

STATEMENT OF HELEN OSMAN

Helen Osman, will say as follows:

1. My background is in marketing and business development, working for major clients, including government departments. I have a Master's degree in sociology and marketing qualifications.
2. In 2009 after leaving the city where I worked as a marketing strategist and commercial sociologist, I set up a website for the local community (n21online.com) in the area I have lived for 30 years, where my children attended local schools. It is all about local connectivity – hyper-local content driven marketing. On some days there can be as many as 3,000 visitors to the site and up to 1,200 at a time on some occasions. I use my experience to help my community, including small businesses and start-ups, charities and community groups and I have a blog 'this week in N21' which is widely read.
3. I am a founding member of the Save Our Green Lanes ("SOGL") Campaign Team. SOGL is a campaign group against the Cycle Enfield scheme. We are not against cycling or the construction of cycle lanes but we believe that the current proposals will be damaging to the local community and not make 'a Better Enfield for All' as LBE claim. There is little support for the scheme locally, but the Council is ignoring this. Many local cyclists believe it is dangerous and will not be used. SOGL is challenging the A105 cycle lane scheme in the High Court.
4. There was a statutory consultation conducted in July and 1,600 objections were received, but construction of the scheme began the day after an unsuccessful attempt to call in the scheme. There were grounds for concern that the objections, including one by Aviva buses should be sufficient to warrant a public inquiry. Cllr Terry Neville, Leader of the Conservative Opposition is seeking an Advisory Order as to whether this is legal and also how the Council could issue purchase orders to contractors during the statutory consultation period.

5. Like many other local people I have concerns about how the matter is being handled by the Council. I am a member of A105 partnership board for Cycle Enfield, however Enfield Council did not provide full information to its critical friends and has completely ignored their comments, as well as those of leading community groups, churches and residents associations.
6. One example of the Council's approach to project management was the reticence to release the full economic risk assessment for the A105 scheme. From the summary report it was not possible to understand the methodology and thus the validity of the analysis. Councillor Neville had to go to the Chief Executive to get a copy of the full Regeneris Economic Risk Assessment report. This 90 page report was finally supplied on Friday afternoon, with a deadline of Monday noon for all submissions.
7. I have very serious concerns about the Cycle Enfield project and the approach that the Council has taken to it. However, I only submitted this complaint as a Code of Conduct investigation into the comments that Councillor Daniel Anderson made on 31 August 2016, on the "Better Streets for Enfield" Facebook page.
8. I believe that I have been targeted by Councillor Anderson because of my high profile campaigning. He has previously accused me of lying in relation to meeting dates. This was picked up by the local press. However screenshots of Council meetings were taken to show this was not the case.
9. Given my marketing consultancy background I believe that I have been able to demonstrate that the economic risk assessment reports were based on poor quality data, with scenario modelling which attempts to minimise the risks posed to local businesses. I believe Enfield Council's Cabinet was deliberately misled by misuse of a quote to say that cycle lane schemes could lead to a 5% - 15% increase in the size of the local economy. In fact the report authors state that they do not envisage that the scheme will achieve its transformative objectives.
10. When the Ponders End economic risk report was published in August I also reviewed this. Other than looking at the Ponders End report I have no connections with Ponders End. I understand that there were leaflets circulated in the local area to raise awareness of the consultation, but I had no involvement, in any aspect of this campaign. I sent my critique of the Ponders End report to the leader of the Council,

Councillor Doug Taylor (councillor for Ponders End), commenting that this was a very poor quality research; there was little evidence of any real understanding of the local economy, the demographic profile of Ponders End or any meaningful engagement with local businesses. For example the report makes no reference to the major Meridian Water regeneration project.

31 August 2016 – Facebook Posting

11. My complaint is about his comment on 31 August.
12. I consider that Councillor Anderson has made a connection between my surname of Osman to the Muslim community and the Mosque in Ponders End. I do not have any Muslim connections and Councillor Anderson knows me well, when he took over the portfolio he came to meet me and sat at my kitchen table.
13. I was shocked when I saw the comments. I found them insulting, as did my family. I have never been to the Mosque. I do not know whether it is used as a general meeting place for the local community.
14. Councillor Anderson is posting on a Facebook page that is pro cycling and I do not consider that he should be posting on that given his position as a Cabinet Member and decision maker, who should be objective.
15. I consider there are two elements to his statement:
 - a. that I mislead people; and
 - b. Councillor Anderson trying to make something of my name and linking it with the Muslim community.
16. I have not misled anybody.
17. There has been a good local campaign to raise awareness of implications of Cycle Enfield but I feel that Councillor Anderson has made me public enemy number one. I have been subject to trolling on Twitter, Street Life and Better Streets for Enfield, by the cycle fraternity. Whilst I do not look at these social media pages on a frequent basis,

I have been led to believe that Councillor Anderson has participated, although comments have now been taken down.

18. I do not know why Councillor Anderson thought I would be at the Mosque perhaps it was because of the critique I had done on the Ponders End report. I was not there because I was on holiday in Pembrokeshire with my family.
19. I do not consider that Councillor Anderson is a fit and proper person to oversee Cycle Enfield. I believe that a senior decision maker for a major and highly controversial infrastructure project should take this position seriously and should not have displayed such partisan views. It was known to the members of the group that he is charge of the Cycle Enfield scheme.
20. I do not consider that Councillor Anderson's comment on the 31 August shows him to be objective and showing respect to others, accountable, open and honest.

26 May 2016 – Facebook Posting

21. Pounds is a very successful large local retailer. They will lose parking and delivery spaces as part of Cycle Enfield. One of the directors of Pounds confronted Councillor Anderson at a meeting about the lack of parking caused by Cycle Enfield and the effect on her business. Councillor Anderson said that he does all his shopping online and does not care about local businesses. The director of Pounds shouted this out after he had said it and she appeared very upset by his comment. I consider that the comment he made on Facebook on 26 May is symptomatic of Councillor Anderson's approach to the Cycle Enfield project and its effect on the local community.

