

**Your ref:**

Date: 15 December 2010

Our ref: LEG/JAS/19191

Direct dial: 020 8489 3974

Email: [John.Suddaby@haringey.gov.uk](mailto:John.Suddaby@haringey.gov.uk)

Councillor Charles Adje  
78 Warwick Gardens  
London  
N4 1JA

Dear Cllr Adje,

**Complaint by Mr Clive Carter – SC002/0910**

I have already informed you of the outcome of the special meeting of the Standards Committee on 7 December when the Committee resolved that the above complaint be referred to a local determination hearing and appointed a Hearing Panel. I have received your notification that you are able to attend a hearing taking place over two days on 30 and 31 March and confirm that the hearing will take place on those days starting at 10am on each day and being held at the Civic Centre at Wood Green.

There are several issues that need be resolved well before the hearing itself in order to ensure that everything runs fairly and properly on the day. To facilitate this, I am attaching the following documents:

- (1) Procedure for hearing allegations of breach of the Code of Conduct;
- (2) Form A – your chance to respond to the final version of the investigation report stating where, if at all, you disagree with the findings;
- (3) Form B – your chance to ask for extra evidence to be admitted beyond that contained in, or appended to, the investigation report;
- (4) Form C – Questionnaire about arrangements for the hearing, for example, your representation, your witnesses and any possible evidence to be heard in private;
- (5) Form D – details of the witness evidence you want to call;
- (6) Further Form inviting you to set out any representations you may wish to be considered if you are found to have breached the Code of Conduct;
- (7) For ease of reference, I am also attaching the final version of the investigation report which has already been sent to you. You have already been sent most of the appendices but you may not have received the appendices numbered 24 to 27 which I now attach.

I appreciate that this is a considerable amount of material to digest and it may be that not all of it turns out to be relevant to this hearing. But it is in your own interests, as well being necessary for the smooth running of the hearing, that you read all the attachments as soon as you can and let me have your responses to Forms A to D by Friday 21 January 2011.

As you will see from the Hearing Procedure, there are essentially three stages to a hearing. The Panel will:

- (a) Reach its "findings of fact" after hearing all the evidence in dispute,
- (b) Decide whether you did, or did not, breach the Code, and
- (c) (if you are found to have breached it) Decide what penalty, if any, to impose.

The Panel can also make general recommendations to the Council on Members' Conduct matters, as a result of lessons learnt from the hearing.

The Hearing Procedure tries to ensure fairness between the two "parties" i.e. you, as the Member subject to the complaint, and the "investigator". The "investigator" is either the officer who conducted the investigation and completed the investigation report, or their representative. Both parties can make representations, put in documents, call witnesses and question the witnesses of the other party. The Chair and members of the Panel will also be able to ask questions of the parties and their witnesses. This is all subject to rulings by the Panel, or it's Chair, to maintain fairness, prevent surprises and avoid irrelevance or repetition.

The purpose of Form A is to narrow down the issues of fact in dispute between the parties. The investigator's case is already set out in the investigation report and its appendices. So you are now being asked to indicate where you disagree with the findings of fact in that report and, where you do disagree, to explain the reason(s) why as clearly as you can. If you do not identify these areas of disagreement before the hearing and by the deadline given, the Panel may prevent you from doing so at the hearing and may refuse to allow you to call evidence to support your case in respect of factual disputes not previously identified.

Form B is linked to Form A. It gives you the opportunity to indicate in advance any extra evidence you may want to call in addition to that contained in the investigation report and its appendices. You will usually want to do this because you disagree with some aspect of the investigation report. This extra evidence could be additional documents or witnesses not already interviewed by the investigator who, you consider, could give relevant evidence helpful to your case. As explained above, you must return Form B before the deadline or you may be prevented from calling or introducing any extra evidence at the hearing itself.

Form C seeks information to help with practical arrangements for the hearing. Please note that questions 9 and 10 ask you to identify in advance any aspects of the hearing, whether witness evidence, documents or representations, that you would wish to be heard confidentially in private session. There is a general presumption that the public interest favours hearing the complaint in public so as to demonstrate transparency. Therefore, there would need to be a good reason to justify hearing any evidence etc. in private. These reasons should be notified in advance so that they can be carefully considered and proper legal advice obtained before the hearing.

