



STANDARDS SUB-COMMITTEE A

**Date: WEDNESDAY, 20 SEPTEMBER 2023 at 7.30 pm
or on the rising of Mayor and Cabinet, whichever is
later.**

**Civic Suite
London SE6 4RU**

Enquiries to: committee@lewisham.gov.uk

MEMBERS

Fasil Bhatti
Gill Butler
Councillor Will Cooper
Councillor Brenda Dacres
Councillor Hilary Moore (Chair)
Councillor Rachel Onikosi
Councillor Rosie Parry
David Roper-Newman

Members are summoned to attend this meeting

A handwritten signature in black ink, appearing to read "Jeremy Chambers".

**Jeremy Chambers
Monitoring Officer
Laurence House
Catford
London SE6 4RU
Date: 12 September 2023**



Lewisham

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private.

ORDER OF BUSINESS – PART 1 AGENDA

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Lewisham

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MINUTES OF THE STANDARDS SUB-COMMITTEE A

Wednesday, 28 June 2023 at 7.00 pm

PRESENT: Councillors Hilary Moore, Rachel Onikosi and Rosie Parry

ALSO PRESENT: Emma Campbell Smith (Head of Governance and Committee Services), Jeremy Chambers (Monitoring Officer) and Melanie Dawson (“Investigator”)

Apologies for absence were received from Councillor Will Cooper, Councillor Brenda Dacres, and co-opted members Gill Butler and Fasil Bhatti

The Head of Governance and Committee Services opened the meeting, confirmed that it was quorate and recorded the apologies listed above.

1. Election of Chair

Councillor Parry **MOVED**, Councillor Onikosi **SECONDED** and it was **RESOLVED** to elect Councillor Moore as Chair of Standards Sub-Committee A for the municipal year 2023/24.

Councillor Moore took the Chair.

2. Declarations of Interest

Councillor Onikosi, having taken legal advice from the Monitoring Officer, declared a prejudicial interest in Item 3, having been peripherally involved in the incident between the Complainant and Subject Member following the Strategic Planning Committee meeting on 28 April 2022.

Councillor Onikosi excused herself from the meeting and immediately left the room.

The Chair sought the Monitoring Officer’s advice. He advised that the meeting had become inquorate and could therefore not proceed.

The meeting ended at 19:09.

Agenda Item 2



Standards Committee

Declarations of Interest

Date: 20 September 2023

Key decision: No

Contributors: Head of Governance and Committee Services

Outline and recommendations

Members are asked to declare any personal interest they have in any item on the agenda.

1. Summary

1.1. Members must declare any personal interest they have in any item on the agenda. There are three types of personal interest referred to in the Council's Member Code of Conduct:

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests.

1.2. Further information on these is provided in the body of this report.

2. Recommendation

2.1. Members are asked to declare any personal interest they have in any item on the agenda.

3. Disclosable pecuniary interests

3.1 These are defined by regulation as:

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:
 - (a) that body to the member’s knowledge has a place of business or land in the borough; and
 - (b) either:
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

4. Other registerable interests

4.1 The Lewisham Member Code of Conduct requires members also to register the following interests:

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

5. Non registerable interests

- 5.1. Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

6. Declaration and impact of interest on members' participation

- 6.1. Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- 6.2. Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph 6.3 below applies.
- 6.3. Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- 6.4. If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- 6.5. Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

7. Sensitive information

- 7.1. There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

8. Exempt categories

- 8.1. There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-
- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
 - (b) School meals, school transport and travelling expenses; if you are a parent or

guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor

- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception).

Agenda Item 3



Standards Sub-Committee A

Report title: Determination of Complaint

Date: 20 September 2023

Key decision: No.

Class: Part 1

Ward(s) affected: All

Contributors: Jeremy Chambers – Monitoring Officer

Outline and recommendations

The Standards Sub-Committee is asked to consider the Investigation Report prepared on behalf of the Monitoring Officer in relation to a complaint made about the conduct of a Councillor.

For the reasons set out in this report it is recommended that the Standards Sub-Committee determine that no breach of the Members' Code of Conduct was committed by the Councillor.

1. Summary

- 1.1. This report presents a summary of the complaint received about the conduct of a Councillor (the "**Subject Councillor**") in October 2022 and the outcome of the investigation into this complaint carried out on behalf of the Monitoring Officer.
- 1.2. The Investigation Report prepared on behalf of the Monitoring Officer is appended to this report.

2. Recommendations

- 2.1. To consider the contents of the Investigation Report and any representations made by the Subject Councillor and the Independent Person.
- 2.2. To find that no breach of the Members' Code of Conduct was committed by the Subject Councillor.

3. Context

- 3.1. The Council's Code of Conduct for Members (the "**Code**") sets out the principles and standards of behaviour for all members of the London Borough of Lewisham. It is designed to demonstrate the Council's commitment to the highest standards of ethical behaviour. The Code applies at all times when members act in their capacity as member or claim to do so.
- 3.2. Complaints of breach of the Code should be made in writing and are handled in

accordance with the Council's Procedure for Handling Complaints of Breach of the Member Code of Conduct (the "**Complaints Handling Procedure**").

