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| <u>MEETING</u> GROUP LEADERS PANEL |
| <u>DATE AND TIME</u> MONDAY 20TH OCTOBER, 2014 AT 5.00 PM |
| <u>VENUE</u> HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX |

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 |
|---------|------------------------------------|--------|
| 3.1 | CASE 003/14 - CONSIDERED IN PUBLIC | 1 - 52 |

Andrew Nathan 020 8359 7029; andrew.nathan@barnet.gov.uk

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| <p><u>MEETING</u></p> <p>GROUP LEADERS PANEL</p> |
| <p><u>DATE AND TIME</u></p> <p>MONDAY 20TH OCTOBER, 2014</p> <p>AT 5.00 PM</p> |
| <p><u>VENUE</u></p> <p>HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX</p> |

TO: MEMBERS OF GROUP LEADERS PANEL (Quorum 3)

Chairman: Councillor Richard Cornelius
Vice Chairman: Councillor Daniel Thomas

Councillors

Alison Moore
Barry Rawlings
Joan Scannell

Independent Persons

Tanya Ossack
Stephen Ross

Substitute Members

Claire Farrier
Geof Cooke

John Marshall
Anthony Finn

You are requested to attend the above meeting for which an agenda is attached.

Andrew Nathan – Head of Governance

Governance Services contact: Andrew Nathan 020 8359 7029;
andrew.nathan@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

| Item No | Title of Report | Pages |
|---------|--|--------|
| 1. | Appointment of Chairman | |
| 2. | Minutes of last meeting | 1 - 4 |
| 3. | Absence of Members (If any) | |
| 4. | Declaration of Members' Disclosable Pecuniary Interests and Non Pecuniary Interests (If any) | |
| 5. | Report of the Monitoring Officer (If any) | |
| 6. | Delegations Report | 5 - 8 |
| 7. | Decision on whether to exclude the public and the press Papers for this item have not been made available in accordance with Section 100B (1) and (2) of the Local Government Act 1972 as the matters yet to be discussed involved the likely disclosure of exempt information. It was for the Panel to decide whether the public and press should be excluded for consideration of the item on the grounds that they involve the likely disclosure of exempt information as defined under Schedule 12A of the Local Government Act 1972. | |
| 8. | Case 003/14 | 9 - 48 |
| 9. | Any other Item(s) that the Chairman decides are urgent | |

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Andrew Nathan 020 8359 7029; andrew.nathan@barnet.gov.uk. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

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You should proceed calmly; do not run and do not use the lifts.

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Decisions of the Group Leaders Panel

3 September 2014

Members Present:-

AGENDA ITEM 2

Councillor Richard Cornelius (Chairman)
Councillor Daniel Thomas (Vice-Chairman)

Councillor Alison Moore
Councillor Barry Rawlings

Councillor John Marshall

Also in attendance

Tanya Ossack (Independent Person)

Apologies for Absence

Councillor Joan Scannell

1. MINUTES OF LAST MEETING

The minutes of the meeting of the Group Leaders Panel held on 11 March 2014 were agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies for absence were received from Councillor Joan Scannell, for whom Councillor John Marshall was substituting.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

Councillor Marshall declared a non-pecuniary interest on agenda item as a Council-appointed Director of Barnet Homes for part of the period covered by the case but remained in the room and participated in the discussion.

Councillor Cornelius declared a non-pecuniary interest on agenda item 7 as the Cabinet Member for Housing for part of the period covered by the case but remained in the room and participated in the discussion.

Councillor Moore wished it to be placed on record that she was uncomfortable with the Chairman continuing to chair the Panel for consideration of Case 002/14 on the grounds of previously reported comments by him. Councillor Cornelius reported that he had considered what comments he had made and was satisfied that there was no predetermination, and continued to chair the Panel.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

There was no report.

5. DELEGATIONS REPORT

The Monitoring Officer introduced her report summarising the number of Member complaints received since the last Group Leaders Panel and the decisions made by her.

She clarified that at para 1.1 the three complaints received related to separate Councillors. The date in para 1.2, 2nd bullet point should have read '16th June' and not '16th July'.

RESOLVED-

That the Group Leaders Panel note the delegations used to reject any formal complaints made under the member Code of Conduct during the period from 11th March 2014 to the 3rd September 2014.

6. DECISION ON WHETHER TO EXCLUDE THE PUBLIC AND THE PRESS

Papers for this item had not been made available in accordance with Section 100B (1) and (2) of the Local Government Act 1972 as the matters yet to be discussed involved the likely disclosure of exempt information. It was for the panel to decide whether the public and press should be excluded for consideration of this item. The Councillor who was the subject of the complaint consented to the matter being held in open session.

RESOLVED-

That case 002/14 be held in public session, save for the Panel going into closed session for consideration of legal advice before reconvening, as the public interest in disclosing the information outweighs the public interest in maintaining the exemption.

7. CASE 002/14

The Panel considered the report as presented by the Investigating Officer appointed by the Monitoring Officer which set out details of the complaint.

The Panel had the opportunity to ask questions of the Investigating Officer, hear from the Independent Person and the member who was the subject of the complaint. The subject member did not wish to make any further comment other than what had been presented in the investigator's report. The complainant was not in attendance.

The Panel went into closed session to receive legal advice and to consider the evidence. Following their deliberations, they reconvened in public to provide their verdict.

RESOLVED-

(i) That there was no breach of the Member Code of Conduct in respect of the allegation of 'improper use of his position as a Councillor in dealings with Council officers; misuse of public office and acting in breach of paragraphs 1(6), 4 and 5 of the Code'.

VOTING: For 5, Against 0

(ii) That there was no breach of the Member Code of Conduct in respect of declaration of interests at each of the meetings in the schedule below:

Council, 2 March 2010
VOTING: For 3, Against 2

Council, 1 March 2011
VOTING: For 3, Against 2

Council, 6 March 2012
VOTING: For 3, Against 2

Council, 5 March 2013
VOTING: For 5, Against 0

Council, 4 March 2014
VOTING: For 5, Against 0

Business Management Overview and Scrutiny Committee, 12 July 2010
VOTING: For 2, Against 2 (motion carried on Chairman's casting vote)

Business Management Overview and Scrutiny Committee, 16 December 2010
VOTING: For 2, Against 2 (motion carried on Chairman's casting vote)

Business Management Overview and Scrutiny Committee, 9 January 2012
VOTING: For 2, Against 2 (motion carried on Chairman's casting vote)

Business Management Overview and Scrutiny Committee, 6 January 2014
VOTING: For 4, Against 0

Business Management Overview and Scrutiny Committee, 2 May 2013
VOTING: For 2, Against 2 (motion carried on Chairman's casting vote)

(iii) That the Panel request Group Leaders to remind Members of their Group to seek suitable advice regarding when they are acting as a Councillor and when they are acting in a private capacity;


(iv) That the Panel request Group Leaders to remind Members of their legal and constitutional obligations in respect of declaration of interests to uphold high standards of public accountability; and that training be arranged by Officers for Members, to include examples of what constitutes and does not constitute an interest.

