

# Public Document Pack



## **Councillor Conduct Committee**

Wednesday, 3 July 2019 at 5.30 pm  
Room 3, Civic Centre, Silver Street, Enfield,  
EN1 3XA

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Councillors: Ergin Erbil (Chair), Glynis Vince (Vice-Chair), Christine Hamilton and Elaine Hayward

Independent Persons: Christine Chamberlain and Sarah Jewell

## **AGENDA – PART 1**

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

### **2. SUBSTITUTIONS**

Any members 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 the items on the agenda.

### **4. INDEPENDENT PERSON - EXTENSION OF TERM OF APPOINTMENT (Pages 1 - 4)**

To receive a report from the Director of Law and Governance on the extension of the term of appointment of Christine Chamberlain (Independent Person) for a further two years. (Report No: 55)

The Councillor Conduct Committee is asked to recommend to Council that Christine Chamberlain's term of appointment is extended to 30 June 2021.

### **5. ANNUAL REPORT 2018/19 (Pages 5 - 12)**

To receive and agree the Annual Report of the Councillor Conduct Committee for 2018/19.

### **6. DISPENSATIONS**

To note that no additional dispensations were granted in 2018/19.

**7. UPDATE ON COMPLAINTS**

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

**8. WORK PROGRAMME 2019/20** (Pages 13 - 14)

To note the work programme for 2019/20.

**9. MINUTES OF THE MEETING HELD ON 11 DECEMBER 2018** (Pages 15 - 20)

To receive and agree the minutes of the meeting held on 11 December 2018.

**10. DATES OF FUTURE MEETINGS**

To note the dates scheduled for future meetings:

- Thursday 3 October 2019
- Wednesday 4 December 2019
- Tuesday 3 March 2020

## MUNICIPAL YEAR 2019/2020 - REPORT NO. **55**

### Councillor Conduct Committee (CCC) 3 July 2019

#### REPORT OF:

Director of Law and Governance

#### Contact officer and telephone number:

Penelope Williams 020 8379 4098

E mail:

penelope.williams@enfield.gov.uk

<b>Agenda - Part: 1</b>	<b>Item:</b>
<b>Subject:</b> Extension of appointment of an Independent Person	
<b>Wards:</b> All	

### 1. EXECUTIVE SUMMARY

- 1.1 The Localism Act 2011 (the Act) requires a relevant authority to appoint at least one Independent Person(s) (IP). At Enfield it was agreed that two IP should be appointed.
- 1.2 The role of the independent person is set out in Section 28 of the Act and their views must be sought, and taken into account, by the Monitoring Officer when considering an allegation in respect of a breach of the Code of Conduct.
- 1.3 On 8 August 2012 the Councillor Conduct Committee (CCC) agreed the term of office for the IP(s) being 2 years.
- 1.4 This report outlines a proposal to extend the term of office for Christine Chamberlain; IP, for a further two years until 30 June 2021.

### 2. RECOMMENDATIONS

The Councillor Conduct Committee recommends that Full Council:

- 2.1 Extends the term of appointment of Christine Chamberlain (IP), whose current term of office comes to an end on 30 June 2019, by 2 years to June 2021.

### 3. BACKGROUND

- 3.1 The Act changed the way in which local authorities promote and maintain high standards of conduct among its councillors and co-opted members. These changes included the introduction of IP(s) to advise and support the Council in relation to the conduct of its members.

- 3.2 Section 28(7) & (8) (c) of the Act provides that a relevant authority must appoint at least one IP. The recruitment of Christine Chamberlain as IP complies with the legislation and was originally approved by Full Council in 2013 for a period of 2 years. It was further extended for another two years to 30 June 2019.
- 3.3 There is no statutory limit on the length of appointment, this time period can be extended by a majority agreement of members.
- 3.4 The role of the IP includes:
- Assisting in the promoting of high standards of conduct by elected and co-opted members of the Council.
  - Being consulted before decisions are taken on councillor complaints and investigations.
  - Being involved in the resolutions of disputes where appropriate.
  - Attending meetings of the CCC to provide an independent view.
  - Being available for consultation by any member who is subject to a complaint.
  - Participation in training events.
  - Acting as an advocate and ambassador in promoting ethical behaviour.
- 3.5 The IP role is important to the Council and it is helpful to maintain stability where expertise has been built up. Christine Chamberlain and Sarah Jewell, the Council's other Independent Person, have provided invaluable support to the Monitoring Officers over the past years. Sarah Jewell's, term of office has also been extended and will come to an end in October 2020. The retention of Christine Chamberlain will maintain her expertise and provide continuity and support to the Monitoring Officer.
- 3.6 Christine Chamberlain has confirmed that she would be happy to continue and would welcome the extension of the post.

