

**HEARING SUB (STANDARDS) COMMITTEE**

**Tuesday, 23 February 2016**

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

**Present**

**Members:**

Nigel Challis

Edward Lord (Chairman)

Mark Greenburgh (Co-opted Member)

Anju Sanehi (Independent Person)

Oliver Lodge

**Officers:**

Lorraine Brook

- Town Clerk's Department

Deborah Cluett

- Comptroller & City Solicitor's Department

**Also in attendance:**

Michael Cogher (Comptroller & City Solicitor/ Monitoring Officer) and Edward Wood (Comptroller & City Solicitor's Department).

Deputy John Chapman (Respondent), accompanied by Alderman Julian Malins QC.

Leighton McDonnell (Complainant).

**1. APOLOGIES**

There were none.

**2. PUBLIC MINUTES**

The Sub-Committee approved the minutes of the last meeting.

**Resolved:-** That the minutes of the last meeting held on 29<sup>th</sup> January 2016 be approved.

**3. QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**

There were none.

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

There was none.

**5. EXCLUSION OF THE PUBLIC**

**Motion** - That under Section 100(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

The Sub-Committee considered whether the remaining items of business should be considered in closed session following an exclusion of the press and public in accordance with the Local Government Act. Members considered whether it was in the public interest to apply an exemption on the grounds that the remaining business (principally item 8) concerned information relating to an individual (paragraph 1, Schedule 12A of the Local Government Act). It was noted that whilst the decision notice would naturally be published in the public domain, the evidence and associated papers relevant to the complaint before Members had thus far been exempt under paragraph 1.

The Sub-Committee considered representations from the Complainant and the Respondent and, on the grounds that they had no objections and the that public interest in relation to the conduct of a holder of public office outweighed the possibility for maintaining the exemption, following a brief adjournment it was **AGREED** that Item 8 of the agenda (*Complaint by LM against JC – Points of clarification*) would be considered in public session and all relevant documentation would be made publicly accessible.

**Resolved unanimously:-** That the motion to exclude the press and public be not approved.

#### 6. **NON-PUBLIC MINUTES**

The Sub-Committee considered the non-public minutes of the last meeting on 29<sup>th</sup> January 2016, which had since become a public document.

**Resolved:-** That the previously restricted non-public minutes of the last meeting on 29<sup>th</sup> January 2016 be approved.

#### 7. **HEARING SUB (STANDARDS) COMMITTEE-PROPOSED HEARING PROCEDURE**

The Sub-Committee considered and approved the procedure for hearing the complaint.

**Resolved:-** That the procedure for hearing the complaint be approved.

#### 8. **COMPLAINT BY LM AGAINST JC - POINTS OF CLARIFICATION**

The Chairman outlined the procedure for hearing the complaint, a copy of which had been circulated in advance to Members of the Sub-Committee, Officers, the Complainant and the Respondent. He explained that whilst cross-examination of the witnesses would not be permitted, the Panel would give consideration to putting questions on behalf of the Complainant or the Respondent. It was noted that the witnesses would be heard in the following order following an opening statement from the Monitoring Officer:-

- Leighton McDonnell (Complainant)
- Nicholas Gill
- Trevor Nelson
- Steve Ivers
- John Black
- Deputy John Chapman (Respondent)

The Monitoring Officer provided a brief introduction to his report and the investigation into the complaint which had been undertaken at the request of the Sub-Committee. He referred to the boundaries of legitimate Ward Member activities and reminded Members that as the boundaries were now determined at a local level it was therefore for the Sub-Committee to decide whether the accepted boundaries had been breached by Mr Deputy Chapman. In respect of Member/officer interaction, it was noted that officers had to determine whether requests from Members were appropriate.

### **Opening Statements – Complainant and Respondent**

Mr McDonnell presented his opening statement, a written copy of which had been tabled to all those present. He summarised the key facts and referred to specific examples of evidence which he believed demonstrated that Mr Deputy Chapman had acted inappropriately and influenced management decisions at Leadenhall Market, including the waiving of fees.

