

# London Borough of Enfield Councillor Conduct Appeal Form

This form is to be completed in full if you wish to appeal against a Monitoring Officer decision regarding a complaint against a councillor.

**Complaint** Complaint made by Cllr Brett against Cllr Caliskan 2019

**Name of Complainant** Cllr Yasemin Brett

**Councillor(s) Involved** Cllr Yasemin Brett and Cllr Nesil Caliskan

## **Finding of Monitoring Officer**

See Appendix 1 – Copy of the letter from the Chief Monitoring Officer sent to Cllr Caliskan

## **Complainant notified of Monitoring Officer decision**

**Date:** 21 May 2019

**Reason(s) for Appeal (Please list below and attach any supporting evidence)**  
Please add more reasons if you need to.

### **1. Flawed Council Procedure and process not followed in line with the national legislation**

Enfield Council's existing *Procedure for Handling Complaints against Councillors and Co-opted Members* is an inadequate document because it is not in line with the Localism Act 2011.

The process followed in response to the complaint is flawed because there was no opportunity for me consult the Independent Person before you decided the matter should be investigated and handed it to an Investigator.

Detail is provided in Appendix 2.

### **2. The investigation itself is fundamentally flawed.**

The majority of voices listened to as part of the interviews conducted are of Councillors who are long standing political opponents to me, therefore there is a clear bias. This alone would be grounds for a Judicial Review based on the flawed and unreasonable investigation; and apparent clear bias.

Detail is provided in Appendix 2.

### **3 Council's complaint process used for political purpose**

Since commencing my role as Leader of Enfield Council, there has been a coordinated witch-hunt and smear campaign against me, including from members of my own Party. This can be evidenced by public comments made by the complainant Cllr Brett and three of the witness interviewed, namely Cllr Daniel Anderson, Cllr Vicki Pite and Cllr Ayfer Orhan. Detail is provided in Appendix 2.

Knowing the surrounding and background context to which the Cllr Brett's complaint arises is vital in dealing with this complaint. Para 4.7 of Eversheds' 'Independent Report' ("the Report") dated 02 May 2019 indicated an acknowledgment of such a political context, yet the investigator and your letter to me on the 21 May failed to have any regard to it at all when making the findings. This is in contradiction to Para 13(2) of Chapter 5.1 - Code of Conduct for Members of London Borough of Enfield states that you shall: "*Ensure that such [Council] resources are not used improperly for political purposes (including party political purposes)*".

There is a long-documented history that of Cllr Brett and three of the witnesses interviewed as being

vocal and political opponents of our client. As such, this complaint should have been rejected according to the Council own *Procedure for Handling Complaints against Councillors and Co-opted Members*:

*3.2a - They are considered to be malicious, vexatious or frivolous*

The complaint should have also been rejected according to the Council own *Procedure for Handling Complaints against Councillors and Co-opted Members*:

*3.2c - It would be more appropriate for the complaint to be dealt with by a court or under another complaint or arbitration procedure*

*3.2g - The complaint is being/has been dealt with by another independent complaints process*

Furthermore, according to the *Procedure for Handling Complaints against Councillors and Co-opted Members*:

*4.1b - The Council will use its best endeavours to determine a complaint within 3 months of receipt.... The process may include b) Informal resolution to the satisfaction of all parties.*

There is no evidence that you in your position as Chief Monitoring, on behalf of the Council, used your best endeavours to resolve this matter informally which is a further breach in the process. Further detail is provided in Appendix 2.

#### **4 I acted within my Constitutional powers**

I was within my powers granted by the Council's Constitution. This is not disputed by the Report as it makes it clear in the following Paras:

*4.8.1.8 - It is for the Leader of the Council to determine responsibility for Cabinet portfolios;*

*4.9.1.11 – Jeremy Chambers made the point in an email to Councillor Brett on 18 November, that the Leader was entitled to determine the make-up of Cabinet and the portfolio allocation.*

Furthermore, I was acting upon guidance from you. In an exchange of messages, you stated as follows:

*“As leader you have authority to remove and appoint Cabinet members as you see fit. You must give notice to me. The changes can take effect whenever you wish them to. There is no requirement to report the changes to Council....”* and;

*“...Protocol, not law would suggest that you inform the Cabinet member of your decision”.*

Further detail is provided in Appendix 2.

#### **5 No rational or example provided to explain Investigations judgement for bullying**

The investigator does not give a rational for the judgment for bullying. The investigator is obliged to provide something more than just her subjective view. No guidance has been used in the investigator's report to inform the opinion that the manner in removing Cllr Brett was an act on bullying. Therefore, in the absence of any guidance, the investigator's judgment is simply a subjective personal opinion.

Further detail is provided in Appendix 2.

#### **6 Bias investigation – selection of witnesses**

It seems clear that the Investigator's subjective personal opinion has been influenced, shaped and formed by Cllr Brett, Cllr Orhan, Cllr Anderson and Cllr Pite – all political opponents of Cllr Caliskan. Indeed, Cllr Pite herself has submitted complaint(s) to the Labour Party and the Chief Whip about Cllr Caliskan. Further explanation is provided in Appendix 2.

The investigator did not explore in any detail whether there was any further evidence or leads that she needed to follow. Had others been interviewed the investigation may have been more balanced. See Appendix 3 for submitted statements from councillors.

As Chief Monitoring Officer you have simply accepted the Report without question and without any consideration of you own, as is apparent from your letter. Your approach has been simply to rubber stamp the Report without fully considering the methodological robustness of the investigation and the Report. Further detail is provided in Appendix 2.

**Date appeal submitted** (within 10 working days of receipt of decision)

**Yes. An extension was granted.**

**Deadline for appeal was midnight 21<sup>st</sup> June**

**Date 21 June 2019**

**What are the relevant matters that you feel should be taken into account?**

See appendix 2.

**Details of any new evidence to support your appeal**

See appendix 3 – supporting statements from Councillors.

**Comments/Advice from Independent Person (where appropriate)**

n/a