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

- 4.1 Undertake a recruitment exercise to find someone else to take on the role, but this would result in additional expenditure and use of officer time.

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

- 5.1 It is recommended that Christine Chamberlain's appointment be extended to ensure continuity, expertise and the experience is retained by the Council.

#### **6. COMMENTS OF OTHER DEPARTMENTS**

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

The annual cost of post is £500. This will be found from existing departmental budgets.

## **6.2 Legal Implications**

Section 28(7) of the Act requires a relevant authority to appoint at least one IP whose views must be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.

## **6.3 Property Implications**

None.

## **7. KEY RISKS**

- 7.1 Our Code goes beyond the requirement of the Act to appoint a minimum of one independent person. Appendix A, Procedure for Handling Complaints against Councillors and Co-opted Members, paragraph 1.2 states that:

*“The Council has agreed to appoint two Independent Persons who will be recruited through public advertisement and a competitive interview process.”*

- 7.2 If the recommended extension of post, or the alternative recruitment exercise does not take place this will result in a breach of the Code. The requirements of the Code, being that 2 IPs should be recruited goes beyond that of the Act.
- 7.3 The Act does not limit what may be included in the Code, but nothing in the Code prejudices the operation of the Act. The Code must at a minimum reflect the requirements of the Act.
- 7.4 The recruitment exercise may not provide a successful candidate with the level of experience and expertise as Christine Chamberlain.

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

### **8.1 Sustain Strong and Healthy Communities**

A strong ethical approach by the Council and the promotion of good conduct on the part of members will have a positive effect on their representational role and a consequential impact on communities.

The arrangements, which require a local authority to seek the views of an IP before taking a decision on, assists in providing reassurance that complaints are being properly processed and dealt with.

## **9. EQUALITIES IMPACT IMPLICATIONS**

The proposals within this report will help to ensure fair, equal and consistent treatment of complaints against councillors for all parties concerned.

An equality impact assessment is not required for this report.

**10. PERFORMANCE MANAGEMENT IMPLICATIONS**

Not applicable.

**11. HEALTH AND SAFETY IMPLICATIONS**

Not applicable.

**12. HUMAN RESOURCES IMPLICATIONS**

Not applicable.

**13. PUBLIC HEALTH IMPLICATIONS**

Not applicable.

**Background Papers**

None.

# London Borough of Enfield

## Councillor Conduct Committee

### Annual Report 2018/19

## 1. INTRODUCTION

This is the seventh annual report of the London Borough of Enfield's Councillor Conduct Committee. It sets out the key issues we have dealt with during the past year and looks ahead to our priorities for 2019/20.

## 2. MEMBERSHIP

The Councillor Conduct Committee is made up of four councillors (two from each party, including each of the party whips), supported by two independent persons.

### **Councillors**

Councillors: Ergin Erbil (Chair), Glynis Vince (Vice Chair), Christine Hamilton and Elaine Hayward

### **Substitute Committee Members**

There were also four substitute members: Councillors Tolga Aramaz, Alessandro Georgiou, Michael Rye and Claire Stewart.

A substitute member is permitted in the following circumstances:

- a. To take the place of an ordinary member from the respective Group on the Committee where that member will be absent for the whole of the meeting. Such an appointment would apply for the entire meeting, including where the meeting is reconvened after any adjournment; or
- b. Where an ordinary member of the Committee is prevented from attending and participating in a meeting due to any disclosable interest they may have in an issue or complaint to be considered. In these cases the substitute appointment would only apply to the consideration of the relevant item on the agenda.

