

London Borough of Enfield

Councillor Conduct Committee

23 September 2020

Subject: Appeal Against a decision of the Monitoring Officer
Director: Jeremy Chambers, Monitoring Officer
Key Decision: Not Applicable

Purpose of Report

1. This report sets out the appeal against the Monitoring Officer's decision on a breach of the Code of Conduct.

Proposals

2. The Committee, having reviewed the information in this report and its confidential appendices, must either: -
 - a. grant the appeal; or
 - b. uphold the decision of the Monitoring Officer.
3. If the Committee decides not to grant the appeal and to uphold the decision of the Monitoring Officer then the Committee will need to consider what sanctions, if any, to apply as detailed in the procedure for Hearing Complaints set out in **Appendix D**.

Reason for Proposals

4. The Council's Constitution requires the Councillor Conduct Committee to consider any appeal against a decision of the Monitoring Officer.

Relevance to the Council Plan

5. This report is not relevant to Council Plan.

Background

6. Two separate complaints made by officers alleged Councillor Anderson had used provocative and aggressive language, including threatening physical assault and to sack officers. The details of these complaints are set out in the confidential appendices of this report.
7. Given the nature of the allegations and the seniority of the majority of the officers involved, the appendices to this report are confidential and will only be made available to the members of the committee, the two independent persons and Councillor Anderson.

8. The confidential investigation report attached at **Appendix A** includes the details of the complaints about Councillor Daniel Anderson by Council officers including the details considered by the Head of Legal Services as part of her investigation.
9. The Monitoring Officer agreed with the findings of the report that the complaints against Councillor Anderson should be upheld. The decision of the Monitoring Officer dated 27th February 2020 is attached at **Appendix B**.
10. Councillor Anderson has not accepted the findings of the report, or the decision of the Monitoring Officer. The details of Councillor Anderson's appeal can be found as **Appendix C**. The Committee must have regard to the appeal and its contents when making its decision.

Safeguarding Implications

11. There are no safeguarding implications for this report.

Public Health Implications

12. There are no public health implications for this report.

Equalities Impact of the Proposal

13. Where applicable contained within the body of the report and the Councillors' Code of Conduct as set out in the Council's Constitution.

Environmental and Climate Change Considerations

14. There are no environmental considerations for this report.

Risks that may arise if the proposed decision and related work is not taken

15. N/a

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

16. N/a

Financial Implications

17. There are no financial considerations for this report.

Legal Implications

18. These are contained within the investigation report.

Workforce Implications

19. There are no workforce implications for this report.

Property Implications

20. There are no property considerations for this report.

Other Implications

21. None.

Options Considered

22. None.

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Monitoring Officer
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Confidential Appendices

Appendix A – Investigation Report by Head of Legal Services

Appendix B – Decision of the Monitoring Officer

Appendix C – Representations in support of the Appeal by Councillor Anderson

Appendix D – Appeal Hearing Procedure

Background Papers

None