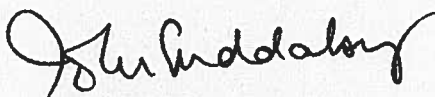
Form D asks you to provide details of all witnesses you propose to call to give oral evidence at the hearing. You are required to give an outline of the evidence you expect from each witness. This is to allow the Panel and its advisor to decide how many witnesses should reasonably be allowed to deal with the issues in dispute at the hearing and to plan timing for the hearing process.

The final further Form is your opportunity to set out in writing in advance any representations or factors that you think the Panel should take into account if they have to consider imposing a penalty on you for a breach of the Code. Of course, this is only relevant if the Panel does find that you breached the Code. Providing your representations in advance does not, in any way, prejudice your arguments that you did not breach the Code.

If you have any concerns or comments about the contents of this letter or its attachments, then please let me know as soon as possible. It is particularly important that you tell me as soon as possible if you are likely to have any difficulty with the 21 January deadline for returning your responses to Forms A to D.

This letter and its attachments are being sent to your Council email address and in hard copy to your home address.

Yours sincerely,



John Suddaby  
Monitoring Officer

**Mitchison Terence**

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**From:** Cllr Adje Charles  
**Sent:** 24 January 2011 08:46  
**To:** Suddaby John  
**Cc:** Mitchison Terence; Cllr Adje Charles  
**Subject:** RE: Standards Committee matter - SC2/0910  
**Importance:** High  
**Sensitivity:** Confidential  
**Attachments:** Form A.pdf; Form B.pdf; Form C.pdf; Form D.pdf; Form Reps if breach.pdf

Dear Mr Suddaby.

Further to my email below, please find revised submissions attached.

Best wishes.

Charles

**Cllr Charles Adje**  
**Labour Member for White Hart Lane Ward**

**Tel: 020 8800 7658 Fax: 020 8374 5160**

**email: [charles.adje@haringey.gov.uk](mailto:charles.adje@haringey.gov.uk)**

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**From:** Cllr Adje Charles  
**Sent:** 21 January 2011 16:12  
**To:** Suddaby John  
**Cc:** Mitchison Terence; Cllr Adje Charles  
**Subject:** RE: Standards Committee matter - SC2/0910

Dear Mr Suddaby

Thank you for the attached information which I have completed to the best of my ability at the present time. I hope it meets with your requirements.

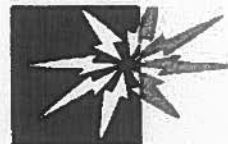
Please let me know what the next process is, including the disclosure of any further documentations and details of any witnesses to be called by yourselves.

Best wishes.

Charles

**Cllr Charles Adje**  
**Labour Member for White Hart Lane Ward**





Your ref:

Date: 27 January 2011

Our ref: LEG/JAS/19191

Direct dial: 020 8489 3974

Cllr. C. Adje  
Members' Post

Dear Cllr. Adje,

**Re : Complaint by Mr. C. Carter – Standards Panel Hearing**

Thank you for the return of Forms A to D and the Form containing your "Representations if the Panel finds a failure to comply with the Members' Code of Conduct". This last Form will only be disclosed to the Panel if it finds a failure to comply after hearing the main evidence. The Panel would then take your representations into consideration before deciding on any penalty it wished to impose.

Your responses to Forms A to D will be copied to the investigator's representative (see below) who will be asked to provide his comments on them with a view to defining the points actually in dispute for the benefit of the Panel. It is very important that all issues and documents that you may wish to make reference to at the hearing are notified to me well in advance because the Panel may refuse to admit evidence that comes as a surprise to the Panel and the investigator's representative.

As to the process, I should explain that as Monitoring Officer I am acting in a neutral role by providing advice to the Panel and attempting to ensure that the pre-hearing procedures run effectively. Michelle Williams will be assisting me in this from time to time.

Martin Walklate acted as the investigator but he will not be appearing in person at the hearing. Terence Mitchison has been instructed to represent Martin Walklate at the hearing. Terence will be preparing the case to support: (i) Martin Walklate's provisional finding that you were in breach of paragraph 5 of the Code, and (ii) the provisional finding made by the Standards Committee, notified to you by letter on 11 October 2010, that you were alleged to be in breach of paragraph 3 (2) (d) of the Code. This second alleged breach was compromising the impartiality of Keith Holder by requiring him to



write a report to the APP Board meeting on 24 April 2007 expressing a view contrary to that previously expressed in his briefing note to you dated 16 April 2007.

