



Assessment Sub (Standards) Committee

Date: MONDAY, 13 NOVEMBER 2017
Time: 1.45 pm
Venue: COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

Members: Judith Barnes
Alderman David Graves
Ann Holmes
Deputy Jamie Ingham Clark
Neil Asten (Independent Person)

Enquiries: Martin Newton
tel. no.: 020 7332 3154
martin.newton@cityoflondon.gov.uk

Lunch will be served in the Guildhall Club at 1pm

John Barradell
Town Clerk and Chief Executive

AGENDA

1. **ELECTION OF CHAIRMAN**

For Decision

2. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE ASSESSMENT SUB (STANDARDS) COMMITTEE**

The complaints procedure (*“How Complaints to the City of London Corporation’s Standards Committee Will Be Dealt With”*) is attached for information.

For Information

(Pages 1 - 16)

3. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

4. **EXCLUSION OF THE PUBLIC**

MOTION – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act.

For Decision

5. **COMPLAINT: REPORT OF THE TOWN CLERK AND THE COMPTROLLER AND CITY SOLICITOR**

A joint report of the Town Clerk and the Comptroller and City Solicitor presenting, for assessment by the Sub-Committee, a complaint made against a member of the Court of Common Council. TO FOLLOW

For Decision



**HOW COMPLAINTS SUBMITTED TO
THE CITY OF LONDON
CORPORATION'S STANDARDS
COMMITTEE WILL BE DEALT WITH**

INTRODUCTION

1. The Localism Act 2011 requires the City of London Corporation (“the Corporation”) to have in place arrangements under which written allegations of a breach of the member code of conduct can be investigated and decisions on those allegations taken. These arrangements apply to both members and co-opted members (referred to in this document collectively as “members”) and this handbook sets out to explain the arrangements in more detail.

STANDARDS COMMITTEE

2. The Corporation’s Standards Committee is responsible for these functions. The membership of the Standards Committee is made up of elected Aldermen and Common Councilmen of the Corporation, together with non-voting co-opted members appointed under the Local Government Act 1972.

INDEPENDENT PERSONS

3. The Corporation must also appoint at least one Independent Person under the Localism Act 2011 whose views:
 - (i) must be sought, and taken into account, by the Corporation before it makes its decision on an allegation that it has decided to investigate;
 - (ii) may be sought by the Corporation in relation to an allegation in other circumstances;
 - (iii) may be sought by a member against whom an allegation has been made.
4. Independent Persons must not have been a member, co-opted member or officer of the Corporation in the last five years, nor be a relative or close friend of a member, co-opted member or officer.

COMPLAINTS

MAKING A COMPLAINT

5. The Corporation’s complaints process is publicised on the complaints and corporate governance pages of our website and explains where code of conduct complaints should be sent to. This is to ensure that members of the public are aware of the responsibility for handling code of conduct complaints and what the process entails.

6. A copy of the complaint form is appended to this handbook and can be accessed via the Corporation's website. Alternatively, a complaints form can be requested from Lorraine Brook, Principal Committee & Member Services Manager, Town Clerk's Office (telephone 020 7332 1409). Formal complaints must be submitted in writing although this includes fax and electronic submissions.
7. The form covers the following matters:-
 - (i) Complainant's name, address and contact details;
 - (ii) Complainant's status i.e. fellow member, member of the public or officer;
 - (iii) Who the complaint is about;
 - (iv) Details of the alleged misconduct including, where possible, the paragraphs of the code of conduct that have been breached, dates, witness details and other supporting information;
 - (v) A warning that the complainant's identity will normally be disclosed to the subject member. (N.b. in exceptional circumstances, and at the discretion of the Standards Committee, this information may be withheld).
8. Once a complaint is received at the Corporation, and the complaint specifies or appears to specify that it is in relation to the code of conduct, then it will be passed to the Assessment Sub-Committee for consideration. If at this stage (or a later stage) it appears that a criminal offence may have been committed then the relevant allegation will be referred to the police.

INFORMAL RESOLUTION OF COMPLAINTS

9. A complaint may not necessarily be made in writing, for example it may be a concern raised with the Monitoring Officer orally. In such cases, the Monitoring Officer should ask the complainant whether they want to formally put the matter in writing to the Standards Committee. If the complainant does not, the Monitoring Officer should consider the options for informal resolution to satisfy the complainant.
10. This could involve a meeting with the Chief Commoner or Chairman of the Privileges Committee of Aldermen ("the Privileges Chairman"). The role of the Chief Commoner has traditionally included a concern for the welfare and conduct of Common Councilmen and the Privileges Chairman has performed a similar function in relation to Aldermen. Their intervention has in the past been a very effective mechanism for resolving problems between members.

11. There is nothing to stop aggrieved individuals continuing to approach the Chief Commoner or the Privileges Chairman for assistance with the reconciliation of disputes, even where the matter relates to a breach of the code of conduct. This would require the consensus of all parties, as the matter could be referred to the Standards Committee at any time. If a matter in which the Chief Commoner or the Privileges Chairman is involved is subsequently referred to the Standards Committee, he or she should cease to take any action in relation to the matter. A member who is aggrieved with any sanction imposed by the Chief Commoner or the Privileges Chairman may refer the matter to the Standards Committee for formal consideration.