4. Background

- 4.1. On 18 October 2022 the Council's Monitoring Officer received a completed Ethics Form from a resident.
- 4.2. The nature of the Complaint is summarised as follows. Firstly, The Complainant alleges that in an email dated 25th August 2022 the Subject Member had made an untrue accusation, namely that a member of the Bell Green Neighbourhood Forum had attempted to attack him at a Council Planning meeting and had to be physically restrained by several officers. The Planning meeting referred to was the meeting of the Strategic Planning Committee meeting on 28th April 2022. Secondly, the Complainant complained about responses submitted by the Subject Member in his consultation response to an application seeking the designation of a Neighbourhood Area and the designation of a Neighbourhood Forum – The Bell Green Neighbourhood and Forum. The responses were disclosed to the Complainant following a Freedom of Information Request. The Complainant alleged that the contents of the Subject Member's consultation response failed to treat the Bell Green Neighbourhood Forum with respect and was an example of his bullying behaviour and malicious allegations.
- 4.3. The relevant section of the Code alleged to have been breached is paragraph 2.2 sub-paragraphs 8 and 9 which requires all members to promote equality, not discriminate unlawfully against any person, treat all people with respect and promote high standards of conduct.
- 4.4. Following receipt of the Complaint and in accordance with the Complaints Handling Procedure, the Monitoring Officer consulted with the Council's Independent Person and determined that the Complaint warranted further investigation. The Monitoring Officer appointed Melanie Dawson, the Council's Deputy Monitoring Officer (the "**Investigator**"), to investigate the Complaint on the Monitoring Officer's behalf. The Investigator made enquiries of the Complainant, the Subject Member and the Council's Director of Planning, who was witness to the events referred to in the email of 25th August 2022. Each party submitted a written account of the events in question.
- 4.5. On completion of the investigation, the Investigator prepared the Investigation Report attached to this report. A copy of the Investigation Report was shared with both the Complainant and the Subject Member on 25th May 2023.
- 4.6. The Complainant's response to the Investigation Report is attached at Appendix 2 of this report. The Complainant has drawn attention to a factual inaccuracy in paragraph 6.3 of the Investigation Report. The email from the Subject Member on 25th August was not sent from his official Council email address. Despite this, the Investigator has confirmed that she is satisfied that the Subject Member was acting in his capacity as member when he sent the email. The email address used by the Subject Member bears a very close similarity with the Subject Member's official councillor email address, the email was copied to councillors and officers and sent to the Bell Green Neighbourhood Forum who would have known the Subject Member is a Councillor; and the Subject Member refers to his role as Councillor in the email.
- 4.7. The Subject Member's response to the Investigation Report is attached at Appendix 3 of this report. In response to the points raised:
 - The Subject Member queried why he was not informed of the Complainant's identity at an earlier stage - There were no exceptional reasons why the complainant's name was not disclosed.
 - The Subject Member queried why the Complainant had seen a copy of his statement and the statement of the Director of Planning – It was clear from both statements that the Complainant was the unnamed committee member referred

to in the original complaint. The Complainant was given an opportunity to respond to the version of events presented by the Subject Member and the Director of Planning.

- The Subject Member queried why his consultation response was disclosed in the Council's Freedom of Information Response even though the consultation website stated that responses would only be viewed by members of the Strategic Planning team and would not be shared with any third party – the Subject Member's response was disclosed because his response was submitted in his capacity as a Ward councillor and therefore there was no exemption available to withhold the information requested.

4.8. A copy of this report and the Investigation Report has been shared with the Independent Person. The Independent Person's comments are appended to this report at Appendix 4.

5. Investigator's Findings

5.1. In relation to the email sent by the Subject Member on 25th August 2022, the Investigator concluded that the content of the email was polite, courteous and civil, did not identify any individual by name and evidenced a desire to establish improved working relationships in future but legitimately raised concerns about the behaviour of one of its members. The Investigator concluded that the email was not disrespectful and did not bring the Bell Green Neighbourhood Forum as an entity into disrepute.

5.2. In relation to the Subject Member's consultation response, the Investigator concluded that there was nothing in the consultation response that alleged any dishonest motives and that the Subject member disagreed with the consultation proposals in a respectful way. The Investigator concluded that the Complainant's complaint reflects a difference of opinion, that the Subject Member did not fail to treat any person with respect or maintain an adherence to the Nolan Principles.

5.3. Accordingly, the Investigator concluded that in relation to both elements of the Complaint the Subject Member did not breach the Code.

5.4. It is therefore recommended that the Standards Sub-Committee find that no breach of the Code was committed by the Subject Member as alleged by the Complainant.

6. Financial implications

6.1. There are no specific financial implications arising from this report.

7. Legal implications

7.1. The promotion of the Code of Conduct is consistent with the Council's duty under Section 27 Localism Act 2011 to promote the highest standards of conduct by its members.

8. Equalities implications

8.1. There are no specific equalities implications arising from this report

9. Climate change and environmental implications

9.1. There are no specific climate change and environmental implications arising from this report.

10. Crime and Disorder implications

10.1. There are no specific crime and disorder implications arising from this report.

11. Health and wellbeing implications

- 11.1. Complaints can affect the health and wellbeing of both the complainant and the subject of the complaint. Officers have had regard to this throughout the course of the investigation.

12. Report author(s) and contact

- 12.1. For further information about this report please contact:

Jeremy Chambers

Director of Law and Corporate Governance

Monitoring Officer

jeremy.chambers@lewisham.gov.uk

Appendix:

- (1) Standards Investigation Report
- (2) Complainant's Written Response to the Investigation Report
- (3) Subject Member's Written Response to the Investigation Report
- (4) Comments of Independent Person

Appendix 2

Complainant's Written Response to the Investigating Officer's Report : 11th June 2023

PROCEDURAL IMPARTIALITY

Each person involved in Lewisham's handling of this Ethics complaint works alongside the planning service. This links them closely to the management of the OLSPN planning case, and the Director of Planning's refusal to designate the Bell Green Neighbourhood Forum.