I note that you do not appear to have addressed this second alleged breach under paragraph 3 (2) (d), namely, compromising the impartiality of Keith Holder, in your Form A response which seems only to touch on the alleged breach of paragraph 5 (i.e. that your failure to disclose the briefing note dated 16 April 2007 to the APP Board meeting on 24 April brought into disrepute both the Council and your own office as Chair of the APP Board).

It would greatly assist the preparation for the hearing if you could let me have your formal response to the alleged breach under paragraph 3 (2) (d) of the Code and indicate anything you may wish to add to the Forms already returned. The most relevant parts of Martin Walklate's investigation report are paragraphs 76 to 120 and its appendices 7, 8, 20 and 22. As you know Martin Walklate did not find you in breach by compromising Keith Holder's impartiality (this is at paragraphs 120 and 149 of his investigation report). But the Standards Committee overturned that finding, as they were entitled to do, and that issue has also been referred for hearing by the Panel on 30 and 31 March.

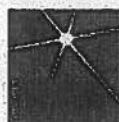
Could you please let me have your further response relating to the paragraph 3 (2) (d) allegation by Friday 11 February.

It is very important that all issues and documents that you may wish to make reference to at the hearing are notified to me well in advance because the Panel may refuse to admit evidence that comes as a surprise to the Panel and the investigator's representative. This applies to both the alleged breaches.

By 11 February Terence Mitchison should be able to indicate to you (through me or Michelle Williams) whether he intends to bring any additional evidence, or call any witnesses, on the paragraph 5 allegation.

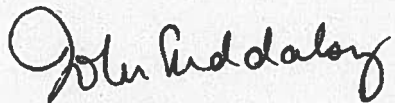
I note that in your Form C response you say at Q.9 that you understand "Panel hearings are usually in private". In fact this is not the case. I enclose some guidance from the Standards Board that hearings should be held in public except where there are special circumstances together with details of the categories of "exempt information". If you consider that anything in the investigation report or its appendices involves "commercial sensitivities, staffing issues or comes under the Data Protection Act" could you please let me know exactly what material this is by reference to specific pages or paragraphs. It would be helpful to have this by 11 February if possible. If it assists you, I should add that the versions of the previous Walklate reports to the APP Board, which are attached to his investigation report as appendices 4, 5 and 6, were made public in a slightly redacted form to exclude certain "exempt information".

I also note that in your Form D response you think you might need to call on witnesses during the proceedings. I should explain that the Panel will expect any witnesses to be notified to them well in advance together with an outline of their expected evidence. This is to enable the Panel to assess the relevance of such evidence before agreeing to admit it and to prevent the investigator's representative being taken by surprise at the hearing. The same applies to the investigator's witnesses/evidence so that you are not taken by surprise. If you do have any witnesses in mind could you please let me know by 11 February. You should be aware that the Panel may refuse to admit any late witness evidence.



If you have any questions or issues about the procedure please let me, or Michelle Williams, know.

Yours sincerely,



John Suddaby

Monitoring Officer



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## Mitchison Terence

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**From:** Mitchison Terence  
**Sent:** 11 February 2011 15:15  
**To:** Suddaby John  
**Cc:** Williams Michelle (Legal)  
**Subject:** Cllr Adje hearing - confidential

John,

This is my "request" as investigator's representative, to admit some extra documents as evidence at the hearing on 30 March. The substance of my request has been conveyed to Cllr Adje today through Michelle Williams.

The investigator's representative, Terence Mitchison, will be asking the Standards Hearing Panel to agree the admission in evidence at the hearing of certain documents in addition to the Investigation Report prepared by Martin Walklate and its Appendices. These additional documents are:

- (1) An extract from the Haringey Members' Handbook covering the role of the Chair of a non-executive Committee;
- (2) An extract from the Protocol for Member/Officer Relations in Part 5, Section B of the Council's Constitution. The most relevant part is paragraph 7.02;
- (3) The Protocol for Decision-Making in Part 5, Section D of the Council's Constitution.

The purpose of this extra evidence is to help the Hearing Panel understand (i) the role and responsibilities of a Committee Chair in overseeing the business of a Committee, (ii) the proper relationship between a Committee Chair and a Chief Officer with respect to reports submitted to a Committee and (iii) the rules applicable to written reports to a Committee including the information and professional comments required for reports.

