

COMPLAINT AGAINST COUNCILLOR GARY DOOLAN

PRE-HEARING SUMMARY

1. Summary of the Allegation

1.1 It is alleged by the Complainant that Councillor Gary Doolan breached paragraph 3(1) of the Members Code of Conduct (“the Code”), by not treating the Complainant with respect in accusing him (and a colleague), in three emails circulated on 12 November 2009, of being responsible for damaging a tree using unauthorised equipment.

1.2 In order for the Members Code of Conduct to be engaged it is necessary to establish whether Councillor Doolan was acting, or claiming to act or giving the impression that he was acting as a representative of the Authority when he sent the offending emails on 12 November 2009. Councillor Doolan is the Branch Secretary in the GMB Trade Union and represents a number of blue collar staff in Homes for Islington (“HFI”) including caretakers. Councillor Doolan contends that he was acting as a trade union representative when pursuing the issue of the damage to the tree.

2. The Main Facts of the Case that are Agreed

2.1 Councillor Doolan had worked for Islington Council for about 26 years prior to being transferred to the employment of the Council’s Arms Length Management Organisation, Homes for Islington (“HFI”) in about 2004. His substantive role is as a residential caretaker.

- 2.2 Councillor Doolan was elected as a Councillor in May 2006 and received training on the Members Code of Conduct on 15 May 2010. He gave a written undertaking to observe the Code on 15 May 2010.
- 2.3 Councillor Doolan is the branch secretary of the GMB trade union and was appointed to this role in about 1994.
- 2.4 During the period before the emails of 12 November 2009, Councillor Doolan was in dispute with HFI over the alleged use of non-regulation chainsaws in the Holland Walk Area Office and, as a result of union representations (including some from Councillor Doolan), these were withdrawn. The matter had been referred to HFI's Health & Safety Committee.
- 2.5 On or about the first week in November 2009 it came to Councillor Doolan's attention that a tree based within a garden of 11 Rona Walk on the Marquess Estate, now known as the New River Green Estate, had been cut back to a significant extent, in Councillor Doolan's words, "butchered".
- 2.6 During the course of conversations with one of Councillor Doolan's member caretakers, Councillor Doolan came to the conclusion that the Complainant and his colleague had been responsible for the damage, using the chainsaws previously complained about.
- 2.7 On 12 November 2009, Councillor Doolan attempted to contact Greenspace officers at the Council and spoke to one of the Directorate's PA's. She contacted the relevant officers by email on 12 November 2009 setting out the nature of the enquiry and referring to Councillor Doolan as a Councillor. Councillor Doolan was copied into this email..

2.8 On 12 November 2009, Councillor Doolan sent three emails to the Greenspace Officers. One of the emails included the following words:-

“The two officers responsible for the butchering of the tree is [.....] and **[the Complainant]**.”

Another email states:-

“I am pleased to hear that whoever was responsible for this will be prosecuted, no matter who they are or what organisation they represent ... I would like to be updated on this case as I intend it to be pursued to the bitter end”.

2.9 Councillor Doolan used the title of councillor in the emails.

2.10 An investigation as to who was responsible for the damage to the tree was carried out by a Head of Service within HFI, and the outcome of that investigation was sent to the Chief Executive of HFI, Eamon McGoldrick on 23 November 2009. The outcome of the investigation was that there was no evidence to support Councillor Doolan’s allegation that the Complainant and his colleague were responsible, either directly or indirectly, for the “butchering” of the tree situated in the grounds of 11 Rona Walk. HFI, therefore, did not take any further action against either them. This finding was accepted by Councillor Doolan.

2.11 On 7 December 2009 Eamon McGoldrick sent an email to Louise Round, the Monitoring Officer, enclosing the internal investigation report and asked her to advise him on whether or not any action should be taken under the Code.

