

MUNICIPAL YEAR 2018/2019 REPORT NO. 127

MEETING TITLE AND DATE:

Councillor Conduct
Committee 11 December
2018

REPORT OF:

Jeremy Chambers
Monitoring Officer &
Director of Law and
Governance

Agenda – Part: 1

Item: 5

**Subject: Appeal Against the Monitoring
Officer Decision on Recommended
Sanction for a Complaint**

Cabinet Member consulted: N/A

Contact officer and telephone number:

Jeremy Chambers Jeremy.chambers@enfield.gov.uk, 020 8379 4799

1. EXECUTIVE SUMMARY

1. This report sets out a complaint from four members of the public against Councillor Stephanos Ioannou received in July and August 2018. The complaint alleges several breaches of the Councillors' Code of Conduct ("the Code"), arising from a post on Facebook on about 20th July 2018.
2. The Monitoring Officer, Jeremy Chambers, instructed Jayne Middleton-Albooye, Head of Legal Services, London Borough of Enfield 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 by Councillor Stephanos Ioannou and therefore the complaint was upheld. The Complaint Report is attached at Appendix A.
3. The Monitoring Officer asked the Complainants and the Councillor if they accepted the report and they all agreed to the findings in the report but two of the Complainants did not agree to the proposed sanctions.
4. Two of the Complainants have exercised their right to appeal my decision, to the Councillor Conduct Committee.

2. RECOMMENDATIONS

1. The Committee, having reviewed the Monitoring Officer's decision and the Independent investigation report, considers the appeal from Mrs S Mustafa and Farok Tinaz against the decision of the Monitoring Officer regarding the proposed sanctions against Councillor Ioannou.
2. If the Committee decide that other sanctions are more appropriate, 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 Report attached at Appendix A includes interviews with the Complainants, and with Councillor Ioannou
- 3.2 The Independent Person has been consulted throughout the process.
- 3.3 The Monitoring Officer agreed with the findings at page 6 to 8 of the report that, on the balance of probabilities, Councillor Ioannou's actions did amount to a breach of the Code of Conduct.
- 3.4 The Complainants and the Councillor accepted the findings but two of the Complainants disagreed with the proposed sanctions. Attached at Appendix B is the appeal from the two complainants and the Councillor's e-mailed response. 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 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 – 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

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 Jayne Middleton-Albooye, Head of Legal Services

Appendix B

Appeal against sanction by Mrs S Mustafa and Faruk Tinaz and Councillor Ioannou's objection