Copies of these documents will be sent to the subject Member in the Members' Post on Monday 14 February.

The investigator's representative does not intend to call any witnesses to give oral evidence at the hearing. The investigator's representative will, of course, be referring to evidence and findings in the Investigation Report and its Appendices, which the subject Member already has.

The investigator's representative may review his position, as stated above, in the event that the subject Member raises any additional issues in his response to the letter to him dated 27 January from the Monitoring Officer. This letter asked for the subject Member's response by today, 11 February, with respect to the second allegation against him, namely, compromising the impartiality of Keith Holder contrary to paragraph 3 (2)(d) of the Members Code of Conduct.

I have yet to see the above response from the subject Member, if any.

Regards

Terence Mitchison  
(investigator's representative)



## **Mitchison Terence**

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**From:** Williams Michelle (Legal)  
**Sent:** 14 February 2011 09:59  
**To:** Mitchison Terence  
**Subject:** FW: Re : Complaint by Mr. C. Carter - Standards Panel Hearing  
**Attachments:** Form Reps if breach.pdf; Form A.pdf  
**VF-ITEM-ID:** 7714: 3595451

Terence.

Please see Cllr Adje's response attached.

Michelle Williams  
Principal Lawyer Housing/ASB  
Ext:3857 Fax:3963

Legal advice in this e-mail is given on behalf of the Head of Legal Services and is subject to legal professional privilege and should not be disclosed without authorisation.

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**From:** Cllr Adje Charles  
**Sent:** 11 February 2011 22:07  
**To:** Suddaby John  
**Cc:** Williams Michelle (Legal); Cllr Adje Charles  
**Subject:** RE: Re : Complaint by Mr. C. Carter - Standards Panel Hearing

Dear Mr Suddaby

Thank you for your correspondence of 27 January and Ms Williams' email.

Please find attached my revised response which deals with the aspects you highlight in your letter.

Yours sincerely

Charles Adje

**Cllr Charles Adje**  
**Labour Member for White Hart Lane Ward**

**Tel: 020 8800 7658 Fax: 020 8374 5160**

**email: [charles.adje@haringey.gov.uk](mailto:charles.adje@haringey.gov.uk)**

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**From:** Williams Michelle (Legal)  
**Sent:** 11 February 2011 15:39  
**To:** Cllr Adje Charles  
**Subject:** Re : Complaint by Mr. C. Carter - Standards Panel Hearing

Dear Cllr Adje,

The investigator's representative, Terence Mitchison, will be asking the Standards Hearing Panel to agree the admission in evidence at the hearing of certain documents in addition to the Investigation Report prepared by Martin Walklate and its Appendices. These additional documents are:

- (1) An extract from the Haringey Members' Handbook covering the role of the Chair of a non-executive Committee;
- (2) An extract from the Protocol for Member/Officer Relations in Part 5, Section B of the Council's Constitution. The most relevant part is paragraph 7.02;
- (3) The Protocol for Decision-Making in Part 5, Section D of the Council's Constitution.

The purpose of this extra evidence is to help the Hearing Panel understand (i) the role and responsibilities of a Committee Chair in overseeing the business of a Committee, (ii) the proper relationship between a Committee Chair and a Chief Officer with respect to reports submitted to a Committee and (iii) the rules applicable to written reports to a Committee including the information and professional comments required for reports.

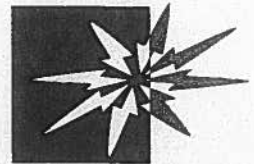
Copies of these documents will be sent to you in the Members' Post on Monday 14 February.

The investigator's representative does not intend to call any witnesses to give oral evidence at the hearing. The investigator's representative will, of course, be referring to evidence and findings in the Investigation Report and its Appendices, which you already have.

The investigator's representative may review his position, as stated above, in the event that you raise any additional issues in your response to the letter to you dated 27 January from the Monitoring Officer. As you will recall, this letter asked for your response by today, 11 February, with respect to the second allegation against you, namely, compromising the impartiality of Keith Holder contrary to paragraph 3(2)(d) of the Members Code of Conduct.

