

MEETING

GROUP LEADERS PANEL

DATE AND TIME

TUESDAY 23RD JULY, 2013

AT 5.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

TO: MEMBERS OF GROUP LEADERS PANEL (Quorum 3)

Chairman: Richard Cornelius

Councillors

Jack Cohen
Alison Moore

Anthony Finn
John Marshall

Independent Person

Stephen Ross

Substitutes

Deputy Group Leaders

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

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

Andrew Nathan – Head of Governance

Governance Services contact: Chidilim Agada 020 8359 2037 chidilim.agada@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Absence of Members (If any)	
2.	Declaration of Members' Disclosable Pecuniary Interests and Non Pecuniary Interests (If any)	
3.	Motion to exclude the Press and Public	
4.	To consider the findings of an investigation in accordance with the Council's determinations protocols	
5.	Case No. 001/13	5 - 30
6.	Case No. 002/13	31 - 60
7.	Case No. 003/13	61 - 104
8.	Case No. 004/13	105 - 280
9.	Any other Item(s) that the Chairman decides are urgent	

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AGENDA ITEM 5

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London Borough of Barnet

Report of Monitoring Officer - Complaint by Councillor Alison Moore 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.

The complaint

2. The complaint is made by Councillor Alison Moore. The complaint was originally made by email on 12 September 2012 (see Appendix 1). A complaint was also made regarding his references to a member of staff but it appears that this was not pursued.
3. The complaint concerns a Council meeting held on 11 September 2012. It is alleged that Councillor Coleman described two female members of the public seated in the public gallery as 'hags'.
4. It was alleged in this email that Councillor Coleman's conduct breached the code of conduct in that it was a failure to treat members of public with respect.
5. Jeff Lustig replied to Councillor Moore on 12 September and pointed out that the provision she referred to was no longer contained in the Code of Conduct. He asked her to point to the provision which she believed had been breached so that her complaint could be progressed.
6. Councillor Moore resubmitted her complaint (Appendix 2) and referred to **Section 3** which sets out the general obligations to act with
 - independence
 - objectivity
 - accountability and
 - selflessness

The personal nature of the comments made by Cllr Coleman in relation to members of the public gallery undermines the Nolan principles of public life which make clear that public life is one of public service. Cllr Coleman was required to act solely in the public interest and in making these remarks not only did he not do so, he undermined the public interest; and undermined members of the public in making what can only be construed as sexist and ageist remarks.

3(3) makes clear that members must treat others in accordance with these principles of public life set out in (3).

The remarks that Cllr Coleman made were towards two identifiable members of the public.

The councillor in question was given the opportunity to apologise and declined to do so.

In addition 3 (4b) states a member must not bully any person.

The comments made about 2 female members of the public who were in the public gallery watching the council meeting were comments intended to bully.

Councillor Coleman's response

6. Councillor Coleman's response is attached as Appendix 3 and is as follows:

'These complaints are frivolous, party political in nature and anyway as part of a speech in the Council Chamber just the sort of complaint the Localism Act was supposed to prevent

As the supposed comments are general and refer to nobody in particular I cannot see how any individual could take offence.'

Findings of fact

7. It is not entirely clear from the footage referred to whether Councillor Coleman used the word 'mad' or 'bad', although the word 'sad' and the phrase 'a couple of old hags' are distinct. Although those in attendance have confirmed that this is the case. The Panel will have an opportunity to view the footage.
8. It is clear that the remarks were directed at the public gallery.
9. The footage does not show the public gallery and cannot be relied upon to demonstrate whether or not Councillor Coleman was looking at anyone in particular. It is not known how many people were in the gallery although a man can be heard shouting and the complainant states that there were two women in the gallery who she believes were the target of the remarks made. She does not state how she knows the remarks were directed at two identifiable women. This could be, for example, because they were the only women in the gallery. This cannot be clarified without further investigation.
10. The footage can be found here:
<http://www.youtube.com/watch?v=jiGOM0LbfdA>

Action:

Members were sent information relating to this case and in line with the procedure asked to consider whether the matter was justified proceeding to a formal consideration. In light of the fact Cllr Moore had made the complaint Councillor Rawlings was asked to Deputise for Councillor Moore.

The Panel's view was that a formal hearing should take place and that no further information was required.

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

From: Lustig, Jeff
Sent: 12 September 2012 19:57
To: Moore, Cllr Alison Labour
Subject: RE: Last Night's Council Meeting

Dear Councillor Moore,

Thank you for your e-mail.

You may recall that the "treating others with respect" requirement of the previous code of conduct is no longer a feature of the current code of conduct for Members.

To facilitate further consideration of your complaint, please would you identify the particular requirement of the new code of conduct for Members which you believe Councillor Coleman has failed to comply with.

In this respect, I would direct you to the following link from the Council's website. This link will take you to both the complaint form and the latest version of the Members code of conduct.

http://www.barnet.gov.uk/info/940146/complaints_about_the_conduct_of_a_councillor/790/complaints_about_the_conduct_of_a_councillor

Regards,

Jeff Lustig

Director of Corporate Governance

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

Tel: 020 8359 2008 Mobile: 07985 213283

Barnet Online: www.barnet.gov.uk

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

From: Moore, Cllr Alison Labour
Sent: 12 September 2012 13:26
To: Lustig, Jeff
Subject: Last Night's Council Meeting

Dear Jeff,

I am writing to you to make a formal complaint about the behaviour of Cllr Coleman at last night's Council meeting for both naming a member of staff during his speech, in which he described that member of staff's emails as "increasingly desparate", and for using unacceptable language in describing two female members of the public seated in the public gallery as "hags".

I firmly believe that this is a failure to treat members of the public with

respect and is therefore a breach of the Members' Code of Conduct, and I believe that the naming of the member of staff in the way it was done may also be a breach of the member/officer protocol.

I look forward to hearing that you will be investigating both these complaints.

Yours sincerely,

Alison Moore

Cllr Alison Moore
Barnet labour Group Leader

Appendix 2

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

From: Lustig, Jeff
Sent: 01 October 2012 09:49
To: Moore, Cllr Alison Labour
Subject: RE: Complaint regarding Councillor Coleman

Dear Councillor Moore,

Thank you for your e-mail.

I do recall your opposition to the abolition of the "standards regime".

I confirm receipt of your re-submitted complaint and will be in further touch with you concerning this matter in due course.

Regards,

Jeff Lustig

Director of Corporate Governance

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

Tel: 020 8359 2008 Mobile: 07985 213283

Barnet Online: www.barnet.gov.uk

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From: Moore, Cllr Alison Labour
Sent: 26 September 2012 00:10
To: Lustig, Jeff
Subject: RE: Last Night's Council Meeting

Dear Mr Lustig,

You will recall that I actively opposed the abolition of the Standards Regime and the watering down of the ability of members of the public (and of Council) to hold Councillors to account for their behaviour. This is precisely the type of situation I sought to avoid in doing so. Any member of the public would quite rightly conclude that Cllr Coleman's comments were likely to cause offense.

Given the changes made to the Member Code of Conduct and the somewhat laughable situation that it is no longer possible to hold councillors to account for "not treating others with respect", I have looked again at the guidance and am re-submitting the complaint as stated below.

I look forward to hearing that you will be investigating this allegation and the second related to the Member/Officer protocol about which you made no comment.

Yours sincerely,

Cllr Alison Moore
Barnet Labour Group Leader

1. Your Details

Title: Cllr

First Name: Alison

Second Name: Moore

Address:

Barnet Labour Group

Hendon Town Hall

Hendon

Barnet

NW4 4BG

Daytime telephone:

Mobile telephone:

Email: cllr.a.moore@barnet.gov.uk

2. Are you?

A Barnet Councillor

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.

Councillor Brian Coleman

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 appended to this form.

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.

The sections of the Code of Conduct that Cllr Coleman has breached include

Section 3 which sets out the general obligations to act with

-independence

- objectivity

-accountability and

- selflessness

The personal nature of the comments made by Cllr Coleman in relation to members of the public gallery undermines the Nolan principles of public life which make clear that public life is one of public service. Cllr Coleman was required to act solely in the public interest and in making these remarks not only did he not do so, he undermined the public interest; and undermined members of the public in making what can only be construed as sexist and ageist remarks.

3(3) makes clear that members must treat others in accordance with these principles of public life set out in (3).

The remarks that Cllr Coleman made were towards two identifiable members of the public.

The councillor in question was given the opportunity to apologise and declined to do so.

In addition 3 (4b) states a member must not bully any person.

The comments made about 2 female members of the public who were in the public gallery watching the council meeting were comments intended to bully.

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 when your allegation is assessed. Please read the guidance notes for suggestions as to the type of information that should be included.

*Cllr Brian Coleman at a meeting of Barnet's Full Council on 11/09/2012 referred to members of the public gallery in what was **an extremely personal outburst, which had nothing to do with Council conduct relating to public service as;***

'mad'

'sad, bad'

and

'a couple of old hags'

Televised footage of this reference is available online here:

http://www.hamhigh.co.uk/news/video_of_brian_coleman_sad_mad_and_a_couple_of_old_hags_insult_released_1_1515115

Signed: Alison Moore

Print Name: ALISON MOORE

Date: 24/09/2012

From: Lustig, Jeff
Sent: 12 September 2012 19:57

To: Moore, Cllr Alison Labour
Subject: RE: Last Night's Council Meeting

Dear Councillor Moore,

Thank you for your e-mail.

You may recall that the "treating others with respect" requirement of the previous code of conduct is no longer a feature of the current code of conduct for Members.

To facilitate further consideration of your complaint, please would you identify the particular requirement of the new code of conduct for Members which you believe Councillor Coleman has failed to comply with.

In this respect, I would direct you to the following link from the Council's website. This link will take you to both the complaint form and the latest version of the Members code of conduct.

http://www.barnet.gov.uk/info/940146/complaints_about_the_conduct_of_a_councillor/790/complaints_about_the_conduct_of_a_councillor

Regards,

Jeff Lustig

Director of Corporate Governance

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

Tel: 020 8359 2008 Mobile: 07985 213283

Barnet Online: www.barnet.gov.uk

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

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Sent: 12 September 2012 13:26
To: Lustig, Jeff
Subject: Last Night's Council Meeting

Dear Jeff,

I am writing to you to make a formal complaint about the behaviour of Cllr Coleman at last night's Council meeting for both naming a member of staff during his speech, in which he described that member of staff's emails as "increasingly desparate", and for using unacceptable language in describing two female members of the public seated in the public gallery as "hags".

I firmly believe that this is a failure to treat members of the public with respect and is therefore a breach of the Members' Code of Conduct, and I believe that the naming of the member of staff in the way it was done may also be a breach of the member/officer protocol.

I look forward to hearing that you will be investigating both these

complaints.

Yours sincerely,

Alison Moore

Cllr Alison Moore
Barnet Labour Group Leader

Appendix 3

From: Hartley, Stephen **On Behalf Of** Lustig, Jeff
Sent: 06 June 2013 10:02
To: Salter, Maryellen
Subject: FW: Complaint - Comments made at Council Meeting 11 September 2012

Maryellen,

This was Councillor Coleman's response you requested.

Kind regards
Stephen

Stephen Hartley
Executive Assistant to the Lead Commissioners
London Borough of Barnet, North London Business Park, Oakleigh Road South, London N11 1NP
Tel: 020 8359 2516
Barnet Online: www.barnet.gov.uk



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From: Coleman, Cllr Brian Independent
Sent: 11 March 2013 13:38
To: Lustig, Jeff
Subject: Re: Complaint - Comments made at Council Meeting 11 September 2012

These complaints are frivolous, party political in nature and anyway as part of a speech in the Council Chamber just the sort of complaint the Localism Act was supposed to prevent

As the supposed comments are general and refer to nobody in particular I cannot see how any individual could take offence

From: Lustig, Jeff
To: Coleman, Cllr Brian Independent
Sent: Mon Mar 11 13:00:49 2013
Subject: Complaint - Comments made at Council Meeting 11 September 2012
Dear Councillor Coleman,

I have previously spoken to you previously about a number of complaints received in connection with comments made at the Council meeting on 11 September, 2012. They primarily cover two comments, one with reference to the public gallery and the other to Mr. John Burgess.

In order to determine whether these complaints should either be taken forward or dispensed with, I am writing to you formally to ascertain if you have any comments or observations you wish to make.

There are four separate complaints:-

1. The first was received from Councillor Alison Moore on 26 September, 2012. The allegation is that you breached Paragraphs 3(1); 3 (3) and 3(4)(b) of the Code. The details of the complaint are as follows:-

“Cllr Brian Coleman at a meeting of Barnet’s Full Council on 11/09/2012 referred to members of the public gallery in what was an extremely personal outburst, which had nothing to do with Council conduct relating to public service as;

‘mad’ ‘sad, bad’ and ‘a couple of old hags’

Televised footage of this reference is available online here:

http://www.hamhigh.co.uk/news/video_of_brian_coleman_sad_mad_and_a_couple_of_old_hags_insult_released_1_1515115

The personal nature of the comments made by Cllr Coleman in relation to members of the public gallery undermines the Nolan principles of public life which make clear that public life is one of public service. Cllr Coleman was required to act solely in the public interest and in making these remarks not only did he not do so, he undermined the public interest; and undermined members of the public in making what can only be construed as sexist and ageist remarks. The remarks that Cllr Coleman made were towards two identifiable members of the public. The councillor in question was given the opportunity to apologise and declined to do so. The comments made about 2 female members of the public who were in the public gallery watching the council meeting were comments intended to bully.”

2. The first was received from Dr. Julia Hines on 13 September, 2012. The allegation is that you breached Paragraphs 3(1) and 3(2)(a) and (b) of the Code (this numbering is wrong as it appears to relate to that of the previous code). The details of the complaint are as follows:-

“On 11 September, I attended the Council meeting sitting in the public gallery. During the debate on One Barnet, Councillor Coleman chose to refer to residents in the public gallery, some of whom were heckling, as the ‘mad, the sad and’ looking from the backrow to Ms Theresa Musgrove and myself ‘a couple of hags’. I would like to point out that I was not heckling’.....I would also like to point out that some of the local residents who were there have visible disabilities, including one with learning disabilities. Councillor Coleman then laughed at residents who expressed their anger. Councillor Coleman then went on to disparage and ridicule a council officer by name.....(Having been asked to apologise) he refused, sniggering at the distress and anger he had caused.....His comments were directed at individuals. As such and because the insults were based on protected characteristics under the Equalities Act 2010, namely gender (in my case) and disability (in the case of others) it constitutes hate speech.....Hate speech, directed at me as an individual, and targeting me through my gender (a protected characteristic) by calling me a ‘hag’ must be considered bullying.”

3. The third was received from Ms. Helen Davies on 14 September, 2012. The details of the complaint are as follows:-

“11th September 2012 Full Council Meeting Cllr Brian Coleman made sexist comments about people sitting in the public gallery specifically to incite hatred and disdain for those members of the public. He also named a Council Officer in a disparaging way and so breached the protocols.”

4. The fourth was received from Mr. John Burgess on 14 September, 2012. The details of the complaint are as follows:-

“At the Full Council on Tuesday 11 September I was publicly named as a member of staff. The use of my name in a meeting where I have no public right to reply and the manner it was used was offensive to me.”

Please would you let me know if you wish to make any comments on these complaints?

Regards,

Jeff Lustig

Director of Corporate Governance

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

Tel: 020 8359 2008 Mobile: 07985 213283

Barnet Online: www.barnet.gov.uk

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of the Local Government Act 1972.

AGENDA ITEM 6

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Appendix 1

From: Williams, Jeremy
Sent: 14 September 2012 15:08
To: Lustig, Jeff
Cc: Giritli, Aysen; Agada, Chidilim
Subject: FW: An allegation about Member conduct form has been received

Jeff,

A further complaint form for your consideration.

Jeremy

From: first.contact@barnet.gov.uk [mailto:first.contact@barnet.gov.uk]
Sent: 14 September 2012 14:50
To: Williams, Jeremy
Subject: An allegation about Member conduct form has been received

21915473

14-09-2012 14:50:06

Question	Response
<i>I have read and understood the statement above:</i>	Yes
<i>Title:</i>	Ms
<i>Last Name:</i>	Davies
<i>Last Name:</i>	Davies
<i>First Name:</i>	Helen
<i>First Name:</i>	Helen
<i>Address details:</i>	
<i>Address details:</i>	
<i>Address details:</i>	
<i>Address:</i>	Exempt Information
<i>Address:</i>	Exempt Information
<i>Town/City:</i>	London
<i>Town/City:</i>	London
<i>County/Region:</i>	
<i>County/Region:</i>	
<i>Postcode:</i>	Exempt Information

<i>Postcode:</i>	Exempt Information
<i>Mobile Telephone Number:</i>	Exempt Information
<i>Mobile Telephone Number:</i>	Exempt Information
<i>Home Telephone Number:</i>	Exempt Information
<i>Home Telephone Number:</i>	Exempt Information
<i>Email:</i>	Exempt Information
<i>Are you?:</i>	A Council Officer
<i>The Member(s) concerned:</i>	Cllr Brian Coleman Cllr Richard Cornelius Mayor Brian Schama
<i>Section of the code breached:</i>	Breach of part 5 Council protocols for member/ officer relations Public Order Offence - use of sexist language to incite hatred against women
<i>Details of the alleged misconduct:</i>	12th September 2012 Full Council Meeting Cllr Brian Coleman made sexist comments about people sitting in the public gallery specifically to incite hatred and disdain for those members of the public. He also named a Council Officer in a disparaging way and so breached the protocols. Cllr Richard Cornelius as Leader for Brian Coleman failed to intervene, although we all have a public duty to do so in a positive way. The Mayor also failed to intervene or distance himself from the comments so actively contributing to a sense this kind of behaviour is condoned.
<i>Request for confidentiality:</i>	not applicable
<i>By ticking this box, I declare that all the information provided is accurate:</i>	Yes

This email and any attachments to it are intended solely for the individual to whom it is addressed. It may contain sensitive or confidential material and should be handled accordingly. However, it is recognised that, as an intended recipient of this email, you may wish to share it with those who have a legitimate interest in the contents.

