

# Public Document Pack



## **Councillor Conduct Committee**

Monday, 11 December 2017 at 6.30 pm  
Room 2, Civic Centre, Silver Street, Enfield,  
EN1 3XA

Contact: Penelope Williams  
Secretary  
Direct : 020-8379- 4098  
Tel: 020-8379-1000  
Ext: 4098

E-mail: [Penelope.Williams@enfield.gov.uk](mailto:Penelope.Williams@enfield.gov.uk)  
Council website: [www.enfield.gov.uk](http://www.enfield.gov.uk)

Councillors: Claire Stewart (Chair), Glynis Vince (Vice-Chair), Katherine Chibah and Elaine Hayward

Independent Persons: Christine Chamberlain and Sarah Jewell

## **AGENDA – PART 1**

### **1. WELCOME AND APOLOGIES**

### **2. SUBSTITUTIONS**

Any member who wishes to appoint a substitute for this meeting must notify the Monitoring Officer in writing, before the beginning of the meeting, of the intended substitution.

Any notifications received will be reported at the meeting.

### **3. DECLARATION OF INTERESTS**

Members are asked to declare any disclosable pecuniary, other pecuniary or non-pecuniary interests relating to items on the agenda.

### **4. APPEAL HEARING (Pages 1 - 110)**

To consider a report including information on an appeal against a decision taken by the Monitoring Officer on a complaint received about a councillor. (Report No:124)

### **5. UPDATE ON COMPLAINTS (Pages 111 - 112)**

To receive an update from the Monitoring Officer on complaints currently being considered.

Rolling record attached.

### **6. REVIEW OF MEMBER'S EXPENSES (Pages 113 - 116)**

To receive a report from the Monitoring Officer containing additional information on member expenses for 2016/17 as requested by members at the meeting held in March 2017.

**7. CHANGE TO THE PROCEDURE FOR HANDLING COMPLAINTS AGAINST COUNCILLORS AND CO-OPTED MEMBERS** (Pages 117 - 132)

To receive a verbal update from the Head of Legal Services.

A copy of the report which was considered at Council on 22 November 2017 is attached for information.

**8. WORK PROGRAMME 2017/18** (Pages 133 - 134)

To note the work programme agreed for 2017/18.

**9. MINUTES OF MEETING HELD ON 5 OCTOBER 2017** (Pages 135 - 138)

To receive and agree the minutes of the meeting held on 5 October 2017 as a correct record.

**10. DATES OF FUTURE MEETINGS**

Members are asked to note the dates agreed for future meetings:

- Tuesday 6 March 2017

**11. EXCLUSION OF PRESS AND PUBLIC**

To pass a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

There is no part 2 agenda.

# MUNICIPAL YEAR 2017/2018 REPORT NO. 124

## MEETING TITLE AND DATE:

Councillor Conduct  
Committee 11 December  
2017

## REPORT OF:

Former Interim Monitoring  
Officer

Agenda – Part: 1

Item: 4

**Subject: Appeal Against the Monitoring  
Officer Decision with regards to a  
Complaint**

**Cabinet Member consulted: N/A**

Head of Legal Services

Contact officer and telephone number:

Jayne Middleton-Albooye – 02083796431.

Email [jayne.middleton-](mailto:jayne.middleton-albooye@enfield.gov.uk)

[albooye@enfield.gov.uk](mailto:albooye@enfield.gov.uk)

## 1. EXECUTIVE SUMMARY

1. This report sets out a complaint from Mrs. Kate Leach against Councillor Daniel Anderson received on 4 January 2017. The complaint alleges several breaches of the Councillors' Code of Conduct ("the Code"), following a ward surgery meeting, which Mrs. Leach attended.
2. Councillor Anderson denied he had breached the Code.
3. The former Monitoring Officer, Asmat Hussain, instructed Jill Bayley, Principal Solicitor for the London Borough of Enfield to investigate the complaint in accordance with the Code. I, in my capacity as Interim Monitoring Officer, (a post, for clarity, which I no longer hold) accepted the findings in the investigation report that the matters complained about did not amount to breaches of the Code by Councillor Daniel Anderson and therefore the complaint was not upheld. The Complaint Report is attached as Appendix A.
4. Mrs. Kate Leach, the named complainant has exercised her rights to appeal my decision, to the Councillor Conduct Committee.

## 2. RECOMMENDATIONS

1. The Committee, having reviewed the former Interim Monitoring Officer's decision and the Independent investigation report, considers the appeal from Kate Leach against the decision of the former Interim Monitoring Officer to not uphold the complaint against Councillor Daniel Anderson.
2. If the Committee agrees with the decision to not uphold the complaint, no further action is required, apart from endorsement of the decision.
3. If the Committee disagrees then the Committee will need to consider what sanctions, if any to apply as detailed in the procedure for Hearing Complaints set out in the Constitution.

### **3. BACKGROUND**

- 3.1** I attach to this report Appendix A the investigation report from Jill Bayley, Principal Solicitor Enfield Council, with regards to the complaint. It is a report which includes interviews with the complainant, an officer of the Council, another resident, a school employee and Councillor Daniel Anderson and the appendices thereto.
- 3.2** The Independent Person has been consulted throughout the process.
- 3.3** As the Interim Council Monitoring Officer I agreed with the conclusions that are set out on page 10 and 11 that, on the balance of probabilities, Councillor Anderson's actions did not amount to a breach of the Code of Conduct.
- 3.4** Attached at Appendix B is the appeal from Kate Leach and her response to the Report. The committee must have regard to the appeal and its contents in making its decision.

### **4. ALTERNATIVE OPTIONS CONSIDERED**

None

### **5. REASONS FOR RECOMMENDATIONS**

As set out in the report

### **6. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS**

#### **6.1 Financial Implications**

None

#### **6.2 Legal Implications**

These are contained within the body of the report and the investigation reports.

#### **6.3 Property Implications**

None

### **7. KEY RISKS**

None

**8. IMPACT ON COUNCIL PRIORITIES**

**8.1 Fairness for All**

**8.2 Growth and Sustainability**

**8.3 Strong Communities**

Where applicable contained within the body of the reports and the Councillors' Code of Conduct as set out in the Council's Constitution

**9. EQUALITIES IMPACT IMPLICATIONS**

Where applicable contained within the body of the reports and the Councillors' Code of Conduct as set out in the Council's Constitution

**10. PERFORMANCE MANAGEMENT IMPLICATIONS**

Where applicable contained within the body of the reports and the Councillors' Code of Conduct as set out in the Council's Constitution

**11. HEALTH AND SAFETY IMPLICATIONS**

Where applicable contained within the body of the reports and the Councillors' Code of Conduct as set out in the Council's Constitution

**12. HR IMPLICATIONS**

Where applicable contained within the body of the reports and the Councillors' Code of Conduct as set out in the Council's Constitution

**13. PUBLIC HEALTH IMPLICATIONS**

Where applicable contained within the body of the reports and the Councillors' Code of Conduct as set out in the Council's Constitution

**14. Background papers**

**Appendix A**

Investigation report of Jill Bayley, Principal Solicitor, London Borough of Enfield

**Appendix B**

Kate Leach Appeal Form and Response to the Report

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**REPORT INTO COMPLAINT DATED 4.1.17**

**MADE BY**

**MRS KATE LEACH**

**AGAINST**

**COUNCILLOR DANIEL ANDERSON**

## 1. EXECUTIVE SUMMARY

This is a report into a complaint by Mrs Kate Leach against Cllr Daniel Anderson. The complainant alleges breaches by Cllr Anderson of the Code of Conduct at a meeting which took place at a ward surgery on 15 November 2016. For the reasons set out in this report I do not find that Cllr Anderson has breached the Code in relation to any of the four allegations. I therefore recommend that the Council upholds none of the complaints.

## 2. INTRODUCTION

2.1. I am a Principal Lawyer in Enfield Legal Services. I was admitted to the Roll of Solicitors in January 1992.

2.2. In January 2017, I was instructed by the Monitoring Officer of the London Borough of Enfield's (the **Council**) – Asmat Hussain, Assistant Director of Legal and Governance Services – to carry out an investigation into a complaint against Councillor Daniel Anderson (Southgate Green Ward), Cabinet Member for Environment.

2.3. The complainant cited a witness. I have also considered the emails submitted by the complainant with the complaint, and the emails submitted by Cllr Anderson.

2.4. I have interviewed the following people:

2.4.1. Cllr Daniel Anderson (on 30.1.17, face to face);

2.4.2. Mr George Dunnion (on 9.2.17, by telephone);

2.4.3. Mrs Kate Leach (on 23.2.17, face to face).

2.4.4. Mr Stephen Genus, school caretaker (on 5.5.17, face to face). I also visited the site where the meeting took place.

2.4.5. Mr David Taylor (on 16.5.17, face to face).

2.5. On 4 April 2017, records of the interviews with Cllr Anderson, Mrs Leach and Mr Dunnion were prepared and sent to the interviewees. They were requested to respond by 11 April 2017. Mrs Leach responded; Mr Dunnion did not. Cllr Anderson responded with a number of emails which are attached to the record of his interview. The records of the interviews, with attachments where necessary, are appended to this report as Appendices 3-5.

2.6. The original complaint is attached as Appendix 1 and emails provided to me by Cllr Anderson are attached as Appendix 2.



- 2.7. On 10 March 2017 I emailed Cllr Anderson asking whether he would be prepared to offer an apology. Cllr Anderson advised that he was not prepared to offer an apology. The email correspondence relating to this is attached as Appendix 6.
- 2.8. Records of the interviews with Mr Genus and Mr Taylor were sent out to them on 8 May 2017 and 16 May 2017 respectively. No response has been received. These records are attached to the report as Appendices 7 and 8.
- 2.9. As Cllr Anderson had indicated in his email to me of 7 April 2017 that he would not co-operate further with me in my investigation, my manager Ms Jayne Middleton-Albooye spoke to him on 23 June 2017. A copy of her handwritten notes is attached as Appendix 9.
- 2.10. On 17 July 2017 I sent out my draft report to the complainant Mrs Leach, to Cllr Anderson and to the Council's Monitoring Officer. I asked for any comments by 21 July 2017.
- 2.11. On 18 July 2017 Cllr Anderson sent me his comments as an annotated version of the report. The annotated version is attached as Appendix 10.
- 2.12. Mrs Leach asked for more time to consider her response and it was agreed that her time for provision of comments could be extended until 1 September 2017. Mrs Leach's response was received on 22 August 2017 and is attached as Appendix 11.

### **3. THE COMPLAINT**

- 3.1. The complaint relates to a meeting Mrs Leach had with Councillor Anderson at Garfield School on 15th November 2016. Mrs Leach was accompanied at the meeting by Mr George Dunnion. A number of residents on the road, including Mrs Leach and Mr Dunnion, opposed the Council's decision about traffic in Warwick Road. Mr Dunnion was cited as a witness by Mrs Leach in her written complaint.
- 3.2. The occasion was a ward surgery for Councillor Anderson's ward. Neither Mr Dunnion nor Mrs Leach are ward constituents of Councillor Anderson. Mrs Leach stated that she and Mr Dunnion had gone to Councillor Anderson's ward surgery because they had had difficulty in getting hold of him in any other way; that when they explained that they were there to talk about Warwick Road, Councillor Anderson became angry, stood up and shouted at them and told them to leave; that Councillor Anderson's conduct was rude and suggested that he did not want his decision to be scrutinised; that Councillor Anderson had used the words 'ambushed' and 'lynch mob' in relation to them; that when Mrs Leach and Mr Dunnion were leaving the room the door became accidentally locked; and that Councillor Anderson had followed Mrs Leach and Mr Dunnion back to their car and that Mrs Leach found this behaviour unnerving. Mrs Leach believed that Councillor Anderson had breached the Code

of Conduct. Mrs Leach also sent me copies of two emails, one from her to Councillor Anderson and one in reply.

- 3.3. Paragraph 3.1 of the Council's *Procedure for Handling Complaints against Councillors and Co-opted Members* requires any complaint to be received "in writing within three months of the alleged matter". Mrs Leach's complaint was received within this timescale.

#### **4. THE CODE OF CONDUCT**

- 4.1. Due to the provisions of s27(2) of the Localism Act 2011, it is important to consider whether or not the Code applied at the time of the incident complained of. The Code does not apply when an elected member is acting in his private capacity. Enfield Council's Code (which is attached in Appendix 7) only applies to Cllr Anderson where he acts or purports to act in his capacity as a Member of the Council. As the complaint relates to a meeting at a ward surgery relating to Council business there seems to be no dispute that Cllr Anderson was acting in his official capacity.
- 4.2. Mrs Leach has complained that Cllr Anderson breached the following provisions of the Code:

##### **8. General Principles of Conduct**

*In carrying out your duties, in exercising the functions of the Authority, or otherwise acting as a Councillor, you will be expected to observe the following general principles of conduct. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.*

##### **8.4 Accountability**

*You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.*

##### **8.5 Openness**

*You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.*

##### **8.8 Respect for Others**

*You should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. You should respect the impartial role of the authority's statutory officers, and its other employees.*

**Expectations of conduct**

*11. You shall at all times conduct yourself in a manner which will maintain and strengthen the public's trust and confidence in the integrity of the Authority and never undertake any action which would bring the Authority, you or other members or officers generally, into disrepute.*

**Rules of Conduct**

*12. You shall observe the following rules when acting as a Member or co-opted Member of the Authority:*

*(1) Treat others with respect and courtesy.*

*(2) You must not -*

*(b) Bully any person;*

*(c) Lobby, intimidate or attempt to lobby or intimidate any person who is or is likely to be:*

*(i) a complainant,*

*(ii) a witness, or*

*(iii) involved in the administration or determination of any investigation or proceedings in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or*

*(d) Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.*

**5. WARWICK ROAD**

**5.1.** It is not a part of my remit to consider the rights and wrongs of the situation in Warwick Road. I am aware that it is a contentious issue about which Mrs Leach holds strong views.

**6. EVIDENCE**

*The Complainant*

6.1. Mrs Leach came across as an active community member. She was clearly very concerned about the effect of the traffic on the street where she lives. It was clear to me that she was, in February 2017, still very upset about the incident in Garfield School. This was some three months after the incident. Her main concern in my meeting with her was the rudeness which she felt Cllr Anderson had displayed.

6.2. Mrs Leach conceded in my interview with her that the meeting had become heated. She described her witness, Mr Dunnion, standing up and pointing at one stage in the meeting. Mr Dunnion also described the meeting as becoming heated. Mrs Leach described Cllr Anderson as shouting while Mr Dunnion's recollection was rather vaguer.

*Cllr Anderson*

6.3. Cllr Anderson was clearly very aware of the problems concerning Warwick Road, and commented that the problem was that residents had been given the impression that there was a solution whereas in fact there was none.

6.4. Cllr Anderson also made it very clear that he had felt threatened during the meeting and as a result of the incident was no longer prepared to hold ward surgeries in the traditional manner, but instead plans to hold appointments in public places such as libraries and coffee shops.

6.5. I bear in mind that the incident took place only a few months after the murder of Jo Cox MP by a constituent in June 2016 and that all public figures involved in politics are likely to have been shaken by the murder. I also bear in mind that the hall where the meeting took place was isolated, Cllr Anderson was the only councillor in the room, and there were problems with the door which became locked accidentally during the meeting. I appreciate that this is likely to have been unnerving for Cllr Anderson.

*Mr Dunnion*

6.6. Mr Dunnion's recollection of the events of the meeting was rather vague. He stated that Councillor Anderson had been abrupt and aggressive. He described the meeting as 'heated' and said that he had stood up at one stage and raised a finger.

*Mr Genus*

6.7. Mr Genus was in the vicinity of the room where the meeting was taking place, but did not see or hear the initial stages of the meeting. He became aware of raised voices and stated that when he entered the room all three people present were standing.

*Mr Taylor*

6.8. Mr Taylor was not present at the meeting but I spoke to him to get some background. He was very aware of the concerns raised by the residents' group of which Mrs Leach was a

member. He stated that he had discussed the Warwick Road scheme with Councillor Anderson on several occasions.

### ***The allegations***

#### ***1. Lack of accountability***

- 6.9. Mrs Leach alleges that Cllr Anderson showed a lack of accountability in his response to her and Mr Dunnion. She states that her group had difficulty in contacting Cllr Anderson and that she went to the ward surgery for another ward because she and the group could find no other method of contacting him. Cllr Anderson expressed concern that Mrs Leach had not followed proper process and this was one of the reasons he gave for his reaction to the approach from her.
- 6.10. Cllr Anderson stated in his interview that he did not have to be accountable to Mrs Leach or her group, as his role was to make a decision which he had done.
- 6.11. This statement was queried by Ms Middleton-Albooye on 23 June 2017 and her notes of the conversation are attached as Appendix 9. Her notes show that Councillor Anderson was aware that this decision was delegated to him in his capacity as the relevant Cabinet member. He states that the final decision was effectively not his as it was based on the advice of the traffic engineers, which was based on the evidence available.
- 6.12. I note that, in his interview with me, Councillor Anderson said that he had discussions with officers and concluded that there was no obvious solution and that he had agreed to 'take the flak'.
- 6.13. Although Councillor Anderson said in his interview with me that he did not have to be accountable, I am satisfied from the interview with Ms Middleton-Albooye that he was aware that he was responsible for the decision in his capacity as Cabinet member. I also note his remark that he would 'take the flak'. In light of this information, and on the balance of probabilities, I do not uphold this complaint.

#### ***2. Lack of openness***

- 6.14. Mrs Leach alleges in her complaint that Councillor Anderson showed a lack of openness in his interaction with her. She states that Councillor Anderson did not offer any further appointment to meet her or the group.
- 6.15. Councillor Anderson stated in his interview that he did not have to explain his position. A letter had been written by a senior officer setting out the reasoning and there was no appeal.

- 6.16. I am aware from my meeting with Mr Taylor that Councillor Anderson was involved in drafting the letter which went to residents explaining the reason for the decision not to change the traffic arrangements in Warwick Road. Mr Taylor also told me that there was a meeting between the three ward councillors and members of the residents' group, and that he (Mr Taylor) was present at that meeting. Councillor Anderson was not present at the meeting because it was a ward matter and he was not a representative for that ward.
- 6.17. Mrs Leach indicated that she and her residents' group had met their ward councillors and had been advised that there was nothing more the ward councillors could do and that the group should meet Councillor Anderson.
- 6.18. Mrs Leach told me that her group was concerned that the decision had been rushed and that the group's views had not been taken into account.
- 6.19. I also note that Cllr Anderson stated in his interview that he had planned to send a final response to the Warwick Road residents but that this had not gone out before the meeting at Garfield School. At another stage in the interview Cllr Anderson told me that there had been talks with officers which had concluded that there was no obvious solution to the Warwick Road problem and that he had agreed to 'take the flak'. This suggests both that he had considered providing further information about his decision, and that he accepted that he had a responsibility to deal with responses to the decision.
- 6.20. I also note Cllr Anderson's views, at several points in his interview, that Mrs Leach and Mr Dunnion had acted disrespectfully and with a sense of over-entitlement by arriving towards the end of the ward surgery. He made it clear that he believed that Mrs Leach and Mr Dunnion had acted improperly by attending a ward surgery when they were not there to discuss ward business.
- 6.21. Mrs Leach indicated in her interview with me that her group had met their ward councillors and been advised that the ward councillors could do nothing further and that the group should speak to Councillor Anderson. Mrs Leach said that the group had been trying to contact Cllr Anderson without success. She said that she understood that Cllr Anderson was not her ward councillor and told me that she had gone towards the end of the session so that the ward constituents would have first claim on Cllr Anderson's time.
- 6.22. I appreciate the sense of frustration expressed by Mrs Leach in her interview and I note that she was aware when she arrived at the meeting that it was not an appropriate forum for her query, but that she felt unable to find another way to express her views. I also appreciate the concern expressed by Councillor Anderson at the inappropriate use of a ward surgery. I note that the decision was a controversial one to which there was no easy

solution. I note that a decision was given to the residents. On the balance of probabilities I do not find that Cllr Anderson acted with a lack of openness on this occasion.

