

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Standards Committee **Date:** Tuesday, 10 November 2020

Place: Virtual Meeting on Zoom **Time:** 7.00 - 8.50 pm

Members Present: B Rolfe (Chairman), C P Pond (Vice-Chairman), N Avey, G Chambers, S Kane, R Morgan, S Neville, C Roberts and J Share-Bernia

Other Councillors J Leppert, H Whitbread and A Patel

Independent Members A Brooks, J Clare

Parish Council Representatives J Barber, D Barlow

Apologies:

Officers Present: Nathalie Boateng (Service Manager (Legal) & Monitoring Officer), Laura Kirman (Democratic Services Officer), Gary Woodhall (Team Manager - Democratic & Electoral Services), Tom Carne (Corporate Communications Team Manager) and Steven Mitchell (PR Website Editor)

9. Webcasting Introduction

The Chairman reminded everyone present that this virtual meeting would be broadcast live to the internet and would be capable of repeated viewing, which could infringe their human and data protection rights.

10. Declarations of Interest

There were no declarations of interest made pursuant to the Council's Members' Code of Conduct.

11. Minutes

Resolved:
That the minutes of the meeting held on 2 March 2020 be taken as read and signed by the Chairman as a correct record.

12. Complaint of Breach of Councillor Code of Conduct

The Chairman outlined that the Committee needed to consider the report of the Monitoring Officer and determine whether the Committee agreed that a breach of the Councillor Code of Conduct had occurred. If the Committee considered that a breach of the Code had taken place, it would determine the sanctions, if any, to be imposed.

The Chairman gave an overview of the process. The Monitoring Officer, N Boateng, would present the report, followed by questions from Cllr Leppert and Members of the Committee, Cllr Leppert then had the opportunity to make his representation

followed by questions from the Monitoring Officer and Members of the Committee. The Committee would go into private session to give due consideration and determine the outcome. The outcome would be detailed in open session.

Presentation by the Monitoring Officer

The Monitoring Officer presented the report on the complaint of Breach of Councillor Code of Conduct by Cllr Julian Leppert. The Localism Act 2010 placed a duty on Local Authorities to: promote and maintain high standards of conduct by its members; adopt a Code of Conduct based on the Nolan Principles of Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership; investigate allegations of a breach of that Code of Conduct; and decide what sanctions should be taken if a member failed to comply with the Code of Conduct. The Committee's attention was drawn to Epping Forest District Councils' constitution (Article 2 paragraph 4) which stated that each Members should always comply with the Code of Conduct.

Details of the alleged breach were outlined, these related to:

- (i) a YouTube video that featured Cllr Leppert in July 2020, when several allegations were made about the occupants of the Bell Hotel in Epping, and
- (ii) an article that appeared in the Epping Forest Guardian newspaper in August 2020 in which Cllr Leppert had made a series of comments.

The Monitoring Officer informed the Committee that she had received seven complaints. The complaints were summarise as: people had received abuse, and there had been incidents of physical violence and attacks in racist protests outside of the hotel due to the You Tube video; the comments made by Cllr Leppert would impact on Black and Minority Ethnic (BAME) people; and this was unfitting behaviour for a Member of the Council.

The Council's Monitoring Officer detailed that she had asked Cllr Leppert to provide evidence on the claims made in the You Tube video and for confirmation that the newspaper article represented what he had said. Cllr Leppert had not responded to these questions or provided any explanation and the investigation into the complaints had been concluded without his input.

The Councillor Code of Conduct (paragraph 3) provided a general obligation to treat others with respect, uphold the law; and not to do anything which may cause the Authority to breach any of the equality enactments, or bully any person.

The Monitoring Officer had concluded that the comments made by Cllr Leppert in the You Tube video and in the Epping Forest Guardian did not show respect to other individuals as no evidence had been provided to support the comments and the newspaper article represented a breach of the Public Sector Duty under the Equalities Act 2010. She summarised that she had found the obligations at paragraph (1), (2) and (3)(a) of the Code had been breached by Cllr Leppert .

The Monitoring Officer considered a breach of the Councillor Code of Conduct had taken place.

Member Questions to the Monitoring Officer

Cllr Neville asked what other sanctions were available, sought clarity on the effect of a censure and failure to complete training? N. Boateng explained that the Localism Act 2011 had transferred the responsibility for dealing with breaches of the Code of

Conduct to Local Authorities, reiterated the possible limited sanctions that were available and highlighted that there was no legal recourse to enforce the sanctions.

Representation made by Cllr Leppert

Cllr Leppert advised the Committee that he had not received any of the emails from Ms Boateng, and acknowledged that this was accidental.

He asked the Committee to keep in mind the United Nation Declaration of Human Rights: and quoted “everyone had the right to freedom of opinions and expression, this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

He highlighted that this case was about asylum seekers and suggested that this was an area of political controversy that should be dealt with through the democratic process. Views could be expressed by political candidates and the electorate could make their decision through the ballot box. He drew parallels to terrorist incidents and suggested the meeting of the Standards Committee was an attempt to intimidate him to stop talking about the asylum seekers, the Bell Hotel and open borders. He added that the Committee had got a guilty verdict ready to deliver and advised that irrespective of the decision he would not stop discussing the issue of asylum seekers.

Questions for Cllr Leppert from the Committee

The Monitoring Officer advised the Committee that she had previously corresponded using Cllr Leppert’s official email and reminded Members that it was their responsibility to contact the ICT department when their e-mail was not working. Cllr Leppert explained he had intermittent email connectivity.

The Chairman asked members of the Committee for their questions.

