

From: Sue Pearson <[REDACTED]>
Sent: Wednesday, June 20, 2018 4:45 pm
To: Newton, Martin
Cc: Ingham Clark, Jamie; Lord, Edward (Deputy); Addy, Caroline; Wood, Edward; Harrower, Graeme; Greenburgh, Mark; Asten, Neil
Subject: Re: Hearing Sub Committee

Dear Mr Newton,

It isn't clear why the Sub Committee has repeatedly pressed me to attend its next meeting in person just to answer this question, which could easily have been asked and answered by email on the day after the meeting on 11 June.

It also isn't clear why this question is being asked in the first place. It has nothing to do with a breach of paragraph 13 of the Code, unless the Sub Committee accepts the "mens rea" requirement put forward in paragraph 21 of the opinion of Mr Sharpe QC and referred to in paragraph 10 of the Sub Committee's decision, in which case there would have been no breach at all.

I also don't understand how it is that what I say now about what I would do in a hypothetical future situation can affect the decision which the Sub Committee is due to make about an actual situation in the past.

While believing the question to be irrelevant, I am nevertheless happy to answer it.

In any future situation, I would follow the Seven Principles of Public Life, as set out in paragraph 1 of the Code, just as I did at the meeting of the Planning and Transportation Committee on 29 January. The first principle - "Selflessness" - requires me to "act solely in the public interest". The Sub Committee accepted in its decision that I acted at the meeting on 29 January in the interests of my constituents. The same principle requires me not to "act to gain financial or material benefits" for myself or others. The Sub Committee accepted in its decision that I acted as I did at the meeting on 29 January "without any thought for personal advantage". I confirm that I would follow the Seven Principles in the same way in any future situation.

On the question of whether I had a "disclosable pecuniary interest" within paragraph 13 of the Code, a common sense interpretation of this paragraph is that one can only have a pecuniary interest in a matter which is capable of conferring a pecuniary advantage, otherwise what is the point of restricting a member from doing his or her job, which is to speak and vote in the interests of their constituents? My legal advisors, Mr Harrower and Mr Sharpe QC, have both advised me that this is also the correct legal interpretation of that paragraph. On any future point of legal interpretation I would of course seek appropriate legal advice before acting.

Kind regards,

Sue

Sue Pearson
0780 325 9657
Sent from my iPad

On 20 Jun 2018, at 11:40, Newton, Martin <Martin.Newton@cityoflondon.gov.uk> wrote:

Ms Pearson

Thank you for the email and apologies that I have not been in a position to reply sooner – reasonable time has had to be allowed for members to respond to my communication about questions before the meeting.

Having sought the views of members, I have been requested to ask for your views on what you would now do as a committee member, were you to be faced with a similar or identical situation to that which existed at the January meeting of the Planning and Transportation Committee?

As you suggested, everyone involved in the process has been copied into this email for completeness.

Kind regards

Martin Newton | Committee and Member Services Officer
Committee and Member Services Team | Town Clerk's Department
City of London | Guildhall | London EC2V 7HH
Telephone: 020 7332 3154
martin.newton@cityoflondon.gov.uk | www.cityoflondon.gov.uk

From: Sue Pearson <[REDACTED]>
Sent: 20 June 2018 09:02
To: Newton, Martin <Martin.Newton@cityoflondon.gov.uk>
Cc: Ingham Clark, Jamie <Jamie.InghamClark@cityoflondon.gov.uk>; Lord, Edward (Deputy) <Edward.Lord@cityoflondon.gov.uk>; Addy, Caroline <Caroline.Addy@cityoflondon.gov.uk>; Wood, Edward <Edward.Wood@cityoflondon.gov.uk>; Harrower, Graeme <Graeme.Harrower@cityoflondon.gov.uk>; Greenburgh, Mark <Mark.Greenburgh@cityoflondon.gov.uk>; Asten, Neil <Neil.Asten@cityoflondon.gov.uk>
Subject: Re: Hearing Sub Committee

Dear Mr Newton,

In my emails of last Friday (15 June) and last Monday (18 June) (both below), I asked the Members of the Sub Committee to contact me if they had any questions concerning (or in addition to) my detailed written representations, which I was told the Sub Committee had considered at its meeting on 11 June.

So far I have not received any questions. This is surprising, because I understood that the

Sub Committee had adjourned the meeting on 11 June only for the purpose of engaging with me.

I remain willing to engage with the Sub Committee, but as its next meeting is scheduled to be held at 9.30 am tomorrow (Thursday 21 June), time is running out.

I therefore repeat my request that if Members of the Sub Committee have any questions, they send them to me by email. I ask that they do so within the next few hours, so I can reply by the end of the day.

To save time, I suggest that any Member who has a question sends it by "replying to all" to this email, rather than routing it through the Clerk. I shall then respond by "replying to all" to the Member's email, and so on. It should thus be possible to replicate a discussion in person in a way which is feasible in my current condition and without causing further delay.

