

**London Borough of Islington**  
**Standards Committee – 28<sup>th</sup> March 2011**

Minutes of the meeting of the Standards Committee held at the Town Hall, Upper Street, N1 2UD on 28<sup>th</sup> March 2011

**PRESENT:** Diana Gibbs and Godfrey Stadlen

Councillors George Allan (for Item 8 only) and Phil Kelly

**Godfrey Stadlen in the Chair**

**43. APOLOGIES FOR ABSENCE (Item 1)**

Apologies for absence were received from Jane McNeill, Alison Vydulinska and Arvinda Gohil.

**44. DECLARATION OF SUBSTITUTE MEMBERS (Item 2)**

None.

**45. DECLARATIONS OF INTEREST (Item 3)**

None.

**46. MINUTES OF THE PREVIOUS MEETING (Item 4)**

**RESOLVED:**

That the minutes of the meeting held on 3<sup>rd</sup> February 2011 be confirmed as a correct record and the Chair be authorised to sign them.

**47. ANY URGENT BUSINESS (Item 5)**

None.

**48. EXCLUSION OF PRESS AND PUBLIC (Item 6)**

**RESOLVED:**

That the press and public be excluded from the following items on the agenda as it would disclose exempt or confidential information within the terms of the Access to Information Procedure notes set out under paragraphs 7a and c of Appendix 5 of the Constitution.

**49. REPORT OF AN INVESTIGATION UNDER SECTION 59 OF THE LOCAL GOVERNMENT ACT 2000 INTO AN ALLEGATION CONCERNING COUNCILLORS CONVERY AND PERRY (Item 7)**

The Committee considered the Investigating Officer's report and all the information submitted by the complainant.

The Committee considered the complainant's request for further time to respond to the Investigating Officers report and concluded that this would not be appropriate. In reaching this view the Committee noted that the complainant had already been granted one extension of time so that in effect they had almost one month in which to make further representations.

It was noted that the complainant did actually submit observations running to some 17 pages all of which were taken into account by the Committee.

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The Committee also took into account the fact that the complaint was made in June 2010 so there had been a substantial opportunity for the complainant to seek advice and make submissions about the matter.

The Committee then went on to consider the substantive issue and agreed to accept the findings of the Investigating Officer that there had been no breach of the Members Code of Conduct. They accepted the reasoning set out in paragraph 8 of the Investigating Officer's report and made the following findings:

- (1) Councillors Convery and Perry were responsible for the publication of the article of 14<sup>th</sup> April 2010 concerning the building at 313-315 Caledonian Road published on the website of the Caledonian Ward Councillors.
- (2) The comments made in the article regarding the stewardship of the building and the administration of the charity responsible for the building were either substantially true or the Councillors had reasonable grounds for believing that the comments were true and honestly held that belief.
- (3) The article did not use language that was offensive, intimidating, malicious or insulting.
- (4) The building was owned by the trustees of the Underdog Trust. Mr. McNiel was a trustee and founder of the Underdog Trust. The article did not mention either Mr. McNiel or the Underdog Trust by name.
- (5) Councillors Convery and Perry were not aware of the existence of the Underdog Trust or Mr. McNiel's connection to the Trust, prior to the publication of the article.
- (6) Councillors Convery and Perry published the article with the aim of getting the building back into use for the benefit of the community. There was no intention on their part to cause any distress to any persons concerned with the stewardship and use of the building.
- (7) By publishing the article the Councillors did not secure any advantage for themselves or others.
- (8) The article proposed the transfer of the building to another charity for use for community purposes. This statement was made in the context of the 2010 local elections and was not Council policy or proposed policy. As such, there was no requirement for an equality impact assessment to have been carried out.

### **RESOLVED:**

That the Investigating Officer's report be accepted that there was no breach of the Members Code of Conduct by Councillors Convery and Perry and that no further action be taken.

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### 50. REPORT OF AN INVESTIGATION UNDER SECTION 59 OF THE LOCAL GOVERNMENT ACT 2000 (Item 8)

Councillor Allan joined the meeting for this item.

The Committee considered the report of the Investigating Officer and discussed the information before them.

#### **RESOLVED:**

(1) That the Investigating Officer's report be accepted and that the Councillor had not breached the Members Code of Conduct in relation to the allegation of bullying for the reasons set out in the report and the Committee also noted that although the offending emails were about the complainant and clearly had caused them some concern, they were not directed at them.

(2) In relation to the allegation that the Councillor failed to treat the complainant with respect, this matter would be the subject of a full hearing.

(3) That the Councillor's request for the proposed Hearing on the 14<sup>th</sup> April to be postponed be agreed and that a new date in May be sought.

(4) In respect of the Councillor's request that the Hearing be held in private, the Councillor should be given the opportunity to make representations to this effect to Committee at its meeting on 26<sup>th</sup> April. Alternatively, they could make written submissions to this meeting.

(5) The Committee agreed that a number of witnesses be called for the hearing.

(6) The committee agreed that it should hold a preliminary meeting to discuss the procedure to be followed at the full hearing, including a consideration of any response made by the Councillor to the full report, at its meeting on 26<sup>th</sup> April 2011.

The meeting which started at 6.30 finished at 8.03pm.

**CHAIR**

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