D Barlow (Parish Councillor) reminded Cllr Leppert that as a Councillor under the Localism Act, he had agreed to a Code of Conduct based on the Nolan principles and asked if what he had written was in line with those principles?

Cllr Leppert asked for an explanation of the Nolan Principles. N Boateng reiterated the Nolan Principles as set out in her report. Cllr Leppert said his interpretation was to be respectful and nice. This did not mean that he would avoid areas of political controversy on the basis that it may offend someone, sometimes you needed to have tough conversations, upset people and say things that people did not like.

N Boateng advised that there was a requirement in the Code of Conduct to treat others with respect, uphold the law and not to cause the Authority to breach any equalities enactments. Cllr Leppert responded by detailing the police had investigated and he had not broken any law.

D Barlow reiterated details of the complaint and suggested there had been racial abuse. Cllr Leppert stated that this was a subjective opinion, neither he or his party had conducted any racial abuse. D Barlow sought Cllr Leppert’s comments on the rights and freedoms of people to seek and enjoy asylum in relation to Article 14.1 of the UN Declaration of Human Rights and challenged Cllr Leppert that the comments he had made would incite hatred and were racist. Cllr Leppert responded that The Geneva Convention stated that asylum seekers should stop at the first safe county and apply for asylum there, he added the asylum seekers, in the Bell Hotel, were not all from war-torn countries.

Cllr Neville commented that asylum seekers had a legal status and should not be classified as illegal immigrants. He then asked if there was any evidence for the claims that had been made. Cllr Leppert said there had been an increase in crime as shown in Cllr H Whitbread's report to Council, he had repeated what 'Free Food for You' had detailed in an email and that asylum seekers were being funded through the tax system.

Cllr H Whitbread clarified the report was in relation to community resilience, her area of responsibility as a Cabinet Member and the increase in crime was for fly tipping and anti-social behaviour. She advised the Committee that the Police had made a statement that crime decreased over the period and suggested that Cllr Leppert had not used the video and press to inform but to spread hate in the local community.

Cllr S Kane commented that whilst Cllr Leppert had his opinions these could not be opined in name of the Council. He suggested it was wrong to link terrorist activity with these events and advised that there were many reasons beyond war to seek asylum. He then asked if Cllr Leppert had read the Code of Conduct? Cllr Leppert replied that he hadn't.

Cllr Kane highlighted that one of the criteria for becoming a Councillor was a signed declaration to agree to uphold the Code of Conduct and suggested that Cllr Leppert had signed the paper with disregard for the content. Cllr Leppert therefore could not comment on if the Code of Conduct was an accurate statement in relation to expected behaviour, or if his behaviour was in line with the Code. Cllr Leppert said he felt he had a general idea, even if this was superficial.

Cllr Chambers acknowledged that Cllr Leppert had been elected on a clear mandate, and asked if Cllr Leppert thought it was acceptable to say that he wanted a white only Epping? Cllr Leppert denied making that comment and advised the national Guardian journalist had used an expression and attributed it to him, he advised that he never used this expression.

Cllr Share-Bernia suggested that Cllr Leppert was not aware of the essence of why our country welcomed asylum seekers, and that he should read the law, Code of Conduct and review his own position.

Cllr Neville commented that if Cllr Leppert had a general idea of the Code of Conduct, he would not have made the video.

D Barlow went back to the complaints and read an extract from the Guardian and asked if one of the statements was racist? Cllr Leppert responded, all cultures had rights, white Europeans had a moral and legitimate right to defend their group interests, if the assertion of those rights offended other people, then so be it.

Cllr Kane asked, after some speculation and discourse what would be an acceptable number of people in Bell Hotel? Cllr Leppert replied none.

The Chairman asked if Cllr Leppert had any final comments. Cllr Leppert speculated that there was a need for extra vigilance when asylum seekers were in Epping and he wondered what had happened to our nice little town.

Cllr Patel acknowledged the positive contribution of immigrants and asked Cllr Leppert if his family should have been given the opportunity to come to this country from Tanzania? Cllr Leppert responded that the native indigenous population of Tanzania did not face a demographic threat, it was only the people native to Europe

that faced this threat. He had no problems with anyone on individual basis, but that the subject of demographics should not be ducked.

Consideration of the Committee

The Chairman advised that the Committee would go into private deliberations to consider the report and determine if there had been a breach of the Code of Conduct, and if there had been a breach, what, if any, sanctions would be applied.

Resolved:

The Committee decided that Cllr Leppert had breached the Councillor Code of Conduct and that the following sanctions would be applied.

Cllr Leppert would:

- i) receive a censure from the Standards Committee;
- ii) be required to attend equality and diversity training, and
- iii) attend further training on the Code of Conduct.

The Chair offered an opportunity for Cllr Leppert to respond. Cllr Leppert responded that the outcome was as he expected, but he had enjoyed the opportunity to speak without being shut down.

Censure issued by the Committee

Following its meeting on 10 November 2020; Epping Forest District Council's Standards Committee formally issues this censure against the comments made by Cllr Leppert in a YouTube video and newspaper article in July and August this year; The Standards Committee are disgusted by the comments and expresses its deep disapproval that they were made. The Committee has determined Cllr Leppert breached the Councillor Code of Conduct by making those comments and considers his behaviour fell considerably short of the high standards expected by an elected member. The Standards Committee and Epping Forest District Council distances itself from the comments made by Cllr Leppert and wishes to make it clear that it does not endorse his views in any way.

13. Dates of Future Meetings

The Committee noted that, following the decision of the Council for the Standards Committee to be convened to meet only when there was business to be transacted, there were no formal meetings arranged for the remainder of the municipal year.

14. Exclusion of Public and Press

The Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.