If you have received this email in error and you are not the intended recipient you must not disclose, distribute, copy or print any of the information contained or attached within it, all copies must be deleted from your system. Please notify the sender immediately.

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Please note: Information contained in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004.

Appendix 2

From: Helen Davies [mailto: Exempt Information]
Sent: 11 October 2012 17:34
To: Agada, Chidilim
Cc: Giritli, Aysen
Subject: Re: FW: An allegation about Member conduct form has been received

Dear Chidilim,

I believe this section covers my complaint

General obligations 3.

(1) As a member or co-opted member of London Borough of Barnet you have a responsibility to represent the community and work constructively with the Council's staff and partner organisations to secure better social, economic and environmental outcomes for all.

(2) In accordance with the provisions of the Localism Act 2011, when acting in this capacity you must be committed to behaving in a manner that is consistent with the following principles to achieve best value for the borough's residents and maintain public confidence in this authority;-

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

(3) You must treat others in a manner which is consistent with the obligations set out in paragraphs 3 (1) and 3 (2) above.

(4) You must not:- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be:-(i) a complainant, (ii) a witness, or (iii) involved in the administration of any

investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority

thanks,

Helen.

On 9 October 2012 10:31, Agada, Chidilim <Chidilim.Agada@barnet.gov.uk> wrote:

Dear Ms Davies

Further to your submitting the below complaint, we note that this is referring to Member/Officer protocols – please can you clarify whether there is a separate claim of a breach of the Members Code of Conduct. For your guidance, attached is a template Allegation Form, which includes a Guidance Note for Allegations that a Member may have breached the Members' Code of Code and also The Barnet Members' Code of Conduct.

Kind regards

Chidilim Agada

Business Governance Officer

Corporate Governance Directorate

London Borough of Barnet, Building 4, North London Business Park, Oakleigh Road South,
London N11 1NP

Tel: 020 8359 2037

Mobile: 07957 933 351

Barnet Online: www.barnet.gov.uk

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From: first.contact@barnet.gov.uk [mailto:first.contact@barnet.gov.uk]

Sent: 14 September 2012 14:50

To: Williams, Jeremy

Subject: An allegation about Member conduct form has been received

21915473

14-09-2012 14:50:06

Question	Response
<i>I have read and understood the statement Yes above:</i>	
<i>Title:</i>	Ms
<i>Last Name:</i>	Davies
<i>Last Name:</i>	Davies
<i>First Name:</i>	Helen
<i>First Name:</i>	Helen
<i>Address details:</i>	
<i>Address details:</i>	
<i>Address details:</i>	
<i>Address:</i>	Exempt Information
<i>Address:</i>	Exempt Information
<i>Town/City:</i>	London
<i>Town/City:</i>	London
<i>County/Region:</i>	
<i>County/Region:</i>	
<i>Postcode:</i>	Exempt Information
<i>Postcode:</i>	Exempt Information
<i>Mobile Telephone Number:</i>	Exempt Information
<i>Mobile Telephone Number:</i>	Exempt Information
<i>Home Telephone Number:</i>	Exempt Information
<i>Home Telephone Number:</i>	Exempt Information
<i>Email:</i>	Exempt Information
<i>Are you?:</i>	A Council Officer
<i>The Member(s) concerned:</i>	Cllr Brian Coleman Cllr Richard Cornelius Mayor Brian Schama
<i>Section of the code breached:</i>	Breach of part 5 Council protocols for member/ officer relations Public Order Offence - use of sexist language to incite hatred against women
<i>Details of the alleged</i>	12th September 2012 Full Council Meeting Cllr Brian

misconduct:

Coleman made sexist comments about people sitting in the public gallery specifically to incite hatred and disdain for those members of the public. He also named a Council Officer in a disparaging way and so breached the protocols. Cllr Richard Cornelius as Leader for Brian Coleman failed to intervene, although we all have a public duty to do so in a positive way. The Mayor also failed to intervene or distance himself from the comments so actively contributing to a sense this kind of behaviour is condoned.

Request for confidentiality:

not applicable

By ticking this box, I declare that all the information provided is accurate:

Yes

This email and any attachments to it are intended solely for the individual to whom it is addressed. It may contain sensitive or confidential material and should be handled accordingly. However, it is recognised that, as an intended recipient of this email, you may wish to share it with those who have a legitimate interest in the contents.

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London Borough of Barnet

Report of Monitoring Officer - Complaint by Ms Helen Davies 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.

The complaint

2. The complaint was made by Helen Davies through the online complaints form on 14 September 2012. This is attached as part of Appendix 1.
3. She alleges that:
'12th September 2012 Full Council Meeting Cllr Brian Coleman made sexist comments about people sitting in the public gallery specifically to incite hatred and disdain for those members of the public. He also named a Council Officer in a disparaging way and so breached the protocols. Cllr Richard Cornelius as Leader for Brian Coleman failed to intervene, although we all have a public duty to do so in a positive way. The Mayor also failed to intervene or distance himself from the comments so actively contributing to a sense this kind of behaviour is condoned.'
4. She originally alleged that this was a breach of part 5 Council protocols for member/officer relations Public Order Offence - use of sexist language to incite hatred against women. However, it was pointed out in correspondence that she had to cite a breach of the code of conduct. She then sent an email on 11 October setting out the parts of the code of conduct she believed were relevant (also at Appendix 2). This is reproduced below:

'(1) As a member or co-opted member of London Borough of Barnet you have a responsibility to represent the community and work constructively with the Council's staff and partner organisations to secure better social, economic and environmental outcomes for all.

(2) In accordance with the provisions of the Localism Act 2011, when acting in this capacity you must be committed to behaving in a manner that is consistent with the following principles to achieve best value for the borough's residents and maintain public confidence in this authority;-

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

(3) You must treat others in a manner which is consistent with the obligations set out in paragraphs 3 (1) and 3 (2) above.

(4) You must not:- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be:-(i) a complainant, (ii) a witness, or (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority'

Councillor Coleman's response

5. Councillor Coleman's response is attached as Appendix 2 and is as follows:

'These complaints are frivolous, party political in nature and anyway as part of a speech in the Council Chamber just the sort of complaint the Localism Act was supposed to prevent

As the supposed comments are general and refer to nobody in particular I cannot see how any individual could take offence.'

Findings of fact

6. Video footage does show that Councillor Coleman did address remarks to the public gallery. It is not entirely clear from the footage referred to whether Councillor Coleman used the word 'mad' or 'bad', although the word 'sad' and the phrase 'a couple of old hags' are distinct. However officers and others in attendance do recall the phrase being used. The Panel will have an opportunity to view the footage.
7. It is clear that the remarks were directed at the public gallery.
8. The footage does not show the public gallery and cannot be relied upon to demonstrate whether or not Councillor Coleman was looking at anyone in particular. It is not known how many people were in the gallery although a man can be heard shouting and the complainant states that there were two women in the gallery who she believes were the target of the remarks made. She does not state how she knows the remarks were directed at two identifiable women. This could be, for example, because they were the only women in the gallery. This cannot be clarified without further investigation.

9. The footage confirms that Councillor Cornelius and the Mayor did not intervene immediately following the remarks in question. However, further investigation would need to be carried out to determine whether this did or did not happen at any time during the meeting.
10. Concerning the Mayor, the previous Monitoring Officer Mr Jeff Lustig who sat next to the Mayor in the meeting, confirms that the Mayor did intervene at the meeting and invited Councillor Coleman to apologise for his comments. Councillor Richard Cornelius, the Leader of the Council, did not intervene. However, he was not in the chair at the meeting and had no more rights of intervention than any other Member. Moreover, the Mayor invited Councillor Coleman to apologise and he declined to do so. Therefore, it is not clear what further engagement by the Leader of the Council would have been constitutional or feasible at that stage.
11. The complainant does not state who the Council officer is that she refers to. However, the video footage records that he referred to John Burgess and his 'increasingly desperate emails'. This appears to be in the context of his trade union duties.
12. The panel are asked to review the film footage for themselves:
<http://www.youtube.com/watch?v=jiGOM0LbfdA>

Action:

Members were sent information relating to this case and in line with the procedure asked to consider whether the matter was justified proceeding to a formal consideration. For this case as one of the subject Member's was the Leader he was not able to have a view on progressing the matter to the Group Leaders Panel.

The Panel's view was that a formal hearing should take place for the conduct of Councillor Brian Coleman in relation to the remarks addressed to members of the public in the gallery and that no further information was required.

From: Williams, Jeremy
Sent: 14 September 2012 15:08
To: Lustig, Jeff
Cc: Giritli, Aysen; Agada, Chidilim
Subject: FW: An allegation about Member conduct form has been received

Jeff,

A further complaint form for your consideration.

Jeremy

From: first.contact@barnet.gov.uk [mailto:first.contact@barnet.gov.uk]
Sent: 14 September 2012 14:50
To: Williams, Jeremy
Subject: An allegation about Member conduct form has been received

21915473

14-09-2012 14:50:06

Question	Response
<i>I have read and understood the statement above:</i>	Yes
<i>Title:</i>	Ms
<i>Last Name:</i>	Davies
<i>Last Name:</i>	Davies
<i>First Name:</i>	Helen
<i>First Name:</i>	Helen
<i>Address details:</i>	
<i>Address details:</i>	
<i>Address details:</i>	
<i>Address:</i>	██████████
<i>Address:</i>	██████████
<i>Town/City:</i>	██████
<i>Town/City:</i>	██████
<i>County/Region:</i>	
<i>County/Region:</i>	
<i>Postcode:</i>	██████

Postcode: [REDACTED]
Mobile Telephone Number: [REDACTED]
Mobile Telephone Number: [REDACTED]
Home Telephone Number: [REDACTED]
Home Telephone Number: [REDACTED]
Email: [REDACTED]
Are you?: A Council Officer
The Member(s) concerned: Cllr Brian Coleman Cllr Richard Cornelius Mayor Brian Schama
Section of the code breached: Breach of part 5 Council protocols for member/ officer relations
Public Order Offence - use of sexist language to incite hatred against women
12th September 2012 Full Council Meeting Cllr Brian Coleman made sexist comments about people sitting in the public gallery specifically to incite hatred and disdain for those members of the public. He also named a Council Officer in a disparaging way and so breached the protocols. Cllr Richard Cornelius as Leader for Brian Coleman failed to intervene, although we all have a public duty to do so in a positive way. The Mayor also failed to intervene or distance himself from the comments so actively contributing to a sense this kind of behaviour is condoned.
Details of the alleged misconduct:
Request for confidentiality: not applicable
By ticking this box, I declare that all the information provided is accurate: Yes

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liability can be accepted, and you should therefore carry out your own anti-virus checks before opening any documents.

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From: Helen Davies [REDACTED]
Sent: 11 October 2012 17:34
To: Agada, Chidilim
Cc: Giritli, Aysen
Subject: Re: FW: An allegation about Member conduct form has been received

Dear Chidilim,

I believe this section covers my complaint
General obligations 3.

(1) As a member or co-opted member of London Borough of Barnet you have a responsibility to represent the community and work constructively with the Council's staff and partner organisations to secure better social, economic and environmental outcomes for all.

(2) In accordance with the provisions of the Localism Act 2011, when acting in this capacity you must be committed to behaving in a manner that is consistent with the following principles to achieve best value for the borough's residents and maintain public confidence in this authority;-

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

(3) You must treat others in a manner which is consistent with the obligations set out in paragraphs 3 (1) and 3 (2) above.

(4) You must not:- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be:-(i) a complainant, (ii) a witness, or (iii) involved in the administration of any

investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority

thanks,

Helen.

On 9 October 2012 10:31, Agada, Chidilim <Chidilim.Agada@barnet.gov.uk> wrote:

Dear Ms Davies

Further to your submitting the below complaint, we note that this is referring to Member/Officer protocols – please can you clarify whether there is a separate claim of a breach of the Members Code of Conduct. For your guidance, attached is a template Allegation Form, which includes a Guidance Note for Allegations that a Member may have breached the Members' Code of Code and also The Barnet Members' Code of Conduct.

Kind regards

Chidilim Agada

Business Governance Officer

Corporate Governance Directorate

London Borough of Barnet, Building 4, North London Business Park, Oakleigh Road South,
London N11 1NP

Tel: 020 8359 2037

Mobile: 07957 933 351

Barnet Online: www.barnet.gov.uk

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From: first.contact@barnet.gov.uk [mailto:first.contact@barnet.gov.uk]

Sent: 14 September 2012 14:50

To: Williams, Jeremy

Subject: An allegation about Member conduct form has been received

21915473

14-09-2012 14:50:06

Question	Response
<i>I have read and understood the statement above:</i>	Yes
<i>Title:</i>	Ms
<i>Last Name:</i>	Davies
<i>Last Name:</i>	Davies
<i>First Name:</i>	Helen
<i>First Name:</i>	Helen
<i>Address details:</i>	
<i>Address details:</i>	
<i>Address details:</i>	
<i>Address:</i>	[REDACTED]
<i>Address:</i>	[REDACTED]
<i>Town/City:</i>	[REDACTED]
<i>Town/City:</i>	[REDACTED]
<i>County/Region:</i>	[REDACTED]
<i>County/Region:</i>	[REDACTED]
<i>Postcode:</i>	[REDACTED]
<i>Postcode:</i>	[REDACTED]
<i>Mobile Telephone Number:</i>	[REDACTED]
<i>Mobile Telephone Number:</i>	[REDACTED]
<i>Home Telephone Number:</i>	[REDACTED]
<i>Home Telephone Number:</i>	[REDACTED]
<i>Email:</i>	[REDACTED]
<i>Are you?:</i>	A Council Officer
<i>The Member(s) concerned:</i>	Cllr Brian Coleman Cllr Richard Cornelius Mayor Brian Schama
<i>Section of the code breached:</i>	Breach of part 5 Council protocols for member/ officer relations Public Order Offence - use of sexist language to incite hatred against women
<i>Details of the alleged</i>	12th September 2012 Full Council Meeting Cllr Brian Coleman

misconduct: made sexist comments about people sitting in the public gallery specifically to incite hatred and disdain for those members of the public. He also named a Council Officer in a disparaging way and so breached the protocols. Cllr Richard Cornelius as Leader for Brian Coleman failed to intervene, although we all have a public duty to do so in a positive way. The Mayor also failed to intervene or distance himself from the comments so actively contributing to a sense this kind of behaviour is condoned.

Request for confidentiality: not applicable

By ticking this box, I declare that all the information provided is accurate: Yes

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Appendix 3

From: Coleman, Cllr Brian Independent
Sent: 11 March 2013 13:38
To: Lustig, Jeff
Subject: Re: Complaint - Comments made at Council Meeting 11 September 2012

These complaints are frivolous , party political in nature and anyway as part of a speech in the Council Chamber just the sort of complaint the Localism Act was supposed to prevent

As the supposed comments are general and refer to nobody in particular I cannot see how any individual could take offence

From: Lustig, Jeff
To: Coleman, Cllr Brian Independent
Sent: Mon Mar 11 13:00:49 2013
Subject: Complaint - Comments made at Council Meeting 11 September 2012
Dear Councillor Coleman,

I have previously spoken to you previously about a number of complaints received in connection with comments made at the Council meeting on 11 September, 2012. They primarily cover two comments, one with reference to the public gallery and the other to Mr. John Burgess.

In order to determine whether these complaints should either be taken forward or dispensed with, I am writing to you formally to ascertain if you have any comments or observations you wish to make.

There are four separate complaints:-

1. The first was received from Councillor Alison Moore on 26 September, 2012. The allegation is that you breached Paragraphs 3(1); 3 (3) and 3(4)(b) of the Code. The details of the complaint are as follows:-

“Cllr Brian Coleman at a meeting of Barnet’s Full Council on 11/09/2012 referred to members of the public gallery in what was an extremely personal outburst, which had nothing to do with Council conduct relating to public service as;

‘mad’ ‘sad, bad’ and ‘a couple of old hags’

Televised footage of this reference is available online here:

http://www.hamhigh.co.uk/news/video_of_brian_coleman_sad_mad_and_a_couple_of_old_hags_insult_released_1_1515115

The personal nature of the comments made by Cllr Coleman in relation to members of the public gallery undermines the Nolan principles of public life which make clear that public life is one of public service. Cllr Coleman was required to act solely in the public interest and in making these remarks not only did he not do so, he undermined the public interest; and undermined members of the public in making what can only be construed as sexist and ageist remarks. The remarks that Cllr Coleman made were towards two identifiable members of the public. The councillor in question was given the opportunity to apologise and declined to do so. The comments made about 2 female members of the

public who were in the public gallery watching the council meeting were comments intended to bully.”

2. The first was received from Dr. Julia Hines on 13 September, 2012. The allegation is that you breached Paragraphs 3(1) and 3(2)(a) and (b) of the Code (this numbering is wrong as it appears to relate to that of the previous code). The details of the complaint are as follows:-

“On 11 September, I attended the Council meeting sitting in the public gallery. During the debate on One Barnet, Councillor Coleman chose to refer to residents in the public gallery, some of whom were heckling, as the ‘mad, the sad and’ looking from the backrow to Ms Theresa Musgrove and myself ‘a couple of hags’. I would like to point out that I was not heckling’.....I would also like to point out that some of the local residents who were there have visible disabilities, including one with learning disabilities. Councillor Coleman then laughed at residents who expressed their anger. Councillor Coleman then went on to disparage and ridicule a council officer by name.....(Having been asked to apologise) he refused, sniggering at the distress and anger he had caused.....His comments were directed at individuals. As such and because the insults were based on protected characteristics under the Equalities Act 2010, namely gender (in my case) and disability (in the case of others) it constitutes hate speech.....Hate speech, directed at me as an individual, and targeting me through my gender (a protected characteristic) by calling me a ‘hag’ must be considered bullying.”

