

MUNICIPAL YEAR 2013/2014 REPORT NO. **193**

**MEETING TITLE AND DATE**

Councillor Conduct Committee - 3  
February 2014

**REPORT OF:** Director of Finance,  
Resources and Customer Services

**Contact officer:** John Austin  
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Email: john.austin@enfield.gov.uk

**Part: 1**

**Item: 4**

**Subject: Complaint against a  
councillor**

**Wards: All**

**Cabinet Member consulted:**  
Not applicable

**1. EXECUTIVE SUMMARY**

The Councillor Conduct Committee (CCC) on the 14 February 2013 was advised of two complaints received from two individuals (who wished to remain anonymous) against a Councillor in relation to posts and comments made on social media websites.

The Committee noted that the matter had been reported to the Police and that consideration of the complaint by the Monitoring Officer was on hold pending confirmation of any investigation being undertaken by the Police.

The Monitoring Officer has been advised that the Crown Prosecution Service (CPS) has decided to take no action in relation to the complaints. This report sets out the complaints and asks the CCC to decide whether further action should be taken.

**2. RECOMMENDATIONS**

2.1 That the Councillor Conduct Committee notes this report and considers the complaints in Part 2 of the meeting where it will be asked to decide whether they warrant further action. If it decides that further action is warranted, the Committee is asked to agree the form of action to be taken.

**3. BACKGROUND**

3.1 In December 2012, I received two complaints in relation to a Councillor. Both complainants wished to remain anonymous but their complaints are summarised below:

(a) "I spend a lot of time on various social media sites in order to carry out research regarding various projects that I'm involved in. Over the last twelve to thirteen months or so, I have witnessed some stomach-churning posts published by Cllr X. These postings include racist images against the Islamic faith, xenophobic comments towards other residents of Enfield (both past and present) and comments condoning the killing of Palestinian children because they happen to be Muslim. I have attached various examples of Cllr Xs' alarming posts for your reference. I did have more examples, but unfortunately they were deleted in error.

As an Enfield resident, to say that I am disgusted with Cllr Xs' behaviour is an understatement. How can this person continue to be a representative of the people of Enfield? It's sickening."

(b) The second complaint was less specific but referred to the posts and supported the above complaint

- 3.2 The posts sent to me by the complainants have been provided to the Committee under Part 2 of the agenda. The second complainant also referred the matter to the Police.
- 3.3 The Committee was advised of the complaints on the 14 February 2013. The Committee noted that consideration of the complaints by the Monitoring Officer was on hold pending confirmation of any investigation being undertaken by the Police.
- 3.4 On 5 December 2013, the Metropolitan Police wrote to the Councillor confirming that there would be no further action from the Crown Prosecution Service.
- 3.5 The Chairman of the Committee has also recently received representations from other parties expressing concerns about the Councillors' alleged actions.
- 3.6 As Monitoring Officer, and in accordance with the procedure agreed at the Council meeting on 27 November 2013 (Procedure for Handling Complaints against Councillors and Co-opted Members – attached as Appendix A), I am referring this matter to the Councillor Conduct Committee under paragraph 4.2 (e) "referral to the Councillor Conduct Committee where the Monitoring Officer feels it would not be appropriate for him/her to take a decision".
- 3.7 I do not feel it is appropriate for me to make a decision because of the continuous press coverage, the nature of the allegations and the fact that the Conservative Group are reportedly taking further action/investigations.
- 3.8 The Independent Person has been consulted on this report and her views will be circulated to the Committee as soon as possible.

- 3.9 Both the complainants and the member concerned have been invited to submit written representations to this Committee. If any are received they will be circulated to the CCC without delay.”
- 3.10 Under Schedule 12A of the Local Government Act 1972 (as amended by the Local Authorities (access to Information) (exempt Information) (England) Order 2006) consideration of the complaints will be moved into Part 2 of the meeting to exclude the public and press because exempt information will be disclosed. The exemptions to apply are Paragraph 1 of Schedule 12A - information relating to any individual and Paragraph 2, Information which is likely to reveal the identity of an individual. In applying these exemptions the public Interest test has been considered. The public interest in confidentiality over rides the public interest in disclosure
- 3.11 The Committee is therefore asked to consider the complaint in Part 2 of the meeting and decide whether it warrants further action.
- 3.12 If the Committee decides that it does not warrant further action, the complainants will be advised accordingly with reasons (paragraph 4.4 of the attached procedure).
- 3.13 If however the complaint is referred for further action, the Committee is then asked to consider the most appropriate way of dealing with the complaint (paragraph 4.5 of the attached procedure). Some options are set out in paragraph 4.2 of the attached procedure.

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

The procedure for handling complaints clearly sets out the options available.

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

To comply with the above procedure.

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

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

None.

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

- 6.2.1 The Authority has adopted a local code of conduct under the Localism Act 2011 to assist members in the discharge of their obligations to the Authority, local communities and the public at large. The code also oversees the behaviour of members, covers the receipt and handling of complaints and provides a safeguard against unacceptable behaviour.

This report is carried out in accordance with the Council's Code of Conduct and procedure for Handling Complaints.

6.2.2 The Committee should note that under the Councillor Code of Conduct / Procedure for Handling Complaints against Councillors and Co-opted Members, paragraph 8 states that the decision of the CCC 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 caused injustice, they can make a complaint to the Local Government Ombudsman

## **7. KEY RISKS**

Decisions could be open to challenge if the Council's procedure is not properly followed.

## **Background Papers**

None other than those referred to or attached.