Yours sincerely,

Michelle Williams  
for the Monitoring Officer



Your ref:

Date: 14 February 2011

Our ref: LEG/MW/19191

Direct dial: 020 8489 3974

Cllr. C. Adje  
Members' Post

Dear Cllr. Adje,

**Re : Complaint by Mr. C. Carter – Standards Panel Hearing**

As promised, I am enclosing copies of the extra documents, not included in the Appendices to Martin Walklate's Investigation Report, which Terence Mitchison is seeking to have admitted as documentary evidence at the hearing. I have also added references to the especially relevant parts of these documents and the reasons for seeking their admission, as supplied by Terence Mitchison. The documents are: -

- (1) Part of the Haringey Members' Handbook entitled "How the Council Operates". The relevant extracts are on pages 24-25 under the heading "General Role of Chairs of Meetings". The reason for this being relevant is that it shows the duties of a non-executive Committee Chair in respect of preparing the Committee's business and ensuring that appropriate advice and information is available to the other Committee Members.
- (2) The Protocol on Member/Officer Relations at Part 5, Section B of the Council's Constitution. The relevant extracts are on pages 8 and paragraphs 7.01 and 7.02 under the heading "The Principle of Impartiality". The reason for this being relevant is that it illustrates the proper relationship between a Committee Chair and a Chief Officer with respect to reports and advice submitted to the Committee.
- (3) The Protocol on Decision-Making at Part 5, Section D of the Council's Constitution. Much of the document is relevant but the main point and the reason for seeking the document's admission is that it sets out the rules applicable to written reports to Committees including the incorporation of senior officers' professional advice and other information required for a report.

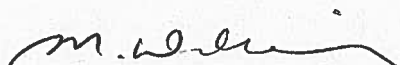
Thank you for returning your revised Form A and your revised Form setting out your "representations if found to be in breach" on 11 February which address the alleged breach under paragraph 3 (2) (d) of the Code.

Terence Mitchison has confirmed that he is not seeking to bring any additional documentary evidence, apart from that stated above, or to call any witnesses to give oral evidence having considered your responses on 11 February.

Can I ask you to clarify an important point contained in the letter dated 27 January 2011 sent by John Suddaby. In your Form C response you said "Panel hearings are usually in private". John Suddaby's letter indicated that hearings are usually in public except where there are special circumstances. Could you please let me know whether you are still arguing that: (i) the hearing should be held entirely in private? or (ii) specific documentary evidence should be considered in private where it refers to particular individuals or sensitive matters? If (ii) applies, then can you identify those parts of the documentary evidence you wish to keep confidential by reference to specific pages or paragraphs?

The Standards Committee will be considering this issue, among others, on Monday 28 February and so your response on the public/private point will be needed by the end of this week i.e. by the end of Friday 18 February.

Yours sincerely,



Michelle Williams  
For Monitoring Officer



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**From:** Cllr Adje Charles  
**Sent:** 20 February 2011 22:33  
**To:** Williams Michelle (Legal)  
**Cc:** Cllr Adje Charles  
**Subject:** RE: Re : Complaint by Mr. C. Carter - Standards Panel Hearing

Dear Ms Williams

Thank you for your email and apologies for the slight delay in replying – my Council mobile has developed a fault and keeps switching itself off, so I have not been able to send the email while away from home over the past two days.

I would like to clarify the status of Mr Walklate's report: whether it is final or still provisional as the Monitoring Officer's letter of 27 January infers. If it is provisional then it would seem that Part VA of the Local Government Act 1972 should apply and the matter be heard in private. Schedule 12A of the Act, Appendix 3 (as modified for local determinations) provides for four other categories of exempt information if the report is provisional.

I would also like clarification as to whether Article 6 of the European Convention on Human Rights, Section 6 (1) of the HRA 1998, applies in this case.

However, subject to your confirmation of the report's status, I have no problem with the matter being dealt with in public in accordance with the Standard Board for England's process from a transparency and public interest point of view.

Yours sincerely

Charles Adje

**Cllr Charles Adje**

**Labour Member for White Hart Lane Ward**

**Tel: 020 8800 7658 Fax: 020 8374 5160**

**email: [charles.adje@haringey.gov.uk](mailto:charles.adje@haringey.gov.uk)**

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**From:** Williams Michelle (Legal)  
**Sent:** 14 February 2011 17:35  
**To:** Cllr Adje Charles  
**Subject:** Re : Complaint by Mr. C. Carter - Standards Panel Hearing

Dear Cllr Adje,

Please find enclosed a copy of the letter I have sent you today in the Members Post. The original, together with its enclosures, should be with you tomorrow.

