

MEETING**COUNCIL****DATE AND TIME****TUESDAY 10TH SEPTEMBER, 2013****AT 7.00 PM****VENUE****HENDON TOWN HALL, THE BURROUGHS, NW4 4BG**

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

| Item No | Title of Report | Pages |
|---------|---|--------|
| 4.7 | Report of the Monitoring Officer - Supplemental Information | 1 - 38 |

Maria Lugangira
maria.lugangira@barnet.gov.uk

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Report of Monitoring Officer - Complaint by Mr Merchant against Councillor Brian Coleman

Introduction

1. This report is written in accordance with the Council's process for complaints about the conduct of a councillor or co-opted member. The process requires a report comprising purely factual findings to be put to the Group Leaders' Panel.
2. This complaint was made originally on the 10th April 2012 (see Appendix 1) under the old Standards regime. The Standards Sub-Committee Board met on 8th May 2012 and issued a decision notice (Appendix 2) for the following:
 - a. In accordance with Section 57A (2) of the Local Government Act 2000, as amended, Standards Sub-Committee (F) assessed the complaint and decided to refer the complaint to the Monitoring Officer for investigation. The Sub-Committee deemed that the conduct alleged (being called a "tw*t" in a public meeting) constituted a potential breach of the Members' Code of Conduct as detailed below.
 - b. The Code of Conduct relevant paragraph 3(1) - You must treat others with respect
3. The report continued to stipulate the next steps for the review:
 - Investigation – The Council will appoint an investigator. The subject Member and the complainant will be kept informed about progress.
 - Report – at the conclusion of the investigation, the investigator will issue a draft report and both the subject Member and the complainant will be invited to comment on this.
 - Consideration Meeting – A meeting of a Standards Sub-Committee will be convened to consider the final report and, if appropriate, will instruct that a hearing be held.
 - Hearing – if the matter goes to a full hearing, a Standards Sub-Committee will hear this. The investigator will present his/her report and the subject Member will be invited to present evidence.
4. The Monitoring Officer at the time, Jeff Lustig, appointed himself to undertake the investigation. Mr Lustig met with the complainant on 30 October 2012 and explained that as Councillor Coleman was scheduled to appear in Court on 5 November 2012 on unrelated criminal proceedings his view was that it was not appropriate to deal with the matter at that time.
5. The criminal proceedings were completed in May 2013 and the investigation arising from this complaint has been concluded in the form of an email to both the complainant and Councillor Coleman. However in the interim, the process for dealing with complaints has changed, the new process having been introduced with effect from July 2012. It is now appropriate for the matter to be considered by the Group Leaders' Panel as it was not concluded under the old standards regime. This Panel

will meet and consider the report of the investigator, Mr Jeff Lustig, and consider whether it is justified for a formal hearing .

The complaint

6. The complaint is made by Mr Paul Merchant and is attached at Appendix 1 along with the report pack (Appendix 3) produced for the Standards Sub Committee.
7. At the meeting Jeff Lustig held with Mr Merchant on 30 October 2012, the complaint was discussed further and Mr Lustig wrote with his observations to Mr Merchant on 22 April 2013 (attached at Appendix 2)
8. The complaint as expressed in the email of 22 April is that:
 - At a Cabinet meeting on 4 April, 2012 Mr Merchant had exercised his right to put a supplementary question to Cabinet. That, on bringing his question to a close, Councillor Brian Coleman had called him a "tw*t".
 - When Councillor Richard Cornelius confirmed that the answer to his supplementary question was "no"; Councillor Coleman interjected and said "you've had your answer, now get out".
 - Councillor Coleman used offensive language towards Mr Merchant and that his manner towards him was brusque.
 - Mr Merchant referred to "video footage on a blog on the internet" to support his allegation and states that Councillor Coleman's alleged remarks breached the Members' Code of Conduct.
9. It is alleged that the following paragraphs of the Code of Conduct have been breached:

Paragraph 3(1) - You must treat others with respect;

Paragraph 3(2) (b) - You must not bully any person;

Paragraph 5 - You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

Response of Councillor Coleman

10. Councillor Coleman was interviewed informally by Jeff Lustig as part of the investigation as noted in his email to Mr Merchant of 22nd April 2013.
11. He, along with the complainant, was sent the results of the investigation as carried out and included below. Councillor Coleman replied to Mr Lustig with the following remark:
 - a. I am sure you have come to the correct conclusion. If I recall the individual was particularly rude and offensive to the Leader and Cabinet Members

Report of Investigating Officer

Mr Jeff Lustig carried out a review of the complaint and summarised this in an email response to the complainant as follows:

The matter was referred for investigation by a Standards Sub-Committee in May 2012. I have interviewed you and also spoken with Councillor Coleman on this matter. I have also reviewed film footage of the meeting. The relevant details of your account of what transpired are as set out in the following agreed notes taken from our meeting:-

PM noted that it was difficult to recall specific details of the meeting as it took place a while ago and advised JEL that there may be little that he (PM) could add to his written submitted complaint.