### **3. Lack of Respect for Others and Lack of Courtesy**

- 6.23. I have considered whether Mrs Leach's statement that Cllr Anderson breached the Code of Conduct by 'not showing any...Respect for others' should be considered under Paragraph 8.8 or Paragraph 12 (1). Paragraph 8.8 refers to unlawful discrimination on the basis of race, age, religion, gender, sexual orientation or disability. On interview Mrs Leach did not give any information which suggested any unlawful discrimination of this type. I am therefore considering this allegation under Paragraph 12(1), which states that Members must 'treat others with respect and courtesy'.
- 6.24. Mrs Leach makes two allegations against Cllr Anderson under this heading. One is that he was rude during the meeting in the hall, and the second is that he followed her and Mr Dunnion to their car after the meeting.
- 6.25. I note that Mrs Leach used the words 'rude' and 'arrogant' of Cllr Anderson's behaviour in the meeting. She described Cllr Anderson as shouting. Mr Dunnion described Cllr Anderson's behaviour as 'abrupt' and 'dismissive'. Cllr Anderson said Mrs Leach and Mr Dunnion were 'very angry', 'threatening' and 'aggressive'. He described Mr Dunnion standing up and pointing at him. Mr Dunnion and Mrs Leach both confirmed that Mr Dunnion stood up and Mr Dunnion said that he raised a finger. Mr Genus described all three people as standing when he entered the room, and said that he heard shouting. He was unable to say how the incident had started as he was not present and there was no CCTV covering the interior of the room.
- 6.26. Mrs Leach and Mr Dunnion both described the meeting as 'heated' and in her initial email to Cllr Anderson, written shortly after the incident, Mrs Leach states, 'Unfortunately what started as a reasonable discussion quickly became overheated'.
- 6.27. It is clear that feelings were running high during the meeting. Both Mrs Leach and Cllr Anderson agreed that Warwick Road was a contentious issue and all parties gave an account of a difficult occasion. Mr Dunnion said that he was unable to remember details.
- 6.28. Having considered all the evidence, I have concluded that all three parties present became overheated during the meeting. I therefore do not uphold Mrs Leach's complaint of lack of courtesy and respect so far as the meeting is concerned.
- 6.29. I now turn to Mrs Leach's allegation that Cllr Anderson followed her and Mr Dunnion to their car. I note that all parties agree that the three people concerned left the building

together (confirmed by Mr Genus) and walked in the same direction. I note that Cllr Anderson explained that he was going home and that this route was better lit at that time of day. Mr Dunnion said that he did not feel threatened and did not feel that Cllr Anderson was following them. Mrs Leach reported that she felt threatened.

- 6.30. I have checked the route between Cllr Anderson's home address and Garfield School and I am satisfied that the route along Palmers Road was a reasonable route at 6.30 to 7pm in November. I note that Mr Dunnion did not feel threatened. On the balance of probabilities, I do not uphold Mrs Leach's complaint on the allegation of following her to her car.

#### **4. Bullying**

- 6.31. Mrs Leach's final allegation is that Cllr Anderson used his position to bully Mrs Leach and Mr Dunnion into leaving. In her interview she described Cllr Anderson as standing up and telling her to leave. Mr Dunnion did not describe the end of the meeting but conceded that there was aggression on both sides. Cllr Anderson said that he got up to leave and that Mrs Leach and Mr Dunnion walked out with him. Mr Genus said that when he entered the room Councillor Anderson was trying to calm the situation.
- 6.32. I have noted the descriptions of the end of the meeting. I note that the only person who makes this specific allegation is Mrs Leach. In the interview she does not elaborate on how she believes Cllr Anderson used his position to bully them. On the balance of probabilities I do not uphold this complaint.

### **7. SUMMARY AND CONCLUSIONS**

- 7.1. It follows from the above that I find as follows in respect of the complaints:

- 7.1.1. I do not uphold the complaint of lack of accountability on the balance of probabilities. I note that Councillor Anderson said in interview that he was not responsible, but he also said that he had agreed to 'take the flak'. On the basis of this, and his subsequent discussion with Ms Middleton-Albooye, I do not find this part of the complaint made out.
- 7.1.2. I do not uphold the complaint of lack of openness on the balance of probabilities for the reasons set out in 6.14-6.22 above.
- 7.1.3. I consider, on the balance of probabilities, that all three parties at the meeting acted aggressively and I therefore do not uphold the complaint of lack of respect for others and lack of courtesy.



- 7.1.4. I consider, on the balance of probabilities, that there is insufficient evidence to show that the allegation of bullying is made out and I therefore do not uphold this complaint.

## **8. CONCLUSION**

I recommend that the Council dismiss all four complaints against Councillor Anderson.

Jill Bayley

Principal Lawyer

Tel: 020 8379 6475

[Jill.bayley@enfield.gov.uk](mailto:Jill.bayley@enfield.gov.uk)



## **Appendix 1**

### **Original complaint**



*Outsource / Jill?*

Mrs Kathleen Leach

04-01-2017

Mrs Asmat Hussain  
Assistant Director Legal and Governance Services  
(Monitoring Officer)  
Enfield Council  
Silver Street  
Enfield  
EN1 3XY

Dear Mrs Hussain

Please find enclosed completed complaint form regarding Cllr Daniel Anderson

Kind Regards



Kate Leach

# London Borough of Enfield

## Councillor Conduct Complaint Form



This form is to be completed in full if you wish to make a complaint that a Member or voting Co-opted Member of the London Borough of Enfield has failed to comply with the Code of Conduct adopted by the Council with effect from 1 July 2012.

**1. Please provide us with your name and contact details**

<b>Title</b>	MRS
<b>First Name</b>	KATHLEEN
<b>Last Name</b>	LEACH
<b>Address</b>	
<b>Daytime Tel</b>	
<b>Evening Tel</b>	
<b>Mobile Tel</b>	
<b>Email Address</b>	

**2. Please tick the box which best describes you:**

- ☒ Member of the public
- ☐ An elected or co-opted member of an authority
- ☐ Member of Parliament
- ☐ Local authority officer
- ☐ Other (please specify .....)

**3. Please provide us with the name of the Councillor(s) and/or voting Co-Opted Member(s) you believe have breached the Code of Conduct:**

Title	First Name	Last Name
Cllr	Daniel	Anderson

**4. Please explain in this section (or on separate sheets) what the Councillor has done that you believe breaches the Code of Conduct.**

If you are complaining about more than one Councillor you should explain clearly what each individual has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer\* when he/she decides (having first sought the advice of the Council's 'Independent Person'), whether to take any action on your complaint. For example:

- Be specific, wherever possible about exactly what you are alleging the Member said or did. For instance, if you are complaining about something said you should state what words were used.
- Specify which part(s) of the Code of Conduct you consider have not been complied with.
- You should provide the dates of alleged incidents wherever possible. If you do not know exact dates, it is important to give a general timeframe.
- Confirm whether there were any witnesses to the alleged conduct and provide their names and contact details if possible.
- Provide relevant background for, or any documents that support, your allegation.

*[\* The Monitoring Officer at the London Borough of Enfield has a statutory responsibility to ensure that the Council acts in a lawful manner, and that it does not do anything which might cause maladministration, or injustice to any individual.]*

Please set out in this box the details of your complaint. If you use separate continuation sheets please state how many additional pages are attached . . .

My Complaint against Cllr Daniel Anderson of the Southgate Green Ward, has arisen following a meeting with him at Garfield School, Springfield Rd on the 15<sup>th</sup> Nov 2016. (Continued on 1 attached sheet)

I arrived at the school with my neighbour Mr George Dunnion, on entering the room Cllr Anderson ended his phone call and asked us to sit down as there were no other people waiting to see him.

We introduced ourselves and everything appeared to be fine, however when we said we had come to talk about the Warwick Rd N11 traffic situation that Cllr Anderson had made the final decision on he became quite angry and told us to leave.

Although I explained that we had been unable to communicate with him in any other way he insisted that the Warwick Rd issue had been dealt with and the matter was now closed.

He was dismissive and impolite, he was in no way open or accountable. He did not want his decision to be scrutinised by us at all.

However this is a very important issue for Warwick Rd residents and we felt he needed to treat our concerns with far more respect than he was doing. He stood up and began to shout, my neighbour also stood and said that Cllr Anderson should not be talking to us in the way he was.

Cllr Anderson then shouted that we were a lynch mob, definition (A group or crowd of people wishing to kill or succeeding in killing a person they suspect of a crime). Who had ambushed him, definition( A lying in wait to attack by surprise). This kind of language is completely inappropriate and unacceptable. We are just two retired people who went along to have a conversation about a legitimate concern.

I asked if he would take a look at the correspondence I had brought along, but again he shouted that we had come armed with an A4 folder, quite insulting terminology, to use the word armed was uncalled for.

I do not think he conducted himself in a manner that would promote trust or confidence, indeed it has led us to question completely the reasoning behind his decision making. He offered no alternative time or place for any discussion he just told us to get out.

Because of his very angry and rude response we decided to leave. We moved the chair blocking our exit and the door closed and self locked. This provoked more outrage and the caretaker arrived saying "it was ok he would open the door".

Cllr Anderson then followed us all the way back to our car, crossing the road to stay with us, we found this unnerving and unnecessary, as he had told us to go. This is no way to deal with the public let alone two pensioners. He was nothing more than a bully determined to get his own way in what ever way he could. I think he has brought his office into disrepute.

In short I believe that Cllr Daniel Anderson breached the code of conduct by not showing any  
Accountability  
Openness  
Respect for others  
Courtesy  
And he used his position to bully us into leaving.



If you are enclosing any documents to support your claim, please list them here.

I am enclosing the 2 e-mails which followed our meeting.

Is there anybody who can help us with information about this matter? If so, please give their name(s) and contact details.

Mr George Dunnion

## 5. Confidentiality

Your complaint will be handled by the Council's Monitoring Officer in accordance with the procedure for handling complaints against Councillors and Co-opted Member.

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.

If your request for confidentiality is not granted, you will usually have the option of withdrawing your complaint.

If you believe that there is justification for withholding your name and address, please set out the reasons here.

However, it is important to understand that in exceptional circumstances where the matter complained about is very serious, the Monitoring Officer may decide to proceed with an investigation or other action and disclose your name even if you have expressly asked her not to.

**6. Additional Help**

Complaints must be submitted in writing. This includes submissions by email. However, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

Please let us know if this is the case (see contact details below or ask to speak to the Monitoring Officer by calling 020 8379 6438).

**Please sign and date this form**

Signature: 

Print full name: MRS. KATHLEEN LEACH

Date: .....

*Please send the completed form to:*

The Monitoring Officer - London Borough of Enfield  
PO Box 54, Civic Centre, Silver Street, Enfield,  
Middlesex EN1 3XF

Email: [asmat.hussain@enfield.gov.uk](mailto:asmat.hussain@enfield.gov.uk)

Cllr Anderson

We must write to say that the meeting we had with you in Garfield School last Tuesday evening 15-11-16) was prompted by the fact we could think of no other way of reaching you.

Having introduced ourselves and sat down all seemed fine until we mentioned the situation in Warwick Rd, then your response was quite unbelievable. You told us that the matter of Warwick Rd had been dealt with and was now closed, naturally we disagreed.

You told us to go back to our Ward Councillors Sitkin, Georgiou and Brett. When we pointed out that they were the people who had told us you had made the final decision, and we needed to take the matter up with you, as they could not help any further you didn't appear to be very happy with that. I have also been told the same thing by other Enfield Council staff. So can I ask who is responsible or are you all just passing the buck?

At that point we were still sitting down while you were putting your coat on and shouting that we had to leave. I opened the folder of correspondence that as a group we had been compiling since Oct 2013 but you simply refused to look at it or discuss it.

You accused us of just wanting to push all traffic on to Brownlow Rd which is simply not the case, unlike your decision to be implicit in trying to solve the problems on the A406 and other B roads by directing traffic on to a residential road that is too narrow and unable to take the volume and weight of cars and HGVs it now gets.

We as a group have been considerate of the plight of all our neighbouring roads especially York Rd and Highworth Rd who suffer similar problems to Warwick. Had you really been engaged and taken notice of our campaign over recent years you would know better than to accuse us.

You hold the title Party Cabinet member for the environment, but have been instrumental in making our environment far more noisy, dangerous, congested and worst of all **polluted**, not I suggest a good record.

I think the time has come when you and your council colleagues need to take a very close look at the effects of the traffic scheme you have implemented in this area, start to listen to, and answer questions put to you by the residents, take responsibility for your actions and bad decisions with regards to local residents, be big enough to admit when you have got things wrong and be willing to make the necessary changes when appropriate to do so.

Unfortunately what started as a reasonable discussion became overheated and things were said that I am sure were quickly regretted. However it would be unfortunate if that were to detract from the very important points that we were trying to make.

Lastly I would suggest that you never again accuse 2 pensioners of being "A Lynch mob, ambushing you". You may have found this somewhat amusing but it is very offensive.

Kate Leach  


Kate hi,

Firstly, let me be absolutely clear that I was not in any way amused by the manner in which George and yourself accosted me on Tuesday evening, 5 minutes before the scheduled end of my surgery. It was certainly no laughing matter and I found your behaviour quite intimidating and unnerving.

Though I do understand and appreciate that residents of Warwick Road are upset over the decision that has been reached - which I will elaborate on shortly - my ward surgery is there solely to discuss matters of concern to my ward residents. It is not an opportunity for me to be subjected to aggressive threats by residents of another ward - however upset they may be - regarding a wider borough matter. It was not in any way acceptable and I reported the matter immediately after to our Community Safety team.

Moving on to the process behind - as well as - the decision on Warwick Road itself, Enfield operates a cabinet-style of governance and, as Cabinet Member for Environment, I am ultimately responsible for making the final decision on a wide range of matters contained within that portfolio, including the introduction - or not - of traffic measures on our roads. To that end, any assessment of road traffic problems has to take into account the potential impact of any possible solution(s) across the region and must necessarily balance the interests and concerns of one group of residents against those of another.

Regarding Brownlow Road, which some residents have raised, this is a classified road linking, as you are aware, Bounds Green Road and the North Circular Road. As a result, Brownlow Road carries substantially more traffic than Warwick Road and is an important bus route. I accept that the carriageway in Brownlow Road is wider than that in Warwick Road and that some of the buildings may be set back further from the edge of the carriageway. However, Brownlow Road is also a residential street and residents, like those in Warwick Road, suffer from the consequences of congestion and air pollution effects on a daily basis.

I can assure you and fellow residents of Warwick Road that the decision was not one that I simply plucked out of thin air and decided on a whim. It was instead taken as a result of the advice provided from our senior traffic engineers and on the basis of their comprehensive analysis, which took into account consultation responses from residents across the area, collision data, traffic modelling results, impact on bus operations, scheme deliverability, and the nature and function of both Warwick Road and Brownlow Road, as well as other roads in the vicinity.

Unfortunately, after full consideration of the issues and on the available evidence it was determined that it was not viable to proceed with a proposal to ban the right turn from Warwick Road. I should also add that your ward councillors were fully engaged in the discussions and understood and appreciated the rationale behind the decision that was reached.

I am sorry that the decision is not to your liking though hope that you at least understand how this conclusion was reached.

Procedurally, there is no right of appeal and I do not intend engaging in an ongoing debate on the matter. Nonetheless, if you are unhappy with the decision you are at liberty to pursue the matter via the Council's complaints procedure and it would then be investigated by an independent senior officer. However, you should be aware that any review would be on the process rather than the decision itself. Please see the link below for more details.

<https://new.enfield.gov.uk/contact-us/are-you-unhappy-with-something/>

Kind regards,

Daniel

## **Appendix 2**

### **Emails provided by Cllr Anderson**



**Jill Bayley**


---

**From:** Cllr Daniel Anderson  
**Sent:** 24 January 2017 17:28  
**To:** Jill Bayley  
**Subject:** Fwd: Protection at surgeries/ward forums

Jill hi,

Further to your email, please see my email of the 16th November to Asmat.

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

Begin forwarded message:

**From:** <[Cllr.Daniel.Anderson@Enfield.gov.uk](mailto:Cllr.Daniel.Anderson@Enfield.gov.uk)>  
**Date:** 16 November 2016 at 00:03:05 GMT  
**To:** <[Asmat.Hussain@enfield.gov.uk](mailto:Asmat.Hussain@enfield.gov.uk)>  
**Cc:** <[Andrea.Clemons@enfield.gov.uk](mailto:Andrea.Clemons@enfield.gov.uk)>, <[Cllr.Krystle.Fonyonga@Enfield.gov.uk](mailto:Cllr.Krystle.Fonyonga@Enfield.gov.uk)>, <[Rob.Leak@enfield.gov.uk](mailto:Rob.Leak@enfield.gov.uk)>, <[Ian.Davis@enfield.gov.uk](mailto:Ian.Davis@enfield.gov.uk)>, <[Cllr.Claire.Stewart@Enfield.gov.uk](mailto:Cllr.Claire.Stewart@Enfield.gov.uk)>  
**Subject:** Protection at surgeries/ward forums

Asmat hi,

Further to previous conversations on this, tonight, I was again ambushed. This time at my ward surgery. Two residents of Warwick Road in Bowes Ward, angry at my decision not to agree to a right-turn ban, turned up towards the end as I was about to leave. They were aggressive and shouted at me, accusing me of ignorance and threatening me with political consequences - although hard to see what they can do as I am not in their ward. I made clear that I was not prepared to discuss the matter there, but would be responding to points raised by residents about the decision, but that the decision is final. They threatened that I haven't heard the last of this.

My concern is that it is clear that I am a potential sitting duck at both surgeries and, as we have already seen, at forums - another one of which we have coming up on the 29th November and where it is conceivable that Warwick Road residents could descend.

This being so, I think I do need security at the next Ward Forum and potentially at my surgeries, the latter of which I today held alone.

Best,

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield,  
~~07812107210721~~  
[cldr.daniel.anderson@enfield.gov.uk](mailto:cldr.daniel.anderson@enfield.gov.uk)

Sent from my iPad



**Jill Bayley**


---

**From:** Cllr Daniel Anderson  
**Sent:** 24 January 2017 17:29  
**To:** Jill Bayley  
**Subject:** Fwd: Warwick Road

Jill hi.

Please see below email for your information.

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

Begin forwarded message:

**From:** <[Cllr.Daniel.Anderson@Enfield.gov.uk](mailto:Cllr.Daniel.Anderson@Enfield.gov.uk)>  
**Date:** 16 November 2016 at 00:20:22 GMT  
**To:** <[David.B.Taylor@enfield.gov.uk](mailto:David.B.Taylor@enfield.gov.uk)>  
**Cc:** <[Bob.Griffiths@enfield.gov.uk](mailto:Bob.Griffiths@enfield.gov.uk)>, <[Ian.Davis@enfield.gov.uk](mailto:Ian.Davis@enfield.gov.uk)>, <[Cllr.Achilleas.Georgiou@enfield.gov.uk](mailto:Cllr.Achilleas.Georgiou@enfield.gov.uk)>, <[Cllr.Alan.Sitkin@enfield.gov.uk](mailto:Cllr.Alan.Sitkin@enfield.gov.uk)>, <[Cllr.Yasemin.Brett@enfield.gov.uk](mailto:Cllr.Yasemin.Brett@enfield.gov.uk)>  
**Subject:** Warwick Road

Hi David.

I had two residents of Warwick Road turn up tonight at my surgery - Kate Leach and George Dunnion and was subjected to quite an aggressive onslaught. I made clear that I wasn't prepared to discuss the situation, but would be writing on the points raised by fellow residents. I made clear that the decision is final. They rubbished the letter, which they both claimed not to have received and argued that TfL support the right turn ban and that there would be no impact on Brownlow Road and that the road was closed for a period during road works that had no adverse impact elsewhere. I had to ask them to leave, but they made threats, accusing me - you - of ignorance and that we don't know what we are talking about and that residents are up in arms about this and we'll be hearing from them.

I am raising the personal safety issues with Andrea Clemons, but we need the response to the points raised by David Charles, which I will send. It needs to make clear that this decision was based on officer advice and a robust evidence-base and needs to forcefully rebut their claims and that there is no appeal process. End of.

Best,

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
~~07812 622 020~~  
cllr.daniel.anderson@enfield.gov.uk

Sent from my iPad

**Jill Bayley**

---

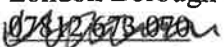
**From:** Cllr Daniel Anderson  
**Sent:** 24 January 2017 17:30  
**To:** Jill Bayley  
**Subject:** Fwd: Protection at surgeries/ward forums [SEC=OFFICIAL - SENSITIVE]

Jill hi,

Another email for your information.

