

MUNICIPAL YEAR 2018/2019 REPORT NO. 128

MEETING TITLE AND DATE:

Councillor Conduct
Committee 11 December
2018

REPORT OF:

Monitoring Officer

Director of Law and
Governance

Contact officer and telephone number:

Jeremy Chambers Jeremy.chambers@enfield.gov.uk, 0208379 4799

Agenda – Part:1

Item: 6

**Subject: Appeal Against the Monitoring
Officer Decision on Investigation into
Councillor Conduct Complaint**

Wards:

Key Decision No:

Cabinet Member consulted:

1. EXECUTIVE SUMMARY

1. This report sets out a complaint from the Leader of the Opposition (“the Complainant”) against several Councillors, Councillor Elif Erbil, Councillor Susan Erbil, Councillor Guney Dogan and Councillor Huseyin Akpinar (the 4 Councillors).
2. The Complaint was received on 16th July 2018. The complaint breaches of the Councillors’ Code of Conduct (“the Code”), arising from an alleged failure to declare interests at a full Council meeting on 23rd May 2018.
3. The Monitoring Officer, Jeremy Chambers, instructed Wilkin Chapman LLP, a specialist firm of solicitors, to investigate the complaint in accordance with the Code. The Monitoring Officer accepted the findings in the investigation report that the matters complained about did amount to breaches of the Code in respect of two Councillors but did not amount to breaches of the Code in respect of the 4 Councillors. The two findings of breach are not disputed by the complainant or the councillors concerned and a mutually agreed resolution has been found.
4. The complainant has exercised her right to appeal, to the Councillor Conduct Committee, the decision that the 4 Councillors were not in breach of the Code.

2. RECOMMENDATIONS

1. The Committee, having reviewed the Monitoring Officer’s decision and the Independent investigation report, considers the appeal from the Complainant.
2. If the Committee decides that any of the 4 Councillors have breached the Code, 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 The Investigation Reports attached at Appendix A includes interviews with the Complainant and with the 4 Councillors concerned.
- 3.2 The Independent Person has been consulted throughout the process.
- 3.3 The Monitoring Officer agreed with the findings at set out in the Executive Summary of each report that, on the balance of probabilities, the 4 Councillors' actions did not amount to a breach of the Code of Conduct.
- 3.4 The Complainant does not agree with the findings and an e-mail outlining her appeal is attached at Appendix B. 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 FROM OTHER DEPARTMENTS

6.1 Financial Implications

There are no relevant financial implications

6.2 Legal Implications

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

6.3 Property Implications

There are no relevant financial implications

7. KEY RISKS

N/a

8. IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD

8.1 Good homes in well-connected neighbourhoods

8.2 Sustain strong and healthy communities

8.3 Build our local economy to create a thriving place

The ability to scrutinise the actions of Councillors, to have concerns investigated and addressed assists in enhancing transparency and good-decision making and in increasing the confidence of the Community in the Council.

9. EQUALITIES IMPACT IMPLICATIONS

No EIA done as not relevant

10. PERFORMANCE AND DATA IMPLICATIONS

N/A

11. HEALTH AND SAFETY IMPLICATIONS

N/A

12. HR IMPLICATIONS

N/A

13. PUBLIC HEALTH IMPLICATIONS

N/A

Background Papers

Appendix A – Complaint of Cllr Laban and investigation reports

Appendix B – Request for Appeal