- The Subject Member is the Chair of Strategic Planning, and chaired the OLSPN hearing. They objected, over several years, to the Bell Green Neighbourhood Forum including any part of their Perry Hill Ward. They were one of the five councillors whose objections led to the BGNF being refused designation.
- The sole witness is the Director of Planning. They failed to enforce multiple major breaches of the OLSPN permitted scheme. They refused designation of the Bell Green Neighbourhood Forum, under delegated powers. They received the Subject Member's email with false allegations, circulated against the BGNF.
- Witnesses were not asked to give a statement. Up to forty people were in the chamber at the time, so it seems surprising that nobody noticed these sensational events. The motive for not requesting a statement from a second witness is said to be financial prudence. However, given the Report's highly critical statements of the Complainant, behaviour, it is imperative that all allegations are backed up by witnesses.
- The Monitoring Officer is the Head of Law, approving both the OLSPN decisions, and the refusal to designate the BGNF. The Ethics complaint process was lodged in October 2022; repeated reminders were made at every stage, over many months, before any action was taken.
- The Investigating Officer is Senior Lawyer for Place.
- One member of Standards Sub-committee A was sitting on the Strategic Planning Committee for the OLSPN meeting. Two members of Standards Sub-committee A currently sit on Planning Committee A, one on Planning Committee B, and the final member is the Deputy Mayor, and Cabinet Member for Housing Development and Planning.

Responses to excerpts from the Investigating Officer's Report.

1 Executive Summary

In paragraph 1.1, the Report omits the Subject Member's attack on the credibility of the BGNF from the summary of the Complainant's case. The Subject Member made false allegations to discredit the

Bell Green Neighbourhood Forum in an email to fellow local politicians, the Director of Planning, and the BGNF committee.

1.7 *"..... I have concluded that there was nothing contained either in the Subject Member's email or consultation response that would place him in breach of the Code."*

1.8 *"... However, the wording used in the Subject Member's email may have been interpreted by those who were not witness to the events in question as implying that an individual had attempted to physically assault him. This was not the case. .."*

Despite the fact the Report admits that the Subject Member's allegations were untrue in every way; there was no violence or attempted violence, and no physical restraint was required. Rather than explain why spreading false allegations didn't place him in breach of the Code, the Report criticises the Complainant.

1.8 *".. the Complainant's behaviour fell far below acceptable standards"*

7 FINDINGS

"7.2 I find that, while the statements made by the Subject Member may have been misinterpreted by some recipients of the email in that there was no physical attack perpetrated or attempted and the Complainant was not physically restrained,"

The use of 'misinterpreted' is puzzling. The email's recipients were clearly misinformed by the Subject Member, whose allegations the Report states are untrue. It doesn't address the parallel allegation that the unnamed committee member had verbally attacked the local MP. The Subject Member doubles down on this allegation in responses, asking that the MP should be asked to give evidence. This is confected from an occasion the day following the Strategic Planning Committee, when the local MP was canvassing a nearby estate with their election agent, the Subject Member, who is central in their campaign structure.

The Complainant had been unable to get advice from the MP at any point during the OLSPN case, even the lack of transparency over the handling of £3m of public money, and other maladministration. The Complainant was prevented from approaching the MP on the street, and from speaking to her directly. When an MP is out door knocking to canvass, surely a resident is entitled to ask them questions? The Complainant tried to ask why there had been no advice, and how they felt about their agent bullying residents over this same case? The MP has met the Complainant many times before, so it's unlikely they felt fear unless the Subject Member had told them that the Complainant was dangerous.

7.3 *"The Complainant was distressed at a decision made by the Strategic Planning Committee and approached the head table at its conclusion. The Complainant was angry, shouting, swore at and was rude to the Subject Member. She had to be calmed down by those in attendance. The confrontation lasted for some time."*

5.4 *"On the basis that the statements obtained represent a broadly similar recollection of events, I have concluded that it was not necessary to obtain further witness statements from others in attendance."*

This is an astonishing claim, as the three statements don't agree on fundamental points. The Subject Member alleges attempted violence, and the need for physical restraint. The sole witness, the Director Planning, doesn't support either of these charges, but does say that the Complainant told the Subject Member to piss off. The Complainant's account, excluded from Report, puts this comment in a different context. They politely requested the Subject Member to move away, as it felt intrusive, and they were not part of the conversation. At about the fifth attempt, the polite request was indeed completed with a request to piss off, as it was felt to be intimidating and invading their personal space.

"I approached the chair, Cllr xxxxxxxxxx and the Director of Planning, to register a complaint about the committee's procedure. The meeting was held in the Council Chamber, and they were both behind the top desk. I am not sure of the distance, but given the number of people milling around, I couldn't get close to the table, and was craning my neck to have a conversation. I was extremely upset, as a number of procedural matters had been troubling.

