

HEARING SUB (STANDARDS) COMMITTEE

Tuesday, 15 March 2016

Minutes of the meeting of the Hearing Sub (Standards) Committee held at the Guildhall EC2 at 10.00 am

Present

Members:

Nigel Challis
Mark Greenburgh

Oliver Lodge
Edward Lord (Chairman)

Officers:

Lorraine Brook	- Town Clerk's Department
Michael Cogher	- Comptroller and City Solicitor
Gemma Stokley	- Town Clerk's Department
Edward Wood	- Comptroller and City Solicitor's Department

1. APOLOGIES

There were no apologies for absence.

2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA

There were no declarations.

3. COMPLAINT BY LM AGAINST JC (ITEM CARRIED FORWARD FROM THE MEETING OF THE HEARING SUB (STANDARDS) COMMITTEE ON 23RD FEBRUARY 2016)

The Chairman reminded all present that this was the re-convened meeting of the Standards (Hearing) Sub Committee which had commenced its proceedings on Tuesday 23 February. At the initial hearing, the Sub-Committee found the Respondent to be in breach of the Code of Conduct. An adjournment had been requested by the Respondent and the purpose of today's meeting was now to consider the sanctions to be imposed on the Respondent regarding a complaint received from Leighton McDonnell.

The Chairman noted that the Sub-Committee had received no further written submissions from the Respondent but that Alderman Sir David Wootton was present as a character witness for the Respondent.

With the Chairman's permission, the Respondent read a prepared statement to the Sub-Committee. The Respondent referred to his past ten years of service to the City of London Corporation and the vast number of Committees and Sub Committees he had served on in this time. These included Markets, Finance, the Board of Governors of the Guildhall School of Music and Drama, Property Investment Board and Corporate Asset Sub Committee. He stated that he had

given his time freely to the City of London over the years and was both honoured and privileged to serve such a uniquely diverse organisation.

The Respondent stated that the Sub-Committee, at its last meeting, had noted that he had probably been acting in a manner that he believed to be appropriate. He did, however, admit to some naivety in this matter.

The Sub-Committee then heard some oral observations from Alderman Sir David Wootton who appeared as a character witness for the Respondent. The Alderman clarified that the Respondent had been a Common Councilman for the Ward of Langbourn for 10 years. He stated that the Respondent was both responsive and attentive to concerns raised by voters and others in the Ward over the years, particularly with regard to Leadenhall Market. He added that, in his view, the Respondent had always dealt with past issues at the Market in the correct manner.

The Alderman went on to describe the Respondent as an active and enthusiastic member of the Ward but recognised that, in the events referred to by the complainant, the Respondent may have shown excessive 'zeal' which, in the view of the Sub-Committee, crossed the line in terms of the Code of Conduct. The Alderman accepted that the Respondent had shown a level of naivety in not fully appreciating the impact that his involvement in the events would have. With direct reference to the morning of the car rally event, the Alderman stated that the Respondent may not react as well under pressure as others and that, in this respect, he was simply human.

The Alderman wanted to reiterate that the Sub-Committee, in their findings, had found no evidence that the Respondent had sworn at Officers or that his involvement had resulted in any financial or other benefit directly to him. He added that it would also be uncharacteristic of the Respondent to attempt to secure any monetary advantage for a third party. He suggested that, in the case of the Barnet Waddingham event, the waiver of letting fees had been due, in part, to a two week delay from Officers in responding to emails as they were unable to reach an agreement on this point. This had also put the Respondent under further pressure.

The Chairman stated that the Sub-Committees findings of fact had been clearly set out at the conclusion of the 23 February 2016 meeting and that the purpose of today's meeting was not to revisit this.

The Sub-Committee's Co-opted Member questioned the role of a Deputy. The Alderman responded by stating that the Deputy essentially deputised for the Alderman of the Ward and undertook such tasks as allocating members of a Ward to various Committees on an annual basis. The Sub-Committee were informed that Langbourn is made up of 1 Alderman and 3 Common Councilmen with the Ward Deputy selected by the Alderman of the Ward. Whilst this could be done at any time, in practice, Deputies were appointed annually.