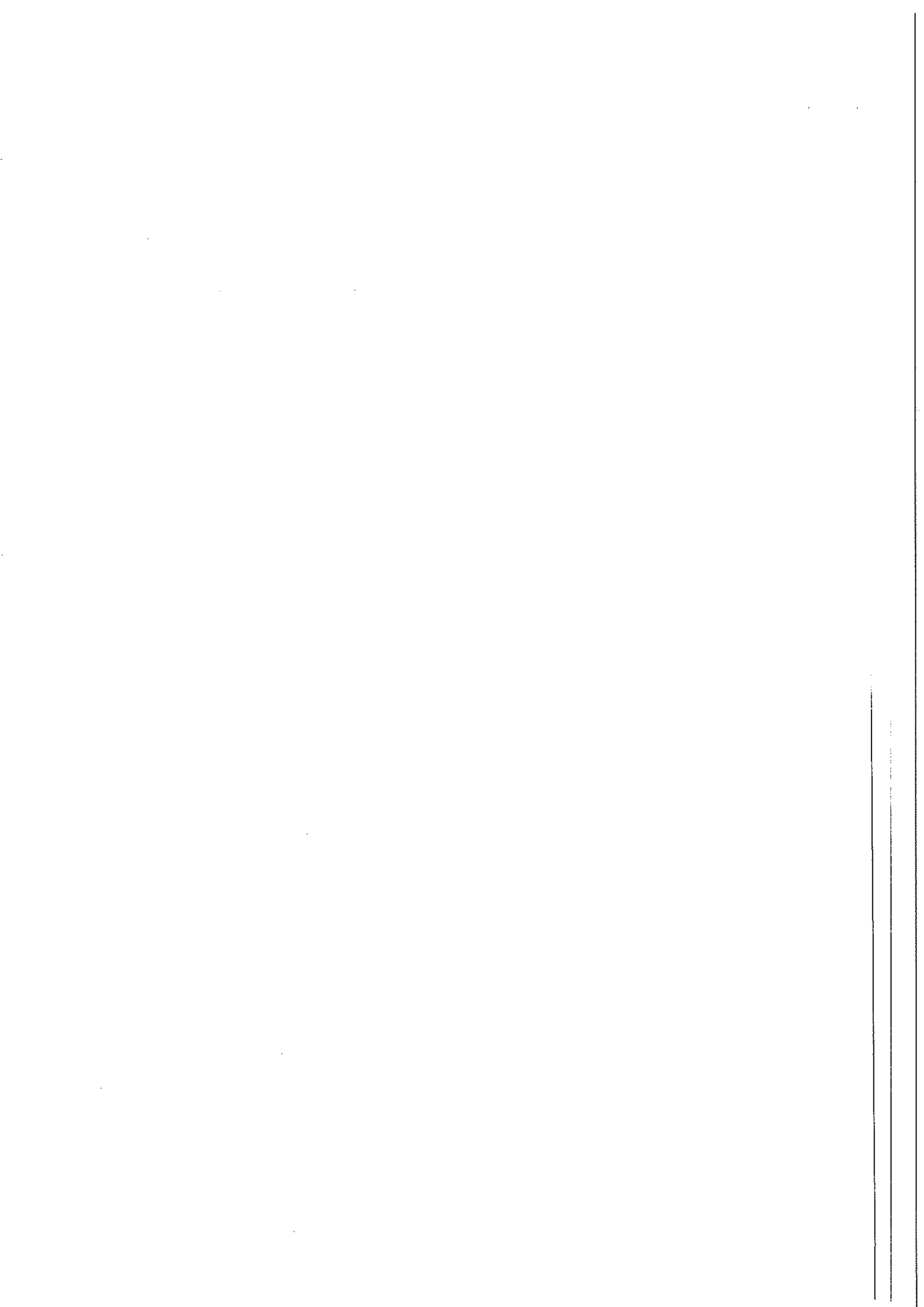
Conclusion

22. I consider that Councillor Anderson was acting in his role as a Councillor as he is so well known on this scheme. He is in the local press virtually every week and his remit is wide. People reading the comments would have known that he was a Councillor. I have never known a Councillor have such a high media profile.

23. When my family saw the comment they were disgusted. Most of my family cycle, including my daughter's partner who cycled to work from Grange Park to Clerkenwell before moving closer into town. As a cyclist he can see little merit in the scheme but more importantly was equally disgusted by these insulting remarks.
24. Councillor Anderson's comment that I mislead people has upset me. Council officers send me information to post on my website and have said that the local community is more likely to see it there than on the Council website.
25. I know Sue Woollard. We are friends but not close. I did not know that Sue was going to put a complaint in. She did tell me that she had been incensed by the comments made by Councillor Anderson after she had submitted the complaint. I felt that Councillor Anderson's comments were insulting to me. It would have been nice if he had contacted me and apologised but he had not done that.

Signed.....*helena omen*.....

Dated.....*20/12/16*.....



APPENDIX ④

STATEMENT OF SUE WOOLLARD

Sue Woollard, will say as follows:

1. I have lived in the borough of Enfield all my life. I am involved in my community. I was previously a governor of St. Andrew's School and after I ceased to be governor I joined the independent school appeals panel for the borough on which I still sit. In both of these roles I received regular training from the Council on what one can and cannot say and the dignity with which we should always treat other members of the public.
2. I am an involved resident of N21, West Enfield. For example, I was involved in the opposition to an Environment Agency flood defence scheme which threatened our neighbourhood. It was as part of this opposition that I first came into contact with Helen Osman who also lives in N21. I know Helen, but I do not consider us to be friends. It would have been around 2011/2012 when I first met Helen. Helen produces a weekly blog "N21online". This covers local business news and community issues. I understand that the blog has a very wide readership.
3. For the last five years I have been a Trustee of the Old Enfield Charitable Trust. I am one of two Trustees appointed by St Andrew's Church to be representative of the congregation and to uphold the interests of the Church. The Trust owns the market place in Enfield Town and runs the weekly Charter Market. On non-market days the market place is a car park. Cycle Enfield will seriously affect the future of the market place. I am not making this statement in my capacity of a Trustee of the Trust but as an independent resident of Enfield. NB Since this was written the Council have changed the plans the Town Scheme of Cycle Enfield which, although reducing the impact on Enfield Market, will still have a negative effect on Enfield's trade and shopper footfall which will then have an impact on the Market trade.
4. I consider that the Cycle Enfield Scheme will have a major impact on the town I know and love and how I live my life. I consider it will impact on whether the shopping centre within Enfield Town will continue to be viable. My complaint and the resulting investigation is not about the Cycle Enfield Scheme. However, my personal view is that the Cycle Enfield Scheme will not work and my understanding was that those who put together the proposal knew it would not work when they bid for the money.

5. I think that it is important to understand the context about the situation. The London Borough of Enfield comprises the former Enfield, Southgate and Edmonton boroughs. There remain three distinct areas. The west of the Borough has been perceived to be the more affluent. However, over time there have been changes in the demographics of the Borough and movements of different communities to particular areas.
6. Enfield Town operates a one way system and the Cycle Enfield proposals will stop traffic down Church Street, Instead Cecil Road, which is a residential street, will become two-way. Two lorries, coming from opposite directions, will not be able to get down the street. Since this was written, this is no longer relevant and should be removed please
7. I consider the Cycle scheme is ill conceived but it has started. The scheme is separated into several parts including the A105, N21, Enfield Town, Southbury Road and the A1010 Enfield Lock to Edmonton. There was a judicial review claim in respect of the A105 section.
8. Work started on the first part, on the A105, 4 weeks ago. We will be able to judge the potential impact of the scheme but not before the Enfield Town phase is deliberated by Cabinet in December.
9. In Ponders End/Enfield Highway there is one major road with shops most of the way along it. These are small, mainly independent shops that the local population wants to buy from. The cycle lanes will mean that there is no parking and the shops will not be able to receive deliveries. This is also why the Trust's market/car park will have problems. No longer relevant*
10. Councillor Daniel Anderson is the portfolio holder for Environment within the Council's Cabinet, responsible for Cycle Enfield.
11. The Council undertook an initial consultation on the Scheme but this was open to the whole of the UK. The result raised tensions in Enfield but if you take out the external people then overall residents were opposed. The Council undertook a further statutory consultation on an amended scheme for the A105 and received 1,600 objections. It is now understood that this section of the scheme was given the go-ahead before this later consultation was complete.

12. Councillor Anderson approved the amended scheme. His decision was called in on the basis that the 1,600 objections were not taken into account. Councillor Anderson said that he has personally looked at all the objections and he thought there were no new facts to consider.
13. Arriva objected to the A105 section as having serious concerns for their bus service. This was one of the major points when the decision was called in. My understanding is that Transport for London who are owners of the Cycle Scheme overruled Arriva just prior to the Council meeting.
14. In my view the other parts of the Scheme are flawed and there are concerns. Revised plans are to be unveiled in November 2016. A meeting has already been scheduled for 14 December 2016 for the Cabinet to discuss and, it is thought, to approve these plans.
15. Councillor Anderson is vocal in his support for groups lobbying for Cycle Enfield. I consider it is unwise for Councillor Anderson to be posting on Facebook for "Better Streets for Enfield" who are a cycling group very pro and in favour of Cycle Enfield. I understand that Councillor Anderson is a regular contributor to the Facebook page for that group and I think it is unwise of him to ally with a lobbying group given his role as Cabinet Member. The nature of the language used indicates a cosy group. Councillor Anderson has a duty to be totally unbiased and as a result should not get involved in forums.
16. I consider that when Councillor Anderson posts to groups like "Better Streets for Enfield" everyone knows he is a Councillor. He is always in the local paper defending Cycle Enfield. I think that means he is acting in his capacity of a Councillor. I think this is demonstrated by the Facebook postings on 26 May 2016 because there is a comment from another contributor about Councillor Anderson having to resign for the comment he makes.
17. Councillor Anderson's position is so well known on Better Streets for Enfield that I do not think that he can write or post in a personal capacity on it.
18. When Helen Osman copied onto N21online the 26 May 2016 and 31 August 2016 Facebook posts which Councillor Anderson had posted on Better Streets for Enfield

Facebook page, my heart sank at the personal and unfounded attack on her, and the nature of the comment re Pounds store

26 May 2016 – Facebook Posting

19. Pounds is a local, family-run electrical store located on the A105 that I understand may close if the impact from the Cycle Enfield Scheme results in decrease in footfall as customers and delivery vehicles are unable to park outside the store, and, as a consequence, turnover suffers. I consider that by the post Councillor Anderson is making a joke and laughing at something resulting from the Scheme. I am not a regular customer at Pounds but I can understand how upsetting a 'joke' like this could be for Pounds.
20. My view is that if Councillor Anderson is acting as Councillor then he should declare that he is one and that it is inappropriate for him to comment on a forum such as this. The post indicates that he is making fun of an Enfield Business which he has a duty as a Councillor to protect.

