

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NOT FOR PUBLICATION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.

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