ACKNOWLEDGING RECEIPT OF A COMPLAINT

12. The Monitoring Officer has the discretion to take the administrative step of acknowledging receipt of a complaint and telling the subject member that a complaint has been made about them.
13. The notification can say that a complaint has been made, and state the name of the complainant (unless the complainant has requested confidentiality and the Standards Committee has not yet considered whether to grant it) and the relevant paragraphs of the code that may have been breached. A copy of the complaint will normally be provided (unless to do so would breach confidentiality where this has been requested) and the subject member invited to comment on it should they so wish.
14. There is a possibility that by informing the subject member of the complaint, they may interfere with evidence or intimidate witnesses. Whilst this is a remote possibility, the Monitoring Officer has the discretion, after consultation with the Chairman of the Standards Committee, to defer notification in such exceptional circumstances to enable a proper investigation to take place.

STANDARDS SUB-COMMITTEES

ASSESSMENT, HEARING AND APPEAL SUB-COMMITTEES

15. In order to carry out its functions efficiently and effectively, and to avoid any conflicts of interest, the Standards Committee has established three separate Sub-Committees for the different stages of the complaints process, being Assessment, Hearing and Appeal Sub-Committees.

MEMBERSHIP

16. Each of these Sub-Committees will normally consist of four members of the Standards Committee, including three elected members of the Corporation and one non-voting co-opted member, with membership to be determined on a case by case basis. The same members will normally sit on the Assessment Sub-Committee and the Hearing Sub-Committee in respect of a particular allegation, but different members will sit on the Appeal Sub-Committee, if this is required. Each of these Sub-Committees will take into account the views of an Independent Person.

ACCESS TO MEETINGS AND PUBLICATION OF DECISIONS

17. Meetings of these Sub-Committees are subject to the same provisions regarding public access to information as any other Committee.
18. After a Sub-Committee has reached a decision, it will produce a written summary to include:-
- (i) The main points of the matter considered;
 - (ii) The decision reached; and
 - (iii) The reasons for that decision.
19. The written summary will be sent to the relevant parties. A written summary (excluding exempt information heard in non-public session) will be made available for the public to inspect at the Corporation's offices for six years but not until the subject member has been sent the summary.

INITIAL ASSESSMENT OF ALLEGATIONS

PRE-ASSESSMENT REPORTS AND ENQUIRIES

20. The Assessment Sub-Committee may decide that it wants the Monitoring Officer, or other officer, to prepare a short summary of the complaint for it to consider. This could, for example, set out the following details:-
- (i) Whether the complaint is within jurisdiction;
 - (ii) The paragraphs of the code the complaint might relate to, or the paragraphs the complainant has identified;
 - (iii) A summary of key aspects of the complaint if it is lengthy or complex;

(iv) Any further information that the officer has obtained to assist the Assessment Sub-Committee with its decision – this may include:-

- a. Obtaining a copy of a declaration of acceptance of office form;
- b. Minutes of meetings;
- c. A copy of a member's entry in the Register of Interests;
- d. Information from Companies House or the Land Registry;
- e. Other easily obtainable documents.

21. Officers may contact complainants for clarification of their complaint if they are unable to understand the document submitted. Any comments received from the subject member regarding the complaint will also be provided to the Assessment Sub-Committee.

22. Caution should be exercised in order to ensure that pre-assessment enquiries are not carried out in such a way as to amount to an investigation e.g. they should not extend to interviewing the complainant or a potential witness.

ASSESSMENT SUB-COMMITTEE TERMS OF REFERENCE

23. The Assessment Sub-Committee is established to receive and assess allegations that a member of the Corporation has failed, or may have failed, to comply with the code of conduct.

24. Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee will make an initial assessment of the allegation and will then do one of the following:-

- (i) refer the allegation to the Monitoring Officer, with an instruction that he arrange a formal investigation of the allegation; or
- (ii) direct the Monitoring Officer to arrange training, conciliation or other appropriate alternative steps; or
- (iii) decide that no action should be taken in respect of the allegation.

ASSESSMENT OF COMPLAINTS

25. The Assessment Sub-Committee should firstly satisfy itself that the complaint meets the following tests:-

- (i) It is a complaint against one or more named members of the Corporation;
- (ii) The named member was in office at the time of the alleged conduct and the code of conduct was in force at the time;
- (iii) The complaint, if proven, would be a breach of the code of conduct under which the member was operating at the time of the alleged misconduct.

26. If the complaint fails one or more of these tests, it cannot be investigated as a breach of the code and the complainant must be informed that no further action will be taken in respect of the complaint.

DEVELOPING ASSESSMENT CRITERIA

27. The Standards Committee may develop criteria against which it assesses new complaints and decides what action, if any, to take. These criteria should ensure fairness for both the complainant and the subject member.

28. Assessing all new complaints by established criteria will also protect the Committee members from accusations of bias. In drawing up assessment criteria, the Standards Committee will bear in mind the importance of ensuring complainants are confident that complaints are taken seriously and dealt with appropriately, whilst appreciating that a decision to investigate a complaint or to take other action will cost both public money and the officers' and members' time – an important consideration where the matter is relatively minor.