31 August 2016 – Facebook Posting

21. Ponders End (A1010) is a different section of the Cycle Enfield Scheme. It falls outside of Helen's "patch" and I am not aware that Helen has been vocal in respect of it. Ponders End has a high Muslim population and has a Mosque. I do not know anything about the activities of the Mosque and whether it is used as a community venue for meetings.
22. I do not know what Helen's religion is. I consider the posting by Councillor Anderson on 31 August smacks of race or religion bias. I do not know what the difference is now between the two with regard to Islam in particular. Again, I do not believe that it is appropriate for Councillor Anderson to post remarks regarding the Cycle Scheme on this forum, let alone comments of this nature. He seems to imply that Helen is a member of the Islamic community and would use the Mosque as a platform to spread information to the Moslems of Ponders End -- and that this information would be without substance -- in effect misleading the community. I consider that this is also a slur on the community by implying that their Mosque is a meeting place which is able to be used as a platform for someone spreading misleading information -- and that implies that they are gullible. I also

have to question why he would consider that Helen would attend a Mosque almost as though this is a derogatory comment.

23. The Facebook posting accuses Helen of having misled people in the west (of the borough) and that she was now intending to do the same in the east (of the borough) where Ponders End is situated. In my view this could not be further from the truth. To my knowledge, Helen has always been very careful with the information, data and figures that she publishes. She often quotes from government papers or accredited journals or actual statistics from Council websites.
24. I believe that the post by Councillor Anderson implied that Helen deals in lies and by misleading people. This is a slur on her character and good standing in the community and is, in my experience, not the truth. I understand that Councillor Anderson has tried to discredit Helen on other occasions. My view is that he appears to be frustrated that others, including our local MP, back Helen unreservedly.
25. My understanding is that both of the Facebook posts were removed from the "Better Streets for Enfield" page when Helen published the remarks on her blog.
26. I consider that Councillor Anderson's comments are defamatory and ill advised. He should not be able to get away with them. He is a Councillor and also a Cabinet Member who should be unbiased and represent the whole of the borough. I am angry that someone elected to be a Councillor and appointed to be a Cabinet Member is allowed to make personal comments of this nature. If Councillor Anderson puts these types of observations out there then in effect he is speaking for the Council and so it is a slur on the Council. I am upset to live in Enfield if this is how Councillors act.
27. I do not think it is appropriate for me to say that Councillor Anderson should not be an elected member of the Council. He has been elected by residents of his ward. However, I do not think it appropriate for him to be a Cabinet Member if he holds these types of anti-religious and racist views and these comments show a lack of judgement, normally required of someone in a senior position.
28. I am confused by the whole thing, deeply angry and upset for Enfield, because I believed we had standards. I consider his comments have been a real wedge in the community.

29. I have never been prompted to send in a letter of complaint about an individual before. I saw Helen's post with the comments but it was not for a couple of weeks that I had the opportunity to put together a complaint. When I saw the comments initially I was appalled. I did see Helen in a meeting and expressed my views on the nature of the comments. I do not recall telling Helen that I was going to put a complaint into the Council. I did not submit my complaint in collusion with Helen.
30. I consider that in my role as a governor and a member of independent school appeal panels that I have been trained by the Council to act and speak in one way and I cannot understand how somebody else representing the Council, and, I assume, given similar training, can act and speak in a completely different and unacceptable way. I understand that Councillor Anderson is employed by the Council in his capacity as Cabinet Member.

Signed.....

Dated.....

APPENDIX ⑤

STATEMENT OF COUNCILLOR DANIEL ANDERSON

Councillor Daniel Anderson, will say as follows:

1. I was first elected as a councillor to Enfield Council in 1998 serving until 2002. I was then re-elected in 2014. When I returned to the Council as an elected member I received training on the code of conduct and I am broadly familiar with how it works.
2. I have been a Cabinet Member and the Portfolio Holder for Environment since June 2015. As part of my role as portfolio holder I have a large amount of delegated decision making power. This includes delegated decision making in respect of aspects of Cycle Enfield.
3. I understand that the complaints against me both relate to two posts that I made on a Facebook page for Better Streets for Enfield. The first of these posts was on 26 May 2016 and the second on 31 August 2016.
4. The Cycle Enfield scheme has been very contentious. There are several groups that are opposed to the scheme and who seem to work collaboratively. They have extended their opposition to not only Cycle Enfield but also to me personally. They have misquoted me and at times made me personally the target of their comments.
5. Helen Osman is one of the more vociferous and regular campaigners against Cycle Enfield and she works collaboratively with others who oppose it.
6. The Cycle Enfield scheme predates my involvement in it. The submission was made to Boris Johnson, the then Mayor of London, in December 2013 under the Mini-Holland programme. It was a cross party bid, which was a requirement of the submission with the written support of both the Leader of the Council and the then Leader of the Opposition. The bid clearly stated that Enfield's proposals would run along Green Lanes. I am aware that those objecting to Cycle Enfield refer to the route using back streets rather than main roads. This was considered and rejected. The bid was submitted on the principle of the proposed schemes going down main thoroughfares. However, there are complimentary elements, known as Greenways

and Quietways that seek to use side roads, parks and open spaces, but these are peripheral to and not the essence of the proposals.

7. Since the bid was made the Leader of the Opposition on the Council has changed and the current leader opposes the scheme. He has said that he would not have agreed to the bid. However, his deputy supported the bid and is on record as doing so.
8. I consider that Save our Green Lanes is one of the key groups in opposition to Cycle Enfield and has been distributing information that is misleading. The consultation that the Council has undertaken has been about shaping the various schemes, but has never been a referendum on the scheme as a whole. It is a voice and not a veto. It has never been an option to scrap the scheme following these recent consultations which are just intended to set the scope as to what is done and change details as a result of the feedback received.
9. I am aware of the concerns that residents have raised and I have considered them. There has been a great deal of consultation with residents over the past 18 months on the A105 scheme with a 12-week consultation at the start of that period. Those opposed to Cycle Enfield have been to the Courts on three separate occasions. Twice they have sought a judicial review and on the third occasion they sought an injunction to prevent works from proceeding along the A105. Every time their application has been thrown out and costs awarded against them on the basis that they did not have robust or acceptable grounds. There is no legitimacy behind their attempt to get the A105 scheme stopped.
10. The decision to approve the scheme was taken by Cabinet in February 2016. This was then called in by the opposition, but the decision was confirmed after it had been considered by Overview and sScrutiny in March 2016. The steps that the Council has taken since that time have been to consider a greater level of detail for each individual stage. The consultation processes undertaken have followed the statutory requirement and relate to the traffic management orders.

11. The element of Cycle Enfield running along the A105 has been one of most contentious elements of the programme with concerns about whether the road is of sufficient width for what is proposed.
12. Nonetheless, I have told officers that they must consider what is submitted in response to the consultations carefully, irrespective of the source and there has been some recognition locally that the Council has made some changes.
13. We have looked carefully at the facts and the emerging Traffic Management Orders to enable us to develop the proposals, cognisant of the concerns from residents and local businesses. For example, the impact on businesses as a result of removal of on-street parking has been mitigated by the installation of offering 45-minute free parking bays in both Lodge Drive and Fords Grove car parks.
14. Cycle Enfield is being compared with the Cycle Superhighways in Central London, but we are an outer London borough and it is not comparative. Cycle Enfield has three key strands, to transform our high streets and town centres, to promote more active forms of travel and to create safe and segregated cycle lanes. The £42m of external investment into the borough will help ensure that this is a scheme which works for Enfield and the consultation is about evolving that vision.
15. It is not about long journeys by bike, but about the opportunity for people of all ages to be able to cycle short journeys in safety and to encourage short trips on bikes rather than in the car. Enfield has one of the lowest cycling rates and one of the highest child obesity rates of all the London boroughs, so there are public health issues which are being addressed through the scheme.
16. We have always been clear that we cannot do everything that everyone wants, but we have gone as far as we can to work with the groups. For example, we have invited some members of the groups opposing Cycle Enfield onto the various partnership boards we have set up to ensure that it represents a cross section of opinions and Helen Osman, herself, is a member of the A105 Partnership Board.
17. The Council has held public meetings with the residents and businesses and recognises that some have issues with the principle of the scheme. Nonetheless, where issues have been raised concerning the detail I have asked officers to look at

them and see what can be done. Officers have been able to assist with some changes as a result and I believe that there is recognition that we have adapted the scheme in light of resident feedback.

