

**MEETING****COUNCIL****DATE AND TIME****TUESDAY 4TH MARCH, 2014****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
2.5	REPORT OF THE MONITORING OFFICER	1 - 4

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**Council Meeting**  
**4 March 2014**

**AGENDA ITEM 2.5**

**REPORT OF THE MONITORING OFFICER**

**Introduction**

1. At its meeting on 4<sup>th</sup> February 2014, the Group Leaders Panel considered a complaint against Councillor Coleman which resulted in the Panel making a recommendation to Council to censure Councillor Coleman for his failure to act in accordance with the authority's reasonable requirements when using the council's resources (section Paragraph 5 (b) (i) of the Members' Code of Conduct). It was found that Councillor Coleman had disposed of council property (his laptop) where he did not have the right to do so.

**Factual Background**

2. Within the complaint it was alleged that Councillor Coleman is withholding Council IT equipment.
3. Councillor Coleman is denying withholding any equipment. He admits that he was supplied with a laptop (tablet) but that he disposed of it in the summer of 2012 and that a Senior IT Engineer was aware of this.
4. Councillor Coleman accepts that he was issued with a laptop computer on re-election in 2010 and that members of the IT team have been to his home for maintenance reasons.
5. The Senior IT Engineer was interviewed and he was not aware that Councillor Coleman had disposed of his tablet in the summer of 2012 as alleged.
6. There is confusion as to whether the IT equipment issued by the council to Members via the notional fund is owned by the council or the Member.
7. Councillor Coleman believes that the equipment belongs to him and that he therefore had the right to dispose of it which he said he did in the summer of 2012.

**The Panel's findings**

8. The Panel had written information before them that the reason that Councillor Coleman gave for withholding the laptop was that he had disposed of it.
9. The Panel found that it was custom and practice that IT equipment issued to Councillors remains the property of the Council until the end of the Councillor's term in office when ownership transfers to the Councillor. This is evidenced by the following: during the four year period, should the equipment break down, it is replaced free of charge by the Council; and should a Councillor's term of office be cut short it is returned to the Council. The Panel

concluded that the laptop was therefore not the property of Councillor Coleman to dispose of.

10. The Panel also agreed that Councillor Coleman had not complied with the Council's Acceptable Use Policy. Paragraph 2.4 of the Council's Acceptable Use Policy reads as follows:

*"User responsibility for the care of IT equipment*

*Please report any loss of council IT equipment to your line manager, the police, the Standards and Information Rights Team on ext 2029, Insurance on ext 7197 and the Service Desk on 0208 3593333 during office hours or 0208 2024488 outside office hours."*

### **Formal Resolution**

RESOLVED –

1. That there was a breach of Paragraph 5 (b) (i) of the Members' Code of Conduct – "You must, when using or authorising the use by others of the resources of your authority act in accordance with your authority's reasonable requirements."
2. That in view of (1) above, the Panel recommends that Councillor Coleman be censured.
3. That Councillor Coleman is notified of his right of appeal to Council and that any such request for an appeal is submitted to the Monitoring Officer within 14 days of receiving the decision notification.

To note: An appeal was not received from Councillor Coleman.

## **Decisions of the Group Leaders Panel**

4 February 2014

Members Present:

Councillor Richard Cornelius (Chairman)

Councillor Jack Cohen  
Councillor Alison Moore

Councillor Anthony Finn  
Councillor John Marshall

Also in attendance:

Tanya Ossack (Independent Person)

### **1. APPOINTMENT OF CHAIRMAN**

That Councillor Richard Cornelius be appointed Chairman.

### **2. MINUTES OF LAST MEETING**

RESOLVED – That the Minutes of the meeting held on 28 August 2013 be approved as a correct record.

### **3. ABSENCE OF MEMBERS (IF ANY)**

All Members were present.

### **4. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)**

There were none.

### **5. INDEPENDENT PERSON PROTOCOL**

The Assurance Director (Monitoring Officer) introduced the report.

RESOLVED – That the protocol developed capturing the role of the Independent Person and the point at which their views are sought be approved.

### **6. REPORT ON USE OF DELEGATIONS**

The Assurance Director (Monitoring Officer) introduced the report.

RESOLVED – That the delegations used to reject any formal complaints made under the Member Code of Conduct during the period from 5<sup>th</sup> November 2013 to the 4<sup>th</sup> February 2014 be noted.

### **7. DECISION ON WHETHER TO EXCLUDE THE PUBLIC AND THE PRESS**

RESOLVED - That under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that

they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act (as amended).

**8. CASE 010/13**

RESOLVED –

1. That there was a breach of Paragraph 5 (b) (i) of the Members' Code of Conduct – You must, when using or authorising the use by others of the resources of your authority act in accordance with your authority's reasonable requirements.
2. That in view of (1) above, the Panel recommends that Councillor Coleman be censured.
3. That Councillor Coleman is notified of his right of appeal to Council and that any such request for an appeal is submitted to the Monitoring Officer within 14 days of receiving the decision notification.

**9. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

There were none.

The meeting finished at 9.00 pm