29. The following questions constitute the current assessment criteria:-

- (i) Has the complainant submitted enough information to satisfy the Assessment Sub-Committee that the complaint should be referred for investigation?
- (ii) Has the complaint already been the subject of an investigation or other action relating to the code of conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?
- (iii) Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
- (iv) Is the complaint too trivial to warrant further action?
- (v) Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?

INITIAL ASSESSMENT DECISIONS

30. The Assessment Sub-Committee will normally complete its initial assessment of an allegation within an average of 30 working days to reach a decision on what should happen with the complaint.
31. The summary at this stage may give the name of the subject member unless doing so is not in the public interest or would prejudice any subsequent investigation.
32. The Monitoring Officer will write to the relevant parties to advise who will be responsible for conducting the investigation, if applicable.
33. The Assessment Sub-Committee may decide that other action (rather than an investigation) would be appropriate and it may ask the Monitoring Officer to arrange this.
34. The suitability of “other action” is dependent on the nature of the complaint. Deciding to deal pro-actively with a matter in a positive way that does not involve an investigation can be a good way of resolving less serious matters. Examples of alternatives to investigation are:-
 - (i) Arranging for the subject member to attend a training course;
 - (ii) Arranging for the subject member and complainant to engage in a process of conciliation;
 - (iii) Instituting changes to a procedure of the Corporation if this has given rise to the complaint.
35. The Assessment Sub-Committee should always seek the advice of the Monitoring Officer before it decides on this course of action. It may be useful for the Assessment Sub-Committee to seek written confirmation from all involved parties that they will co-operate with the process of other action proposed. In this case, a letter should be written to parties outlining what is being proposed, why it is being proposed, why they should co-operate and what the Assessment Sub-Committee is hoping to achieve.
36. The Assessment Sub-Committee can decide that no action is required in respect of a complaint. This could be if they do not consider the complaint to be serious enough, or if a long time has elapsed since the alleged conduct took place, or if there is clearly no case to answer. The decision reached by the Assessment Sub-Committee and the reasons for it should adhere to any assessment criteria that the Standards Committee has previously agreed.

INVESTIGATIONS AND HEARINGS

INVESTIGATION

37. It is recognised that the Monitoring Officer may not personally conduct a formal investigation but it will be for the Monitoring Officer to determine who to instruct to conduct a formal investigation.
38. There are many factors that can affect the time it takes to complete an investigation. However most investigations will be carried out, and a report on the investigation completed, within six months of the original complaint being assessed. In his report, the investigator will conclude whether or not there has been a failure to observe the code of conduct. Any hearing will normally be held within three months of receipt of the report.

HEARING SUB-COMMITTEE TERMS OF REFERENCE

39. To hear and determine any allegation that a member has failed, or may have failed, to comply with the code of conduct for members;
40. Following the hearing, to make one of the following findings:-
- (i) that the subject member has not failed to comply with the code of conduct;
 - (ii) that the subject member has failed to comply with the code of conduct but that no action needs to be taken in respect of the matters considered at the hearing;
 - (iii) that the subject member has failed to comply with the code of conduct and that a sanction should be imposed.
41. If the Sub-Committee makes a finding under paragraph 40 (iii), it may impose any one of or any combination of sanctions that are available, as set out below.

HEARING SUB-COMMITTEE DECISIONS

42. If the Hearing Sub-Committee finds that a subject member has failed to follow the code of conduct and that they should be sanctioned, it may impose any one or a combination of the following:-

- (i) censure of that member;
 - (ii) withdrawal of Corporation hospitality for an appropriate period;
 - (iii) removal of that member from a particular committee or committees.
43. The option of removal from a particular committee or committees includes sub-committees. The Hearing Sub-Committee will make a recommendation to the relevant appointing body in each case.
44. The Hearing Sub-Committee has no power to impose any alternative sanctions, although the willingness of a member to co-operate in the matters listed below may have a bearing on any sanction that is imposed:-
- (i) that the member submits a written apology in a form specified by the Hearing Sub-Committee;
 - (ii) that the member undertakes such training as the Hearing Sub-Committee specifies;
 - (iii) that the member participates in such conciliation as the Hearing Sub-Committee specifies.

APPEALS

APPEAL PROCESS

45. If a member is aggrieved by a decision of the Hearing Sub-Committee to impose one or more sanctions against him, either because he does not accept that he has breached the code or conduct, or because he considers that the sanction or sanctions imposed are disproportionate, he is entitled to appeal to the Appeal Sub-Committee.
46. Any such request must be sent in writing to the clerk to the Appeal Sub-Committee and received by him within 20 working days from the date that the subject member is informed of the decision of the Hearing Sub-Committee. The Appeal Sub-Committee will normally complete its review of the decision within an average of 30 working days following receipt of the request.

APPEAL SUB-COMMITTEE TERMS OF REFERENCE

47. To determine any appeal from a member in relation to a finding of the Hearing Sub-Committee that they have breached the code of conduct and/or in relation to the sanction imposed;
48. Having due regard to the decision of the Hearing Sub-Committee, to substitute any alternative decision for that decision that the Appeal Sub-Committee considers is appropriate, being a decision that the Hearing Sub-Committee had the power to make.



COMPLAINT FORM

YOUR DETAILS

1. Please provide us with your name and contact details:

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:-

- The Member that you are complaining about;
- The Monitoring Officer of the City of London Corporation.