8. ANY OTHER ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting finished at 7.40 pm

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|  | <p style="text-align: right;">AGENDA ITEM 6</p> <p style="text-align: center;">Group Leaders Panel 20 October 2014</p> |
| <p style="text-align: right;">Title</p> | <p>Delegations Report</p> |
| <p style="text-align: right;">Report of</p> | <p>Deputy Monitoring Officer</p> |
| <p style="text-align: right;">Wards</p> | <p>None</p> |
| <p style="text-align: right;">Status</p> | <p>Public</p> |
| <p style="text-align: right;">Enclosures</p> | <p>None</p> |
| <p style="text-align: right;">Officer Contact Details</p> | <p>Jessica Farmer, Deputy Monitoring Officer , Jessica.farmer@harrow.gov.uk, 0208 424 1889</p> |

Summary

This report summarises for Members the number of Member complaints received since the last Group Leaders Panel and the decisions made by the Deputy Monitoring officer.

Recommendations

1. That the Group Leaders Panel notes the delegations used to reject any formal complaints made under the Member Code of Conduct during the period from 3 September 2014 to 20 October 2014.

1. WHY THIS REPORT IS NEEDED

- 1.1 Since the last report to the Group Leaders Panel on the 3 September 2014, there has been one complaint considered in relation to the conduct of a Councillor.
- 1.2 The complaint was received on 14 August 2014. After consultation with the independent person the Deputy Monitoring Officer decided under paragraph a(i) of Appendix 2 of the Member's Code of Conduct that the complaint should not go through to a formal process and was formally rejected. The complainant and the subject Member have been informed of the decision.

2. REASONS FOR RECOMMENDATIONS

- 2.1 This information report is a requirement of the Constitution. There is a requirement to report such decisions to the next Group Leaders Panel.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

- 4.1 Not applicable.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Members Code of Conduct provides the standards of behaviour for those holding a public office and is a necessary requirement of any system of governance. Good governance is essential to delivery of all Council priorities.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 Time spent by the Deputy Monitoring Officer.

5.3 Legal and Constitutional References

- 5.3.1 The Members' Code of Conduct provides for complaints to be rejected without going through a formal process following consultation with the Independent Person. On 5 November 2013 Council agreed an amendment to the Code of Conduct that any such rejected complaint will be formally reported to the next appropriate meeting of the Group Leaders Panel.
- 5.3.2 The Localism Act 2011 section 27 (1) requires that a local authority must promote and maintain high standards of conduct by members and co-opted members of the authority.

5.3.3 Section 28 of the Localism Act 2011 subsection (6)(a) and (b) requires that a relevant authority has arrangements under which allegations can be investigated, and has arrangements under which decisions on allegations can be made.

5.3.4 Under section 28 (7)(a) of the Localism Act requires that the authority must put into place arrangements for the appointment by the authority of at least one independent person whose views are to be sought, and taken into account, by the authority before it makes a decision on an allegation that it has decided to investigate.

5.4 Risk Management

5.4.1 By having the Group Leaders Panel receive reports on a regular basis regarding complaints received under the Members Code of Conduct provides oversight of Member complaints.

5.5 Equalities and Diversity

5.5.1 This report is a factual report based on a requirement as stipulated in the Constitution. As a result of this report there are no differential outcomes expected for those with protected characteristics. An equalities impact assessment has not been considered necessary.

5.6 Consultation and Engagement

5.6.1 Consultation is required with an Independent Person before a decision is taken to reject a complaint.

6. BACKGROUND PAPERS

6.1 None.

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NOT FOR PUBLICATION

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Standards complaint against Cllr McGuirk

1. I have been asked by the Monitoring Officer of the London Borough of Barnet Maryellen Salter to investigate a complaint under the authority's Members' Code of Conduct by a member of the public against Councillor Katherine McGuirk. The complaint is dated 20 July 2014 and the complainant has asked to remain anonymous.
2. According to the Members' Code of Conduct the report is to comprise of purely factual findings without any conclusion being drawn as to whether or not a breach of the Code has taken place.

The complaint

3. The complaint is set out below:

"Please accept this as a formal complaint from myself, a member of the public, regarding Cllr Kathy McGuirk breaching the Members' Code of Conduct when she inappropriately voted at this year's full council meeting which set council tax and the budget. I refer you to a statement issued by the police on 21 May 2014 which states "after a thorough investigation into the allegation of a breach of Section 106 Local Government Finance Act 1992 it was decided by police in Barnet that, although a technical breach had occurred, it was not in the public interest to progress the matter further"

"The police may believe, quite rightly, that it would be a waste of their resources to pursue the matter further but given they confirmed that Cllr McGuirk did breach the Local Government Finance Act 1992, I believe the Council itself could and should take action in the public interest.

"By not declaring at the budget setting meeting that she was in arrears with council tax payments and had received a summons, and by participating (voting on council tax) while that situation continued, Cllr McGuirk broke the following sections of the Members' Code"

4. The complainant refers to 4 sections of the Code but states that as s/he is unfamiliar with the Code there may be other breaches.

The Code

5. It is for the Group Leaders' Panel to determine whether there has been a breach of the Code and if so, which clauses have been transgressed. However, for information only, I set out below those sections of the Code as referred to by the complainant and in his/her words.
 - (a). "Section 1 (6): Her actions undermined public confidence in the authority and they breach the principles of openness and honesty.
 - (b) Section 7 para (a): The police have confirmed a technical breach, Cllr McGuirk acted unlawfully.
 - (c) Section 8.2: Given Cllr McGuirk's experience, she knows the requirement regarding councillors being up to date with council tax yet did not seek advice from the Monitoring Officer
 - (d) Section 10.1: 'Other interests': Cllr McGuirk did not declare her situation with regards to council tax at the meeting."

The Law

6. Under section 106 Local Government Finance Act 1992 (the 1992 Act) where council tax has become payable and has remained unpaid for at least two months a Member shall (at the council tax setting) meeting and as soon as practicable after its commencement disclose the fact s106 applies to her and shall not vote on any questions with respect to the matter.
7. Section 2 of Schedule 2 of the 1992 Act provides that any reference to the liable person is a reference to a person who is solely liable to pay to an authority, in respect of a particular dwelling, an amount in respect of council tax for a financial year and includes, unless the context otherwise requires, a reference to a person who in the opinion of the authority will be so liable.
8. Under regulation 18(1) Council Tax (Administration and Enforcement) Regulations (The Regulations) for each financial year a billing authority shall serve a notice in writing on every liable person.
9. Under regulation 20 of The Regulations the person will be liable to pay the council tax to which the notice relates on every day after the issue of the notice.
10. Under regulation 57 failure to pay can lead to the Council issuing a summons for a liability order in the magistrates court. Any matter which could be the subject of an appeal cannot be raised in liability order proceedings.
11. The appeal process is under section 16 of the 1992 Act. This provides for an internal grievance and then an appeal to the Valuation Tribunal. Neither stays the liability to pay the council tax pending the review/appeal.
12. Failure to comply with s106 is an offence liable on summary conviction to a fine unless the Member can prove that s/he did not know that the section applied to him at the time of the meeting.