3. The third was received from Ms. Helen Davies on 14 September, 2012. The details of the complaint are as follows:-

“11th September 2012 Full Council Meeting Cllr Brian Coleman made sexist comments about people sitting in the public gallery specifically to incite hatred and disdain for those members of the public. He also named a Council Officer in a disparaging way and so breached the protocols.”

4. The fourth was received from Mr. John Burgess on 14 September, 2012. The details of the complaint are as follows:-

“At the Full Council on Tuesday 11 September I was publicly named as a member of staff. The use of my name in a meeting where I have no public right to reply and the manner it was used was offensive to me.”

Please would you let me know if you wish to make any comments on these complaints?

Regards,

Jeff Lustig

Director of Corporate Governance

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

Tel: 020 8359 2008 Mobile: 07985 213283

Barnet Online: www.barnet.gov.uk

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AGENDA ITEM 7

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London Borough of Barnet

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
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London
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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	
Daytime telephone	
Mobile Telephone	
E-mail	

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.

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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.

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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.

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I AM ABLE TO PROVIDE WITNESSES IF NECESSARY.

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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

Page nos. 34 - 43

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:

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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

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

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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"!

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

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

AGENDA ITEM 8

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London Borough of Barnet

Report of Monitoring Officer - Complaint by Dr Hines 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.

The complaint

2. The complaint is made by Dr Julia Hines. The complaint was made on a complaint form and dated 13 September 2012. Dr Hines also attached details of her complaint and eleven appendices. The full complaint and appendices are attached as Enclosures 1 and 2 (with Appendices 1 – 11). Dr Hines states that she is acting in the capacity of a member of the public and as a representative of a partner organisation (she is chair of Age UK Barnet).
3. There is a lot of detail contained in Dr Hines' complaint including background not directly relevant to the complaint. The main issues stem from a meeting of Cabinet on 20 February 2012. The relevant item concerned Network Management Policy. Dr Hines' was concerned about a proposed review of traffic light controlled crossings in the context of the potential effect on older people.
4. Dr Hines entered into correspondence with Councillor Coleman which is attached to her complaint. Her complaint appears to encompass the tone and nature of this correspondence as well as his failure to respond to a letter that she wrote to him on 28 February 2012. This included Councillor Coleman claiming that Dr Hines has misrepresented the policy.
5. Dr Hines also complains about Councillor Coleman's conduct at the Council meeting on 11 September 2012. She states that he referred to members of public in the gallery as 'mad, sad and a couple of hags'. She alleges that the 'couple of hags' remark was directed at her and Theresa Musgrove and when he made it, Councillor Coleman was looking at her and Ms Musgrove.
6. Dr Hines alleges that the following provisions of the code of conduct have been breached:

Paragraph 3(1)

As a member or co-opted member of London Borough of Barnet you have a responsibility to represent the community and work constructively with the Council's staff and partner organisations to secure better social, economic and environmental outcomes for all.

Paragraphs 3(2) (b) and (d)

There are no such paragraphs in the code of conduct which was in force at the time the complaint was made. Therefore further correspondence was made with the

complainant to further clarify which parts of the Code in operation at the time were breached in addition to the above:

3(2) - specifically: selflessness, accountability, and leadership. Furthermore I believe the email sent to his constituent was dishonest.

3(3) You must treat others in a manner which is consistent with the obligations set out in paragraphs 3 (1) and 3 (2) above.

3(4)(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006) - the insult to the complainant was sexist and misogynistic and are therefore a breach of the Equalities Act by virtue of my gender. The insult directed to other people in the public gallery was also a breach of the Equalities Act - sad and mad relate to protected characteristics regarding disability, specifically mental health difficulties.

3(4)(b) bully any person; I believe he was trying to frighten me into not putting forward a complaint, by showing me that he would smear my name publicly if I did so.

3(4)(c)(iii) intimidate or attempt to intimidate any person who is or is likely to be involved in the administration of any investigation or proceedings. He knew I was likely to make a complaint about the defamatory email.

3(4)(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority. Both councillors and officers with whom Age UK Barnet works were present in the chamber. The contract which Age UK Barnet holds benefits older people in Barnet and is a significant proportion of Age UK Barnet's turnover.

Response of Councillor Coleman

7. Councillor Coleman was asked for his response to the complaint about the Council meeting on 11 September. His response is attached at Enclosure 3 and was as follows:

‘These complaints are frivolous, party political in nature and anyway as part of a speech in the Council Chamber just the sort of complaint the Localism Act was supposed to prevent

As the supposed comments are general and refer to nobody in particular I cannot see how any individual could take offence.’

8. Councillor Coleman did not offer any specific comments on this complaint as detailed.

Findings of fact

9. The proposal was ‘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.’

10. Councillor Coleman’s view expressed in the correspondence is that Dr Hines had misrepresented this policy.

11. The correspondence is set out in full in the appendices to Dr Hines' complaint so there is no dispute about what was said in written correspondence.
12. In respect of the complaint regarding the remarks made to the public gallery, video footage shows that Councillor Coleman did address remarks to the public gallery. It is not entirely clear from the footage referred to whether Councillor Coleman used the word 'mad' or 'bad', although the word 'sad' and the phrase 'a couple of old hags' are distinct. However it was noted by officers and others in attendance on the evening in question that the comments were made. The Panel will have an opportunity to view the footage.
13. It is clear that the remarks were directed at the public gallery. However, the footage does not show the public gallery and cannot be relied upon to demonstrate whether or not Councillor Coleman was looking at anyone in particular. However, the complainant says that he looked from the back row to her and Theresa Musgrove. This seems to suggest that he redirected his gaze just before referring to 'hags'. However, the footage does not support this.

14. The Panel are also asked to view the film footage:

<http://www.youtube.com/watch?v=jiGOM0LbfdA>

Action:

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 this case should be heard by the Group Leaders Panel.

The Panel requested the attendance of Dr Julia Hines and for the Monitoring officer to invite Councillor Coleman to the Panel.

1 Complaint Form

2 Witness Statement of Julia Hines

3 Appendix 1
Correspondence with Mr Thomas Villiers MP and Councillor Dean Cohen

4 Appendix 2
Example of earlier correspondence with Councillor Brian Coleman

5 Appendix 3
Network Management Policy

6 Appendix 4
Covering Letter to Councillor Coleman 28/2/2012

7 Appendix 5
Petition accepted as accurate by Banet Council Governance Dept

8 Appendix 6
Correspondence with Chair of Banet CIL

9 Appendix 7
Correspondence with Councillor Brian Coleman 10/4/2012

10 Appendix 8
Letter to Councillor Richard Cornelius 11/4/2012

11 Appendix 9
Correspondence between Cllr Brian Coleman & Mr M. Nolan 10/4/12

12 Appendix 10
Correspondence with Councillor Richard Cornelius 29/4/12

13 Appendix 11
Correspondence with Mr Ed Williams, Monitoring Officer GLA

14

15



5 705831 013551 >
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WWW.Q-CONNECT.COM

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 Governance Service who will make arrangements for a meeting of a Standards Sub-committee to assess your allegation. The Governance Service 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.

Governance Service details:

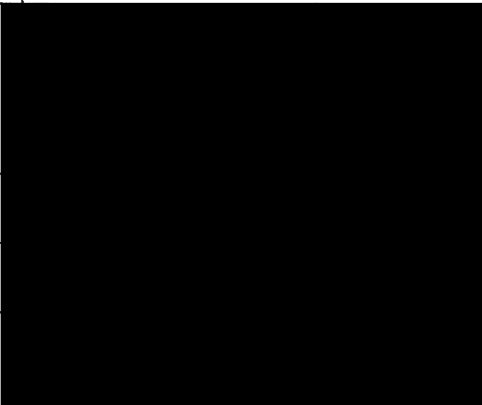
Governance Service
 L.B Barnet, Building 4
 North London Business Park
 Oakleigh Road South
 London N11 1NP

E-mail: jeremy.williams@barnet.gov.uk

Fax: 0870 889 6792

Tel: 020 8359 2042

1. Your Details

Title	Dr
First Name	JULIA
Last Name	HINES
Address	
Daytime telephone	
Mobile Telephone	
E-mail	

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.

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.

Councillor Brian Coleman

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.

S.3(1), S.3.(2)(b) and S.3(2)(d)

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.

Please see attached

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

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.

Not applicable

Signed: _____

Print Name: JULIA HINES

Date: 13/9/12

Complaint against Councillor Brian Coleman**Background to the complaint**

1. I am the chair of Age UK Barnet, a charity and company limited by guarantee, which provides support and care for older people right across the London Borough of Barnet. I have held this position since 2008. It is entirely voluntary.
2. Age UK Barnet has a service level agreement (contract) to provide services for and on behalf of Barnet Council. It is the largest provider of preventative care to older adults in the borough. It is therefore a partner organisation of Barnet Council.
3. Barnet Council is the core funder of Age UK Barnet. When I took over the chairmanship in 2008 the service level agreement constituted something like 70% of our turnover. Under my chairmanship that percentage has fallen to approximately 55%. Our income has increased despite the economic circumstances and cuts to our SLA. Nonetheless, it is fair to say that the relationship with Barnet Council is important to the work of Age UK Barnet, both in terms of our financial relationship and our platform for transmitting the concerns of older people to the council.
4. During the period of my chairmanship Age UK Barnet has expanded rapidly. We have a much wider portfolio of services, some of which are unique to Age UK Barnet. We have expanded the geographical locations of our work, for example we now run 34 exercise classes a week, in 18 locations, and work with 9 schools to provide IT lessons to older people around the borough. The number of older people we reach, and the number of volunteers we have supporting us, has expanded exponentially. I am very grateful to my trustee board, staff and volunteers for their hard work in making us such a successful and vibrant organisation.
5. I have, in my capacity as chair of Age UK Barnet, used a number of different methods to inform Barnet Council of issues which I believe they should be aware of, or take into account. This includes:
 - 5.1 Taking part in consultations organised by Barnet Council;
 - 5.2 Writing to councillors, MPs and Marina Yannakoudakis MEP;
 - 5.3 Informal and formal discussions with council officers and councillors; and
 - 5.4 Highlighting issues in the local press.
6. Before taking up an issue on behalf of Age UK Barnet's clients I do two things:
 - 6.1 Consult with clients; and
 - 6.2 Research the issue on my own behalf.
7. As an example, a number of older people were extremely anxious and upset about the proposal to remove residential wardens from sheltered housing and replace them with floating wardens. Indeed, I was made aware of at least two older people who were hospitalised with anxiety and depression when this was first suggested. However, research by Help the Aged showed that floating wardens can be used successfully, if introduced

sympathetically and if communication between the Council and users is good. I therefore took the view that Age UK Barnet would stay neutral on this issue.

8. A number of the issues which I have raised have fallen under the control of the then Cabinet Member of the Environment, Councillor Brian Coleman. In general, the responses I have received when I have taken up issues on behalf of older people have been courteous and helpful. I enclose a letter from Theresa Villiers MP, dated 18 July 2011, and correspondence with Councillor Dean Cohen, who succeeded Councillor Coleman as Cabinet Member for the Environment¹ as examples. These letters show that there is nothing unusual or political about me raising such matters.

9. A courteous, professional response has not always been forthcoming from Councillor Brian Coleman. See, for example, correspondence with him in August 2010² relating to the Core Strategy. Whilst I did consider his tone extremely rude and disrespectful at the time, I chose not to make a complaint and it is not the subject of the current complaint. It is one thing to imply I am stupid; that merely reflects badly on Councillor Coleman. It is quite another to impugn my professional integrity.

10. I should also say that I am a resident in the London Borough of Barnet and treasurer of my local residents' association. I have a twitter account and tweet regularly. My twitter biography reads "*Resident of London Borough of Barnet and Chair of Age UK Barnet. Tweets are made in a personal capacity only*". It is visible to anyone clicking on my profile. I tweet about a range of topics, but essentially things which interest me, so local issues (including Age UK Barnet and other charities), older people's issues, medicine, law, Leveson, national and local politics. As my profile makes clear, I tweet in a personal capacity only. I believe I am entitled to do this, as a private individual. This follows the case of **Calver, R (on the application of) v The Adjudication Panel for Wales [2012] EWHC 1172 (Admin)**. Indeed this must be right, otherwise it would not be possible for, for example, Councillor John Marshall, to hold the chairmanship of Barnet Carers as well as being an elected representative and Conservative Party member.

11. I would like to point out that I am not a member of any political party, and never have been. I also am careful not to express any personal political opinions I may hold when discussing local issues with clients of Age UK Barnet. I am only interested in listening to clients views, not expressing my own, when acting as chair of Age UK Barnet.

Current complaint

12. On 20 February I attended a Cabinet meeting of Barnet council, in my capacity as a resident of the borough. I was concerned to note the Network Management Policy³, which was

¹ Appendix 1

² Appendix 2

³ Appendix 3

passed at that meeting. Specifically, I was concerned at the policy to review every traffic light controlled crossing in the borough in the hope that they could be removed and possibly replaced by zebra crossings or mini-roundabouts.

13. On returning home I read through the policy again and considered the information on Transport for London's website about different types of crossings. I also looked again at the road traffic accident rate in Barnet, which has been rising since 2008. It may be important to note that TfL describes a number of traffic light controlled crossings, including pelican crossings, puffin crossings, and toucan crossings. These are technical differences. It does not distinguish between whether or not these crossings are at junctions or not. Traffic light controlled crossings are colloquially known as pelican crossings.
14. The next day I spoke to some clients of Age UK Barnet, including one woman, who I believe is 90, who is registered blind. I visited her in her home and was very impressed by her description of how frightening it was to cross the main road near her home in order to catch a bus, given that she was unable to tell if a car was approaching until it was 2 metres away. She also told me that pelican crossings have a cone under the box which turns in your hand when the green man appears, which is useful on busy roads or for the hearing impaired, who may not be able to hear the beeps and that often the beeps do not work. I was not aware of this feature. She described how another client of Age UK Barnet had been desperate when the suggestion of removing the traffic light controlled crossings at the top of Ossulton Way had been mooted, because it would mean that she would be housebound unless a carer or volunteer was available to help her cross the road. I came away from that meeting feeling that her fierce independence and courage should be supported.
15. I try to attend local residents forums, so I am aware that road safety is a constant theme, particularly amongst older residents and parents of young children. It is also a constant theme on petitions.barnet.gov.uk. I was also concerned that, now that the policy had been passed, any decision to remove a crossing would be made under delegated powers, with limited democratic oversight or consultation. From my own experience, and from attending residents forums, I knew that the strategy on road safety was to remove road engineering features without prior consultation, and that it was then extremely difficult to get them reviewed and replaced, even with the support of local people and the local councillors.
16. I discussed the issue with my chief officer, deciding that it was important to highlight the issue. I decided to write a letter to Councillor Coleman and invite others to sign it if they wanted to. In light of my past experiences of writing to him directly⁴ or through colleagues⁵ I decided that the letter would have the most impact if it was copied to the local press at the same time. I also copied Councillor Cornelius and Mayor Boris Johnson, because Councillor Coleman had said that this policy was in line with the Mayor's transport policy.

⁴ Appendix 2

⁵ Appendix 1

17. I circulated a draft letter to local headteachers and chairs or chief officers of charities and community organisations. I gave a short time for people to consider the letter and make their decision about whether or not they wished to sign. This was because I felt it would be helpful to everyone to raise this issue quickly, before the policy bedded in. I also wanted to avoid raising the issue during the election period. The letter⁶ was signed by 25 people and sent to Councillor Coleman, Councillor Cornelius and Mayor Boris Johnson on 28 February. It was sent to the Hendon Times, Barnet Press, The Archer and Ham and High. I believe that this shows I acted with all possible speed.
18. Everyone who signed the letter received a full draft, a link to the original policy documents and a list of the intended recipients.
19. I received no response or acknowledgement to the letter from Councillor Coleman.
20. I also put an online petition on Barnet Council's website. There was some discussion about one word in the wording of the petition. I described Barnet Council's road safety record as "terrible". The Governance department disputed this word and, after providing me with additional statistics which are not available on TfL's website I was happy to remove this. In every other respect the Governance department were happy to accept that the petition was an accurate representation of the policy⁷.
21. On the 10 April I received an email from the chair of Barnet Centre for Independent Living, forwarding correspondence sent by Mr Michael Nolan, with Councillor Brian Coleman. Mr Nolan is deaf-blind and a director of Barnet CIL. He is also a constituent of Councillor Coleman's. Barnet CIL is a voluntary sector organisation which supports disabled people in the London Borough of Barnet. Since a significant proportion of older people have disabilities there is a considerable overlap between the work of Age UK Barnet and Barnet CIL. We work together. However, to my knowledge, I have never met Mr Nolan in person.
22. Mr Nolan had written to Councillor Coleman on his behalf about the traffic light controlled crossings policy. You will see that Councillor Coleman's response was "You will be glad to hear there are no such proposals"⁸.
23. I contacted Mr Nolan and asked him whether he would clarify this statement (which he had already decided to do) and also whether I had his permission to use his name in correspondence with Councillor Coleman.
24. I wrote to Councillor Coleman, in his capacity as Cabinet Member for the Environment, asking him to respond to my letter of 28 February, which was attached. I copied the letter to

⁶ Appendix 4

⁷ Appendix 5

⁸ Appendix 6

Councillor Cornelius and Mayor Boris Johnson⁹. That correspondence forms the basis of my current complaint. Please note that there is a typo in the second last sentence of my final email to Councillor Coleman. I intended it to read "For the record, I do **NOT** believe that you can copy defamatory slurs like this to Councillor Cornelius and still consider that this is a private correspondence."