We will normally tell them your name and give them full details of your complaint. If you have serious concerns about your name and details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted Member of the City of London Corporation
- An employee of the City of London Corporation
- Other (please specify.....)

MAKING YOUR COMPLAINT

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct:

Title	First name	Last name

4. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member, you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the assessment sub Committee when it decides whether to take any action on your complaint. For example:-

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates, it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.
- If possible, please be specific about which paragraphs of the Code of Conduct you believe have been breached.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

**ONLY COMPLETE THIS NEXT SECTION IF YOU ARE REQUESTING
THAT YOUR IDENTITY IS KEPT CONFIDENTIAL**

5. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe that they have the right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless:

- You have reasonable grounds for believing that you will be at risk of physical or other harm if your identity is disclosed;
- You are an officer who works closely with the subject Member and you are afraid of the consequences to your employment or of losing your job if your identity is disclosed;
- You suffer from a serious health condition and there are medical risks associated with your identity being disclosed.

Please note that requests for confidentiality or requests for suppression of complaint details will not be automatically granted. The Assessment sub-Committee will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with the details of why you believe we should withhold your name and/or details of your complaint. Continue on a separate sheet if there is not enough space on this form:

6. ADDITIONAL HELP

Complaints must be submitted in writing (this includes fax and electronic submissions). However, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

7. CONTACT DETAILS

If you have any queries regarding the completion of this form, or to submit your completed form by fax or email, please use the following contact details:

Michael Cogher (Comptroller & City Solicitor)

Tel: 020 7332 3699

Fax: 020 7332 1992

Email: michael.cogher@cityoflondon.gov.uk

Lorraine Brook (Principal Committee & Member Services Manager)

Tel: 020 7332 1409

Fax: 020 7796 2621

Email: lorraine.brook@cityoflondon.gov.uk

Paper forms should be sent to either of the above recipients at the following address:

PO Box 270

Guildhall

London

EC2P 2EJ

Committee(s): Assessment Sub (Standards) Committee	Date(s): 13 November 2017
Subject: Complaint by Alderman Sir Michael Bear against Prem Goyal	Non-Public
Report of: Comptroller & City Solicitor	For Decision

NOT FOR PUBLICATION

By virtue of paragraphs 1 and 2 of Part I of Schedule 12A of the Local Government Act 1972.

Subsequently approved for publication by the Assessments Sub (Standards) Committee at their meeting on 13 November 2017

Summary

This report presents to the Sub-Committee for assessment a complaint made by Alderman Sir Michael Bear against Prem Goyal.

Recommendations

1. That the Assessment Sub-Committee consider the report and determine what action, if any, to take in relation to the complaint.
2. That the Monitoring Officer produces a written summary of the Sub-Committee's consideration of the allegations and its decision to be provided to the parties.

Main Report

History of the Complaint

1. The complaint was received on the 25th October 2017. A paginated and indexed bundle of all relevant documents appears at Appendix 1 for the Sub-Committee's consideration comprising:-
 - (a) The complaint and documents submitted by the Complainant (pages 1 to 6).
 - (b) Comments of the Member dated 7th November 2017 (pages 7 to 8)

Considerations

2. The Sub-Committee should consider whether the allegations would, if proven, amount to a breach of the Code of Conduct. The complaint should also be assessed against the current Corporation Assessment Criteria which includes consideration of the following matters:-
 - Has the complainant submitted enough information to satisfy the Sub-Committee that the complaint should be investigated?
 - Is the complaint too trivial to warrant further action?
 - Does the complaint appear to be simply malicious, politically motivated or tit for tat?

The Sub-Committee should also consider the matters set out below.

Alleged Breaches of the Code

3. Alderman Sir Michael Bear states that in the week commencing 16th October he was passed a copy of a leaflet circulated by Mr Goyal in the Ward of Portsoken promoting Mr Goyal's intended candidature for the vacancy of Alderman when Sir Michael stands down later in the year. On 20th October the Alderman emailed Mr Goyal and asked him:

"...could you confirm that you did not use any Corporation of London equipment or resource in the production, copying or distribution of this election leaflet."

Mr Goyal replied the same day and answered the question thus:

"I confirm that I used the colour printer to print the information leaflet outside the election regulated period as I don't have a fast speed printer. I didn't think that it would be an issue; but if it is an issue, I will be more than happy to reimbursement [sic] promptly to the Corporation of London. Note that I am not at all planning to use the printer or any other resources during the election expense regulated campaign period, starting November 14. I would welcome your guidance in this matter".

The Alderman sent a further email on the same day enquiring:

"How extensively did you use the Corporation printer?"

To which Mr Goyal replied:

"To provide one information leaflet to all voters (700) and some more. My very conservative estimate is 1,000".

The Alderman submits that this clear admission is prima facie evidence of a breach of the following provisions of the Code of Conduct:-

“1 (a) SELFLESSNESS: Holders of public office should act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for themselves, their family, a friend or close associate”.

“2 (i) Ensuring that, when using or authorising the use by others of the resources of the Corporation, such resources are not used improperly for political purposes (including party political purposes) and having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.”

Mr Goyal has submitted his comments on the complaint and acknowledges the act complained of.