Yours sincerely,

15/03/2011



Cllr. C. Adje  
78 Warwick Gardens  
London  
N4 1JA

Your ref:

Date: 24 February 2011

Our ref: MQ/JAS/DSH/Comp/SC2/0910

Direct dial: 020 8489 3974

Email: John.suddaby@haringey.gov.uk

Dear Cllr. Adje,

**Re : Complaint by Mr. C. Carter – Standards Panel Hearing**

Thank you for your email response to me on 20 February.

Martin Walklate's report to the Standards Committee was final and complete when the Committee first considered it on 7 October 2010. It could only be described as "provisional" in the sense that the forthcoming Standards Panel Hearing must determine on the evidence whether there has actually been a non-compliance with the Code.

The Standards Committee (England) Regulations 2008, which cover local investigations and hearings, provide in Regulation 8 (6) that "information presented to a standards committee... or sub-committee....set up to consider any matter under regulations ....16 to 20 of [these] Regulations" shall be exempt information. The hearing of the complaint against you comes under Regulation 18. But paragraph 10 in Schedule 12A to the Local Government Act 1972 provides that information within the prescribed categories (as above) only remains exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

It is for the Standards Hearing Panel, as with any Council body receiving exempt information, to decide whether, on balance, the public interest favours public disclosure or confidentiality. Guidance produced by the former Standards Board and already copied to you, favours public disclosure and the holding of hearings in public unless there are strong reasons to the contrary. Generally, where Members or officers have taken important decisions or action, the public interest in transparency and accountability will outweigh any argument about maintaining an individual's privacy.

The usual procedure for Standards hearings is to treat the Investigation Report, and its Appendices or associated documents, as exempt from public disclosure up until the day of the hearing. This allows scope for possible arguments by the parties against disclosure of part, or all, the evidence at the start of the hearing. It also prevents public

speculation and comment on the Investigation Report and evidence that might prejudice a fair hearing. However, the presumption and the usual practice is for most, or all, of the evidence to be placed in the public domain after any procedural issues have been resolved at the start of the hearing. This is to ensure transparency as respects the conduct and outcome of the hearing itself.

My understanding is that you will not be arguing for any part of the hearing or consideration of the evidence to be undertaken in private session. I understand that the investigator's representative will take the same line. However, please do not be surprised by the fact that the agenda pack for the hearing will be dispatched on yellow paper with the usual warning against public disclosure pending the Panel's ruling on the public/private point described above.

I can confirm that Article 6 of the European Convention on Human Rights (right to a fair trial) does apply to the Standards Panel Hearing. The Procedure Rules for Local Determination Hearings sent to you with my letter of 15 December 2010 should ensure that your Article 6 rights are met.

### **Comments on your form A response**

Terence Mitchison, as the investigator's representative, has asked me to convey the comments set out below on your Form A response. These comments are made so that you are aware of the case being made by the investigator's representative and the areas of disagreement between the parties which the Panel must consider at the hearing.

### **Response**

With respect to the paragraph 5 allegation (disreputable conduct) you say "it is customary that confidential briefings are deemed to be such especially when there is no need to discuss such" You also refer to your letter of 27 August 2010, in response to Martin Walklate's draft report, which makes the same point about lack of any requirement to disclose confidential briefings. The letter further expresses the view that Keith Holder's briefing, if disclosed, would have had no effect on the decision of the other Members/trustees as the organisation [presumably APTL] was insolvent and being liquidated.

### **Comment**

The comments of the investigator's representative are that the briefing note from Keith Holder should have been disclosed to the other trustees on the APP Board at their 24 April 2007 meeting because (i) Councillors generally, and charity trustees in particular, are under a duty to reach their decisions collectively and on the basis of their own individual knowledge, (ii) this was a decision to transfer the whole business of the charity which was of the greatest importance and should have been informed by the fullest advice from officers on the legal and financial issues, and (iii) the Chair was well aware that quite different and contradictory advice (i.e. Keith Holder's briefing note as compared to his tabled report) had been provided by the Chief Officer a few days before and, in all the circumstances, this should have been available to the other trustees.