Facebook Post 31 August

18. I received a voicemail on my phone from my colleague Councillor Don McGowan on 31 August and called Councillor McGowan back straightaway. This call was in reference to a meeting being held at the Ponders End Mosque the following day. Councillor McGowan informed me that he understood Helen Osman was attending to speak against the Ponders End Scheme as it related to cycling. Councillor McGowan needed information to be able to respond to any comments that Helen Osman might make. I sent Councillor McGowan a text message on my own phone which set out the main points to cover. A photograph of the text is attached to this statement. This was on the morning of 1 September. As a result of that conversation, I sent officers an email asking that they should go to the meeting at the Ponders End Mosque to counter any misleading information that may be presented. I was informed after the meeting that Helen Osman did not attend. I sent Councillor McGowan a text to that effect later that day.
19. I refute any allegation that my post on 31 August was in any way a racial slur on Helen Osman. My reference to the Mosque was simply because I understood a meeting was taking place there and that Helen was attending. It had nothing whatsoever to do with Helen Osman's religion. I do not know what Helen Osman's religion is and I do not care as it made no difference to me.
20. After Helen Osman published the Facebook post I received a phone call from a man, I do not know who he was, saying that I was making racial comments. He even referred to the fact that I am Jewish, which was odd given that I do not believe I had ever met him. I refuted that there were any grounds for the post being in any way racial. I was working with the information I had and it was in no way intended to be religiously intolerant.
21. I consider that Helen Osman and Sue Woollard are making a leap between what I said and how they appear to have interpreted it. I find it offensive and absurd that

they consider I am in any way hostile to Helen based on race, religion or ethnicity and my comments were solely based on information provided by Councillor McGowan.

22. My view is that a handful of people, hostile to Cycle Enfield and myself as Cabinet Lead on the project have read Helen Osman's post interpreting my comments and taken it as fact without challenging it.
23. I nonetheless stand by my comment that Helen Osman has been misleading people and can evidence base that position. Information that Helen Osman has published has had, I consider, a misleading effect on people's interpretation of the Cycle Enfield Scheme. In support of this I refer below to Helen Osman misquoting my interaction with the owner of Pounds on her blog and which makes no reference to the fact that I was verbally assaulted by the individual.
24. I also refer to a blog post that Helen Osman distributed on 23 September 2016. This related to the failed legal action for an injunction. Helen Osman gives her view of what she considers Mr Justice Dove said but this is not consistent with the judgment as I am aware of it. My understanding is that Mr Justice Dove said the applicants had no case. The impression I have from Helen Osman's blog is that there was a case, but the Council had got around things on a technicality – indeed the title of her post is "This week in N21 – a game of charades in the High Court?"

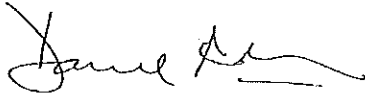
Facebook Post 26 May

25. I consider that Helen Osman has a direct role in inciting people in relation to opposition to Cycle Enfield. For example I am aware of a post that Helen Osman sent out in advance of an exhibition at Palmers Green. The Council intended to exhibit revised plans for the A105 scheme. Helen's post encouraged people to attend but also stated that although those attending should not be violent "a spot of verbal abuse is allowable".
26. At the meeting I was approached by a very angry woman who was shouting at me. I understand that she was the owner of Pounds, a local electrical store. She pulled me aside and said that Cycle Enfield would destroy her business. She asked me where I buy my electrical goods from. I made reference to using shops and on line. She told me to go forth and multiply and then started shouting that Councillor Anderson only

buys online. In addition to my encounter with this lady, officers and the Council's consultants were also verbally abused at this meeting. In my opinion Helen Osman incited this heightened tension with her post prior to the meeting.

27. Helen Osman then published an email the next week where she misquoted me and stated that I only shop online and do not support local businesses (as referenced in point 23 above).
28. In relation to my one word post on 26 May on the Better Streets for Enfield Facebook page I posted it in response to a post on electrical items on bikes. I do not know who Keith Hepburn is who responded to my comment or why he would refer to my having to resign in such a way. Whatever is the case, I did not respond to him.
29. I only have one Facebook account. I use this to comment on personal things and on occasion comment on other pages, for example "love your doorstep" – about the Council. As a general rule, I tend to be extremely careful about what I post and even more so now, in fact I very rarely comment at all, particularly on council matters. The photo that I use for my Facebook account is my own photo; it is not my official Council photo.
30. I take great offence to the statements and the accusations made against me. I consider these complaints are part of a co-ordinated effort to have me removed from the Cabinet. This effort has included a petition asking for my removal signed by 200 people. The Leader of the Council has rejected that petition. Over the same weekend the Labour Group office at the Council received several offensive voicemails regarding the Cycle Enfield A105 scheme and these have been passed to the police. The voicemails did not threaten me personally, but threatened the group. The Southgate Green ward forum on the 20th September was also forced to be cancelled at the urging of the police borough commander because people were being encouraged to turn up and disrupt the meeting targeting me.

31. I do not consider that I have breached the Council's code of conduct in any way.

A handwritten signature in black ink, appearing to read 'Daniel Anderson', with a stylized flourish at the end.

Councillor Daniel Anderson

Date: 8th December 2016



New iMessage

Cancel

To: Don McGowan

iMessage
Thu 1 Sep, 08:11

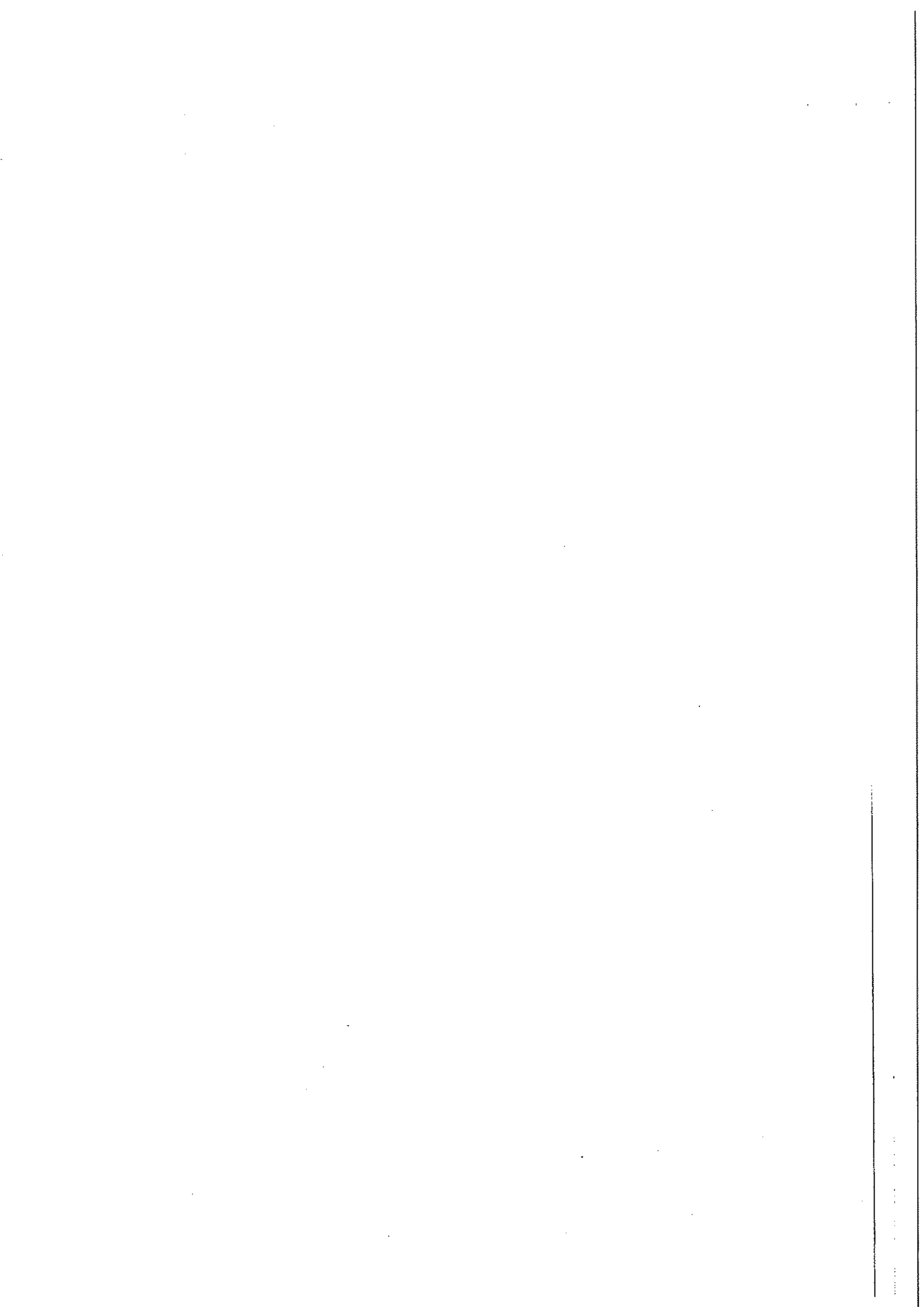
Morning Don. The key points to make to Helen Osman are that she doesn't live in the East, but comfortably in the West. She has led a campaign that has been exposed as a lie. The group she is associated with has lost in the court when seeking a JR against the council. She is whipping up a storm in Ponders End not because she cares about the area, but