Kind regards,

Sue

Sue Pearson
0780 325 9657
Sent from my iPad

On 18 Jun 2018, at 15:28, Sue Pearson <[REDACTED]@[REDACTED]> wrote:
Dear Mr Newton,

The procedure for the meeting of the Hearing Sub Committee on 11 June was that it would make its decision on sanctions taking account of the written representations received from me on 6 June. I was not invited to attend that meeting to make additional representations in person, but only to hear its decision after it had reached its conclusions. The Sub Committee had, in any case, known since 8 June that I would not be able to attend because of my medical condition.

I was disappointed to hear that the Sub Committee had postponed making a decision from 11 to (at the earliest) 21 June, as it prolongs this matter further. The reason given was that the Sub Committee wished to hear from me in person, although it had already received full representations from me on all available sanctions and all matters to be taken into account in imposing sanctions. It was therefore unclear as to what would be the purpose of the Sub Committee hearing from me in person. I asked for clarification of this point twice (in my emails of 12 and 15 June), but on each occasion I received a response to the effect that the Sub Committee wished to hear from me in person, and when would my medical condition permit me to attend its next meeting?

In my last email, I suggested that if the Sub Committee considered that any of the written representations received from me were unclear or incomplete, it should let me know. You confirm in your email below that the Sub Committee has already considered those

representations. You should therefore be able to let me know whether it has any questions on them, or on anything else. This would best be done by email, as my medical condition will not make it feasible for me to come to the Guildhall this week, and it is not clear when I shall next be able to attend. If you send me an email today or tomorrow, I should be able to reply before the Sub Committee's meeting scheduled for this Thursday (21 June).

You mention that the Sub Committee is keen to give me an opportunity "to address it directly in support of the representations made on your behalf, and to give you the opportunity to answer questions that Members may wish to ask you." I can say now that I support the representations made on my behalf, which were of course made with my full approval. Nothing would be achieved, except further delay, by my attending the next meeting in person only to repeat this statement. If the Members of the Sub Committee have any questions to ask me, they are welcome to put them to me by email, and I shall reply. This is the most practicable means of communication in my present circumstances, and would avoid further delay.

You say that "the Sub Committee considers it fair and reasonable to take this approach." I don't think that it's fair or reasonable to delay making a decision until I can attend a meeting in person when the Sub Committee already knows that I have nothing to add to the representations it has received from me, and it could ask and have answered by email any questions which its Members may have before its meeting on 21 June.

You go on to say that "The Sub Committee has no power to require you to attend. If, notwithstanding the Sub Committee's preference, you do not wish to make further representations yourself, or do not wish to answer questions that the Sub Committee has for you, could you let me know please. In that event, the Sub Committee will go ahead, based on the material presently available to it, to reach decisions on whether, and if so why sanction should be imposed."

I know that the Sub Committee has no power to require me to attend. I did, nevertheless, attend the whole of the hearing on 21 May before the Sub Committee retired to reach its decision on the allegation, even though the facts of the matter weren't in dispute, and the whole matter concerned a point of legal interpretation. I was therefore represented by my lawyer, Mr Harrower, who drew on expert advice on administrative law from Mr Sharpe QC.

I had the feeling last week that the Sub Committee was trying to compel me to attend its next meeting in person effectively as a condition for reaching its decision on sanctions, in spite of my obvious present difficulty in doing so in the near future. The wording quoted above - "If, notwithstanding the Sub Committee's preference....." - takes this a step further, and now sounds like a threat. I'll address the two parts of that sentence in turn.

"If, notwithstanding the Sub Committee's preference, you do not wish to make further representations yourself": as I have indicated, I have nothing to add to the representations already made, but if the Sub Committee considers any of them to be unclear or incomplete, it should let me know by email, and I will respond before 21 June.

"If, notwithstanding the Sub Committee's preference, you do not wish to answer questions that the Sub Committee has for you": it is not true that I do not wish to answer any questions: as I have indicated, if the Sub Committee has any questions, it can put them by email, and I will respond before 21 June.

I shall therefore await receiving from you by email within the next couple of days any questions which the Sub Committee may have following its consideration of my representations at its meeting on 11 June, and I will reply. I don't have much else to do while I convalesce. I believe that, in the circumstances, there is no justification for a decision to be delayed beyond the next meeting scheduled for 21 June. May I ask you please to let me know by email the Sub Committee's decision following the end of that meeting (presumably around 10 am).

Kind regards,

Sue

Sent from my iPad

On 18 Jun 2018, at 10:30, Newton, Martin <Martin.Newton@cityoflondon.gov.uk> wrote:
Ms Pearson

Thank you for your email.

The Hearing Sub Committee has of course considered the written submissions made on your behalf. However, having done that, it remains keen both to give you the opportunity to address it directly in support of the representations made on your behalf, and to give you the opportunity to answer questions that Members may wish to ask you. The Sub Committee considers that it is fair to take this approach to enable it to decide whether any sanctions should be imposed, and if so what that sanction should be. That is why the Sub Committee decided it was reasonable to adjourn its proceedings and to reconvene at a time which might be more appropriate for you.