Mr Deputy Chapman then presented his opening statement and a summary of key points was, with the Chairman's consent, tabled to all those present. Mr Deputy Chapman referred to the additional information that Mr McDonnell had submitted to the Panel (as set out in the agenda) and commented on the accusations that had been made against himself and a number of other people, all of which he considered to be untrue.

With reference to Mr McDonnell's comment (in the additional paperwork entitled "*Further Information*") about Mr Deputy Chapman's alleged bankruptcy, Mr McDonnell apologised if this was not the case.

### **Evidence – Mr McDonnell**

The Sub-Committee considered the evidence of Mr McDonnell and, following confirmation from Mr McDonnell that the statement at page 7 was considered to be true to the best of his knowledge and belief, the Sub-Committee raised a number of queries.

Mr McDonnell clarified who was present at the Market when he arrived on the morning of the Monte Carlo or Bust Car Rally and confirmed that whilst Mr Deputy Chapman did not swear at Mr Ivers he was very irate and rude. He went on to explain that the "F" word had been used during a conversation involving Trevor Nelson, Mr McDonnell, Martin Robinson and Mr Deputy Chapman and, when Mr Deputy Chapman indicated that he wanted to change the management of the market, Mr Nelson indicated that he would talk to him in private.

Mr McDonnell outlined the relationship with Osprey Associates, the level of communication that he had with the company in respect of potential events at Leadenhall Market and the usual fee arrangements. In respect of the Virtual Golf event, Mr McDonnell confirmed that he had requested written confirmation from Mr Nelson to proceed with the delegated authority and licence

arrangements because of Mr Nelson's insistence that the event go ahead despite the earlier refusal. Mr McDonnell stated that he wanted a document trail because he felt under duress.

With reference to paragraph 1 of his statement, Mr McDonnell was asked to clarify his role at the Market and how the additional workload had been managed. He was also asked to outline any handover arrangements for work associated with the Market. It was noted that having assumed his new role in June 2015, Mr McDonnell had a backlog of work with some 10-15 cases requiring attention.

In respect of events at the Market, Mr McDonnell confirmed that two-three requests for high-level events were received each week such as the Tudor Market event which had been well received despite a complaint from one tenant about the similarity of goods being sold during the event.

Mr McDonnell reiterated that there was sufficient evidence to prove that Mr Deputy Chapman had bowed down to influential business partners or clients that had no relation to his role serving constituents within his Ward and that he was used his position to influence matters pertaining to the market, including the hosting of events; as well as requesting a change in management at the Market.

At the request of the Sub-Committee, Mr McDonnell outlined the Delegated Authority procedure before outlining how the Delegated Authority paperwork for the Virtual Golf event was managed ahead of final authorisation being granted. Mr McDonnell then went on to explain that fees were determined with reference to a list of events that had taken place and on what fee arrangement (page 18 of the supplementary pack) which he considered to be the fairest way to determine fees. With reference to page 25 of the supplementary pack (Agreement for Hire of Parts of Leadenhall Market for the Purposes of an Event) Mr McDonnell explained that he had not been made aware of a formal Schedule of Rates.

*[There was an adjournment between 11.32am and 11.40am]*

### **Questions from the Respondent to the Complainant**

The Chairman put a number of questions to the Complainant including whether he felt that the tone of Mr Deputy Chapman's email to Mr McDonnell (page 15 of the main bundle) was appropriate or if Mr Deputy Chapman was insistent that Mr McDonnell do something in respect of the Monte Carlo or Bust Car Rally. Mr McDonnell confirmed that when he spoke to Mr Deputy Chapman, he was insistent that the event go ahead.

With reference to page 11, paragraph 9, Mr McDonnell was asked to explain why he felt that Mr Deputy Chapman had abused his position as a Ward Member to which he responded that the Virtual Golf event request had been refused by two different asset managers and ignored by senior managers until

such time that the event organiser had contacted Mr Deputy Chapman who, in turn, sought to take control and ensure that the event went ahead.