JEL noted that PM had attended the Cabinet Meeting in April, 2012 and was invited by the Chairman and Leader of the Council (RC) to put a question in relation to the closure of the Friern Barnet Library? PC confirmed that this was so and advised that RC had invited him to put a supplemental question.

PM explained that there were approximately seventy five public questions which had been put by local residents in relation to the library's closure and a large number of residents were in attendance. It was apparent that Members present were feeling tired as a result of this (some, including BC, appeared to be checking/texting on their mobile telephones).

*PM recalled that, because there were a large number of residents in attendance asking questions, he took a 'novel' approach to asking a question. PM noted that this was perhaps, in hindsight, unusual. PM said that it was apparent to him (PM) that BC (who was sat somewhere on PM's right) did not like the tone of the question and uttered the word "tw*t" at PM.*

JEL questioned the timing relating to the sequence of events: if RC had answered PM's supplemental question. PM advised that RC was doing so but BC interjected with his response. PM stated that his memory was somewhat hazy about the precise sequence of events but advised JEL that it was recorded on the film available on the Barnet Bugle website.

JEL asked PM therefore if he (PM) had asked a question which clearly BC did not like and PM advised that this appeared to be the case.

Returning to the sequence of events, JEL asked PM if he could confirm that BC had intervened before the Leader had had the opportunity to fully answer PM's supplemental question. PM advised that this was his recollection, but it could be confirmed by the video footage he highlighted above. PM noted that he recalled BC

*saying the word "tw*t" prior to obtaining a response from RC and subsequently remembers BC telling him (PM) to "get out" or "clear off".*

*The film footage that I have reviewed indicates that Councillor Coleman did appear to say something after you had addressed a disparaging remark to Councillor Rams, but I have not been able to conclusively determine exactly what was said and therefore I am unable to confirm from the film footage that he called you a "tw*t" as alleged. The second alleged comment attributed to Councillor Coleman is borne out by the film recording.*

*In light of the lack of substantiation of the alleged use of the word "tw*t" and my view that, whilst the other aspects of the complaint involved a stern rebuke to you, they do not constitute a breach of the Code of Conduct, I am inclined to the position that the matter should not be taken any further.*

Action for the Group Leaders Panel

The footage of the incident can be found here:

<http://vimeo.com/39866317>

As can be seen from the footage Councillor Coleman can clearly be seen to be mouthing a word as a result of the Complainant's address to the Committee.

Members were asked, in accordance with the procedure, to consider whether the matter was justified proceeding to a formal consideration. The panel's view was that the matter should be taken to the Group Leaders Panel and that no further information was required.

Allegation about Member Conduct Form

This form should be completed with reference to the Guidance Notes at the end of the document. Once completed, you should submit it to the Senior Governance Advisor who will make arrangements for a meeting of a Standards Sub-committee to assess your allegation. The Senior Governance Advisor will keep you informed as the allegation moves through each stage on the process and can answer any queries and provide advice along the way.

Senior Governance Advisor Contact details:

Seye Aina
 Senior Governance Advisor
 Internal Audit & Ethical Governance
 Building 4
 North London Business Park
 Oakleigh Road South
 London
 N11 1NP

E-mail: seye.aina@barnet.gov.uk
 Fax: 0870 889 6792
 Tel: 020 8359 7156

1. Your Details

| | |
|-------------------|------------|
| Title | MR |
| First Name | PAUL |
| Last Name | MERCHANT |
| Address | [REDACTED] |
| Daytime telephone | |
| Mobile Telephone | [REDACTED] |
| E-mail | [REDACTED] |

2. Are you?

- A member of the public
- A Barnet Councillor
- A co-opted member of one of Barnet's committees
- An Independent Member of Barnet's Standards Committee
- A Member of Parliament
- The Monitoring Officer
- A Council Officer
- A representative of a partner organisation
- Other (.....)

Please tick whichever best describes you

This information pertains to your relationship to the Member in question and is required as part of the Council's quarterly return of information to the Standards Board for England.

3. The Member(s) concerned

Please provide the name of the Councillor(s), or other Members, whom you believe have breached the Members Code of Conduct.

- PRIMARILY, BRIAN COLEMAN.
 - ALL CABINET MEMBERS WHO WERE PRESENT AT
 CABINET ON APRIL LTH 2012 (& THEREFORE
 COMPLICIT IN NOT HIGHLIGHTING A BREACH OF THE CODE)

4. Section of the Code Breached

If possible, please identify which section of the Code of Conduct you are alleging that the Member has breached. The Code of Conduct is available from <http://www.barnet.gov.uk/members-code-conduct.pdf>.

If you are not sure what section of the Code applies but still wish to make an allegation then please write 'unknown' in the box.

- 3.1 'YOU MUST TREAT OTHERS WITH RESPECT.' ("TWAT")
 3.2 (b) I FELT BULLIED, ("NOW GET OUT!")
 5 MR COLEMAN ACTED IN OFFENSIVE & AGGRESSIVE MANNER WHILE UNDERTAKING HIS DUTIES AS A CABINET MEMBER, BRINGING HIS OFFICE & AUTHORITY INTO DISREPUTE.