..... After a couple of minutes, the Director of Planning came around from behind the table to continue the conversation more conveniently, seeming sympathetic to my distress. She cannot have felt that I posed any threat, or she would have not come around from behind the table to speak to me. A couple of minutes later, Cllr xxxxxxxx appeared beside us, having also come from behind the desk. He did not speak, but was listening, smiling, and standing very close, in a way that I thought intrusive and very much 'in my face'. I felt his presence was intended to mock and to intimidate, as he had nothing to contribute to the discussion. I asked Cllr Xxxxxx four times to please step away, as he was not welcome, intrusive, and was making me feel uncomfortable. At the fifth time, I pointed out that I had already asked him to go repeatedly, and stressed my point by asking him mildly to piss off. In the circumstances, after so many requests, I don't think that my wording should have been particularly surprising to him."

The Subject Member, Director of Planning and the Report each suggest that the Complainant's reaction to the committee's decision was excessive. and disproportionate. ET says they were *'subjected to quite an emotional outpouring from her.. was incredibly upset ... with Julia incredibly distressed.... Julia's reaction to the decision was quite extreme'*

The Director of Planning has put it on record that the development was grossly under-enforced by their department. Delegated powers were used to decide on enforcement levels, after Planning was first notified of breaches in July 2017. Lewisham gave the RC Archdiocese of Southwark over £3m and free land to deliver the redevelopment, but maintained no oversight or quality control, even when alerted to problems. The built scheme was in the wrong place, with the wrong roof, wrong fenestration, wrong cladding, and was 4m too high in places. No explanation has been given for Children & Young People handing over £3m immediately upfront, when the legal agreement specified payment by instalments linked to completed works. Public money should be handled transparently.

The developers challenged enforcement at a planning inquiry (where the Complainant was a Rule 6 participant), then at the High Court (where the Complainant was a party). Their case was thrown out both times. Lewisham delayed, then rushed through an application with minimal remediation at short notice, during electoral purdah, months after the expiry of the deadline for completion of all works imposed by PINS and the High Court.

The Subject Member's chairing was unprecedented. The hearing was swift, with very little discussion within the committee, and most councillors were using their smartphones. An FOI/EIR request for their Teams Chat / Whatsapp discussion was made immediately after the meeting; it was rejected with the claim that no such data was held by the council. Furthermore, the Subject Member, as chair, permitted an unregistered speaker, a supporter of the development, to speak after the objection, undermining the balance of the hearing. The hearing had every appearance of being predetermined.

7.4 "I do not find that the email sent by the Subject Member was disrespectful. The content of the email was polite, courteous and civil, did not identify any individual by name, and evidenced a desire to establish improved working relationships in future"

It is not possible to describe false accusations as polite, courteous and civil, yet alone as a way of legitimately raising concerns. Concealing the identity of the person you accuse falsely is not civil. In this case it widens the pool of suspects, making it harder to expose the lie.

7.5 "I do not find that the email sent by the Subject Member brought the Bell Green Neighbourhood Forum as an entity into disrepute, but raised legitimate concerns about the conduct of one of its members."

The BGNF was brought into disrepute through the Subject Member's false allegations about an anonymous member. Hiding their own identity made it impossible for the BGNF to confront the lie. Legitimate concerns cannot be addressed with false accusations.

7.6 "Nonetheless the manner, choice of wording and forum in which the Subject Member's legitimate concerns were raised may not with hindsight have been the most appropriate means."

What is legitimate about the Subject Member's allegations? The Report says the allegations were without foundation, and questions the Subject Member's methods. The Report is simultaneously saying that their concerns are legitimate, and that they are untrue. Surely, when a concern is untrue, it ceases to be legitimate?

Consultation response

7.7 ".....<https://consultation.lewisham.gov.uk/planning/bellgreen/>. It is expressly stated that responses would only be viewed by members of the Strategic Planning team at the Council and would not be shared with any third party."

This is misleading. The consultation information says that "Your personal information will only be viewed by members of the Strategic Planning team..." Responses are public but anonymised, with all personal information redacted.

7.8Complainant obtained a copy of the response as a result of a Freedom of Information request."

The FOI/EIR request, 15002807, asked that each councillor's comments be identified. The Council's

response was that *".....it has been recognised and accepted that information provided by elected members should not have been redacted. The consultation statement has now been unredacted with regard to naming elected members to reflect this."* The Report appears to argue that the consultation response was confidential, only revealed by an FOI, and there was therefore no intention to circulate the allegations.

Paragraph 7.9 of the Report quotes the passages of concern to the Complainant in the Subject Member's consultation response. It says that the BGNF's potential designation:

7.9 *"..... would risk dominating the views of residents and other stakeholders in the key area, by those of a few others with less direct interests." and "...the promotion and development of the forum to date has not been inclusive and seems to be driven by a collection of potentially conflicting interests."*

7.10 *"... the consultation response, which was not intended to be seen by anyone other than those in the Council's Strategic Planning team, I find that the Complainant's complaint reflects a difference of opinion, ..."*

See comments above at 7.8. The Subject Member's comments were already publicly available in the public consultation report; only their identity was redacted in a procedural mistake. The accusations that the Forum isn't inclusive, and that a small number of people risk dominating the agenda are extremely serious, not just a 'difference of opinion'. They are accusations, unsubstantiated, and hedged about with conditional words, circulated publicly. There isn't a single witness willing to support this account, out of up to forty people present in the room.

1. 16.3 *"... Was sent from his official email address)"*

The Subject Member was actually using xxxxxxxxxxxx@lewisham.org.uk, a personal email address, passing off as an official account. This account is used for all official work, evading the archiving and scrutiny issues of an official account. This has previously been reported, but no action has ever been taken.