Subject



iMessage





●●●●● EE 3G 13:03 82%

New iMessage Cancel

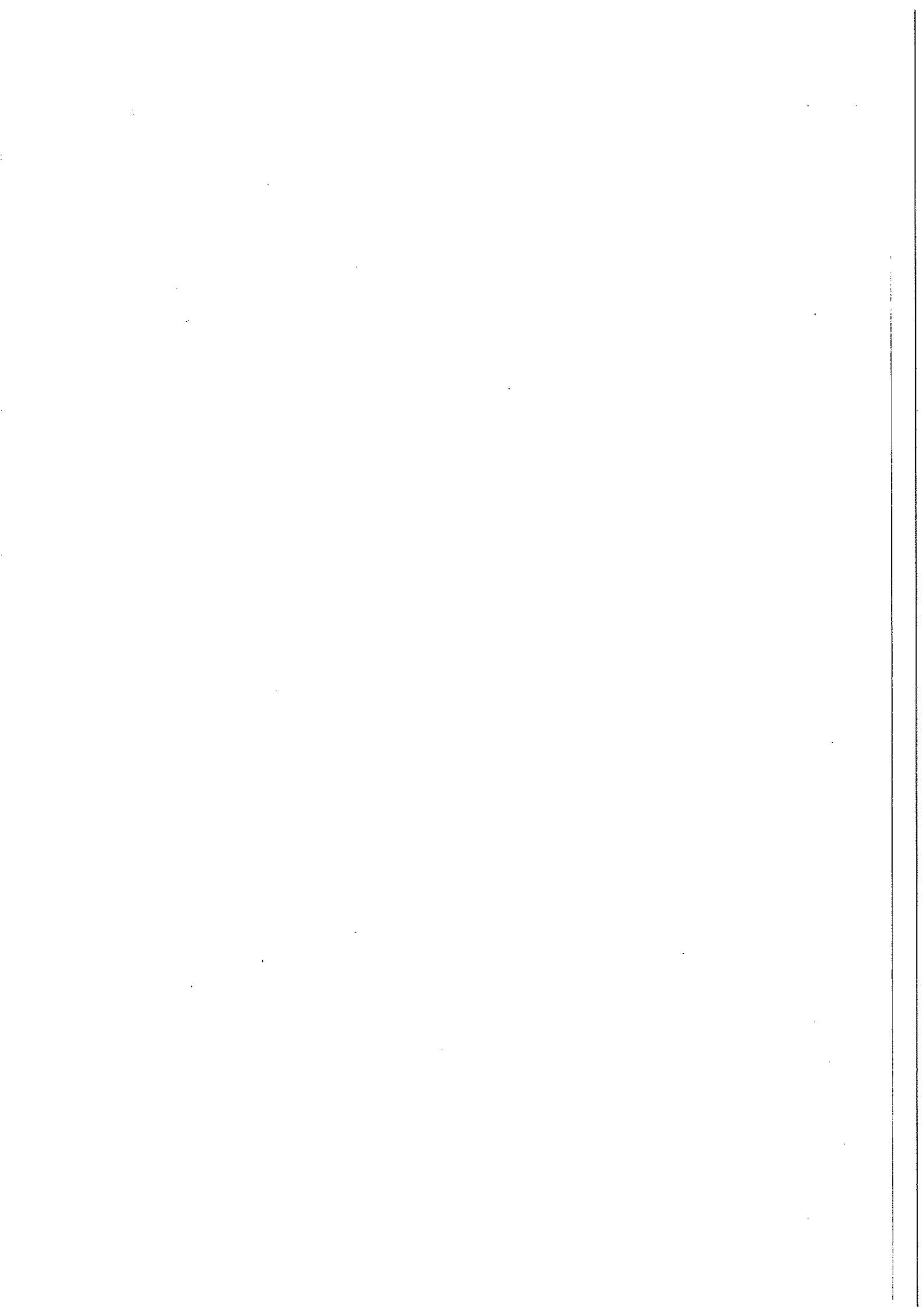
To: Don McGowan

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Thanks Daniel

Subject
iMessage





EE 3G

13:05

82%

New iMessage

Cancel

To: Don McGowan

not because she cares about the area, but simply because she is trying to find another angle to attack the Council. It is not because she cares about Ponders End. Daniel

Thanks Daniel

Thu 1 Sep, 21:49

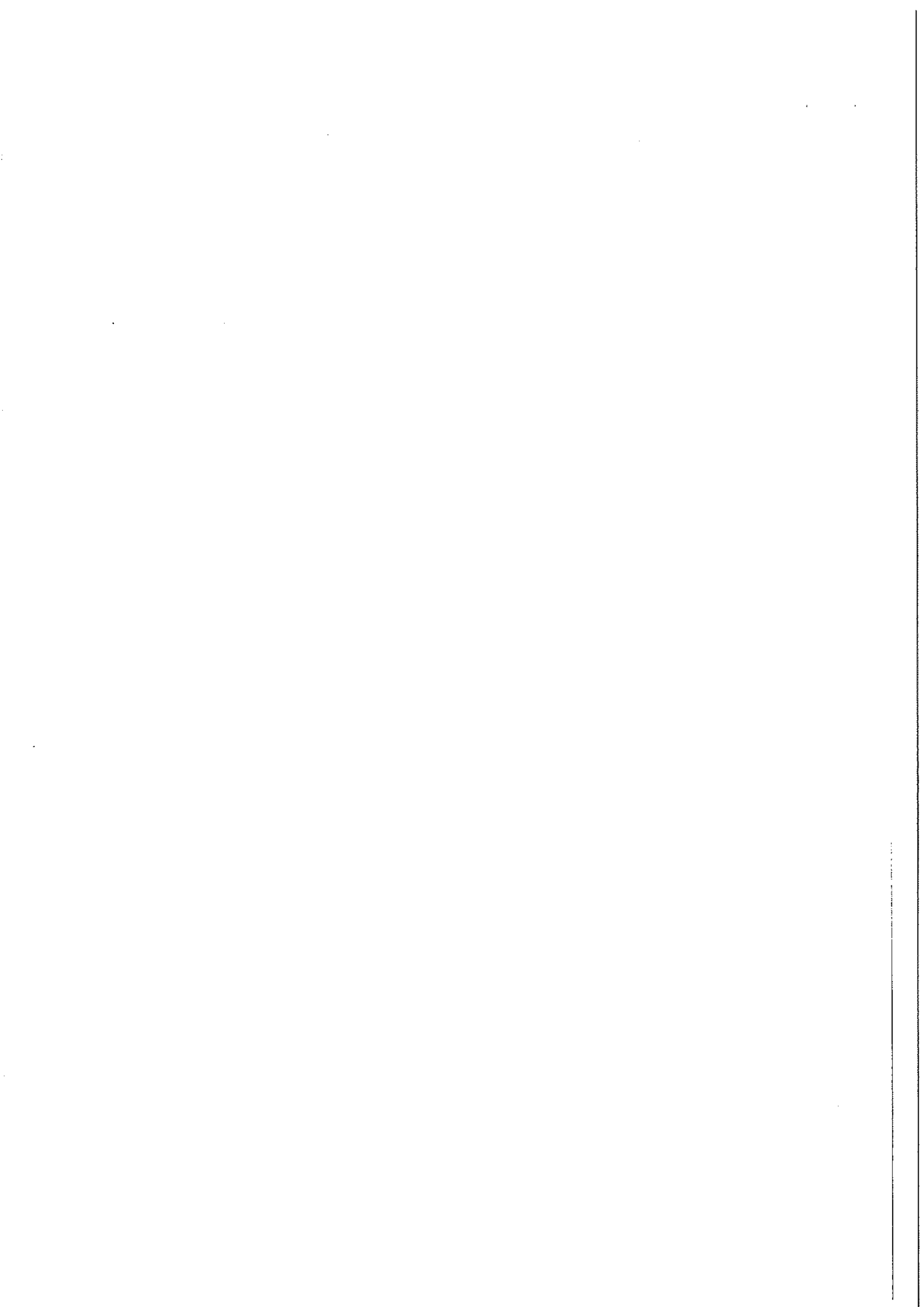
After all that, she didn't even turn up!