FAILURE OF THE CHAIR, OR OTHER CABINET MEMBERS, TO ENCOURAGE RESTRAINT ON MR COLEMAN'S PART ALSO BRINGS HIS AUTHORITY INTO DISREPUTE.

5. Details of the alleged misconduct

Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Standards Sub-committee assessing your allegation when it decides whether to take any action on your complaint. Please read the guidance notes for suggestions as to the type of information that should be included.

Please continue on separate sheets if there is not enough space on this form and enclose any additional documentation.

I EXERCISED MY RIGHT TO PUT A SUPPLEMENTARY QUESTION TO CABINET ON APRIL 4TH 2012, DURING A WELL ATTENDED CABINET MEETING HELD AT HENDON TOWN HALL.

ON BRINGING MY QUESTION TO A CLOSE, MR COLEMAN CALLED ME A "TWAT". MR CORNELIUS CONFIRMED THAT THE ANSWER TO MY QUESTION WAS NO, WHEN MR COLEMAN INTERJECTED AGAIN SAYING, "YOU'VE HAD YOUR ANSWER. NOW GET OUT!"

THAT THIS HAPPENED IS INCONTROVERTIBLE & IS EVIDENCED BY VIDEO FOOTAGE THAT IS AVAILABLE ON THE INTERNET.

AS NO CABINET MEMBERS (OR COUNCIL OFFICERS) SOUGHT TO BRING COLEMAN TO ORDER, I BELIEVE THAT THEY'RE COMPLICIT IN A BREACH OF THE CODE.

Please continue on separate sheets if there is not enough space on this form and enclose any additional documentation.

MANY PEOPLE SPOKE TO ME IMMEDIATELY AFTERWARDS TO EXPRESS SHOCK & OUTRAGE ABOUT MR COLEMAN'S USE OF OFFENSIVE LANGUAGE (DURING A MEETING AT WHICH CHILDREN WERE IN ATTENDANCE), & HIS BRUSQUE MANNER TOWARDS ME.

THE EVIDENCE OF HIS SWEARING & ABUSE HAS BEEN PUT ON THE INTERNET & CAN BE VIEWED VIA A 'BLOG' (BROKEN BARNET, 6TH APRIL, FINAL ENTRY, TITLED *UPDATE SATURDAY EVENING:)

I AM ABLE TO PROVIDE WITNESSES IF NECESSARY.

6. Request for confidentiality

In most cases, Members who are complained about will be told who has made a complaint about them and will be given a summary of the complaint. However, there is provision for the Standards Sub-committee to, in exceptional circumstances, consider requests for anonymity alongside the substance of the complaint. Please see the guidance notes for the criteria against which requests for anonymity will be considered.

If you wish to request that your identity be kept confidential then please provide the details as to why you think it should be so below. If not, please indicate 'not applicable' in the box.

Signed: **Print Name:** PAUL MORGENTHAU**Date:** 10/4/12

DECISION NOTICE: REFERRAL FOR INVESTIGATION

Reference: 002(a)/12

Complaint

On Tuesday, 8 May 2012, Standards Sub-Committee (E) of the London Borough of Barnet considered a complaint from Mr Paul Merchant concerning the alleged conduct of Councillor Brian Coleman, a member of the London Borough of Barnet.

We have set out a general summary of the complaint below:

- 1) The complainant alleges that at a Cabinet meeting on 4 April 2012, he had exercised his right to put a supplementary question to Cabinet. That on bringing his question to a close, Councillor Brian Coleman had called him a “twat”. The complainant also alleges that when Councillor Richard Cornelius confirmed to the complainant that the answer to the complainant’s question was “no”, Councillor Coleman interjected and said “you’ve had your answer, now get out”.
- 2) The complainant alleges that Councillor Coleman used offensive language towards the complainant and that his manner towards the complainant was brusque.
- 3) The complainant refers to a “video footage on a blog on the internet” to support his allegation and states that Councillor Coleman’s alleged remarks breached the following parts of the Members’ Code of Conduct:
 - Paragraph 3(1) - You must treat others with respect;
 - Paragraph 3(2) (b) - You must not bully any person;
 - Paragraph 5 - You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

Decision

In accordance with Section 57A (2) of the Local Government Act 2000, as amended, Standards Sub-Committee (F) assessed the complaint and decided to **refer the complaint to the Monitoring Officer for investigation**. The Sub-Committee deemed that the conduct alleged (being called a “twat” in a public meeting) constituted a potential breach of the Members’ Code of Conduct as detailed below.

Potential breaches of the Code of Conduct identified

The Sub-Committee have identified below the relevant paragraph of the Members' Code of Conduct, which may apply to the alleged conduct:

Paragraph 3(1) - You must treat others with respect

This decision notice is sent to the person making the allegation and the Member against whom the allegation was made.

What happens now?