25. On 11 April I wrote to Councillor Cornelius setting out my concerns about the allegations made about me by Councillor Coleman¹⁰.
26. Later that day I was forwarded further correspondence by Mr Nolan, which I consider to be defamatory¹¹.
27. On 29 April I had a telephone conversation with Councillor Cornelius about my concerns, as I had not had a response to my email as yet. Immediately after our telephone conversation I confirmed the substance of our conversation to Councillor Cornelius. During that conversation I told him about the correspondence between Councillor Coleman and Mr Nolan, which he was not aware of up to that point. He replied shortly afterwards (about 1 hour later), copying Councillor Coleman into his reply. As you will see, his written response is different to my note of our telephone conversation. I am certain that my email is my clear memory of our conversation, and specifically that, on the telephone, Councillor Cornelius explicitly accepted that I had not misrepresented the policy. Of course, he is perfectly entitled to change his mind on further consideration. It is fair to say that, whilst I requested an apology within one week, Councillor Cornelius did not say anything in response to this, positive or negative. I therefore took it as agreed. I have not had a reply to my last email¹².
28. In case it is not abundantly clear, I have no reason, or wish, to correspond with Councillor Coleman on anything but a professional basis.
29. I would also like to state, for the record, that I was not rude to Councillor Coleman's friends at his Standards hearing. I had a small number of limited interactions with them. I offered my seat to his mother, who had arrived late, as I was in the front row. She declined this and thanked me. When his friends then pulled the row of chairs behind me out and put them in front of me I commented that perhaps this row had grown too long, and that one or two should move back to leave a clear passage, as it was blocking the fire exit. I believe I also mentioned that the coffee was provided only for the members of the Standards Committee, and that officers had told other people, when they asked, that observers were not allowed to help themselves. I do not believe that these comments were rude. My latter two comments were ignored.

⁹ Appendix 7

¹⁰ Appendix 8

¹¹ Appendix 9

¹² Appendix 10

30. On the 10 May, having given Councillor Coleman and extremely long period of time to apologise, I contacted the Governance department of Barnet Council to seek advice on this complaint. I spoke with Maria Lugangira, and explained that some of the correspondence which I was unhappy about came from Councillor Coleman's GLA account. She suggested that I refer the matter to them as a preliminary issue, to decide whether or not this should be dealt with through the GLA Standards Committee, or through whether it should go to Barnet. As you will see, the Monitoring Officer at the GLA has considered the matter and it is his view that Councillor Coleman's correspondence with Mr Nolan was written in his capacity as a Member of Barnet Council¹³.

Council Meeting on 11 September

31. On 11 September I attended the Council meeting, sitting in the public gallery. During the debate on One Barnet Councillor Coleman chose to refer to residents in the public gallery, some of whom were heckling, as "the mad, the sad, and", looking from the backrow to Ms Theresa Musgrove and myself, "a couple of hags".
32. I would like to point out that I was not heckling. Some of the heckles came from Mr Ron Cohen who could clearly be heard saying "Where is my apology?" a reference to an earlier breach of Council standards by Councillor Coleman, upheld by the Standards Committee and the First Tier Tribunal. I would also like to point out that some of the local residents who were there have visible disabilities, including one with learning disabilities.
33. Councillor Coleman then laughed at residents who expressed their anger.
34. Councillor Coleman then went on to disparage and ridicule a council officer by name.
35. I am grateful to Councillor Brian Salinger for his decision to walk out of the Council Chamber in disgust and for the support of Councillor Jack Cohen and Councillor Alison Moore in asking the Mayor to insist that Councillor Coleman apologise. He refused, sniggering at the distress and anger he had caused. The Mayor did ask Councillor Coleman to apologise for his comments, a clear sign that he believed that the Code of Conduct had been breached.

Breaches of the Code of Conduct

36. I believe that the correspondence complained of falls within the scope of the Code of Conduct for Members for the following reasons:
- 36.1 On each occasion I wrote to Councillor Coleman in my capacity as chair of Age UK Barnet, because he was Cabinet Member for the Environment at the time, and copied in Councillor Cornelius as Leader of the Council.

¹³ Appendix 12

36.2 The correspondence on 28 February forms a single chain of correspondence, ie he hit "reply to" rather writing to me under separate cover, and was sent through his Council account. It was accepted by the First Tier Tribunal in the case of Tambourides v LB Barnet that the use of a Council email address is persuasive in considering whether a matter forms Council business.

36.3 On the 29 April I received an email from Councillor Cornelius which stated that "I accept that your comments were not party political in nature. As Chair of Age UK Barnet, it is indeed correct for you to raise the issue of any traffic signals that may be modified or pelican crossings that may be changed to Zebras."

36.4 It cannot be right that a councillor can seek to avoid responsibility for insults, disrespectful and bullying behaviour, by writing "private" at the top of an email.

36.5 In the case of the correspondence about me to Mr Nolan it is clear that this correspondence concerned Barnet Council policy, set by Councillor Brian Coleman in his capacity as the then Cabinet Member for the Environment, to a resident of the borough and a local constituent of his. This was the considered view of the Greater London Authority.

I therefore believe that this conduct falls within s.2 (1) and none of the exemptions under s.(2)-(5) can or should apply.

37. I would also like to make a point about Article 10 and the case of Calver. It is my opinion that, by volunteering to sign the Code of Conduct for Members, Councillor Coleman has voluntarily agreed to restrict his own freedom of expression whilst engaged on Council business.

38. I believe that, in failing to respond to my letter of 28 February, Councillor Coleman failed to treat me with respect. Furthermore, I believe his correspondence of 10 April failed to treat me with respect, because of both the rude tone and the slurs about me contained within it.

39. Councillor Coleman made no attempt to engage in debate on the issues, robust or otherwise, or behave in a proper and professional manner. For this reason I believe that s.3 (1) has been breached.

40. I believe that this correspondence should be seen within the context of Age UK Barnet's relationship to Barnet Council, specifically that we are a contractor of the council. The implication in Councillor Coleman's email, that I was wrong to raise this issue and that he believed I was working against him or the Council by sending this letter, is extremely damaging both to me personally; the charity for whom I volunteer; and ultimately the vulnerable older people whom Age UK Barnet support.

41. Furthermore the email sent to Mr Nolan, a director of a partner organisation, suggesting that I was misleading people is, in my opinion extremely damaging to my reputation and was intended to be seen as such. I would like to point out that I do not believe that Councillor Coleman's representation of the Network Management Policy was entirely accurate. This concerns me gravely. £100,000 was allocated to spend on this review. The wording of the policy is quite clear. The statement "Perhaps you could correct Dr Julia Hines who seems to be spreading misleading information" should, in my view, be read in the context of Councillor Coleman's earlier correspondence with Mr Nolan ie "We (and TfL) are reviewing some lights at some junctions (for example Hendon Wood Lane but NOT pelican crossings" and "You will be glad to hear there are no such proposals". Whilst I do not agree with Councillor Cornelius that there has been any misrepresentation of the policy by me, his suggestion that I have shifted the emphasis, possibly, to the casual reader, is very different to the impression which Mr Nolan would have had on reading this correspondence.
42. For these reasons I believe that Councillor Coleman breached s.3(2)(b) and was attempting to bully me.
43. Furthermore, the tone of Councillor Coleman's correspondence seems to suggest that it was inappropriate for me to raise this issue in the first place. I have taken advice from my trustees and from Age UK and I am quite satisfied that this was an appropriate matter for me to raise on behalf of older people within the borough. Age UK Barnet is an independent organisation, notwithstanding the fact that we receive a significant proportion of our funding through a service level agreement (contract for services we supply) from Barnet Council. Councillor Coleman's response was, in my view, an attempt to intimidate my organisation and prevent us from raising this important issue, and to think twice before raising issues in the future. For this reason I believe that Councillor Coleman has breached s.3(2) (d) of the Code of Conduct.
44. I believe that it is my role to work in partnership with Barnet Council. Equally, I believe that it is my role to act as a conduit for the voices of vulnerable older people and to stand up for their interests where necessary. If Barnet Council wants a thriving, imaginative and expert voluntary sector then it is important that the Council, and the councillors, listen to its leaders and engages with it on a range of issues. I do not expect the Council or the councillors to agree with everything I say. I do expect to be treated with respect and professionalism.
45. Finally, I believe that Councillor Coleman breached the Code of Conduct on 11 September 2012. He was in the middle of making a speech in the full Council meeting when he chose to address individuals in the public gallery with his volley of abuse. There can be no doubt that he was engaged in Council business at the time.
46. People with learning disabilities are often stigmatised as being "mad" or having mental illness, which of course is untrue. Mental illness affects one in eight people at some point in their lifetime. It is therefore statistically possible that some of the people he addressed either had suffered from mental illness in the past, or have close family or friends who have been affected by this issue. I considered such abuse wholly unwarranted, deeply offensive

and, in the case of the comment which appeared to be directed at me, misogynistic and sexist.

47. His comments were directed at individuals. As such, and because the insults were based on protected characteristics under the Equalities Act 2010, namely gender (in my case) and disability (in the case of others) it constitutes hate speech. For this reason I believe that s3.1 (failure to show respect) and s.3.2(b) were breached. Hate speech, directed at me as an individual, and targeting me through my gender (a protected characteristic) by calling me a "hag", must be considered bullying.

What I am seeking

48. I would like a public apology from Councillor Coleman. The correspondence about me with Mr Nolan was forwarded to me by a third party. It is impossible for me to know how many people have seen it and therefore I believe a statement should be issued to the three local papers: the Hendon Times, the Barnet Press and the Ham and High. I would also like Councillor Coleman to write to Mr Nolan, apologising for his comments about me. Finally, I believe that Councillor Coleman should make donations to Age UK Barnet and Barnet CIL to compensate for the trouble and distress caused by what I consider to be a malicious falsehood.

I believe that the facts stated in this witness statement are true.

SIGNED



DATE

13/9/12



Content of the message

To:	"CHAPMAN Claire" <CHAPMANC@parliament.uk>	Save Addresses
Date:	Jun 06 2011, 02:15 PM	
Subject:	RE: FW: Roads, traffic & parking - Age UK Barnet	

▼ Show full header

Absolutely Claire

[Redacted]

With best wishes

Yours sincerely

Julia Hines

Message Received: Jun 06 2011, 02:09 PM
 From: "CHAPMAN, Claire"
 To: [Redacted]
 Cc: [Redacted]
 Subject: RE: FW: Roads, traffic & parking - Age UK Barnet

Dear Ms Hines

Thank you for your email. Please could you provide your postal address?

Kind regards

Claire

Claire Chapman
Secretary to The Rt Hon Theresa Villiers MP
Member of Parliament for Chipping Barnet

From: [Redacted]
 Sent: Thursday, May 19, 2011 3:46:46 PM
 To: VILLIERS, Theresa
 Subject: Roads, traffic & parking - Age UK Barnet
 Auto forwarded by a Rule

Dear Ms Villiers

I am writing to you as the chair of Age UK Barnet, on a number of local issues, which are currently of concern to the many older people in Barnet.

1. CPZ charges

A number of people have spoken to me about the enormous rises in CPZ parking fees. Many are very concerned about the cost of visitors permits. One elderly lady told me that her daughter pops in to see her every day to check on her. This is vital to maintaining her independence. This will now cost her over £1000 a year. Others have spoken to me about the added costs this will incur in regard to formal carers and when they require visits from tradesmen. For pensioners on

a fixed income, this increase is unaffordable.

It also has an impact on Age UK Barnet, as we pay expenses for volunteer befrienders, shopping buddies, IT buddies as well as for our handyperson scheme. It raises our expenses at a time when our funding is being cut.

I understand that the U3A is concerned about the impact it will have on them.

2. Cashless parking

This appears to have been introduced by default, without any consultation or equality impact assessment. There are both direct and indirect impacts on older people.

Many older people do not have mobile telephones. Some cannot use them because of hearing loss. Nonetheless, many rely on their cars. They therefore find themselves

excluded from using their cars to do simple things we all take for granted, such as visiting local shops or amenities such as libraries.

Indirectly, this has an impact on viability of local shops and services. Older people who have mobility problems rely on these shops staying open in their immediate vicinity.

Since supporting local business is a priority of the Council (and I am sure a priority of yours as well) this would seem to me to be a false economy.

3. Road traffic accidents

I was very distressed, but not surprised, to see that Barnet has the highest number of road traffic accident deaths in London and the second highest number of road traffic accidents.

http://www.times-series.co.uk/news/9024431.Borough_worst_for_road_deaths_in_London/?ref=mc

There are two points I would like to make about these statistics.

Firstly, the fact that Barnet has the highest number of killed or seriously injured, but not the highest number of accidents implies that speed (and therefore force of impact) was a significant factor.

Secondly, the Department for Transport recognises that poorer socio-economic areas, and particularly those where there is dense urbanisation, are the areas where road traffic accidents are highest. Barnet does not fit into this category. In fact, in considering these figures, it is unlikely that Barnet has more traffic than Camden, more drink drivers than Croydon, or more joy-riders than Hackney. It is true that Barnet is a geographically large borough, but it is not the largest borough in London and it has large areas of undeveloped green belt land without a dense network of roads.

The Department for Transport guidance focuses on the 3 "Es" in reducing road traffic accidents - engineering, education and enforcement. Barnet has taken the unusual step of not using the first of these, engineering, to reduce its road traffic accident rate. In fact, its policy is the complete opposite, contrary to the latest advice from your Ministry, published this year. In the absence of other explanations, it seems likely to me that these two facts are related. Given the enormous economic cost of road traffic accidents, quite apart from the appalling human cost, I am at a loss to understand why.

This is important to older people for two reasons. It is the old and the young who are most at risk from road traffic accidents. They are also more likely to be frightened of going out independently. This in turn increases social isolation and has a detrimental impact on health.

Barnet Council is currently consulting on both its Local Development Framework and its Joint Strategic Needs Assessment. The high rate of road traffic accidents is something which could, and in my view should, be addressed in both.

I would be grateful if you would consider taking up these issues on behalf of your older constituents.

Thank you for your kind assistance.

With best wishes

Yours sincerely

Julia Hines
Chair Age UK Barnet

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Appendix 1

The Rt. Hon. Mrs Theresa Villiers MP
Member of Parliament for Chipping Barnet
• House of Commons, London, SW1A 0AA
T 020 8449 7345 F 020 8449 7346 theresa@theresavilliers.co.uk
www.theresavilliers.co.uk

Ms Julia Hines
Chair Age UK Barnet



Reference (please quote if replying) TV/CC/CN3174

18 July 2011

Dear Ms Hines

Many thanks for your email about parking charges in Barnet on behalf of Age UK Barnet. Please accept my apologies for the delay in responding.

Other constituents have contacted me about this issue and I have passed on their concerns with the Council.

Of course increases in parking costs are never welcome, but I gather that the new level of charges is roughly in line with similar London boroughs. I have been informed that an Equalities Impact Assessment was carried out in relation to the Council's recent changes to parking charges and policy.

I understand that the Council have had to review the fees and charges for parking because there is a shortfall of around £2 million on the Special Parking Account. Without the increase in charges, this shortfall would have to be met from other sources. This would be very difficult because the record deficit left by the last Government has meant that all local authorities have been asked to make savings and accept reduced funding levels.

It is also important to appreciate that the proceeds of parking charges and fees fund much needed repairs and maintenance to roads and pavements. Money raised in the Special Parking Account can only be spent on transport schemes, including, for example, signs and lines, road and pavement repair and SEN transport.

I note your concern about the introduction of cashless parking. This is also an issue I have taken up with the Council.



They are exploring options which could provide alternatives to a completely cashless approach, for example by utilizing the Pay Point network of retailers, potentially allowing parking permits to be bought at local shops.

With regard to your comments about road casualties in the Borough of Barnet, of course even one single death is one too many and a tragedy for those concerned. You will appreciate that this is an issue for the Council. I have therefore raised your concerns with Cllr Brian Coleman, Cabinet Member for the Environment. He has informed me that the overall figure for traffic collisions are down by 22%. I am certain the Council is committed to keeping our roads as safe as possible.

Please be assured that I have taken all your points on board. Thank you once again for letting me have your views.

Kind regards

Therese

Subject: Re: Environment policy in Barnet
From: [REDACTED]
To: dean_cohen@hotmail.com;
Date: Tuesday, June 12, 2012 6:29 PM

Dear Councillor Cohen

Further to our correspondence on the Network Management Policy, I saw this in the Hendon Times today

http://www.times-series.co.uk/news/topstories/9755872.Council_scrap_s_Coleman_s_pelican_crossing_review/?ref=twrtrec

Thank you. I am sure this is the right decision.

With best wishes

 Julia Hines
Age UK Barnet

From: Dean Cohen <dean_cohen@hotmail.com>
To: [REDACTED]
Sent: Sunday, June 10, 2012 6:27 PM
Subject: RE: Environment policy in Barnet

 Dear Ms Hines

Apologies for the delay in replying, I have been inundated in emails which I am still making my way through.

Cashless Parking

As you are aware, in my announcement I stated that all businesses/traders will be offered the scratchcards at a discount in order for them to encourage them to stock them to either sell on or to give to their customers etc. Therefore making this method of payment much more accessible.

CPZ Vouchers

Indeed Cllr Marshall is correct regarding the half day (up to 4 hrs permit). I note your comments and it has been suggested that potentially a carers voucher could be created.

Network Management Policy

With regards to this, I will ask officers to brief me on this

Uneven Pavements

A significant amount of money is to be spent on relaying pavements this year.

Benches

I entirely agree with you and I fully support benches being installed in particular to assist the ageing community.

I hope this assists

Kind Regards

Dean Cohen

Date: Thu, 7 Jun 2012 04:08:51 -0700
From: [REDACTED]
Subject: Fw: Environment policy in Barnet
To: cllr.d.cohen@barnet.gov.uk

Dear Councillor Cohen

I write further to my letter of 25 May 2012. I look forward to hearing from you.

With best wishes

Yours sincerely

Julia Hines
Age UK Barnet

— Forwarded Message —
From: [REDACTED]
To: "cllr.d.cohen@barnet.gov.uk" <cllr.d.cohen@barnet.gov.uk>
Sent: Friday, May 25, 2012 3:44 PM
Subject: Environment policy in Barnet

Dear Councillor Cohen

Congratulations on your appointment as Cabinet Member for the Environment. I thought I would give you a little while to get your feet under table before writing to you about the issues in your portfolio, which have a particular impact on older people.