As to the point about the effect of the briefing on the other trustees, the insolvency of APTL was not in itself a sufficient reason for granting to Firoka a licence on terms that exacerbated the financial difficulties of the APP charity and APTL. Furthermore the Chair cannot have been certain about the impact of Keith Holder's briefing on the minds of the other trustees.

### **Response**

With respect to the paragraph 3 (2)(d) allegation (compromising the impartiality of an officer) you say "It is absurd....that the [Standards] Committee could come to such a conclusion especially as the officer concerned had confirmed that this was not the case. This bears out...that he [Keith Holder] was not pressurised or compromised in any way."

### **Comment**

The comments of the investigator's representative are that (i) it is accepted that when asked by Martin Walklate whether his integrity or required impartiality had been compromised directly by Cllr Adje, Keith Holder responded "not at the time" (letter to Martin Walklate dated 28 June 2010). However, this ambiguous response must be placed in the context of his other written statements on the matter, and (ii) Keith Holder states at several points in correspondence and interviews with Martin Walklate that he was instructed or required to produce a report for the APPB recommending the granting of a licence or the transfer of the business to Firoka despite his previous briefing note. The Panel will be asked to consider these written statements and all the background circumstances before coming to a conclusion as to whether Keith Holder's impartiality was compromised or likely to have been compromised.

### **Additional Documentation**

Terence Mitchison has asked for one further document to be admitted as documentary evidence at the hearing which was not included in the Appendices to Martin Walklate's Investigation Report. This is an extract from Charity Commission guidance entitled "The Essential Trustee" which makes clear that all important decisions concerning a charity must be taken by the trustees acting together and that trustees must take personal responsibility for their decisions. A copy is attached to this letter for your information.

Having reviewed the correspondence, I believe that you may not have received a copy of the response from Keith Holder to Martin Walklate's draft Investigation Report. This is in the form of a letter dated 20 September 2010 received after the Investigation Report was finalised and therefore not one of its Appendices. The letter was included in material reported to the Standards Committee and so it is proper that you should have it. The letter had 5 Appendices A to E but I have removed Appendix B which contains material that might be prejudicial to the Council in the event of future litigation and which, in any event, has no bearing at all on the issues before the Standards Hearing Panel. Keith Holder's letter and Appendices A, C, D & E are enclosed.

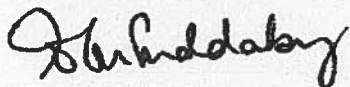
I am taking this opportunity to enclose a list of the 27 Appendices to Martin Walklate's report which will all be available to the Standards Hearing Panel even if they are not all very material. You should have received all of them at some time either from Martin Walklate or from me. Could I ask you now to check that you have received all of them and have copies. If not, please let me know as soon as possible and I will supply a



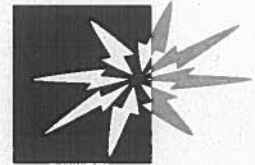
further copy. All the documents will be contained in the agenda pack for the Panel Hearing on 30 March but it is important that you have access to them well in advance.

Finally, I should explain that I am preparing a "Pre-Hearing Process Summary" to assist the Panel when they consider the papers for the hearing. This will outline the basic facts including the issues agreed between the parties and those still in dispute. This "Pre-Hearing Process Summary" should be available early next week and it will be sent to you in draft for your comments before it goes to Panel Members.

Yours Sincerely



**John Suddaby**  
Head of Legal Services and Monitoring Officer



**Your ref:**

Date: 1 March 2011

Our ref: LEG/MW/19191

Direct dial: 020 8489 3974

Cllr. C. Adje  
78 Warwick Gardens  
London  
N4 1JA

Dear Cllr. Adje,

**Re : Complaint by Mr. C. Carter – Standards Panel Hearing**

Further to the letter from the Monitoring Officer dated 24 February, I am now enclosing a draft of the Pre-Hearing Process Summary which is intended to assist the Panel by outlining the matters agreed and the matters still in dispute and by setting out other information about the hearing.

It would be appreciated if you could look over this Summary and let me have your comments as to whether it fairly summarises the issues that are still in dispute between the investigating officer's representative and yourself and whether there are any other points about factual accuracy. As you will understand, this Summary is a guide for the Panel and it does not stop you putting your case fully at the hearing. However, if there are significant points that you intend to make at the hearing, either in response to findings by Martin Walklate or findings by the Standards Committee, which are not covered at all in this Summary, it would be in your interests to make reference to them now. The Panel may prevent you from raising matters at the hearing that are substantially "new" or a "surprise" unless they have been indicated in outline beforehand.

