

Town Clerk and Chief Executive

John Barradell



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Date 26 June 2018

Our ref:

Your ref:

BY POST AND EMAIL

Dear Ms Pearson,

Decision of Hearing Sub (Standards) Committee – Ms Susan Pearson

As you are aware, the Hearing Sub (Standards) Committee (“the Sub Committee”) met again on 21 June 2018 to consider what further steps should be taken following from its conclusion that you acted in breach of paragraph 13 of the Member Code of Conduct (see my previous letter to you dated 29 May 2018). Since you were not present, the Sub Committee considered whether to adjourn to a future date. However, having noted your emails of 18 and 20 June 2018 and your clear desire for the meeting to go ahead notwithstanding your present medical circumstances, the Sub Committee decided to proceed in your absence.

The Sub Committee had regard to (a) its decision, as set out in the 29 May 2018 letter; (b) paragraphs 40 – 44 of the Complaints Procedure; and (c) carefully considered the representations made by you and by Mr. Harrower on your behalf, since the 29 May 2018 decision.

The Sub Committee’s decision is that a sanction should be imposed on you in the form of a censure. That censure will be marked by this letter being published on the City Corporation’s website and by it being reported formally to the Planning and Transportation Committee.

In reaching this decision the Sub Committee paid particular attention to the matters set out in your email to me dated 20 June 2018 (at 16.46). The Sub Committee concluded that it is clear from that email that were circumstances similar to those at the meeting on 29 January 2018 to arise again, you would act in the same way again. That being so, the Sub Committee did not feel that this was a situation falling within paragraph 40(ii) of the Complaints Procedure (i.e., failure to comply with the Code of Conduct, but no need to take further action).

Notwithstanding that as at 29 January 2018, you were a relatively recently elected councilman, the Sub Committee decided that you should be censured, for the following reasons:

1. At the time of the 29 January 2018 meeting of the Planning and Transportation Committee, it is clear that you were aware that you might need a dispensation in respect of the item of business relating to the Richard Cloudesley School site. The Sub Committee noted that in April 2017 you had requested a dispensation from the Standards Committee to speak and vote on matters “*to do with the Golden*

Lane Estate”, but that that request had been refused by that Committee on the ground that the request was too wide, and not supported by sufficient evidence. The Sub Committee also noted that prior to 29 January 2018 you had received training on the requirements of the Code of Conduct, on two occasions.

2. Before the 29 January 2018 meeting you sought the advice of another councilman (Mr. Harrower) as to whether you could speak and vote on the Richard Cloudesley site item, consistent with the requirements of paragraph 13 of the Code of Conduct. The Sub Committee accepted that this was one sensible step for a new member to take. However, it was not sufficient. Although Mr. Harrower had been a councilman for some three years, and by profession had been a solicitor, he could not reasonably be considered to be an expert on matters concerning the Code of Conduct, including paragraph 13 of the Code. You should have sought advice either (a) from Mr. Cogher, the Monitoring Officer, who is the Corporation’s principal legal adviser on all matters relating to its governance and ethical standards regime; or (b) from Ms. Cluett, an Assistant City Solicitor who was in attendance at the Planning and Transportation Committee meeting, as that committee’s specialist legal adviser. Mr. Cogher and Ms. Cluett are highly experienced on matters relating to local government including the responsibilities of elected council members. Regardless of what other advice you took, you should have consulted one or other of them.

3. Even though the item of business relating to the Richard Cloudesley School site was taken by the Planning and Transportation Committee as a matter of urgent business, the Sub Committee considered that there was still sufficient time to raise the matter either with Mr. Cogher over the weekend (for example, by email), or Ms. Cluett at the meeting. You did not take either course.

4. The Sub Committee considered that your failure to seek such advice was a significant error of judgement. Compliance with the Code of Conduct is critical for maintenance of public confidence in elected councilmen, and in the Corporation itself. Adherence to the Code of Conduct and to the ethical standards provisions of the Localism Act 2011 is a matter of public interest that outweighs the public interest you have referred to – namely that of representing the interests of the residents of your Ward. It is the responsibility of all councilmen to take sensible and reasonable steps to ensure that they act in accordance with the Code. Ultimately, each councilman bears personal responsibility for compliance with the Code of Conduct. However, the reasonable steps that are necessary include seeking advice from council officers such as the Monitoring Officer, and members of the City Solicitor’s department.

5. Your most recent response to the Sub Committee (your email dated 20 June 2018) contained no indication that, having had the opportunity to reflect on the events leading to the Planning and Transportation Committee meeting on 29 January 2018 and on the decision of the Sub Committee, you realised that you ought to have acted differently, or that you would act differently were any similar situation to arise in the future.

The Sub Committee hopes that you will reflect on these matters, and that in future you will recognise the importance of seeking advice from the Monitoring Officer or another properly qualified officer, in any situation where there are grounds for doubt as to what steps should or should not be taken to meet the requirements of the Code of Conduct. If you consider that you would be assisted by further training on these requirements (either through courses or through individual discussion), the Comptroller & City Solicitor would be happy to make arrangements for this.

Yours sincerely,

Martin Newton
Committee and Member Services Officer