The facts

13. The matter relates to whether Cllr McGuirk was entitled to claim a 25% student disregard on her council tax as [REDACTED] was in full time education.
14. She had been receiving the disregard for a number of years and was written to on 11 April 2013 asking her to complete a form to show that she was still entitled to the disregard.
15. Cllr McGuirk replied advising that [REDACTED] was in full time education. She provided no other information and she did not provide the student certificate from [REDACTED] educational establishment verifying certain information as required. The reply was received on 1 May 2013.
16. A student discount application form was sent to Cllr McGuirk on 16 May 2013. This was followed by a reminder dated 15 July 2013 advising that unless the required certificate was provided within 14 days, the student disregard would be removed from 12 March 2010. Both documents were correctly addressed. Cllr McGuirk has informed me that she did not receive these.

NOT FOR PUBLICATION

17. Cllr McGuirk pays her council tax by direct debit. When she failed to provide the required information, the student disregard was removed and she was sent a revised bill for the (then) current year 2013/14 with a new direct debit instalment plan. She paid this and as a consequence was not in arrears for the year 2013/14. However there were still the arrears for the years 2009/10 – 2012/13 inclusive which arose due to the removal of the disregard.

18. On 16 September 2013 council tax demand notices were sent for the period 12 March 2010 to 31 March 2013. They were as follows:

- (a) [REDACTED] for 2009/10
- (b) [REDACTED] for 2010/11
- (c) [REDACTED] for 2011/12
- (d) [REDACTED] for 2012/13

19. On 7 October 2013 Cllr McGuirk wrote to the Council stating that

"All the relevant documents in reference [REDACTED] education were provided before the outsourcing of this service. If you are unable to locate this information you need to look at how your office runs. I can request clarification from (X establishment (redacted) if required but suggest you hold off any action for now. I know other parents who have received similar treatment and they have raised their concerns with their local elected representatives."

20. This letter was copied to the Chief Executive. The required information/certificate was not provided and a further request was made in writing on 18 October 2013 by the Council for Cllr McGuirk to provide the student certificate.

21. On 18 November 2013 the Council replied to the letter of 7 October 2013 and again asked for the student certificate confirming [REDACTED] status with dates and duration.

22. Cllr McGuirk replied to this on 24 November 2013 stating that she was enclosing documentation. Nothing was enclosed. The letter is date stamped as being received on 10 December 2013.

23. [REDACTED]

24. On 11 December 2013, the Council replied to the letter dated 24 November but received on 10 December stating that the required certificate had not been attached and set out the information required.

25. Cllr McGuirk forwarded to the Council an email dated 30 January 2014 sent to her from the Education Coordinator [REDACTED] where [REDACTED] had been a student. However again it did not contain the required official student certificate. The Educational Coordinator said that she would put the required information on headed paper and send it to Cllr McGuirk. It is not clear whether this was done.

26. On 6 February the Council sent an email to Cllr McGuirk informing her that in order to disregard [REDACTED] for council tax purposes for the relevant period, she had to supply a copy of the student council tax certificates from [REDACTED] educational establishment...

NOT FOR PUBLICATION

27. On 7 February 2014 the Council received a letter from [REDACTED] dated 31 January 2014... On 10 February 2014 the Council replied to Cllr McGuirk stating that [REDACTED] did not meet the criteria of being a full time student and Cllr McGuirk was advised of her right to appeal.

28. On 13 February 2014, the Monitoring Officer wrote a letter to all Members of the Council reminding them of section 106 Local Government Finance Act. If they were in two months or more arrears with payment of council tax they had to disclose as soon as practicable after the start of the meeting that this section applied to them and then not vote on any question in respect of council tax. Members were informed that this applied to the Cabinet meeting on 25 February and the full Council meeting on 4 March. (Appendix A)

29. On the same day 13 February 2014 Cllr McGuirk emailed to the Council (copied to the Chief Executive) stating that :

"This is just a quick email to say I will be appealing your decision.....I will be putting this formally in writing and will contact X educational establishments accordingly."

No appeal was ever received. Cllr McGuirk advises me that her written appeal was logged on 25 February but at the time of writing has not provided me with a copy of the appeal.

30. "The Head of Governance Andrew Nathan wrote to Cllr McGuirk on 25 February 2014 referring to the letter of 13 February; informing her that she had a balance outstanding of over [REDACTED] and that if this was not cleared by the Council meeting, she would need to declare as soon as practicable after the start of the meeting that s106 applied to her and that she would not be voting on any question with respect to the council tax. (Appendix B)

31. On 27 February 2014 following a telephone conversation between the Education Coordinator of [REDACTED] and the local authority, the Education Coordinator sent an email to the Council with an attached letter on headed notepaper providing information about the student's course and hours of attendance. There is no written response to this.

32. At the Council meeting on 4 March 2014, Cllr McGuirk did not make a declaration that s106 applied and she voted on both the budget and the alternative Labour budget.

33. On the same day, 4 March 2014 (received 11 March) there is a document from Cllr McGuirk not addressed to a particular person or organisation questioning what action was being taken in relation to the letter of 27 February from [REDACTED]. This document was sent to the Local Taxation Office PO Box in Northampton and is date stamped by them. This was confirmed by computer records. This document is attached at Appendix C and contains the letter referred to in para 31.

34. I am informed by the Council that there then followed telephone calls with the X educational establishment to verify information. The matter was reviewed and the discount awarded on 27 March 2014 and a confirmatory letter was sent to Cllr McGuirk. Her council tax account was credited with the discount at 16:44:24 on 27 March. This was as follows:

- (a) [REDACTED] 2009/10
- (b) [REDACTED] for 2010/11

(c) [REDACTED] for 2011/12
(d) [REDACTED] for 2012/13

35. This was a paper exercise. However, as Cllr McGuirk had paid her council tax in full for 2013/14 she was entitled to a credit of £[REDACTED] and this was set against her account against her 2014/15 bill.

36. The matter was referred to the police on 8 April 2014 who replied on 16 May stating the following:

"The facts of the matter have now been reviewed. The local authority were correct in referring this matter to the police for further investigation. Due to the fact that on the 4th March the local authority had not formally discharged the arrears, there was a technical breach of S.106 Local Government Act 1992. Cllr McGuirk had received an email from [REDACTED] on the 27th February stating that they had spoken to the taxation office at the local authority and the matter resolved. It was, therefore, her belief that as the matter had been resolved, she was not in breach by attending the meeting and voting. Cllr McGuirk did admit in interview that with hind sight she should have considered not attending the meeting or declaring the disputed arrears as the local authority had not formally discharged the arrears. However, due to the circumstances a decision has been made that in this instance it is not in the public interest to progress this matter any further."

Cllr McGuirk's comments

37. I asked Cllr McGuirk a series of questions about her council tax. The questions and her reply either directly or via her solicitors Steel and Shamash are attached at Appendix D together with subsequent correspondence. Cllr McGuirk's position is that she was never in arrears with her council tax.

