



# Epping Forest District Council

## **STANDARDS COMMITTEE** **Tuesday, 10th November, 2020**

You are invited to attend the next meeting of **Standards Committee**, which will be held at:

**Virtual Meeting on Zoom**  
on **Tuesday, 10th November, 2020**  
at **7.00 pm** .

**Georgina Blakemore**  
**Chief Executive**

**Democratic Services**  
**Officer**

Laura Kirman  
Tel: 01992 564273  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

### **Members:**

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

### **Independent Persons:**

Mr A Brooks, Mrs J Clare, Mr D Cooper

### **Parish and Town Council representatives:**

Parish Councillors J Barber, D Barlow, R Morgan, S Watson, J Whybrow.

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## **1. WEBCASTING INTRODUCTION**

This virtual meeting is to be webcast. Members are reminded of the need to unmute before speaking.

The Chairman will read the following announcement: "I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties). Therefore by participating in this virtual meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ensure that their video setting throughout the virtual meeting is turned off and set to audio only.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting."

**2. APOLOGIES FOR ABSENCE**

(Team Manager, Democratic and Electoral Services) To be announced at the meeting.

**3. SUBSTITUTE MEMBERS**

(Team Manager, Democratic and Electoral Services) To report the appointment of any substitute members for the meeting in accordance with Council Rule S1 in the Constitution (Part 4 “The Rules” refers).

**4. MINUTES (Pages 5 - 8)**

(Team Manager, Democratic and Electoral Services) To confirm the minutes of the last meeting of the Committee, held on 2 March 2020, as a correct record (attached).

**5. DECLARATIONS OF INTEREST**

(Team Manager, Democratic and Electoral Services) To declare interests in any item on the agenda.

**6. COMPLAINT OF BREACH OF COUNCILLOR CODE OF CONDUCT (Pages 9 - 12)**

(Monitoring Officer) To consider the report and decide if the Councillor’s Code of Conduct was breached; and if the Committee considers there is a breach of the Code, to determine the sanctions (if any) to be imposed.

**7. DATES OF FUTURE MEETINGS**

(Team Manager, Democratic and Electoral Services) Following the decision of the Council that the Standards Committee be convened to meet only when there is business to be transacted (Council 26 April 2016, minute 12 refers), there are no formal meetings arranged for the remainder of the municipal year. However, further meetings of the Committee can be arranged if required.

**8. EXCLUSION OF PUBLIC AND PRESS**

Exclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the paragraph(s) of Part 1 of Schedule 12A of the Act indicated:

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
None		

Background Papers

Article 17 of the Constitution (Access to Information) define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

<b>Committee:</b>	Standards Committee	<b>Date:</b>	Monday, 2 March 2020
<b>Place:</b>	Committee Room 1, Civic Offices, High Street, Epping	<b>Time:</b>	7.00 - 7.50 pm
<b>Members Present:</b>	B Rolfe (Chairman), C P Pond (Vice-Chairman), N Avey, S Kane, S Neville, C Roberts, J Share-Bernia and H Kane		
<b>Other Councillors:</b>			
<b>Apologies:</b>	G Chambers and R Morgan		
<b>Officers Present:</b>	N Boateng (Service Manager (Legal) & Monitoring Officer) and G Woodhall (Democratic & Electoral Services Officer)		
<b>Also in attendance:</b>	A Brooks (Ind), D Cooper (Ind) and J Whybrow (Parish Cllr)		

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### 1. SUBSTITUTE MEMBERS

The Committee noted the following substitutions:

- Cllr H Kane for Cllr G Chambers.

### 2. MINUTES

#### **Resolved:**

- (1) That the minutes of the meeting held on 17 January 2019 be taken as read and signed by the Chairman as a correct record.

### 3. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Councillor Code of Conduct.

### 4. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS

The Monitoring Officer presented a report on the allegations that had been made about the conduct of District and Town/Parish Councillors since the last meeting in January 2019.

The Monitoring Officer reported that all of the shaded complaints on the report had been dealt with; there were currently 3 complaints in progress, all connected with Chigwell Parish Council.

#### **Resolved:**

- (1) That the allegations made about the conduct of District and Town/Parish Councillors, and the subsequent actions taken, be noted.

## 5. IMPOSITION OF CHARGES FOR DEALING WITH PARISH COUNCIL COMPLAINTS OF A BREACH OF THE COUNCILLOR CODE OF CONDUCT

The Monitoring Officer presented a report to consider the imposition of charges for dealing with Parish Council complaints of a breach of the Councillor Code of Conduct.