The Complainant's actions in pursuing the OLSPN case has been unpopular with both Lewisham members, and officers. It exposed a systematic failure of planning procedures and enforcement, a failure to oversee the substantial capital grant's outcome, and a refusal of C&YP to explain their handling of the development money. Despite the committee's 'expediting' a resolution, there is still no end in sight of the remedial works, over a year past the High Court deadline for completion. Lewisham maintains that it is not in the public interest to examine these events. The Bell Green Neighbourhood Forum has also suffered from Lewisham's reluctance to allow residents to use their legal right to participate in planning matters, in local democracy, or to seek transparency.

Lewisham Council is held by one party, with no opposition. The politicians and officers are fused, with no checks and balances. A feeling has arisen that being questioned is an outrage, an attack, rather than a legitimate call for scrutiny.

The Subject Member's pattern of behaviour has been sustained from at least 2019, when the embryonic BGNF began work. They asked the Complainant why they were being copied into correspondence about the BGNF, as it had nothing to do with Perry Vale Ward. At every stage, they

said they didn't think it had a place in their ward. At no point have residents been consulted. The Subject Member's statement describes the Complainant as "an 'activist' well known to Council staff in Planning and other services." On the face of it this might be a fair description, but placing 'activist' within quotation marks, along with allegations of violence, implies a harsher judgement.

At no time has the Complainant attempted to attack the Subject Member, or anybody else. The allegations are untrue, as the Report confirms. Had the Subject Member named the Complainant, it would have been libellous. By making the allegations about a member of the BGNF, it brought that Amenity Society into disrepute, and blocked its designation. The Subject Member has now doubled down on their accusations, expanded the claims, and named the Complainant. These accusations are circulating within the Council.

The Complainant wishes to put to the Council that the Subject Member's actions in this are not isolated. They are part of a pattern of behaviour that is demonstrably malicious. It gives a false impression of character, motives and actions, shares it with third parties, and uses it to besmirch the Complainant, I submit that this is defamatory. I go further; it is designed to defame me, and the BGNF by extension. As such, these unlawful comments must breach the code of Conduct, as, by definition, they cannot be said to be Nolan-Principles compliant. I remind the Council that the London Borough of Lewisham Member Code of Conduct goes beyond the statutory minimum. I hope that my complaint will be heard with impartiality, and for it to be on the record in case of further attacks.

Appendix 3

Subject Member's Written Response to the Investigating Officer's Report : 11th June 2023

In respect of comments and questions I wish to make on the draft committee report and the investigation report that you have sent me:

1) I do not disagree with any of your findings as summarised in para 5 of the committee report.

However:

2) I have not been informed of the identity of the complainant until now. It seemed likely, when I was first informed by Mr Chambers of this complaint and his decision to investigate it, that it could have been made by either a current councillor, a former councillor, or Julia Webb - all active in the would-be 'Bellingham Neighbourhood Forum' and all likely to have been able to read the email sent by me and the subject of part of the complaint. Mr Chambers did not identify the complainant to me at that time and your email of 25th May is the first time the complainant has been identified to me. Could you please explain why this was, and which of the exceptional reasons (detailed in s5 of the Ethics Complaint Form) necessitated that the complainant not be identified to me?

3) This is the first time I have seen any of the contents of your report, other than text I wrote myself in response to your initial enquiry, or that was the subject of the complaint. The statement of Julia Webb dated 7th February seems to make reference in several points to the statement submitted by myself to you dated 3rd January (both 2023, both appended to your investigation report). Could you please let me know whether Ms Webb may have been shown the statement that I made to you, before submitting her own statement, and if that would have been in accordance with the process that should have been followed?

4) You state that the consultation (on the original proposal for the BGNF&A, to which I responded) requested responses with the proviso that they, and the identities of respondents, "would only be viewed by members of the Strategic Planning team at the Council and would not be shared with any third party."; and that "It is understood that the Complainant obtained a copy of the response as a result of a Freedom of Information request.". Could you please identify the FoIR concerned, and review the handling of that request to determine whether the attributed responses of myself (and I assume of others) were disclosed incorrectly, and if so recommend what the Council should do to remedy that to those harmed and ensure that similar errors are not repeated?

5) It is normally considered good practice to ensure the correct spelling and punctuation of the names of individuals mentioned in formal Council reports. You have managed to spell my surname in two different ways, just on the first page of your investigation report. I realise that it is not a name of English/UK origin, but I have that in common with several of our 54 current

councillors, and some of them may be less used to (or tolerant of) this happening to them than I am, by now. Please note also that the details included in para 2 are incorrect, possibly because they are taken from the Council website. I have been elected as a Labour & Co-operative councillor for Perry Vale ward, and several of the committee appointments listed are now incorrect.

6) I note your advice (para 1.8): "the Subject Member should in future keep in mind the impact that the language used to criticise others may have and, depending on the circumstances, place him in breach of the Code. The Subject Member and all Councillors should be reminded that any concerns about behaviour or conduct which leaves them worried about their safety or that of any other individual should be reported to the Monitoring Officer so that appropriate safeguards may be put in place on Council premises and can be reported to the police if felt appropriate.". The complainant (I now know) has been seated in the public gallery of the Council Chamber on at least two occasions of Full Council meetings, a very short distance behind the place at which I am instructed to sit by Governance officers at these meetings. Please could you ensure that there is a more effective separation or barrier between this person and myself, before this is allowed to happen again.