- Investigation – The Council will appoint an investigator. The subject Member and the complainant will be kept informed about progress.
- Report – at the conclusion of the investigation, the investigator will issue a draft report and both the subject Member and the complainant will be invited to comment on this.
- Consideration Meeting – A meeting of a Standards Sub-Committee will be convened to consider the final report and, if appropriate, will instruct that a hearing be held.
- Hearing – if the matter goes to a full hearing, a Standards Sub-Committee will hear this. The investigator will present his/her report and the subject Member will be invited to present evidence.

Further details will be communicated at appropriate points in the investigation and determinations process.

Terms of reference

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that Members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority Members and the requirements for dealing with this.

The regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

Signed: Ms Deborah Sanders

Dated: 10 May 2012

**Chairman of Standards Sub-Committee (E)
London Borough of Barnet**

AGENDA ITEM: 4

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| | |
|--|---|
| Meeting | Standards Sub-Committee (E) |
| Date | 8 May 2012 |
| Subject | Request for an Initial Assessment of an allegation that a Member may have breached the Code of Conduct (002/12) |
| Report of | Director of Corporate Governance (Monitoring Officer) |
| Summary | This report provides a summary of a complaint that Members may have breached the Members' Code of Conduct and recommendations reflecting the assessment procedure. |
| Officer Contributors | Chidilim Agada – Governance Officer |
| Status (public or exempt) | Exempt – Paragraph 8 The Standards Committee (England) Regulations 2008 |
| Wards affected | - |
| Enclosures | Appendix A - Allegation form Appendix B - Members' Code of Conduct (<i>see pages 12 – 18</i>) Appendix C - Assessment Protocols (<i>see pages 19 – 26</i>) Appendix D - Assessment Criteria (<i>see pages 27 – 33</i>) |
| For decision by | Standards Sub-Committee (E) |
| Function of | Council |
| Reason for urgency / exemption from call-in (if appropriate) | Not applicable |
| Contact for further information: | Chidilim Agada 020 8359 2037, chidilim.agada@barnet.gov.uk |

- 1. RECOMMENDATIONS**
 - 1.1 That the Standards Sub-Committee conduct an initial assessment of the allegation that Councillor Brian Coleman may have breached the Members' Code of Conduct.**
 - 1.2 That the Standards Sub-Committee conduct an initial assessment of the allegation that Councillors Richard Cornelius, Tom Davey, Andrew Harper, Helena Hart, David Longstaff, Sachin Rajput, Robert Rams and Joanna Tambourides and Daniel Thomas may have breached the Members' Code of Conduct.**
 - 1.3 That having conducted an initial assessment of the allegations the Standards Sub-committee either:**
 - a) refer the complaint to the Monitoring Officer for investigation; or**
 - b) refer the complaint to the Monitoring Officer for other action; or**
 - c) direct that no action should be taken in respect of this complaint.**
- 2. RELEVANT PREVIOUS DECISIONS**
 - 2.1 None.
- 3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**
 - 3.1 Not applicable.
- 4. RISK MANAGEMENT ISSUES**
 - 4.1 Not applicable.
- 5. EQUALITIES AND DIVERSITY ISSUES**
 - 5.1 All assessments of allegations that any Member has breached the Members' Code of Conduct must be dealt with according to the provisions of the Local Government Act 2000, the Local Government and Public Involvement in Health Act 2007 and associated Regulations. All Members must be treated equally; as must all complainants, who may come from any and all sectors of the community.
 - 5.2 The Code of Conduct includes a general obligation that Members "must not do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006)".
 - 5.3 The requirement of the Disability Discrimination Act 2005 to make reasonable adjustments to assist complainants or Members, including assisting a complainant who had a disability that prevented them from making a complaint in writing, would be met in any applicable cases. However, no such requirements have been identified in this case.
- 6. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS**
 - 6.1 Any investigation would be conducted within existing resources.

7. LEGAL ISSUES

- 7.1 The Local Government Act 2000, the Local Government and Public Involvement in Health Act 2007 and associated Regulations require that any allegations that a Member may have breached the Code of Conduct be assessed by local Standards Committees and provide for them to appoint Sub-committees to discharge this function.
- 7.2 Sub-Committees making an initial assessment of a complaint must comprise at least three members, must be chaired by an Independent Member and must include an elected Member.
- 7.3 The provisions of Part 5A of the Local Government Act 1972, which pertain to the Access to Information Procedures Rules of the Council, do not apply to meetings of a Standards Sub-committee to consider an allegation that a Member may have breached the Code of Conduct. This means that meetings should be conducted in private and that there is no obligation to circulate an agenda publicly or within prescribed timescales. Nonetheless, the Council will aim to give members of the Standards Sub-committee adequate notice of meetings and to circulate reports and evidence, where possible, at least five clear days before the meeting.
- 7.4 Similarly, public minutes will not be produced but instead a written summary of the decision will be produced and sent to the subject Member and the complainant. This decision notice must be published as soon as possible after the decision is made and copies must be sent to both the subject member and the complainant.
- 7.5 The provisions of the Localism Act 2011 relating to standards are not yet in force.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Article 9.04 of the Constitution provides (among other things) that:

