



## Metropolitan Police Authority

Minutes of the meeting of the **Assessment Sub Committee**, held (concurrently with the GLA Assessment Sub-Committee), on 7 January 2009 at 10.00 am at Committee Room 2, City Hall, the Queens Walk, London SE1 2AA.

### Present:

**MPA Assessment Sub-Committee members:** Stephanie Caplan (Chair) Christopher Boothman, and Richard Tracey.

**MPA Officers** Catherine Crawford (Chief Executive), Simon Vile (MPA Monitoring Officer) and Nick Baker (Head of Committee Services). Peter Keith Lucas (Legal adviser to MPA)

### Also in attendance:-

**GLA Assessment Sub-Committee Members** Claer Lloyd Jones (in the Chair – Independent member), Diane Mark (Independent member) and Caroline Pidgeon.

**GLA Officers;** Fiona Ledden (GLA Monitoring Officer), Helen Sergeant (GLA legal adviser), Ed Williams (Head of Committee Services) and Teresa Young (Committee Officer).

## 1. APPOINTMENT OF CHAIR FOR THE CONCURRENT MEETING

(Agenda item 1)

The Monitoring Officers of both the MPA and the GLA had received a complaint that alleged that Boris Johnson, the Mayor, in respect of the GLA and as Chairman of the MPA, in respect of the MPA had breached the MPA's and GLA's Code of Conduct. As the complaint to both the MPA and GLA was identical and related to the same individual, both Authorities had agreed to hold concurrent meetings of their Assessment Sub-Committees to consider the complaint. Each Sub-Committee then took individual decisions in respect of the complaint.

For the purposes of the concurrent meeting, nominations were sought to chair the meeting.

**RESOLVED** – That Claer Lloyd-Jones (GLA Independent member), Chair the concurrent meeting.

## 2. CHAIR'S ANNOUNCEMENTS

The Chair reminded members that pursuant to Regulation 8 of the Standards Committee (England) Regulations 2008/1085 and the Standards Board for

England's guidance. 'Local Assessment of Complaints' the entire meeting would be held in private and that the discussions were confidential.

The Chair also asked the Sub-Committees to agree as the complaint received by both the MPA and GLA monitoring officers was the same that the MPA and GLA Assessment Sub-Committee consider this complaint concurrently.

**RESOLVED** – That the complaint be considered by the MPA and GLA Assessment Sub-Committee concurrently.

### **3. DECLARATIONS OF INTEREST**

(Agenda item 3)

Richard Tracey and Caroline Pidgeon declared personal interests as members of the MPA and GLA Assembly members.

Members confirmed that they did not have any prejudicial interest in the complaint under consideration.

### **4. COMPLAINT AGAINST A MEMBER OF THE METROPOLITAN POLICE AUTHORITY.**

(Agenda item 3)

The Assessment Sub-Committee considered a report and confidential papers from the MPA Monitoring Officer and those of the GLA Monitoring Officer which inform members of a written complaint received alleging that the Chairman of the MPA may have breached the MPA's Code of Conduct. The report also informed members that the same complaint had been made to the GLA in respect of that Authority's Code of Conduct.

Having considered the complaint concurrently with the GLA Assessment Sub-Committee, the MPA Assessment Sub-Committee resolved as set out below.

Further details and the reasons for the decision made by Sub-Committee are given in the Decision Notice which is appended to these minutes as **Appendix 1**.

**RESOLVED** – That

1. In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the complaint be referred to the MPA's Monitoring Officer for investigation with an instruction to arrange an investigation of the complaint in accordance with Regulation 14 of the Standards Committee (England) Regulations 2008.
2. The written summary of the complaint (a confidential attachment to the MPA Monitoring Officers report) and the identity of the complainant should be following the meeting be provided to the member complained about

3. The decision and main points considered by the Assessment Sub-Committee and the conclusion and reasons for its conclusion be outlined in the Decision Note, appended to the minutes as Appendix 1

The meeting closed at 11.40 a.m



**THE ASSESSMENT SUB-COMMITTEE OF THE METROPOLITAN POLICE  
AUTHORITY'S STANDARDS COMMITTEE MEETING OF 7 JANUARY 2009**

**DECISION NOTICE**

**COMPLAINT**

On 7 January 2009, the Assessment Sub-Committee of the MPA's Standards Committee convened in private and considered a complaint from Len Duvall, Member of the London Assembly concerning the alleged conduct of the Chair of the Metropolitan Police Authority, Boris Johnson.

The Sub-Committee met concurrently with the Assessment Sub-Committee of the Greater London Authority to consider the complaint as they had also received the same complaint.

Set out below is a brief and general summary of the complaint:

The complainant alleges that he believed that there were potential breaches of the general principles and the Code of Conduct by the Chair of the Metropolitan Police Authority.

His first allegation is that "Mr Johnson made public his view on the on-going investigation into criminal suspect Damien Green MP following a confidential conversation with a senior MPS officer". He states that it was reported in the Times on 29 November 2008 that Mr Johnson spoke "in trenchant terms" to Sir Paul Stephenson and "that a spokesman for Mr Johnson 'told the Acting Commissioner that he would need to see convincing evidence that his action was necessary and proportionate.'" Mr Duvall considers that this undermines the relationship between the Chair of the MPA and the MPS with regards to operational policing and on-going criminal investigations as he put this information in the public domain, and also considers that this was a prejudicial view.