### **Evidence – Nicholas Gill**

The Sub-Committee considered the evidence of Nicholas Gill and, following confirmation from Mr Gill that the statement at page 75 was considered to be true to the best of his knowledge and belief, the Sub-Committee raised a number of queries.

With reference to page 79, paragraph 16 of Mr Gill's statement that Mr Deputy Chapman and Mr Howard were reminded at a meeting on 1<sup>st</sup> September 2015 that the traditional officer/Member boundary lines needed to be maintained, Mr Gill confirmed that he was very aware of Mr Deputy Chapman's enthusiasm to promote the Market but he wanted to draw the lines between Member/Officer roles and responsibilities. Whilst he had no concern that the line had been crossed he felt that there was potential for the distinction to come together. Mr Gill confirmed that Mr Deputy Chapman's involvement in the Virtual Golf event had resulted in Osprey Associates being asked to manage the event in order to "relieve JC of further responsibility and dedicated time."

In respect of the costs associated with events and the agreed fees policy, Mr Gill referred to page 15 (supplementary pack) and explained there was no agreed Schedule of Fees as only eight events were held each year and, as the size/duration of each event varied, the fees for each event were addressed on a case-by-case basis. Mr Gill explained that the Monte Carlo or Bust Car Rally was a new event and one which had been deemed to be very successful in terms of raising the profile of the Market with potential customers.

With regard to page 78, paragraph 12 (statement) and whether Mr Gill's decision to authorise the event was made in part to placate Mr Deputy Chapman and the event organiser, Mr Gill stressed that diffusing a difficult situation involving an infuriated client and Ward Member was one issue but the decision to authorise the event was another and he did not bow to any pressure. Mr Gill went on to confirm that he was not party to diffusing the situation. He routinely declined to sign Delegated Authority requests if the terms were not clear or he was unhappy with the recommendations. He explained further that he would not have signed the delegated authority for the event if he disagreed with it.

At the Sub-Committee's request, Mr Gill then outlined the fee/cost arrangements in respect of the Virtual Golf event and explained why the fees had been waived. He also clarified why the fees had been waived for the Monte Carlo or Bust Car Rally, namely that the increased footfall and profiling of the Market were sufficient reasons to waive the fees. He then outlined how the Virtual Golf event was ultimately brought to his attention following Mr Deputy Chapman's intervention and how Mr McDonnell's earlier refusal was not a consideration when reaching a decision on whether the event satisfied the Leadenhall Market Strategy and warranted approval. In respect of fees, Mr Gill

confirmed that in hindsight some form of fee should have been charged although at the time the decision was made on the basis that the event would be positive for the Market and it was the least bad option in a difficult situation. In respect of staff management matters, Mr Gill confirmed that staffing decisions were taken by him alone and, where necessary, in consultation with the City Surveyor and Corporate HR.

The Chairman thanked Mr Gill for his assistance.

### **Questions from the other parties**

There were none.

*[There was an adjournment between 12.35pm and 1.47pm]*

### **Evidence – Trevor Nelson**

The Sub-Committee considered the evidence of Trevor Nelson and, following confirmation from Mr Nelson that the statement at page 83 was considered to be true to the best of his knowledge and belief, the Sub-Committee raised a number of queries.

At the Sub-Committee's request Mr Nelson confirmed the line management arrangements within the City Surveyor's Department and in relation to Leadenhall Market. He then went on to explain the usual decision-making arrangements in respect of event requests and the procedure that is followed in the event that someone wishes to appeal against a decision to refuse an event.

In response to a query about Member input in Market related activities, Mr Nelson confirmed that some Members could be very involved, more than necessary, as was the case with Mr Deputy Chapman in this instance. He confirmed that Mr Gill's attempt to re-establish boundaries in respect of Member/Officer roles and responsibilities at the meeting on 1<sup>st</sup> September 2015 was as a result of Mr Deputy Chapman's involvement with the Virtual Golf event.

