

MUNICIPAL YEAR 2019/2020 REPORT NO. **86**

MEETING TITLE AND DATE:

Councillor Conduct
Committee 4th September
2019

REPORT OF:

Jeremy Chambers
Monitoring Officer &
Director of Law and
Governance

Agenda – Part: 1

Item: 4

**Subject: Appeal Against the Monitoring
Officer Decision on breach of Code of
Conduct**

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 Councillor Yasmin Brett against Councillor Nesil Caliskan received. The complaint alleged several breaches of the Councillors' Code of Conduct ("the Code"), arising from Councillor Caliskan's decision to remove Councillor Brett from her Cabinet position for a period of 2 weeks. The alleged breaches related to the manner in which she was removed and Councillor Caliskan's behaviour at a meeting with Councillor Brett relating to the reasons why she had been removed.
2. The Monitoring Officer, Jeremy Chambers, instructed Frances Woodhead 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 Nesil Caliskan and therefore the complaint was upheld. The Complaint Report dated April 2019 is attached at Appendix A.
3. Councillor Caliskan has appealed the decision to the Councillor Conduct Committee. and her reasons are set out in correspondence at Appendix B. The response of the Monitoring Officer is attached as Appendix C.

2. RECOMMENDATIONS

1. The Committee, having reviewed the Monitoring Officer's decision, the independent investigation report and the representations in support of the appeal, decides whether or not to grant the appeal.
2. If the Committee decides not to grant the appeal and to uphold the decision 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, and attached at Appendix D.

3. BACKGROUND

- 3.1 The Investigation Report attached at Appendix A includes interviews with Councillor Brett and Councillor Caliskan and several witnesses.
- 3.2 The Independent Person has been consulted throughout the process.
- 3.3 The Monitoring Officer agreed with the findings at page 2 and 3 of the report, and specifically at paragraph 1.2 that, on the balance of probabilities, Councillor Caliskan's actions did amount to a breach of the Code of Conduct.
- 3.4 Councillor Caliskan does not accept the findings of the report or the decision of the Monitoring Officer. 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 report.

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 Frances Woodhead

Appendix B - Representations in support of the appeal by Councillor Caliskan of the decision.

Appendix C - Response of the Monitoring Officer

Appendix D - Appeal Hearing procedure