Best,

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

Begin forwarded message:


**From:** Cllr Daniel Anderson <[Cllr.Daniel.Anderson@Enfield.gov.uk](mailto:Cllr.Daniel.Anderson@Enfield.gov.uk)>  
**Date:** 16 November 2016 at 10:08:36 GMT  
**To:** Andrea Clemons <[Andrea.Clemons@enfield.gov.uk](mailto:Andrea.Clemons@enfield.gov.uk)>  
**Cc:** Asmat Hussain <[Asmat.Hussain@enfield.gov.uk](mailto:Asmat.Hussain@enfield.gov.uk)>, Cllr Krystle Fonyonga <[Cllr.Krystle.Fonyonga@Enfield.gov.uk](mailto:Cllr.Krystle.Fonyonga@Enfield.gov.uk)>, Rob Leak <[Rob.Leak@enfield.gov.uk](mailto:Rob.Leak@enfield.gov.uk)>, Ian Davis <[Ian.Davis@enfield.gov.uk](mailto:Ian.Davis@enfield.gov.uk)>, Cllr Claire Stewart <[Cllr.Claire.Stewart@Enfield.gov.uk](mailto:Cllr.Claire.Stewart@Enfield.gov.uk)>  
**Subject:** Re: Protection at surgeries/ward forums [SEC=OFFICIAL - SENSITIVE]

Hi Andrea,

I think that would be wise.

Thanks.

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

On 16 Nov 2016, at 09:19, Andrea Clemons <[Andrea.Clemons@enfield.gov.uk](mailto:Andrea.Clemons@enfield.gov.uk)> wrote:

Classification: OFFICIAL - SENSITIVE

Dear Cllr Anderson,

Do you want me to sort out an identicom device ?

Kind regards

Andrea

**From:** Cllr Daniel Anderson  
**Sent:** 16 November 2016 00:03  
**To:** Asmat Hussain <[Asmat.Hussain@enfield.gov.uk](mailto:Asmat.Hussain@enfield.gov.uk)>  
**Cc:** Andrea Clemons <[Andrea.Clemons@enfield.gov.uk](mailto:Andrea.Clemons@enfield.gov.uk)>; Cllr Krystle Fonyonga <[Cllr.Krystle.Fonyonga@Enfield.gov.uk](mailto:Cllr.Krystle.Fonyonga@Enfield.gov.uk)>; Rob Leak <[Rob.Leak@enfield.gov.uk](mailto:Rob.Leak@enfield.gov.uk)>; Ian Davis <[Ian.Davis@enfield.gov.uk](mailto:Ian.Davis@enfield.gov.uk)>; Cllr Claire Stewart <[Cllr.Claire.Stewart@Enfield.gov.uk](mailto:Cllr.Claire.Stewart@Enfield.gov.uk)>  
**Subject:** Protection at surgeries/ward forums

Asmat hi,

Further to previous conversations on this, tonight, I was again ambushed. This time at my ward surgery. Two residents of Warwick Road in Bowes Ward, angry at my decision not to agree to a right-turn ban, turned up towards the end as I was about to leave. They were aggressive and shouted at me, accusing me of ignorance and threatening me with political consequences - although hard to see what they can do as I am not in their ward. I made clear that I was not prepared to discuss the matter there, but would be responding to points raised by residents about the decision, but that the decision is final. They threatened that I haven't heard the last of this.

My concern is that it is clear that I am a potential sitting duck at both surgeries and, as we have already seen, at forums - another one of which we have coming up on the 29th November and where it is conceivable that Warwick Road residents could descend.

This being so, I think I do need security at the next Ward Forum and potentially at my surgeries, the latter of which I today held alone.

Best,

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
~~07812 613 070~~  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

Classification: OFFICIAL - SENSITIVE

**Jill Bayley**

---

**From:** Cllr Daniel Anderson  
**Sent:** 24 January 2017 17:30  
**To:** Jill Bayley  
**Subject:** Fwd: Protection at surgeries/ward forums [SEC=OFFICIAL]

Jill hi,

Another for you.

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
~~0181 414 70 970~~  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

Begin forwarded message:

**From:** Cllr Daniel Anderson <[Cllr.Daniel.Anderson@Enfield.gov.uk](mailto:Cllr.Daniel.Anderson@Enfield.gov.uk)>  
**Date:** 16 November 2016 at 10:10:31 GMT  
**To:** Asmat Hussain <[Asmat.Hussain@enfield.gov.uk](mailto:Asmat.Hussain@enfield.gov.uk)>  
**Cc:** Andrea Clemons <[Andrea.Clemons@enfield.gov.uk](mailto:Andrea.Clemons@enfield.gov.uk)>, Cllr Krystle Fonyonga <[Cllr.Krystle.Fonyonga@Enfield.gov.uk](mailto:Cllr.Krystle.Fonyonga@Enfield.gov.uk)>, Rob Leak <[Rob.Leak@enfield.gov.uk](mailto:Rob.Leak@enfield.gov.uk)>, Ian Davis <[Ian.Davis@enfield.gov.uk](mailto:Ian.Davis@enfield.gov.uk)>, Cllr Claire Stewart <[Cllr.Claire.Stewart@Enfield.gov.uk](mailto:Cllr.Claire.Stewart@Enfield.gov.uk)>  
**Subject:** Re: Protection at surgeries/ward forums [SEC=OFFICIAL]

Thanks Asmat.

I will discuss the ward surgery situation with Claire.

Best,

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
~~0181 414 70 970~~  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

On 16 Nov 2016, at 08:52, Asmat Hussain <[Asmat.Hussain@enfield.gov.uk](mailto:Asmat.Hussain@enfield.gov.uk)> wrote:

Classification: OFFICIAL

Dear Cllr Anderson

Sorry to hear of the incident.

I will discuss the matter with Andrea and arrange for the incident to be logged with the Police. I understand the lone worker device is still available, can I arrange for one to be delivered to you?

I will also arrange for security at your next surgery.

Kind regards

Asmat Hussain  
**Assistant Director of Legal and Governance Services**  
(Monitoring Officer)  
Enfield Council  
Silver Street  
Enfield  
EN1 3XY  
Tel: 020 8379 6438  
Fax: 020 8379 6492/3

**From:** Cllr Daniel Anderson  
**Sent:** 16 November 2016 00:03  
**To:** Asmat Hussain <[Asmat.Hussain@enfield.gov.uk](mailto:Asmat.Hussain@enfield.gov.uk)>  
**Cc:** Andrea Clemons <[Andrea.Clemons@enfield.gov.uk](mailto:Andrea.Clemons@enfield.gov.uk)>; Cllr Krystle Fonyonga <[Cllr.Krystle.Fonyonga@Enfield.gov.uk](mailto:Cllr.Krystle.Fonyonga@Enfield.gov.uk)>; Rob Leak <[Rob.Leak@enfield.gov.uk](mailto:Rob.Leak@enfield.gov.uk)>; Ian Davis <[Ian.Davis@enfield.gov.uk](mailto:Ian.Davis@enfield.gov.uk)>; Cllr Claire Stewart <[Cllr.Claire.Stewart@Enfield.gov.uk](mailto:Cllr.Claire.Stewart@Enfield.gov.uk)>  
**Subject:** Protection at surgeries/ward forums

Asmat hi,

Further to previous conversations on this, tonight, I was again ambushed. This time at my ward surgery. Two residents of Warwick Road in Bowes Ward, angry at my decision not to agree to a right-turn ban, turned up towards the end as I was about to leave. They were aggressive and shouted at me, accusing me of ignorance and threatening me with political consequences - although hard to see what they can do as I am not in their ward. I made clear that I was not prepared to discuss the matter there, but would be responding to points raised by residents about the decision, but that the decision is final. They threatened that I haven't heard the last of this.

My concern is that it is clear that I am a potential sitting duck at both surgeries and, as we have already seen, at forums - another one of which we have coming up on the 29th November and where it is conceivable that Warwick Road residents could descend.

This being so, I think I do need security at the next Ward Forum and potentially at my surgeries, the latter of which I today held alone.

Best,

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
~~07812 6731070~~  
[cldr.daniel.anderson@enfield.gov.uk](mailto:cldr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

Classification: OFFICIAL





**Jill Bayley**

---

**From:** Cllr Daniel Anderson  
**Sent:** 24 January 2017 17:31  
**To:** Jill Bayley  
**Subject:** Fwd: Protection at surgeries/ward forums [SEC=OFFICIAL]

Jill hi,

Please see below.

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
~~07812 673 070~~  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

Begin forwarded message:

**From:** Cllr Daniel Anderson <[Cllr.Daniel.Anderson@Enfield.gov.uk](mailto:Cllr.Daniel.Anderson@Enfield.gov.uk)>  
**Date:** 16 November 2016 at 10:39:38 GMT  
**To:** Asmat Hussain <[Asmat.Hussain@enfield.gov.uk](mailto:Asmat.Hussain@enfield.gov.uk)>  
**Cc:** Andrea Clemons <[Andrea.Clemons@enfield.gov.uk](mailto:Andrea.Clemons@enfield.gov.uk)>, Cllr Krystle Fonyonga <[Cllr.Krystle.Fonyonga@Enfield.gov.uk](mailto:Cllr.Krystle.Fonyonga@Enfield.gov.uk)>, Rob Leak <[Rob.Leak@enfield.gov.uk](mailto:Rob.Leak@enfield.gov.uk)>, Ian Davis <[Ian.Davis@enfield.gov.uk](mailto:Ian.Davis@enfield.gov.uk)>, Cllr Claire Stewart <[Cllr.Claire.Stewart@Enfield.gov.uk](mailto:Cllr.Claire.Stewart@Enfield.gov.uk)>, Kathy Constantinou <[Kathy.Constantinou@enfield.gov.uk](mailto:Kathy.Constantinou@enfield.gov.uk)>, Claire Johnson <[Claire.Johnson@enfield.gov.uk](mailto:Claire.Johnson@enfield.gov.uk)>  
**Subject:** **Re: Protection at surgeries/ward forums [SEC=OFFICIAL]**

Many thanks Asmat.

Best,

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
[07812 673 070](tel:07812673070)  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

On 16 Nov 2016, at 10:39, Asmat Hussain <[Asmat.Hussain@enfield.gov.uk](mailto:Asmat.Hussain@enfield.gov.uk)> wrote:

Classification: OFFICIAL

Dear Cllr Anderson

I can confirm that security for both the Ward Forum and Ward Surgery will be in place for the Beaumont Centre Southgate and at Garfield School.

Kind regards

Asmat Hussain  
**Assistant Director of Legal and Governance Services**  
(Monitoring Officer)  
Enfield Council  
Silver Street  
Enfield  
EN1 3XY  
Tel: 020 8379 6438  
Fax: 020 8379 6492/3

Classification: OFFICIAL

**Jill Bayley**

---

**From:** Cllr Daniel Anderson  
**Sent:** 24 January 2017 17:32  
**To:** Jill Bayley  
**Subject:** Fwd: WARWICK ROAD

Jill hi,

Please see below.

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
07812 673 070  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

Begin forwarded message:

**From:** Cllr Daniel Anderson <[Cllr.Daniel.Anderson@Enfield.gov.uk](mailto:Cllr.Daniel.Anderson@Enfield.gov.uk)>  
**Date:** 18 November 2016 at 12:56:33 GMT  
**To:** Kate Leach <[kate.leach@hotmail.co.uk](mailto:kate.leach@hotmail.co.uk)>

<[REDACTED]>, Cindy  
[\[REDACTED\]@wes.com](mailto:[REDACTED]@wes.com)>,

[REDACTED]

[REDACTED]  
[\[REDACTED\]@enfield.gov.uk](mailto:[REDACTED]@enfield.gov.uk)>

[REDACTED] Harding  
>, Leigh

[REDACTED], e-mail

[REDACTED] Narendra  
ip Patel

[REDACTED]  
[\[REDACTED\]@enfield.gov.uk](mailto:[REDACTED]@enfield.gov.uk)>, Cllr  
Brett

---

**Subject: Re: WARWICK ROAD**

Kate hi,

Firstly, let me be absolutely clear that I was not in any way amused by the manner in which George and yourself accosted me on Tuesday evening, 5 minutes before the scheduled end of

my surgery. It was certainly no laughing matter and I found your behaviour quite intimidating and unnerving.

Though I do understand and appreciate that residents of Warwick Road are upset over the decision that has been reached - which I will elaborate on shortly - my ward surgery is there solely to discuss matters of concern to my ward residents. It is not an opportunity for me to be subjected to aggressive threats by residents of another ward - however upset they may be - regarding a wider borough matter. It was not in any way acceptable and I reported the matter immediately after to our Community Safety team.

Moving on to the process behind - as well as - the decision on Warwick Road itself, Enfield operates a cabinet-style of governance and, as Cabinet Member for Environment, I am ultimately responsible for making the final decision on a wide range of matters contained within that portfolio, including the introduction - or not - of traffic measures on our roads. To that end, any assessment of road traffic problems has to take into account the potential impact of any possible solution(s) across the region and must necessarily balance the interests and concerns of one group of residents against those of another.

Regarding Brownlow Road, which some residents have raised, this is a classified road linking, as you are aware, Bounds Green Road and the North Circular Road. As a result, Brownlow Road carries substantially more traffic than Warwick Road and is an important bus route. I accept that the carriageway in Brownlow Road is wider than that in Warwick Road and that some of the buildings may be set back further from the edge of the carriageway. However, Brownlow Road is also a residential street and residents, like those in Warwick Road, suffer from the consequences of congestion and air pollution effects on a daily basis.

I can assure you and fellow residents of Warwick Road that the decision was not one that I simply plucked out of thin air and decided on a whim. It was instead taken as a result of the advice provided from our senior traffic engineers and on the basis of their comprehensive analysis, which took into account consultation responses from residents across the area, collision data, traffic modelling results, impact on bus operations, scheme deliverability, and the nature and function of both Warwick Road and Brownlow Road, as well as other roads in the vicinity.

Unfortunately, after full consideration of the issues and on the available evidence it was determined that it was not viable to proceed with a proposal to ban the right turn from Warwick Road. I should also add that your ward councillors were fully engaged in the discussions and understood and appreciated the rationale behind the decision that was reached.

I am sorry that the decision is not to your liking though hope that you at least understand how this conclusion was reached.

Procedurally, there is no right of appeal and I do not intend engaging in an ongoing debate on the matter. Nonetheless, if you are unhappy with the decision you are at liberty to pursue the matter via the Council's complaints procedure and it would then be investigated by an independent senior officer. However, you should be aware that any review would be on the process rather than the decision itself. Please see the link below for more details.

<https://new.enfield.gov.uk/contact-us/are-you-unhappy-with-something/>

Kind regards,

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
07812 673 070  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

On 17 Nov 2016, at 12:48, Kate Leach [kate.leach@hotmail.co.uk](mailto:kate.leach@hotmail.co.uk) wrote:

Cllr Anderson

We must write to say that the meeting we had with you in Garfield School on Tuesday 15th Nov 2016 was prompted by the fact we could think of no other way of reaching you, as you haven't responded to various e mails.

Having introduced ourselves and sat down all seemed fine until we mentioned the situation in Warwick Rd, then your response was quite unbelievable. You told us that the matter of Warwick Rd had been dealt with and was now closed, naturally we disagreed.

You said we should go back to our Ward Councillors Sitkin, Georgiou and Brett. When we pointed out that they were the people who had told us you had made the final decision, and we needed to take the matter up with you, as they could not help in any further way you didn't appear to be very happy with that. I have also been told the same thing by various Enfield Council Staff. So can I ask who is responsible or are you all just passing the buck?

At that point we were still sitting down while you were putting your coat on and insisting that we had to leave. I opened the folder of correspondence that as a group we have been compiling since Oct 2013 but you simply refused to look at it or discuss it, and you offered no other time or place to do so.

You accused us of just wanting to push all traffic on to Brownlow Rd which is simply not the case, unlike your decision to be implicit in trying to solve the problems of the A406 and other B roads by directing traffic on to a

residential road that is too narrow and unable to take the volume and weight of cars and HGVs it now gets.

We as a group have been mindful and considerate of the plight of our neighbouring roads especially York and Highworth who suffer similar problems to Warwick. Had you really been engaged and taken notice of our campaign over recent years you would know better than to accuse us.

You hold the title Party Cabinet Member for the Environment, but have been instrumental in making our environment far more noisy, dangerous, congested and Polluted, not I suggest a good record.

I think the time has come when you and your council colleagues need to take a very close look at the effects of the traffic scheme that you have implemented in this area, start to listen to, and answer questions put to you by residents, take responsibility for your actions and bad decisions with regards to local people, be big enough to admit when you have got things wrong and be willing to make the necessary changes when appropriate to do so.

Sadly what started as a reasonable discussion soon became overheated and things were said that I am sure were quickly regretted. However it would be unfortunate if that were to detract from the very important points that we were trying to make.

Lastly I would suggest that you never again accuse 2 pensioners who have come to speak with you of being " A Lynch mob, ambushing you". You may have found this somewhat amusing but it is offensive.

Kate Leach

Warwick Rd

**Jill Bayley**

---

**From:** Cllr Daniel Anderson  
**Sent:** 24 January 2017 17:36  
**To:** Jill Bayley  
**Subject:** Fwd: Ward surgeries

Hi Jill.

Another for you.

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
07812 673 070  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

Begin forwarded message:

**From:** Cllr Daniel Anderson <[Cllr.Daniel.Anderson@Enfield.gov.uk](mailto:Cllr.Daniel.Anderson@Enfield.gov.uk)>  
**Date:** 21 November 2016 at 17:06:21 GMT  
**To:** [paul.g.crownshaw@met.police.uk](mailto:paul.g.crownshaw@met.police.uk) <[paul.g.crownshaw@met.police.uk](mailto:paul.g.crownshaw@met.police.uk)>  
**Subject:** Re: Ward surgeries

Hi Paul.

Thanks for your email. I am a councillor for Southgate Green not Bowes so not sure if that is within your remit.

Regarding future ward surgeries, I have now decided to no longer hold them on a drop-in basis and will offer them on an appointment only basis, probably using Costa or a library on an as and when basis.

We have a ward forum scheduled for next Tuesday and the Council has arranged for security, though we also hope to have a SG police rep present for a ward update.

Happy to fill you in on issues if required. I phoned your number, but you were on early shift so had already left for the day.

Best,

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
07812 673 070

[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

On 21 Nov 2016, at 15:36, "Paul G. Crownshaw@met.pnn.police.uk"  
<[Paul.G.Crownshaw@met.pnn.police.uk](mailto:Paul.G.Crownshaw@met.pnn.police.uk)> wrote:

Hello Councillor

I'm Pc Paul Crownshaw 202 YE, dedicated ward officer for Bowes Ward. I've been asked to contact you regarding the issues that you've been having with members of the public at your meetings. I've tried to phone you a couple of times and had no look.

Would you be willing to speak with me about what has happened and provide with an official statement. I also need to speak with you regarding future meetings and what arrangements can be put in place. Can you email me back or contact me on the number below.

Regards

PC Crownshaw 202YE  
Bowes Ward Officer  
0208 345 4767

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**Twitter: @metpoliceuk**



**Jill Bayley**

---

**From:** Cllr Daniel Anderson  
**Sent:** 24 January 2017 17:37  
**To:** Jill Bayley  
**Subject:** Fwd: Security at Southgate Green ward forum [SEC=OFFICIAL - SENSITIVE]

Jill hi,

Here's another.

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
[REDACTED]  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

Begin forwarded message:

**From:** Cllr Daniel Anderson <[Cllr.Daniel.Anderson@Enfield.gov.uk](mailto:Cllr.Daniel.Anderson@Enfield.gov.uk)>  
**Date:** 22 November 2016 at 14:42:12 GMT  
**To:** Claire Johnson <[Claire.Johnson@enfield.gov.uk](mailto:Claire.Johnson@enfield.gov.uk)>  
**Subject:** Re: Security at Southgate Green ward forum [SEC=OFFICIAL - SENSITIVE]

Thanks Claire.

Best,

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
[REDACTED]  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

On 22 Nov 2016, at 14:38, Claire Johnson <[Claire.Johnson@enfield.gov.uk](mailto:Claire.Johnson@enfield.gov.uk)> wrote:

Classification: OFFICIAL - SENSITIVE

Hi Daniel,  
Fyi- Booking confirmed for your ward forum.  
Hope all ok.  
Thanks  
Claire

**From:** Martyn Guyver  
**Sent:** 20 November 2016 22:03  
**To:** Claire Johnson  
**Subject:** RE: Security at Southgate Green ward forum [SEC=OFFICIAL - SENSITIVE]

Hi Claire.