Reference was made to paragraph 23 of Mr Nelson's statement and Mr Deputy Chapman's criticism of Mr McDonnell. When asked as to whether Mr Deputy Chapman "crossed the line", Mr Nelson commented that whilst there had been a clash of personalities no line had been crossed. He had no recollection of hearing Mr Deputy Chapman swear or make threats to anyone although the atmosphere was tense as the first set of cars were at the Market and people had expected the barriers to be up. Mr Deputy Chapman was not happy that the barriers had not been lifted.

With regards to the benefits of the Monte Carlo or Bust Car Rally event, to the City of London Corporation, Mr Nelson explained that the event did not have the impact that was anticipated, although the feedback received since had been very positive. Mr Nelson then outlined what happened in advance of the event

being authorised and his role in assessing whether the event would be of benefit to the Market.

In response to a query, Mr Nelson then outlined the staffing and line management arrangements that were in place at the Market at that time and explained that due to staff being overstretched, and due to the need to effectively manage an important political asset, various staffing changes took place. This included Osprey Associates being brought in to oversee events. Mr Nelson confirmed that Mr McDonnell had responsibility for Leadenhall Market and Alie Street. He went on to explain that he had had little contact with Mr McDonnell prior to him being brought into manage the Market but that he was very negative about events and tended to make decisions without undertaking investigations or reaching justifiable risk-based assessments. With regards to Mr McDonnell's ability to manage the Market, Mr Nelson referred to Mr McDonnell's extensive experience of managing small-medium sized businesses and office sites rather than retail units which, he felt, required a different way of working.

In respect of his relationship with Mr Deputy Chapman, Mr Nelson explained that their relationship was purely professional. In response to a question and with reference to page 86 of the bundle, Mr Nelson explained that Mr Deputy Chapman spoke to him at the Monte Carlo or Bust Car Rally event because the gates had not been open when the cars arrived, Mr Ivers had not been seen on site and the gates should have been opened in advance. Mr Nelson confirmed that he did not recall Mr Deputy Chapman asking for staff changes at the Market but that he might have referred to Andrew Cross and Mr McDonnell providing temporary cover during the permanent asset manger's maternity leave.

Mr Nelson confirmed that the Monte Carlo or Bust Car Rally event was approved on the basis that it was likely to increase footfall as well as being a fund-raising event which was heavily supported by representatives from the City of London Corporation, including the Sheriffs. In response to a question and with reference to page 87, paragraph 23, Mr Nelson explained that Mr McDonnell had been suspended for a number of reasons and that this was a decision taken by Nicholas Gill.

Some members of the Sub-Committee queried whether Mr McDonnell was overruled as a result of Mr Deputy Chapman's involvement with the Virtual Golf event and the pressure he placed on officers to ensure that the event was approved. Mr Nelson confirmed that it could be interpreted in this way but stressed that by the time the matter came to light, the Department was really up against it and officers had to ensure all the necessary checks and assessments were undertaken.

The Chairman thanked Mr Nelson for his assistance.

#### **Questions from the other parties**

There were none.

*[There was a brief adjournment between 2.51pm and 2.56pm]*

### **Evidence – Steve Ivers**

The Sub-Committee considered the evidence of Steve Ivers and, following confirmation from Mr Ivers that the statement at page 93 was considered to be true to the best of his knowledge and belief, the Sub-Committee raised a number of queries.

In response to a query about Mr Deputy Chapman's behaviour at the Monte Carlo or Bust Car Rally and whether Mr Ivers heard Mr Deputy Chapman use inappropriate or disrespectful language, Mr Ivers explained that his recollection was different to Mr McDonnell and Mr Black in that he could not recall Mr Deputy Chapman being rude or disrespectful. He went on to explain that it he had been focussing on opening the gate and had not known the whereabouts of other people. Mr Ivers confirmed that he was not aware of any discussions with senior officers about the event and that, as far as he could recall, he was only advised of the event the day before, possibly in writing, when he was told to open the gates at 8am.

### **Questions from the other parties**

Through the Chairman, Mr Deputy Chapman enquired as to who was called down from the office on the morning of the Monte Carlo or Bust Car Rally. Mr Ivers responded that he and Mr Black had been called down from the office.

