

LONDON BOROUGH OF HARINGEY**CONDUCT REVIEW - COUNCILLOR C. ADJE****NOTES OF THE FIRST MEETING WITH THE COMPLAINANT
ON 24 NOVEMBER 2009****Present:****Martin Walklate - Investigating Officer****Terence Mitchison - Representing the Monitoring Officer****Clive Carter - Complainant****Harry Aspden - Colleague of Mr. Carter on the statutory body**

The meeting commenced at 2.00 pm and lasted for two hours.

Introduction

Martin Walklate began the meeting by introducing all parties. He thanked Mr. Carter and Mr. Aspden for their understanding in delaying the meeting from the previous Friday. Terence Mitchison also added his personal thanks.

He advised that the meeting was relatively informal but would follow the outline of a paper sent to all parties the previous day. This set out the various questions and tests which Mr. Walklate felt were applicable to this investigation. Both Mr. Carter and Mr. Aspden had received this paper and were content with the format of the meeting as described.

Mr. Walklate advised that a verbatim note of this meeting was not being taken but a short document highlighting the main points of discussion would be exchanged with Mr. Carter.

Mr. Walklate set out briefly the timescale that he envisaged for this review and Mr. Carter informed the meeting that he would shortly be travelling to New Zealand where he would remain for some months. It was agreed that this would present no major problems with the investigation as most information could be relayed by email or telephone/skype if necessary.

Mr. Carter also introduced the view of the Chair of the Statutory Advisory Committee that this review should be conducted by a Lawyer with powers of seizure and full investigation e.g. the power to question witnesses on oath. Discussion took place on the feasibility of this and it was recognised that this may entail powers which were not in the possession of either the investigating officer or, indeed, any person appointed by the Council. It was stated that the Council was unlikely to agree to any change in the investigation arrangements but Mr Mitchison would pass the matter to the Monitoring Officer for consideration and he would reply separately to Mr. Carter.

Mr Carter did wish to stress that this was a view held by the Chair of the Statutory Advisory Committee and that he was very happy that Mr. Walklate was carrying out the investigation. He did feel, however, that in the absence of any powers of seizure etc. there were clear limits on the extent to which the investigation could be satisfactorily concluded.

Mr. Walklate then began by reference to the questions that he had prepared and discussion took place on each item.

Compromising impartiality

The first area examined the issue of whether investigation should take place into whether Councillor Adje had, allegedly, compromised the impartiality of those who work for, or on behalf of, the Authority.

Two areas of investigation were highlighted. The first, being whether Keith Holder in preparing the report to the Board on the 24th April, which differed so markedly from his briefing note to Councillor Adje produced a week or so earlier, had been pressurised into suppressing his initial view. The second, raised by Mr. Aspden, was whether David Loudfoot and Ken Harrington had been compromised into signing the licence on the 4th May. It was agreed that these would be investigated.

Under this same heading it was also considered whether any incentive or reward may have been offered for these actions. Discussion took place on whether either Mr. Holder's consultancy contract or Mr. Loudfoot's appointment could be considered under this heading. It was agreed that although the opportunities for investigation would depend upon the cooperation of the individuals concerned this was a matter which should be further investigated.

Disrepute

The matter was then considered as to whether the actions of Councillor Adje had, allegedly, brought the Authority into disrepute.

Matters relating to criminal activity or dishonesty were discounted as no party could bring any evidence that would suggest this was the case.

The discussion then centred upon the issue of whether the behaviour of Councillor Adje was, allegedly, deceitful. It was considered that, as the note of Mr. Holder clearly rejecting any notion of an arrangement with Firoka had not been apparently withdrawn by Mr. Holder, then Councillor Adje should have made the Board aware of its content in order for them to make a balanced decision. This matter required further investigation.

Gaining advantage

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The next area of discussion surrounded whether Councillor Adje had, allegedly, used his position to gain or secure an advantage or disadvantage for himself or another.

There were two elements to this possible breach. The first being whether in securing the licence Councillor Adje had gained a political advantage for himself within his Group leadership and secondly whether he had gained an advantage for Firoka.

In the first area it was recognised that there appeared some relationship between the signing of the licence and a group meeting some weeks afterwards at which Councillor Adje was given a position as lead/cabinet member on finance and resources within the Council. The extent to which the two were actually connected was unclear. The second area was whether Firoka had gained inappropriately from the commissioning of the licence. It was recognised that, as a contractor, Firoka would achieve gain but the level of inappropriateness would be difficult to assess. The level of gain by Firoka in relation to the costs incurred by that company were considered but it was again recognised that a test of inappropriateness would be difficult to apply and it might also be difficult to connect this gain to specific conduct on the part of Cllr Adje.

However, both areas were agreed to be further investigated.

Inappropriate use of resources

The discussion then revolved around the issue of whether the resources of the Authority had been appropriately used.

The two areas of concern surrounded the relationship between the commissioning of the licence and Councillor Adje's 'promotion' within the political hierarchy and whether the resource of Ken Harrington and David Loudfoot could be considered to have been improperly utilised.

Again, with the constraints recognised that moving these matters forward would rely upon the cooperation of officers who had left the Council's employ, it was agreed that these matters would be investigated.

Disregarding advice

The next issue related to the matter of Councillor Adje allegedly disregarding advice when reaching decisions.

The issue of the briefing note was considered as was the report produced to the Board which did not contain any matters relating to that briefing note.

However, it was clearly noted that the prime purpose of this area of the code of conduct was in relation to advice given by the Council's section 151 officer and the Monitoring Officer in regard to any expenditure or action which was

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unlawful. No such illegality existed and as such this area of the code could not be said to have been breached.

Mr. Carter raised the issue of Councillor Adje's responsibilities as a Trustee and after discussion it was the view of both Mr. Walklate and Mr Mitchison that this was a matter for the Charities Commission and not for this review. However, it was agreed that this would be reviewed as part of the investigation although actions/failures falling outside the scope of the statutory Members' Code of Conduct could not result in a finding of non-compliance with the Code.

Failure to give reasons

The failure of Councillor Adje to give reasons for his actions to Mr. Walklate during the earlier investigations was considered. It was recognised that the code was specific about a failure to give reasons in areas of statutory requirement which was usually to do with matters of regulation such as Planning and Licensing. It was agreed that this area of the complaint would not be further investigated.

Finally, consideration was given to matters relating to a failure to register interests. This discussion surrounded the area of whether the relationship between Councillor Adje and Firoka was such that he should have declared an interest in that relationship. Whilst recognising that a breach in this area may not exist it was felt that appropriate checks should be made to ensure propriety in this area.

Conclusion

In conclusion Martin Walklate thanked Mr. Carter and Mr. Aspden for their time and contributions and in return they thanked Mr Mitchison and Mr. Walklate for giving them such a full and detailed hearing.

Mr. Walklate did explain that there would be a slight delay in the preparation of the notes for this meeting and in return Mr. Carter reminded the meeting that he would be in New Zealand in a day or two and it would take a short while to resolve issues of email etc.