Comments of the Monitoring Officer

4. Mr Goyal is a recently elected Common Councilman (March 2017). The Monitoring Officer believes that he did not attend the member training sessions on the Code of Conduct held following the elections.

Whilst the identity of the precise Corporation printer used is not clear the correspondence appears to clearly demonstrate that a Corporation printer was used to print at least 1,000 double sided colour election leaflets.

Mr Goyal has been candid in relation to his actions in his correspondence with the Alderman and the Sub-committee.

The facts are admitted and amount to a breach of Clauses 1(a) and 2(i) of the Code. It should also be noted that it is unlawful, under the Local Government Act 1986, for the Corporation as local authority to publish material which appears to be intended to affect political support for groups or individuals and this extends to independent candidates. It is also unlawful to provide financial or other assistance to a person to publish material the Corporation is prohibited from publishing itself. Clause 2(i) is therefore a particularly important provision intended to assist the Corporation in complying with its obligations under the 1986 Act.

The inappropriate use of resources in this case is not a trivial one. Under the Corporation's current printing arrangements, the cost of a single colour page is £0.049 which means the minimum admitted use of resource for personal political purposes is £98 (2,000 sheets @ £0.049).

Moreover, inappropriate use of Corporation resources for electoral purposes creates an uneven playing field and gives an incumbent Member a significant advantage over those seeking election for the first time. Such activities therefore carry significant reputational risks for the Corporation.

The Sub-Committee's procedures do not allow it to deal with an admitted complaint in a summary manner. The Sub-Committee may however decide that "other action" (rather than an investigation and hearing) is appropriate.

In this case, given the admission and clear breach of the Code, the Sub-Committee may consider it appropriate to propose some or all of the following actions, which if accepted and discharged by the Member would result in the matter not proceeding to an investigation and hearing, with the resulting saving in time and expense and members may consider this a more satisfactory outcome in the circumstances.

1. That the Member apologises unreservedly in writing to the Alderman.
2. That the Member reimburses the Corporation for all copies of the leaflet printed, such sums to be determined by the Director of IS.
3. That the Member attend training with the Monitoring Officer on the Code of Conduct within the next six weeks.
4. That the Member gives the Chairman a written assurance that he will not use Corporation resources inappropriately in the future.

The Sub-Committee could decide, in the public interest, for the complaint, report and its decision to be placed in the public domain.

Conclusion & Action Required

5. The Sub-Committee is invited to consider the report and must determine whether:-
 - (a) to refer any of the allegations to the Monitoring Officer for investigation; or
 - (b) decide that no action should be taken; or
 - (c) decide that other action is appropriate and instruct the Monitoring Officer accordingly.

In doing so, it should take into account the views of the independent person.

Contact:
Michael Cogher
Comptroller and City Solicitor
Monitoring Officer
michael.cogher@cityoflondon.gov.uk

APPENDIX 1

For the Sub-Committee's consideration

- (a) The complaint and documents submitted by the Complainant.**
- (b) Comments of the Member dated 7th November 2017.**



COMPLAINT FORM

YOUR DETAILS

1. Please provide us with your name and contact details:

Title:	Alderman Sir
First name:	Michael
Last name:	Bear
Address:	Members' Room Guildhall London EC2P 2EJ
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	michael@thebearsinc.com

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:-

- The Member that you are complaining about;
- The Monitoring Officer of the City of London Corporation.

We will normally tell them your name and give them full details of your complaint. If you have serious concerns about your name and details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted Member of the City of London Corporation
- An employee of the City of London Corporation
- Other (please specify.....)

MAKING YOUR COMPLAINT

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct:

Title	First name	Last name
Mr	Prem	Goyal CC

4. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member, you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the assessment sub Committee when it decides whether to take any action on your complaint. For example:-

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates, it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.
- If possible, please be specific about which paragraphs of the Code of Conduct you believe have been breached.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

My attention was drawn last week to a suggestion that Mr Goyal had been using the Corporation's IT, printing and copying facilities in respect of his prospective candidacy for the Aldermanic seat in the Ward of Portsoken from which I will retire later this year. I attach a copy of the leaflet which Mr Goyal has circulated within the Ward.

I wrote to Mr Goyal on Friday 20 October, in the following terms, and received a reply from Mr Goyal at 15:27 the same day with his responses marked in red:

From: Michael Bear [mailto:michael@thebearsinc.com]
Sent: 20 October 2017 09:35
To: Prem Goyal <prem.goyal@globalmarketsconsultants.com>
Subject: Prem_Goyal_Portsoken_Alderman_Candidate_Leaflet_1.pdf

Prem,

I have been passed your election leaflet. - Noted.

This was distributed before I wrote to the LM surrendering my office which is interesting. - Noted

But more importantly could you confirm that you did not use any Corporation of London equipment or resource in the production, copying or distribution of this election leaflet. I confirm that I used the coloured printer to print the information leaflet outside of the election regulated period. as I don't have a fast speed printer. I didn't think that it would be an issue; but if this is an issue, I will be more than happy to reimbursement promptly to the Corporation of London. Note that I am not at all planning to use the printer or any other resources during the election expense regulated campaign period, starting November 14. I would welcome your guidance in this matter.