Cashless parking

I am very pleased to hear that there will be a review of the cashless parking policy. Pay by phone parking has had a particular impact on older people in two respects.

1. 40% of older people do not own a mobile phone, astonishing, but true. Many older people, particularly those with a hearing impairment, have a particular problem using a mobile phone on a busy street. The withdrawal of payment machines has had a particularly detrimental impact on older people, both because of this, and because of difficulties in accessing other methods of payment (physical disability may make it more difficult to walk to a shop which sells scratchcards in the time allowed and, as 60% of older people have never been online, purchasing scratchcards directly, or looking up where they can be purchased, is problematic). It was disappointing that the equalities impact assessment of this policy only looked at the impact on staff, not residents.

2. The detrimental impact on the high street affects older people, who may or may not drive, and need to be able to access goods and services near to home is also an issue. Put broadly, having local shops selling fresh food, local banks and post offices, are of particular value to older people.

3. The price rise impacts people on fixed incomes particularly hard, ie pensioners.

CPZ vouchers

The key issue that has been fed back to me is the cost of visitor vouchers. An older person living independently in a CPZ zone, but relying on a daily visit from an informal carer (usually a daughter) would cost over £1,000 a year. I appreciate that disabled car permits and carer permits are available, however this only applies to people at the higher end of the needs spectrum. Those people with mild or moderate needs on the FACS criteria do, by definition, have needs.

I should say that the costs have had an impact on the cost of delivering Age UK Barnet's befriending scheme.

I understand from Councillor John Marshall that you are considering introducing a half day voucher, which would be useful. However, I would like you to consider an older persons permit for, say, people over 75. This could be used by visitors and carers.

This would save money, because it would reduce the number of people having to apply through a more bureaucratic process for a disabled or carers permit.

It would apply to a relative small number of people in the borough, because a proportion would have qualified for a carer's permit in any event, CPZ zones only cover a small proportion of the borough, and those older people in sheltered housing or residential care homes would not require them.

Whilst I have significant issues with the infamous "slide of doom", including its title and accuracy, there is no doubt that demographic changes are going to pose an increasing problem for the Council. Relatively inexpensive ways to keep people independent in the borough will pay dividends in terms of pressure on budgets from health and social care.

There could be a charge for this permit.

Network Management Policy

The proposed review of traffic light controlled crossings has been of concern to older people, especially those with visual impairments. Pelican crossings are vital for people with visual impairment to keep independent. If you would like me to arrange a meeting with some of our

clients, so that you can hear how terrifying it is to step into the road when you cannot see what is coming, I would be happy to set that up for you.

I understand £100,000 has been earmarked from Transport for London's Borough Implementation fund to conduct this review. If many of the crossings reviewed are not to be withdrawn, this strikes me as a waste of money. If many of them are removed, then I see this as a significant issue.

The intersection between Environment issues and Health and Social Care.

As I have mentioned, the changing demographics will pose budgetary challenges for Barnet in the near future. The problem, in my view, is not that older people are living longer; that is something to be celebrated. The difficulty is that the age at which people tend to become disabled is not rising as fast as the average age of mortality. The challenge is in keeping people healthier for longer.

I am proud that Age UK Barnet are doing their bit in this regard. For example, we run 34 exercise classes in 18 locations around the borough. However, in order to tackle the problem facing you, I think Barnet Council need to take an epidemiological approach. The easiest way to encourage people to live a healthy lifestyle and exercise more, is to encourage them out of their cars and to walk or cycle more.

● This applies to older people, and to younger people who will in time be older people.

There has been a significant amount of research on what puts people off walking or, indeed, encourages them to do so:

1. Road safety - fast moving traffic is particularly daunting for older people who may take longer to cross the road. Barnet's road safety record has not been good, with accidents climbing since 2008. Accidents cause network delays, put pressure on local health services and fear of them discourages pedestrians and cyclists.
2. Having local shops and services - a destination to walk to. 10 minutes is about the limit which most older people will walk.
3. Uneven pavements. These are a particular hazard for older people and can have a devastating impact. These seem to me to be a particular issue in roads where there are dropped kerbs.
- 4. Fear of crime.
5. Benches to rest on. The evidence is that older people value these. I do appreciate that there is a concern that benches attract street drinkers. My personal view is that you do not tackle street drinking by removing places for alcoholics to sit; they have an illness which needs treatment (and frankly seem happy to sit anywhere).
6. Public toilets. Incontinence and urgency are serious issues for older people and discourage them from going out. It is also the second highest reason for entering residential care (dementia being top of the list). I would love to see a scheme whereby local shops/ cafes had a sign in the window offering toilet use, perhaps in return for a small sum from the Council to cover extra cleaning costs.

Do feel free to contact me if you have any questions about any of this. I would be happy to discuss this with you, either on the phone or over coffee.

Good luck in your new role.

With best wishes

Yours sincerely

Julia Hines
Age UK Barnet



Content of the message

From:	"[REDACTED]"
To:	"Coleman Cllr Brian Conservative" <Cllr.B.Coleman@barnet.gov.uk> ; "JEM Hines" <[REDACTED]>
CC:	"Cornelius Cllr Richard Conservative" <Cllr.R.Cornelius@Barnet.gov.uk> ; "Hillan Cllr Lynne Conservative" <Cllr.L.Hillan@Barnet.gov.uk>
Date:	Aug 28 2010, 03:56 PM
Subject:	RE: Barnet Core Strategy

▼ Show full header

Thank you for your quick response.

I am certainly not suggesting that people over 55 should all give up their cars. However, walking is the simplest, cheapest form of exercise there is. The latest research, published in the last couple of years, is that older people tend to go out for a purpose, for example to buy food, visit the bank, or see friends. Encouraging them to walk will build in healthier lifestyles, less ongoing investment and helping the council to reach stretch targets on cardiac disease. Of course, that does not negate the importance of our Say Go exercise classes which recruited 1200 older people to exercise classes in its first year.

Traffic calming measures are an important part of that. It is disturbing to note that Barnet has the second highest number of RTAs in London (second only to Westminster). That is not good for pedestrians of any age, or car drivers.

There is a new pensioner playground in Oak Hill Park, which I am very pleased to see. I believe ACB started a Say Go class there to encourage older people to use it.

The research on heat islands is certainly not 20 years old. Information about hypothermia has certainly been available for many years, but it remains a problem and again, one which careful design can help to tackle, reducing future costs.

I am concerned that you feel that day centres are patronising. That is certainly not the view of our users, whether they come for the day, or drop in for an art class, bridge club, computer access or for help cutting their nails. The independent research we commissioned from Middlesex University found very strong support for Day Centre based services across the borough. If you would like to read "The Voice of Experience", published in Feb 2010, please let me know.

People emphasised the need to get away from the 4 walls syndrome of having everything brought into their home and not being able to get out, amongst many other issues which they raised.

With best wishes

Yours sincerely

Julia

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Message Received: Aug 28 2010, 02:09 PM
 From: "Coleman, Cllr Brian Conservative"
 To: "[REDACTED]"
 Cc: "Cornelius, Cllr Richard Conservative", "Hillan, Cllr Lynne Conservative"
 Subject: RE: Barnet Core Strategy

Thank you for this

I have read the document with interest but consider there is a vast amount of "woolly" thinking

Vast numbers of our over 60s continue to drive and the car is their first means of transport (my Mother did not give up her car till she was 85), many of our over 60s remain in full time employment. You seem to ignore these groups. Your views on traffic calming are frankly wrong and contrary to general thinking.

Sadly much of what you propose is 20 years out of date and the suggestion of "pensioner playgrounds" is frankly silly especially when we have a well developed network of gyms both private and subsidised not to mention miles of footpaths in the green belt.

The vast majority of over 60s in this Borough continue with extremely active lives: indeed a number serve on the Council! And the sort of old fashioned patronising "day centre" approach is not what they require

How ever you appear to be the only voluntary organisation that has bothered to write to Councillors and I am grateful

Kind regards

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

From [REDACTED]

Sent: 27 August 2010 13:13

To: Braun, Cllr Maureen Conservative; Brodwin, Cllr Alex Labour; Campbell, Cllr Anita Labour; Coakley Webb, Cllr Pauline Labour; Cohen, Cllr Jack Liberal Democrat

Cc: Cohen, Dean Cllr Conservative; Cohen, Cllr Melvin Conservative; Coleman, Cllr Brian Conservative; Cooke, Cllr Geoffrey Labour; Cornelius, Cllr Alison Conservative; Cornelius, Cllr Richard Conservative

Subject: Barnet Core Strategy

Dear Councillors

In light of the forthcoming discussion of the Core Strategy document, I would like to draw your attention to one of the submissions made during the consultation by Age Concern Barnet, Barnet 55+ forum, and the Alzheimer's disease society.

I should say that since we made this submission Age Concern Barnet has extended its reach hugely, so that we can safely say that we reach 500 older people a week - in addition to growing numbers using our day centres, we have 1200 registered users of our exercise classes under the Say Go scheme, we assisted 850 people last year with welfare benefits advice, putting over £160,000 into the pockets of older people in the borough, money which is likely to be spent locally, and average 40 enquiries a day for handyperson scheme, our befriending scheme is growing steadily and we have also grown through merging with East Finchley Neighbourhood Contact.

I therefore feel confident that we speak for a significant proportion of the population of older people within the borough.

I hope our priorities in spatial planning are useful to you.

If you would like more information about our work, or would like to visit us, please feel free to contact me. You can also view our website www.ageconcernbarnet.org, and subscribe to our new sletter.

Yours sincerely

Julia Hines
Chair Age Concern Barnet

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AGENDA ITEM: 8

Pages 373 – 395

Meeting	Cabinet
Date	20 February 2012
Subject	Network Management Policy
Report of	Cabinet Member for Environment
Summary	The report sets out the principles of an approach to managing the Council's road network to reduce congestion and improve traffic flow. It defines and sets out a transparent process by which issues would be investigated and approval to proceed would be agreed..

Officer Contributors	Neil Richardson, Highways Manager (Traffic And Development) Paul Bragg, Highways Manager (Network Management) Declan Hoare, Assistant Director Highways and Transport
Status (public or exempt)	Public
Wards affected	All
Enclosures	Appendix A – main road network Appendix B - permanent traffic signal review Appendix C - use of temporary traffic signals for roadworks Appendix D - period of operation of single yellow lines
For decision by	Cabinet
Function of	Executive
Reason for urgency / exemption from call-in	Not applicable

Contact for further information: Neil Richardson, Highways Manager, 020 8359 7525

1. RECOMMENDATION

- 1.1 That Cabinet support an approach to traffic management that maintains and improves traffic movement on the main road network and that the procedure set out in the report for carrying out reviews of the network to facilitate this be agreed.
- 1.2 That Cabinet agree the proposed policy reviews in respect of:
 - a. Permanent Traffic Signals (Appendix B)
 - b. Review of the Operation hours of Waiting Restrictions (Appendix D)
- 1.3 That Cabinet agree the proposed approach to restricting the use of Temporary Traffic Signals for Road Works (Appendix C)

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Cabinet 5 November 2002 decision no. 4- agreed a future strategy for traffic management.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The proposals in the report will contribute to the One Barnet Plan and Corporate Plan priority “A Successful London Suburb” by keeping traffic moving. The attached appendices cover proposals for policy development in respect to permanent Traffic Signals, the operational hours of Waiting Restrictions and the use of Temporary Traffic Signals for Road Works. The policies proposed are compliant with the Mayor for London’s Transport Strategy. Where relevant this is noted in the report and appendices.
- 3.2 Prioritising traffic movement on the main road network, adopting a formal procedure to review the appropriateness of traffic signals in the borough and control temporary traffic signals and carrying out other reviews of parking restrictions and features or types of control ensures that the traffic is not delayed unnecessarily by parking and traffic control features where they are no longer needed.
- 3.3 A review of traffic signals could also contribute to the corporate priority Better Services with Less Money as contributions for traffic signal maintenance would reduce at locations where traffic signals could be removed.
- 3.4 The London Mayor’s Transport Strategy also addresses these areas through:

“Proposal 30: The Mayor, through TfL, and working with the London boroughs and other stakeholders, will introduce measures to smooth traffic flow to manage congestion delay, reliability and network resilience) for all people and freight movements on the road network, and maximise the efficiency of the network. These measures will include:

...

 - c) Upgrading, rationalising or removing traffic management equipment and optimising timings at signal controlled junctions to keep traffic moving

...

 - e) Planning and implementing a targeted programme of improvements to the existing road network, including junction upgrades to improve traffic flow on the most congested sections of the network, and to improve conditions for all road users”

4. RISK MANAGEMENT ISSUES

- 4.1 None associated with this report. Detailed risk assessment would be carried out relating to the specific review as appropriate.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 Section 149 of the Equality Act 2010 which places and strengthens the duty on public authorities to advance equality of opportunity came into effect on 5 April year? . This includes giving due regard to the need to advance equality of opportunity and, remove or minimize disadvantages related to particular protected characteristics and to take steps to meet the different needs that result including taking account of disabled persons' disabilities.
- 5.2 There is potential for review outcomes undertaken under this procedure to impact particularly on groups with protected characteristics especially disabled people, children or elderly people who may be more reliant on particular features to travel or travel safely. Consequently the procedure includes provision for carrying out equalities impact assessments related to individual reviews and to the identified outcomes to ensure the impacts on groups with protected characteristics are given due regard and mitigation measures put in place where appropriate.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 **Finance** – Proposals referred to in this report identify principles and priorities to be contained within the available traffic management budgets. There is no commitment of additional funding.
- 6.2 **Procurement** – Highway works associated with proposals would be procured through the borough's highway term contracts.
- 6.3 **Performance and Value for Money** – There is a cost associated with developing proposals. In order to limit abortive costs the initial stage of the procedure aims to rule out locations where achieving benefits to traffic movement is unlikely to be technically or economically feasible. Detailed assessment of proposals would include assessment of the financial costs and benefits to traffic operation as well as the impact on other priorities.
- 6.4 There are no **Staffing, IT or Property** implications arising out of this report.
- 6.5 **Sustainability** Reducing traffic delay and stop-start driving contributes to reduced emissions from road traffic, and, given the increased demand from the borough's growing population, may limit increased emissions. However providing additional road capacity may also result in increased traffic demand as trips are encouraged that might otherwise have been avoided or undertaken by other means.

7. LEGAL ISSUES

- 7.1 The Traffic Management Act 2004 (section 16) places an obligation on authorities to secure as far as may be reasonably practical, the expeditious movement of traffic (including pedestrians) on their road network and the avoidance, elimination or reduction

of road congestion or other disruption to the movement of traffic on their road network. (Section 31 of the Act (the Interpretation Section of the Act) explicitly states that traffic includes pedestrians).

- 7.2 The Health and Safety at Work Act 1974 identifies that employers have a Duty of Care with regard to Health and Safety. There is an expectation that all risks will be identified and actions needed to remove/control the risk will be in place. It also identified the need to provide and maintain a safe working environment by the use of safe systems of work. The Management of Health and Safety at Work Regulations 1999, states that every employer shall make suitable and sufficient assessment of the risks to employees and also the risk to the health and safety of persons not in his employment arising out of or in connection with the conduct of him or his undertaking. Section 3 requires the employer to ensure that people not employed, but who could be affected by his operations, are not placed at risk.

8. CONSTITUTIONAL POWERS

- 8.1 Constitution Part 3, Responsibility for Functions – Section 3, sets out Responsibilities of the Executive.
- 8.2 Decisions reserved to the Cabinet meeting (paragraph 3.8) include:
“Considering policy initiatives, initiating new policy proposals and determining the way in which policy reviews will be carried out.”
- 8.3 Paragraph 3.10 sets out the functions of Area Environment Sub-Committees including:
“To discharge the Executive’s functions, within the boundaries of their areas, in accordance with council policy and within budget ... that relate to Highways use and regulation not the responsibility of the Council”.
- 8.4 Cabinet Members’ general powers including discharging the executive functions that fall within their portfolio are set out at paragraph 3.3. However paragraph 3.4 states that “Except in cases of urgency, they will not normally take delegated decisions if they involve something other than the implementation of an annual Performance Management Plan or a decision previously taken by Council, Committee or Cabinet”.
- 8.5 Section 6 – Powers delegated to officers, paragraph 6.1 also provides that Chief Officers can take decisions, in consultation with the Cabinet Member concerned to discharge the functions allocated to them or dealt with by them or their staff, except for matters specifically reserved to Executive Members, Cabinet meeting, Cabinet Committees, Committees or Council.

9. BACKGROUND INFORMATION

- 9.1 In 2002 the Cabinet agreed a report, ‘Traffic Management – Future Strategy’, that set out an approach to traffic management that prioritised improving main road capacity, making these roads more attractive to use and thereby minimising levels of traffic diverting to less suitable routes. This defined a main road network of roads, typically carrying more than 5000 vehicles per day. Many of these roads are also bus routes. This was based on the road hierarchy used in the borough’s draft Unitary Development Plan (UDP). The plan at Appendix A shows the equivalent roads based on the adopted UDP.
- 9.2 The Traffic Management Act 2004 places an obligation on highway authorities to ensure

the quicker movement of traffic (including pedestrians) on their road network. This can be achieved by action which they consider will contribute to securing more efficient use of their road network or avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic.

