

MEETING TITLE AND DATE:

Councillor Conduct
Committee
21 October 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 refers to a complaint from Josie Nicolaou and George Christou against Councillor Terry Neville. The complaint alleged breaches of the Councillors' Code of Conduct ("the Code"), as set out in the investigation of the complaint Report Appendix A. The complaint included alleged breaches of the following, in the Code: Principles 8.1, 8.3, 8.5, 8.6, 8.8 and 8.10. and Rules of Conduct 11, 12(1) and 12(3).
2. The Monitoring Officer, Jeremy Chambers, instructed Dina Boodhun, Senior Solicitor to investigate the complaint in accordance with the Code. The Monitoring Officer accepted the findings in the investigation of the complaint Report, attached at **Appendix A**, that the matters complained about did not amount to breaches of the Code, by Councillor Terry Neville, and therefore the complaint was not upheld.
3. Josie Nicolaou and George Christou have appealed the decision, to the Councillor Conduct Committee. and their 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 into the complaint Report and the representations in support of the appeal, decides whether or not to grant the appeal.
2. If the Committee decides to grant the appeal and not 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 into the complaint Report, attached at Appendix A, includes interviews with the complainants and Councillor Neville.
- 3.2 The Independent Person has been consulted throughout the process.
- 3.3 The Monitoring Officer agreed with the findings of the investigation into the complaint Report, at Appendix A, and agreed with the conclusion, that, Councillor Neville's actions did not amount to a breach of the Code of Conduct.
- 3.4 Josie Nicolaou and George Christou do not accept the findings of the investigation of the complaint Report, at Appendix A, nor the decision of the Monitoring Officer, at Appendix C. The Committee must have regard to the representations in support of the Appeal document, at Appendix B, 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 Dina Boodhun

Appendix B - Representations in support of the appeal by the complainants.

Appendix C - Response of the Monitoring Officer

Appendix D - Appeal Hearing procedure