

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 The complaint was originally made by email on 12 September 2012 (see Appendix 1).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.

Appendix 1

-----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

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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

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.

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Regards,

Jeff Lustig

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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

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