Many Thanks. OCS have confirmed they will send a guard to cover as requested.

Regards, Martyn.

Martyn Guyver  
Civic Buildings Manager- Facilities Management  
Enfield Council

Tel: 020 8379 4413  
Mobile: 07940 040431  
[www.enfield.gov.uk](http://www.enfield.gov.uk)

---

**From:** Claire Johnson  
**Sent:** 17/11/2016 13:57  
**To:** Martyn Guyver  
**Subject:** Security at Southgate Green ward forum [SEC=OFFICIAL - SENSITIVE]

Classification: OFFICIAL - SENSITIVE

Hello Martyn,

As discussed yesterday, please can you arrange for a security guard to be present at the Southgate Green Ward Forum on 29<sup>th</sup> November from 7.15pm till 9.15pm, at:  
Southgate Beaumont Care Community,  
15 Cannon Hill,  
Old Southgate,  
London;  
N14 7DJ

One of the ward councillors, Cllr Anderson has had some aggressive behaviour towards him from residents, so this is precautionary.

The all-important cost code is: cs0111. Can you please confirm the arrangements with me once it's been arranged.

Many Thanks  
Claire

Claire Johnson  
Governance & Scrutiny Manager  
020 8 379 4239

Classification: OFFICIAL - SENSITIVE

Classification: OFFICIAL - SENSITIVE

**Jill Bayley**


---

**From:** Cllr Daniel Anderson  
**Sent:** 24 January 2017 17:41  
**To:** Jill Bayley  
**Subject:** Fwd: Ward surgeries

Jill hi,

Another email for your information.

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

Begin forwarded message:

**From:** Cllr Daniel Anderson <[Cllr.Daniel.Anderson@Enfield.gov.uk](mailto:Cllr.Daniel.Anderson@Enfield.gov.uk)>  
**Date:** 1 December 2016 at 22:31:48 GMT  
**To:** "paul.G.Crownshaw@met.pnn.police.uk" <[paul.G.Crownshaw@met.pnn.police.uk](mailto:paul.G.Crownshaw@met.pnn.police.uk)>  
**Subject: Re: Ward surgeries**

Hi Paul.

Thanks for this. We had the ward form on Tuesday evening where Sgt Long was present. Alas, the Council failed to provide the security as promised and is something I am dealing with.

As I mentioned to Sgt Long I am not intending to pursue the matter against the two members of the public other than to record who they were - Kate Leach and George Dunnion from Warwick Road. I did email Kate after receiving an email from her where I made clear my concerns. I enclose that below for your records, but have not heard from her since.

Kind regards.

Daniel

*Kate hi,*

*Firstly, let me be absolutely clear that I was not in any way amused by the manner in which George and yourself accosted me on Tuesday evening, 5 minutes before the scheduled end of my surgery. It was certainly no laughing matter and I found your behaviour quite intimidating and unnerving.*

*Though I do understand and appreciate that residents of Warwick Road are upset over the decision that has been reached - which I will elaborate on shortly - my ward surgery is there solely to discuss matters of concern to my ward residents. It is not an opportunity for me to be subjected to aggressive threats by residents of another ward - however upset they may be - regarding a wider borough matter. It was not in any way acceptable and I reported the matter immediately after to our Community Safety team.*

*Moving on to the process behind - as well as - the decision on Warwick Road itself, Enfield operates a cabinet-style of governance and, as Cabinet Member for Environment, I am ultimately responsible for making the final decision on a wide range of matters contained within that portfolio, including the introduction - or not - of traffic measures on our roads. To that end, any assessment of road traffic problems has to take into account the potential impact of any possible solution(s) across the region and must necessarily balance the interests and concerns of one group of residents against those of another.*

*Regarding Brownlow Road, which some residents have raised, this is a classified road linking, as you are aware, Bounds Green Road and the North Circular Road. As a result, Brownlow Road carries substantially more traffic than Warwick Road and is an important bus route. I accept that the carriageway in Brownlow Road is wider than that in Warwick Road and that some of the buildings may be set back further from the edge of the carriageway. However, Brownlow Road is also a residential street and residents, like those in Warwick Road, suffer from the consequences of congestion and air pollution effects on a daily basis.*

*I can assure you and fellow residents of Warwick Road that the decision was not one that I simply plucked out of thin air and decided on a whim. It was instead taken as a result of the advice provided from our senior traffic engineers and on the basis of their comprehensive analysis, which took into account consultation responses from residents across the area, collision data, traffic modelling results, impact on bus operations, scheme deliverability, and the nature and function of both Warwick Road and Brownlow Road, as well as other roads in the vicinity.*

*Unfortunately, after full consideration of the issues and on the available evidence it was determined that it was not viable to proceed with a proposal to ban the right turn from Warwick Road. I should also add that your ward councillors were fully engaged in the discussions and understood and appreciated the rationale behind the decision that was reached.*

*I am sorry that the decision is not to your liking though hope that you at least understand how this conclusion was reached.*

*Procedurally, there is no right of appeal and I do not intend engaging in an ongoing debate on the matter. Nonetheless. If you are unhappy with the*

*decision you are at liberty to pursue the matter via the Council's complaints procedure and it would then be investigated by an independent senior officer. However, you should be aware that any review would be on the process rather than the decision itself. Please see the link below for more details:*

<https://new.enfield.gov.uk/contact-us/are-you-unhappy-with-something/>

Kind regards,

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
[cldr.daniel.anderson@enfield.gov.uk](mailto:cldr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

On 26 Nov 2016, at 12:43, "Paul G Crownshaw@met.pnn.police.uk" <[paul.G.Crownshaw@met.pnn.police.uk](mailto:paul.G.Crownshaw@met.pnn.police.uk)> wrote:

Hello councillor Anderson

Its good to here that the council is providing security for yourself, I think thats a good idea. Unfortunately your ward officer Pc Radford is currently off work recovering from an operation. I've been tasked to report the incident involving the members of public. Is this something that you would wish to pursue in terms of providing a statement, going to court etc.

Regards  
PC Crownshaw 202 YE  
Bowes ward

---

**From:** Cllr Daniel Anderson [<mailto:Cllr.Daniel.Anderson@Enfield.gov.uk>]  
**Sent:** 21 November 2016 17:06  
**To:** Crownshaw paul G - YE  
**Subject:** Re: Ward surgeries

Hi Paul.

Thanks for your email. I am a councillor for Southgate Green not Bowes so not sure if that is within your remit.

Regarding future ward surgeries, I have now decided to no longer hold them on a drop-in basis and will offer them on an appointment only basis, probably using Costa or a library on an as and when basis.

We have a ward forum scheduled for next Tuesday and the Council has arranged for security, though we also hope to have a SG police rep present for a ward update.

Happy to fill you in on issues if required. I phoned your number, but you were on early shift so had already left for the day.

Best,

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
[REDACTED]  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

On 21 Nov 2016, at 15:36, "paul.G.Crownshaw@met.pnn.police.uk"  
<paul.G.Crownshaw@met.pnn.police.uk> wrote: [REDACTED]

Hello Councillor  
I'm Pc Paul Crownshaw 202 YE, dedicated ward officer for Bowes Ward. I've been asked to contact you regarding the issues that you've been having with members of the public at your meetings. I've tried to phone you a couple of times and had no luck.

Would you be willing to speak with me about what has happened and provide with with an official statement. I also need to speak with you regarding future meetings and what arrangements can be put in place. Can you email me back or contact me on the number below.

Regards  
PC Crownshaw 202YE  
Bowes Ward Officer  
0208 345 4767

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and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude any binding agreement on behalf of the MPS by email. The MPS accepts no responsibility for unauthorised agreements reached with other employees or agents. The security of this email and any attachments cannot be guaranteed. Email messages are routinely scanned but malicious software infection and corruption of content can still occur during transmission over the Internet. Any views or opinions expressed in this communication are solely those of the author and do not necessarily represent those of the Metropolitan Police Service (MPS).

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**Jill Bayley**

---

**From:** Cllr Daniel Anderson  
**Sent:** 24 January 2017 17:46  
**To:** Jill Bayley  
**Subject:** Re: Complaint by Mrs Leach [SEC=OFFICIAL - SENSITIVE]


Hi Jill.

I have forwarded you a series of emails that document my complaint about Kate Leach after she was verbally threatening to me at my ward surgery last November. As a result of which I have now been issued with an identicom device and no longer hold drop-in surgeries. This incident also shared with the police, but I agreed at the time that I would not pursue any action against Kate, but that the matter should be noted.

I can meet you next Monday at 1pm.

Best

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

On 24 Jan 2017, at 17:02, Jill Bayley <[Jill.Bayley@enfield.gov.uk](mailto:Jill.Bayley@enfield.gov.uk)> wrote:

Classification: OFFICIAL - SENSITIVE

Dear Councillor Anderson,

The Monitoring Officer, Asmat Hussain, has received a complaint about your conduct from Mrs Kate Leach following a meeting she had with you at Garfield School on 15.11.16.

Ms Hussain has asked me to look into this complaint on her behalf as she has a conflict of interest on this matter – she has a personal relationship with a member of Mrs Leach's family.

I have discussed this matter with the Independent Person for complaints about councillors and I have been asked to discuss the complaint with you before taking it any further.

When would be a good time for me to meet you? I work at the Civic Centre and can meet you here. I am reasonably available over the next week or so.

I will of course let you have a copy of the letter in plenty of time for you to consider it before the meeting but I wanted to make initial contact first.

I look forward to hearing from you.

Yours sincerely,

Jill Bayley

Jill Bayley  
Principal Lawyer, Safeguarding Team  
Legal Services, Enfield Council  
Silver Street  
Enfield EN1 3XY

DX 90615 Enfield 1

Telephone: 020 8379 6475  
Fax: 020 8379 6492  
Mobile: 07930 858193

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Classification: OFFICIAL - SENSITIVE

## **Appendix 3**

### **Record of interview with Cllr Anderson**



**Record of interview of Cllr Daniel Anderson  
concerning complaint by Mrs Kate Leach  
Interview on 30.1.17**

Present:

Jill Bayley- interviewer (JB)

Councillor Daniel Anderson (DA)

I had a ward surgery on 15 November 2016 from 5.30-6.30pm at Garfield School. It was the first surgery there. I had previously had surgeries at Broomfield School where it was hard to get in.

I had no colleagues there – normally I share my surgeries with my colleague Cllr Claire Stewart.

The venue at Garfield School was easily accessible. When Mrs Leach and her companion arrived there was no-one there. Two regulars at my surgeries had been in earlier and had left together about 6.10pm.

After they left I was on the phone to Nicky Fiedler. Two people turned up at 6.25pm. They arrived, I introduced myself. Mrs Leach had a big file with her. They started talking about Warwick Road and said my letter was a load of rubbish. I said this was a ward surgery. I have had lots of emails with councillors about Warwick Road.

Warwick Road has been a problem for years. The residents thought that a ban on a right turn would help avoid chaos and heavy traffic. Haringey won't prevent a left turn from Bounds Green Road into Brownlow Road. TFL banned the right turn from the A406 into Brownlow Road. The Warwick Road residents think that this has made the problem worse. I have had talks with officers and concluded that there is no obvious solution and I agreed to take the flak. A letter went out in David Taylor's name. There have been lots of emails about Warwick Road. My plan was to send a final response out to Warwick Road but the letter hadn't gone before Mrs Leach arrived at the meeting at Garfield School.

Mrs Leach said that I had not responded to emails. I said the letter was clear. Mrs Leach said she had not got the letter. Mrs Leach and her companion were very angry. I said that this was a ward surgery and not a meeting about Warwick Road. Mrs Leach's companion George Dunnion started pointing at me. He was standing up. Mrs Leach was slamming the file down, she was very angry. They were both threatening, he stood over me and she joined in. I was on my own.

It felt to me like two people who could just turn up without an appointment five minutes before the end of the surgery.

I said that I was not discussing it, as they were not my ward constituents. I got up to leave and they were walking out with me. The caretaker turned up and opened the door to let us out.

The door had locked behind Mrs Leach and Mr Dunnion when they came in – they had pulled the door shut behind themselves and it had self-locked. They tried to open the door just as the caretaker arrived.

I was walking out of the building saying I was sorry and I can't help, and that it was not acceptable to just turn up and shout at me. They said I was a disgrace and that there would be consequences. There was no actual physical threat, just jabbing fingers. They were very angry and shouting. I felt threatened.

On the way out I walked with them to where their car was parked because my way went that way too – the other way is further and darker and less busy, it was November and it was dark – I was walking home.

I crossed the road with them. By this stage they had calmed down a bit. They got into their car and said 'you've not heard the last of this'.

Immediately afterwards I phoned Cllr Achilleous. I said I had just been caught by two Bowes residents and felt very uncomfortable.

I emailed Asmat Hussain that night setting out my concerns.

Mrs Leach sent her email first.

**JB raised with DA issues mentioned by Mrs Leach in her complaint and the supporting emails.**

'Amusing' – I never said it was funny. I never felt it was funny. I have no idea why she used that word.

My role is vulnerable. I deal with contentious stuff such as Cycle Enfield. We don't get support. I was there on my own and I felt it was threatening.

David Taylor had done a draft.

Mrs Leach wrote on 17 November, I replied 18 November and copied in all the people Mrs Leach had copied in. My response was based on David Taylor's draft.

I don't think I could do anything else. The problem is that residents have been given the impression there is a solution when there isn't. Meetings follow meetings and nothing happens, there is no resolution.

I didn't want to meet again. There is a posse of Warwick Road residents who are unhappy about this problem. Warwick Road is a contentious issue. David Taylor met various Warwick Road residents one evening recently.

I'm no longer prepared to hold ward surgeries. I meet constituents by pre-arranged appointments in a public place such as a library or coffee shop as a direct result of this incident and the ward forum. I'm dealing with contentious issues – I'm the Cabinet Member for the environment.

I was dismissive – I was flummoxed. I was being bombarded and I didn't feel comfortable.

There were some emails about the Warwick Road matter to Bowes ward councillors. Alan Sitkin was dealing with them.

Mrs Leach and Mr Dunnion were not following the proper process. They were not my ward constituents.

'Ambush' and 'lynch mob' – I said I didn't appreciate their behaviour, they were aggressive. Their manner and approach was not acceptable.

'Lack of accountability' – I don't have to justify myself to them. We have written to them and that is the position. People think their view is better. I don't have to be accountable to them, I have to make a decision.

'Lack of openness' – I don't have to explain the position. The letter was written by David Taylor. There had been a letter from officers setting out the reasoning. The decision was not to do anything and there is no appeal.

'Lack of respect for others' – they were very angry and had a sense of entitlement. They were very disrespectful. I'm not there at their beck and call, they have no right to berate or attack a Cabinet Member. Their lives are blighted but it's wrong for them to palm the problem off to someone else.

'Lack of courtesy' – I don't accept that I showed a lack of courtesy. It's not acceptable just to turn up. They were aggressive, shouting and demanding of me – they were projecting their anger. There was a two-month delay in Mrs Leach putting in her complaint. In the meantime she stalked me on Linked In – what's that about? She has my contact details and I don't feel comfortable.

'Bully into leaving' – they were intimidating. They turned up at 6.25. I was about to leave. I left at 6.30 which is when I would have left anyway.

Reference in complaint to Mrs Leach and Mr Dunnion as pensioners – they were threatening, they were capable, they were aggressive. I felt put in a position I didn't want to be in. I was alone and I felt vulnerable.

Why would they turn up at 6.25pm? The ward surgery is not there for people from a different ward and not for people to go to a cabinet member.

Mrs Leach and Mr Dunnion should go through their ward councillors, but this has been spelled out to them. As the cabinet member I take lots of decisions – I am not answerable to individual residents who are not happy.

**Jill Bayley**

---

**From:** Cllr Daniel Anderson  
**Sent:** 07 April 2017 17:18  
**To:** Jill Bayley  
**Cc:** Asmat Hussain; Rob Leak; Cllr Doug Taylor  
**Subject:** Re: Record of interview on 30.1.17

Jill hi.

You state that you have concluded your investigations and previously indicated that you have determined a verdict, which was based purely on your, as yet, unverified notes of a conversation with me and the hearsay of two individuals who submitted a complaint two months after the incident, which I logged immediately after.


You are only now asking me, after the verdict, to check and let you have any observations and amendments on your notes of our conversation, which would appear simply for me to help you tidy up your report. I have also informed you that there is a witness to the proceedings, the caretaker, who has indicated his willingness to submit a statement, which you have ignored.

I therefore do not have any confidence in your handling of this process and will not participate or accept your further involvement and want the complaint re-investigated by someone else.

I am now asking the Chief Executive to intervene and again copying in Councillor Taylor, the Council Leader.

Kind regards.

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

On 7 Apr 2017, at 16:29, Jill Bayley <[Jill.Bayley@enfield.gov.uk](mailto:Jill.Bayley@enfield.gov.uk)> wrote:

Dear Councillor Anderson,

Thank you for your email below.

After concluding my investigations, and after discussion with the monitoring officer Asmat Hussain on the process, I decided to ask you whether you were prepared to offer an apology as a swifter resolution to the matter. You were not prepared to do this. As a result, again after discussion with Ms Hussain on the process, I am preparing my report.

I aim to send out the draft report for consideration by you and the complainant by the end of next week.

I would be grateful if you could let me have your comments on the record of the interview. If you do not let me have any further comments on the record I intend to use the record I sent you with your comments below.

I note what you say about your contact with the police. If you believe that criminal behaviour has taken place, your response is a matter for you.

Yours sincerely,

Jill Bayley

**From:** Cllr Daniel Anderson

**Sent:** 07 April 2017 15:17

**To:** Jill Bayley <[Jill.Bayley@enfield.gov.uk](mailto:Jill.Bayley@enfield.gov.uk)>

**Cc:** Rob Leak <[Rob.Leak@enfield.gov.uk](mailto:Rob.Leak@enfield.gov.uk)>; Cllr Doug Taylor <[Cllr.Doug.Taylor@enfield.gov.uk](mailto:Cllr.Doug.Taylor@enfield.gov.uk)>

**Subject:** Re: Record of interview on 30.1.17

Jill hi,

Thanks for this. However, I am unclear exactly what the purpose of me signing a statement is given you have already cast judgement on the matter (email dated 10th March) without, I would contend, following due process. From my perspective, this appears to be a case of retrospectively going through the motions in order to formally compile a report with a pre-determined verdict.

For your further information, I have given a draft statement to the Police, which I am arranging a day and time to sign. They already have a crime reference number of the incident, which was recorded back in November, when my concerns were raised. You should also note that the caretaker of the school, Stephen Genus, has indicated that he would be willing to provide a statement as he witnessed the individuals concerned shouting at me when he arrived to lock up at the end of the surgery.

Please advise me of your intentions and the way forward.

Kind regards,

Daniel

Cllr Daniel Anderson

Cabinet Member for Environment

Southgate Green Ward (Labour)

London Borough of Enfield



[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

On 4 Apr 2017, at 15:04, Jill Bayley <[Jill.Bayley@enfield.gov.uk](mailto:Jill.Bayley@enfield.gov.uk)> wrote:

Dear Cllr Anderson,

Please find attached a note of the interview on 30 January.



Please could you check it and let me have any observations or amendments you wish to make.

I am currently working on my report.

Could you please let me have any comments on the note of the interview by 11 April.

I will of course send you a draft of the final report before it is submitted.

Thank you for your kind assistance and I look forward to hearing from you.

Yours sincerely,

Jill Bayley

Jill Bayley  
Principal Lawyer, Safeguarding and Corporate Teams  
Legal Services, Enfield Council  
Silver Street  
Enfield EN1 3XY

DX 90615 Enfield 1

Telephone: 020 8379 6475  
Fax: 020 8379 6492  
Mobile: 07930 858193

Enfield Council is committed to serving the whole borough fairly, delivering excellent services and building strong communities.

<668138 - Record of interview with Councillor Daniel Anderson.doc>



## **Appendix 4**

### **Record of interview with Mr Dunnion**



**Record of telephone interview of Mr George Dunnion  
Concerning complaint by Mrs Kate Leach  
Interview on 9.2.17**

Present:  
George Dunnion  
Jill Bayley (interviewer)

Kate [Leach] said she wanted to complaint about Cllr Anderson's conduct. I didn't really want to pursue a complaint. I don't like hounding people.