Better to be prepared than otherwise

Subject

iMessage





STATEMENT OF JONATHAN GOODSON

Jonathan Goodson, will say as follows:

1. I am a Principal Engineer within the Traffic & Transportation Service, which falls within the Regeneration and Environment Department of Enfield Council. I head a small sub-team (the Traffic & Parking Team) whose core work is designing and consulting on minor traffic and parking schemes and responding to the varied and numerous parking enquiries that arise from the public. I have been employed by the Council since July 2010. The Traffic & Parking Team's projects previously included cycle routes but this work now comes under the umbrella of Cycle Enfield. The more extensive resources now assigned to cycling projects reflects the larger scope and complexity of the schemes being progressed since circa 2014.
2. For the last year and a half I have, in addition, been the Project Manager for the Ponders End High Street scheme. This is a large high street improvement scheme in the Ponders End area of the borough and has been developed over a number of years. This scheme is crossed by one of the subsequent Cycle Enfield corridors (the A110 Southbury Road) and sits within another, which runs north-south along several kilometres of the A1010 Hertford Road. The high street improvements therefore feature cycling facilities in order to maintain the integrity of the wider route. Other than in its interface with Ponders End High Street, I am not directly involved in the Cycle Enfield project at the present time. Previously I contributed to the bid writing work and some of the early route planning and public engagement.
3. As part of the Ponders End Scheme the Council has undertaken various consultation exercises. In August 2016 the Council undertook a statutory consultation which made explicit the parking and loading restrictions that will apply. The Council used the Cycle Enfield website to facilitate the consultation. Earlier consultation exercises across the Ponders End area generated limited interest, but the statutory consultation provoked a much larger number of responses.
4. Worshippers at the local Ponders End Mosque were concerned about a loss of parking in the evening. The proposed cycle lanes along the high street will remove the current facility to park on single yellow lines after 6.30pm. Local traders (many of

whom attend the Mosque) share this concern and would also like an increase in the number of dedicated all-day parking spaces within the new layout, which represents a reduction on the current provision. The Mosque has acted as a focal point for the local community in the discussions that have followed.

5. The Imam for the Mosque contacted the Council and asked for members of the relevant team and local Councillors to visit and talk to the community about the proposals. A meeting was arranged for this on Thursday 1 September 2016. I was to attend together with the Project Director for Cycle Enfield, Jon Judah. Councillor Daniel Anderson did not, as far as I can recall, ask officers to attend the meeting at the Mosque. I was asked to attend by my Head of Service. I have seen an email sent by Councillor Anderson on 31 August 2016. This email was forwarded to me by Jon Judah. The email referred to the possibility that Helen Osman would be attending the Mosque the following day. I have provided a copy of this email to the investigator.
6. I have met Helen Osman on several occasions. Prior to the email from Councillor Anderson, it did not occur to me that she would be attending the meeting at the Mosque. I am aware that she has been very active in the west of the borough which is her particular area of interest. Given her involvement in previous Cycle Enfield consultations, it did not seem implausible that she would attend the meeting at the Mosque although I am not aware if Helen Osman has any links with the Ponders End community.
7. Jon Judah and I attended the meeting on 1 September. It was a fairly positive meeting that allowed the community to make their points and the Council to provide some additional information. It was clear that the community welcomed, overall, the investment and the wider improvements being proposed, but was keen that the fine detail would provide adequately for parking. A further meeting was held on 8 September that had been arranged by local Councillors. I attended this meeting together with Councillor Donald McGowan and Councillor Doug Taylor. That too was a positive meeting.
8. I have not studied the leaflets and information produced by the various opponents of the Cycle Enfield schemes, but I have heard from colleagues within the Council whose opinions I trust that some of these have been unhelpful and misleading.

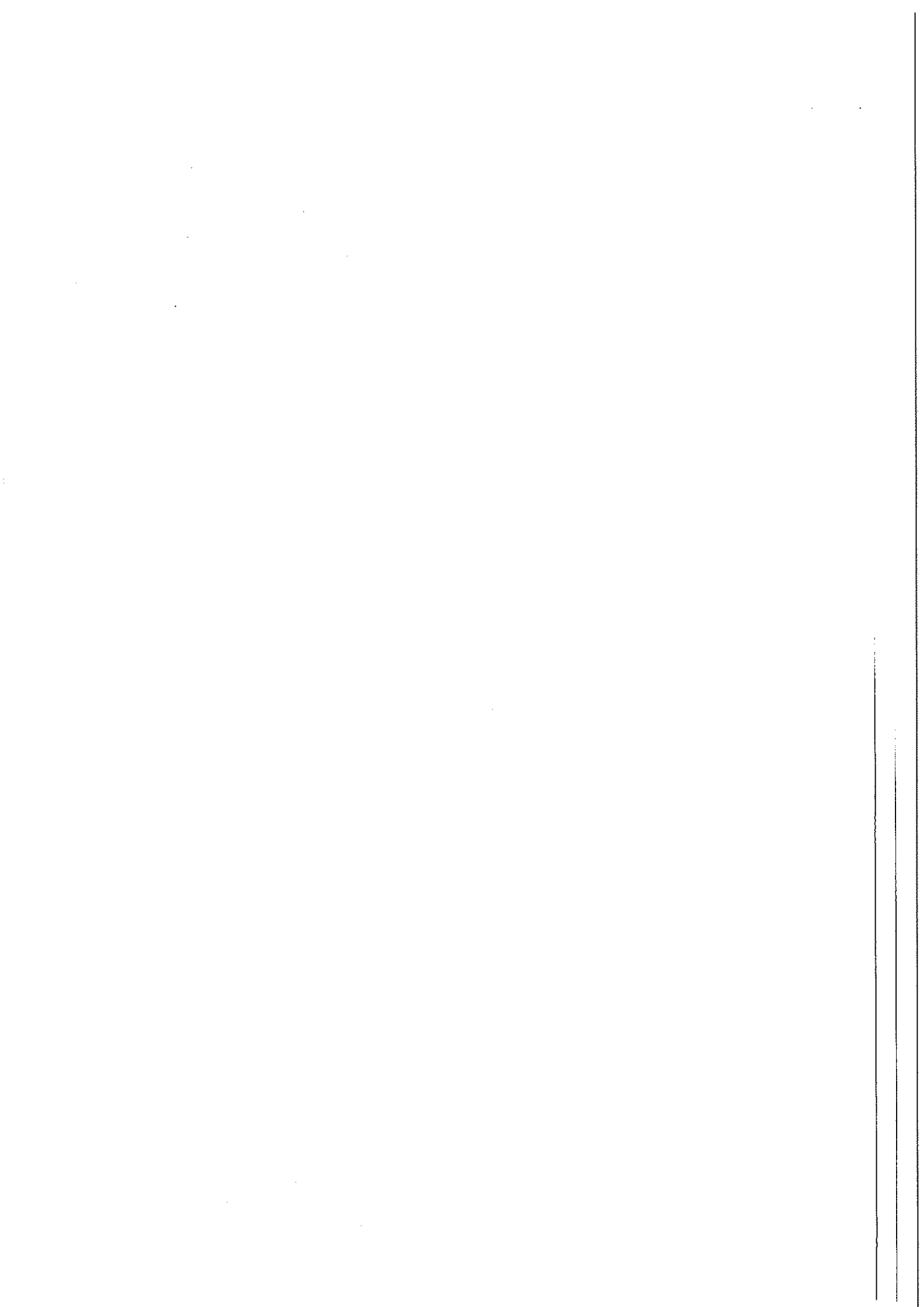
9. I am aware that Councillor Anderson has, since taking over the role of Cabinet Member for Environment, had to deal with a large amount of anti-cycling and anti-Council sentiment associated with the Cycle Enfield proposals.

JB Goodson

Jonathan Goodson

8 December 2016

Date



APPENDIX ⑦

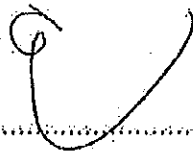
STATEMENT OF JON JUDAH

JON JUDAH, will say as follows:-

1. I am the Project Director for Cycle Enfield, and have been employed as such by the Council for approximately 5 months. Prior to this I had a long career in the public and private sector, working at senior levels in councils and other organisations and on national and international projects. In my time at the Council, it has become clear that the groups who oppose Cycle Enfield take a view diametrically opposite to that of the Council. As part of my role, I have regular meetings with Cabinet members and associate Cabinet members which I use to brief members on the progress of Cycle Enfield.
2. Some of the information put out by some groups opposed to Cycle Enfield has, in my view, confused the public's understanding of the scheme and has led to local communities being misled. I do not say that any misleading information has been deliberately put out by these opposing groups. However, this is a major scheme which brings £41m of funding into the Borough. The Council has employed professional officers and consultants to assist with developing the Cycle Enfield proposal who take a professional and unbiased view. The Cycle Enfield scheme in itself is very complex and my view is that it would be difficult for a campaign group even with the benefit of Freedom of Information requests to fully understand the background detail to the proposals. The matter has been taken to court three times by those opposing the scheme. Every time the judges have endorsed the Council's view. There are processes in place set out in law for the Council to follow and the Council has done so.
3. The Cycle Enfield scheme interacts with other projects of the Council including the Ponders End scheme which is a major scheme linking two "mini-Holland" schemes. Due to concerns about the cycling elements of the Ponders End scheme, I understand that the Imam of the local Mosque asked for the Council to attend a meeting at the Mosque to address local community concerns. Jonathan Goodson who is the Project Manager for the Ponders End scheme was to attend and I was asked to attend with him. Local members were also asked to attend. If communities

have concerns about proposals the Council has to try to address them. It has to be sensitive to different cultures and try to reach those people who are hard to reach.