- 9.3 Results from the 2010 National Highways and Transportation (NHT) Public Satisfaction Survey indicated that “reducing traffic and congestion” and “highway condition” were the aspects of highway and transport provision with which Barnet residents were least satisfied, but both were considered of high importance. Other areas of high importance to residents which received medium satisfaction ratings were “pavements and footpaths” and “safe roads”.
- 9.4 Traffic movement on main roads can be affected by a range of features including permanent and temporary methods of traffic control such as traffic signals, vehicle type and movement restrictions such as width restrictions and banned turns, road humps, parking arrangements and restrictions, road and junction layouts and road works.
- 9.5 Traffic conditions do not remain static and arrangements which served in the past may no longer be adequate. In some cases the conditions that led to the introduction of particular features may no longer exist. Changes in traffic patterns mean that other solutions would now be more appropriate.
- 9.6 In order to effectively manage traffic on the borough’s road networks periodic reviews of the operation of particular features or types of control are required. These reviews would concentrate in particular on improving traffic movement on the main road network.
- 9.7 In accordance with paragraph 9.8 reviews have already been initiated of:
- permanent traffic signal review (Appendix B),
 - use of temporary traffic signals for road works, (Appendix C) and
 - review of period of operation of single yellow lines (Appendix D).

The details of these reviews are laid out in appendices and proposals relating to these would be progressed following approval of this report. The reviews would be carried out following the process outlined in 9.8.

- 9.8 In order to enhance the process for review and make it more efficient and transparent, the following procedure to undertake the reviews and implement the outcomes without undue delay is proposed.

Informal decision to review a particular feature or practice made by the Cabinet Member for Environment

Stage 1 Initial Assessment:

- Technical assessment to define potential sites and/or scope of proposal and likely scale of any alternative required (in order to exclude at an early stage locations or options that would be technically or economically unfeasible to take forward.)
- Equality Impact Assessment identifying any mitigation or further assessment required at stage 2.
- Risk assessment identifying any mitigation or further assessment required at stage 2.
- Summarise scope of proposal(s) / locations to be taken forward and outline proposal(s) to manage impacts where appropriate.

Formal Decision to proceed to stage 2 made by a Cabinet Member Delegated Powers Report

Stage 2 Detailed Assessments and Consultation:

- Design or detailed development of proposal including engagement with stakeholders (as appropriate to the proposal)
- Assess operational benefits, impacts on other obligations, policies or objectives and cost benefit and consider whether trial is appropriate
- Consult primary stakeholders including ward councillors on preferred option(s).
- Public consultation
- Carry out trial if required

Formal Decision to proceed to stage 3 to be made by a Director of Environment Planning and Regeneration Delegated Powers Report in consultation with the Cabinet Member for Environment.

Stage 3: Implementation

Implement works / introduce new practice
Monitor and review

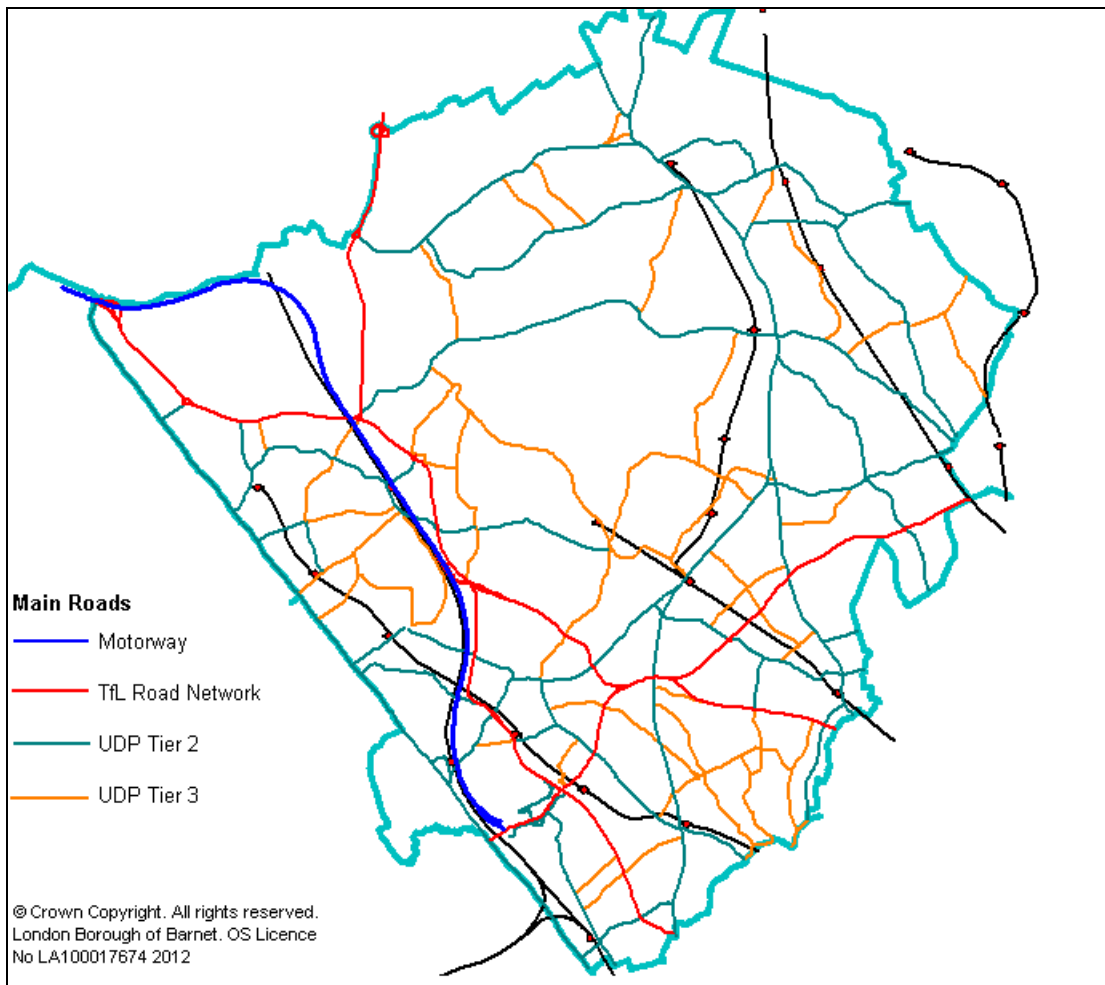
10. LIST OF BACKGROUND PAPERS

10.1 None.

Legal – CH
CFO – MC

APPENDIX A

Main Road Network



Appendix B

Permanent Traffic Signal Review

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**

CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- Adoption of a formal procedure to review the appropriateness of traffic signals in the borough will contribute to the One Barnet Plan and Corporate Plan priority “A Successful London Suburb” by keeping traffic moving. Unnecessary traffic signals cause delays and their reduction would better cater for the transport needs of Barnet today and into the future.
- The proposal will also contribute to the corporate priority Better Services with Less Money as contributions for traffic signal maintenance would reduce at locations where traffic signals could be removed.
- The London Mayor’s Transport Strategy also addresses these areas through:

“Proposal 30: The Mayor, through Transport for London, and working with the London boroughs and other stakeholders, will introduce measures to smooth traffic flow to manage congestion ... These measures will include ...c) upgrading, rationalising or removing traffic management equipment and optimising timings at signal controlled junctions to keep traffic moving ...”

RISK MANAGEMENT ISSUES

- Removal of traffic signal control, especially for pedestrians, is an issue that engenders strong opinions and may contribute to negative publicity and public perceptions regarding safety. A structured procedure for considering the impacts of the proposal will mitigate this to some extent. However it is not possible to mitigate entirely the risk that an accident or accidents may take place shortly after implementation.
- There is a risk that the removal of facilities could disadvantage some equalities groups, leading to legal challenge and adverse publicity. The procedure has been developed to ensure the impacts on groups with protected characteristics are given due regard and mitigation measures put in place in consultation with representative groups or individuals to minimise this risk.
- Removal of traffic signals in some locations could increase congestion and delays. Modelling the proposals and/or carrying out trials will help to identify whether alternative control will adequately handle the traffic demands.
- There is a cost associated with developing proposals. In order to limit abortive costs the initial stage of the procedure aims to rule out locations where acceptable alternative control is unlikely to be technically or economically feasible.

EQUALITIES AND DIVERSITY ISSUES

- Section 149 of the Equality Act 2010 which places and strengthens the duty on public authorities to advance equality of opportunity came into effect on 5 April 2011
- This includes giving due regard to the need to advance equality of opportunity and, remove or minimize disadvantages related to particular protected characteristics and to take steps to meet the different needs that result including taking account of disabled persons' disabilities.
- Traffic signal controlled junctions and stand-alone pedestrian crossings provide assistance to many pedestrians crossing busy roads. They can provide particular benefits for members of the community who are less able to judge whether it is safe to cross, or less confident that they can do so. This may include disabled people, elderly people and children and their carers.
- Signal controlled crossings whether stand-alone or at a junction usually incorporate audible and/or tactile signals (bleeping or a rotating cone beneath the push button unit) to assist blind or partially sighted users.
- The positive invitation to cross can also provide reassurance that may allow wheelchair users and others with reduced mobility to cross more easily and allow learning disabled people or children to cross independently when they might otherwise not be able to. Parents and other carers supervising small children may also find the reassurance of a signalled crossing particularly helpful.
- The extent to which users of individual junctions and crossings are reliant on traffic signals for safety and to allow them to travel around the borough confidently will vary depending on the levels of vehicular and pedestrian traffic and the mix of users due to the local environment and facilities e.g. town centre, local schools etc.
- If traffic levels are particularly low, removal of the signal facility may be possible without adversely affecting any users. In other cases alternative methods of control (such as zebra crossings, mini-roundabouts, pedestrian refuges or other alternative road layouts) could provide a suitable alternative. In some cases it will not be economically possible to provide an alternative that would not disadvantage people with one or more protected characteristic while still catering for traffic requirements.
- In order to assess the potential for removal of the traffic signals and the types of alternative control that might be needed to achieve this, the proposed review procedure includes carrying out a site specific equality impact assessment taking into account the characteristics of the particular location and likely users and consultation with stakeholders representative of older people, disabled people (sight, mobility, learning disability), children and carers to develop suitable alternative controls.

USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- **Finance** Traffic signal maintenance payments made to Transport for London (TfL) amount to approximately £460,000 per annum (2011/12). Annual maintenance

costs per aspect (an aspect can be thought of as a “lightbulb” so each red, amber or green light, each red or green man signal, and each push button unit are an aspect) is currently approximately £80 (the saving from removal of older units may be more). A stand alone pedestrian crossing would have at least 18 aspects so the annual maintenance cost would be at least £1,440. A simple cross roads junction without pedestrian signals would have at least 24 aspects so an annual maintenance cost of at least £1,920 and a cross roads with pedestrian signals on each arm would have at least 48 aspects so an annual cost of at least £3,840. More complex arrangements would cost appreciably more.

- Indicative minimum savings per annum for traffic signal removal, are as follows:
 - Signalised Crossing £1,500
 - Small Junction £3,800
 - Medium Junction £4,800
 - Large Junction £8,000

- At locations where it is deemed beneficial to remove traffic signals consideration will be given to whether alternative methods of traffic control may be needed or not. Should this be the case, the implementation costs will be specific to the location and method of control, and would be factored as part of the overall scheme costs and traffic management benefits before deciding on whether to proceed with any signal removal scheme or not.
- Costs associated with removal of signals and introduction of different methods of control where appropriate would be secured from available Local Implementation Plan funding provided by TfL under s159 of the GLA Act 1999 to help implement the Mayor’s Transport Strategy.
- Any costs incurred will be contained within the Traffic Management budgets.
- **Procurement** Works to the traffic signals would have to be procured through Transport for London as operator of the equipment. Other highway works would be procured through the borough’s highway term contracts.
- **Performance & Value for Money** Assessment of proposals for individual sites would include assessment of the financial costs and benefits and changes in delays and accidents at the junction.
- There are no **Staffing, IT or Property** implications arising out of this report.
- **Sustainability** Reducing traffic signal aspects will also reduce the electricity requirement for the signals leading to indirect reductions in CO₂ emissions. Less stop-start driving also contributes to reduced emissions from road traffic.

LEGAL ISSUES

- The Traffic Management Act 2004 places an obligation on authorities to ensure the expeditious movement of traffic on their road network.
- The GLA Act 1999 s245 and the Road Traffic Regulation Act 1984 s74A provides for Transport for London to operate and maintain traffic signals on borough roads.

- The Equality Act 2010 s149 places a duty on public authorities to advance equality of opportunity.

BACKGROUND INFORMATION

- Traffic signals have been introduced at junctions and to provide pedestrian crossing facilities at many locations in the borough. In some cases the conditions that lead to their introduction may no longer exist, or changes in traffic patterns may have meant that other solutions would be more appropriate. The unnecessary retention of signals leads to traffic delays and congestion.
- The borough's Network Management Duty to ensure the expeditious movement of traffic, including pedestrians, on its road network includes considering how the operation of traffic signals in the borough impacts on congestion and traffic movement.
- Traffic signals on all borough roads in Barnet are operated and maintained by Transport for London. The cost of maintenance is met by the borough in accordance with agreements between the boroughs made through London Councils. In making changes to the operation of these they are required to consult the borough. The borough can also introduce signals and instigate amendments and removals with TfL's agreement.
- In order to identify locations where traffic signals are no longer the most appropriate means of control, a procedure for reviewing the borough's traffic signals and identifying alternative traffic management arrangements has been developed.
- Transport for London, in furthering the Mayor's Transport Strategy is also reviewing traffic signals provided on their own and borough roads, with a view to smoothing traffic flow and improving the street environment.
- The impact of removing traffic signal control may have adverse impacts on disabled people, older people, children and carers of children (who are disproportionately female) depending on the characteristics of the individual site and the alternative methods of control identified. In order to consider the scale and impact of this, locations where the removal of signal control appears feasible will be subject to an individual equality impact assessment and consultation with stakeholders representative of older people, disabled people (sight, mobility, learning disability), children and carers.

Assessment Procedure

The assessment procedure is to be divided in two stages (plus an implementation phase) as detailed below. Formal approval to proceed between stages will be sought by officers in accordance with paragraph 9.8 of the main report. Given the relatively low cost of stage 1 the initial site selection is to be carried out by officers but will also take into consideration locations suggested by elected members and local residents. Results will be presented in a Cabinet Member Delegated Powers Report to decide whether or not to develop a proposal to remove or replace the signals and progress to public consultation, with the final decision to proceed with removal and implementation of alternative measures as appropriate made by the Director of Planning, Environment and Regeneration in consultation with the Cabinet Member.

As the borough has over 130 sites operating traffic signals, their review will be carried out in batches rather than all at once.

Appendix C

Use of Temporary Traffic Signals for Road Works

It is well known that road works are the cause of delays and disruption, however many are essential to enable improved services for road users and consumers. It is therefore necessary to fully utilise existing legislation and our general powers as a highway authority to manage all proposed road works on our roads in order to keep disruption to an absolute minimum.

Whilst road works are being carried out it is common practice for works promoters to use temporary traffic signals in order to safely control traffic movement through road works sites. This method would usually be adopted where works are being carried out in close proximity to road junctions and where the road is being narrowed due to the works such that only a single file of traffic is possible.

Clearly, the use of traffic signals disrupts traffic flow and adds to congestion and journey times. This can be compounded if the signals are not properly set up, maintained and actively managed.

The Council have been keen to explore ways to minimise this disruption and with this in mind, advice has been sought from Counsel on the possibility of a ban on the use of temporary/portable traffic lights by those organisations engaged in road works within the borough, this includes, in particular, statutory undertakers but also the authority's promoted works via its term contractors and DLO. The summary of the advice is provided below:

- The proposal to ban temporary portable traffic lights is not advisable. It would be subject to challenge. We would be unlikely to succeed if challenged as it is a decision that would be deemed as ultra vires and an 'irrational exercise of the decision making power and be liable to be quashed for those reasons'.
- It would also be contrary to health and safety policies and expose the Highway Authority to a 'potentially massive liability'.

Counsel has suggested possible other means detailed below, using existing legislation, to ease the traffic flow problems when the works are being carried out.

The Proposed Way Forward - Restrictions on the use of Temporary Traffic Signals

On the basis of the advice further consideration has been given to alternative options, short of a ban and these are identified below:

This will include making it clear to all works promoters that the Authority expect temporary traffic signals to ONLY be proposed where they are absolutely essential having evaluated all alternative options. The Authority will expect detailed proposals to be submitted with sufficient supporting evidence which will include identifying all other options considered and the reasons why they were discounted as not being appropriate. Failure on the part of the works promoter to provide sufficient detail will lead to non-approval and hence ultimately delays in granting works permits.

It is further proposed that the following requirements will be used to either restrict usage or to enforce compliance with conditions which will be attached to any permissions granted in the future with regard to works and in particular those that require the use of temporary traffic signals.

Secure compliance with all conditions imposed upon Portable Traffic Lights Approvals.

The general power to regulate temporary works is set out in s.14(1) Road Traffic Regulation Act 1984, it applies when the Traffic Authority (TA) consider that the traffic on the road should be restricted or prohibited due to road works, or likelihood of danger. It allows the TA to order, restrict or prohibit temporarily the use of that road, or of any part of it, by vehicles, or vehicles of any class, or by pedestrians, to such extent and **subject to such conditions or exceptions as they may consider necessary.**'

It allows the TA to attach such conditions to a street works licence as it considers appropriate (New Roads and Street Works Act 1991 s 50(4), Sch 3 para 3) for reasons of

- (1) safety;
- (2) to minimise the inconvenience to persons using the street, having regard in particular to the needs of persons with a disability; or
- (3) to protect the structure of the street and the integrity of apparatus in it;

Conditions can also be attached to Permits at the point they are granted, some of which are standard conditions already set out as part of the London Permitting Scheme and other local conditions can also be attached. Failure to adhere to standard conditions can lead to Fixed Penalty Notices being issued by the TA. It is therefore proposed to put arrangements in place to commence with the issuing of FPN's when non-compliance of such conditions is identified. This will encourage improved compliance and assist in minimising the impact of the works.

In order to facilitate compliance it is proposed that the existing Temporary Traffic Signals Notification forms are redrafted to include a number of additional conditions which will include requirements to:

Provide details of why the works promoter believes that they can only undertake the proposed works with the use of temporary traffic signals. The detail expected in this

respect should include identifying other options considered and why they have been discounted as not being viable and/or appropriate and hence justifying that temporary traffic signals are really the only viable option in order to complete the works in a safe manner. Failure to show that all possible options have been properly considered will lead to the TA requesting the Works Promoter to further consider alternative options as in the TA's view justification of the need has not be adequately demonstrated.