38. I attach at Appendix E, Cllr McGuirk's comments on the draft report I sent her asking for factual inaccuracies.

39. I checked with the Monitoring Officer regarding the point made in Steel and Shamash's letter of 11 August regarding the information given to party leaders. The Monitoring Officer confirmed that it was not the case that the leaders were informed on the day of the budget setting meeting that no councillor was in arrears with their council tax. Further Cllr McGuirk confirmed that she did not have a conversation with the Labour Group Leader prior to the budget setting meeting regarding her council tax.

40. Finally, reference is made Cllr McGuirk's email to me of 3 September 2014 (Appendix D) offering to provide me with certain papers. These were received on 17 September and do not alter the factual position as detailed in this report.

Linda Cohen
17 September 2014

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NOT FOR PUBLICATION

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

APPENDIX A

Letter of 13 February 2014 from the Monitoring Officer to all councillors reminding them of
s106 Local Government Finance Act 1992

Assurance Director

Assurance Group
Building 4, North London Business Park
Oakleigh Road South
London N11 1NP

To : All Members of the Council

tel: 020 8359 3167
e-mail: maryellen.salter@barnet.gov.uk
date: 13th February 2014
our ref:

Council Tax Setting, administration and enforcement

In accordance with the usual practice, I am writing to remind Members of certain legislative requirements relating to Members when voting on issues relating to Council Tax.

Section 106 of the Local Government Finance Act 1992 prohibits Members from voting on Council Tax setting, administration and enforcement if they are two months or more in arrears with payment of Council Tax (or Community Charge for periods before 1 April 1993).

Members must as soon as practicable after the commencement of the meeting disclose the fact that this section applies to them and shall not vote on any question with respect to the Council Tax.

Members are asked to bear these provisions in mind, particularly in connection with both the meetings of Cabinet and Full Council of 25th February and 4th March respectively, where the Council Tax will be discussed.

At the Cabinet meeting, where Cabinet is making any recommendation, resolution or other decision which might affect the making of the Council Tax calculation, s106 will apply.

If you have any queries in relation to this please contact me directly.

Yours sincerely,

Maryellen Salter,
Assurance Director

Nathan, Andrew

From: Nathan, Andrew
Sent: 25 February 2014 16:33
To: McGuirk, Cllr Kathy
Cc: Salter, Maryellen; Lugangira, Maria
Subject: Council 4 March- budget and Council Tax setting

Dear Councillor McGuirk

The Monitoring Officer wrote to all members on 13 February reminding them of relevant legislation in respect of budget setting, specifically Section 106 of the Local Government Finance Act 1992 which prohibits Members from voting on Council Tax setting, administration and enforcement if they are two months or more in arrears with payment of Council Tax.

I am writing to give you notice that Revenues have run off a schedule of members current payments, and according to this you have a balance outstanding of over [REDACTED]

Should this not be cleared by the Council meeting on Tuesday, you would therefore need to declare as soon as practicable after the start of the meeting that this section applies to you and that therefore you will not be voting on any question with respect to the Council Tax.

Andrew

Andrew Nathan

Head of Governance

Assurance Group

London Borough of Barnet, North London Business Park, Oakleigh Road South, London N11 1NP

Tel: 020 8359 7029

Barnet Online: www.barnet.gov.uk

 please consider the environment - do you really need to print this email?

NOT FOR PUBLICATION

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

APPENDIX C

Note to council dated 4 March 2014 from Cllr McGuirk querying what was happening with her
appeal against the removal of the student disregard.

APPENDIX C



4th March 2014

This has been sent by email, but I
have received no proper acknowledgement

[REDACTED]

[REDACTED]

[REDACTED] SPE

Admin: 020 [REDACTED]
Fax: 020 [REDACTED]
Email: [REDACTED]

27 February 2014

Sean Turnbull
Local Taxation Office
Barnet Council
Local Taxation
PO Box 988
Northampton
NN3 0DA

Dear Sir

Re: [REDACTED]

I write further to my telephone conversation with your colleague earlier today. I understand that the letter previously provided by us does not fulfil Barnet's definition of a fulltime course.

The letter sent covered [REDACTED] programmes of study with us which began in 2008. In response to your colleagues question about the number of hours studied during the BA programme, which [REDACTED] completed in July 2013 - I can confirm that [REDACTED] would have been engaged in [REDACTED] studies for far in excess, on average, of the 21 hours per week needed to qualify under your definition of fulltime - this information has also been confirmed by [REDACTED] mother (Ms K McGuirk) in her letter to you of 25 February. I am also very happy to confirm that each and every one of [REDACTED] study programmes had an attendance requirement well in excess of 24 weeks each academic year.

If you require any further information from me please do not hesitate to get in touch.

Yours sincerely

[REDACTED]

[REDACTED]
Education Co-ordinator

[REDACTED]

[REDACTED]

Putting the Community First

BARNET
LONDON BOROUGH

Mrs Katherine McGuirk
3 Milbrook Court
1a Hampstead Way
London
NW11 7JF

Revenues Service
Council Tax Collection
PO Box 988
Northampton
NN3 0DA

contact: Sean Turnbull
tel: 020 8359 2608
email: local.taxation@barnet.gov.uk
fax: 0870 889 5487
date: 10 February 2014
our reference: CTX/45450025/A
your reference: typetalk available

Dear Mrs McGuirk

Re Claim for Student Relief - 3 Milbrook Court, 1a Hampstead Way, London, NW11 7JF

I refer to your recent claim for a student disregard regarding [REDACTED] from council tax.

From the information provided, I do not consider that [REDACTED] meets the criteria as required by current Council Tax legislation and therefore, I am unable to give you the 25% discount regarding your council tax account.

For your information, the requirement of the legislation is as follows:

Full-time students are defined in The Council Tax (Discount Disregards) Order 1992 (SI 1992/548) which came into force on 1 April 1993. The conditions, which a person will have to fulfil in order to qualify as a full time student, are as follows:

- a) The person must be enrolled with a relevant Educational Establishment for the purpose of attending a full time course of education; and
- b) The person must have begun the course and must not have reached a stage where he or she has completed it, abandoned it or is no longer permitted to attend it; and
- c) The person must possess a certificate issued by the Certification Officer for the Educational Establishment, confirming that he or she is a full time student.

A full time course is defined as one:

- a) Which lasts for at least one whole academic or calendar year, as appropriate;
- b) Which the student is normally required to attend for at least 24 weeks in each whole academic or calendar year of the course; and

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

APPENDIX D

Correspondence between the author of this report and Cllr McGuirk and her solicitors Steel
and Shamash

APPENDIX D

Linda Cohen

From: Linda Cohen
Sent: 01 August 2014 12:54
To: 'cllr.K.McGuirk@barnet.gov.uk'
Subject: FW: Standards complaint (REF: EBAC-BS012-014358)

From: Linda Cohen
Sent: 01 August 2014 12:53
To: 'katherine.McGuirk@parliament.uk'
Cc: 'cllr.K.McGuirk@barnet.gov.uk'
Subject: Standards complaint (REF: EBAC-BS012-014358)

Dear Councillor

Maryellen Salter wrote to you yesterday advising you that I have been appointed to investigate the standards complaint against you, a copy of which was sent to you on 21 July.