The Monitoring Officer informed the Committee that 80% of her time was spent dealing with Code of Conduct complaints – the vast majority of which were from Parish Councils and very often the same Parish Councils. A great deal of time and resources was spent investigating these complaints, and it was felt that the introduction of a charging mechanism for these complaints would recover some of the costs involved in undertaking the investigations, and potentially remove some of the personal complaints.

The Monitoring Officer added that there were three Parish Councils in particular that accounted for a high proportion of the complaints, and it was suggested that a charge of £100 per hour could be levied with an upper limit of £5,000. It was not intended to charge for advice on procedures, only for Code of Conduct investigations.

Parish Cllr J Whybrow expressed some reservations about this course of action as Parish Councils could not necessarily control the amount of complaints made to the Monitoring Officer if they were vexatious, and also enquired whether the Joint Parish Councils Standards Committee had an interest in this matter? Cllr N Avey felt that a distinction should be made between complaints from the public and complaints from other Parish Councillors; investigations for Councillor complaints should be charged for as they were more likely to be frivolous. The Monitoring Officer added that the complaints for Nazeing and High Ongar Parish Councils were made by other Parish Councillors, whereas the complaints about Chigwell Parish Council were made by the public and the Residents Association. Mr D Cooper, an independent member, did not feel that there should be any discrimination between complaints made by Councillors and complaints made by the public, as the Council should not charge to stop bona fide complaints. However, Mr Cooper did accept that charging for investigations could stop the frivolous complaints and would make people believe in what they were complaining about.

The Monitoring Officer reiterated that she did not anticipate charging the public for investigations as there had been relatively few of them, just the Parish Councils for investigating the Councillor to Councillor complaints. Cllr H Kane stated that, at Waltham Abbey Town Council, any misunderstandings between Town Councillors were usually dealt with internally. Cllr C Roberts also expressed his reservations about charging for investigations as it could discourage bona fide complaints being made, whilst Cllr C P Pond was also not comfortable with charging for investigations and felt that Nazeing and High Ongar Parish Councils simply needed more training. The Monitoring Officer explained that a lot of Councils did not charge for investigating complaints, although there was one which did charge an hourly rate. The Committee felt that there needed to be consultation with the Local Councils before this was introduced, including the local Councils in the other Standards regime.

Cllr J Share-Bernia felt that if the public brought allegations against a local Council regarding possible criminal activity then it should be investigated. Cllr S Neville agreed that the Council should not charge for those investigations instigated by the public, but a lot of the complaints reported by other Councillors were petty. Cllr B Rolfe highlighted that the Monitoring Officer was spending a considerable amount of time investigating complaints reported by Councillors about other Councillors which were frivolous. Cllr N Avey felt that it would encourage Parish Councils to resolve

these issues themselves if they did not want to be charged. Cllr S Kane suggested that the reporting procedure should be amended such that complaints made by one Councillor about another Councillor were dealt with initially in the local environment, and if it was not resolved then it would be escalated to the Monitoring Officer to investigate – for which the Parish Council would be charged.

Taking into account the discussion at the meeting, the Committee felt that the Monitoring Officer should provide further information in a more detailed report with a set of proposals to a future meeting.

**Resolved:**

- (1) That a more detailed report with a set of proposals for a charging regime be submitted to a future meeting for the Committee to consider; and
- (2) That consultation be undertaken with all Local Councils prior to the imposition of any charging regime.

**6. 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.

**7. EXCLUSION OF PUBLIC AND PRESS**

**Resolved:**

- (1) That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No.</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
9	Allegations made about the Conduct of District and Parish/ Town Councillors – Issues arising	1, 3 & 6a

**8. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND TOWN/PARISH COUNCILLORS - ISSUES ARISING**

The Monitoring Officer presented a report regarding a series of complaints about the conduct of business at Chigwell Parish Council.

The Monitoring Officer stated that the complaints had come from two different sources: The Chigwell Residents Association; and an individual member of the public. Some complaints were out of time for consideration as they referred to events which had taken place more than twelve months before the complaint was submitted (as specified in the procedure for dealing with complaints of a breach of the Code of Conduct) and other complaints related to Councillors who had left the Parish Council. The Committee were reminded that the sanctions which could be imposed were limited and generally included action such as: a recommendation to attend training; an apology; or formal censure. It was recommended that the investigation should be conducted by an independent investigator.

Cllr S Kane felt that the Council had a responsibility to investigate the allegations and investigate them thoroughly; they were being openly discussed on social media. Cllr C Roberts agreed that there was a public perception issue and these allegations should be investigated. Cllr B Rolfe requested a full report with a plan of investigation before the Council proceeded with any investigation. Cllr C P Pond suggested that the independent members of the Committee could assist the Monitoring Officer with the investigation.