The Standards Committee will have the following roles and functions

- (k) To appoint a minimum of three Sub-Committees, each of no less than three persons and including at least two Independent Members, drawn from the Standards Committee to carry out any of the roles and functions set out in paragraphs [l] to [p] below.
- (l) To make an initial assessment of any written complaint received alleging breach of the Local Code Of Conduct by any councillor or co-opted member and to either refer the matter to the Monitoring Officer for investigation or other action, refer the allegation to Standards for England, if appropriate, or, to decide that no action should be taken in respect of the complaint;
- (m) If a decision is made under (l) above that no action should be taken, to take reasonable steps to give notice in writing of the decision and the reasons for this to the person who made the allegation and to the councillor or co-opted member who is the subject of the allegation;

- (n) To have the discretion where the subject of the allegation is no longer a councillor or co-opted member of the London Borough of Barnet but is of another relevant authority (as defined by the Local Government and Public Involvement in Health Act 2007) to refer the allegation to the monitoring officer of that authority;
 - (o) To carry out a review of a decision that no action be taken in respect of an allegation in circumstances where the person who made the allegation has subsequently made a written request for a review of that decision within thirty days of the date of the notice of the original decision;
 - (p) Following an investigation and receipt of a report by the Monitoring Officer or Officer appointed by the Monitoring Officer to carry out such investigation and prepare such report into an alleged breach of the Code of Conduct, to make a decision as to whether or not, on a balance of probabilities, there has been a breach of the Code of Conduct and, if there has been, to consider whether it is appropriate to impose a sanction and, if so, to decide upon a suitable sanction, or, alternatively, whether it is appropriate to refer the case to the First-Tier Tribunal if the sanctions available to the Standards Committee are deemed insufficient.
- 8.2 The Standards Committee has appointed sub-committees to carry out its roles and functions related to the assessment, review and referral of allegations regarding breach of conduct and those related to determination and application of sanction in such cases.

9. BACKGROUND INFORMATION

- 9.1 On 17 April 2012, the Monitoring Officer received a complaint form from a member of the public, Mr Paul Merchant (Appendix A) making a complaint against Councillor Brian Coleman.
- 9.2 The complainant alleges that on 4 April 2012 at a Cabinet meeting, Councillor Brian Coleman used offensive language towards the complainant and that his manner towards the complainant was brusque.
- 9.3 The complainant refers to a "video footage on a blog on the internet" to support his allegation and that Councillor Coleman's alleged remarks breached the following parts of the Members' Code of Conduct:
- Paragraph 3(1)**
You must treat others with respect;
- Paragraph 3(2) (b)**
You must not bully any person;
- Paragraph 5**
You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- 9.4 The complainant also alleges that Councillors Richard Cornelius, Tom Davey, Andrew Harper, Helena Hart, David Longstaff, Sachin Rajput, Robert Rams,

Joanna Tambourides and Daniel Thomas, the Cabinet Members who were present at the Cabinet meeting on 4 April 2012, were complicit in the breach of the Code of Conduct by not making reference at the time to the fact that a breach of the Code might have taken place and thereby breached:

Paragraph 5

You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

- 9.5 The complainant requests that a Standards Sub-Committee considers whether the alleged actions by Councillor Brian Coleman are a breach of paragraphs of paragraphs 3(1), 3(2)(b) and 5 of the Members' Code of Conduct.
- 9.6 The complainant also requests that a Standards Sub-Committee considers whether the alleged actions of Councillors Richard Cornelius, Tom Davey, Andrew Harper, Helena Hart, David Longstaff, Sachin Rajput, Robert Rams, Joanna Tambourides and Daniel Thomas breach paragraph 5 of the Members' Code of Conduct.
- 9.7 Nonetheless, the Sub-Committee should remember that it is for them to determine which, if any, paragraphs of the Code of Conduct might apply. The Code of Conduct is provided at Appendix B.
- 9.8 The Sub-Committee must, at this meeting, assess the complaints in order to make a decision as to whether it should be referred for investigation, or for other action, or whether no action should be taken. This decision should be made following the agreed assessment protocols and in accordance with the agreed assessment criteria (see Appendices C & D).
- 9.9 The Sub-Committee are reminded that their task on an initial assessment is to decide whether or not the allegation should be investigated and not to seek to carry out the investigation, or a hearing, themselves. Recommendation 1.3 sets out the options available to the Sub-Committee in making an assessment of this allegation.
- 9.10 In accordance with the assessment protocols, a decision notice will be sent to the subject member and the complainant as soon as possible, and certainly within five working days of the decision being made.
- 9.11 There has been no request by the complainant for anonymity in this case.

10. LIST OF BACKGROUND PAPERS

- Standards for England Guidance on Local Assessment of Complaints
- Local Government and Public Involvement in Health Act 2007
- The Standards Committee (England) Regulations 2008

Allegation about Member Conduct Form

This form should be completed with reference to the Guidance Notes at the end of the document. Once completed, you should submit it to the Senior Governance Advisor who will make arrangements for a meeting of a Standards Sub-committee to assess your allegation. The Senior Governance Advisor will keep you informed as the allegation moves through each stage on the process and can answer any queries and provide advice along the way.