His second allegation is that Mr Johnson made comments at Plenary on 3 December 2008, and he says that "Mr Johnson freely admitted that, after receiving a briefing from senior police officers on the impending arrest of a criminal suspect, Damien Green MP, he and his political office had been in contact with Mr Green and others..." and after receiving the information relating to Damien Green's arrest as Chair of the MPA (confirmation from Sir Paul Stephenson at the meeting), "Mr Johnson told the Assembly that he was subsequently in contact with Mr Green as 'a friend and ex-colleague'". Mr Duvall considers it a breach of the Code that Mr Johnson was discussing as he says, an "on-going case with the criminal suspect to (and he states the following is a quote of Mr Johnson) ascertain..where the facts seem to lie", and letting it be known his views on the ongoing investigation. He also considers that Mr Johnson has pre-judged the outcome of the investigation by saying "I am yet to be dissuaded that it is likely to yield either a charge or a successful prosecution".

## **Decision**

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee decided to refer the allegation to the Monitoring Officer with an instruction to investigate the matter in accordance with Regulation 14 of the Standards Committee (England) Regulations 2008.

## **Reasons for decision**

In accordance with its terms of reference, the Assessment Sub-Committee carefully considered the written correspondence from the Complainant, a recording of the Plenary meeting of 3 December 2008, an article from the Times, 29 November 2008 which were both referred to by the Complainant, a letter from Beachcrofts Solicitors to the Monitoring Officer at the Metropolitan Police Authority, extracts from the Standards Board for England's publications "*The Code of Conduct, Guide for Members 2007*" and relevant extracts from the Standards Board for England's "*The Case Review 2007*". The Assessment Sub-Committee decided that the complaint did merit further action to be taken and the reasons are set out below.

The Sub-Committee firstly looked at whether this complaint fell within the scope of the Code as set out at paragraph 2. Paragraph 2 (1) provides that "*you must comply with this Code whenever you (a) conduct the business of the Authority...; or (b) act, claim to act or give the impression you are acting as a representative of the Authority,*" paragraph 2 (2), "*Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity*", paragraph 2 (5) (a) "*Where you act as a representative of the Authority on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct.*"

It considered that it was clear that Boris Johnson was acting in his capacity as Chair of the Metropolitan Police Authority as he was conducting the business of the Metropolitan Police Authority when he made the comments at the Plenary meeting.

On this basis the Sub-Committee considered that the alleged conduct did fall within the scope of the Code.

The Assessment Sub-Committee then considered the three potential breaches under paragraphs 4 (a), 5 and 6 of the Code of Conduct.

*Paragraph 4 (a) states "You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where – (i) you have the consent of a person authorised to give it, (ii) you are required by law to do so (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or (iv) the disclosure is (a) reasonable and in the public interest; and (b) made in good faith and in compliance with the reasonable requirements of the authority.*

The Code of Conduct Guide for Members provided guidance for Members in that it states that the disclosure must be reasonable, in the public interest, made in good faith, and in compliance with any reasonable requirements of the authority. The Case Review 2007 of the Standards Board for England defined confidence as “it has the necessary quality of confidence about it (trivial information will not be confidential but information that you would expect people to want to be private would be), it was divulged in circumstances importing an obligation of confidence (information properly in the public domain will not be confidential), disclosure of it would be detrimental to the party wishing to keep it confidential. The Sub-Committee considered that there appeared to be a breach of the Code as from the information provided there appeared to be a confidential discussion between Mr Johnson and Sir Paul Stephenson and Mr Johnson did not have authorisation to disclose it.

*Para 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.*

The Sub-Committee considered that it followed that as there was a potential breach of paragraph 4 (a) then there also appeared to be a breach of paragraph 5.

*Para 6 (a) You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage*

The Sub-Committee considered that on the evidence before it, it was not conclusive whether there had been a breach, however, potentially there was a breach, and therefore there was enough evidence to merit further action.

The Sub-Committee considered that the complaint merited further action, and that it was appropriate and proportionate to refer the matter to the Monitoring Officer for investigation. In doing so, it emphasised that the investigation should be timely and proportionate, and that although it considered there may be potential breaches of the Code no decision had been taken by the Sub-Committee as to whether there had in actual fact been any breaches of the Code of Conduct. Further it recommended that any investigation should be a joint investigation with the Greater London Authority with the intention that the investigation report will be considered at concurrent meetings of the GLA and MPA Standards Committee on 4 March 2008.

### **Confidentiality and publication**

Taking into account the fact that the Complainant did not request that his identity and a summary of his complaint be kept confidential, and taking into account the public interest and whether any such disclosure would prejudice any investigation, the Assessment Sub-Committee decided that these details should be provided to the Chair of the Metropolitan Police Authority.

Accordingly, this Decision Notice has been sent to the Complainant, Len Duvall and the Chair of the Metropolitan Police Authority and will be published by the MPA for a period of 6 years starting from 7 January 2009.

**Signed**  
**Date 7 January 2009**  
**Stephanie Caplan**  
**Chair of the Assessment Sub-Committee**  
**Signed**

**Date 7 January 2009**  
**Simon Vile**  
**Monitoring Officer of the Metropolitan Police Authority**