### **Independent Persons**

Christine Chamberlain (appointed 30 January 2013 initially for a term of office ending on 30 June 2015). This was extended last year to 30 June 2019.

Sarah Jewell (appointed 8 October 2014 initially for a term of office ending on 8 October 2016). This was extended this year to 8 October 2020.

### **Officers**

The Committee's lead officers were the Council's Monitoring Officer, Jeremy Chambers, Director of Law and Governance, the Council's



Deputy Monitoring Officer, Jayne Middleton-Albooye (Head of Legal Services) and Penelope Williams (Senior Committee Administrator).

### **3. TERMS OF REFERENCE**

The terms of reference of the Councillor Conduct Committee, as set out in the Council's Constitution (see Part 2 – Section 2.7), are

- To deal with policy, complaints against councillors and issues concerning the members' Code of Conduct.
- To promote and maintain high standards of conduct by councillors and all co-opted members.
- To deal with policy, complaints against councillors and issues concerning the members' Code of Conduct.
- To assist councillors and co-opted members to observe their Code of Conduct and all other Codes within the Constitution.
- To monitor the operation of the Councillors' Code of Conduct and report when appropriate to the full Council on the adoption or revision of the Code and all other codes within the Constitution.
- To consider requests for dispensations by councillors, and co-opted members relating to interests set out in the Code of Conduct.
- To discharge such other functions either general or specific as the Council may from time to time allocate to the Committee.

The Committee is ultimately responsible for the promotion and monitoring of high standards of conduct among Enfield councillors.

The Committee last reviewed their terms of reference at their meeting on 16 September 2015 and agreed that no changes were necessary at that time.

### **4. MEETINGS**

The Committee held three meetings during the year: on 11 July 2018, 4 October 2018 and 11 December 2018.

### **5. INDEPENDENT PERSONS**

The Localism Act 2011 provided that all local authorities had to appoint an Independent Person(s) to assist the Council in promoting and maintaining high standards of conduct amongst its members. Enfield agreed to appoint two Independent Persons.

The main role of an Independent Person is to be available to be consulted on complaints against councillors and ethical governance issues. They provide an independent viewpoint, looking at issues from the point of view of an ordinary member of the public. Our Independent Persons work closely with the Monitoring and Deputy Monitoring Officer, considering whether or not complaints against councillors meet the

criteria for investigation, and they are also consulted before a decision is made, on the outcomes of any investigated complaint. On top of this they can offer advice on other standards' matters, including to the member who is subject to an allegation.

Through their work they have developed a sound understanding of the ethical framework, as it operates within the Council and are able to act as advocate and ambassador for the Council in promoting ethical behaviour.

In this report we would like to acknowledge the invaluable support provided by Christine Chamberlain and Sarah Jewell. The independent view and expertise they bring on conduct issues has been much appreciated. Although not members of the Councillor Conduct Committee, they attend all meetings and play an important role in the proceedings. The Monitoring Officer consults one or other of them on all complaints received and they are able to provide considered advice and guidance on complaints and other issues that arise.

Sarah Jewell's term of office was extended for a further two years, this year, to 8 October 2020.

## **6. MEMBER TRAINING**

The Monitoring Officer held a brief training session for members and substitute members to ensure that all members were aware of the contents of the Councillor Code of Conduct and the associated complaint procedures. This was held on 11 December 2018 and was attended by 6 members.

## **7. THE COMMITTEE'S WORK PROGRAMME – 2018/19**

This year the Committee welcomed two new members Councillor Ergin Erbil and Councillor Christine Hamilton from the Labour Group.

The Committee agreed a work programme at their first proper meeting of the year in July 2018. They continued the work started last year, reviewing some of the Council's key policies and procedures, those that had a significant impact on ethical and corporate governance matters.

They also received annual reports reporting on and enabling them to review the dispensations granted, gifts and hospitality received by members and members' expenses.

