

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE
HELD ON MONDAY, 22 MAY 2017**

COUNCILLORS

PRESENT Claire Stewart, Glynis Vince, Elaine Hayward and Bambos Charalambous

ABSENT Katherine Chibah

OFFICERS: Asmat Hussain (Assistant Director Legal) Penelope Williams (Secretary)

Also Attending: Olwen Dutton (Anthony Collins Solicitors) Alex Lawrence (Anthony Collins Solicitors)

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WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting. She extended a special welcome to the new committee members Councillors Elaine Hayward and Glynis Vince and to Olwen Dutton and Alex Lawrence from Anthony Collins Solicitors.

Apologies for absence were received from Councillor Katherine Chibah.

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SUBSTITUTIONS

Councillor Bambos Charalambous acted as substitute for Councillor Katherine Chibah who was unable to attend the meeting.

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DECLARATION OF INTERESTS

Councillors Charalambous, Vince and Elaine Hayward declared that they had a non-pecuniary interest in the issue as they knew Helen Osman, through her community activities, had sent information to her website and had read her blogs.

The Monitoring Officer reminded members that we were in an election purdah period but that this did not mean that the normal business of the Council should not continue.

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APPEAL HEARING

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The Committee received the report of the Monitoring Officer setting out the details of the complaint received from Helen Osman against Councillor Daniel Anderson and the subsequent appeal from Helen Osman. (Report No: 4).

The Committee also received copies of the Councillor Code of Conduct, the Procedure for Handling Complaints against Councillors and Co-opted Members and for Appeals against Monitoring Officer Decisions and the Procedure for dealing with Complaint Hearings.

1. The Monitoring Officer presented her report to the Committee highlighting the following:
 - That she had reviewed all the information submitted by Helen Osman in support of her appeal, as instructed by the Committee at its last meeting (2 March 2017), but had not included the information relating to Cycle Enfield as she had decided it was not relevant. Helen Osman had accepted this decision.
 - She had engaged Olwen Dutton from Anthony Collins Solicitors to carry out the investigation into the original complaint on her behalf.
 - She had also consulted Sarah Jewell as Independent Person.
2. Olwen Dutton highlighted the following from her independent report:
 - The report centred on two complaints about Facebook posts made by Councillor Anderson in October 2016. The complaints were from Sue Woollard and Helen Osman. The appeal related to the second complaint from Helen Osman.
 - That she had not had any involvement with the Cycle Enfield Scheme and had not considered the rights and wrongs of the scheme which she felt were not relevant to the complaint. She had concentrated entirely on the alleged breach of the code of conduct.
 - She had set out in detail the evidence she had received from those interviewed and appended full copies to the report as appendices.
 - A draft report had been sent to the complainants in January 2017 and their responses were also included.
 - The issues under consideration related to Councillor Anderson's Facebook entries.
 - Following her investigation, she had concluded that there was no evidence to suggest that Councillor Anderson had breached the code of conduct and she therefore did not uphold the complaint.
3. Sarah Jewell (Independent Person) reported that she had been consulted on the case by the Monitoring Officer. She had agreed that it

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was reasonable to consider whether or not there had been a breach of the code and had agreed with Olwen Dutton's conclusions.

4. The members of the Committee discussed the following issues:
 - When a councillor could be considered to be acting in a private capacity or when as a councillor. It was agreed that although Councillor Anderson had been using his private Facebook account he had been using information that he would have received as a result of being a councillor and cabinet member.
 - Concern that Councillor McGowan had not responded to Olwen Dutton's request for an interview, but reassurance that this had not made a material difference to the outcome of the investigation.
 - There had been a meeting about Cycle Enfield at the Ponders End Mosque, requested by the members of the community but Helen Osman had not attended as she had been on holiday.
 - Councillor Anderson was within his rights, in fact was obliged by his position, to promote the Cycle Enfield Scheme as it was agreed Council policy and he was the Cabinet member with responsibility for it.
 - The Monitoring Officer confirmed that she had attempted to resolve the complaint informally when it first came in, but this had not been successful.
 - Members felt that the investigation report was a thorough detailed report, that it was fair and reasonable.
 - That there was a need for councillors in general to be aware of issues that can arise and to be very careful when using Facebook and other social media.

Asmat Hussain, Olwen Dutton, Alex Lawrence and Sarah Jewell left the meeting at this point in the proceedings.

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

Christine Chamberlain (Independent Person) advised that in her opinion Helen Osman had raised nothing new in bringing her appeal although she had had the opportunity to do so. That it would never be possible to reconcile the two different perceptions. She could not fault the logic of the report and had to support the recommendations.

Following discussion, the Committee:

AGREED not to uphold the appeal against the Monitoring Officer's decision on the complaint against Councillor Daniel Anderson and to endorse the

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Monitoring Officer decision that Councillor Anderson had not been in breach of the Councillor Code of Conduct as follows:

- In relation to the first posting that it had been made outside of Councillor Anderson's role as a councillor and so the code did not apply. Even if it had, it would not have amounted to a breach of the code.
- In relation to the second posting, they agreed that on the balance of probabilities Councillor Anderson had not been making any racial or religious comment. That to interpret the words in this way attached a meaning to words that could not reasonably be supported.
- They also agreed that Councillor Anderson had had a reasonable belief, at the time he uploaded the second posting, that Helen Osman had misled people. He had provided examples of what he considered to be misleading information.

In bringing the appeal forward Helen Osman, despite having the opportunity to do so, had not provided any new information in support of her case.

The reasons for the decision were that:

1. The Committee agreed with the findings of the investigation report which they felt had presented a fair, detailed and balanced view, they could not fault the logic of the report.
2. Helen Osman had not provided any new information in support of her case.

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DATES OF FUTURE MEETINGS

The Committee agreed to note the dates of future meetings:

- 6 July 2017
- 5 October 2017
- 7 December 2017
- 6 March 2018