The meeting was unfortunate in the way it progressed – people got heated.

We went in good faith. Cllr Anderson decided not to pursue a right hand turn. We wanted to know why, how, who had decided and on what basis – the only letter from the council was unclear. We had a street meeting.

We went to a ward meeting because this was the only way to get hold of Cllr Anderson. I went as support.

Cllr Anderson was on his own in an empty hall. There was no-one waiting. He started being dismissive and agitated once we mentioned Warwick Road. He looked very reluctant once we mentioned Warwick Road. My memory is a bit vague.

We pursued our questions. He said he wouldn't stand for being confronted by a lynch mob. I stood up and said we were two people here only asking questions. We may have come over as aggressive.

I wanted to leave as it seemed a waste of time. Kate pursued it further and it got a bit heated.

When I was told he had complained about us as a lynch mob I thought best to leave it. Kate was much more upset.

Once Warwick Road was mentioned he became defensive. He didn't want to speak about it. Everyone got heated at one stage and I said let's leave.

His answers were very abrupt and dismissive – we were just trying to get answers. He was aggressive – but he'd say the same of us. He wasn't prepared to discuss the issues and we reacted strongly. I raised a finger when I stood up when we were accused of being a lynch mob. Kate had a folder.

The janitor was around.

The door closed as we went to go out. The janitor was in the corridor outside. I walked to find him and he opened the door. We all let together as it's the way out to the street. Cllr Anderson continued to speak to us as we left and he seemed to be trying to be conciliatory. He was not threatening and there was no danger of physical attack.

Our car was parked nearby – we turned left out of the school entrance. The car was on the road to Arncliffe tube station. I assume Cllr Anderson was going home. I didn't feel threatened and I didn't feel he was following us.

I think Cllr Anderson felt threatened – he didn't want to answer our questions. We didn't approach him to attack. He made a decision and he needs to answer for it. We went to get information not to threaten.

I didn't want to pursue a complaint. I regret it got heated. I've been to loads of meetings. They often get heated. I don't want him to get into trouble.



## **Appendix 5**

### **Record of interview with Mrs Leach**





**Record of interview of Mrs Kate Leach  
concerning her complaint about Cllr Daniel Anderson  
Date of interview – 23.2.17**

*JB version*

Present:  
Mrs Kate Leach  
Jill Bayley (interviewer)

I had problems in getting hold of Cllr Anderson.

I couldn't get hold of him on the phone. I phoned a few times and never got hold of him. I think I left messages. He was supposed to have a time for meetings and I saw on the website it was at Broomfield School. I went there at the time given but he wasn't there and no-one seemed to know that he wasn't coming, no-one in the school knew where he was. This was either September or October 2016.

Councillors Sitkin, Georgiou and Brett said that Cllr Anderson had made the decision and advised the Warwick Road group to speak to Cllr Anderson. The three councillors had met me and some neighbours in Warwick Road. They said there was nothing more they could do and we should speak to Cllr Anderson.

After my attempt to meet at Broomfield School I spoke to some council officers. No-one knew much. I left a message for Cllr Anderson and he left a message on the answerphone. He said the surgery had been changed to Garfield School and the date and that someone should have changed it on the website.

We decided not to go as a big group. We were aware that the surgery was for people in Cllr Anderson's ward but as a group we had been emailing Cllr Anderson and he had not responded.

The group's view was that the decision had been rushed – we had been thinking of speaking to Cllr Anderson while the decision was being made, then the decision was made and he seemed not to have taken on board any of our views.

We decided to go at the end of the session in fairness to the ward as we were aware Cllr Anderson was not our councillor. We arrived at 5.15. It was dark and raining and we were not sure where to go. We went to the only place with light. The door was open with a chair in the doorway. We opened the door and there was no-one in there except for one man sitting at the desk on the phone. I thought this man must be Cllr Anderson.

We walked over, shook hands and introduced ourselves. I had a carrier bag with a folder in which I put by my feet. We said we had come to talk about Warwick Road. Cllr Anderson just stood up and said no, the decision had been made and told us to get out.

I said, 'you can't say that' and he said 'I can' and told us to get out.

He said that the meeting was for his ward. I said I'd been trying to get hold of him. He didn't offer another appointment. He stood up and put his coat on.

George [Dunnion] stood up and said that wasn't the way to do it and he told us to go.

It got heated.

I picked up the folder and asked him to look at it. He was standing and he said 'no, get out'. I said that was a dreadful way to behave. He said we were trying to push traffic onto Brownlow Road and he was not going to be ambushed by a lynch mob. I told him not to speak like that and I stood up and put my coat on. He was shouting, which is not what I would expect from a councillor.

George stood up after Cllr Anderson stood up and said something about getting him out at the next election. Cllr Anderson was pointing his finger. I was so surprised I just sat there.

We went to the door. On the way out George pushed the chair and the door clicked shut – it must have been self-locking. When the door clicked Cllr Anderson lost control and started shouting that we'd locked him in. The caretaker arrived and unlocked the door.

Cllr Anderson followed us out of the school and right along the road. We crossed at the end of the road towards my car and he was standing outside my car. On the way out he was talking and saying that Warwick Road was difficult. I didn't want to talk to him about it if he hadn't wanted to talk about it earlier. He was just rude.

I wrote an email to Cllr Anderson the same day or the next day.

I was so upset by the meeting. I felt his approach and his attitude were very bad.

He tried to calm things with his email but he should not have been so rude in the first place.

I was surprised there were so few people there. I don't know why he was so unnerved. If I'd been unnerved I would have stayed away.

'Armed' – the word felt inappropriate and inflammatory. Our whole group is quiet people. They disagree but they're not rude. Why can't people discuss in a calm way? Normally people explode like that for a reason – what was the reason?

I'd like an apology and I'd also like an answer about why he lost his temper when we were just sitting down. There was an instant reaction to the name of Warwick Road.

I was asked to make a formal complaint. Cllr Anderson copied a lot of people into his reply to my email. Various people including David Burrowes asked me to make a complaint.

Cllr Anderson said at my car, 'I'm going to report this to security'.

I don't think anyone should speak to anyone like that. I'm still not convinced Cllr Anderson knew what was going on – did he really understand the issues?

The reason why it took a long time for me to complain was because I was waiting for Cllr Neville to get back to me. He suggested that he made a complaint on my behalf. I wrote to the Chief Executive on 28.11.16.

The group has made a complaint and we had a meeting with Nicholas Foster in December. I thought this meeting might be about that complaint.

Cllr Anderson looked guilty, as though he'd been caught out. I think he was hiding something. He was extremely rude.

Cllr Anderson comes across as quite arrogant. A councillor making important decisions should be able to deal with questions without losing his temper.

George Dunnion is quite a frail man, he hasn't been to one of our meetings since.

I'm very upset about it. I don't like confrontation. I have spoken to Cllr Sitkin in the past and we don't always agree, but he's never behaved like that.

George Dunnion is in his 70s and he's a bit taller than I am.

Record of interview of Mrs Kate Leach  
concerning her complaint about Cllr Daniel Anderson  
Date of interview – 23.2.17

*Mr Leach's version*

Present:  
Mrs Kate Leach  
Jill Bayley (interviewer)

Since 2013 the Warwick Rd residents have been in discussions with Cllrs Sitkin, Georgiou and Brett about the traffic congestion, pollution, noise and anti social behaviour we now suffer in our neighbourhood due to the installation of traffic lights at the junction of Warwick Rd and the North Circular Road.

After many years of looking at the problem the councillors offered us a ban on the right hand turn from Warwick onto the NCR and this was agreed to by TFL. All appeared fine until a consultation was carried out and the final decision was given to Cllr Daniel Anderson to make. He turned the proposal down without any explanation whatsoever. As a group we had had no dealings with him previously and do not think he was in full possession of all the facts and discussions that we had entered into at length with our Ward Councillors.

We had asked if our group could meet with Cllr Anderson before he made his decision but was told that it would not be appropriate; we did nothing to interfere with the outcome of the consultation but later found out that a petition from Brownlow Rd had been made.

A few residents received a very dismissive letter from David Taylor telling us that the RHT ban would not be put in place and offered us no convincing explanation or right of appeal. After the decision was sent to us, the Warwick Rd group protested to our Ward Councillors, Sitkin, Georgiou and Brett. They said it was now out of their hands as Cllr Anderson had made the decision and advised the group to speak to him directly.

It was decided that Cllr Anderson should be approached but that only 2 people would go, this would be myself and Mr George Dunnion. Initially I found it very difficult to locate where he would be. Cllr Anderson only holds one surgery a month. On his website it said the third Tuesday of the month at Broomfield School, I went along in October but he was not there, I enquired with staff but no one had any information as to his whereabouts: he just hadn't turned up. There were a few other people looking for him too.

During the next month I couldn't get hold of him on the phone, so I contacted Enfield Council who had no information as to where and when he would be holding his next surgery. I left messages and eventually I received a voice message telling me he would be in Garfield School on the third Tuesday of November between 5.30-6.30 pm. This is a very inconvenient time as people are often still at work, cooking meals or putting children to bed; it is also a short period of time. He blamed his staff for not updating his website.

I'm still not convinced Cllr Anderson knew what was going on – did he really understand the issues? Cllr Anderson looked guilty, as though he'd been caught out. I think he was hiding something. He was extremely rude. Cllr Anderson comes across as quite arrogant. A councillor making important decisions should be able to deal with questions without losing his temper.

The view of the Warwick Road residents group is that the decision had been rushed and not all the facts taken into consideration. This has been gone into in greater detail in the information provided to Mr Nicholas Foster.

Before going to see Cllr Anderson we had tried to communicate by e mail but he never responded. We decided not to go in a large intimidating group, but as I said before just two of us. We were aware that the surgery was for people in Cllr Anderson's ward so went along at the end around

6.15 thus giving Southgate Ward residents precedence. It was a dark and rainy night, we were not sure where he met people so entered into the large room that was lit. The door was ajar with a chair in the doorway. The room was empty except for one man sitting at a desk whom we took to be Cllr Anderson. He was talking on the phone but hung up and came towards us.

We shook hands, introduced ourselves and took a seat with him opposite us, I was carrying a Sainsbury's carrier bag with an A4 folder of correspondence inside which I placed on the floor next to me.

Everything appeared fine until we said that we represented the Warwick Rd residents group and had come to talk about the decision he had made regarding our road. He then stood up shouting "No No" I have made my decision and there is nothing more to say, the matter is finished with and closed, get out. "I said" you can't just say that", he said he could and again told us to get out.

He said that the meeting was for his Ward residents, and I said we had been trying to communicate with him by e mail but to no avail, and could find no other means of getting to speak with him other than to just arrive at the school. Without offering any alternative time and place to talk with us, He stood up and put his coat on and again told us to go.

George [Dunnion] also then stood up and said that that wasn't a way to behave or deal with the public, it just wasn't the way to do things, and when there were elections he could be voted out. Things by now were heated but again Cllr Anderson told us to go and was pointing his finger at George. I sat there in surprise at his rudeness.

At that point I was still seated, I picked up the folder I had taken, and asked him to take a look at it, as it contained all the correspondence that had passed between the Councillors, David Taylor and us. Cllr Anderson remained on his feet and said "no, get out". I also then said that was a terrible way to behave.

This is when he became extremely abusive. He shouted that we only wanted to push traffic on to Brownlow Road, and accused George and me of being nothing but a lynch mob, who were out to ambush him. He then said I had come armed with a folder. I think his behaviour was appalling. I again told him not to speak to us like that, then I stood up and put my coat on, all the while he was shouting, not the kind of behaviour I expect from a councillor.

We went to the door. On the way out George moved the chair aside and the door clicked shut – it must have been self-locking. When the door clicked Cllr Anderson lost control and started shouting that we'd locked him in. The caretaker arrived and unlocked the door.

Cllr Anderson followed us out of the school and along the road, all the time trying to talk about the things we had come to discuss. He said Warwick Rd was difficult, I said I wasn't prepared to continue this in the street after the way he had so rudely dismissed us in the school. We crossed at the end of the street and he followed us to my car, but there was no need for him to do this. He stood outside my car continuing to say that Warwick Road was difficult. He also said that he was going to report the meeting to security.

I wrote an email to Cllr Anderson the same day or the next day as I was so upset by the meeting. I felt his approach and his attitude were very bad.

He tried to calm things with his reply to my email but he should not have been so rude in the first place.

He later wrote he was unnerved. If I'd been unnerved by two retired people coming to see me I would not have followed them back to their car along a dark road. George and I had to sit quietly for some time before driving as our encounter with Cllr Anderson was so upsetting.

He used the word 'Armed' – with reference to my A4 correspondence folder, the word was inappropriate and inflammatory. Our group are quiet people. We may disagree at times but we are not rude. Why couldn't he discuss our concerns in a calm way? Normally people explode like that for a reason – what was his reason? I'm still not convinced Cllr Anderson knew what was going on – did he really understand the issues? He looked guilty, as though he'd been caught out. I think he was hiding something. He was extremely rude. Cllr Anderson comes across as quite an arrogant person. A councillor making important decisions should be able to deal with questions without losing his temper.

I would like an apology from Cllr Anderson, and I also want an answer as to why he lost his temper when we had only just sat down. There was an instant reaction at the mention of Warwick Road. I don't think anyone should speak to another person in that way it was uncalled for.

Cllr Anderson copied a lot of people into his reply to my email, and various people including David Burrowes and Laura Davenport encouraged me to report his behaviour by making a complaint. I have never done anything like this before.

The reason why it took a long time for me to complain was because I was waiting for Cllr Neville to get back to me. He had suggested that he make the complaint on my behalf but I decided against this. I wrote to the Chief Executive on 28.11.16.

The group has also made a complaint about the process of the consultation and we were asked by Nicholas Foster for a meeting to discuss the matter, which we had in December 2016. I thought this meeting might be also be about my personal complaint but it wasn't.

Mr George Dunnion is quite a frail man, he is in his late seventies and a little taller than me. He hasn't been to one of our meetings since our encounter, I find this very sad but not surprising as we felt very intimidated.

I'm very upset at what happened. I don't like confrontation. I have spoken with Cllrs Sitkin, Georgiou and Brett in the past and we don't always agree, but they have never behaved so badly.

To sum up my complaint, I believe that all Councillors should have respect for others, be open and objective in all their public dealings, and above all be accountable and honest. I feel that Councillor D Anderson fell short of this.

Mrs Kathleen Leach



## **Appendix 6**

### **Email correspondence with Cllr Anderson**





**Jill Bayley**

---

**From:** Cllr Daniel Anderson  
**Sent:** 10 March 2017 12:21  
**To:** Jill Bayley  
**Cc:** Cllr Doug Taylor; Rob Leak; Cllr Krystle Fonyonga  
**Subject:** Re: Complaint by Mrs Leach

Hi Jill.

I will refer you back to the evidence that I presented to you, which documented concisely what occurred and was submitted immediately after the incident happened. Also, as a direct result of this incident and immediately afterwards, I was issued with a personal safety device by our community safety team. I again remind you that the complainants submitted their complaint over 2 months after the event, which must surely question the veracity of their account relying as it did on memory and I presume there was no contemporaneous record.

Can I also reiterate that the individuals concerned were not ward residents and turned up 5 minutes before the scheduled end of my surgery to confront me over an issue that was beyond the scope of my role as a ward councillor. Indeed, given the complexity of what they wished to discuss the appropriate procedure would have been for them to email me as Cabinet Member directly regarding their concerns for me to look into. Having checked through my emails, as far as I can ascertain, they had made no previous attempt whatsoever to do so.

You should also bear in mind that Warwick Road has been a long-standing controversial issue and that residents have been venting their anger at the Council and members of it as many others will testify.

It is also my view and that of the Labour Group as a result of this and other similar incidents that councillors should no longer hold their surgeries isolated in empty venues. Indeed, as you should be aware this was my first - and as a result of this encounter - last use of this venue for a ward surgery, where I was left alone and, as it turned out, vulnerable in an empty hall. I would therefore question whether the Council acted appropriately in respect of its duty of care.

It seems to me - and those to whom I have spoken - that this judgement is setting an unfortunate precedent and makes us vulnerable to the random criticisms of residents who believe that they have been aggrieved. This judgement based as it is on hearsay makes all councillors vulnerable to disciplinary action.

Therefore, in light of the above I am not prepared to accept that decision and will under no circumstances apologise as I believe that you have acted on the basis of hearsay and consider that I have been the victim of inappropriate behaviour, not the aggressor.

At the time I chose not to pursue further action against the individuals, but am now reconsidering that position and seeking advice on the matter.

Kind regards.

Daniel

Cllr Daniel Anderson  
Cabinet Member for Environment  
Southgate Green Ward (Labour)  
London Borough of Enfield  
07812 673 070  
[cllr.daniel.anderson@enfield.gov.uk](mailto:cllr.daniel.anderson@enfield.gov.uk)

Sent from my iPad

On 10 Mar 2017, at 10:01, Jill Bayley <[Jill.Bayley@enfield.gov.uk](mailto:Jill.Bayley@enfield.gov.uk)> wrote:

Dear Councillor Anderson,

I write further to my meeting with you on 30 January 2017.

I have now spoken to the complainant and her witness and have concluded that you breached the Code of Conduct, in that, while acting as a Councillor, you were not accountable for your actions to a member of the public (a breach of Paragraph 8.4 of the Code) and you did not treat a member of the public with respect and courtesy (a breach of Paragraph 12.1 of the Code).

The complainant tells me that she would be willing to accept an apology and I believe this would be the quickest and most satisfactory outcome for all involved.

I have therefore drafted the following text. Please let me know whether you would be willing to agree this text (or let me know any changes you would like). The written apology would need to be signed by you and sent out by me on Enfield Council headed paper.

*Suggested text:*

*Dear Mrs Leach,*

*I write further to your complaint dated 4 January 2017 about my conduct at a meeting at Garfield School on 15 November 2016.*

*I accept that you found my behaviour on that occasion lacking in accountability and lacking in courtesy and respect for you, and I apologise for any distress caused.*

*Yours sincerely,*

*Councillor Daniel Anderson*

I look forward to hearing from you.

Yours sincerely,

Jill Bayley

Jill Bayley  
Principal Lawyer, Safeguarding and Corporate Teams  
Legal Services, Enfield Council

**Jill Bayley**

---

**From:** Jill Bayley  
**Sent:** 10 March 2017 10:01  
**To:** Cllr Daniel Anderson  
**Subject:** Complaint by Mrs Leach

Dear Councillor Anderson,

I write further to my meeting with you on 30 January 2017.

I have now spoken to the complainant and her witness and have concluded that you breached the Code of Conduct, in that, while acting as a Councillor, you were not accountable for your actions to a member of the public (a breach of Paragraph 8.4 of the Code) and you did not treat a member of the public with respect and courtesy (a breach of Paragraph 12.1 of the Code).

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*Yours sincerely,*

*Councillor Daniel Anderson*

I look forward to hearing from you.

Yours sincerely,

Jill Bayley

Jill Bayley  
Principal Lawyer, Safeguarding and Corporate Teams  
Legal Services, Enfield Council  
Silver Street  
Enfield EN1 3XY

DX 90615 Enfield 1

Telephone: 020 8379 6475

Fax: 020 8379 6492  
Mobile: 07930 858193

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## **Appendix 7**

### **Record of interview with Mr Genus**



**Record of JB interview with Stephen Genus on 5.5.17**

I am the caretaker for Garfield School. I was on duty on 15 November 2016.

The room where the ward surgery took place that day is a hall near the main gate of the school. The main gate and the hall door nearest the main gate were both left open to allow the public access. There is another door from the hall leading towards a courtyard between the building where the hall is and the main part of the school. My office is in the same building as the hall, and is accessed via the courtyard.

The external door between the main gate and the hall is controlled by a fob. In fact, there is an emergency exit button but if the door closes it appears that a fob is needed to get out.

The whole school is newly built. There is CCTV covering the main entrance and the area between the hall and the main gate, but not the interior of the hall. There are screens for the CCTV in my office and in the main school office.

The school regularly lets out the hall as a venue for meetings. The organisations who rent the room are expected to supply their own equipment such as signs or A-boards. I am happy to put them up. If they need security they are responsible for organising this themselves. I am not a security guard although I am around the site.