I shall be grateful if you would answer the following questions by 8 August at the latest:

1. Do you admit that you knew that at the time of the budget setting meeting on 4 March 2014 that you were more than 2 months in arrears with payment of your council tax?
2. Do you admit that you made no declaration in respect of the arrears at the meeting?
3. Do you admit that you voted at the meeting in relation to setting the council tax contrary to the advice given to you by the Monitoring Officer in an All Members letter dated 13 February and entitled "Council Tax Setting, administration and enforcement; and by Andrew Nathan in an email to you of 25 February.
4. If you do not admit any of the above 3 matters please explain why you do not admit them.
5. Did you at anytime before the meeting seek advice from the Monitoring Officer regarding whether you should vote at the meeting? If so when and what was said?

Finally, do you have anything else to say in relation to the allegation.

I look forward to hearing from you.

Yours sincerely

Linda Cohen

NOT FOR PUBLICATION

Senior Lawyer & Team Leader - Employment & Governance

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Document: EBAC-BS012-014358/01069001

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STEEL & SHAMASH SOLICITORS

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Our Ref: FGR/BSL/ 37597-0060
Your Ref:

11 August 2014

Dear Ms Cohen

Re: Councillor McGuirk

We act for the Association of Labour Councillors and have been approached by Councillor McGuirk of Barnet Council for assistance. We have been shown a copy of the complaint which has been made against her by Myles Longfield and have been informed that you are conducting an investigation into the complaint.

From the outset, we are obliged to express our concern that this matter was referred for formal investigation, because Myles Longfield makes no secret of his intentions and that this is a "tit-for-tat", political complaint. Mr Longfield states he is complaining because

"Labour are making a mountain out of a molehill regarding the Mayor's private business as a Landlord, but have quickly forgotten that one of their own councillors has acted shamefully when conducting public council business".

The Monitoring Officer had told our client that she was only able to reject aspect of a complaint if they are "frivolous, vexatious or not within the Code of Conduct". We consider that the political motivation which renders this complaint a "tit-for-tat" complaint also makes it one which should be defined as "vexatious": the Oxford English dictionary definition of "vexatious" is "denoting an action or the bringing of an action that is brought without sufficient grounds for winning purely to cause annoyance to the defendant". We consider that this complaint clearly falls into that category.

Contracted with the Legal Aid Agency

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Bruce Reid
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Resolution,
Children Panel,
Mental Health Panel.

Practice Manager
Melissa Butler

We are somewhat puzzled at the wording of the questions posed in your e-mail of the 1st August. You use the phrases "do you admit" and "why do you not admit" five times within the five short questions. We are concerned that the use of these phrases, perhaps unintentionally, denotes a negative predisposition in the interrogator.

However the simple answers these questions, which must be taken in conjunction with the statement set out below, are

- 1 - No, as I was not in arrears
- 2 - I made no declarations as I was not in arrears
- 3 - I did vote as I was not in arrears. The monitoring officer on that day informed all leaders that no councillor was in arrears.
- 4 - I was not in arrears
- 5 - I did not

We are mindful of the need to ensure that this matter, which has been the subject of a Police investigation is given proper consideration. To this end, please consider our client's account of how she came to be present at the meeting of Barnet Council on the 4th March 2014 and voted on matters before the meeting:

"As a single mother I have been claiming the council tax 25% single person's discount since [REDACTED]'s 18th birthday on the 12th March 2010. I continued to claim this when [REDACTED] left school and undertook a degree at [REDACTED]. When [REDACTED] graduated in June 2013 I ceased to claim the discount but have continued to pay the required payments by direct debit. After the outsourcing of the local taxation office to Capita from Barnet Council, I was sent demands for the period, in which I received 25% single person's discount. Capita did this to many other single parents in the borough in similar circumstances. In my case the demands covered the financial years 2009/2010 to 2013/2014. Many others in my position also received demands for historical payments after the outsourcing of the local taxation office and its administrative handover to Capita, who pursued residents for money they did not owe.

I challenged this, as I knew it was incorrect and continued to dispute the council's position. I copied the Chief Executive of Barnet Council, Andrew Travers into all my written correspondence, including an e-mail on the 14th February 2014, when I lodged my official appeal. None of my e-mails to the taxation office were replied to and I have never received an acknowledgment from the Chief Executive.

On the 25th February 2014 the Head of Governance e-mailed to me regarding outstanding council tax.

On the 27th February 2014 [REDACTED] university provided the final evidence (both verbally and in writing) to the local taxation office required to settle a matter and uphold my position. This meant that the correct 25% discount code could be allocated. This was five days prior to the Budget meeting (subsequently I received a letter stating that I did not nor had I at any time owed any part of this [REDACTED]).

I had correctly completed tax forms and paid the full amounts required throughout the period of [REDACTED]'s further education. I have always been confident that I was not in council tax arrears but the council had acted incorrectly, when demanding payments for alleged arrears. Prior to the council meeting on the 4th March, I was confident that the information provided on the 27th February 2014 would have settled the alleged arrears.

Once I had been shown a copy of the e-mail from [REDACTED] university, confirming that [REDACTED] was in full time education I genuinely believed (and it turns out was right to do so) that the matter was settled.

When I got the e-mail on the 25th February from the council advising me not to vote on this part of the Budget, it was just before this final piece of evidence had been submitted by [REDACTED] university. That was the point at which I understood the matter to be settled prior to the debate and the vote.

As a long term councillor I am fully aware that Governance will always inform the group leaders of all councillors' council tax arrears, prior to the Budget meeting. Since I was not approached by the group leader prior to the meeting or the Monitoring Officer, I was totally confident that everything had been resolved.

I further understand, since this matter was referred to the Police and I have been advised by my Solicitor, that this establishes a defence, which is set out in Section 106 of the 1992 Act, that I did not know that this section applied to me *at the time of the meeting*.

I had received no response to correspondence from the local taxation office throughout this period so I assumed that the submission of the last piece of evidence (the e-mail from [REDACTED] university) had closed the matter. This was in fact correct, although because of administrative delay, I was not notified for another four weeks.

So on the 1st April 2014, I received a letter from the council's taxation office to say that I was in fact entitled to the 25% discount, and *that I owed no money whatsoever* and they apologised to me for any inconvenience.

When I met the Chief Executive and the Monitoring Officer at the informal meeting on the 2nd April 2014 they had not seen this letter with its apology. At this informal meeting I had no opportunity to put my case and the officers of the council informed me that they were going to refer the matter to the Police. I did not have access to my files and could not put together the documentary evidence, referred to above, because I had come straight from working away in Liverpool.

Ironically on the 4th April 2014 I received a bill stating that I was £0.1p in credit.