7) I dispute para 11 of the committee report which states that "There are no specific health and wellbeing implications arising from this report." Being subject to this process, which stems from an incident that occurred in April 2022, kept in ignorance of the identity of the person who had complained about me, and in parallel with the way I have been personally treated by Mr Chambers regarding several other unrelated matters, almost since the time of his appointment as Monitoring Officer, has certainly had a negative impact on my own health and wellbeing.

Comments of the Independent Person

Email of 25 August 2022

In his email to Bell Green Neighbourhood Forum of 25 August 2022, Councillor Paschoud sets out, among other matters, what appears to be his subjective perception of the incident which arose after the Planning Committee of 28 April 2022. In their statements provided to the Investigator, both the Complainant and the Director of Planning Emma Talbot confirm the words the Complainant addressed to Cllr Paschoud during the incident. The statements of both Councillor Paschoud and Emma Talbot support that the incident was one of some distress on the part of the Complainant and was emotionally heightened. Emma Talbot advises that a group of people formed around her due to the heightened nature of the incident.

The Investigator is not in a position to call into question Councillor Paschoud's own perception, set out in his email of 25 August 2022, of what on current evidence was an emotionally heightened incident, or conclude that that account was untrue, as alleged by the Complainant.

I therefore agree with the Investigator's conclusion that there was an unpleasant verbal confrontation involving the Complainant and Councillor Paschoud at the conclusion of the planning meeting on 28 April 2022. I also agree that the email sent by Councillor Paschoud on 25 August 2022 was not disrespectful to the Bell Green Neighbourhood Forum, nor did it bring it into disrepute, for the reasons set out above in addition to the reasons set out in paragraph 7.4 of the Investigation Report.

In relation to the email, I would echo the Investigator's reminder to the Councillor around the choice of language in future communications.

Consultation Response

I concur with the Investigator's conclusion that there is nothing in Councillor Paschoud's planning consultation response which suggests dishonest motives on the part of members of the Bell Green Neighbourhood Forum or fails to treat the Forum with respect.

In conclusion, I agree with the Investigation's finding of no breach of the Code.

Wendy Innes
Independent Person
12 June 2023

Standards Complaint Investigation Report
Complaint Against Councillor John Paschoud
25 May 2023



1 Executive Summary

- 1.1 All Members must uphold high standards of conduct and behaviour and act in accordance with the Committee on Standards in Public Life's seven principles of public life (the "**Nolan Principles**") which are reflected in section 28 of the Localism Act 2011 and set out in Part 2, subsection 1 of the Council's Code of Conduct for Members (the "**Code**").
- 1.2 In October 2022 the Monitoring Officer received a complaint from Ms Julia Webb (the "**Complainant**") against Councillor John Paschoud (the "**Subject Member**"). The Subject Member is an elected member of the Council, the Complainant is a member of the public.
- 1.3 The Complainant alleges that in an email dated 25th August 2022 the Subject Member had made an untrue accusation that a member of the Bell Green Neighbourhood Forum had attempted to attack him at a Council Planning meeting and had to be physically restrained by several officers. The Planning meeting referred to was the meeting of the Strategic Planning Committee meeting on 28th April 2022.
- 1.4 The Complainant also takes issue with responses submitted by the Subject Member in his consultation response to an application seeking the designation of a Neighbourhood Area and the designation of a Neighbourhood Forum – The Bell Green Neighbourhood and Forum. The Complainant takes the view that the contents of the Subject Member's consultation response failed to treat the Bell Green Neighbourhood Forum with respect and was an example of his bullying behaviour, and malicious allegations.
- 1.5 The Complainant alleges that the Subject member has breached paragraph 2.2 sub-paragraphs 8 and 9 of the Code. For ease of reference, paragraph 2.2 sub-paragraph 8 of the Code states as follows:

'Members should promote equality and not discriminate unlawfully against any person, and treat all people with respect. Whilst it is acknowledged that political debate may at times be robust and forthright, and that the right of freedom of expression is essential to vibrant political discourse, members should ensure that

their comments and behaviour do not overstep the line of acceptability. They should not bully any person, they should respect the impartiality and integrity of the Council's officers".

Paragraph 2.2 sub-paragraph 9 of the Code states as follows:

"Members should promote and support high standards of conduct in particular as characterised by the above requirements by leadership and example."

1.6A judgment as to whether an elected member has breached the Code must be made on the balance of probabilities.

1.7I have carefully considered the issues, the available documents, and statements provided by the Subject Member, the Complainant and the Director of Planning, who was witness to the events referred to in the email dated 25th August 2022. I have concluded that there was nothing contained either in the Subject Member's email or consultation response that would place him in breach of the Code.

1.8However, the wording used in the Subject Member's email may have been interpreted by those who were not witness to the events in question as implying that an individual had attempted to physically assault him. This was not the case. It is clear from the evidence I have seen that although the Complainant's behaviour fell far below acceptable standards and the confrontation was unpleasant and disturbing for those present, it quickly became obvious to the Subject Member that there was no violent intent on the part of the Complainant and there was no physical threat. Nonetheless, the Subject Member should in future keep in mind the impact that the language used to criticise others may have and, depending on the circumstances, place him in breach of the Code. The Subject Member and all Councillors should be reminded that any concerns about behaviour or conduct which leaves them worried about their safety or that of any other individual should be reported to the Monitoring Officer so that appropriate safeguards may be put in place on Council premises and can be reported to the police if felt appropriate.

2 Member Details

2.1The Subject Member was first elected to the Council in 1994. He is a Labour Member representing the Perry Vale ward.