The ward surgery on 15 November 2016 was the first time Cllr Anderson had had a ward surgery here. There have been ward surgeries here since but he has not been involved. There have been joint meetings here with other councillors since the incident in November and security has been brought in.

On 15 November 2016 I was around the school and in my office during the meeting. There were no children or staff around and it was quiet. I gave Cllr Anderson my number so that he could call me if he had any problems.

I was in the courtyard when I heard shouting and I went to the hall. A man and a woman were having a very heated discussion with Cllr Anderson. I did not know either the man or the woman but I know Cllr Anderson because he has had meetings at the school before. There were no other people in the room.

As I walked into the hall, all three people were standing up. Cllr Anderson was saying that there was no need to shout and asking the others to sit down for a discussion. The woman was saying words to the effect of 'you're not listening'. Cllr Anderson was trying to calm things down and then said that he was not here to take abuse and was not prepared to carry on the surgery.

Cllr Anderson was trying to be reasonable and saying that everyone needed to leave. All three people left together and there was still dialogue going on but it was a bit less heated. They left at about 7pm.

I am not sure whether the external door to the hall was open or closed when I went into the room. I went in through the internal door, which was not locked.

I am unable to say how the dispute had arisen as I was out of the room at the time and there is no CCTV inside the room. I did not see any physical violence or threats. I cannot comment on the behaviour of any single individual.

I have had dealings with Cllr Anderson in the past and he has always been fine with me. He looked quite shaken. The man and woman looked upset too.





## **Appendix 8**

### **Record of interview with Mr Taylor**



Record of interview with David Taylor  
16.5.17

I am the Head of Traffic and Transportations for Enfield Council.

I am aware that I have received emails and calls in the past from Mrs Leach. She has been raising concerns with me about Warwick Road for a while.

I have also had contacts from other members of the residents' group for Warwick Road.

The residents of Warwick Road have been unhappy since approximately 2012 when improvements were made to the North Circular Road. Traffic signals were placed at the end of Warwick Road which meant that it became used more for through traffic.

A possible solution was identified which would have been to ban a right turn out of Warwick Road onto the North Circular. This was put out to public consultation in the general area which would have been affected, not just Warwick Road. Warwick Road residents were generally in favour of the proposal but other local residents were generally opposed. Brownlow Road residents had a petition to oppose the scheme. Cllr Anderson's view was that a scheme which solves one problem but makes another one worse should not be implemented. The final decision was that the right turn off Warwick Road onto the North Circular was not implemented. This decision was made in mid 2016.

Cllr Anderson and I crafted a letter to local residents setting out the decision and the reasons for it. I signed the letter. The letter made it clear that the proposed scheme was a final attempt to solve the problem and that nothing else was being considered at present.

When the letter went out a number of residents of Warwick Road were upset. A meeting took place after the decision was made. The people at the meeting were four representatives from the residents' group including Mrs Leach, Cllr Sitkin, Cllr Brett and myself. I think Cllr Georgiou may have been present but I am not sure. Cllr Anderson was not at that meeting because he was not the ward councillor for that ward.

There were roadworks in Warwick Road in late 2016 and the road was closed. We agreed that we would collect data on traffic flow for that period and for a period when the road was open. The data was collected and is currently being analysed. We agreed that this information would be reported back to Cllr Anderson.

It was agreed between the ward councillors and Cllr Anderson that he would be the political face of the decision on the right turn.

I recall having a few conversations on the telephone with Kate Leach shortly after the decision was made. She was probing how the decision had been made. She was never rude.

The decision not to implement the scheme was taken by the cabinet member after consultation.

The residents of Warwick Road were never going to be happy with the decision. They didn't like the tone of the letter. They felt it was dismissive, especially as it made it clear that we were not going to change anything for the foreseeable future.



## **Appendix 9**

### **Hand-written notes by Mrs Middleton-Albooye**



23/6/17 Cllr Anderson / Jmt

A decision not to proceed with the process (Status quo)  
Cabinet Member - decision made.

- delegate

not saying not accountable. Not my decision, decision with traffic engineers. Is this a full & full position

The word councillors part of that - committed only with Cabinet Member letter that went out

- I Menger advice

- We go by officers advice - They thought

- Portfolio -

No appeal process - Cannot be answerable for what word Cllrs suggested decision based on evidence given

- Briefing note - leave as is.

No grey areas

- Other roads - need to be taken.

JMA to speak to Jill B.

- Mistake to give them opportunity suggest  
app





## **Appendix 10**

### **Cllr Anderson's comments on draft report**



**REPORT INTO COMPLAINT DATED 4.1.17**

**MADE BY**

**MRS KATE LEACH**

**AGAINST**

**COUNCILLOR DANIEL ANDERSON**

**1. EXECUTIVE SUMMARY**

This is a report into a complaint by Mrs Kate Leach against Cllr Daniel Anderson. The complainant alleges breaches by Cllr Anderson of the Code of Conduct at a meeting which took place at a ward surgery on 15 November 2016. For the reasons set out in this report I do not find that Cllr Anderson has breached the Code in relation to any of the four allegations. I therefore recommend that the Council upholds none of the complaints.

**2: INTRODUCTION**

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- 2.1. I am a Principal Lawyer in Enfield Legal Services. I was admitted to the Roll of Solicitors in January 1992.
- 2.2. In January 2017, I was instructed by the Monitoring Officer of the London Borough of Enfield's (the Council) – Asmat Hussain, Assistant Director of Legal and Governance Services – to carry out an investigation into a complaint against Councillor Daniel Anderson (Southgate Green Ward), Cabinet Member for Environment.
- 2.3. The complainant cited a witness. I have also considered the emails submitted by the complainant with the complaint, and the emails submitted by Cllr Anderson.
- 2.4. I have interviewed the following people:
- 2.4.1. Cllr Daniel Anderson (on 30.1.17, face to face);
  - 2.4.2. Mr George Dunnion (on 9.2.17, by telephone);
  - 2.4.3. Mrs Kate Leach (on 23.2.17, face to face).
  - 2.4.4. Mr Stephen Genus, school caretaker (on 5.5.17, face to face). I also visited the site where the meeting took place.
  - 2.4.5. Mr David Taylor (on 16.5.17, face to face).
- 2.5. On 4 April 2017, records of the interviews with Cllr Anderson, Mrs Leach and Mr Dunnion were prepared and sent to the interviewees. They were requested to respond by 11 April 2017. Mrs Leach responded; Mr Dunnion did not. Cllr Anderson responded with a number of emails which are attached to the record of his interview. The records of the interviews, with attachments where necessary, are appended to this report as Appendices 3-5.
- 2.6. The original complaint is attached as Appendix 1 and emails provided to me by Cllr Anderson are attached as Appendix 2.
- 2.7. On 10 March 2017 I emailed Cllr Anderson asking whether he would be prepared to offer an apology. Cllr Anderson advised that he was not prepared to offer an apology. The email correspondence relating to this is attached as Appendix 6.
- 2.8. Records of the interviews with Mr Genus and Mr Taylor were sent out to them on 8 May 2017 and 16 May 2017 respectively. No response has been received. These records are attached to the report as Appendices 7 and 8.
- 2.9. As Cllr Anderson had indicated in his email to me of 7 April 2017 that he would not co-operate further with me in my investigation, my manager Ms Jayne Middleton-Albooye spoke to him on 23 June 2017. A copy of her handwritten notes is attached as Appendix 9.
- 2.10. On 17 July 2017 I sent out my draft report to the complainant Mrs Leach, to Cllr Anderson and to the Council's Monitoring Officer. I asked for any comments by 21 July 2017.

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### 3. THE COMPLAINT

- 3.1. The complaint relates to a meeting Mrs Leach had with Councillor Anderson at Garfield School on 15th November 2016. Mrs Leach was accompanied at the meeting by Mr George Dunnion. A number of residents on the road, including Mrs Leach and Mr Dunnion, opposed the Council's decision about traffic in Warwick Road. Mr Dunnion was cited as a witness by Mrs Leach in her written complaint.
- 3.2. The occasion was a ward surgery for Councillor Anderson's ward. Neither Mr Dunnion nor Mrs Leach are ward constituents of Councillor Anderson. Mrs Leach stated alleged that she and Mr Dunnion had gone to Councillor Anderson's ward surgery because they had had difficulty in getting hold of him in any other way; that when they explained that they were there to talk about Warwick Road, Councillor Anderson became angry, stood up and shouted at them and told them to leave; that Councillor Anderson's conduct was rude and suggested that he did not want his decision to be scrutinised; that Councillor Anderson had used the words 'ambushed' and 'lynch mob' in relation to them; that when Mrs Leach and Mr Dunnion were leaving the room the door became accidentally locked; and that Councillor Anderson had followed Mrs Leach and Mr Dunnion back to their car and that Mrs Leach found this behaviour unnerving. Mrs Leach believed that Councillor Anderson had breached the Code of Conduct. Mrs Leach also sent me copies of two emails, one from her to Councillor Anderson and one in reply.
- 3.3. Paragraph 3.1 of the Council's *Procedure for Handling Complaints against Councillors and Co-opted Members* requires any complaint to be received "in writing within three months of the alleged matter". Mrs Leach's complaint was received within this timescale.

Commented [CDA1]: David Charles aside who had sent an email to myself, Cllr Sitkin and Cllr Georgiou and whom Cllr Sitkin had initially replied, I have no emails directed to myself from Mrs Leach, Mr Dunnion or anyone else up to this point. So reject this accusation.

### 4. THE CODE OF CONDUCT

- 4.1. Due to the provisions of s27(2) of the Localism Act 2011, it is important to consider whether or not the Code applied at the time of the incident complained of. The Code does not apply when an elected member is acting in his private capacity. Enfield Council's Code (which is attached in Appendix 7) only applies to Cllr Anderson where he acts or purports to act in his capacity as a Member of the Council. As the complaint relates to a meeting at a ward surgery relating to Council business there seems to be no dispute that Cllr Anderson was acting in his official capacity.
- 4.2. Mrs Leach has complained that Cllr Anderson breached the following provisions of the Code:

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## **8. General Principles of Conduct**

*In carrying out your duties, in exercising the functions of the Authority, or otherwise acting as a Councillor, you will be expected to observe the following general principles of conduct. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.*

### **8.4 Accountability**

*You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.*

### **8.5 Openness**

*You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.*

### **8.8 Respect for Others**

*You should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. You should respect the impartial role of the authority's statutory officers, and its other employees.*

### **Expectations of conduct**

*11. You shall at all times conduct yourself in a manner which will maintain and strengthen the public's trust and confidence in the integrity of the Authority and never undertake any action which would bring the Authority, you or other members or officers generally, into disrepute.*

### **Rules of Conduct**

*12. You shall observe the following rules when acting as a Member or co-opted Member of the Authority:*

- (1) Treat others with respect and courtesy.*
- (2) You must not -*
  - (b) Bully any person;*
  - (c) Lobby, intimidate or attempt to lobby or intimidate any person who is or is likely to be:*
    - (i) a complainant,*
    - (ii) a witness, or*

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- (iii) involved in the administration or determination of any investigation or proceedings in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

## 5. WARWICK ROAD

5.1. It is not a part of my remit to consider the rights and wrongs of the situation in Warwick Road. I am aware that it is a contentious issue about which Mrs Leach holds strong views.

## 6. EVIDENCE

### *The Complainant*

6.1. Mrs Leach came across as an active community member. She was clearly very concerned about the effect of the traffic on the street where she lives. It was clear to me that she was, in February 2017, still very upset about the incident in Garfield School. This was some three months after the incident. Her main concern in my meeting with her was the rudeness which she felt Cllr Anderson had displayed.

6.2. Mrs Leach conceded in my interview with her that the meeting had become heated. She described her witness, Mr Dunnion, standing up and pointing at one stage in the meeting. Mr Dunnion also described the meeting as becoming heated. Mrs Leach described Cllr Anderson as shouting while Mr Dunnion's recollection was rather vaguer.

### *Cllr Anderson*

6.3. Cllr Anderson was clearly very aware of the problems concerning Warwick Road, and commented that the problem was that residents had been given the impression that there was a solution whereas in fact there was none.

Commented [CDA2]: Seemingly by the ward councillors

6.4. Cllr Anderson also made it very clear that he had felt threatened during the meeting and had reported the incident that evening to the Head of Legal Services, Head of Community Safety and other officers along with colleagues, and as a result of the incident was no longer prepared to hold ward surgeries in the traditional manner, but instead now planned to hold appointments in public places such as libraries and coffee shops.

6.5. I bear in mind that the incident took place only a few months after the murder of Jo Cox MP by a constituent in June 2016 and that all public figures involved in politics are likely to have been shaken by the murder. I also bear in mind that the hall where the meeting took place, which

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was a new venue for the ward surgery, was isolated, Cllr Anderson was the only councillor in the room, and there were problems with the door which became locked accidentally during the meeting. I appreciate that this is likely to have been unnerving for Cllr Anderson.

**Mr Dunnion**

6.6. Mr Dunnion's recollection of the events of the meeting was rather vague. He stated that Councillor Anderson had been abrupt and aggressive. He described the meeting as 'heated' and said that he had stood up at one stage and raised a finger.

**Mr Genus**

6.7. Mr Genus was in the vicinity of the room where the meeting was taking place, but did not see or hear the initial stages of the meeting. He became aware of raised voices and stated that when he entered the room all three people present were standing.

**Mr Taylor**

6.8. Mr Taylor was not present at the meeting but I spoke to him to get some background. He was very aware of the concerns raised by the residents' group of which Mrs Leach was a member. He stated that he had discussed the Warwick Road scheme with Councillor Anderson on several occasions.

**The allegations**

**1. Lack of accountability**

6.9. Mrs Leach alleges that Cllr Anderson showed a lack of accountability in his response to her and Mr Dunnion. She states that her group had difficulty in contacting Cllr Anderson and that she went to the ward surgery for another ward because she and the group could find no other method of contacting him. Cllr Anderson expressed concern that Mrs Leach had not followed proper process and this was one of the reasons he gave for his reaction to the approach from her.

6.10. Cllr Anderson stated in his interview that he did not have to be accountable to Mrs Leach or her group, as his role was to make a decision which he had done.

6.11. This statement was queried by Ms Middleton-Albooye on 23 June 2017 and her notes of the conversation are attached as Appendix 9. Her notes show that Councillor Anderson was aware that this decision was delegated to him in his capacity as the relevant Cabinet member. He states that the final decision was effectively not his as it was based on the advice of the traffic engineers, which was based on the evidence available.

Commented [CDA3]: Again, I do not accept that contention. I was copied in on emails that were addressed to their ward councillors and myself. That said it is protocol that they go via their ward councillors on ward issues.

Commented [CDA4]: I think the use of the term 'accountable' is misleading in this context. As a councillor I am, like all councillors, accountable through the ballot box and through the Code of Conduct. My point was that as a Cabinet Member, which has a corporate responsibility, I and my colleagues have to make decisions that affect the Borough as a whole and that will inevitably and often please some and displease others. Along with my Cabinet colleagues, I am accountable for the process of that decision-making process, but don't have to justify any decision or non-decision to the satisfaction of those displeased because it is not to their liking. That is what Mrs Leach finds difficult to accept.

I have had the same argument with those opposed to Cycle Enfield who refuse to accept that the Cabinet and Cabinet Members have the right to implement the scheme regardless of their opposition.

I hope that makes sense.

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6.12. I note that, in his interview with me, Councillor Anderson said that he had discussions with officers and concluded that there was no obvious solution and that he had agreed to 'take the flak' for the ward councillors who were faced with the unenviable position of upsetting one group of residents in their ward.

6.13. Although Councillor Anderson said in his interview with me that he did not have to be accountable, I am satisfied from the interview with Ms Middleton-Albooye that he was aware that he was responsible for the decision in his capacity as Cabinet member. I also note his remark that he would 'take the flak'. In light of this information, and on the balance of probabilities, I do not uphold this complaint.

Commented [CDA5]: Please see my note above.

## 2. Lack of openness

6.14. Mrs Leach alleges in her complaint that Councillor Anderson showed a lack of openness in his interaction with her. She states that Councillor Anderson did not offer any further appointment to meet her or the group.

Commented [CDA6]: Yes, because the decision was final.

6.15. Councillor Anderson stated in his interview that he did not have to explain his position. A letter had been written by a senior officer setting out the reasoning and there was no appeal.

As a Cabinet Member my role is more as judge not advocate. That is the role of ward councillors. If I met with Warwick Road residents then I would have to meet with residents of Brownlow Road and indeed all other roads in the vicinity. My role is to review the evidence submitted and listen to the advice of officers, questioning them and challenging them before reaching a conclusion. This is what I did.

6.16. I am aware from my meeting with Mr Taylor that Councillor Anderson was involved in drafting the letter which went to residents explaining the reason for the decision not to change the traffic arrangements in Warwick Road. Mr Taylor also told me that there was a meeting between the three ward councillors and members of the residents' group, and that he (Mr Taylor) was present at that meeting. Councillor Anderson was not present at the meeting because it was a ward matter and he was not a representative for that ward.

Commented [CDA7]: Yes, this explained the reasoning and explains the position. Sadly it is not one that Warwick Road residents accept.

6.17. Mrs Leach indicated that she and her residents' group had met their ward councillors and alleges that they had been advised that there was nothing more the ward councillors could do and that the group should meet Councillor Anderson.

Commented [CDA8]: If this is true then this was inappropriate and a dereliction of responsibility by the ward councillors giving residents false hope when they knew the position was final. This is seemingly trying to pass the buck rather than hold the evidence-based line, which they had been consulted upon. I find it hard to believe that they said that.

6.18. Mrs Leach told me that her group was concerned that the decision had been rushed and that the group's views had not been taken into account.

Commented [CDA9]: Not true. My decision was based on the advice of road traffic engineers whose job it is to review all the evidence, separating facts from opinions and then present their findings.

6.19. I also note that Cllr Anderson stated in his interview that he had planned to send a final response to the Warwick Road residents but that this had not gone out before the meeting at Garfield School as he was awaiting some further advice from David Taylor. At another stage in the interview Cllr Anderson told me that there had been talks with officers which had concluded that there was no obvious solution to the Warwick Road problem and that he had agreed to 'take the flak' for the ward councillors as indicated above. This suggests both that

Commented [CDA10]: This was David Charles. The emails have been forwarded to you.

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he had considered providing further information about his decision, and that he accepted that he had a responsibility to deal with responses to the decision.

6.20. I also note Cllr Anderson's views, at several points in his interview, that Mrs Leach and Mr Dunnion had acted disrespectfully and with a sense of over-entitlement by arriving towards the end of the ward surgery. He made it clear that he believed that Mrs Leach and Mr Dunnion had acted improperly by attending a ward surgery when they were not there to discuss ward business.

6.21. Mrs Leach indicated in her interview with me that her group had met their ward councillors and been advised that the ward councillors could do nothing further and alleges that they said that the group should speak to Councillor Anderson. Mrs Leach said that the group had been trying to contact Cllr Anderson without success. She said that she understood that Cllr Anderson was not her ward councillor and told me that she had gone towards the end of the session so that the ward constituents would have first claim on Cllr Anderson's time.

6.22. I appreciate the sense of frustration expressed by Mrs Leach in her interview and I note that she was aware when she arrived at the meeting that it was not an appropriate forum for her query, but that she felt unable to find another way to express her views. I also appreciate the concern expressed by Councillor Anderson at the inappropriate use of a ward surgery. I note that the decision was a controversial one to which there was no easy solution. I note that a decision was given to the residents. On the balance of probabilities I do not find that Cllr Anderson acted with a lack of openness on this occasion.

Commented [CDA11]: Again, if so, ward councillors misled them knowing that this would be inappropriate and unproductive given the finality of the letter, which they had been consulted upon. I therefore find this hard to believe.

Commented [CDA12]: Again I take issue with that argument.

Commented [CDA13]: She arrived a 6.25pm, which is five minutes before the scheduled end of the surgery. How on earth did she think that reasonable even if her argument had merit?

Commented [CDA14]: Yes, she and the Warwick Road Action Group refuse to accept the fact that we are fully aware of the situation, but that there is not a solution. Her views and those of fellow residents are completely understood.

### 3. Lack of Respect for Others and Lack of Courtesy

6.23. I have considered whether Mrs Leach's statement that Cllr Anderson breached the Code of Conduct by 'not showing any...Respect for others' should be considered under Paragraph 8.8 or Paragraph 12 (1). Paragraph 8.8 refers to unlawful discrimination on the basis of race, age, religion, gender, sexual orientation or disability. On interview Mrs Leach did not give any information which suggested any unlawful discrimination of this type. I am therefore considering this allegation under Paragraph 12(1), which states that Members must 'treat others with respect and courtesy'.