The Sub Committee's preference therefore, is for you to attend the meeting. Could you let me know if, taking account of your medical circumstances, you are able to attend the meeting this Thursday or, if you are not able to attend on Thursday, when you expect to be sufficiently recovered as to be able to attend a meeting?

The Sub Committee has no power to require you to attend. If, notwithstanding the Sub Committee's preference, you do not wish to make further representations yourself, or do not wish to answer questions that the Sub Committee has for you, could you let me know please. In that event, the Sub Committee will go ahead, based on the material presently available to it, to reach decisions on whether, and if so why sanction should be imposed.

I hope that this clarifies the position. If it does not, and there are any points you would like me to address relating to it, please contact me.

Martin Newton | Committee and Member Services Officer

Committee and Member Services Team | Town Clerk's Department
City of London | Guildhall | London EC2V 7HH
Telephone: 020 7332 3154
martin.newton@cityoflondon.gov.uk | www.cityoflondon.gov.uk

From: Sue Pearson <[REDACTED]>
Sent: 15 June 2018 11:36
To: Newton, Martin <Martin.Newton@cityoflondon.gov.uk>
Cc: Pearson, Susan <Susan.Pearson@cityoflondon.gov.uk>; Ingham Clark, Jamie <Jamie.InghamClark@cityoflondon.gov.uk>; Lord, Edward (Deputy) <Edward.Lord@cityoflondon.gov.uk>; Addy, Caroline <Caroline.Addy@cityoflondon.gov.uk>; Wood, Edward <Edward.Wood@cityoflondon.gov.uk>; Harrower, Graeme <Graeme.Harrower@cityoflondon.gov.uk>; Greenburgh, Mark <Mark.Greenburgh@cityoflondon.gov.uk>; Asten, Neil <Neil.Asten@cityoflondon.gov.uk>
Subject: Re: Hearing sub-committee

Dear Mr Newton

I had an operation on Tuesday evening and am only now able to reply to your email.

I am still not clear from your email the purpose of the meeting with the Hearing Sub-Committee. If my representations, in Mr Harrower's email, June 6th, were unclear or incomplete please let me know in what respect.

Kind regards
Sue
Sent from my iPad

On 12 Jun 2018, at 16:54, Newton, Martin <Martin.Newton@cityoflondon.gov.uk> wrote:
Ms Pearson

Thank you for the email which I have now discussed with the Chairman - please accept my apologies if anything has been unclear.

It had been the hope of the Sub Committee to conclude yesterday and as part of its discussions, before adjourning the meeting, the Sub Committee formed the unanimous view that it would like the opportunity to briefly hear from you in order to assist it with its deliberations on whether, following its conclusion that you did act contrary to the Code, any sanction should be imposed, and if so what that sanction should be (taking account of the provisions of paragraphs 40 and 42 of the Code).

The members of the Sub Committee consider that this will assist them to deal with these outstanding matters and I would therefore be grateful if you could confirm, when you are in a position to do so, that you are able to attend the resumed Sub Committee meeting on Thursday 21 June.

Kind regards

Martin Newton | Committee and Member Services Officer
Committee and Member Services Team | Town Clerk's Department
City of London | Guildhall | London EC2V 7HH
Telephone: 020 7332 3154

martin.newton@cityoflondon.gov.uk | www.cityoflondon.gov.uk

From: Sue Pearson <[REDACTED]@cityoflondon.gov.uk>

Sent: 12 June 2018 15:03

To: Newton, Martin <Martin.Newton@cityoflondon.gov.uk>

Cc: Ingham Clark, Jamie <Jamie.InghamClark@cityoflondon.gov.uk>; Lord, Edward (Deputy) <Edward.Lord@cityoflondon.gov.uk>; Addy, Caroline <Caroline.Addy@cityoflondon.gov.uk>; Wood, Edward <Edward.Wood@cityoflondon.gov.uk>; Harrower, Graeme <Graeme.Harrower@cityoflondon.gov.uk>

Subject: Hearing sub-committee

Dear Mr Newton,

I'm disappointed to hear of this adjournment and subsequent delay to the final decision, and am unclear of the reason, your email of 7th June clearly says:

I have been asked by the Chairman to invite you to be present to hear the Sub Committee's decision after its reaches its conclusions - this is expected to be around 4pm on that afternoon. If you could take a seat in the usual area near to the committee rooms I will let you know when the Sub Committee is in a position to see you.

It should have been possible to send me the result since I was unable to attend as your email clearly indicated that the Chairman was only asking me to be there to hear the decision.

My understanding of the process was:

- That you asked me for my representations, which Mr Harrower provided,
- The hearing sub committee then made their decision on 11 June
- I was asked to attend to hear the decision.

Could let me know the purpose of the meeting on the 21st and how it will differ from that arranged for the 11th as Mr Harrower's email contained my full representation on sanctions and I am not clear what else could be covered.

Kind regards

Sue

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Sue Pearson