**Resolved:**

- (1) That all of the complaints be fully investigated by the Monitoring Officer, using the assistance of the independent Members of the Standards Committee.

**CHAIRMAN**



## Report to the Standards Committee



**Epping Forest  
District Council**

**Report Reference:**

**Date of meeting: 10<sup>th</sup> November 2020**

**Subject: Complaint of breach of the Councillor Code of Conduct by Cllr Julian Leppert**

**Responsible Officer: Nathalie Boateng (01992 564323)**

**Democratic Services: Gary Woodhall (01992 564470)**

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**Recommendations/Decisions Required:**

- (1) To consider the report of the Monitoring Officer that Councillor Leppert breached the Councillor's Code of Conduct**
- (2) To determine whether the Committee agrees that a breach of the Councillor Code of Conduct has been breached**
- (3) If the Committee considers a breach of the Code has taken place, determine the sanctions (if any) to be imposed.**

**Report:**

Section 27 of the Localism Act 2011 imposes a duty on Local Authorities (L/A) to promote and maintain high standards of conduct. In discharging this duty L/As must adopt a Code of Conduct based on the Nolan Principles of Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership. Section 28(6) requires L/As to investigate allegations of a breach of the Code. Section 28(11) provides, if a L/A finds that a member has failed to comply with the Code of Conduct, it shall decide what action should be taken regarding that member.

Article 2, paragraph 4 of the Constitution provides that EFDC Councillors will always observe the Code of Conduct. It is each Members responsibility to comply with the provisions of the Code. The Code applies whenever a Councillor is acting in their capacity as a member of the Council.

You Tube video

Cllr Leppert appeared in a You tube video, entitled "The Epping Migrant Hotel Scandal", Cllr Leppert appeared in the video with Mr Eddy Butler, the video was posted on 9<sup>th</sup> July 2020. In the video Cllr Leppert Introduced himself as an **Epping Forest District Councillor** and claimed:

- The hotel was currently being used to house asylum seekers/illegal immigrants who have come here in order to exploit the benefits system.
- The inhabitants of the hotel pose a security risk to local people.
- An increase in pick pocketing and an increase in shop lifting had occurred since the inhabitants of the hotel had arrived.
- The food from 3food4U has been diverted to the hotel in Epping to feed illegal immigrants instead of local people who had fallen on hard times.
- Waltham Abbey Town Hall is being used to store food that is being diverted to the hotel in Epping to feed illegal immigrants instead of local people.

Here is a link to the video: <https://www.youtube.com/watch?v=jvub853rLjk>

## Article in Epping Forest Guardian News Paper

Cllr Leppert was interviewed by the Epping Forest Guardian, which appeared in the newspaper on 26<sup>th</sup> August 2020. The interview is reproduced below:

*“Cllr Julian Leppert, of far-right party For Britain, says he does not want Epping to become a ‘Tower Hamlets’ in Essex and said it would be ‘ideal’ if Epping were for white people only.*

*The Waltham Abbey Paternoster ward councillor has been orchestrating – along with party ‘fixer’ Eddy Butler – a campaign against asylum seekers temporarily housed by the Home Office at The Bell Hotel in Epping during the coronavirus pandemic.*

*The councillor, who has appeared on BBC radio and Russia Today, to discuss the issue, told The Guardian: “We don’t want a Tower Hamlets out in Essex. It’s difficult to put it that way without being called a racist, but we’re entitled to our national identity as much as any other country. We shouldn’t have dominant other cultures imposed on us to the point where you no longer feel at home,” he said.*

*When the Guardian asked if he was advocating a whites-only enclave on the edge of London, Leppert replied: “Ideally, yeah.” “*

Here is a link to the article:-

<https://www.eppingforestguardian.co.uk/news/18676559.councillor-says-epping-ideally-whites-town/>

## The complaints

1. The first complaint was from a doctor in the NHS who said one of her patients was housed in the Bell Hotel and her patient together with the other asylum seekers residing in the hotel had been the victim of racist abuse by local groups. She felt the abuse her patient and other residents of the hotel had received were as a result of the YouTube video by Cllr Leppert and Eddy Butler. She said the video had included the spreading of lies to incite hatred, e.g. that there has been an increase in crime and that food parcels were being diverted from local people.

She also claimed that individuals have gained unauthorised access to the Bell Hotel and filmed residents without their consent, then posting their videos on YouTube.