2.2The Subject Member's current Committee appointments are as follows:

2.2.1 Digital inclusion for adults with learning disabilities task and finish group;

2.2.2 Governance Committee;

2.2.3 Perry Vale Assembly;

2.2.4 Planning Committee B;

2.2.5 Strategic Planning Committee;

2.2.6 Sustainable Development Select Committee

3 The Complaint

3.1 In October 2022, a complaint from the Complainant was received by the Council's Monitoring Officer alleging that the Subject Member had breached the Code. A copy of the Complaint (as later supplemented) is attached to this report at **A1-A6**.

3.2 The Complaint can be summarised as follows:

3.2.1 The Subject Member sent an email on 25th August 2022 from john.paschoud@lewisham.org.uk to, bellgreennf@gmail.com and copied to Cllrs Wise, Sheikh, Curran, Best, Lavery, Onikosi, Jacq Paschoud, and the Council's Director of Planning. In this he accused a Bell Green committee member of having "attempted to attack [him] at a Council Planning meeting, where they had to be physically restrained by several officers." The committee member was not referred to by name. The Complainant alleges that this statement was untrue and as such brings the Bell Green Neighbourhood Forum into disrepute. A full copy of the Subject Member's email is attached at **A7**.

3.2.2 The Complainant further alleges that the Subject Member's consultation response failed to treat the Bell Green Neighbourhood committee with respect and is an example of bullying behaviour and contained malicious allegations. A full copy of the consultation response is attached at **A8-A9**.

4 Relevant Parts of the Code

4.1 The Council's Code is attached to this report at **B1 – B8**.

4.2 The part of the Code that is relevant to this investigation is as follows (in addition to the Nolan Principles, which are also applicable):

'2 Principles...

1.2 Accordingly the following requirements apply:...

8) Members should promote equality and not discriminate unlawfully against any person, and treat all people with respect. Whilst it is acknowledged that political debate may at times be robust and forthright, and that the right of freedom of expression is essential to vibrant political discourse, members should ensure that their comments and behaviour do not overstep the line of acceptability. They should not bully any person, they should respect the impartiality and integrity of the Council's officers.

9) Members should promote and support high standards of conduct in particular as characterised by the above requirements by leadership and example.'

4.3 In my opinion, paragraph (9) referenced above does not add anything substantial to paragraph (8) and therefore I not considered it separately when investigating the complaint.

4.4 There has until recently been a lack of general guidance (or much case law) on the operation of Members' Codes of Conduct under the Localism Act 2011, which is predominantly because there is no longer a statutorily prescribed version adopted by all local authorities. Instead, there is a requirement to adopt a Code, the content of which is at the discretion of the local authority. This has produced a variety of Codes ranging from those which set out basic principles, to those which are very detailed and specific about the behaviour expected of Members.

4.5 Some guidance appears in the 2020 Local Government Association Model Councillor Code of Conduct, which can be found here: <https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>

4.6 Further useful guidance appears in the July 2021 Guidance on the Local Government Association Model Councillor Code of Conduct (the '**Guidance**') which can be found here: <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

4.7 In relation to treating others with respect, the Model Code states on page 4:

“Respect means politeness and courtesy in behaviour, speech and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas and opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police”.

4.8 The Guidance states the following in relation to treating others with respect:

Showing respect is fundamental to a civil society. As an elected or appointed representative of the public it is important to treat others with respect and to act in a respectful way. Respect means politeness, courtesy and civility in behaviour, speech and the written word. It also relates to all forms of communications councillors undertake, not just in meetings. Rude, offensive and disrespectful

behaviour lowers the public's expectations and confidence in its elected representatives....

You will engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions, and policies. Doing these things in a respectful way will help you to build and maintain healthy working relationships with fellow councillors, officers, and members of the public, it encourages others to treat you with respect and helps to avoid conflict and stress. Respectful and healthy working relationships and a culture of mutual respect can encourage positive debate and meaningful communication which in turn can increase the exchange of ideas, understanding and knowledge.

Examples of ways in which you can show respect are by being polite and courteous, listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks and being kind. In a local government context this can mean using appropriate language in meetings and written communications, allowing others time to speak without interruption during debates, focusing any criticism or challenge on ideas and policies rather than personalities or personal attributes and recognising the contribution of others to projects.

Disrespectful behaviour

Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurs are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs, who observes the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompts the alleged disrespect.

Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour.

Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault-finding, the use of inappropriate sarcasm in communications and the sharing of malicious gossip or rumours.

Disrespectful behaviour can be harmful to both you and to others. It can lower the public's expectations and confidence in you and your local authority and councillors and politicians more generally. It influences the willingness of fellow councillors, officers, and the public to speak up or interact with you because they expect the encounter will be unpleasant or uncomfortable. Ongoing disrespectful behaviour can undermine willingness of officers to give frank advice, damage morale at a local authority, and ultimately create a toxic culture and has been associated with instances of governance failure."

4.9 In relation to bullying, the Model Code states on page 4:

"The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others."

4.10 The Guidance states the following in relation to bullying:

"Bullying may be characterised as offensive, intimidating, malicious, insulting, or humiliating behaviour, an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation. Bullying may be obvious or be hidden or insidious. Such conduct is usually part of a pattern of behaviour which attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

Bullying can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Bullying behaviour may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing....