Before the Budget meeting there was advice from Governance which said that there were no arrears for the current year 2013/2014. I had claimed 25% discount from April 2013 to June 2013 but the discount was subsequently withdrawn, so there was an *alleged* shortfall of payments for 2013/2014, leading to the alleged arrears for 2013/2014. However, a credit note was issued on the 31st March 2014 for that shortfall of [REDACTED] for 2013/2014. This confirms that *either* the Governance Unit were mistaken in their advice to the group leaders

when they said that there was no arrears for 2013, or that the Council (London Borough of Barnet's) financial records had already been amended to show that reinstatement of the discount, which meant that there was no alleged arrears for 2013/2014. I can only conclude that since the alleged arrears were not stated in the advice to group leaders on the 4th March, it had already been internally resolved.

It would appear that there is contradictory evidence about the e-mail to me of the 25th February and the advice to group leaders on the 4th March. However, I hope you can see that in the light of all the evidence above, that I was entitled to firmly believe that when I attended the meeting on the 4th March, section 106 of the 1992 Act did not in fact apply to me".

We have nothing further to add to our client's statement and look forward to seeing a copy of your report on this matter.

Yours faithfully



Steel & Shamash

Direct email: frances.randle@steelandshamash.co.uk

NOT FOR PUBLICATION

Linda Cohen

From: Linda Cohen
Sent: 12 August 2014 11:40
To: 'Frances Randle'
Cc: MCGUIRK, Katherine; cllrK.MGuirk@barnet.gov.uk
Subject: RE: response to questions - Cllr McGuirk Standards Complaint (Re: 37597-0060)

Dear Ms Randle

I have the following questions to raise with Cllr McGuirk in light of her statement:

1. Having received the letter from Andrew Nathan of 25 February advising her of the arrears, why did she not check with him or the Council Tax Collection service before the 4 March that she was not in arrears? Her last correspondence with Collection was a letter from Sean Turnbull dated 10 February.
2. If Cllr McGuirk was sure that there were no arrears as a result of the letter from [REDACTED] dated 27 February why did she write chasing the section on 11 March?
3. Reference the last para on page 3 of your letter, did Cllr Alison Moore inform Cllr McGuirk shortly before the budget setting meeting that there were no arrears for Labour Party members for the year 2013/14. Alternatively did Cllr McGuirk assume that this was the case as Cllr Moore did not speak to her (reference para 4 of page 3 of your letter).
4. Did the police write to Cllr McGuirk giving her the outcome of their investigation? If so, please can I have a copy.

I look forward to hearing from you.

Linda Cohen
Senior Lawyer Employment and Governance

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-----Original Message-----

From: Frances Randle [<mailto:Randle@steelandshamash.co.uk>]
Sent: 11 August 2014 16:01
To: Linda Cohen
Cc: MCGUIRK, Katherine; cllrK.MGuirk@barnet.gov.uk
Subject: response to questions - Cllr McGuirk Standards Complaint (Re: 37597-0060)

Dear Ms Cohen

Please find attached a letter for your attention, on behalf of our client Cllr McGuirk of Barnet Council.

Regards

NOT FOR PUBLICATION

FRANCES RANDLE
Solicitor

STEEL & SHAMASH

Tel: 020 7803 3999
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Email: frances.randle@steelandshamash.co.uk
Web: www.steelandshamash.co.uk

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From: scanner@steelandshamash.co.uk [mailto:scanner@steelandshamash.co.uk]

Sent: 11 August 2014 15:39

To: Frances Randle

Subject: Scanned from a Xerox Multifunction Device

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Attachment File Type: pdf, Multi-Page

Multifunction Device Location:
Device Name: XRX9C934E32DFF0

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Our Ref: FGR/BSL/ 37597-0060
Your Ref:

15 August 2014

Dear Ms Cohen

Re: Councillor McGuirk

Thank you for your e-mail of the 12th August.

In response to your questions that you have raised our responses are as follows :-

1. The issue here was a dispute over the allocation of the 25% discount to which Councillor McGuirk was entitled. It was not a simple matter of "arrears". In retrospect perhaps, it may have been wise to check further with Andrew Nathan before the 4th March meeting. However, it is not an unreasonable expectation that good practice would ensure that, particularly in the light of the advice given to group leaders later, Councillor McGuirk would have been contacted again, if the rent "arrears" was still an issue.

Our client did have correspondence with the local Taxation Office after the 10th February, including the appeal of the 14th February and their reply to that. In addition she also sent them the e-mail from "C [REDACTED]" on the 27th February.

2. Our client has not retained a copy of the e-mail of the 11th March cannot retrieve old emails from her council account and did not receive a reply to this or any other email. It may be helpful to assist with your investigation, if you would send us a copy of the same.

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Family Panel,
Resolution,
Children Panel,
Mental Health Panel.

Practice Manager
Melissa Butler

Contracted with the Legal Aid Agency

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3. The normal practice is that the Leader of the group would be informed by the appropriate officer, that there was a problem with a member of the group in relation to the Budget vote, should any member be effected by this. The normal practice would be that both the officer and the Leader would contact the councillor in question, prior to the meeting. It is important to recall that Barnet Council were only alerted that there was a possible "technical" problem when the local newspapers refer to it on the 1st April 2014. Ironically, that was the day our client received the letter telling her that she owed nothing to the Council and the day she received an apology for "any inconvenience that the delay had caused".

Our client has been a councillor for some years and is very familiar with the custom and practice in these areas.

4. Paul Speer of the Metropolitan Police wrote to Councillor McGuirk on the 16th May 2014 and I enclose a copy of that e-mail. You will note that our client in interview said with hindsight she would not have participated in the meeting on the 4th March 2014 or would have declared that there was an ongoing dispute.

"As the Local Authority had not formally discharged the arrears, there has been a technical breach of Section 106 Local Government Act 1992."

However, the police investigation accepted that it was our client's "belief that the matter had been resolved due to the e-mail (she) received from [REDACTED] ; on that basis it was decided that the matter would not be taken any further.

It is important to note that this is not the decision of the Crown Prosecution Service who would have made a proper "legal assessment" of this matter. Had this occurred it would have been made clear that, given that it was accepted that our client had a reasonable belief that the matter had been resolved, that the section 106(3) defence applied

"If a person fails to comply with Sub-section 2 he shall for each offence be liable on the summary of conviction to a fine not exceeding Level 3, unless he proves that he did not know –

- (a) that this section applied to him at the time of the meeting or
(b) that the matter in question was the subject of consideration for the meeting."*

It was made clear in the police interview and apparently accepted there, that Councillor McGuirk "proved" that she did not know that this section applied to her at the time of the meeting.

Yours faithfully


Steel & Shamash
Direct email: frances.randle@steelandshamash.co.uk

NOT FOR PUBLICATION

Linda Cohen

From: Frances Randle <Randle@steelandshamash.co.uk>
Sent: 18 August 2014 17:45
To: Linda Cohen
Cc: MCGUIRK, Katherine
Subject: RE: K McGuirk Investigation (Re: 37597-0060)

Dear Ms Cohen

In reply to your latest questions :

Our client did not have a conversation with the group leader about "arrears of her council tax for 2013/14 " immediately before the budget setting meeting on 4 March 2014.