4. My recollection is that subsequent to the meeting being arranged at the Ponders End Mosque, I became aware that Helen Osman was to attend. In any event when we did attend the meeting, Helen Osman was not there. Jonathan Goodson and I addressed the men's side of the Mosque. I asked a member of the mosque staff if there was anybody in the women's side that they needed us to address. I was told that there was nobody there.
5. The Council put in place partnership boards for each area that the proposed route for Cycle Enfield would run through so that the issues could be discussed and I am aware that Helen Osman was a member of one of these partnership boards.
6. My view is that Helen Osman has in the past interpreted information from the Council incorrectly in relation to that portion of Cycle Enfield running along the A105. I am not saying that she has deliberately attempted to mislead. Helen Osman has a blog that she posts on. I have read this on occasion and consider that some aspects do not represent the Cycle Enfield strategy as the Council intends it to be, and the information provided has confused the matter.



.....
Jon Judah

9th January 2017

.....
Date

Chapter 5.1 - Code of Conduct for Members

[Updated Council 04/07/12 & 17/07/13]

The Code of Conduct for Members of London Borough of Enfield

Purpose of the Code

1. The purpose of this Code of Conduct is to assist you in the discharge of your obligations to the Authority, the local communities and the public at large by:
 - a) setting out the standards of conduct that are expected of you when you are acting in that capacity, and in so doing
 - b) providing the openness and accountability necessary to reinforce public confidence in the way in which you perform those activities.
2. The Code applies equally to co-opted members of Council Committees who are entitled to vote on any issues coming before those committees.

Scope of the Code

3. The Code applies to you in all aspects of your activities as a member, including when acting on Authority business, ward business or when otherwise purporting to act as a member. It does not seek to regulate what you do in your private and personal lives.
4. The obligations set out in this Code are also complementary to related Codes and Protocols of the Authority within the Council's Constitution and elsewhere.
5. References to committees or meetings of the Authority within this Code also refer to Council, Cabinet, sub-committees, panels and working groups, as well as joint-committees.

Public Duties of Members

6. You have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act, and to act on all occasions in accordance with the public trust placed in you.
7. You have an overriding duty to act in the interests of the London Borough of Enfield's area as a whole, but also have a particular duty to represent the views of the residents of your ward.

General Principles of Conduct

8. 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.

8.1 Selflessness

You should take decisions solely in terms of the public interest. You should not seek to gain financial or other material benefits for yourself, your family, or friends.

8.2 Integrity

You should not place yourself under any financial or other obligation to outside individuals or organisations that might influence you in the performance of your official duties.

8.3 Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit.

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.

8.6 Honesty

You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

8.7 Leadership

You should promote and support these principles by leadership and example.

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.

8.9 *Duty to Uphold the Law*

You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

8.10 *Stewardship*

You should do whatever you are able to do to ensure that the Authority uses its resources prudently and in accordance with the law.

Expectations of Conduct

9. You shall base your conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
10. You shall at all times ensure that your use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that you observe any limits placed by the Authority on the use of such expenses, allowances, facilities and services.
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 -
 - (a) Do anything which may cause your authority to breach any of its equality duties (in particular as set out in the Equality Act 2010)
 - (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.
- (3) You should not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
- (4) You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
- (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority
- (5) You must not prevent another person from gaining access to information to which that person is entitled by law.
- (6) You should not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
13. You shall observe the following rules when using the resources of the Authority, or authorising the use of those resources by others:
- (1) Act in accordance with the Authority's reasonable requirements including the requirements of its ICT policy and the policies listed in the Constitution which you are deemed to have read and understood.
 - (2) Ensure that such resources are not used improperly for political purposes (including party political purposes);

- (3) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
14. You shall observe the following rules when making decisions on behalf of or as part of the authority:
 - (1) Have regard to any relevant advice provided to you by the Council's Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to their statutory duties.
 - (2) Give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.
 - (3) Have regard to the rules and advice on the registration and disclosure of interests as set out in paragraphs I & J of this Code.

Registration and Declaration of Interests

15. You shall fulfil conscientiously the requirements of the Authority in respect of the registration of interests in the Register(s) of Members' Interests and, where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Authority or its Committees, or in any communications with the Authority, its Members or officers.
16. Such disclosures must be made even if the interest has already been included on the register of interests or where there is a notification pending to the Monitoring Officer.
17. In accordance with this Code, you must keep the register up-to-date and refresh such interests as requested by the Monitoring Officer.
18. These interests extend to those of your spouse, partner, civil partner, family members or persons with whom you have a close association or personal relationship and you are aware that they have the interest.

Duties in respect of the Authority's Councillor Conduct Committee and the Monitoring Officer

19. The application and guidance on this Code shall be a matter for the Authority and for the Councillor Conduct Committee and, as appropriate, the Monitoring Officer, acting in accordance with their terms of reference.
20. You shall co-operate, at all stages, with any investigation into your conduct by the Authority or those persons acting on its behalf. Failure to do so is likely to be a breach of this Code.
21. All complaints will be dealt with according to the Council's Procedure for Handling Complaints against Councillors and Co-opted Members as set out in Appendix A to the Code of Conduct.

Registration of Interests

22. You must comply with the requirements of the law and the Council in registering your interests in the Register of Members' Interests. These are explained on the following pages. These interests extend to those of your spouse, partner, civil partner, family members or persons with whom you have a close association or personal relationship.
23. When considering registering or disclosing any interests, you should ask yourself:

"Would a member of the public, with knowledge of the relevant facts, reasonably regard your interest as so significant that it is likely to prejudice your judgement of the public interest? "

If the answer to this question is "yes", then you should disclose that interest.

24. Within 28 days of becoming a member of the Authority, or of knowing you have a disclosable pecuniary interest, you must notify the Monitoring Officer. You must also draw attention to any relevant interest, where it is required or appropriate to do so, in any proceeding of the Council or its Committees with which you are involved or in any communications with any colleague, officer or outside body in your role as a member. Such registration and disclosures must be made even if the interest has already been included in the register of interests or where there is a notification pending to the Monitoring Officer.
25. You should approach the Authority's Monitoring Officer if you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation. If it is agreed that you have such an interest, you will be obliged to register it but details will not be disclosed in the published version of the register. Similarly, when at a meeting, you only need to state the fact that you have a disclosable interest, and not details of the interest itself.

Disclosable Pecuniary Interests

26. The following will constitute pecuniary interests for the purposes of section 30(3) of the Localism Act 2011

Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where

(a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and
(b) either

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Other Pecuniary Interests

27. Other financial interests (if any) that would qualify as grounds for bias in an application to quash a decision of the Authority.

Other Non-Pecuniary Interests

28. Other interests that would qualify as grounds for bias in an application to quash a decision of the Authority.

Memberships

29. In addition, this Code requires you to disclose any interests in any business of the Authority where it relates to, or is likely to affect, either:

(i) any body of which you are a member, or in a position of general control or management, and to which you are appointed or nominated by your Authority;

(ii) any body which exercises functions of a public nature, is directed to charitable purposes, or has a primary purpose of influencing public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Register of Gifts and Hospitality

- 30 You shall comply with the Council's agreed policy on gifts and hospitality and disclose to the Monitoring Officer the offer or receipt of any gift or hospitality with an estimated value of £25 or more. Offers made but refused must also be disclosed.

Disclosure and Duties in Respect of Interests Held by Members

31. Declaration of interests not included in the Register

- (1) If you have an interest in a matter under discussion at a meeting of the authority and are aware of that interest, you must disclose the interest to the meeting (unless the Authority's Monitoring Officer considers that it is a sensitive interest – see paragraph 13 of this Code)
- (2) You must notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure (unless it is subject of a pending notification)
- (3) You must then act in accordance with paragraph 2 below.

