



**DECISION OF A STANDARDS (HEARING) SUB-COMMITTEE HELD ON
TUESDAY 23 FEBRUARY 2016 AT GUILDHALL, EC2**

Complainant:	Mr Leighton McDonnell ("the Complainant")
Subject Member:	Deputy John Chapman ("the Respondent") <i>Deputy Chapman was accompanied by Alderman Julian Malins QC</i>
Sub-Committee Members:	Edward Lord OBE JP (Chairman) Nigel Challis Mark Greenburgh (Co-opted Member) Oliver Lodge TD
Independent Person:	Anju Sanehi
Witnesses:	Nicholas Gill, Investment Property Director Trevor Nelson, Assistant Director Stephen Ivers, Facilities Supervisor John Black, Building Manager
Advisers:	Lorraine Brook, Town Clerk's Department Deborah Cluett, Comptroller & City Solicitor's Department
Investigating officers:	Michael Cogher, Monitoring Officer Edward Wood, Comptroller & City Solicitor's Department

A. SUMMARY OF COMPLAINT

- A.1 The Sub-Committee noted, with reference to the Monitoring Officer's report, that the complaint consisted of allegations against the Respondent arising out of two events that were held at Leadenhall Market, the first being the *Monte Carlo or Bust* car rally run by Lloyds

Motor Club on 9 September 2015 (“the Rally”) and a virtual golf event run by Barnett Waddingham (“BW”) on 5 November 2015 (“the BW Event”), (together “the Events”).

- A2 The Sub-Committee noted that the Complainant, an officer of the Corporation, did not specify precisely how he considered the Respondent’s actions were in breach of the Code of Conduct. The Sub-Committee therefore considered the Respondent’s behaviour in the round, in the context of the obligations imposed on Members by the Code to conduct themselves in a manner consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

B. DECISION

- B.1 Having carefully considered the complaint and the Monitoring Officer’s report; read all of the relevant papers and considered the oral and written evidence and representations made by the parties, the Sub-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 Sub-Committee found there was no breach of the second part of this principle, that holders of public office should never “act to gain financial or other material benefits for themselves, their family, a friend or close associate”, since no such relationship existed between the Respondent and those who had benefitted from his conduct.

- (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)¹, 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.*

C. FINDINGS OF FACT AND REASONS FOR DECISION

- C.1 The Sub-Committee, in weighing up the evidence before it, used the civil standard of proof, i.e. on the balance of probability, and made the following findings of fact:
- C.2 The Sub-Committee found that by his numerous emails to officers seeking to facilitate the BW Event, the Respondent had secured an advantage for BW in breach of paragraph 1 (a) of the Code of Conduct. The advantage so secured was the use of a City Corporation facility for

¹ (a) SELFLESSNESS; (b) INTEGRITY; (c) OBJECTIVITY; (d) ACCOUNTABILITY; (e) OPENESS; (f) HONESTY

a commercial marketing event and that no letting fee had been charged by the Corporation to BW. The Sub-Committee noted the levels of fee charged to organisers of other events at Leadenhall Market and heard from the Investment Property Director, Mr Gill, and his Assistant Director, Mr Nelson, that, in hindsight, the BW Event was clearly commercial and that a full commercial fee should have been levied.

- C.3 It had been argued by the Respondent that the BW Event was charitable in intent. The Sub-Committee found as fact that whilst there was a charitable element, this was an afterthought retro-fitted to meet criteria for use of the facility on favourable terms, and was only a very minor element of the event. The primary purpose was found to be overwhelmingly a private commercial marketing event.
- C.4 Whilst the Sub-Committee recognised that the Code of Conduct expects Members to champion the public interest and the community, and to deal with representations and enquiries from City voters, in this case and on the basis of the emails produced, the Sub-Committee found that the Respondent's interventions crossed the line in terms of the repeated representations made to officers, and the detailed arrangements in which the Respondent involved himself.
- C.5 The Sub-Committee further found that the Respondent's highly active involvement in promoting the Events had placed officers in a difficult position, feeling unable to ultimately decline the BW Event or charge an appropriate fee, to the extent that the Sub-Committee concluded that the Respondent was in breach of his leadership obligations under paragraphs 1 (g) and 2 (m) of the Code of Conduct.
- C.6 The Sub-Committee further found that by the nature and extent of his involvement and representations in seeking to facilitate the BW Event, the Respondent (as evidenced in emails sent from the Respondent to officers between August and October 2015, and in particular, emails sent to senior officers critical of the decision of the Complainant to

refuse the BW Event) acted in breach of paragraphs 2 (j) and 2 (k) of the Code of Conduct.