Best

Michael

I responded shortly thereafter:

From: Michael Bear [mailto:michael@thebearsinc.com]
Sent: 20 October 2017 16:19
To: Prem Goyal <prem.goyal@globalmarketsconsultants.com>
Subject: Re: Prem_Goyal_Portsoken_Alderman_Candidate_Leaflet_1.pdf

Prem,
How extensively did you use the Corporation printer?

Best

M

To which he replied:

From: Prem Goyal <prem.goyal@globalmarketsconsultants.com>
Date: 20 October 2017 at 16:30:12 BST
To: 'Michael Bear' <michael@thebearsinc.com>
Subject: RE: Prem_Goyal_Portsoken_Alderman_Candidate_Leaflet_1.pdf

Hi Michael

Thanks for your prompt email.

To provide one information leaflet to all voters (700) and some more. My very conservative estimate is 1,000.

With Best Wishes

Prem

In light of his clear admission that he has used Corporation resources to print material in connection with an election, it would appear to me that there is a prima facie case that Mr Goyal is in breach of the Members' Code of Conduct, specifically:

1 a. SELFLESSNESS: Holders of public office should act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for themselves, their family, a friend or close associate.

By using Corporation resources rather than paying for paper and printing himself, Mr Goyal is clearly obtaining an advantage for himself.

2 i. Ensuring that, when using or authorising the use by others the resources of the Corporation, such resources of the Corporation, such resources are not used improperly for political purposes (including party political purposes) and having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Again by using Corporation resources in connection with an election campaign, Mr Goyal is without doubt using those resources improperly for political purposes.

In light of Mr Goyal's admitted misconduct, I would ask that the Monitoring Officer refer this matter to a Standards Sub-Committee on an expedited basis for Assessment and Hearing as soon as practicable.

PREM GOYAL OBE JP PRIORITISING PORTSOKEN



My name is Prem Goyal, an elected City Councilman and CEO of Global Markets Consultants (GMC), a consulting firm in the City.

I am writing to you as I'm standing as an Aldermanic candidate for Portsoken.

I love the Portsoken community where my friends, staff and I live and work: I've lived and worked in the Portsoken area for 18 years. I have loyally supported local businesses, including restaurants, barbers, shops and gym, for 18 years. To introduce myself further, I've included my journey, CV and involvement in Portsoken and in the City. You can find out more by visiting: www.globalmarketsconsultants.com/prem-goyal

Portsoken is my home. I've walked on Minorles, Mansell Street and Middlesex Street several times every day for 18 years and made lifelong friendships with local business owners and residents on both estates. I will put your interests first every day as your Alderman. I will prioritise Portsoken.

I'd love to introduce myself to you and ensure that I prioritise your ideas and concerns in my manifesto. Please contact me at 07719035409 or prem.goyal@cityoflondon.gov.uk

Prem Goyal OBE JP

My Journey

My story began in Delhi, India, where I grew up the youngest of 11 children. During my summers, I would stay at my sister's house; her place had no bathroom, no running water and one electric light. I remember collecting five buckets of buffalo dung every day, which I'd shape into pancakes, slap on the wall to dry and use for fuel. Back then I was the local dung collector champion!

Later, having graduated from the Indian Institute of Technology near Kolkata, West Bengal, with a Bachelor's degree in Engineering, I was lucky to go to New York on a teaching scholarship. But my excitement at flying for the first time was short lived. I only had \$20 to get me through my first seven days! Nonetheless, having scraped by on minimum wage by cutting grass, I worked hard and graduated with a Master's degree in Engineering. I then got a job as a professional transport engineer.

After saving \$50,000 over six years, I can't tell you how happy I was when I was able to pursue my next dream of completing an MBA from UCLA. After graduation, I worked 80 hours a week in New York, Tokyo and Zurich and gained the best international work experience from multinational institutions.

Having lived in three continents, I settled in the City of London in an apartment on Minorles and rediscovered my love for curry, cricket and Tower Bridge! In 2002, I launched my consulting company, GMC, with offices first on Liverpool Street, then on Houndsditch, then in Devonshire Square and now near Tower/ DLR station. I have created hundreds of jobs and internships since then. I'm proud that the UK has recognised my contributions, including receiving an OBE from HRH Prince Charles in 2013.

Now retired, I serve as a magistrate and share my business acumen with SMEs and charities which promote diversity, help young people find jobs and care for the elderly. I also participate, support and contribute to community events in Portsoken, the City and Tower Hamlets. I want to continue to use my talent, time and savings to give back to Portsoken what it has given me. I love Portsoken.

Prem Goyal CV

Business Experience

- **CEO, Global Markets Consultants (GMC), Portsoken Area** Feb 2002 – present
- **Project Manager, Deutsche Bank (DB), Portsoken Area** Jul 1999 – Jan 2002
- **Business Analyst, Lehman Bros / Citibank / DB (New York, Zurich & Tokyo)** Jul 1995 – Jul 1999
- **Associate, Sales and Trading, Goldman Sachs, New York** Aug 1994 – Jul 1995
- **Project Engineer, Raymond Keyes Associates, New York** Aug 1988 – Jul 1992

Education

- **Executive Education (ADP), Chicago Business School, City of London** Feb 2010
- **MBA, Anderson School of Management at UCLA, Los Angeles** Jun 1994
- **MS in Engineering, Clarkson University, New York** May 1988
- **BS in Engineering, Indian Institute of Technology (IIT), West Bengal** May 1986