Further conditions/requirements will include the following:

1) 'Work activity must be ongoing on site at all times while signals are being used, unless otherwise directed by the highway authority and in regard to NRSWA s66.' (para 20 Guidance Notes NSW HG Application Pack)

Failure to adhere to s.66, i.e. 'carry on and complete the works with all such dispatch as is reasonably practicable'...'commits an offence and is liable on summary conviction to a fine not exceeding level 3'.

It is therefore proposed to attach this requirement to the Permit granted for the works to take place and to actively enforce non-compliance.

2) Vehicle Actuation (VA)

'All equipment used on public roads must be capable of working in Vehicle Actuated (VA) mode. These signals use detectors to monitor traffic flows and use this information to adjust the length of the signal green time to reduce delays. VA mode should always be used unless there is a specific reason, such as using the manual mode on a short-term basis to move plant into, or out of, the controlled area. Use of VA will help to reduce unnecessary delays.'

This will also be attached as a condition to all Permits when they are granted and any identified non-compliance will be dealt with accordingly.

3) Ensuring Signals are operating efficiently and removed at appropriate times including a requirement for regular checks by the installer:

'The operation of the signal controller should be checked regularly, at least daily. If portable traffic signals are on site but not in use, the signal heads and associated signs should be turned away from oncoming vehicles, or covered.'

When the workman leaves a site at the end of the working day consideration should be given to rearranging the signs, barriers and cones in order to minimise the restricted area. If this action allows appropriate space for two way traffic flow to be temporarily reinstated over the non-working night period, then in such situations, the signals should be switched off and turned away from oncoming vehicles, or covered and the advance warning signs rearranged as necessary.

A sign warning of portable traffic signals when none exist is frustrating for drivers and brings road works signs/signals into disrepute. All signs and signals should be removed as soon as the works are complete.'

and

'On site, the following should be checked at least daily:

- safety/stability of signals and lamp integrity;
- cables, for security and damage;
- signal heads and detectors for correct alignment;
- timings, to ensure correct VA operation; and
- power supply, to ensure continuous operation until at least the next maintenance inspection visit.
- Signal head lenses should be cleaned regularly. The interval will depend on the site condition but should be not less than once per week.'

The above will also be attached as a condition to all Permits when they are granted and any identified non-compliance will be dealt with accordingly.

4) Maintenance Arrangements:

'Switching signals to Fixed Time (FT) is a temporary expedient and not a solution for faulty VA. If equipment cannot be repaired, a replacement should be provided. Permanent use of FT will not be acceptable.'

This will also be attached as a condition to all Permits when they are granted and any identified non-compliance will be dealt with accordingly.

5) Restricting length of working area:

'In general, a long working area (working length) will result in long all-red settings and consequently longer queues. It is recommended that the minimum length necessary is used, with a maximum of 300m. Working length will be discussed at an early stage and an appropriate length will be agreed depending on the hierarchy of the road and the impact on the surrounding network.

The agreed maximum length will also be attached as a condition to all Permits when they are granted and any identified non-compliance will be dealt with accordingly.

6) Statutory requirement that STOP/GO boards should be available in case PTL signals break down.

Arrangements must be place to deal immediately with a breakdown of signals. This will include stop/go boards being on site as a back up and immediately utilised as and when necessary.

This will also be attached as a condition to all Permits when they are granted and any identified non-compliance will be dealt with accordingly.

7) Avoiding unnecessary delay or obstruction

s.66(3) NRSWA 91 states:

Avoidance of unnecessary delay or obstruction.

'...(3) Where an undertaker executing any street works creates an obstruction in a street to a greater extent or for a longer period than is reasonably necessary, the street authority may by notice require him to take such reasonable steps as are specified in the notice to mitigate or discontinue the obstruction.

(4) If the undertaker fails to comply with such a notice within 24 hours of receiving it, or any longer period specified in the notice, the authority may take the necessary steps and recover from him the costs reasonably incurred by them in doing so.'

#

This provision will be emphasised in advance of all works and it will made clear to the Statutory Undertakers that financial penalties will be imposed and

enforced in respect of even modest overruns, that would encourage them to ensure that periods of disruption were kept to a minimum.

Arrangements will be put in place to deal with all identified non-compliance and efficient enforcement of such provisions will be instigated.

It is believed that by introducing such restrictions and by ensuring strict compliance the works promoters will be encouraged to better plan future works with a greater focus on minimising their impact.

Appendix D

Review of the Operation Hours of Waiting Restrictions

Proposal

That a review of single yellow lines in the borough currently operative after 6.30pm is undertaken, with a view to proposing a standardised 6.30pm end time .

Background

The current operational hours of approximately 30 single yellow line waiting restrictions within the borough operate later than 6.30pm. It is intended to investigate the reasons for these timings with a view to considering the merits and implications of standardising end times to 6.30pm.

Issues

Waiting restrictions have been introduced at various locations across the borough in order to address specific issues such as:

- Flow of Traffic
- Junction Protection
- Prevention of all day parking around town centres or stations.
- Safety
- Visibility

Waiting restrictions across the borough currently operate at a variety of times depending on their location, and there are various reasons for the differing restriction times, such as the restriction being located within the boundaries of a Controlled Parking Zone, Town Centre or on the Strategic Road Network (SRN). There are also an number of sites where yellow lines have been introduced where there are particular safety or traffic flow issues such as junctions, bus routes, near schools, parades of shops outside town centres, or heavily trafficked routes.

As it stands there are approximately 140 different single yellow line restrictions in the borough, with different days, start times and finish times of operation. Of these there are approximately 30 restrictions which end later than 6.30pm, with 7 different end-times (7pm, 8pm, 8.30pm, 9pm, 10pm, 11pm and midnight)

Controlled Parking Zones

A Controlled Parking Zone (CPZ) is an area where every length of kerbside is made up of yellow lines or parking places, designed to provide parking places at safe locations to cater for the demands of an area, whilst prohibiting parking from occurring at all other lengths of road such as at junctions or across/too close to vehicle crossovers and other entrances to properties.

A number of CPZs already operate all day with restrictions currently ending at 6:30pm and the majority of CPZs in the borough operate for only an hour during the day so would not be affected by any change to standardise the end-times to 6.30pm.

However, the Council does have certain CPZs where the restrictions operate for later than 6.30pm in order to deal with local parking demands. For example:

- Edgware CPZ has an 8am to 9pm Monday to Sunday restriction applying to the CPZ covering Chilton Road, Garden City and Manns Road.
- Cricklewood CPZ has 8am to 10pm Monday to Sunday restrictions applying to the CT Terraces and CW The Groves

In considering whether yellow lines in these CPZs should be amended to reflect a 6.30pm end time, the effect on the local community should be taken into consideration, particularly as these areas may have a later end-time to ensure that the roads are not impacted on by motorists visiting local attractions eg: bingo hall, restaurants, other evening/late night establishments.

It should be noted that both the Edgware CPZ and Cricklewood CPZ areas referred to above have active residents' associations, who have in the past actively liaised with the Council in relation to the current hours of control, so it is likely there would be local opposition to a change to a lesser restriction.

Changes to the yellow lines in these areas can be proposed, and the Council would consider any objections received in its usual way. If changes were ultimately made, this would result in the CPZ being downgraded to end at 6.30pm and reflected in CPZ entry signage (the CPZ entry signage actually refers to the yellow lines in that CPZ), but the parking places still operating as they currently do. Such signage would be correct and the scheme would not need any additional signage erected, although the public may need time to get used to the entry signage referring to yellow lines only, with the parking places having its own signage according to their particular restrictions.

Strategic Road Network

Restrictions on certain lengths of the Strategic Road Network (SRN) operate at various times including between 7am and 7pm Monday to Saturday, (or At Any Time on junctions). 'Tidal' restrictions operate on certain lengths of the SRN between 7am and 10am and 4pm and 7pm to maintain the flow of traffic whilst allowing parking to take place outside the peak traffic periods. Whilst the Council could look into changing the end time of the 7pm restrictions so they end at 6.30pm, the Council would need agreement from Transport for London (TfL) through a network assurance process. On the face of it however, reducing the operating times of yellow lines would probably not be a proposal which TfL would support, as it could be seen as reducing their effectiveness and have the potential to increase congestion on the SRN. However the Council can propose to make the relevant changes and then enter into discussions with TfL about the best way forward.

Junctions and Other locations

In other locations across the borough where existing waiting restrictions differ from 8am – 6.30pm time period, the restrictions have usually been implemented to improve junction safety, or address a specific issue to address local needs. For example, waiting restrictions outside or near schools, matchday waiting restrictions for Barnet Football Club, one hour restrictions near stations, and 8,30pm/midnight ending restrictions on other routes. It would be possible to carry out a review of these locations however, although in some cases a reduction to 6.30pm may be problematic from a traffic flow/access aspect, particularly if there are local evening attractions nearby.

Is 6:30pm an appropriate end time?

6:30pm could be considered to be an appropriate end time for waiting restrictions as it covers the evening peak hours and also allows motorists to park in the evenings, It and has for decades traditionally considered to be a 'standard' single yellow line end time by the motoring public.

However, in certain locations it may desirable to increase the operation times in certain locations to 'At Any Time' (AAT) restriction as at particular locations it is not considered acceptable for parking to occur at all times as parking can present a safety implication. In these circumstances there will be a cost implication linked to upgrading the line however, it is possible to remove the signage adjacent to at any time restrictions therefore would reduce street clutter, and ongoing maintenance costs.

Signage

The Traffic Sign Regulations and General Direction 2002 requires, with the exception of At any Time waiting restrictions in most circumstances; waiting and loading restrictions to be accompanied by signage indicating the restriction or prohibition that applies. The absence of signage would render the restriction/prohibition unenforceable. The exceptions to this are those waiting restrictions in CPZs which operate at the same time of that CPZ where the CPZ entry sign indicates the hours of operation of the yellow lines. The standardisation of end time of waiting restriction would not remove the requirement to sign waiting restrictions.

Enforcement

Reduction of the hours of operation of yellow lines could impact on the level of resources so the opportunity should be taken to review deployment and number of Civil Enforcement Officers. Management of enforcement is likely to be easier with standard times including improved motorist clarity, however, if certain sections of lines are increased to AAT there will be implications on enforcing through the night.

Risks

- A general standardisation of waiting restrictions may result in inappropriate restriction times being applied in certain locations.
- Cost implication relating to sign changes (should be limited lines changes required)
- Impact of public amenity.
- Consideration should be given to any potential impacts on the contracted out services in the Parking Section, should widescale on-street changes result in material changes to the contract conditions.

Long-term

Once an agreement has been reached on the timings of waiting restrictions a review of the criteria for implementing yellow lines will be carried out ensure more streamlined process.

Environmental/Streetscene Impact

The amendment of current waiting restrictions to end at 6.30pm would not necessarily have any negative impact on the streetscene in areas outside of CPZs as

technically there should be posts and signs on-street already advising the motorist of the current restrictions which are in place. As such the only work required outside of CPZs should be a replacement of signage. The replacement of the signage may be able to be carried out through the use of stickers.

However, within a CPZ, the main requirement would be to replace the CPZ entry signage as it is this signage which refers to all 'CPZ-hours' yellow lines, which is why is a requirement to sign all single yellow lines in a CPZ if they are lengths which differ from the overall CPZ restriction. As with non-CPZ signage, the signage changes may be able to be carried out through the use of stickers over existing signage.

Cost implications

Downgrading certain single yellow lines so they end at 6.30pm would require signage changes at an approximate unit cost of approximately £35 although stickers would be significantly cheaper. Further work would be required to determine approximate costs, once a way forward is agreed.

In addition the statutory process in advertising and finalising any proposed changes could have a cost of approximately £5,000 which would include notices being published in the local Press and London Gazette for both the consultation stage and finalising of the process, as well as notices being erected on-street at all the affected locations.

Review Process

It should be mentioned that some single yellow lines have accompanying and complementary loading restrictions, so also reviewing the loading restriction aspect should also be within scope of this exercise.

Upon approval of recommendation 1.2 of this report, Officers will establish where the relevant locations are and review the relevant lengths, and propose the changes where appropriate. The assessment procedure is to be undertaken in one stage (i.e. Stage 2 – Detailed Assessments and Consultation plus an implementation phase) as detailed below. Formal approval to proceed between stages will be sought by officers in accordance with paragraph 9.8 of the main report.

At locations where Officers consider there may be particular problems in downgrading the yellow line, they will approach the Cabinet Member for Environment to discuss the best way forward.

Officers would report any proposals to the Cabinet Member for Environment and the relevant Chairman of the Area Environment Sub-Committees after liaising with the relevant Ward Members.

Statutory consultation would take place on all agreed proposed changes, with a notice outlining the proposals published in the local Press and London Gazette, and street notices erected on-street. Consideration would need to be given as to whether letters to 'affected frontages' would be delivered although this is anticipated to be not required if a 'minimal consultation' approach is adopted .

The statutory consultation would give 21 days for the proposals to be considered by the public, and it is envisaged that any objections would be considered by the Director of Environment, Planning and Regeneration, in consultation with the Cabinet

Member for Environment, as to whether to proceed or not with the proposals (i.e. Gate 2 in accordance with paragraph 9.8 of the main report).

Conclusion

There are many locations which currently have a post-6.30pm restriction, and it is considered that aligning many to 6.30pm could be proposed in order to bring improved motorist comprehension and understanding about when it is appropriate to park or not. However, there could be locations which may not benefit from a change, and there should be scope for this to be reviewed.

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: Fwd: Re: Proposed removal of Pelican Crossings

From: [REDACTED]

To: [REDACTED]

Date: Wednesday, April 11, 2012 3:48 PM

----- Forwarded message -----

From: Brian Coleman

To: [REDACTED]

Date: Tue, 10 Apr 2012 16:51:44 +0000

Subject: Re: Proposed removal of Pelican Crossings

Perhaps you could correct Dr Julia Hines who seems to be spreading misleading information

Kind regards

From: [REDACTED]

Sent: Tuesday, April 10, 2012 05:40 PM

To: Brian Coleman

Subject: Re: Proposed removal of Pelican Crossings

Thanks for your very prompt reply and for the clarification. Michael Nolan.
On Apr 10 2012, Brian Coleman wrote:

We (and tfl) are reviewing some lights at junctions (for example Hendon Wood Lane but NOT pelican crossings

Kind regards

From: [REDACTED]

Sent: Tuesday, April 10, 2012 02:06 PM

To: Brian Coleman

Subject: Proposed removal of Pelican Crossings

Dear Mr. Coleman I was reassured when you kindly responded to my email informing me that there are no proposals to remove pelican crossings. However there was a report in last week's Barnet Press about the Green Party's opposition to plans announced in February to remove some traffic signals at junctions and controlled crossings. Am I to infer from your response that these plans have been rejected? I would appreciate some clarification. Yours sincerely, Michael Nolan

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GREATER LONDON AUTHORITY

Subject: Yesterday's correspondence
From: [REDACTED]
To: cllr.r.cornelius@barnet.gov.uk;
Date: Wednesday, April 11, 2012 12:57 PM

Dear Councillor Cornelius

I write further to yesterday's correspondence with Councillor Brian Coleman, which was copied to you. I found the allegations contained within it extremely upsetting and I would like to add that I consider them defamatory. I also consider it the height of rudeness that Councillor Coleman has refused to respond to my letter of 28 February 2012.

I feel it is important for me to explain my position to you.

1. Party political motivation

I wrote to you and Councillor Coleman on an issue that I felt would impact on the lives of older people within the borough, which I believe I am not only entitled to do, but in fact it is my duty to raise with you, given the contact I have with residents who would be affected. I believe it is right that I should advocate on their behalf. I also hope that it is useful to you, as a council, to have this on the ground feedback.

I did so as soon as practicable after becoming aware of the policy on 20 February, after speaking to clients of Age UK Barnet. My letter was sent on 28 February, long before the election period for the GLA elections started. If my letter had been responded to promptly then it would not have crossed over into an election campaign period.

I am not aware of any national Conservative Party or Coalition policy to review and remove pelican crossings. I am aware the Transport for London and the Mayor of London refused to sign off Barnet's original draft Transport Local Implementation Plan because of weaknesses in road safety and cycling provision amongst other things. This would tend to suggest that in fact road safety, and in particular the removal of traffic light controlled crossings, is not a party political issue at all.

I am not, and never have been, a member of a political party. In fact, the only party political campaigning I have ever taken part in was as a child, for the Conservative Party. My mother was chairman of Hornsey Conservative Party for many years, and paid me 10p a street to deliver leaflets for her (I negotiated an additional 10p for each block of flats if I recall rightly). I also acted as a teller at polling stations and went round knocking up with my father on election day.

2. Abusing my position as chair of Age UK Barnet for my own aims

The implication of Councillor Coleman's comments is that I am abusing my position as chair of Age UK Barnet for my own aims.

I have worked very hard in an entirely voluntary capacity, to help the older people of Barnet. I believe I have been successful in that aim. I am extremely upset at the implication that I would use my position, representing older, and sometimes vulnerable, people for some agenda of my own.

I would like to point out that I have not made any comments to the press about Councillor Coleman's decision to decline the invitation to the hustings which Age UK Barnet and Barnet 55+ Forum have organised for tomorrow, other than to say that he was offered the same platform as all the other candidates, as is right and proper. I said this in order to make it clear that Age UK Barnet and Barnet 55+ Forum were acting impartially and had invited him. I did not release his emails to me stating that "it is not my policy to take part in hustings" and that "The Conservative Party has turned down all hustings" which I judged might be used by other political parties to attack Councillor Coleman, even though, as clear statements of his position, in his own words, it may have been more straightforward for me to do so.