She continued that there have been incidents of physical violence and attacks in racist protests outside the hotel where her client lives, making him and the other residents scared for their lives and safety. She felt the far-right protests were incited by the Councillor, who has been quoted saying that Epping should be ideally a whites-only town.

2. The second complaint was from an EFDC Councillor, who said

“I’d like to raise a complaint re. racist comments made by Cllr Julian Leppert in the national press.

His comment will inevitably have an impact on BaME people in Waltham Abbey, where he is a Councillor, and Epping Forest more widely. He’s openly stated that he doesn’t want them in Epping, and I feel that his comments will have a further negative impact by emboldening racists to be more open and active.

I don’t think that this behaviour is acceptable from anybody, let alone an elected District Councillor who is elected to serve and represent, not denigrate and intimidate, the community”.

3. The following three complaints were from members of the public who said:

- a) *“Having read a recent newspaper report regarding alleged comments made by J. Leppert stating that he wanted his district to be “whites only” and not wanting another Tower Hamlets” I am concerned that this is an unacceptable comment to make and is not a position I would expect a council to support.*
- I am writing to complain about this comment and expect an investigation to be conducted into whether this comment was made and whether it convenes your policy on acceptable behaviour of your employees.*
- I do expect a reply to this email and the outcome of the investigation to be shared”.*
- b) *“That Cllr Leppert should not hold a seat on the Council”.*
- c) *“I wish to raise a complaint about the conduct of Cllr Leppert in calling for Epping to be a white only area. His racist language is unbecoming of a person in public office and I believe the council should investigate his behaviour.”*

#### Investigation

The You Tube video regarding the inhabitants of the Bell Hotel is currently on the internet and clearly shows the comments made by Councillor Leppert, he introduces himself in the video as an Epping Forest District Councillor. The news paper article is also available on the internet and contains apparent quotes from Cllr Leppert. The article starts with the heading, “An Epping Forest District Councillor has endorsed the idea of Epping being a whites-only town”.

The Council’s Monitoring Officer has asked Cllr Leppert to provide the evidence on which the claims made in the You Tube video were based. In addition, for confirmation that the comments made in the newspaper article represented what he said. Cllr Leppert has not responded to these questions or provided any explanation.

The investigation into the Complaints were therefore concluded without input from Cllr Leppert.

#### Conclusion

Councillors are representatives of the Council and the public will see their actions as being an illustration of the views of the Council. However, the views expressed in the You Tube video and in the Epping Forest Guardian article are not shared by Epping Forest District Council as a Local Authority.

The Councillor Code of Conduct provides a general obligation at paragraph 3 to:

(1) treat others with respect.

(2) uphold the law, and

(3) not (a) do anything which may cause your authority to breach any of the equality enactments (b) bully any person.

The comments made by Cllr Leppert in the You Tube video and, in the Epping Forest, Guardian shows a failure to treat others with respect. Cllr Leppert has failed to provide evidence to support the claims he made in the video; in addition, the newspaper article represents a breach of the public sector duty under the Equalities Act 2010.

Councils have a legal duty under S149 of the Equalities Act 2010, called the Public Sector Equality duty, which provides: -

A public authority must, in the exercise of its functions, have due regard to the need to: -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is therefore considered the obligations at paragraph (1), (2) and (3)(a) of the Code have been breached by Cllr Leppert by the comments made in the You Tube video and in the Epping Forest Guardian.

### Sanctions

The Localism Act 2011 requires Councils to have in place procedures for the investigation of complaints of a breach of the Councillor Code of Conduct. However, the Act provides limited sanctions where a breach of the Code has taken place.

There are no powers to remove a member as being a Councillor. Councillors are appointed by the local electorate, there are no statutory powers to remove an elected Councillor unless he or she becomes disqualified. The criteria for disqualification is provided by S80 of the Local Government Act 1972, which provides that Councillors are disqualified if within 5 years before or since election they have been convicted of an offence and imprisoned for a period of not less than 3 months without the option of a fine. There are also no powers to withhold Councillor allowances.

I have set out below some of the options open the Council regarding sanctions.

- A formal censure from the Standards Committee which would be published on the Council's website and or placed as a notice in the Epping Forest Guardian.
- Require Cllr Leppert to provide a written apology for breach of the Code of Conduct to the Council which will also be sent to the individual complainants and published on the Council's website. The wording of the apology to be agreed with the Council's Monitoring Officer.
- A requirement to attend Equality and Diversity training.

### Conclusion

As Monitoring Officer, I consider a breach of the Councillor Code of Conduct has taken place and set out above the sanctions that may be imposed if the Committee also agrees that a breach has taken place.