The Summary is also being sent to Terence Mitchison, as the investigating officer's representative, and he may make comments on it before it is finalised.

Although any comments you make will be taken into account, the Summary is ultimately the responsibility of the Monitoring Officer, acting in his neutral capacity, and he will determine the final text of the Summary.

Please let me have any comments by the close of Friday 11 March. I will supply you with the final version of the Summary approved by the Monitoring Officer.

On a separate point, the List of Appendices sent to you on 24 February contained a mistake. This was at Appendix 15. It is not a letter from Keith Holder but a letter from you to Martin Walklate and Julie Parker dated 17 November 2008. I apologise for this error and enclose a corrected List of Appendices and a copy of your letter in question in case there has been any confusion.

May I emphasise the importance of checking now that you have all of these Appendices which may be relevant to the hearing. The Panel will be reluctant to grant any adjournment, or to delay the hearing, because either party claims not to have seen, or not to have to hand, documents that have previously been before the Standards Committee or that have already been exchanged between the parties.

Yours sincerely,

Michelle Williams  
For Monitoring Officer

**Mitchison Terence**

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**From:** Williams Michelle (Legal)  
**Sent:** 15 March 2011 09:26  
**To:** Mitchison Terence  
**Subject:** FW: Re : Complaint by Mr. C. Carter - Standards Panel Hearing  
**VF-ITEM-ID:** 7743: 3395839

FYI

Michelle Williams  
Principal Lawyer Housing/ASB  
Ext:3857 Fax:3963

Legal advice in this e-mail is given on behalf of the Head of Legal Services and is subject to legal professional privilege and should not be disclosed without authorisation.

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**From:** Cllr Adje Charles  
**Sent:** 11 March 2011 19:40  
**To:** Cllr Adje Charles; Williams Michelle (Legal)  
**Subject:** RE: Re : Complaint by Mr. C. Carter - Standards Panel Hearing

Dear Ms Williams

Thank you for your further correspondence of 1 March and its enclosures, the contents of which I note.

I have read the draft summary document and although I have some comments in relation to particular paragraphs, I would reserve my right to refer to them at the hearing.

I note however that Andrew Travers' email which I referred to in my letter was not attached. Perhaps you would be kind enough to refer me to it if has previously been sent or if it is part of another document already sent.

On the issue of the appendices, for ease of reference and in order to ensure smooth facilitation of activities on the day, I would like a complete set of the agenda pack as outlined in your 'list of appendices to this report', please.

Thank you for your continued assistance in this matter.

Yours sincerely

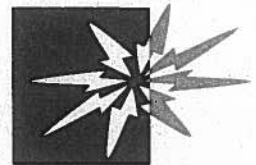
Charles Adje

**Cllr Charles Adje**  
**Labour Member for White Hart Lane Ward**

**Tel: 020 8800 7658 Fax: 020 8374 5160**

**email: [charles.adje@haringey.gov.uk](mailto:charles.adje@haringey.gov.uk)**





Your ref:

Date: 15 March 2011

Our ref: LEG/MW/19191

Direct dial: 020 8489 3974

Cllr. C. Adje  
78 Warwick Gardens  
London  
N4 1JA

Dear Cllr. Adje,

**Re : Complaint by Mr. C. Carter – Standards Panel Hearing**

Thank you for your email in response to my letter of 1 March. I note what you say about the draft Pre-Hearing Process Summary document which will be dispatched soon with the remainder of the agenda for the hearing with only a few amendments as compared to the draft you have seen.

I am now sending you a complete set of the appendices to the investigation report. These have been divided into several bundles to ensure that they can be delivered through your front door in envelopes that are not too thick.

You refer to an email from Andrew Travers and I believe that you will find this at Appendix 9 (appendices to Walklate Report no.2) on page 148 (pagination at top left).

I have been asked by Terence Mitchison, the investigating officer's representative, to bring to your attention the possibility that Keith Holder may be willing to give evidence to the Hearing Panel on the allegation that you compromised his impartiality as an officer. This is not certain and it is not known exactly what his evidence would comprise. As and when these issues are clarified you will be given further information.

Yours sincerely,

Michelle Williams  
For Monitoring Officer