6.24. Mrs Leach makes two allegations against Cllr Anderson under this heading. One is that he was rude during the meeting in the hall, and the second is that he followed her and Mr Dunnion to their car after the meeting.

6.25. I note that Mrs Leach used the words 'rude' and 'arrogant' of Cllr Anderson's behaviour in the meeting. She described Cllr Anderson as shouting. Mr Dunnion described Cllr Anderson's behaviour as 'abrupt' and 'dismissive'. Cllr Anderson said Mrs Leach and Mr Dunnion were

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'very angry', 'threatening' and 'aggressive'. He described Mr Dunnion standing up and pointing at him. Mr Dunnion and Mrs Leach both confirmed that Mr Dunnion stood up and Mr Dunnion said that he raised a finger. Mr Genus described all three people as standing when he entered the room, and said that he heard shouting. He was unable to say how the incident had started as he was not present and there was no CCTV covering the interior of the room.

6.26. Mrs Leach and Mr Dunnion both described the meeting as 'heated' and in her initial email to Cllr Anderson, written shortly after the incident, Mrs Leach states, 'Unfortunately what started as a reasonable discussion quickly became overheated'.

6.27. It is clear that feelings were running high during the meeting. Both Mrs Leach and Cllr Anderson agreed that Warwick Road was a contentious issue and all parties gave an account of a difficult occasion. Mr Dunnion said that he was unable to remember details.

6.28. Having considered all the evidence, I have concluded that all three parties present became overheated during the meeting. I therefore do not uphold Mrs Leach's complaint of lack of courtesy and respect so far as the meeting is concerned.

6.29. I now turn to Mrs Leach's allegation that Cllr Anderson followed her and Mr Dunnion to their car. I note that all parties agree that the three people concerned left the building together (confirmed by Mr Genus) and walked in the same direction. I note that Cllr Anderson explained that he was going home and that this route was better lit at that time of day. Mr Dunnion said that he did not feel threatened and did not feel that Cllr Anderson was following them. Mrs Leach reported that she felt threatened.

6.30. I have checked the route between Cllr Anderson's home address and Garfield School and I am satisfied that the route along Palmers Road was a reasonable route at 6.30 to 7pm in November. I note that Mr Dunnion did not feel threatened. On the balance of probabilities, I do not uphold Mrs Leach's complaint on the allegation of following her to her car.

#### **4. Bullying**

6.31. Mrs Leach's final allegation is that Cllr Anderson used his position to bully Mrs Leach and Mr Dunnion into leaving. In her interview she described Cllr Anderson as standing up and telling her to leave. Mr Dunnion did not describe the end of the meeting but conceded that there was aggression on both sides. Cllr Anderson said that he got up to leave and that Mrs Leach and Mr Dunnion walked out with him. Mr Genus said that when he entered the room Councillor Anderson was trying to calm the situation.

6.32. I have noted the descriptions of the end of the meeting. I note that the only person who makes this specific allegation is Mrs Leach. In the interview she does not elaborate on how

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she believes Cllr Anderson used his position to bully them. On the balance of probabilities I do not uphold this complaint.

## **7. SUMMARY AND CONCLUSIONS**

7.1. It follows from the above that I find as follows in respect of the complaints:

- 7.1.1. I do not uphold the complaint of lack of accountability on the balance of probabilities. I note that Councillor Anderson said in interview that he was not responsible, but he also said that he had agreed to 'take the flak'. On the basis of this, and his subsequent discussion with Ms Middleton-Albooye, I do not find this part of the complaint made out.
- 7.1.2. I do not uphold the complaint of lack of openness on the balance of probabilities for the reasons set out in 6.14-6.22 above.
- 7.1.3. I consider, on the balance of probabilities, that all three parties at the meeting acted aggressively and I therefore do not uphold the complaint of lack of respect for others and lack of courtesy.
- 7.1.4. I consider, on the balance of probabilities, that there is insufficient evidence to show that the allegation of bullying is made out and I therefore do not uphold this complaint.

## **8. CONCLUSION**

I recommend that the Council dismiss all four complaints against Councillor Anderson.

Jill Bayley

Principal Lawyer

Tel: 020 8379 6475

Jill.bayley@enfield.gov.uk

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## **Appendix 11**

### **Mrs Leach's comments on draft report**



## Jill Bayley

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**From:** Kate Leach <kate.leach@hotmail.co.uk>  
**Sent:** 21 August 2017 17:52  
**To:** Jill Bayley  
**Subject:** Re: Complaint - draft report

Dear Ms Bayley

I am sorry that you were unable to open the attachment I have now copied and pasted it below.

Kate Leach

Dear Ms Bayley

I write in response to your draft report regarding my complaint against Cllr Daniel Anderson.

I have some points that I would like to make and I will take them in the order of your report; I would like if possible for these to be recorded as an addendum for councillors to see even if you do not want incorporate them into your final actual report.

3.1: I would like to stress that Mr Dunion and I went to see Cllr D Anderson in a personal capacity not as delegates of a group, even though it had been discussed at a meeting of neighbours.

3.2: Would you please change that I had had difficulty getting hold of him to it had proved impossible to contact him even through the Council itself.

5.1: I agree with the first sentence, but then the report appears to stray into a discussion about Warwick Rd rather than the evening in question. I would therefore ask that you strike out the second sentence as Cllr Anderson is attempting make this complaint be about Warwick Rd rather than his behaviour on that night; he also holds strong views, e.g. describing residents as a "lynch mob waiting to ambush him".

6.1: I do not wish to be described as "an active community member" I am one of many residents who have been very badly affected by the blighting of our road and surrounding area I would again ask you to strike it out.

6.2: Although the meeting did become heated after Cllr D Anderson's comments the word conceded implies that we had some responsibility for causing this we did not, could I suggest you change this to "noted".

6.3: This is not a relevant statement for the behaviour of Cllr Anderson on that night, you have already said that it is not part of your remit to consider the rights and wrongs of Warwick Rd, please delete it, if you insist it remains please also record that the 'solution' proposed was one that was presented to residents as jointly devised by LBE and TFL.

6.4 & 6.5: I don't think his these are credible, for example our Bowes ward councillors never complain about having to face contrary views at ward forums. Is it not also true that Cllr Anderson had cancelled an earlier Southgate ward forum because protestors against cycle lanes might turn up? I think this might suggest that Cllr Anderson has history of being reluctant to face contrary views. I am concerned that he is exaggerating to deflect from unacceptable behaviour by an elected official.

6.8: It is not Cllr Anderson's understanding or knowledge of the Warwick Rd issue that is at issue. It is his openness and transparency in communicating and explaining the matters that supposedly became his responsibility to the residents that they affect.

6.9: He claims we did not follow "proper process" but what is proper process when he does not communicate, offer to meet, respond to ward councillors, urgings or reply to e mails?

6.10: This statement clearly shows that Cllr Anderson was unwilling to discharge the responsibilities for openness and transparency his office.

6.11: As above. Ward councillors consistently said that the decision was taken by Daniel Anderson.

6.13: I do not think this a logical conclusion to points 6.9-6.12 this is not about internal communication within LBE; it is about transparency to the public, and Cllr Anderson is still clearly trying to say that the decision was not really his. See 6.15 where he says that he owed no one an explanation.

6.16: As you are aware Cllr Anderson was also involved in the drafting of the letter as the Councillor with delegated responsibility why was it not signed by him?

6.19: These statements are all "after the fact" about intensions. The evidence leading up to the Garfield meeting was that there was no communication or engagement.

6.20: Is it "over-entitlement" to expect an elected councillor with delegated responsibility to communicate with residents, as ward councillors clearly expected him to do? Is it "disrespectful" to arrive at the end of a ward meeting to allow ward business to be dealt with first?

6.22: If refusing to communicate with residents is not a lack of openness what is? The "decision" given to residents was not from Daniel Anderson it was signed by David Taylor. At this stage, residents had had zero response from Cabinet Member for Environment.

6.25: People from the floor frequently stand up when they want to talk in ward forums and public meetings. And in ward forums people frequently have strong feelings. It is vastly over-egged. To imply that this behaviour is an exaggeration. It is part and parcel of an elected, accountable politician's routine.

6.28: I totally reject the accusation that I became overheated, I had firm views that I would have like the opportunity to communicate but remained seated until we all left the building, there would have been no reason for tensions to rise as they did had Cllr Anderson engaged with the issues for which he had delegated responsibility.

6.29: Do you not find it strange that Cllr Anderson having previously told us to "get out" of the building, chose to stick close to us as we walked down the street, even crossing the road to my car. He then remained outside the car where he continued to harangue us? Not the actions of someone under threat.

6.30: I disagree with this statement Cllr Anderson may well have been going home, but it was not necessary for him to cross the road and stand outside my car, he chose to.

7.1.1: You have chosen not to uphold this complaint, but surely isn't this complaint about being accountable to Enfield residents not about internal workings of LBE? is or isn't Cllr Anderson responsible for the decision, "Agreeing to take the flak" is not the same as responsibility.

7.1.3: I totally reject that Mr Dunion or myself acted aggressively, and I would ask if it is acceptable for an elected official to behave in an aggressive manner as you have concluded?

I would like to summarise my response to this draft report in a more personal way.

I am not an activist I am a resident who has lived for 42 years in the Borough of Enfield without complaint, but now has legitimate concerns along with many of my neighbours for the environment I live in.

I have been open and honest in my response to Ms Bayley's questions I have not refused to answer anything.

The reason for my complaint was made because of the rude and arrogant way Cllr Anderson treated Mr Dunion and myself at our first and only meeting, it was not about the outcome of his decision on Warwick Road which this report appears to assert.

Much has been made of the fact that people involved stood up, to clarify this point I must make it clear that I did not stand up, but at the mention of where we live Cllr Anderson was on his feet putting his coat on, not asking us to leave but shouting for us to get out. The first time I stood was to leave the building having heard enough of Cllr Anderson's insulting rhetoric. The use of language like "Ambushed by a lynch mob and coming armed with a folder" was uncalled for, he later said "he was prepared to take the flak" this is a combative attitude not displayed by myself but by Cllr Anderson, and not appropriate for public office.

This rude and bullying behaviour has not been addressed at all; Cllr Anderson uses what happened to the MP Jo Cox as an excuse for his reaction, I find this distasteful and insulting; after his complete refusal to discuss anything in a calm manner I felt unnerved but didn't react in such a disrespectful way, I just left.

I would also like to stress that Mr Dunion and I did not follow Cllr Anderson into the street he followed us, he purposely crossed the road to stand outside my car where he continued to shout. I think that his threat to report us to security was because by then he realised how badly he had behaved and needed to cover his actions. We were left so shocked by his reaction that we had to sit for a while in the car before driving.

I note that Cllr Anderson said that "he was on his way home" but if he was as he asserts so unnerved by us would he have left at the same time and deliberately crossed the road with us? I think not.

Lastly I must express my complete disappointment at Enfield Council and its legal dept for supporting the kind of behaviour that is so unbecoming to a Councillor and elected member. The ability to control ones temper is essential especially if you represent an authority, anyone who stands for public office must be prepared to deal politely with issues raised and the people who come before them whether they are in agreement or not.

Yours sincerely

Mrs Kathleen Leach

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**From:** Jill Bayley <Jill.Bayley@enfield.gov.uk>

**Sent:** 21 August 2017 10:47:15

**To:** Katè Leach

**Subject:** RE: Complaint - draft report

Dear Mrs Leach,



## Councillor Complaints – Monitoring Officer Rolling Record (2017/18)

Ref	Receipt of Complaint	Councillor/s	Complainant	Nature of Complaint	Investigation	Hearing	Outcome	Status (Open/Closed)	Follow-up /Learning	Independent Person
001	Dec 2016	Conservative Party Members	Member	Possible breach of code – Walkout at full Council	External Investigation Legal Partner (BJ)			Open – Investigation complete Ongoing		CC
002	Dec 2016	Single Member Cllr Laban	Member	Possible breach of code – behaviour to Mayor at full Council	External Investigation Legal Partner (BJ)			Open – Ongoing investigation		CC
005	Feb 2017	2 Members Cllrs Erbil and Dogan	Citizen	Possible breach of the code – false and malicious allegations against an individual	Internal Investigation Monitoring Officer			Open – Investigation		CC
006	Jan 2017	1 Member Cllr Anderson	2 Citizens	Possible breach of the code – conduct at public meeting	Internal Investigation (JB)			Completed Appeal received		SJ
007	July 2017	1 Member Cllr Celebi	Member	Possible breach of code use of title	Monitoring Officer			Closed		CC
008	November 2017	3 Jubilee Ward Councillors	2 Residents	Possible breach of code	Internal Investigation Head of Legal			Open		SJ



# MUNICIPAL YEAR 2017/2018 – REPORT NO. 125

## COUNCILLOR CONDUCT COMMITTEE

7 December 2017

### REPORT OF:

Jayne Middleton-Albooye – Head of Legal

### Contact Officers:

Kathy Constantinou, Superintendent Registrar & Head of Mayoral and Member Support Services

020 8379 8528

Kathy.constantinou@enfield.gov.uk

### Agenda – Part 1

Item: 6

### Subject:

Members' Expenses

### Wards:

All

### Key Decision No:

Not applicable

### Cabinet Member consulted:

Not applicable

## 1. EXECUTIVE SUMMARY

- 1.1. Consideration of members' expenses is included on the Committee's work programme for 2017/2018.
- 1.2. This report outlines expenses paid to Members in pursuance of their duties and provides some comparator information.

## 2. RECOMMENDATIONS

- 2.1. That the Committee notes the information provided and considers whether any resultant actions are required.

## 3. BACKGROUND

- 3.1. Members will be aware that the members' allowances scheme, which forms part 6 of the constitution, governs the amounts each councillor is entitled to receive in performance of their duties.
- 3.2. The basic allowance in Enfield is £10,570 per annum.
  - 3.2.1. In addition, "members are entitled to receive travelling and subsistence allowances where such expenditure is necessarily incurred outside of the Borough of Enfield for the purpose of attending, as the Council's nominated representative, a meeting of any of the bodies or organisations to which the Council nominates

representatives and attending a conference or other meeting ... as the Council's representative."

- 3.3. The council is required to publish details of the total sums paid to members in each municipal year, including expenses. These details are published on the council's website but the full schedules for the 2015/2016 and 2016/2017 municipal years are appended to this report.
- 3.4. In summary, expenses totalling £210.75 were claimed in 2016/2017, down from £615 in 2015/2016.

3.4.1. Comparator details for 2016/2017 are set out below for information:

Authority	Basic Allowance (£)	Expenses Claimed (£)
Enfield	10,570	211
Croydon	11,239	2,026
Barnet	10,597	Not published
Haringey	10,703	2,114
Hackney	10,262	1,682
Islington	9,911	220
Merton	8,694	217
Newham	10,937	2,837
Bexley	9,418	Not published
Richmond	9,400	None Claimed
Lewisham	9,812	978
Southwark	10,832	Not published

- 3.5. In the 2017/2018 municipal year to date, 3 members have claimed expenses totalling £198.12. These consist of £177.90 for train fares, £13.60 for parking tickets and £6.60 for refreshments.
- 3.6. As far as other services that might be considered as expenses is concerned, the following costs have been incurred from 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017:

• Ipads	x 2 replaced	£ 770
(Ipads at £335 x 53)		
• Laptops	x 1 replaced	501
• Mobile telephones	x 1 replaced	137
	3G & 4G	£14,271
<b>Total Expenses</b>		<b>£15,679</b>

This equates to an average of £249 per Member.

3.7. There are in addition costs incurred on an annual basis, as follows:

• Ipad Apps/Licences	53 Members	£3,118
• Laptop licences, etc.	10 Members	£1,280
<b>Total annual costs</b>		<b>£20,077</b>

This equates to an average of £319 per Member.

3.8. There is also a £3,700 per annum budget set aside for Member training and development and attendance at seminars and conferences, etc. This equates to a notional allocation per Member of £59.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

4.1. Not applicable.

#### **5. REASONS FOR RECOMMENDATIONS**

5.1. To note the information provided and to consider whether any resultant actions are required.

#### **6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS**

6.1. Financial implications

6.1.1. The total expenditure on members' allowances in the 2016/2017 financial year was £988,516.75 with expenses in that year totalling £211.

6.2. Legal implications

6.2.1. None identified

6.3. Property implications

6.3.1. None identified.

#### **7. KEY RISKS**

7.1. None identified

#### **8. IMPACT ON COUNCIL PRIORITIES**

8.1. The report's contents meet the Council priorities of Fairness for All, Growth and Sustainability and Strong Communities.

#### **9. EQUALITIES IMPACT IMPLICATIONS**

9.1. No equalities impact assessment has been undertaken and is not necessary.

#### **10. PERFORMANCE MANAGEMENT IMPLICATIONS**

10.1. None identified.

**11. HEALTH AND SAFETY IMPLICATIONS**

11.1. None identified.

**12. HUMAN RESOURCES IMPLICATIONS**

12.1. None identified.

**13. PUBLIC HEALTH IMPLICATIONS**

13.1. None identified

**Background papers**

None

**MUNICIPAL YEAR 2017/2018 - REPORT NO.****100****MEETING TITLE AND DATE****Council**

22 November 2017

**REPORT OF:**

Jayne Middleton-Albooye – Head of  
Legal Services

Contact officer and telephone number:

Jayne Middleton-Albooye

E mail: [Jayne.Middleton-Albooye@enfield.gov.uk](mailto:Jayne.Middleton-Albooye@enfield.gov.uk)

Tel: 0208 379 6438

**Agenda - Part: 1****Item: 10**

**Subject:** Review of Councillor Code of  
Conduct Procedures for Handling and  
Hearing Complaints against Elected and  
Co-Opted Members

**Wards: Not Ward Specific**

**Key Decision No: N/A**

**Cabinet Member consulted:**

Not Applicable

**1. EXECUTIVE SUMMARY**

The report is to seek Council's approval for changes to the Councillor Code of Conduct procedures for handling and hearing Complaints against Councillors and Co-opted members.

On 5 October 2017 the Councillor Conduct Committee agreed to recommend changes to the procedure for handling complaints against elected and co-opted members which are put forward in this report.

The changes concern the ability of the Monitoring Officer to pursue complaints, even when they have been withdrawn by the complainant and to include the procedure for hearing complaints in the Council Constitution.

**2. RECOMMENDATIONS**

That Council approve:

- 2.1 A change to the Councillor Code of Conduct procedures for handling complaints against elected and co-opted members to enable the Monitoring Officer to pursue complaints if she/he thinks that these warrant further investigation even if they have been withdrawn. The full text of the change is included in para 3.5 of the report.

- 2.2 To include the procedure for hearing complaints (as attached as appendix 2 to this report) as an appendix to the Councillor Code of Conduct in the Council Constitution.

### **3. BACKGROUND**

- 3.1 The Procedure for Handling Complaints against Councillors and Co-opted Members, attached as Appendix 1, was adopted by Council on 4 July 2012 and previously amended by the Councillor Conduct Committee on 22 October 2013. Given that the last review was over 3 years ago, at its meeting on 10 October 2016, the Committee asked the Monitoring Officer to carry out a review of the procedure and report back to the Councillor Conduct Committee with recommendations for any changes.
- 3.2 The recommendations were considered and agreed for recommendation to Council by the Committee on 6 October 2017 and are now being put forward to Council for agreement. The changes are also supported by the Council's two Independent Persons.
- 3.3 The procedure sets out the current process for dealing with complaints.
- 3.4 It currently has no provision to allow the Committee or the Council Monitoring Officer in consultation with the Independent Person(s) the flexibility to consider complaints which have either been withdrawn or have been resolved in another way, This provision could be required where a serious breach has occurred or where it is in the public interest for it to be considered by the committee.
- 3.5 As part of the review the Monitoring Officer looked at inserting an additional paragraph into the Procedure for Handling Complaints against Councillors and Co-opted Members under Paragraph 5, Consideration of Complaints by Monitoring Officer, which would give the Monitoring Officer in consultation with an Independent Person(s) the authority to pursue further a potential breach of the code even if it had been withdrawn:-
- “Where a registered complaint is subsequently withdrawn or resolved outside the Procedure, the Monitoring Officer in consultation with Independent Persons(s) has 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”.
- 3.6 The procedure for hearing complaints was first agreed by Council in ??? (appendix 2). It was not included in the Council Constitution with the Code of Conduct and the Procedure for Handling Complaints. The Councillor Conduct Committee agreed that this was an omission and that it made



sense for it to be included so that all the necessary complaints information can be found in one place.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

To leave the complaints process unchanged but this would mean that there would continue to be no provision to enable the Monitoring Officer to continue with a complaint where he/she feels it is necessary.