The Chairman thanked Mr Ivers for his assistance and apologised for the lengthy wait ahead of being called before the Sub-Committee.

### **Evidence – John Black**

The Sub-Committee considered the evidence of John Black and, following confirmation from Mr Black that the statement at page 95 was considered to be true to the best of his knowledge and belief, the Sub-Committee raised a number of queries.

In response to a query about Mr Deputy Chapman's behaviour on the morning of the Monte Carlo or Bust Car Rally, Mr Black explained that he had not known who Mr Deputy Chapman was and no introductions were made ahead of him repeatedly asking why the bollards had not been raised at 7.30am at the Market. Mr Black went on to explain that he had seen Mr Deputy Chapman had "marching up" Whittington Avenue and that he had spoken with Mr Ivers about why the bollards had not been raised and Mr Ivers attempted to calm Mr Deputy Chapman down. Mr Black confirmed that he did not hear Mr Deputy Chapman swear but that he was visibly upset. With regard to who else was present at the Market, Mr Black confirmed that he saw Mr McDonnell but that there were a lot of people around; a lot going on and he did not know many people at that stage. Following a further query about Mr Deputy Chapman's



behaviour, Mr Black explained that he would not have wanted to be spoken to in the manner in which Mr Deputy Chapman spoke to people – he felt it was rude but acknowledged that other people might not think that he had been rude.

In response to a question about the Virtual Golf event and how Mr Black knew that a proposal had previously been refused, Mr Black explained that Mr McDonnell had told him of the earlier refusal.

Following a query about how and when Mr Black and Mr Ivers were notified that the barriers should be raised at 7.30am on the morning of the event, Mr Black explained that the event took place during his first week of employment at the Market and he had not therefore been party to any requests or email notifications. Neither he nor Mr Ivers were aware of the request or else they would have been there at that time. Mr Black went on to confirm that Mr Ivers routinely asked for requests/information to be confirmed via email as there were a lot of vehicles at the Market and lots going on. As it was Mr Black's first week at the Market he had not however seen any communications about the event.

### **Questions from the other parties**

Through the Chairman, Mr Deputy Chapman enquired as to how Mr Black knew that there had been some dispute regarding the Monte Carlo or Bust Car Rally event. Mr Black responded that Mr Ivers had mentioned the matter as he'd seen some email exchanges.

In respect of a query from Mr McDonnell about Mr Black's experience at 1 Alie Street and whether there was a significant retail component at the premises, Mr Black confirmed that there were a number of retail components at the premises and they required a significant amount of management.

The Chairman thanked Mr Black for his assistance and apologised for the lengthy wait ahead of being called before the Sub-Committee.

### **Evidence – Mr Deputy John Chapman**

The Sub-Committee considered the evidence of Mr Deputy John Chapman and, following confirmation from Mr Deputy Chapman that the statement at page 65 was considered to be true to the best of his knowledge and belief, the Sub-Committee raised a number of queries.

With reference to paragraph 7 of the statement, the Chairman enquired as to whether Mr Deputy Chapman stood by his comment that he didn't understand how a Common Councilman could exert improper pressure on an officer. Mr Deputy Chapman responded that this remained the case. When asked to explain the impact that Members could have on officers, he commented that following his election in 2006 and subsequent re-election in 2009, he had worked hard to build relationships with numerous businesses within the Ward and develop better engagement with officers. Mr Deputy Chapman went on to explain that the businesses expected him to engage more closely with them

given his role as a Ward Member. He explained that he started attending the Leadenhall Tenant's Association meetings, previously fractious, but that a number of tensions had been smoothed out over recent years. Mr Deputy Chapman explained that he spoke regularly to senior officers within the City Surveyor's Department and whilst accepting that some might view his behaviour as being naïve, he had never interfered politically with the City Corporation's activities.

