

# London Borough of Enfield

## Councillor Conduct Committee

### Annual Report 2021/22

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## 1. Introduction

This report details the key aspects of the committees work during 2021/22.

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 2021/22 were:

Councillor Claire Stewart (Chair);  
Councillor Glynis Vince (Vice Chair);  
Councillor Rick Jewell;  
Councillor Elaine Hayward

## 3. Changes in Personnel

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.

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.

The recruitment process will begin for a second independent person following the sad passing of Christine Chamberlain who was the other independent person. The job description and advert was agreed by the committee on 1 March 2022.

The committee was supported by the Monitoring Officer, Jeremy Chambers. Terry Osborne joined us in February 2022 as the new Interim Director of Law & Governance and Monitoring Officer. There are also two deputy Monitoring Officers.

## 4. Terms of reference

The full terms of reference of the Councillor Conduct Committee are set out at appendix 1. The role of the committee is:

- To deal with policy, complaints against councillors and issues concerning the members' Code of Conduct.

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- 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.

## **5. The committees work programme**

There were two meetings held during the year, which were normal business meetings dealing with an update on cases, and approval to recruit to the Independent persons post.

## **6. Member Training**

Training on the code of conduct was provided by the Monitoring Officer for all new members on 7 May 2022 and further training will be provided by her to the political party groups in the coming weeks.

## **7. Dispensations**

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.

Due to the ongoing coronavirus pandemic, Council agreed a general dispensation to remain in place until the 25th May 2022 AGM, to all councillors from the requirements of Section 85(1) of the Local Government Act 1972.

The dispensation aimed to ensure that members were not disadvantaged by non-attendance at meetings either through illness due to covid-19, or when the council considered that the health risk to members, officers and public are

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greater than the requirement to physically attend formal meetings of the council.

## **8. Complaints**

The Council will use its reasonable endeavours to determine a complaint within 3 months of receipt.

During 2021/22 the Monitoring Officer received 22 complaints.

The Monitoring Officer rejected 1 of these as they were not eligible under the code of conduct.

The remaining complaints have been concluded or are subject to ongoing investigations. These are summarised in Appendix 2. Some of the complaints were not determined within the recommended timescale of 3 months and the new Interim Director of Law and Governance will ensure that complaints are dealt with within the required timescale in future.

## Appendix 1

<b>COUNCILLOR CONDUCT COMMITTEE</b>
<b>Appointed by:</b> Council
<b>Proportionality:</b> Disapplied
<b>Membership:</b>  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.
<b>The membership must be drawn from:</b> As set out in membership
<b>Chair and Vice-Chair appointed by:</b> Council, with the chair being the majority group whip and the vice-chair being an opposition whip.
<b>Public / Private meeting:</b> Public

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**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.

## Appendix 2

### List of Councillor Complaints

Ref	Receipt of Complaint	Councillor/s	Complainant	Outcome	Status (Open/Closed)
<b>2021</b>					
043	11 January 2021	Councillor B	Member of the public	Resolved Informally	Closed
044	12 January 2021	Councillor B	Member of the public	Rejected.	Closed
045	12 January 2021	Councillor B	Member of the public	No breach	Closed
046	11 January 2021	Councillor B	Member of the public	No breach	Closed
047	18 January 2021	Councillor B	Member of the public	Resolved informally.	Closed
048	28 February 2021	Councillor C	Member of the public	No Breach	Closed
049	8 March 2021	Councillor D	Cllr	No breach	Closed
050	8 March 2021	Councillor E	Cllr	No Breach	Closed
051	22 March 21	Councillor F	Member of the public	No Breach	Closed
052	5 August 2021	Councillor G	Member of the public	No Breach	Closed
053	7 July 2021	Councillor D	Member of the public	No breach	Closed
054	18 September 2021	Councillor H	Member of the public	No breach	Closed
055	17 September 2021	Councillor B	Member of the public	No breach	Closed
056	18 October 2021	Councillor I	Member of the public	Investigation delayed. New investigator appointed 23 May 2022.	Under investigation Linked to next complaint
057	19 October 2021	Councillor I	Councillor	As above	Under investigation As above
058	9 November 2021	Councillor B	Member of the public	No breach	Closed
059	17 November 2021	Councillor D and Councillor B	Member of the public	Under investigation	To be reviewed by the MO
060	13 December 2021	Councillor E	Member of the public	No breach	Closed
061	3 February 2022	Councillor B	Councillor	Under investigation	To be reviewed by the MO
062	11 February 22	Councillor J	Councillor	Under investigation	To be reviewed by the MO
063	4 February 22	Councillor D	Member of the public	Initial review delayed due to election and change of MO	To be reviewed by the MO
064		Councillor K	Member of the public	No breach	Closed