

London Borough of Enfield

Councillor Conduct Committee

Annual Report 2020/21

Chairs Introduction

As Chair of the Councillor Conduct Committee from 2020-21, 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.

Councillor Claire Stewart
Chair

1. Introduction

This report details the key aspects of the committees work during 2020/21.

The committee ensures there is 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 2020/21 were:

Councillor Claire Stewart (Chair);
Councillor Glynis Vince (Vice Chair);
Councillor Christine Hamilton;
Councillor Elaine Hayward

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 are appointed 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 have brought 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 was extended at Council AGM until May 2022, and Sarah Jewells appointment concluded.

The Committee advertised, interviewed and appointed Joan Mansfield to the vacant position, and this was approved at Council AGM in May 2021. Joan's appointment is for a period of two years, finishing in May 2023.

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. One was an appeal hearing, one was a normal business meeting dealing with an update on cases, and approval to recruit to the Independent persons post, and the other meeting was to hold interviews for the post.

7. Member Training

Training on the code of conduct and the associated complaint procedures will be provided by the Monitoring Officer following the changes to the Independent Persons or if there are any changes to committee. If

members or substitute members of the committee are unsure of the process for hearings or appeals, then individual sessions are held to ensure members are 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. Complaints

The Council will use its reasonable endeavours to determine a complaint within 3 months of receipt. The complainant will be kept informed of progress throughout. The process may include:

- (a) Requests for further information/evidence;
- (b) Informal resolution to the satisfaction of all parties;
- (c) Mediation;
- (d) Investigation; and/or
- (e) Referral to the Councillor Conduct Committee where the Monitoring Officer feels it would not be appropriate for him/her to take a decision

The Monitoring Officer, based primarily on the criteria set out above, will consider the complaint received and, in consultation with an Independent Person, will determine whether it warrants further action.

Complaints will not be accepted where:

- (a) They are considered to be trivial, malicious, vexatious or frivolous
- (b) It is not in the public interest to investigate the complaint.

-
- (c) The subject matter has already been considered by the Council - except where new evidence has become available which could not previously have been produced
 - (d) It would be more appropriate for the complaint to be dealt with by a court or under another complaints or arbitration procedure
 - (e) One of the parties had registered their intention to take legal action on all or some of the matters complained about
 - (f) Legal action is under way
 - (g) Some or all of the matters complained about have been resolved through litigation.
 - (h) The complainant seeks to overturn decisions made by the Council.

If a complaint is rejected on the basis of the above, there is no right of appeal.

If the complaint is referred for further action, the Monitoring Officer will determine, in consultation with the Independent Person, the most appropriate way of dealing with the complaint.

During 2020/21 the Monitoring Officer received 18 complaints.

The Monitoring Officer rejected 5 of these as they were not eligible under the code of conduct.

The Independent Person considered 6 of these complaints and found no breach of the code.

The remaining complaints were dealt with through informal resolution, and 6 have ongoing investigations and requests for further information in place.

One appeal against the Monitoring Officers decision on a complaint from 2019 was received and the hearing by the committee took place on the 23rd September 2020.

The appeal was rejected, and the Monitoring Officer's original decision was upheld by the committee.

10. Conclusions

The complaints form, appeal form and process are 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.