

MUNICIPAL YEAR 2017/2018 REPORT NO. 124

MEETING TITLE AND DATE:

Councillor Conduct
Committee 11 December
2017

REPORT OF:

Former Interim Monitoring
Officer

Agenda – Part: 1

Item: 4

**Subject: Appeal Against the Monitoring
Officer Decision with regards to a
Complaint**

Cabinet Member consulted: N/A

Head of Legal Services

Contact officer and telephone number:

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1. EXECUTIVE SUMMARY

1. This report sets out a complaint from Mrs. Kate Leach against Councillor Daniel Anderson received on 4 January 2017. The complaint alleges several breaches of the Councillors' Code of Conduct ("the Code"), following a ward surgery meeting, which Mrs. Leach attended.
2. Councillor Anderson denied he had breached the Code.
3. The former Monitoring Officer, Asmat Hussain, instructed Jill Bayley, Principal Solicitor for the London Borough of Enfield to investigate the complaint in accordance with the Code. I, in my capacity as Interim Monitoring Officer, (a post, for clarity, which I no longer hold) accepted the findings in the investigation report that the matters complained about did not amount to breaches of the Code by Councillor Daniel Anderson and therefore the complaint was not upheld. The Complaint Report is attached as Appendix A.
4. Mrs. Kate Leach, the named complainant has exercised her rights to appeal my decision, to the Councillor Conduct Committee.

2. RECOMMENDATIONS

1. The Committee, having reviewed the former Interim Monitoring Officer's decision and the Independent investigation report, considers the appeal from Kate Leach against the decision of the former Interim Monitoring Officer to not uphold the complaint against Councillor Daniel Anderson.
2. If the Committee agrees with the decision to not uphold the complaint, no further action is required, apart from endorsement of the decision.
3. If the Committee disagrees then the Committee will need to consider what sanctions, if any to apply as detailed in the procedure for Hearing Complaints set out in the Constitution.

3. BACKGROUND

- 3.1** I attach to this report Appendix A the investigation report from Jill Bayley, Principal Solicitor Enfield Council, with regards to the complaint. It is a report which includes interviews with the complainant, an officer of the Council, another resident, a school employee and Councillor Daniel Anderson and the appendices thereto.
- 3.2** The Independent Person has been consulted throughout the process.
- 3.3** As the Interim Council Monitoring Officer I agreed with the conclusions that are set out on page 10 and 11 that, on the balance of probabilities, Councillor Anderson's actions did not amount to a breach of the Code of Conduct.
- 3.4** Attached at Appendix B is the appeal from Kate Leach and her response to the Report. The committee must have regard to the appeal and its contents in making its decision.

4. ALTERNATIVE OPTIONS CONSIDERED

None

5. REASONS FOR RECOMMENDATIONS

As set out in the report

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

6.1 Financial Implications

None

6.2 Legal Implications

These are contained within the body of the report and the investigation reports.

6.3 Property Implications

None

7. KEY RISKS

None

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

8.2 Growth and Sustainability

8.3 Strong Communities

Where applicable contained within the body of the reports and the Councillors' Code of Conduct as set out in the Council's Constitution

9. EQUALITIES IMPACT IMPLICATIONS

Where applicable contained within the body of the reports and the Councillors' Code of Conduct as set out in the Council's Constitution

10. PERFORMANCE MANAGEMENT IMPLICATIONS

Where applicable contained within the body of the reports and the Councillors' Code of Conduct as set out in the Council's Constitution

11. HEALTH AND SAFETY IMPLICATIONS

Where applicable contained within the body of the reports and the Councillors' Code of Conduct as set out in the Council's Constitution

12. HR IMPLICATIONS

Where applicable contained within the body of the reports and the Councillors' Code of Conduct as set out in the Council's Constitution

13. PUBLIC HEALTH IMPLICATIONS

Where applicable contained within the body of the reports and the Councillors' Code of Conduct as set out in the Council's Constitution

14. Background papers

Appendix A

Investigation report of Jill Bayley, Principal Solicitor, London Borough of Enfield

Appendix B

Kate Leach Appeal Form and Response to the Report