#### **5. REASONS FOR RECOMMENDATIONS**

As set out in the report

#### **6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS**

##### **6.1 Financial Implications**

There are no financial implications. Any changes will be covered within existing resources.

##### **6.2 Legal Implications**

The Localism Act 2011 (“the Act”) sets out the requirements for local authority to secure a code of conduct and to ensure arrangements are in place to investigate allegations of misconduct of Councillors. The report complies with the Act.

##### **6.3 Property Implications**

There are no property implications

#### **7. KEY RISKS**

None identified

#### **8. IMPACT ON COUNCIL PRIORITIES**

##### **8.1 Fairness for All , Growth and Sustainability and Strong Communities**

The proposals in the report meet the council priorities.

#### **9. EQUALITIES IMPACT IMPLICATIONS**

An equality impact assessment was not necessary for this decision.

**10. PERFORMANCE MANAGEMENT IMPLICATIONS**

There are no performance management implications.

**11. PUBLIC HEALTH IMPLICATIONS**

There are no public health implications.

**Background Papers – None**

Appendix 1: Procedure for Handling Complaints against Councillors and Co-opted Members.

Appendix 2: Procedure for Hearing Complaints against Councillors and Co-opted Members.

# London Borough of Enfield

## Procedure for Handling Complaints against Councillors and Co-opted Members

### 1. Introduction

- 1.1 The Council has established a Councillor Conduct Committee to implement the relevant requirements of Section 28 of the Localism Act 2011. These include arrangements for dealing with allegations that a councillor or co-opted member has failed to comply with the Authority's Code of Conduct.
- 1.2 The Councillor Conduct Committee comprises 4 members of the Council and deals with policy, complaints against councillors and issues concerning the members' Code of Conduct. The Localism Act also set up a role of Independent Person who will be consulted in respect of complaints received and before findings and sanctions are agreed. The Independent Person will not be a councillor and will be drawn from the local community. The Council has agreed to appoint two Independent Persons who will be recruited through public advertisement and a competitive interview process. Further information on the role of the Committee and the Independent Persons can be found at (insert hyper link)
- 1.3 Further reference to 'councillor' or 'member' in this document also refers to co-opted members of the Authority.

### 2. Key principles

The procedure for dealing with complaints should:

- 2.1 Be relevant to the Council's Code of Conduct
- 2.2 Have the confidence of the public, Council members and council staff.
- 2.3 Be as simple and economical as possible
- 2.4 Be speedy and fair to all parties
- 2.5 Be decisive
- 2.6 Provide oversight and support to the Monitoring Officer
- 2.7 Be proportionate and comply with the principles of natural justice

### **3. Criteria for eligibility of complaints**

- 3.1 Complaints must be received by the Council's Monitoring Officer in writing within three months of the alleged matter, stating why it is felt the councillor concerned has breached the Code of Conduct. It will be considered solely on the evidence presented. 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. The Council will not accept anonymous complaints. The Monitoring Officer will consult the Councillor Conduct Committee or relevant Independent Person as appropriate throughout the process – subject to neither being at risk of being compromised in the event of them being involved at some future point.
- 3.2 Complaints will not be accepted where:
- (a) They are considered to be malicious, vexatious or frivolous
  - (b) The subject matter has already been considered by the Council - except where new evidence has become available which could not previously have been produced
  - (c) It would be more appropriate for the complaint to be dealt with by a court or under another complaints or arbitration procedure
  - (d) One of the parties had registered their intention to take legal action on all or some of the matters complained about
  - (e) Legal action is under way
  - (f) Some or all of the matters complained about have been resolved through litigation.
  - (g) The complaint is being/has been dealt with by another independent complaints process.
  - (h) The complainant seeks to overturn decisions made by the Council.
- 3.3 If a complaint is rejected on the basis of 3.2 above, there is no right of appeal.

### **4. Process**

- 4.1 All complaints must be made using the Councillor Conduct Complaint Form attached as Appendix 1.
- 4.2 The Council will use its best endeavours to determine a complaint within 3 months of receipt. It will acknowledge the complaint within 5 working days, giving the complainant a contact name and details. 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
- 4.3 The Monitoring Officer, based primarily on the criteria set out in paragraph 3.2 above, will consider the complaint received and, in consultation with an Independent Person, will determine whether it warrants further action.
- 4.4 If it is decided that the complaint does not warrant further action as it falls within the criteria in 3.2, the Monitoring Officer will advise the complainant accordingly with reasons.
- 4.5 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. The Monitoring Officer can either decide to determine the matter her/himself or refer it to the Councillor Conduct Committee.

## **5. Consideration of Complaints by Monitoring Officer**

- 5.1 The Monitoring Officer may decide to undertake any investigation and other actions him/herself or appoint another person to act as investigating officer on his/her behalf. Whichever option is chosen, the outcome will be the responsibility (and in the name) of the Monitoring Officer.
- 5.2 Following an investigation which may involve requests for further information and advice, the Monitoring Officer or his/her representative will seek to resolve the matter to the satisfaction of all parties or carry out mediation.
- (a) If the complaint is resolved, there will be no further action.
  - (b) If this is not possible the Monitoring Officer will either determine the matter her/himself or refer it to the Councillor Conduct Committee at this stage.
- 5.3 The Monitoring Officer will report quarterly to the Councillor Conduct Committee on:
- (a) The number and nature of complaints received
  - (b) Those rejected with reasons
  - (c) Those resolved through informal resolution and other methods (eg mediation)
  - (d) The number investigated,
  - (e) Outcome/progress of investigations and action taken.

## **6. Appeals against Monitoring Officer decisions**

- 6.1 In cases where the Monitoring Officer has either found no breach of the code or has determined the matter him/herself the complainant will have a right of appeal against this decision.

A councillor will also have a similar right of appeal against a Monitoring Officer decision.

- 6.2 Such appeals must be submitted on the template attached as Appendix 2 within 10 working days of the receipt of the decision.
- 6.4 Appeals under 6.1 above will be considered by the Councillor Conduct Committee, with advice from an Independent Person not previously involved, if available.
- 6.5 When considering the appeal the Councillor Conduct Committee will follow the procedure for appeal hearings (to be reviewed).
- 6.6 The attendance of the appellants will not be required unless the committee decides otherwise
- 6.7 If the Councillor Conduct Committee do uphold the appeal, and consider that there has been a breach of the code, they will have the option of considering further action, imposing sanctions or adjourning to seek further information.
- 6.8 There is no further right of appeal to the Council against the decision of the Councillor Conduct Committee. The decision made will be final and binding.
- 6.9 If the complainant feels that the Council has failed to deal with a complaint properly, and that this failure has caused injustice, a complaint can be taken to the Local Government Ombudsman.

## **7. Consideration of complaints by Councillor Conduct Committee**

- 7.1 If appropriate, the Monitoring Officer (in consultation with the Independent Person) may refer the outcome of an investigation to the Councillor Conduct Committee.
- 7.2 The Committee will consider the Monitoring Officer/Investigating Officer's report which should include evidence and representations from both parties associated with the complaint. The attendance of the complainant(s) and the member(s) against whom the allegations were made will not be required, unless the Committee decides otherwise.
- 7.3 The Committee will follow the procedure for Councillor Conduct Committee hearings. (to be reviewed)
- 7.4 The Committee after considering the investigating officer's report will decide either that:

- (a) The member concerned has breached the Code of Conduct; or
- (b) There has been no breach

7.5 In the event of a finding of a breach of the Code, the Committee will have the option of recommending a sanction against the member concerned. This can include:

- (a) Reporting the findings to full Council
- (b) Recommending to the relevant Group Leader that the councillor be removed from relevant meetings of the Authority of which they are a member
- (c) Recommending to the Leader of the Council that the member be removed from the Cabinet or from particular portfolio responsibilities
- (d) Withdrawing facilities provided to the member by the Council – such as computer access and/or e mail or internet access
- (e) Excluding the member from the Council's offices or other premises for a defined period of time – with the exception of meeting rooms as necessary for the purpose of attending meetings of the Authority of which they are a member
- (f) Publishing the findings in the local media.

7.6 The decision will be communicated to all parties with reasons

7.7 Where there is a finding of no breach, the Committee will communicate the decision to all parties together with reasons.

**8. Appeals against decisions of the Councillor Conduct Committee** (in relation to 7 above).

The decision of the Councillor Conduct Committee will be final and binding with no further right of appeal to the Council. If the complainant feels that the Council has failed to deal with the complaint properly and that this failure has caused injustice, they can make a complaint to the Local Government Ombudsman.

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## London Borough of Enfield

### **Procedure for Hearing Complaints against Councillors and Co-opted Members and for Appeals against Monitoring Officer Decisions on Complaints**

#### **1. General Principles**

- 1.1 The Councillor Conduct Committee will decide, on a balance of probabilities, whether the allegation(s) is or are upheld. They will be able to call on the advice of relevant council officers and the Independent Person, who had not previously been consulted on the complaint. (where we have two independent persons)
- 1.2 Papers will be sent out in advance of the hearing, including the Monitoring Officer/Investigating Officer report with all the evidence gathered, and representations from both the complainant and the member complained against. They will both have the opportunity to comment, in advance, on the report and evidence put forward. Any comments will be provided for the committee in advance of the meeting.
- 1.3 The Committee will make a decision by considering the Monitoring Officer/Investigating officer's report and any representations by the Monitoring/Investigating officer or their representative and the written representations made by the complainant or member complained against, and any information provided at a hearing. Both parties will have the opportunity to make written representations, irrespective of whether they are invited to attend the hearing.
- 1.4 There will be no requirement for either the complainant or the member(s) complained against, to attend committee hearings unless the committee decides otherwise. All parties will be advised of this beforehand.
- 1.5 If the Committee does decide to invite them to attend, the complainant and the member complained against may be accompanied during the investigation hearing.
- 1.6 The public and press will be excluded for those parts of the hearing where confidential or exempt information under Schedule 12A of the Local Government Act 1972, as amended, is disclosed. At the start of the hearing, the Committee will make a decision as to whether or not all or part of the hearing should be held in public.

#### **2. Procedure at Investigation Hearings**

The Legal Representative will be the advisor to the Committee and may seek further information or ask questions at any point in these proceedings. During

the hearing all questions and other proceedings shall be addressed through the chair.

## **2.1 Presentation of the Monitoring Officer Report**

- a. The Monitoring/Investigating Officer will present his/her report and any relevant information to the committee members.
- b. The Independent Person, who has been consulted on the Monitoring Officer decision, may include their comments.
- c. The committee members will have an opportunity to ask questions of the Monitoring Officer and the Independent Person.

## **2.2 If the Complainant and Member Complained Against are Invited to Attend the Hearing**

- a. The Committee will consider the merits of each case, individually, when deciding if they feel it is necessary to invite the complainant and member complained about to attend the hearing.
- b. If the Committee require the attendance of the member complained against and complainant, they will specify the reasons for their attendance in advance.
- c. In these cases the chair will decide how to manage any contributions to be made at the meeting, including any representations and make this clear to all present at the beginning of the meeting.

## **2.3 Consideration of the Outcome**

- a. The Monitoring/Investigating Officer, Independent Person and any other relevant parties will all withdraw. The Legal Representative and Committee Administrator will remain.
- b. The Committee will consider all the information and make a decision as to whether or not there has been a breach of the code of conduct.
- c. If it is decided that there had been a breach of the code, the Committee will then consider and agree what sanctions should be imposed. A list of possible sanctions is set out in Appendix A.

## **2.4 Outcome of the Hearing**

A formal written notice of the decision will be communicated to all parties including the member complained against, the Monitoring Officer/Investigating Officer, the members of the committee and the complainant with reasons. This must be within five working days of the conclusion of the hearing.

## **2.5 General Recommendations from the Hearing**

After the hearing the Committee may consider whether there are any general recommendations in relation to ethical governance matters which they may wish to make arising from consideration of the allegation.

## **3. Procedure at an Appeal Hearing Against a Decision by the Monitoring Officer**

The attendance of the complainant and member complained against will not be required unless the Committee decides otherwise.

### **3.1 Presentation of the Monitoring Officer Report**

- a. The Monitoring/Investigating Officer will present his report and any other information to the committee members along with any comments submitted in writing by the complainant or member(s) complained against.
- b. The Independent Person, who had been consulted on the Monitoring Officer decision, may include their comments.
- c. The committee members will have an opportunity to ask questions of both the Monitoring Officer and the Independent Person.

### **3.2 Consideration of the Evidence**

- a. The Monitoring/Investigating Officer and Independent Person will then withdraw. The Legal Representative and Committee Administrator will remain in the appeal hearing.
- b. The Committee will consider all the information and make a decision as to whether or not to uphold the Monitoring/Investigating Officer decision.

### **3.3 Agree Outcome**

If the outcome of the appeal results in Committee confirming that a breach of the code has occurred then it will need to consider what sanctions it wishes to impose as a result. A list of sanctions is attached as Appendix A.

### **3.4 Outcome of Hearing**

A formal written notice of the decision will be communicated to all parties including the member complained against, the Monitoring Officer/Investigating Officer, the members of the committee and the complainant with reasons. This must be within five working days of the conclusion of the appeal hearing.

### **3.5 General Recommendations from the Hearing**

After the appeal hearing the Committee may consider whether there are any general recommendations in relation to ethical governance matters which they may wish to make arising from consideration of the allegation.

## Appendix A

In the event of a finding of a breach of the Code, the Committee will have the option of recommending a sanction against the member concerned. This can include:

- Reporting the findings to full Council.
- Recommending to the relevant Group Leader that the councillor be removed from relevant meetings of the Authority of which they are a member.
- Recommending to the Leader of the Council that the member be removed from the Cabinet or from particular portfolio responsibilities.
- Withdrawing facilities provided to the member by the Council – such as computer access and/or e mail or internet access.
- Excluding the member from the Council's offices or other premises for a defined period of time – with the exception of meeting rooms as necessary for the purpose of attending meetings of the Authority of which they are a member.
- Publishing the findings in the local media.

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## Councillor Conduct Committee: Work Programme 2017/18

ITEM	Lead/ Support Officer	6 July 2017	5 October 2017	11 December 2017	6 March 2018
Annual Report	Asmat Hussain/Penelope Williams	To agree the Annual Report 2016/17			
Work Programme 2017/18	Jayne Middleton-Albooye/ Penelope Williams	To Agree the Outline Work Programme for 2016/17	Work Programme Monitoring	Work Programme Monitoring	Work Programme Monitoring
Review of Code of Conduct and Complaints Processes	Jayne Middleton-Albooye		Review		
Update on Complaints Received	Jayne Middleton-Albooye	Update	Update	Update	Update
Independent Persons Training	Independent Persons	Report on training Received			
Complaints – Review of complaints received in 2016/17	Jayne Middleton-Albooye	Review			
Member Training	Claire Johnson				
Regular update on Standards Matters – bringing members attention to recent standards news items for information.	Jayne Middleton-Albooye	If required	If required	If required	If required
Review of Protocol for Member Officer Relations	Jayne Middleton-Albooye				
Review of Member's Expenses	Kathy Constantinou		Report	Report	
Dispensations	Penelope Williams	Annual Update			
Gifts and Hospitality	Kathy Constantinou		Report		

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**COUNCILLOR CONDUCT COMMITTEE - 5.10.2017****MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE  
HELD ON THURSDAY, 5 OCTOBER 2017****COUNCILLORS**

<b>PRESENT</b>	Claire Stewart, Glynis Vince and Elaine Hayward
	Christine Chamberlain and Sarah Jewell (Independent Persons)
<b>ABSENT</b>	Katherine Chibah
<b>OFFICERS:</b>	Jayne Middleton-Albooye (Acting Assistant Director Legal and Governance) Penelope Williams (Secretary)

**Also Attending:** No members of the public.

**226****WELCOME AND APOLOGIES**

The Chair welcomed everyone to the meeting. Apologies for absence were received from Councillor Chibah.

**227****SUBSTITUTIONS**

There were no substitutions.

**228****DECLARATION OF INTERESTS**

There were no declarations of interest.

**229****UPDATE ON COMPLAINTS**

The Committee received the rolling record of complaints currently being considered by the Monitoring Officer.

Jayne Middleton-Albooye (Acting Monitoring Officer) briefed members on the current complaints as follows:

- She had five complaints which were due to be concluded soon.
- The complaint report for complaint reference number 001 had been concluded and sent to the interested parties for comment.
- A procedural breach had occurred in the investigation of complaint reference number 002 and one more interview had to take place before

**COUNCILLOR CONDUCT COMMITTEE - 5.10.2017**

the report could be finalised. This was being arranged and the report would be completed shortly.

- This complaint had been being investigated internally by Jayne Middleton-Albooye herself. The key people involved had been interviewed and further interviews arising from the initial investigation were being arranged. It was hoped that it would be concluded next month.
- In reference to complaint 005, a comprehensive investigation had been carried out and the conclusions were due to be sent to those involved, within the next few days.
- The complaint reference number 007 had been resolved. Councillor Celebi should have included the word shadow on her signature. She had apologised for her mistake and rectified it. Her apology had been accepted.

NOTED that

1. Councillor Vince requested information on the amount of the total cost of the investigation into complaint 001.
2. Jayne Middleton-Albooye agreed to provide the information for the next meeting.

**AGREED** to note the information on current complaints.

**230**

**REVIEW OF CODE OF CONDUCT AND COMPLAINTS PROCESSES**

The Committee received copies of the current Councillor Code of Conduct and the procedures for handling and hearing complaints against members and co-opted members.

NOTED

1. Asmat Hussain, the previous Monitoring Officer, had agreed with Christine Chamberlain, Independent Person that there were occasions where a complaint may still warrant investigation even where it had been resolved informally or was withdrawn by the complainant. They had suggested that the procedure should be changed to enable this.
2. Following discussion, the committee recommended that the following paragraph be added to the procedure after paragraph 5.1:

“Where a registered complaint is subsequently withdrawn or resolved outside the procedure, the Monitoring Officer in consultation with Independent Persons(s) has the discretion to decide if the matter has been adequately and/or proportionately resolved or whether, given the

**COUNCILLOR CONDUCT COMMITTEE - 5.10.2017**

substance of the original complaint, it should be escalated to the Committee for further consideration/resolution”.

3. There were 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.”

4. 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.
5. The procedure for hearing complaints was not currently included as part of the Council Constitution. Members felt that this should be added.

**AGREED** that the following changes to the code of conduct procedures be recommended to Council for approval:

- To include the additional paragraph set out in 3 above after Paragraph 5.1 in the Procedure for Handling Complaints, enabling the Monitoring Officer to continue investigating a complaint if they felt it was necessary.
- To include the Procedure for Hearing Complaints in the constitution.

The next Council meeting is due to take place on Wednesday 22 November 2017.

The changes suggested above would also be made to the complaints form.

**COUNCILLOR CONDUCT COMMITTEE - 5.10.2017**

**231**

**REVIEW OF MEMBER'S EXPENSES**

This item was withdrawn and would be considered at the next meeting.

**232**

**GIFTS AND HOSPITALITY**

The Committee received a report from the Monitoring Officer containing the additional information on the gifts and hospitality received by members in 2016/17 as requested at the March 2017 meeting of the Councillor Conduct Committee.

NOTED

1. The additional information included more detail on the types of gifts and hospitality being recorded. These were: lunches, dinners, hospitality at sports events, conferences, drinks receptions and the Chelsea Flower Show.
2. The 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.

**AGREED** to note the report.

**233**

**WORK PROGRAMME 2017/18**

The work programme for 2017/18 was received and noted. No further items were added.

**234**

**MINUTES OF MEETING HELD ON 6 JULY 2017**

The minutes of the meeting held on 6 July 2017 were agreed as a correct record with the following amendment:

- Christine Chamberlain had been present at the meeting.

**235**

**DATES OF FUTURE MEETINGS**

The dates of future meetings were noted as follows:

- Thursday 7 December 2017
- Tuesday 6 March 2017