The main items considered this year are listed below:

### **7.1 Gifts and Hospitality**

- The Committee received a report in October setting out all the entries in the Councillors' Gifts and Hospitality Register between April and October 2018.

- Enfield Councillors are recorded as receiving far fewer offers of gifts and hospitality than similar boroughs. Only 4 declaration forms had been completed during the period covered by the report compared to 14 completed in a similar period the previous year. Declarations that had been received involved lunches, dinners, hospitality at sports events, conferences, drinks receptions and the Chelsea Flower Show.
- Following consideration of the report, the committee felt that, although they were happy with the low number of declarations, there must be a certain degree of under reporting. The two party whips therefore agreed to remind their group members that they should always declare any offers of gifts or hospitality, worth more than £25, received or refused. The numbers of declarations subsequently increased slightly.

## **7.2 Dispensations**

- For the fourth time the Committee received an annual report from the Monitoring Officer on the number of dispensations granted during the municipal year.

A dispensation can be granted in the following circumstances:

- (a) Where members of the decision-making body have disclosable pecuniary interests in a matter that would “impede the transaction of the business”
- (b) That without the dispensation, the representation of different political groups on the body conducting the business would be so upset as to alter the outcome of any vote on the matter
- (c) That the authority considers that the dispensation is in the interest of persons living in the authority’s area
- (d) That the authority considers that it is otherwise appropriate to grant a dispensation.

Dispensations are not often used in this authority. In 2018/19 it was reported that dispensations had been granted on only one occasion in 2017/18. This was by the Monitoring Officer’s predecessor, Asmat Hussain, and related to three motions at the Council meeting held on 19 July 2017.

## **7.3 Review of Member Expenses**

- The Committee received a report on Members’ Expenses, outlining the expenses paid to members in the course of their duties and including comparator information.
- In summary, expenses totalling £322.10 were claimed in 2017/2018, up from £210.75 in 2016/2017.

- In 2017/18 £20,038.84 had also been spent on ICT equipment for new members following the local government election in May 2018 and there were £24,101.33 worth of other costs for associated annual licenses.
- The Committee also noted the agreement not to increase members' allowances, by the rate of inflation each year since 2009 and that allowances had been frozen since this date. The Committee felt that this agreement should be reviewed.

#### **7.4 Review of Councillor Code of Conduct and Councillor Complaints Process**

A review of the councillor code of conduct and councillor complaints processes is planned as part of the ongoing wider review of the Council constitution.

### **8. MEMBER CODE OF CONDUCT - COMPLAINTS**

During 2018/19 no complaints were referred to the Committee but two appeals against Monitoring Officer decisions were received and the following hearings took place.

#### **8.1 Appeal Hearing 1 (11 December 2018)**

The first appeal hearing concerned a complaint from two members of the public about Councillor Stephanos Ioannou for some posts he had made on his facebook account, which they had found offensive.

The Monitoring Officer had referred the complaint to Jayne Middleton-Albooye (Head of Legal) for further investigation. Following the investigation, she had found that Councillor Ioannou had breached the code and recommended to the Monitoring Officer that the complaint be upheld. He had agreed and Councillor Ioannou had accepted the findings and agreed to undertake race awareness training.

All of 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 had felt that Councillor Ioannou should be asked to make a public apology on the facebook page where the original post had appeared. When asked, Councillor Ioannou had refused to do this.

The members of the Committee discussed the appeal and decided to uphold it. They agreed that Councillor Ioannou be asked to make an apology on the same social media forum as the original post. They agreed that this should be done by the end of the December 2018, and that the post should remain in place until 31 January 2019. If Councillor Ioannou failed to make a social media apology, it was agreed that the Monitoring Officer would arrange for a notice, including the findings of the complaint, to be taken out in the Enfield Independent newspaper.

Councillor Ioannou refused to apologise on social media and a notice was placed in the Enfield Independent in March 2019.

## **8.2 Appeal Hearing 2 (11 December 2018)**

The second appeal hearing concerned a complaint received from Councillor Laban, Leader of the Opposition, against the Monitoring Officer's decision on a complaint she had made concerning six individual councillors' alleged failure to declare interests at the Annual Council meeting on 23 May 2018. Two of the complaints were subsequently resolved and were not part of the appeal.

