

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE
HELD ON TUESDAY, 11 DECEMBER 2018**

COUNCILLORS

PRESENT Ergin Erbil, Glynis Vince, Christine Hamilton and Elaine Hayward, Sarah Jewell (Independent Person)

ABSENT Christine Chamberlain (Independent Person)

OFFICERS: Jeremy Chambers (Director of Law and Governance)
Penelope Williams (Secretary)

Also Attending: Councillor Tolga Aramaz

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WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting. Apologies were received from Christine Chamberlain, Independent Person.

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SUBSTITUTIONS

There were no substitutions.

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DECLARATION OF INTERESTS

There were no declarations off interest.

Councillor Erbil clarified that he was not related to any of the four councillors in in the second appeal case.

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COUNCILLOR CODE OF CONDUCT AND PROCEDURES

The Committee received and noted the following documents:

- Councillor Code of Conduct
- Procedure for handling complaints against members and co-opted members.
- Procedure for hearing complaints and appeals against complaints.

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APPEAL HEARING 1

COUNCILLOR CONDUCT COMMITTEE - 11.12.2018

The Committee received the report, of the Monitoring Officer, on an appeal made by two members of the public about a Monitoring Officer decision on a complaint against Councillor Stephanos Ioannou. (Report no: 127).

1. Jeremy Chambers, Monitoring Officer, advised the Committee as follows:
 - He had received a complaint from four members of the public about one of Councillor Ioannou's Facebook posts.
 - He had discussed the complaint with Sarah Jewell (Independent Person) and they had agreed that the complaint warranted further investigation.
 - Jayne Middleton-Albooye (Head of Legal Services) had been appointed to investigate the complaint.
2. Jayne Middleton-Albooye briefed the committee on her findings:
 - Councillor Stephanos Ioannou had caused offence and breached the councillor code of conduct with his Facebook posting.
 - Councillor Ioannou had not challenged the finding and had agreed to undertake race awareness training and to make a private apology.
 - Jeremy Chambers as Monitoring Officer had accepted the findings and agreed with the conclusions in the report.
 - All the complainants had accepted the findings, but two of them had appealed on the basis that they were not happy with the sanctions agreed. They felt that Councillor Ioannou should be asked to make a public apology on the Facebook page on which the original post had appeared. Councillor Ioannou had refused to do this.
3. Sarah Jewell (Independent Person) advised that she had considered that Councillor Ioannou could be in serious breach of the code, that the complaint warranted investigation and that she was happy with the findings.
4. In normal circumstances the committee would have had the advice of two independent persons on this appeal but unfortunately Christine Chamberlain had been unable to attend due to illness. For this reason, and because Sarah Jewell had only been involved at the very beginning of the complaint, it was agreed that she could advise the committee during their deliberations.
5. Jayne Middleton-Albooye provided the following clarifications in response to questions raised by Committee members:

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- Councillor Ioannou had offered to provide a private written apology to the individual complainants but had refused to publish a public apology, on his Facebook page.
- The four complainants were individuals who had indicated that they had spoken to other members of the community, but as far as Jayne Middleton-Albooye was aware were not representative of any specific body or organisation.

At this point in the proceedings Jayne Middleton-Albooye and Councillor Aramaz, who was sitting in the audience, left the meeting.

6. The members of the Committee discussed the information received and after debate agreed to uphold the appeal.
7. Sarah Jewell advised that in her opinion this was a clear-cut breach of the code and that Councillor Ioannou should be asked to make a public apology on social media.

AGREED that:

1. Councillor Ioannou should be asked to make an apology, on the same social media forum as the original post, by Monday 31 December 2018 and that it should remain in place until 31 January 2019.
2. The wording of the apology to be agreed with the Monitoring Officer.
3. If Councillor Ioannou failed to make a social media apology, the Monitoring Officer would arrange for an advert, including the findings of the complaint, to be taken out in the next edition of the Enfield Independent.

Jayne Middleton-Albooye and Councillor Tolga Aramaz returned to the meeting.

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APPEAL HEARING 2

The Committee received the report of the Monitoring Officer in relation to an appeal against the Monitoring Officer decision on a complaint received from Councillor Laban, Leader of the Opposition, against four councillors. (Report No: 128)

1. The Monitoring Officer presented the report to the Committee highlighting the following:
 - The original complaint from Councillor Laban concerned six individual councillors alleged failure to declare interests at the Annual Council meeting on 23 May 2018. Two of the complaints had been resolved and were not part of these proceedings.

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- The appeal was in relation to the Monitoring Officer decision on the complaints against Councillors Elif Erbil, Susan Erbil, Huseyn Akpinar and Guney Dogan and their alleged failure to declare that they were related to the Mayor.
 - Sarah Jewell had only been involved at the start of the proceedings when she advised the Monitoring Officer that she felt that there was a case to investigate. It was therefore agreed that she could advise the committee during their deliberations on the appeal.
 - As the complaint concerned both the Leader of the Council and the Leader of the Opposition, the Monitoring Officer thought that it would be inappropriate to ask officers to investigate and decided to appoint Wilkin Chapman, a solicitor's firm with expertise in this area, to carry out an investigation.
 - Wilkin Chapman investigated the complaints and found that all four councillors had no family relation with the Mayor and therefore concluded that the four councillors had not been in breach of the code of conduct.
 - Councillor Laban had then appealed these findings, but had submitted no further evidence to back her complaint.
 - There was a typo on page 26 of the first pack and 46 of the second pack of "to follow" papers. This should have read "Our conclusion is that there had not been a breach of the code of conduct of the authority concerned by Councillor Dogan" instead of "Our conclusion is that there had been a breach of the code of conduct of the authority concerned by Councillor Dogan".
2. The members of the Committee discussed the report as follows:
- Members questioned what kind of evidence was provided and how it had been established that the Councillors had no relationship with the Mayor.
 - In response the Monitoring Officer advised that the code required that the complaint was dealt with on the evidence provided, on the balance of probabilities and that evidence was taken at face value. The councillors had asserted that they had no family relationship with the Mayor.
 - The investigators indicated that the receipt of an SRA was not a disclosable pecuniary interest. Paragraph 26 of the code provided details of the interests which would have constituted a pecuniary interest. This covered employment, office, trade, profession or vocation but not a responsibility allowance.

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- Members felt that the code of conduct could be clearer on what was meant by a family member. The Monitoring Officer advised that the Code was due to be reviewed.

Jeremy Chambers and Councillor Aramaz left the meeting at this point.

3. The Committee reviewed and discussed the information received above.

- The Chair felt that it was unhealthy that a complaint could be made based upon a press article, hearsay and rumour which was entirely unfounded. Hard evidence should be required when complaints were made.
- After discussion the committee agreed unanimously to uphold the findings of the Investigation report, as agreed by the Monitoring Officer.
- Sarah Jewell, Independent Person agreed that in her opinion there had been no breach of the code.

AGREED that there was no evidence for the complaints against the four members. There had been no breach of the code of conduct and therefore the appeal be dismissed.

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DATES OF FUTURE MEETINGS

The date of the next meeting was noted as follows:

- Tuesday 5 March 2019