There was no revised council tax letter. The amount allegedly "owed" was the amount which Cllr McGuirk correctly deducted from her payments, because she knew she was entitled to the "single persons" discount, proof of which was sent to her on 27th February .

The evidence was submitted to the local taxation office. The discount was awarded after [REDACTED] 18th birthday by Barnet Council , but was claimed back in error, when the local taxation office was "outsourced".

The amount was erroneously referred to as "council tax arrears", but they simply did not exist .

I hope this clarifies these issues.

Regards

FRANCES RANDLE
Solicitor

STEEL & SHAMASH

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From: Linda.Cohen@harrow.gov.uk [mailto:Linda.Cohen@harrow.gov.uk]
Sent: 18 August 2014 15:10
To: Frances Randle
Cc: Katherine.mcguirk@parliament.uk
Subject: RE: K McGuirk Investigation (Re: 37597-0060)

Dear Ms Randle

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Thank you for your email.

From its contents I am concluding that Cllr McGuirk did not have a conversation with the Leader of the Labour Group about whether she was in arrears of her council tax for the year 2013/14 immediately prior to the budget setting meeting on 4 March 2014.

Had there been such a conversation this might affect whether it is appropriate for the Leader of the Group to sit on the Group Leaders' Panel that will consider this matter.

Finally can Cllr McGuirk please send me a copy of revised council tax demand for 2013/14 that she was sent by Barnet Council following the removal of the single person's discount at the end of July 2013.

Thank you

Linda Cohen
Senior Lawyer Employment and Governance

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-----Original Message-----

From: Frances Randle [mailto:Randle@steelandshamash.co.uk]
Sent: 18 August 2014 10:39
To: Linda Cohen
Cc: MCGUIRK, Katherine
Subject: K McGuirk Investigation (Re: 37597-0060)

Dear Ms Cohen

Please find attached a letter plus enclosure for your attention .

I would be grateful if you would acknowledge receipt.

Regards

FRANCES RANDLE
Solicitor

STEEL & SHAMASH

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Email: frances.randle@steelandshamash.co.uk
Web: www.steelandshamash.co.uk

Linda Cohen

From: MCGUIRK, Katherine <katherine.mcguirk@parliament.uk>
Sent: 05 September 2014 12:37
To: Linda Cohen
Cc: 'Randle@steelandshamash.co.uk'; 'kaffmcg@hotmail.co.uk';
'cllr.k.mcguirk@barnet.gov.uk'
Subject: RE: Standards Complaint

It is my understanding that all the financial years were part of the dispute and the fact all were credited at the same time indicates the local taxation office were of the same opinion and that the fact the local taxation office had both a verbal and written agreement on the 27.2.14 the assumption is all was sorted as agreed by the police.

Also if Mr Charlwood was of the opinion on the 25th February 2014 that the disputed amounts would have to be cleared for me to vote then surely he would have been of the same opinion a week later and should have informed the Group Leader and myself.

From now on as originally stated all correspondence should go through my legal representative.

To conclude the monies were not owing.

Cllr McGuirk

From: Linda.Cohen@harrow.gov.uk [mailto:Linda.Cohen@harrow.gov.uk]
Sent: 05 September 2014 11:37
To: MCGUIRK, Katherine
Subject: FW: Standards Complaint

Dear Cllr McGuirk

I am just writing to let you know that I shall be finalising my report by 10 September.

If you do wish to provide me with any documents, then these need to be with me by that date.

Finally, I note that you have not replied to my email of 3 September (below).

From all the correspondence I have had from both you and your solicitor, would the following accurately sum up your position.

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You had paid the council tax in full for 2013/14. As the educational establishment had written to the Council on 27 February 2014 explaining your [REDACTED] position, you believed that this would be accepted and that there were no arrears outstanding for the earlier years. Whereas in fact the discount was not reinstated until 27 March and your account showed a debt of over [REDACTED] for the earlier years.

Yours sincerely

Linda Cohen

Senior Lawyer Employment and Governance

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Email: linda.cohen@harrow.gov.uk <<mailto:linda.cohen@harrow.gov.uk>>

From: Linda Cohen

Sent: 03 September 2014 14:21

To: 'McGUIRK, Katherine'

Cc: 'Randle@steelandshamashi.co.uk'

Subject: RE: Standards Complaint

Dear Councillor

NOT FOR PUBLICATION

Thank you for your prompt response.

As your appeal against the removal of the 25% discount was not decided until 27 March 2014, it follows that on 4 March 2014 you still owed the council the arrears for the years prior to 2013/14.

Yours sincerely

Linda Cohen

Senior Lawyer Employment and Governance

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Email: linda.cohen@harrow.gov.uk <<mailto:linda.cohen@harrow.gov.uk>>

From: MCGUIRK, Katherine [<mailto:katherine.mcguirk@parliament.uk>
<<mailto:katherine.mcguirk@parliament.uk>>]

Sent: 03 September 2014 14:18

To: Linda Cohen

Cc: 'Randle@steelandshamash.co.uk'

Subject: RE: Standards Complaint

NOT FOR PUBLICATION

Dear Ms Cohen

I will forward the documents on to you.

Your final paragraph is correct as there were no monies owing and the increase in direct debit for 13/14 was increased when [REDACTED] left university I was no longer entitled from that date to a 25% discount of any kind. It was not a back payment.

Kath

From: Linda.Cohen@harrow.gov.uk <mailto:Linda.Cohen@harrow.gov.uk>
[mailto:Linda.Cohen@harrow.gov.uk <mailto:Linda.Cohen@harrow.gov.uk>]
Sent: 03 September 2014 14:09
To: MCGUIRK, Katherine
Cc: Randle@steelandshamash.co.uk <mailto:Randle@steelandshamash.co.uk>
Subject: RE: Standards Complaint

Dear Cllr McGuirk

Thank you for your email.

It would be helpful if you could send me the documentation.

I have been given the information regarding your direct debits and have been told that in 2013 following the withdrawal of your discount back to 2010 your direct debit was increased only to cover the full council tax charge for 2013/14 and not the previous financial years.

Did you actually pay the outstanding amounts owed for the earlier years prior to the meeting on 4 March 2014 or are you simply referring to a paper exercise ie the council said you owed the money and then subsequently reinstated the discount and no actual money was exchanged in relation to these earlier years.

I look forward to hearing from you.

NOT FOR PUBLICATION

Yours sincerely

Linda Cohen

Senior Lawyer Employment and Governance

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Email: linda.cohen@harrow.gov.uk <mailto:linda.cohen@harrow.gov.uk>

From: MCGUIRK, Katherine [mailto:katherine.mcguirk@parliament.uk
<mailto:katherine.mcguirk@parliament.uk>]

Sent: 03 September 2014 13:40

To: Linda Cohen

Cc: 'Frances Randle'

Subject: RE: Standards Complaint

Dear Ms Cohen

I have tried to answer some of your questions to clarify the issues of my entitlement to a 25% discount on my Council Tax whilst [REDACTED] was in Full Time education, something which the Council agree.