The Sub-Committee questioned the origins of the Leadenhall Market Liaison Committee. The Sub-Committee were informed that the Liaison Committee was

created in 2014. The Alderman reported that this had been the Respondent's initiative and had been much appreciated by the Officers involved as it was felt that it was of benefit to all. The Alderman recounted past difficulties in terms of communications and changes in personnel at the Market and stated that this Liaison Committee had served as an effective means of overcoming much of this.

The Sub-Committee were keen to ascertain whether or not the Respondent understood their concerns. The Respondent wanted to underline that he had overseen many events at the Market during his time as a Common Councilmen without issue. He added that there had been a period of confusion at the Market with a 'gap' between the former manager leaving and the Complainant taking over. He felt that this could have resulted in the collapse of the events mentioned, resulting in reputational damage for the City of London and its Officers. The Respondent went on to state that he did, however, understand the panels concerns regarding his over-enthusiasm in relation to the two events specifically referred to by the Complainant. He added that he would attempt to be more reserved in his approaches in future and that he would like to apologise for any distress and inconvenience his conduct in relation to these events may have caused.

Finally, the Sub-Committee questioned the Respondents concern at the decision notice of the last meeting on 23 February 2016 being placed on the Members reading Room Notice Board. The Respondent replied that he had not been aware, at the time of the last meeting, that this action would be taken. He added that his concern was embarrassment amongst his colleagues and he felt that this was, in itself, very much a sanction.

In response to a final question, the Respondent stated that he had no knowledge of the notice being removed from the noticeboard within 24 hours. He added that he had not visited the Members' Room since the date of the last Sub-Committee hearing.

The Chairman thanked the Respondent and Alderman Sir David Wootton for their attendance. He stated that the meeting would now be adjourned so that the Sub-Committee could consider which sanctions might now be imposed. The Respondent was invited to await the outcome of the deliberations if he so wished. Failing that, a formal decision notice would be issued within five working days of the Hearing in accordance with the Standards Committee's Complaints Procedure.

[There was an adjournment between 10.40am and 12.10pm]

The Sub-Committee reconvened at 12.10pm. The Respondent was not present.

A draft decision notice was tabled.

Having found the Respondent to have breached the Code of Conduct and failed to comply with the Member/Officer Protocol in respect of his continued

interference in the day-to-day management of Leadenhall Market, his lack of respect for and rudeness to Corporation staff, and the advantages obtained by a third party as a consequence of his actions, the Sub-Committee concluded that the following sanctions and remedies were appropriate:

Sanctions

- (a) That the Respondent be formally censured for his misconduct and that this be reported to the Court of Common Council;
- (b) That the Investment Committee be invited to discharge the Respondent from his membership of the Property Investment Board for a period of twelve months;

Remedies

- (c) Having noted his willingness to do so, that the Respondent be invited to write to the Complainant and John Black to apologise for his lack of courtesy towards them, and to Nicholas Gill and Trevor Nelson to apologise for the difficult position his actions placed them in, such letters to be drafted by the Monitoring Officer, in terms agreeable to the Sub-Committee; and
- (d) That the Respondent be invited to attend training on the Member/Officer Protocol and in particular the demarcation of responsibilities of elected Members and the Officers of the Corporation.

In arriving at these conclusions, the Sub-Committee felt strongly that, other than his proper responsibilities representing the interests of his constituents, the Respondent should not be involved in the conduct of the affairs of Leadenhall Market, and urges the Aldermen and Councilmen for the Ward of Langbourn to nominate another of their number to be the principal contact on market affairs.

In reaching its decision the Sub-Committee fully took into account the views of the Independent Person, Ms Sanahi, who was also of the view that the sanctions and remedies decided upon were appropriate.

- 4. **QUESTIONS RELATING TO THE WORK OF THE SUB-COMMITTEE**
There were no questions.
- 5. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

There were no additional, urgent items of business for consideration.

The meeting closed at 12.15 pm

Chairman

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