In response to a query regarding Mr Deputy Chapman's involvement with the Monte Carlo or Bust Car Rally and the Virtual Golf event, Mr Deputy Chapman clarified his relationships with both event organisers and the background to the events at Leadenhall Market. With specific reference to the Monte Carlo or Bust Car Rally, Mr Deputy Chapman explained that the event was first proposed in 2014 but as a senior sponsor could not be identified, the event had been delayed although various pre-planning activities had taken place i.e. there was a template street plan in place. Mr Deputy Chapman referred to the Tudor Market and East End Market events, other activities that were hosted at Leadenhall and demonstrated how Mr Deputy Chapman was the "*go-to person*" who then contacted the City Corporation with a view to helping to facilitate arrangements. Mr Deputy Chapman explained that he wanted to help people; wanted to "*help get things happening.*" He confirmed that whilst he had been aware that there had been a previous refusal for the Virtual Golf event, he could not recall when that came to light.

With regard to the Virtual golf event and the waiving of fees, Mr Deputy Chapman acknowledged that the event was, for the most part, a corporate event. He stressed however that he had been told in advance that it would be a charitable event and this was also confirmed in writing (page 658). With reference to the email exchange with Adam Brooks and his concerns about the imposition of a fee two-three days before the event was due to take place, Mr Deputy Chapman explained that he had contacted Mr Nelson in an effort to try and unravel the situation but not with a view to him overruling Mr McDonnell. He stressed that he had not spoken to Mr Gill or Mr Nelson about staffing matters and did not speak with officers about Mr McDonnell's suspension.

Mr Deputy Chapman stressed that he did not think it was wrong to have a good working relationship with officers and that he did not apply any pressure to the officers in respect of events at the Market, although he accepted that it was a reasonable assumption to draw that the Virtual Golf event went ahead due to his involvement and his escalation of the matter to Mr Nelson. Mr Deputy Chapman further agreed that he may have given the impression that the event would go ahead, despite the earlier refusal and in the absence of any agreement/clarity two days before the event. On the basis that Barnett Waddingham interpreted Mr Deputy Chapman's involvement as him having authority to approve the event they went ahead and made all the logistical arrangements.

With reference to paragraph 42 and Mr Deputy Chapman's circulation of the technical details form to the event organiser and his receipt of the paperwork, Mr Deputy Chapman explained that he was acting as a facilitator; representing

the electorate and tenants at the Market and trying to help make sure events went well. He stressed that he could not and would not have given authority for an event to go ahead but he was keen to secure approval for this event. Likewise, with regards to the Monte Carlo or Bust event, Mr Robinson had asked Mr Deputy Chapman to be on site on the date of the event and all communications on the day were with Mr Deputy Chapman rather than officers as the event organiser did not have their details. Some Members queried whether Mr Deputy Chapman thought that he had interfered in matters and overstepped the line between officer/Member responsibilities by, in effect, micro-managing matters at the Market. Mr Deputy Chapman stressed that there were reputational implications if the events had not gone to plan with senior Members and significant stakeholders in attendance. He explained that he was also aware that Mr Nelson was short staffed and so he was trying to help and to make sure it all worked.

In respect of the waiving of fees for the Virtual Golf event, reference was made to page 590 and it was suggested that Mr Brooks had contacted Mr Deputy Chapman in the hope that he would secure a favour. Mr Deputy Chapman explained that the imposition of fees was confirmed very close to the event and this placed Mr Brook in a very difficult situation. Ultimately, Nicholas Gill agreed to waive the fee, save for £1,000 to cover administrative costs.

### **Questions from the other parties**

There were none.

### **Closing Statements**

The Chairman invited the Complainant and the Respondent to make closing statements. The Complainant indicated that he had nothing further to add. With the Chairman's consent, a list of summary points was tabled by Mr Deputy Chapman. He reiterated that there had not been any commercial, financial or business benefit to him as a result of helping with the Monte Carlo or Bust Car Rally event or the Virtual Golf event. He stressed that his involvement was because it was good for the Market, the City and for his constituents. Alderman Julian Malins, who was permitted to speak on behalf of Mr Deputy Chapman, stated that in respect of the general charges under the Nolan Principles (Selflessness and Leadership) there was insufficient evidence to find that there had been a breach of the principles or of any aspect of the Code of Conduct.