NOT FOR PUBLICATION

In your email you ask:

"I have been seeking to clarify the position regarding your 2013/14 council tax payments given your comments regarding the fact that you were not in arrears for the 2013/14 period at the time of the budget setting meeting on 4 March.

The position as I understand it is as follows:

1. Your property is in Band [REDACTED] and the full council tax charge (without any discount) for the period 13/14 was [REDACTED]
2. You pay by direct debit.
3. You received a bill in April 2013 for [REDACTED] which gave you the full 25% reduction applied for the whole year. This was to be paid by 1 instalment of [REDACTED] followed by 9 instalments [REDACTED]
4. Due to the removal of the discount a revised bill was issued on 16.8.13 with a new instalment plan of [REDACTED] 3 x 1 from November and 3 further instalments of [REDACTED]. This amounted to [REDACTED]. This added to the [REDACTED] paid up to and including September represents a total payment of [REDACTED] for 13/14. ie the full council tax charge.
5. When the discount was reinstated on 27 March 2014 a revised bill dated 31.3.14 was issued to you showing a credit of [REDACTED]. This represented the 3 months discount you were entitled to for the period 1 April 2013 to 28 June 2013. This credit came off your 14/15 bill.

This is true of the year 13/14, but the same applies for the other years as I paid what I owed.

You say 'To sum up, you did not owe Council Tax for 13/14 at the time of the budget setting meeting on 4 March 2014 because you had paid the full charge for that year'. Once again it is the same for the other years as I was entitled to the 25% discount for the years [REDACTED] turned 18 and remained in full time education, which I have set out below and I paid the full charge. All of these outstanding charges were credited to my account on the same day.

09/10 - 25 % Discount [REDACTED]
10/11 - 25 % Discount [REDACTED]
11/12 - 25 % Discount [REDACTED]
12/13 - 25 % Discount [REDACTED]
13/14 - 25 % Discount [REDACTED]
TOTAL [REDACTED]

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I received Council Tax demands confirming that all the above amounts were credited to my account at the same time and have a letter of apology from the local taxation office too. The fact that I received an exact credit only this week dated 28th August for the financial years 13/14 of [REDACTED] concerns me that the local taxation office is not fit for purpose. They had already done this!!

These were all 'assumed arrears' and were in fact a dispute as to the type entitlement.

I can send you copies of all Council Tax demands showing credits and the letter of apology.

I hope this helps

Councillor K McGuirk

From: Linda.Cohen@harrow.gov.uk <mailto:Linda.Cohen@harrow.gov.uk>
[mailto:Linda.Cohen@harrow.gov.uk <mailto:Linda.Cohen@harrow.gov.uk>]
Sent: 29 August 2014 15:43
To: MCGUIRK, Katherine
Subject: Standards Complaint

Dear Cllr McGuirk

I have been seeking to clarify the position regarding your 2013/14 council tax payments given your comments regarding the fact that you were not in arrears for the 2013/14 period at the time of the budget setting meeting on 4 March.

The position as I understand it is as follows:

1. Your property is in Band [REDACTED] and the full council tax charge (without any discount) for the period 13/14 was [REDACTED]
2. You pay by direct debit.

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3. You received a bill in April 2013 for [REDACTED] which gave you the full 25% reduction applied for the whole year. This was to be paid by 1 instalment of [REDACTED] followed by 9 instalments of [REDACTED]
4. Due to the removal of the discount a revised bill was issued on 16.8.13 with a new instalment plan of [REDACTED] 1 from November and 3 further instalments of [REDACTED]. This amounted to [REDACTED]. This added to the [REDACTED] paid up to and including September represents a total payment of [REDACTED] for 13/14. ie the full council tax charge.
5. When the discount was reinstated on 27 March 2014 a revised bill dated 31.3.14 was issued to you showing a credit of £ [REDACTED]. This represented the 3 months discount you were entitled to for the period 1 April 2013 to 28 June 2013. This credit came off your 14/15 bill.

To sum up, you did not owe Council Tax for 13/14 at the time of the budget setting meeting on 4 March 2014 because you had paid the full charge for that year. As the discount was not reinstated until 27 March 2014 you still owed monies for the earlier years (10/11, 11/12 and 12/13) for which you had received the student disregard and which had been withdrawn from you in August 2013.

Do you disagree with the factual accuracy of this information?

I look forward to hearing from you.

Linda Cohen

Senior Lawyer Employment and Governance

Harrow Council

PO Box 2

Civic Centre

Station Road

Harrow

HA1 2UH

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

APPENDIX E

Cllr McGuirk's email of 17 September 2014 setting out her "observations, comments and questions on 'The Facts'.

Linda Cohen

From: MCGUIRK, Katherine <katherine.mcguirk@parliament.uk>
Sent: 17 September 2014 09:07
To: Linda Cohen
Cc: 'Randle@steelandshamash.co.uk'; 'kaffmcg@hotmail.co.uk'
Subject: Query

To Linda Cohen: Observations, comments and questions on 'The Facts'

Points:

14 & 15: The assumptions was that as the Council had accepted previously that the information they had was correct and that the 25% discount allocated was in good faith they the already had what they needed.

16: Not received

21 & 22: Education establishments were contacted to request whether they were clear what it was Barnet council required. The fact that two establishments were involved does appear to have caused problems. Still though no acknowledgement of any correspondence received by the Chief Executive. Something that continues to this day

29: Written appeal logged 25th February

31: A telephone conversation also took place between the Local Authority and Education Establishment on the 27th February. Emails sent to Local Taxation office and council Officers. Lack of written response concerning and a failure of the Local Authority.

33: I chased a written reply for my own records to sign this affair off. Sadly nothing received until 1st April 2013. I must add that this is somewhat coincidental as it coincided with the release of the FOI request.

34: I reiterate that the telephone conversation took place on the 27th February, 5 days before the Full Council meeting. This surely must have been noted and on the Councils records.

35: The credit for 2013/14 was awarded on the 31st March the same time the Council finally accepted I did not owe for all the other years in question. All credit notes arrived in individual envelopes at the same time, I subsequently received another credit note for the 13/14 year at the end of August when the council finally started a thorough investigation!

38: Can you confirm whether the MO made any contact with the Local Taxation office between the 25th February 2014 and the 4th March 2014?

Can you also confirm?

- That whether the CE saw any of the correspondence
- Whether any officer double checked with the Local Taxation office the situation of any Councillors Council Tax affairs before the 4th March and after the 25th February
- Whether anyone was aware before the Hendon Times article, the details of the FOI request
- Whether anyone was aware or made aware of the letter in the Hendon times of the 31st July from a well-known Tory activist and candidate in the Local Elections 2013

Councillor Kath McGuirk

P.S I will be away from office as of this afternoon until 25th September

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

APPENDIX B

Email from Andrew Nathan to Cllr McGuirk of 25 February 2014 advising her that she was in arrears with her council tax payments.

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