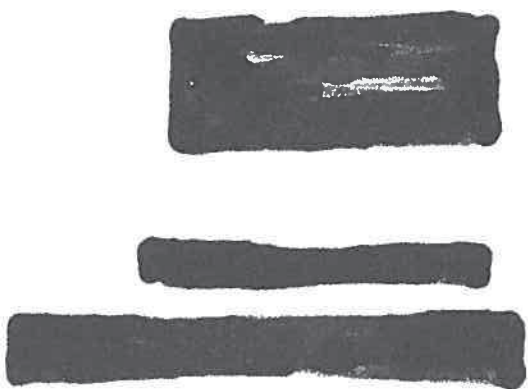
Senior Governance Advisor Contact details:

Seye Aina
Senior Governance Advisor
Internal Audit & Ethical Governance
Building 4
North London Business Park
Oakleigh Road South
London
N11 1NP

E-mail: seye.aina@barnet.gov.uk
Fax: 0870 889 6792
Tel: 020 8359 7156

1. Your Details

| | |
|-------------------|------------|
| Title | MR |
| First Name | PAUL |
| Last Name | MERCHANT |
| Address | [REDACTED] |
| Daytime telephone | |
| Mobile Telephone | [REDACTED] |
| E-mail | [REDACTED] |



2. Are you?

- A member of the public
- A Barnet Councillor
- A co-opted member of one of Barnet's committees
- An Independent Member of Barnet's Standards Committee
- A Member of Parliament
- The Monitoring Officer
- A Council Officer
- A representative of a partner organisation
- Other (.....)

Please tick whichever best describes you

This information pertains to your relationship to the Member in question and is required as part of the Council's quarterly return of information to the Standards Board for England.

3. The Member(s) concerned

Please provide the name of the Councillor(s), or other Members, whom you believe have breached the Members Code of Conduct.

- PRIMARILY, BRIAN COLEMAN.
 - ALL CABINET MEMBERS WHO WERE PRESENT AT CABINET ON APRIL 16TH 2012 (& THEREFORE COMPLICIT IN NOT HIGHLIGHTING A BREACH OF THE CODE)

4. Section of the Code Breached

If possible, please identify which section of the Code of Conduct you are alleging that the Member has breached. The Code of Conduct is available from <http://www.barnet.gov.uk/members-code-conduct.pdf>.

If you are not sure what section of the Code applies but still wish to make an allegation then please write 'unknown' in the box.

3.1 'YOU MUST TREAT OTHERS WITH RESPECT.' ("TWAT")
 3.2 (b) I FELT BULLIED, ("NOW GET OUT!")
 5 MR COLEMAN ACTED IN OFFENSIVE & AGGRESSIVE MANNER WHILE UNDERTAKING HIS DUTIES AS A CABINET MEMBER, BRINGING HIS OFFICE & AUTHORITY INTO DISREPUTE.

FAILURE OF THE CHAIR, OR OTHER CABINET MEMBERS, TO ENCOURAGE RESTRAINT ON MR COLEMAN'S PART ALSO BRINGS HIS AUTHORITY INTO DISREPUTE.

5. Details of the alleged misconduct

Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Standards Sub-committee assessing your allegation when it decides whether to take any action on your complaint. Please read the guidance notes for suggestions as to the type of information that should be included.

Please continue on separate sheets if there is not enough space on this form and enclose any additional documentation.

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ON BRINGING MY QUESTION TO A CLOSE, MR COLEMAN CALLED ME A "TWAT". MR CORNELIUS CONFIRMED THAT THE ANSWER TO MY QUESTION WAS NO, WHEN MR COLEMAN INTERJECTED AGAIN SAYING, "YOU'VE HAD YOUR ANSWER. NOW GET OUT"!

THAT THIS HAPPENED IS INCONTROVERTIBLE & IS EVIDENCED BY VIDEO FOOTAGE THAT IS AVAILABLE ON THE INTERNET.

AS NO CABINET MEMBERS (OR COUNCIL OFFICERS) SOUGHT TO BRING COLEMAN TO ORDER, I BELIEVE THAT THEY'RE COMPLICIT IN A BREACH OF THE CODE.

Please continue on separate sheets if there is not enough space on this form and enclose any additional documentation.

MANY PEOPLE SPOKE TO ME IMMEDIATELY AFTERWARDS TO EXPRESS SHOCK & OUTRAGE ABOUT MR COLEMAN'S USE OF OFFENSIVE LANGUAGE (DURING A MEETING AT WHICH CHILDREN WERE IN ATTENDANCE), & HIS BRUSQUE MANNER TOWARDS ME.

THE EVIDENCE OF HIS SWEARING & ABUSE HAS BEEN PUT ON THE INTERNET & CAN BE VIEWED VIA A 'BLOG' (BROKEN BARNET, 6TH APRIL, FINAL ENTRY, TITLED *UPDATE SATURDAY EVENING:)

I AM ABLE TO PROVIDE WITNESSES IF NECESSARY.