Honours

- **Community Spirit Award, London Leadership and Peace Awards** 2014
- **OBE for services to the economy and promoting charitable giving** 2013
- **Lunch with HM The Queen on the top table, Diamond Jubilee Celebration** 2012

Charity / Civic Involvement

- **Elected City Councilman** 2017
- **Raised £300,000 for various charities to date**
 - **£25,000 for Attlee Foundation, supporting young people, Portsoken Area** 2010
 - **£7,000 for Get Kids Going by completing the London Marathon** 2000
- **Providing business expertise to c. 25 charities / civic organizations, including:**
 - **Justice of the Peace (JP), Tower Hamlets and Newham** 2009 - present
 - **Trustee, Attlee Foundation, Portsoken Area** 2009 - 2012
 - **Governor, Tower Hamlets College** 2010 - 2013

Interests

- **Cooking, travelling (I've travelled to 135 countries, including Bangladesh / Colombia) and swimming**

Involvement in Portsoken / City of London

- **GMC Offices from February 2002 to present**
 - **Wormwood St, Liverpool St, St Mary Axe, Devonshire Square and near Tower / DLR station**
- **Resident since August 1999**
 - **Minorities (3 years), Wormwood Street (4 years), Shad Thames (9 years), Tower Bridge (2 years)**
- **Portsoken Ward Club Committee Member and Aldgate Community Events Board Member**
- **Support Portsoken businesses and organisations daily**
 - **Mumbai Square, La Piazzetta, Tiffinbox, Nisa newsagents, Co-op, Jad's Hairdressing, Virgin Minorities Gym, Sir John Cass's Foundation Primary School, St Botolph Church and more.**
- **Sharing business expertise with SMEs in the area, including Oasis Café and Jad's Hairdressing**
- **Organise, participate and contribute to Portsoken community events:**
 - **Eid, Halloween and Christmas celebrations, Mansell Street Estate Garden Competition, Portsoken Gardening and Chess Clubs, training courses and certifications for residents, Fundays and Podium Party, Fruit Picking trip and residents' outings, recognising community champions with GMC Awards and many more.**
- **Mentoring c.20 young people from Portsoken in one-to-one sessions on higher education, careers and jobs advice to help them realise their full potential.**

Prem Goyal OBE JP
Members' Room
PO Box 270
Guildhall
London EC2P 2EJ

Michael Cogher
Comptroller and City Solicitor
Guildhall
London EC2P 2EJ

7 November 2017

Dear Mr Cogher,

Written Submission to the Assessment Sub (Standards) Committee – Prem Goyal

I have received your letter dated 26 October regarding the complaint submitted to you by Alderman Sir Michael Bear. Please see below my written submission for the Assessment Sub (Standards) Committee.

I would like the Assessment Sub (Standards) committee to note the following in mitigation:

This situation has arisen due to my lack of experience as an elected member: my election on 23 March 2017, seven months ago, was the first time I was elected to public office.

Unfortunately, I was unable to attend the Corporation's induction training on the Members' Code of Conduct for new members: I sincerely regret that.

In response to the two charges against me:

1 a. SELFLESSNESS: Holders of public office should act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for themselves, their family, a friend or close associate.

I have been honest, transparent and straightforward from the moment I received Alderman Bear's first email. I responded to his emails on the same day – the second email within minutes – and with full disclosure.

It was never my intention to use City resources to save the cost of printing this leaflet externally or by using my own printer, which has a commercial value of about £65. Instead, I used Corporation's three printers in parallel for the sole purpose of completing this task in 30 minutes. If I had used my printer it would have taken two hours to complete the job.

Additionally, the printing task did not negatively impact the performance of any other Member. As a matter of fact, I have actively used my own financial and company resources to support the City's agenda and charitable activities.

-7-

To resolve this breach properly and promptly, I will cooperate fully with the Committee. As a starting point, I'm willing to offer the following:

1. Apologise to Alderman Bear for breaching the Members' Code of Conduct and using Corporation resources incorrectly.
2. Complete the next training session on the Members' Code of Conduct run by the City Corporation and any other training recommended by the Committee.
3. Pledge not to repeat this mistake in the future.
4. Reimburse the Corporation 100% of the cost of the leaflet expense. I am willingly to accept the Corporation estimated cost with appropriate penalty.

2 i. Ensuring that, when using or authorising the use by others the resources of the Corporation, such resources of the Corporation, such resources are not used improperly for political purposes (including party political purposes) and having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

As previously stated, I have been honest and straightforward with Alderman Bear and it was not my intention to use City resources to save the estimated cost of printing this leaflet externally or by using my own printer.

I would also like to add that before I printed the leaflet, I purposely checked the posters and information in the Members' Room. However, there was no guidance regarding printing or technology usage.

To resolve this charge properly and promptly, I want to cooperate fully with the Committee. As a starting point, I'm willing to complete the following:

1. Apologise to Alderman Bear for breaching the Members' Code of Conduct and using Corporation resources incorrectly.
2. Complete the next training session on the Members' Code of Conduct run by the City Corporation and any other training recommended by the Committee.
3. Pledge not to repeat this mistake in the future.

I welcome any other appropriate recommendations from the Committee to resolve these two charges properly and promptly.