The Chairman thanked Mr McDonnell and Mr Deputy Chapman for their assistance and invited them to wait for the Sub-Committee to reach a decision, which would be reached whilst the press and public were excluded.

A motion to exclude the press and public was put to the Sub-Committee and **CARRIED.**

**Resolved:** - That under Section 100(A) (4) of the Local Government Act 1972, the public be excluded from the meeting on the grounds that there be the likely

disclosure of exempt information as defined in paragraph 5 of Part I of Schedule 12A of the Local Government Act.

The Sub-Committee then considered the evidence before them, both the written submissions and the verbal evidence that had been provided by the Complainant, the Respondent and the witnesses. The Sub-Committee sought to determine whether, on the basis of the evidence available to them, the allegations surmised in the Monitoring Officer's report could be proven.

A motion to readmit the press and public was then put to the Sub-Committee and **CARRIED**. Mr McDonnell, Mr Deputy Chapman, Alderman Malins and officers from the Comptroller and City Solicitor's Department then returned to the room.

The Chairman explained that, having carefully considered the allegation and the Monitoring Officer's report; read all of the relevant papers and considered the representations, the Committee found unanimously that there had been breaches of the following parts of the Code of Conduct:-

1. Members shall have regard to the Seven Principles of Public Life –
  - (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 [the Committee noted there was no breach of the second part of this principle, that holders of public office should never to act to gain financial or other material benefits for themselves, their family, a friend or close associate, since no such advantage had been conferred]
  - (g) LEADERSHIP: Holders of public office should promote and support high standards of conduct when serving in their public post, in particular as characterised by the above requirements (a to f), by leadership and example;
2. As a Member your conduct shall in particular address the Seven Principles of Public Life by:-
  - (j) valuing your colleagues and officers of the Corporation and engaging with them in an appropriate manner and one that underpins the mutual respect that is essential to good local governance;
  - (k) always treating people with respect, including the organisations and constituents that you engage with and those that you work alongside; and
  - (m) providing leadership through behaving in accordance with these principles when championing the interests of constituents with other organisations as well as within the Corporation.

The Chairman explained that a formal decision statement with reasons would be circulated to both the Complainant and the Respondent within 5 working days. In respect of the imposition of sanctions, the extent of which should be proportionate, the Sub-Committee was reminded by the Monitoring Officer that the following options were available to it if it chose to impose sanctions on Mr Deputy Chapman:-

- (i) Censure of the Member;
- (ii) withdrawal of Corporation hospitality for an appropriate period;
- (iii) removal of the Member from a particular committee or committees (subject to approval from the relevant appointing body).

It was noted that the Sub-Committee had no power to impose any alternative sanctions, although the willingness of a Member to co-operate in the manners listed below may have a bearing on any sanction that was imposed:-

- (i) that the Member submits a written apology in a form specified by the Sub-Committee;
- (ii) that the Member undertakes such training as the Sub-Committee specifies; and
- (iii) that the Member participates in such conciliation as the Sub-Committee specifies.

The Chairman confirmed that the meeting would reconvene on either the 4<sup>th</sup> or the 15<sup>th</sup> March 2016 and that confirmation of the date would be circulated to both the Complainant and the Respondent in due course. Mr McDonnell was advised that he was not required to attend that meeting. Mr Deputy Chapman was advised that he could be accompanied at that meeting, could present one live character witness and also submit written representations.

**Resolved:-** That:-

- (i) a written decision setting out the Sub-committee's decision and reasons be circulated within 5 working days to both the Complainant and the Respondent; and
- (ii) the Sub-Committee reconvene on either the 4<sup>th</sup> or the 15<sup>th</sup> March 2015 to enable the Sub-Committee to consider the imposition of sanctions following the Sub-Committee's finding that Deputy John Chapman had breached the Code of Conduct.

*The formal written decision of the Sub-Committee, agreed by circulation, is appended to these minutes.*

**9. NON-PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**

There were none.

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

There was no additional business.

**The meeting closed at 6.00 pm**

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Chairman

**Contact Officer: Lorraine Brook**  
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