In addition, I have always been careful to separate my personal views from the views of Age UK Barnet. For example, as Age UK Barnet have a day centre in Oak Lane, East Finchley, I was invited by the Walksafe N2 group to sign their petition as chair of Age UK Barnet. I permitted copies of their petition to be available at the Ann Owens Centre. As none of the clients attending felt it was an issue which they wanted to put their name to, I signed in a personal capacity only and informed Walksafe N2 that it would not be appropriate for me to write to the council in my capacity as chair of Age UK Barnet. By contrast, when older people at the Ann Owens Centre raised the issue of the closure of Friern Barnet library with me, I felt it was appropriate for us to be associated with that issue.

3. Misrepresenting the policy

All the headteachers and chairs of charities whom I wrote to about this issue were provided with a draft of the letter and a link to the policy document.

My statement about the policy was accepted as accurate by the governance department at Barnet Council when I submitted a petition, with the exception of one word which was the word "terrible" in relation to Barnet's road safety record. I agreed to remove this when I was provided with further statistics, not available from TfL's website which showed that the record, whilst certainly below average, was not "terrible". This amendment did not relate to my representation of the policy itself.

Councillor Coleman has refused to say in what way I have misrepresented the policy, so I am unable to correct any errors that there might possibly be. I do not believe there has been any misrepresentation by me.

As chair of Age UK Barnet I value what I consider to be a useful partnership with the Council. It is important to me, and in my view vital to older people in Barnet, that this relationship is not damaged by Councillor Coleman's wholly false allegations. I trust you will agree with me.

Your sincerely

Julia Hines
Chair of Age UK Barnet

[REDACTED]

Subject: Re: Traffic light controlled crossings
 From: [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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Subject: Re: Fwd: Re: Proposed removal of Pedestrian Crossings
 From: [REDACTED]
 To: [REDACTED]
 Date: Tuesday, April 10, 2012 10:14 AM

Perhaps ask Michael

On 10 April 2012 10:03, Julia Hines <[REDACTED]> wrote:
 Thanks Jeff

How very odd. Firstly, I have had no reply from Councillor Coleman. Secondly, I sat in the Cabinet meeting where the policy was passed.

Can I mention this email in correspondence?

From: [REDACTED]
 To: [REDACTED]
 Sent: Tuesday, April 10, 2012 9:59 AM
 Subject: Fwd: Re: Proposed removal of Pedestrian Crossings

IMPORTANT DEVELOPMENT FOR YOU INFO

Regards,

Jeff

----- Forwarded message -----

From: Brian Coleman
 To: [REDACTED]
 Date: Mon, 2 Apr 2012 09:39:08 +0000
 Subject: Re: Proposed removal of Pedestrian Crossings

Thank you for your e mail

You will be glad to hear there are no such proposals

Kind regards

From: [REDACTED]
 Sent: Monday, April 02, 2012 10:31 AM
 To: Brian Coleman
 Subject: Proposed removal of Pedestrian Crossings

Dear Mr Coleman

I am registered deaf and severely visually impaired. This presents considerable difficulties and dangers when I am out and about. Crossing roads is particularly hazardous. The safest means of crossing a road is at a pelican crossing where I can rely on the rotating cone to indicate when it is safe to cross. Zebra crossings do not offer this facility and therefore are not as safe.

I am extremely concerned about the proposal to remove some pelican crossings as this will increase the danger, not only to me personally but also the elderly, children and people with various disabilities.

I understand that the justification for this is to improve traffic flow. This gives the advantage to the motorist of reduced journey times at the expense of pedestrian safety. Surely safety of pedestrians should take precedence over the convenience of motorists.

I would respectfully request that you reject the proposal to remove some pelican crossings in the interest of public safety.

Yours sincerely,

Michael Nolan.

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Yours sincerely,
Michael Nolan.

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Caroline Collier
CEO
Barnet Centre for Independent Living
020 8359 4692
caroline@barnetcil.org.uk

Subject: Re: Our telephone conversation today
From: [REDACTED]
To: Cllr.R.Cornelius@barnet.gov.uk;
Cc: Cllr.B.Coleman@barnet.gov.uk;
Date: Sunday, April 29, 2012 5:48 PM

Dear Richard

Thank you for your email.

I have looked again at the letter and I am not clear how you can suggest that my letter is misleading in emphasis. I have quoted the policy directly. In the later restatement I have again used the word review and the purpose of review is removal of traffic light controlled crossings. Clearly replacement implies removal.

I would be grateful if you could clarify to me why you think that my letter implies a draconian change has already been decided upon.

This letter was sent to both you and Councillor Coleman on 28 Feb. Any concerns could have been notified to me at the time of writing and I would have been happy to correct them if I agreed with you.

For the record, I do believe that it is part of your role to ensure that councillors comply with the Code of Conduct and apologise for breaching it.

With best wishes

Julia

From: "Cornelius, Cllr Richard Conservative" <Cllr.R.Cornelius@barnet.gov.uk>
To: [REDACTED]
Cc: "Coleman, Cllr Brian Conservative" <Cllr.B.Coleman@barnet.gov.uk>
Sent: Sunday, April 29, 2012 5:02 PM
Subject: RE: Our telephone conversation today

Dear Julia,

Thank you for this email. I did not reply to your letter of the 11th as it seemed to represent your views rather than initiate a discussion.

I accept that your comments were not party political in their nature. As Chair of Age UK Barnet, it is indeed correct for you to raise the issue of any traffic signals that may be modified or pelican crossings that may be changed to Zebras. However I am sure that you would not disagree with reviewing the signals throughout the borough which have been installed over the decades without any comprehensive plan. Indeed it may well be that the installation of later signals removes the necessity for earlier ones. I am confident that there was no agenda other than concern for the citizen in your correspondence.

I have been reviewing the emails that have been copied to me and there is a difference in emphasis between what you express and that of the council's actual policy. A casual reader might construe a draconian change has already been decided upon. As said, I will ask Cllr Coleman to clarify the exact nature of our policy to you and Mr

Nolan, quickly. It may not be possible to do this within a week. It is for Cllr Coleman to apologise if he feels it necessary rather than me to instruct him to do so for anything that has been written.

Whatever the rhetoric, the review is only at a very early stage and any proposals will be considered carefully.

Age UK is a valued partner of the council and thank you for all that you do for Barnet (It is appreciated).

Sincerely

Richard Cornelius

From: [REDACTED]
Sent: 29 April 2012 16:02
To: Cornelius, Cllr Richard Conservative
Subject: Our telephone conversation today

Dear Richard

Thank you for calling me back so promptly, and for confirming to me that:

1. You do not believe that my letter to you and Councillor Coleman was politically motivated;
2. That you do believe it was proper for me, in my capacity as chair of Age UK Barnet, to raise the issue;
3. That you do not believe I had any other agenda or motive in raising the issue; and
4. That I have not misrepresented the traffic light crossing policy.

Thank you for also confirming that Age UK Barnet is a valued partner of the Council.

You have told me that you will ensure that Councillor Coleman writes to me in apology and also that he will write to Mr Michael Nolan, a Director of Barnet CIL, confirming that I have not misled anyone as Councillor Coleman asserted and will explain to him the full extent of the policy.

You have told me that I will hear from Councillor Coleman in within a week.

I am very grateful for your assistance and understanding in this matter. I look forward to hearing from Councillor Coleman.

With best wishes

Julia Hines
[REDACTED]

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Subject: Standards Committee issue - re Brian Coleman
 From: [REDACTED]
 To: ed.williams@london.gov.uk;
 Date: Thursday, May 10, 2012 4:10 PM

Dear Mr Williams

I am sorry to trouble you. I would be grateful for your assistance and advice.

I wish to bring a complaint about Brian Coleman, formerly GLA member for Barnet & Camden and also a councillor in the London Borough of Barnet.

The issue at the basis of my complaint cuts across both Barnet Council and the Greater London Authority's Code of Conduct.

Background

I am the chair of Age UK Barnet, a charity which supports and cares for older people within the London Borough of Barnet. I have held this position since 2008.

On 20 February I attended a Cabinet meeting at Barnet Council where Councillor Coleman brought forward a Network Management Policy with the intention of reviewing every single traffic light controlled crossing within the borough, in the hope that some of them could be removed, possibly being replaced with a zebra crossing or mini-roundabout. Councillor Coleman claimed in the meeting that this policy was in line with TfL policy.

I was extremely concerned about this, on behalf of my clients and, after taking soundings from some of them, decided to write to Councillor Coleman to ask him to reconsider this policy.

I drafted a letter and circulated it to various headteachers and charity chairs in Barnet, inviting them to sign. On 28 February I sent the letter to Councillor Coleman, through his Barnet account, copying in both the Leader of Barnet Council (Richard Cornelius) and Mayor Boris Johnson. I also copied in the local press. The letter had, in that short space of time, been signed by 25 people. I have attached a copy as a word document for your reference.

I heard nothing from Councillor Coleman in reply.

On 10 April I was forwarded an email sent to Brian Coleman, I believe through his GLA account, by a constituent of his in Totteridge, who was equally concerned about the policy. The gentleman concerned is deaf-blind. He is also, although he did not mention it to Coleman, a director of a charity which supports people with disabilities in Barnet and therefore a charity which my own organisation works in partnership with. However, I have never met him.

The correspondence forwarded to me is reproduced below, although I have removed this man's name and contact details.

From: Brian Coleman
 To:
 Date: Mon, 2 Apr 2012 09:39:08 +0000
 Subject: Re: Proposed removal of Pedestrian Crossings

Thank you for your e mail

You will be glad to hear there are no such proposals

Kind regards

From:
 Sent: Monday, April 02, 2012 10:31 AM
 To: Brian Coleman
 Subject: Proposed removal of Pedestrian Crossings

Dear Mr Coleman

I am registered deaf and severely visually impaired. This presents considerable difficulties and dangers when I am out and about. Crossing roads is particularly hazardous. The safest means of crossing a road is at a pelican crossing where I can rely on the rotating cone to indicate when it is safe to cross. Zebra crossings do not offer this facility and therefore are not as safe.

I am extremely concerned about the proposal to remove some pelican crossings as this will increase the danger, not only to me personally but also the elderly, children and people with various disabilities.

I understand that the justification for this is to improve traffic flow. This gives the advantage to the motorists, increased journey times at the expense of pedestrian safety. Surely safety of pedestrians should take precedence over the convenience of motorists.

I would respectfully request that you reject the proposal to remove some pelican crossings in the interest of public safety.

Yours sincerely,

M N.

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I contacted the gentleman and asked him to clarify this statement. I also asked if I could mention his name in further correspondence with Coleman, which he agreed to.

He then wrote back to Coleman, again copying in Mayor Boris Johnson and the Leader of Barnet Council. Again, my correspondence was through the barnet.gov.uk account. I asked Coleman for a response to my original letter and also to clarify the statement he had made to his constituent.

I received an astonishing tirade in response, which I consider to be entirely unjustified, the gist of which was that I was conducting a political campaign during an election period, abusing my position as chair of Age UK Barnet for some ends of my own, and in the process upsetting vulnerable people within the borough. He also accused me of misrepresenting the policy, which I am clear I did not do. I should make it clear that I absolutely refute these slurs made against me. These slurs were copied to the Leader of Barnet Council, but not Mayor Boris Johnson.

Coleman then refused to have any further correspondence on the issue until after the GLA election. I will, if it is helpful to you, forward this correspondence separately (otherwise this email will be too long and unwieldy).

However, he had, in the interim, had further correspondence with his constituent. Again, I will copy the correspondence below for your reference.

From: Brian Coleman
To:
Date: Tue, 10 Apr 2012 16:51:44 +0000
Subject: Re: Proposed removal of Pelican Crossings

Perhaps you could correct Dr Julia Hines who seems to be spreading misleading information

Kind regards

From:
Sent: Tuesday, April 10, 2012 05:40 PM
To: Brian Coleman
Subject: Re: Proposed removal of Pelican Crossings

Thanks for your very prompt reply and for the clarification. Michael Nolan.
On Apr 10 2012, Brian Coleman wrote:

We (and tfl) are reviewing some lights at junctions (for example Hendon Wood Lane but NOT pelican crossings

Kind regards

From:
Sent: Tuesday, April 10, 2012 02:06 PM
To: Brian Coleman
Subject: Proposed removal of Pelican Crossings

Dear Mr. Coleman I was reassured when you kindly responded to my email informing me that there are no proposals to remove pelican crossings. However there was a report in last week's Barnet Press about the Green Party's opposition to plans announced in February to remove some traffic signals at junctions and controlled crossings. Am I to infer from your response that these plans have been rejected? I would appreciate some clarification. Yours sincerely, MN

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For your reference, the link to the Network Management Policy is here

<http://barnet.moderngov.co.uk/CeListDocuments.aspx?MID=6791&RD=Meeting&DF=20%2f02%2f2012&A=1&R=0>

My complaint

In my opinion, Coleman's correspondence with his constituent was defamatory of me and also misrepresented the TfL/ Barnet policy, in minimising its scope to the extreme.

I believe he has breached S. 1(2), specifically the broad principle that he should act with honesty and integrity.

I also believe he has breached S.3(1) in that he failed to treat me with respect by disparaging me in correspondence with a third party.

I also believe that he has breached S.3(2)(b) in that I think he expected the wholly false suggestion that I appeared to be misleading people to be reported back to me and to for me to be aware that things had been said which were damaging to my reputation.

I leave it open to you to consider whether he has also breached S.3(d). Age UK Barnet has service level agreement with Barnet Council, which is a significant part of the charity's income. We have also received funding through the Mayor for the MiCommunity project.

The implication of his email to me, combined with the attack on me to a third party, was, in my view intended to silence me and prevent me engaging or speaking out on behalf of older people in Barnet.

Finally I leave it open to you to consider whether he has breached S.5.

Next steps

I wish to bring a complaint about Coleman under the Standards regime. However, I am concerned that this complaint covers both issues pertaining to his role as Cabinet member for the Environment in Barnet Council, and, potentially, his role as an Assembly Member in the Greater London Authority. I am also aware that Coleman is no longer an Assembly member.

I would like all aspects of my complaint to be considered, but I am anxious to avoid both duplication between Barnet Council's Standards Committee's assessment and the GLA Standards Committee. This seems to me to be unfair to Coleman and runs the risk of two different adjudications of the same issue. Equally, I do not want to bring a complaint against Coleman to one authority, to be told that this matter should in fact be dealt with by the other authority, and then to be potentially bounced back again.

I would happy to:

1. Bring a complaint about Councillor Coleman's correspondence about me to you and his correspondence with me to Barnet Council; or
2. For you to inform Barnet Council that you wish them to deal with all the issues on behalf of the GLA, or vice versa; or
3. For the matter to be referred to Standards for England, in light of the potential confusion, cross-cutting issues and, in my view, seriousness of the allegations.

I should point out that I have tried to resolve this informally, including asking Councillor Richard Cornelius, Leader of Barnet Council, to mediate the matter.

Beyond that, I would like a formal apology from Coleman, and for him to write to the gentleman he corresponded with retracting his statement that I was misleading people, and setting out properly the full scope of the Network Management Policy.

Finally, I would like to ensure that this type of behaviour never happens again from an elected official.

Please feel free to contact me if you have any questions or would like any further information.

Thank you for your kind assistance.

I look forward to hearing from you.

5/21/12

Your sincerely

Print

Appendix 11

Dr Julia Hines



Subject: Standards Committee - Brian Coleman
From: [REDACTED]
To: ed.williams@london.gov.uk;
Date: Thursday, May 10, 2012 4:15 PM

Dear Mr Williams

Further to my earlier email, here is the correspondence I had directly with Councillor Coleman.

With best wishes

Julia Hines
[REDACTED]

— Forwarded Message —

From: [REDACTED]
To: "Coleman, Cllr Brian Conservative" <Cllr.B.Coleman@barnet.gov.uk>
Cc: "Cornelius, Cllr Richard Conservative" <Cllr.R.Cornelius@barnet.gov.uk>
Sent: Tuesday, April 10, 2012 4:16 PM
Subject: Re: Traffic light controlled crossings

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

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Cc: "Cornelius, Cllr Richard Conservative" <Cllr.R.Cornelius@barnet.gov.uk>
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Private and Political

Oh really ??????

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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: [REDACTED]
To: Coleman, Cllr Brian Conservative
Cc: Cornelius, Cllr Richard Conservative
Sent: Tue Apr 10 16:01:21 2012
Subject: Re: Traffic light controlled crossings
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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

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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

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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: [REDACTED]

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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The Queen's Walk
London SE1 2RR
Switchboard: 020 7983 4000
Минисон: 020 7983 4458
Web: www.london.gov.uk

Date: 21 May 2012

Dr Julia Hines
[REDACTED]
[REDACTED]
[REDACTED]

Sent via email to
[REDACTED]

Dear Dr Hines

Your complaint about Cllr Brian Coleman

Thank you for your emails dated 10 May 2012 with enclosures.

As you are aware, the GLA and the London Borough of Barnet (LBB) have separate Codes of Conduct.

Cllr Coleman is required to comply with LBB's Code of Conduct whenever he conducts the business of LBB, or acts, claims to act or gives the impression that he is acting as a representative of LBB.

During the time that Cllr Coleman was a Member of the London Assembly, he was similarly required to comply with the GLA's Code of Conduct when acting in his official capacity as a London Assembly Member.

I have carefully read your correspondence and am of the view that your complaint does not concern Cllr Coleman's conduct in his capacity as a then Member of the London Assembly.

Whilst Cllr Coleman may, at points, have written to you using his GLA email address that fact alone does not mean that he was, at that time, acting in his capacity as a London Assembly Member. Your correspondence to Cllr Coleman concerned LBB policy matters, arising out an LBB Cabinet meeting which, if taken forward, would be matters for LBB and not the London Assembly.

As such, LBB is the appropriate authority to deal with your complaint; not the GLA. I have sent your complaint to LBB, which has agreed to process it in accordance with its complaints procedure.

The London Borough of Barnet should write to you in due course to explain how your complaint will be dealt with.

Yours Sincerely,

E. Williams

Ed Williams
Monitoring Officer