6. Request for confidentiality

In most cases, Members who are complained about will be told who has made a complaint about them and will be given a summary of the complaint. However, there is provision for the Standards Sub-committee to, in exceptional circumstances, consider requests for anonymity alongside the substance of the complaint. Please see the guidance notes for the criteria against which requests for anonymity will be considered.

If you wish to request that your identity be kept confidential then please provide the details as to why you think it should be so below. If not, please indicate 'not applicable' in the box.

Signed: **Print Name:** Paul Moretti**Date:** 10/4/12

Subject: Traffic light controlled crossings
From: [REDACTED]
To: cllr.b.coleman@barnet.gov.uk; cllr.r.cornelius@barnet.gov.uk; mayor@london.gov.uk;
Cc: letters@hamhigh.co.uk; letters.barnet@nlhnews.co.uk; times.letters@london.newsquest.co.uk;
Date: Tuesday, February 28, 2012 3:17 PM

Dear Councillor Coleman

I was very concerned to hear your policy of reviewing, with the intention of removing, all pelican crossings (traffic-light controlled crossings) in Barnet. I appreciate that not all crossings would be removed or replaced. However, I feel this would be extremely detrimental to older people in Barnet, particularly those with disabilities. As a local resident I am also concerned about the impact on children.

I do not believe it is in line with the Council's policy of "sharing opportunities, sharing responsibilities".

I attach a letter outlining my concerns, and the concerns of the other signatories. I would be happy to discuss this with you, if you would like to speak to me.

I look forward to hearing from you.

With best wishes

Yours sincerely

Julia Hines
Age UK Barnet

[REDACTED]

Dear Sir

On 20 Feb Councillor Brian Coleman brought a paper to the Cabinet of Barnet Council¹ with the proposal

That a systematic review of traffic signal controlled junctions and pedestrian crossings be undertaken with a view to removal or replacement with an alternative method of control where these are no longer needed

In other words, he intends to review every single pelican crossing and traffic light in the borough, with a view to removing it.

At the meeting he stated that "road traffic accidents in Barnet have dropped like a stone" since he was put in charge of road policy in 2002. This statement is not borne out by the facts². Between 2002 and 2010 road traffic accidents in Barnet fell by 18%, whereas in London as a whole they have fallen by 40% between 2000 and 2010, with most of the gains being made in later years.

In 2010 Barnet roads saw 9 deaths, the highest number of any London borough, and 1520 accidents resulting in a personal injury, the second highest of any London borough. The vast majority of accidents occurred on Barnet maintained roads. Given that road traffic accidents are statistically more likely in deprived and densely populated areas (broadly not a description of Barnet) these figures are shocking.

Councillor Coleman also stated that "zebra crossings are often safer than pelican crossings". We would dispute this. Pelican crossings are easier for children to use, as it is recognised that children have difficulty in judging speed and distance³. Pelican crossings are also easier and safer for older people and those with disabilities to use, in particular those with sensory impairment. Pelican crossings have visual cues (green man), auditory cues (beeping tone) and tactile cues (cones which turn under the control box) which help those with sight and /or hearing problems to cross safely.

We, the undersigned, call on Barnet Council to abandon this planned expenditure and, instead, invest the allocated funds to improve road safety.

Yours sincerely

Julia Hines, Chair, Age UK Barnet, Meritage Centre, Church End, NW4 4JT

Dee Oelman, Headteacher, St Mary's and St John's Primary School, NW4 3SL

Rebecca Mottershead, Headteacher, Church Hill School, Burlington Rise EN4 8NN

Philip Taylor, Headteacher, All Saints Church of England Primary School, Cricklewood Lane NW2 2TH

Stanley Davison, Chair, Barnet 55+ Forum

¹ <http://committeepapers.barnet.gov.uk/democracy/reports/reportdetail.asp?ReportID=11017>

² <http://www.tfl.gov.uk/corporate/projectsandschemes/roadsandpublicspaces/2840.aspx>

³ <http://www.childsafetyweek.org.uk/child-safety-week/parents-section/safety-advice-by-age/>

Manjit Dulay, Headteacher, Summerside Primary School, Crossway, N12 0QU

Lisa Meyer, Acting Headteacher, Sunnyfields Primary School, Hatchcroft, NW4 4JH

David Howard, Chair, Federation of Residents' Associations in Barnet

Nilottama Patel, Chair, Barnet Asian Women's Association

Suzu Stone, Headteacher, Akiva School, East End Rd, N3 2SY

Barbara Hogg, Vice Chair, Barnet Borough Sight Impaired

Jeffrey Raphael, Chair, Disability Action in the borough of Barnet

Sally Lajalati, Headteacher, Colindale Primary School, Clovelly Avenue, NW9 6DT

Chris Read, Chief Officer, A Smile for a Child

Zaheer Ali, Chair, Salaam

Dulcie Burnett, Chair, Burnt Oak District Pensioners' Association

Lynn Maggs-Wellings, Headteacher, Lyonsdown School, Richmond Rd, EN5 1SA

Laura Cohen, President, WI Finchley

Susan Swinburne, School Travel Plan Champion, Courtland Primary School, Courtland Ave NW7 3BG

Sogand Shaker, Barnet Member of Youth Parliament

Dr Dominic Lockett, Headmaster, Mill Hill School and Chief Executive of Mill Hill School Foundation.