- 2.12 Louise Round met with the Labour Group whip, Councillor Phil Kelly and Councillor Doolan on 5 February 2010 to discuss the matter.
- 2.13 As a result of that meeting Councillor Doolan wrote directly to the complainant on 17 February 2010 apologising for his errors.
- 2.14 On 9 September 2010, following a prolonged period of absence on sick leave, the Complainant sent an email to the Monitoring Officer stating that he was not satisfied with the outcome and asking that the matter be referred to the Standards Committee.

3. Issues of Fact in Dispute

- 3.1. Councillor Doolan does not accept that he was acting or giving the impression that he was acting as an authorised representative of the Authority when he contacted the Council's Greenspace department and sent the three emails on 12 November 2009. He maintains that he was acting as a trade union health and safety representative for the GMB. He states that the chain of events was started when the PA whom he initially contacted assumed he was speaking to her in his capacity as a Councillor. This led to an email being sent to him and Council officers addressing him as such. The first two emails which are the subject of the complaint were sent on his behalf by his daughter who was providing him with administrative support. Councillor Doolan avers that she used the title "Councillor" as that was how her father had been referred to in the initial email. Councillor Doolan states that it was an error on his part for him to have inadvertently referred to himself in this capacity when he sent the third email on that day.

4 Does Councillor Doolan accept that there has been a breach of the Code of Conduct for Members?

- 4.1. As he does not agree that he was acting or giving the impression that he was acting as a representative of the authority, it follows that Councillor Doolan does not agree that he breached the Code.
- 4.2. Councillor Doolan does accept that he ought to have carried out further investigation before naming the Complainant in an email circulated to Council officers. He does not accept that a failure to do so amounts to a failure to treat the Complainant with respect in breach of paragraph 3(1) of the Code, even if it were to be concluded that Councillor Doolan had been acting or giving the impression that he was acting as a representative of the Authority.

5 Procedure to be followed at the Hearing

- 5.1. Both Councillor Doolan and the Investigating Officer will be present at the Hearing and the Complainant and the Director of Operations for HFI will also be present to give evidence.
- 5.2. The preliminary view of the Standards Committee is that the hearing should take place in public but it may nevertheless resolve to exclude the press and public on the basis that it becomes necessary during the course of the hearing to hear evidence on matters which fall within the definition of exempt information contained with schedule 12A of the Local Government act 1972 (as amended).
- 5.3. The hearing will be conducted in accordance with the procedures adopted by the Standards Committee in October 2009. A summary of the

procedure is attached as Appendix A.

Appendix A – Summary of the procedure to be followed:

1. The Chair will open the meeting, ascertain whether there are any apologies and seek declarations of interest.
2. The Chair will explain the procedure to be adopted, including the fact that it may during the course of the proceedings become necessary to exclude the press and public from the hearing pursuant to section 100A(4) of the Local Government Act 1972 and Regulation 8 of the Standards Committee (England) Regulations 2008.
3. The Monitoring Officer will introduce the pre hearing summary report
4. The Investigating Officer will present her report and call the Complainant and the Director of Operations from HFI as witnesses.
5. Councillor Doolan shall be entitled to ask the Investigating Officer and the witnesses any questions.
6. Members of the Standards Committee will be entitled to ask the Investigating Officer and the witnesses any questions.
7. Councillor Doolan shall then be entitled to make representations.
8. The Investigating Officer may ask questions of Councillor Doolan
9. Members of the Standards Committee may ask questions of Councillor Doolan.
10. If the Committee is satisfied that it has sufficient evidence to form a view, it shall retire to consider its decision. The Monitoring Officer and the Committee Support Officer may accompany the members of the Standards Committee into the retiring room.
11. The Standards Committee shall reach its decision (by majority vote if necessary). If that decision is that there has been a breach of the Code. it may also form a provisional view on an appropriate sanction.
12. The Committee shall return to the main hearing room to announce its decision and indicate its thinking on the sanction to be imposed, if relevant. It shall invite Councillor Doolan to make representations on the nature of that sanction and shall then retire to consider these.

13. If relevant, the Committee shall return to the main hearing for the final time to announce its decision on the sanction.