- C.7 The Sub-Committee further found that by his actions on the morning of the Rally on 9 September 2015 the Respondent acted in breach of paragraphs 2 (j) and 2 (k) of the Code of Conduct. Whilst the Sub-Committee could not find on the basis of the evidence before it that the Respondent had used the 'F word' as alleged nor that he threatened officers, the Sub-Committee did find that there was sufficient evidence to indicate that he had spoken to officers in a disrespectful and therefore inappropriate manner. In particular, the Sub-Committee found the written and oral evidence of John Black compelling:

"I thought John Chapman's manner was blustery and brash In my opinion John Chapman's behaviour was not nice and I would say it was rude. it wasn't clear to me why John Chapman had reacted in this way. I felt that if I had behaved like that, I would have been in trouble. I also feel that this was a failure to treat officers with respect and I thought that John Chapman's manner was a bit 'headmasterly' – seeking to pull rank or asserting a superior status over officers. However, I didn't hear any swearing or any threats"

It was noted that the Respondent had offered to apologise if his manner had caused offence.

- C.8 The Sub-Committee also noted that the Respondent considered he was acting as a facilitator and conduit regarding both Events. The Sub-Committee acknowledged the Respondent's explanation that he was passionate about Leadenhall Market and the City of London Corporation and that he had wanted to "fix things" wherever he could. However, Members unanimously found that the Respondent was in effect attempting to micro-manage certain activities at Leadenhall Market and, in respect of the Events, had overstepped the boundaries

between the respective roles and responsibilities of Officers and Members.

- C.9 In reaching this conclusion, The Sub-Committee also had regard to the fact that Officers had clearly advised the Respondent at a meeting between the City Surveyor's Department and the Ward Deputies for Langbourn and Lime Street on 1 September 2015 about respective roles and responsibilities, which was captured in the meeting notes as:

"NG did suggest that Members involvement in addressing the [Leadenhall Market] issues had been much appreciated but that now the lines over which Members should or shouldn't get involved needed to be re-established." (emphasis added)

The notes of that meeting later reflected an example – the BW Event – where a Member (the Respondent) had been highly involved:

"Following JC's intervention into how this should be bought [sic] about given the initial negative response the COL gave to the applicant, NG suggested that Osprey be allowed to take this forward and so relieve JC of further responsibility and dedicated time."

- C.10 In considering this element of the Respondent's conduct, The Sub-Committee had regard to the Member/Officer Protocol, particularly paragraph 3(3) which states that

"It is not the role of Members to involve themselves in the detail of day to day management of the Corporation services."

- C.11 The Sub-Committee recognised that non-compliance with the Member/Officer Protocol does not in itself amount to a breach of the Code of Conduct. However, the Committee noted that the Member/Officer Protocol was to be viewed in conjunction with the Code

of Conduct and was relevant to the interpretation and application of the Code of Conduct. The Sub-Committee found that, taken in the round, the Respondent had failed to comply with the standards of leadership expected by an elected Member of the Corporation and was therefore in breach of paragraphs 1 (g) and 2 (m) of the Code of Conduct.

C.12 In arriving at its findings, the Sub-Committee gave careful consideration to the roles and responsibilities of elected Members and their engagement with the City of London Corporation's constituents and communities. The Sub-Committee acknowledged that elected Members have a duty to represent constituents and, where necessary, assist in helping to have their requests, concerns and/or complaints addressed by the City of London Corporation. In respect of the complaint against the Respondent, the Sub-Committee however found that, in his actions regarding these events, the Respondent had behaved inappropriately by stepping outside the clearly defined role of an elected Member.

C.13 In reaching its decision the Sub-Committee fully took into account the views of the Independent Person, Ms Sanahi, who was also of the view that the Respondent had breached the Code of Conduct as outlined in these findings of fact.

D. FURTHER OBSERVATIONS

D.1 In determining its conclusions, the Sub-Committee also developed an impression of the Respondent's character and likely intent in his conduct. The Sub-Committee did not believe that the Respondent had fraudulently set out to procure an advantage for a third party. Indeed, the Sub-Committee accepts that the Respondent was probably acting out of what he perceived to be the best of motives, his love of the City in general and Leadenhall Market in particular.

- D.2 Unfortunately, the Sub-Committee considered that the Respondent demonstrated a worrying level of naivety in his actions and, based on his written and oral evidence, a lack of awareness of the impact that the words and actions of an elected member of a local authority can have on its officers. Whilst he may not have intended to exert improper political influence over officers to facilitate a particular outcome, that is almost certainly the result of his conduct and that is to be regretted.

E. SANCTION

- E.1 The Sub-Committee adjourned the sanction stage of the hearing to enable the Respondent to fully consider the contents of this Decision Notice and its findings of fact.
- E.2 The hearing will reconvene on **a date to be confirmed**. Any written representations by or on behalf of the Respondent (including character statements) must be submitted to the Town Clerk's Office by no later than 12 noon five working days before the reconvened meeting. In addition, the Sub-Committee has agreed to hear character evidence from one live witness at the resumed hearing, the details of which should be provided to the Town Clerk again by no later than 12 noon five working days before the reconvened meeting.

Edward Lord

Chairman

Standards Committee

29 February 2016

Circulation:

Mr Leighton McDonnell – Complainant

Deputy John Chapman – Respondent

The Chief Commoner

Members' Room Notice Board

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