Subject: Re: Traffic light controlled crossings
 From: Julia Hines [REDACTED]
 To: Cllr.B.Coleman@barnet.gov.uk;
 Cc: Cllr.R.Cornelius@barnet.gov.uk;
 Date: Tuesday, April 10, 2012 4:16 PM

Dear Councillor Coleman

I am disappointed that you are not attending the hustings, but that is up to you. Most candidates welcome the chance to speak about their policies. I have not commented on this publicly other than to say that you declined the invitation. It has nothing to do with this issue.

Your Standards Committee hearing was a public meeting and as a resident of Barnet I was perfectly entitled to go. I did not attend in my capacity as chair of Age UK Barnet.

I would again ask you to explain the very serious allegation that you have made that I have misrepresented the pelican crossings policy in any way shape or form.

For the record, I do believe that you can copy defamatory slurs like this to Councillor Cornelius and still consider that this is a private correspondence.

I would like an immediate retraction and apology.

Yours sincerely

Julia Hines

From: "Coleman, Cllr Brian Conservative" <Cllr.B.Coleman@barnet.gov.uk>
To: [REDACTED]
Cc: "Cornelius, Cllr Richard Conservative" <Cllr.R.Cornelius@barnet.gov.uk>
Sent: Tuesday, April 10, 2012 4:07 PM
Subject: Re: Traffic light controlled crossings

Private and Political

Oh really ??????

I understand you are annoyed that neither I nor the Conservative Party will attend your hustings meeting however I do not intend to give you the Political ammunition
 You are clearly conducting a Political campaign during an election and misrepresenting the Council's policy

And exactly why were you at my Standards Committee hearing not to mention your rudeness to my friends
 ??????

This correspondence is closed until after the election

From: Julia Hines
To: Coleman, Cllr Brian Conservative
Cc: Cornelius, Cllr Richard Conservative
Sent: Tue Apr 10 16:01:21 2012

Subject: Re: Traffic light controlled crossings
Dear Councillor Coleman

I resent the implication that I, or any of the other signatories to the letter to you, are engaged in a political campaign with any motive other than to have the policy reviewed and repealed. I consider that a slur and I would ask you to retract it.

I wrote to you as soon as practicable after the policy was announced, which was well before the election period for the GLA elections.

I am not clear in what way I have misrepresented the policy. The policy is straightforward, and I have represented it in a straightforward way. However I am concerned that it will be detrimental to older people in Barnet, which is why I wrote to you. My understanding is that the policy is to review all the traffic light controlled crossings in Barnet, with the intention of seeing if they can be removed, possibly by being replaced with a zebra crossing or mini-roundabout. If you do not intend to remove pelican crossings then it seems to me to be a waste of time and money to review them all. If you are intending to remove some of them, which would then, as I understand it, be done under delegated powers, I am concerned that this will impact on the independence and mobility of many older people, people with disabilities and children.

I am not concerned with the actions of any of opposition parties in the Council. I am not a member of any political party, nor have I ever been one. I am concerned with the lives of older people in the borough

I would be grateful for a response to my original letter and an explanation of your email to Mr Michael Nolan dated 2 April, together with clarification of how you say I have misrepresented the policy.

Yours sincerely

Julia Hines

From: "Coleman, Cllr Brian Conservative" <Cllr.B.Coleman@barnet.gov.uk>
To: [REDACTED]
Cc: "Cornelius, Cllr Richard Conservative" <Cllr.R.Cornelius@barnet.gov.uk>
Sent: Tuesday, April 10, 2012 3:46 PM
Subject: Re: Traffic light controlled crossings

Private and not for publication

I see no reason to engage in your politically motivated campaign (especially during an election campaign) Your constant misrepresentation of this policy to the voluntary sector and schools has caused much unnecessary distress ,(and an apology from Community Barnet) I cannot imagine what your motives are ?

This policy agreed by the Cabinet (and NOT called in by the Opposition) is straight forward and clear and in line with TfL and the Mayor of London's policy

From: Julia Hines
To: Coleman, Cllr Brian Conservative
Cc: Cornelius, Cllr Richard Conservative; mayor@london.gov.uk
Sent: Tue Apr 10 15:16:12 2012
Subject: Traffic light controlled crossings

Dear Councillor Coleman

I write further to my letter of 28 February, a copy of which is attached. As you will recall the letter was signed by 25 headteachers and community leaders.

I am disappointed that, six weeks later, I have still not had a reply to the letter, or even an acknowledgement.

However, I understand that you have responded to Mr Michael Nolan's letter to you on this subject to the effect that "There are no such proposals". I would be grateful if you could clarify this statement.

I look forward to hearing from you. As before, I will be happy to circulate any response to the signatories of the letter.

Yours sincerely

Julia Hines
Chair of Age UK Barnet

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