

## 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

<b>Question</b>	<b>Response</b>
<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

*Details of the alleged misconduct:* 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.

*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.

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.

Whilst we take reasonable steps to identify software viruses, any attachments to this email may contain viruses which our anti-virus software has failed to identify. No

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

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.

**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](mailto: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](http://www.barnet.gov.uk)

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

---

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

<b>Question</b>	<b>Response</b>
<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

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.

Whilst we take reasonable steps to identify software viruses, any attachments to this email may contain viruses which our anti-virus software has failed to identify. No liability can be accepted, and you should therefore carry out your own anti-virus checks before opening any documents.

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.

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.

Whilst we take reasonable steps to identify software viruses, any attachments to this email may contain viruses which our anti-virus software has failed to identify. No liability can be accepted, and you should therefore carry out your own anti-virus checks before opening any documents.

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 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](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](http://www.barnet.gov.uk)

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