

Councillor N Caliskan

Via email

Please reply to: Jeremy Chambers
(See below)

E-mail: jeremy.chambers@enfield.gov.uk

Phone: 0208 379 4799

Textphone:

Fax:

My Ref:

Your Ref:

Date: 26 July 2019

Dear Councillor Caliskan

Code of Conduct Complaint – Councillor Brett

Thank you for your letter dated 16 June and for clarifying your views about the findings in the investigation. I thought it would be helpful if I replied to the specific points you are making so that the appeal hearing can have as much information as possible in advance of the hearing and so that we are both clear on the key issues which will need to be considered. I will reply to the points you make in the order set out in your letter.

Please can you confirm whether your solicitors are still acting for you in this matter and whether you want me to also correspond with them? I need to be clear about this so that I comply with professional rules about corresponding directly with you when you have instructed lawyers.

I note your view that this was a party disciplinary matter and as such inappropriate for consideration under the Code of Conduct. As I have said previously, I am of the view that the Council Code of Conduct applies to the complaint and therefore needs to be dealt with in accordance with the procedures in the Code. The complaint was about decisions you made in your role as a Councillor and raised serious issues about behaviour which is contrary to the Code of Conduct.

I confirm that all correspondence will be provided to the Conduct Committee and will also published in advance of the meeting in the usual way.

No rationale or example provided to explain investigations judgment for bullying

The rationale for the conclusions reached by Mrs Woodhead and my decision based on her report have been set out in the previous correspondence and can be examined in further detail at the appeal hearing. I agree with your view that the decision to remove Councillor Brett as a Cabinet member and also the process for doing so are the key issues.

My decision to remove the Cabinet Member

I note the points you make and have already commented on this in my previous letter. I have always acknowledged that you have the right to remove a Cabinet member and confirm I have advised you about that generally on previous occasions. You refer in your timeline to your email on 16th November at 4.07pm where you informed me that you intended to remove Councillor Brett from her Cabinet role. Prior to the email you sent me "WhatsApp" messages asking if I was available to advise you on the process for removing a Cabinet member. I replied to explain that you needed to let the Councillor know but there was no need (although it would be good practice) to inform Cabinet. I also replied to your email at 4.30pm to confirm that the appropriate practical steps would be taken to change the website. I also wrote to Councillor Brett to confirm this and that her special responsibility allowance would be removed. The matter was therefore inevitably in the public domain and was a factor in the decisions about whether there was a breach of the Code of Conduct.

Your points about the rationale for your decision are clearly set out and noted. These were taken account of by Mrs Woodhead and by me in making my decision. Thank you for setting out a timeline which led to your decision. Mrs Woodhead has confirmed that you and other Councillors helpfully provided the details you refer to during the investigation and that she was aware of the sequence of events when she considered the matter. Mrs Woodhead has confirmed that she found it understandable that you were keen to meet at an early stage with Councillor Brett; she did not think that Councillor Brett was being deliberately evasive about setting a time for the meeting. Mrs Woodhead took account of the fact that Councillor Brett offered to apologise in her email at 13.33pm on 16 November and concluded that continuing to send emails which did not acknowledge the apology together with the general tone of those emails could amount to bullying behaviour. Mrs Woodhead will be able to comment further on her views about this at the appeal hearing.

I do not agree with the point you make about the Councillor Code of Conduct not being “ [in] tended to govern the relationship between Cabinet members.” The Code of Conduct applies to and regulates the behaviour and actions of all Councillors.

I note your challenge to the view of Mrs Woodhead that using the power to remove a Cabinet member as a punishment is inappropriate because it has the potential to diminish the role of the Leader and the need to abide by collective responsibility. I do not agree with the point you make because the way in which you exercise that power as Leader and as a Councillor do fall within the Code of Conduct. If the power is exercised in an aggressive manner (albeit through understandable frustrations or concerns) that is conduct which can be seen as bullying.

I do not agree with your view that I was “passing political judgment” and have not made any decisions about party disciplinary matters. As Monitoring Officer, I have a legal responsibility to deal with complaints.

I am grateful that in the penultimate paragraph of your letter that you recognise the pressure the team and I have been under in dealing with the increase in investigations in the last year. I do feel however that I need to draw your attention to something that I consider is missing in your letter, which I need to have a response to. One of the final statements of your solicitor’s letter of 16th June 2019, is to ask me to” discontinue using Council resources for political purposes.” I must take issue with this and ask for a written retraction of that statement because as it stands it is a serious attack on my professional integrity. As a Solicitor, and more importantly as the statutory Monitoring Officer, the ability to remain impartial underpins my role and any suggestion that I am not impartial could have serious professional consequences for me. I would be grateful therefore if you, or your solicitor would retract this statement and any suggestion that I lack impartiality in my role.

Yours sincerely



Jeremy Chambers
Director of Law & Governance
Monitoring Officer

IMPORTANT - Enfield residents should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time - to set up your account today go to www.enfield.gov.uk/connected