



ISLINGTON

Corporate Resources
Town Hall, Upper Street, London N1 2UD

Report of: Director of Corporate Resources

Meeting of	Date	Agenda Item	Ward(s)
Standards Committee	21 st October 2008	5	

Delete as appropriate		Non-exempt
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Subject: Consideration of Complaint

1. Synopsis

- 1.1 This report relates to a complaint made by Councillor Phil Kelly against Councillor Terry Stacy and reports back on the outcome of the action taken by the Monitoring Officer as a result of the decision of the initial assessment sub committee on the 25th July 2008.

2. Recommendations

- 2.1. To note that the Monitoring Officer wrote as requested to both party whips and Councillor Stacy in the terms set out in appendices B to D.
- 2.2. To note the response of Councillor Stacy attached as appendix E.
- 2.3. To consider whether the Committee is satisfied with the outcome of the action directed by it.

3. Background

- 3.1. On the 25th July 2008, the Initial Assessment Sub Committee of the Standards Committee met to consider a complaint from Councillor Phil Kelly alleging that the Leader of the Labour Group, Councillor Terry Stacy, had breached the Members Code of Conduct in connection with an article posted by him on the Islington

LibDem website about a Labour Councillor, Councillor Lisa Spall.

- 3.2. In summary, Councillor Stacy's article criticised Councillor Spall for having added her name to a website in support of Miranda Grell, a Waltham Forest councillor who had been prosecuted and convicted under the Representation of the People Act 1983 for electoral malpractice, in that she had accused a rival, Libdem, candidate who was gay of being a paedophile. Councillor Stacy also criticised the Leader of the Labour Group, Councillor Catherine West for not condemning Councillor Spall's actions in this regard.
- 3.3. The essence of Councillor Kelly's complaint was two fold: firstly that although he had written to Councillor Stacy after Councillor Spall removed her name from the website, inviting Councillor Stacy to remove the article, and the article was subsequently altered to reflect that the fact that Councillor Spall's name had been removed, it continued to appear on the website. The second aspect of the complaint was that by referring to Labour councillors in the plural and specifically by implicating Councillor West, Councillor Stacy was spreading the tenor of his allegations more widely than was appropriate.

4. Initial Assessment Sub Committee Decision

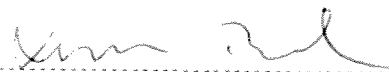
- 4.1 At its meeting on 25th July, the Initial Assessment Sub Committee concluded that it did not wish to take any further action in respect of the complaint as it did not wish to become in what was essentially a party political dispute. Although it concluded that if proven, the allegation could amount to a failure by Councillor Stacy to treat Councillor Spall with respect, such a breach would have been a relatively trivial one. It was also mindful of the fact that the alleged comments were made on the party web site and chose to exercise its power under the Act to refer the matter to the Monitoring Officer, to take alternative action. A copy of the decision notice is attached as appendix A. The action suggested was that she should write to both party whips asking them to exercise vigilance over the content of the party websites and to Councillor Stacy asking him to consider removing the offending article from the website. Copies of the letters sent by her are at appendices B to D.
- 4.2 There have been no further complaints about the contents of the websites and this may be taken to be an indication that the whips have responded as requested. Councillor Stacy has responded by way of a letter to Councillor Kelly (appendix E) in which he states that he has considered the request to remove the article from the website but is not inclined to do so. He does state that he has altered the article and a copy of the revised version is attached as appendix F. It will be noted from this that the reference to "councillors" supporting an openly homophobic candidate has been amended to make reference only to Councillor Spall.

5 Legal Implications

- 5.1 Under regulation 13(3)(c) of the Standards Committee (England) Regulations 2008 an initial assessment sub committee has the power to decide to refer a matter to the Monitoring Officer to take such steps as it considers appropriate, in place of an investigation. IN such cases, the Monitoring Officer is under a duty to report on the outcome of the specified action to the Standards Committee within 3 months. If the Standards Committee is satisfied with the action, it shall notify the member accordingly. If it is not, it may issue a further direction to the Monitoring Officer. It

cannot, however, decide to reopen the allegation and order an investigation into it.
Final Report Clearance

Signed by



Director of Corporate Resources

13/10/08

Date

Received by

Head of Democratic Services

Date

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Appendix A