The investigation was carried out by Wilkin Chapman, a solicitor's firm with the appropriate expertise. They investigated the complaints and found that all four of the councillors accused, Councillors Elif Erbil, Susan Erbil, Huseyn Akpinar and Guney Dogan were not related to the Mayor, therefore had no interests to declare and so had not been in breach of the code of conduct. The Monitoring Officer had accepted the findings and agreed that there had been no breach of the code. Councillor Laban appealed his decision but had offered no further evidence in support of her appeal.

The Committee considered the investigation report, heard all the evidence, and agreed with the findings, deciding not to uphold the appeal.

As an outcome of the appeal the Committee suggested that the code could be clearer about what was meant by "family member". The Monitoring Officer advised that the code was due to be reviewed and that this would be considered as part of the review.

- 8.3 The Monitoring Officer dealt with 22 complaints in total this year and there were 6 outstanding complaints subject to further investigation at the end of the municipal year.
- 8.4 During the year, the Monitoring Officers also received a number of other complaints. These have been resolved informally, with guidance and support from the independent persons, but without the need for referral to the Committee, either as a result of the withdrawal of the complaint or following the acceptance of apologies.

## **9. WEBPAGES**

The webpages are regularly reviewed and provide information about the Councillor Conduct Committee, its role and purpose, as well as information about making a complaint against councillors and co-opted members. It includes links to the forms which need to be completed when making a complaint or appealing a monitoring officer decision as well as the code of conduct.

## **10. FUTURE WORK PROGRAMME 2019/20**

The Committee will agree a work programme for 2018/19, at the first meeting of the new Municipal Year. Areas of work for next year will include:

- Review of Councillor Code of Conduct and Complaints Processes
- Recommendations on councillor conduct issues from Committee for Standards in Public Life
- Member Expenses
- Annual Report on Dispensations Granted
- Annual Report on Gifts and Hospitality Registered

## **11. CONCLUSION**

As Chair, I would like to take this opportunity to thank the Monitoring Officers, Independent Persons and my fellow committee members for their sound and thoughtful contributions towards the encouragement and maintenance of the local standards regime during the year.

On behalf of the Councillor Conduct Committee, I would also like to thank the officers of the Council who have supported the work of this Committee over the past year.

Councillor Ergin Erbil

## Councillor Conduct Committee: Work Programme 2019/20

ITEM	Lead/ Support Officer	3 July 2019	3 October 2019	4 December 2019	3 March 2020
Annual Report	Penelope Williams	To approve the Annual Report 2018/19			
Work Programme 2019/20	Penelope Williams	To Agree the Outline Work Programme for 2019/20	Work Programme Monitoring	Work Programme Monitoring	Work Programme Monitoring
Review of Code of Conduct and Complaints Processes					
Update on Complaints Received	Jeremy Chambers	Update	Update	Update	Update
Independent Persons Training	Independent Persons				
Complaints – Review of complaints received in 2018/19					
Regular update on Standards Matters – bringing members attention to recent standards news items for information.	Jeremy Chambers	If required	If required	If required	If required
Review of Protocol for Member Officer Relations					
Review of Member's Expenses	Claire Johnson		Report		
Dispensations	Penelope Williams	Annual Update			
Gifts and Hospitality	Claire Johnson		Report		
Training for members of the Committee					

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**COUNCILLOR CONDUCT COMMITTEE - 11.12.2018****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

**886****WELCOME AND APOLOGIES**

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

**887****SUBSTITUTIONS**

There were no substitutions.

**888****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.

**889****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.

**890****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:

**COUNCILLOR CONDUCT COMMITTEE - 11.12.2018**

- 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.

**891**

**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.

**COUNCILLOR CONDUCT COMMITTEE - 11.12.2018**

- 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.

**COUNCILLOR CONDUCT COMMITTEE - 11.12.2018**

- 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.

**892**

**DATES OF FUTURE MEETINGS**

The date of the next meeting was noted as follows:

- Tuesday 5 March 2019

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