in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 to assist with interpretation of what is an interest.
- Set out the possible offences for failing to disclose or register interests.
- Clearer definitions
- Amendments to the complaints procedure to deal with some of the practical issues which can arise e.g to allow the complainant and the member complained about to have a right to attend a hearing of the

Conduct Committee and make representations; a requirement to submit any written representations 7 days prior to a hearing of the Conduct Committee.

10. Complaints

During 2019/20 the Monitoring Officer received 10 complaints. No complaints were referred to the Committee but two appeals against Monitoring Officer decisions were received and the hearings by the committee took place on the 4th September 2019 and the 3rd March 2020.

Neither appeal against the Monitoring Officer decision was upheld by the committee.

11. Conclusions

The complaints form, appeal form and process are easily accessible to residents and councillors on the website.

Appendix A

COUNCILLOR CONDUCT COMMITTEE
Appointed by: Council
Proportionality: Disapplied
Membership: 4 members of the Council: 2 majority and 2 opposition to include both group whips. 2 substitute members by each group to be appointed at the Annual Council meeting. Substitute members to be permitted in the following circumstances: 8. 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. The committee member who wishes to appoint a substitute member must notify the Monitoring Officer in writing, prior to the beginning of the relevant committee meeting of the intended substitution. Once notification of a substitute member has been received the ordinary member of the committee will not (unless the notice of substitution is withdrawn prior to the start of the meeting) be entitled to attend the relevant meeting or part of the meeting to which the substitution applies as a member of the committee. The Independent Person(s) and the Monitoring Officer will be asked to attend the meetings to offer advice and support.
The membership must be drawn from: As set out in membership
Chair and Vice-Chair appointed by: Council, with the chair being the majority group whip and the vice-chair being an opposition whip.
Public / Private meeting: Public

Substitutes: 2 substitute members by each group to be appointed at the Annual Council meeting. Procedures set out in Membership above.

Quorum:

No business shall be considered at committee meetings unless at least one quarter of the total number of members, rounded up to a whole number, is present. In no case however shall the quorum be less than 2 members.

Frequency:

Meetings to be scheduled on a quarterly basis but only to meet if there was business to be transacted. Extra meetings can be arranged if necessary.

Terms of Reference:

- (i) To deal with policy, complaints against councillors and issues concerning the members' Code of Conduct.
- (ii) To promote and maintain high standards of conduct by councillors and all co-opted members.
- (iii) To assist councillors and co-opted members to observe their Code of Conduct and all other Codes within the Constitution.
- (iv) 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.
- (v) To consider requests for dispensations by councillors, and co-opted members relating to interests set out in the Code of Conduct.
- (vi) To discharge such other functions either general or specific as the Council may from time to time allocate to the Committee.