32. Disclosable Pecuniary Interests

- (1) Where you
- (a) are present at a meeting of the authority and
 - (b) have, or become aware that you have, a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,

You must

- (c) not participate, or participate further, in any discussion of the matter at the meeting
 - (d) not participate in any vote, or further vote, taken on the matter at the meeting
 - (e) leave the room until the conclusion of the matter under discussion
- (2) Where you are an executive member taking a portfolio decision and are aware you have a disclosable pecuniary interest, you must notify the Monitoring Officer of that interest within 28 days and take no action in respect of the matter other than refer to another executive member to take the decision.
- (3) Where you have taken a portfolio decision that is subsequently discussed at a

meeting of the authority, you must not try to influence the outcome of that discussion or take any further part in the proceedings unless answering questions to facilitate those discussions

- (4) If you have a disclosable pecuniary interest in a matter coming before a meeting of the authority, you can make a written request to the Monitoring Officer beforehand for a dispensation, which may allow you to participate in the discussion and vote.

A dispensation may 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.

Any grant of dispensation must specify how long it will last, up to a maximum of 4 years.

Dispensations under (a) and (b) above shall be decided by the Monitoring Officer, with the right of appeal to the Councillor Conduct Committee. Those in (c) and (d) shall be considered by the Councillor Conduct Committee, after consultation with the Independent Person(s).

The following standard exemptions in relation to the granting of dispensations, in relation to members' allowances, business rates, plus housing matters and rents have been agreed by the Councillor Conduct Committee:

- (i) An allowance, payment or indemnity given to members or any ceremonial honour given to members.
- (ii) Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time and any superseding legislation.
- (iii) Housing matters and rents (provided that those functions do not relate particularly to the members tenancy or lease).

- (5) Failure to register a disclosable pecuniary interest could be a breach of the Code and a criminal offence. You must register all such interests relating to you, your spouse, civil partner or partner.
- (6) If a disclosable pecuniary interest arises in relation to your family member or person with whom you have a close association or personal relationship, and you are aware that they have the interest, you must disclose and register that interest. Failure to do so could be in breach of this Code.
- (7) If you fail to comply with the Code of Conduct (whether or not the finding is made in accordance with the Council's agreed arrangements) the Authority may have regard to that failure in deciding:
 - (a) whether to take action in relation to you, and
 - (b) what action to take.

Appendix A

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 online.
- 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.

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.
- 6.2 A councillor will also have a similar right of appeal against a Monitoring Officer decision.
- 6.3 Such appeals must be submitted on the template 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 revised).
- 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.

Councillors E Mail and Internet Usage Policy

The Council on 16 June 2004 approved the Councillors E Mail and Internet Usage policy, as attached as Appendix 1 to this Code of Conduct.

Appendix 1- INTERNET AND EMAIL USAGE POLICY FOR COUNCILLORS

Policy Overview

Enfield Council gives you access to the information resources of the Internet and email to help you carry out your duties as a Councillor. You do not have to accept email and Internet access. However, if you do, you must read and keep to this policy.

First and foremost, the Internet is a tool, given to you to help the Council improve services to customers. You must only use your Internet access for Council-related purposes. This includes:

- communicating with citizens, customers and suppliers, and
- researching relevant topics to obtain useful information to assist you in your duties.

We expect you to conduct yourself honestly and appropriately on the Internet, and respect the copyrights, software licensing rules, property rights, privacy and rights of others, just as you would in any other business dealings.

All existing Council policies apply to your conduct on the Internet, especially (but not exclusively) those that deal with privacy, misuse of Council resources, sexual or racial harassment, information and data security, confidentiality, and those included in the Member Code of Conduct, of which this policy forms a part.

ANY VIOLATION OF THIS POLICY COULD BE REFERRED TO THE MONITORING OFFICER OR THE COUNCILLOR CONDUCT COMMITTEE AND POSSIBLY FOR CRIMINAL PROSECUTION.

Guidance on Usage

The following provisions do not in any way limit your ability to carry out your official duties.

1. You are responsible for ensuring that if you have Internet access you also understand the requirements of this policy.
2. If you are posting to newsgroups, Internet mailing lists, etc. then you must include a Council disclaimer as part of each message.
3. You may participate in newsgroups or chat rooms only when relevant to your official duties. When participating you must clearly identify yourself by name and title. You must not endorse or appear to endorse on the Council's behalf any commercial product or service not sold or serviced by this Council, its agents or partners.
4. The Council retains the copyright to any original material posted to any forum, newsgroup, chat room or World Wide Web page by you in the course of your official duties.
5. Chat rooms and newsgroups are public forums where it is inappropriate to release confidential Council information, customer data, trade secrets, and any other material covered by existing Council confidentiality policies and procedures, whether or not the release is inadvertent.
6. When interacting with a Website, if you are asked whether you wish to proceed, do so only if you know that you can reasonably trust the Website. If you are uncertain, check with Corporate IT.

Council systems and equipment, including email and Internet systems and their associated hardware and software, are for official and authorised purposes only. However, personal use is authorised where it:

- does not interfere with the performance of your official duties
- is of reasonable duration and frequency
- serves a legitimate Council interest, such as enhancing your special interests or education
- does not overburden the system or create any additional expense to the Council.

You should consider carefully discretionary use for any other purpose.

Passwords and Security

Passwords to Council systems are provided in order to protect sensitive information and messages from unauthorised use or viewing. Such passwords are not intended to prevent appropriate review by Council management. Council management reserves the right to periodically monitor your use of any Council computer systems or network.

Passwords, login IDs, dial-in numbers and encryption keys must be kept unique and private. You must not share them or write them down.

You must not allow anyone else to send email using your identity. This includes your secretaries, assistants or any other individual.

Prohibited Usage

You may use the Council's Internet facilities for personal purposes as set out above, but you may not access any obscene or pornographic sites, and may not access or use information that would be considered harassing. Council facilities must not be used in an unlawful way.

A wide variety of materials may be considered offensive by colleagues, customers or suppliers. It is a violation of Council policy to store, view, print or redistribute any document or graphic file that is not directly related to your role as Councillor or to the Council's business activities. This should be understood with reference to the Council's policy framework, including the Equal Opportunities policy.

Some uses of the Council connection to the Internet can never be permitted. Internet use is inappropriate when it:

1. Compromises the privacy of users and their personal data
2. Damages the integrity of a computer system, or the data or programs stored on a computer system
3. Disrupts the intended use of system or network resources
4. Uses or copies proprietary software when not authorised to do so
5. Results in the uploading, downloading, modification, or removal of files on the network for which such action is not authorised

It is impossible to define all possible unauthorised use. However, examples of other unacceptable Internet use include:

- Unauthorised attempts to break into any computer or network
- Using Council time and resources for personal gain
- Theft or copying of electronic files without permission
- Sending or posting Council confidential information outside the Council or inside the Council to unauthorised personnel
- Refusing to cooperate with a reasonable security investigation
- Sending chain letters through email

All Council Internet users are prohibited from transmitting or downloading material that is obscene, pornographic, threatening, racially or sexually harassing, or in any way contravenes the Equal Opportunities policy.

You may not visit sites known to contain offensive material. If you access an offensive site accidentally you must forward its address to Corporate IT within one working day of access or as soon as practical. We block access to known offensive sites.

You may buy or sell on the Internet. However, there are personal risks attached to this. See the Council's web site under Trading Standards for guidance.

If you commit the Council to a contract by electronic means without due authority, the Council may seek to recover any losses or expenses from you.

Use of interactive software (such as games) across the Internet is prohibited.

Software, Files and Downloading

1. All software used to access the World Wide Web must be Council approved and must incorporate all vendor provided security patches, as installed by ITNET.
2. Any files downloaded over the World Wide Web shall be scanned for viruses, using approved virus detection software as installed by ITNET.
3. Due to the non-secure state of the technology, no downloading of or interaction with Java, JavaScript, or ActiveX programs is allowed.
4. Only Council approved software may be installed on Council equipment.
5. You must not download software from the Internet. If there is a good reason to do so, you must ask for Corporate IT approval. When this is granted, the software will be downloaded and installed by ITNET.
6. Software licensed to the Council may not be transmitted to the Internet.

Use of Computer Equipment for Internet and Email Access

Access to the Internet from a Council-owned home computer or through Council-owned connections must keep to the same policies that apply to use within Council premises. As a Councillor, you may access Council computer systems; but family members or friends must not use them.

You may only connect to the Internet via Council supplied or approved Telecommunications lines.

You must inform the ITNET Help Desk if you detect any virus, configuration change or different behaviour of a computer or applications.

Monitoring the Policy