If you have any questions or need more information, please do contact me.

With best wishes,

Prem Goyal OBE JP

Comptroller and City Solicitor

Michael Cogher LLB (Hons), Dip.L.G., Solicitor
Comptroller and City Solicitor



Telephone 020 7332 1834

Fax 020 7332 1992

Email michael.cogher
@cityoflondon.gov.uk

Date 13 November 2017

Our ref: MC/

Your ref:

Mr Prem Goyal OBE JP, CC
Members' Room
Guildhall
EC2P 2EJ

BY EMAIL ONLY

Dear Mr Goyal

Complaint by Alderman Sir Michael Bear against Mr Prem Goyal

An Assessment Sub-committee of the Standards Committee met on 13th November 2017 to consider the complaint submitted by Alderman Sir Michael Bear against Mr Prem Goyal which was received on 25th October 2017.

I am instructed by the Sub-committee to inform you of their decision.

The Sub-committee consisted of Alderman David Graves, Ann Homes (Chairman), Deputy Jamie Ingham Clark and Judith Barnes (independent co-opted member). Also present was Neil Asten, an "Independent Person" appointed under s.28 of the Localism Act 2011, whose views were sought by the Sub-Committee before reaching its decision.

The Sub-committee's decision was as follows:-

- (a) Having considered the complaint and comments submitted by Mr Goyal on it, the Sub-committee decided that given Mr Goyal's admission of a breach of the Code of Conduct the matter should not proceed to investigation subject to his compliance with the actions set out in paragraphs (i) to (iii) below.
 - (i) That within 7 days of the date of this letter, Mr Goyal issues a letter of apology and an undertaking not to use Corporation's resources for inappropriate purposes in breach of the Members' Code of Conduct to the Court of Common Council in the form set out in the Schedule.
 - (ii) That within 14 days of the date of this letter, Mr Goyal attends training on the Members' Code of Conduct with the Monitoring Officer.
 - (iii) That Mr Goyal reimburses the Corporation for the cost of production of the leaflets the subject of the complaint, as determined by the Director of IS, within 14 days of receipt of such determination.

- (b) That the Monitoring Officer, in consultation with the Chairman and the Independent Person, be authorised to commence an investigation of the complaint and bring a report to the Hearings Sub-committee in the event that Mr Goyal fails to comply with the steps set out in (a)(i)-(iii) above to the Monitoring Officer's reasonable satisfaction.
- (c) That the report of the Monitoring Officer and its appendices, this decision letter and any apology received from Mr Goyal, be accessible to the public in the usual way pursuant to the access to information provisions of Part VA of the Local Government Act 1972.

Yours sincerely,

Michael Cogher
Comptroller & City Solicitor
Monitoring Officer

Schedule

Form of Apology

The Right Honourable the Lord Mayor
c/o The Town Clerk
Guildhall
London
EC2P 2EJ

November 2017

Dear Lord Mayor

Breach of the Members' Code of Conduct

I refer to the decision letter dated 13th November 2017 conveying the decision of the Assessment Sub-committee of the Standards Committee on 13th November 2017 on the complaint made by Sir Michael Bear against me on 25th October 2017.

I would like to offer my sincere and unreserved apology to you and the other members of the Court of Common Council for my inappropriate use of Corporation printing facilities for electoral purposes in breach of the Members' Code of Conduct (paragraphs 1(a) and 2(i)).

I also undertake to the Court that I will not at any time in the future use Corporation resources, including (but not limited to) communication and printing facilities, meeting rooms, and hospitality and other privileges extended to me by the Corporation by virtue of my office for inappropriate purposes, including political purposes, and I will fully comply with all of the provisions of the Members' Code of Conduct whilst an elected member of the Corporation.

Finally, I agree to undertake training with the Monitoring Officer and reimburse the Corporation for the cost of the leaflets the subject of the complaint as stipulated by the Assessment Sub-committee.

Yours sincerely,

Prem Goyal, OBE JP

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Prem Goyal OBE JP
Members' Room
PO Box 270
Guildhall
London EC2P 2EJ

The Right Honourable the Lord Mayor
c/o The Town Clerk
Guildhall
London EC2P 2EJ

13 November 2017

Dear Lord Mayor,

Breach of the Members' Code of Conduct

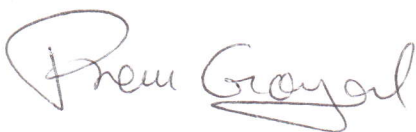
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I would like to offer my sincere and unreserved apology to you and the other members of the Court of Common Council for my inappropriate use of Corporation printing facilities for electoral purposes in breach of the Members' Code of Conduct (paragraphs 1(a) and 2(i)).

I also undertake to the Court that I will not at any time in the future use Corporation resources, including (but not limited to) communication and printing facilities, meeting rooms, and hospitality and other privileges extended to me by the Corporation by virtue of my office for inappropriate purposes, including political purposes, and I will fully comply with all of the provisions of the Members' Code of Conduct whilst an elected member of the Corporation.

Finally, I agree to undertake training with the Monitoring Officer and reimburse the Corporation for the cost of the leaflets the subject of the complaint as stipulated by the Assessment Sub-committee.

Yours sincerely,



Prem Goyal OBE JP
City Councilman

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