Like disrespectful behaviour, bullying can be difficult to define. When allegations of bullying are considered it's likely that the person handling the complaint will consider both the perspective of the alleged victim, and whether the councillor intended their actions to be bullying. They will also consider whether the individual was reasonably entitled to believe they were being bullied.

Conduct is unlikely to be considered as bullying when it is an isolated incident of a minor nature, where it is targeted at issues, rather than at an individual's conduct or behaviour, or when the behaviour by both the complainant and councillor

contributed equally to the breakdown in relations. However, the cumulative impact of repeated 'minor' incidents should not be underestimated.

Examples of bullying include but are not limited to:

- verbal abuse, such as shouting, swearing, threats, insults, sarcasm, ridiculing or demeaning others, inappropriate nicknames, or humiliating language*
- physical or psychological threats or actions towards an individual or their personal property*
- practical jokes*
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures*
- inappropriate comments about someone's performance*
- abuse of authority or power, such as placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations*
- ostracising or excluding someone from meetings, communications, work events or socials*
- sending, distributing, or posting detrimental material about other people, including images, in any medium*
- smear campaigns.”*

5 Process of Investigation and Evidence Gathered

5.1 Following receipt of the Complaint and in accordance with the Council's 'Procedure for handling complaints of breach of the Member Code of Conduct', which is annexed to this report at **B9 – B12**, the Council's Monitoring Officer consulted with the Council's Independent Person and determined that the Complaint warranted formal investigation.

5.2 The Monitoring Officer appointed Melanie Dawson, the Council's Deputy Monitoring Officer, to investigate the Complaint.

5.3 Enquiries were made by the Investigator of the Complainant, the Subject Member and the Director of Planning, who was witness to the events referred to in the email of 25th August 2022. Their responses are annexed to this report as follows:

5.3.1 The Complainant – **C1 – C2**

5.3.2 The Subject Member – **C3 - C4**

5.3.3 Director of Planning – **C5**

5.4 Although other people would have been in attendance at the meeting referred to, I have had regard to the need to balance the requirement that an investigation must be thorough with the need to be as simple and economical as possible to ensure

an efficient use of local taxpayers' funds. On the basis that the statements obtained represent a broadly similar recollection of events, I have concluded that it was not necessary to obtain further witness statements from others in attendance.

5.5 In order to determine whether the Subject Member has breached the Code, this report will draw upon the Complaint, the evidence submitted by the Complainant in support of the Complaint, the Subject Member's response, the Director of Planning's response, other relevant documents and relevant Codes, guidance and protocols.

6 Official Capacity

6.1 Section 27(2) of the Localism Act 2011 provides:

"In discharging its duty under subsection (1) [promotion and maintenance of high standards of conduct], a relevant authority must, in particular, adopt a code dealing with the conduct that is expected by members and co-opted members of the authority when they are acting in that capacity."

6.2 The Council's Code states the following in Part 3 entitled 'When does this Code Apply?':

"This Code applies at all times when members act in their capacity as a member or claim to do so."

6.3 I find that the Subject Member was acting in his capacity as an elected Member in relation to both the email sent on 25th August 2022 (which was sent from his official email address) and his consultation response (which references his organisation as Lewisham Council and his role as ward councillor for Perry Green Ward).

7 Findings

Email of 25th August 2022

7.1 The Complainant alleges that the statement in the Subject Member's email that a member of the Bell Green Neighbourhood Forum "attempted to attack me at a Council Planning meeting" and "had to be physically restrained by several officers" was untrue. I have carefully considered the email sent by the Subject Member to the Bell Green Neighbourhood Forum and copied to others on 25th August 2022. I have also considered statements given by the Subject Member, the Complainant and the Director of Planning regarding the events that took place immediately after the conclusion of the Strategic Planning Committee meeting held on 28th April 2022.

7.2 I find that, while the statements made by the Subject Member may have been misinterpreted by some recipients of the email in that there was no physical attack perpetrated or attempted and the Complainant was not physically restrained, there was nonetheless an unpleasant verbal confrontation involving the Complainant

and the Subject Member at the conclusion of the Strategic Planning Committee meeting that was disturbing for those who were present.

7.3 The Complainant was distressed at a decision made by the Strategic Planning Committee and approached the head table at its conclusion. The Complainant was angry, shouting, swore at and was rude to the Subject Member. She had to be calmed down by those in attendance. The confrontation lasted for some time. The Subject Member has confirmed that he was not in any great fear of physical violence, but the events were clearly disturbing for those present. There is no evidence that the Complainant had to be physically restrained, but I do find that the Complainant and the Subject Member were separated by others in attendance. At the time, the Subject Member reacted to the Complainant's anger and verbal abuse calmly.

7.4 I do not find that the email sent by the Subject Member was disrespectful. The content of the email was polite, courteous and civil, did not identify any individual by name and evidenced a desire to establish improved working relationships in future but legitimately raised concerns about the behaviour of one of its members towards elective representatives at public meetings.

7.5 I do not find that the email sent by the Subject Member brought the Bell Green Neighbourhood Forum as an entity into disrepute, but raised legitimate concerns about the conduct of one of its members.

7.6 Nonetheless the manner, choice of wording and forum in which the Subject Member's legitimate concerns were raised may not with hindsight have been the most appropriate means. The reference to an "attempted attack" may have implied to those reading the email a physical attack. This was not the case. There is also no evidence to suggest that the Complainant had to be physically restrained, although it is clear they were geographically separated by others in attendance as the Subject Member's continued presence was considered to be exacerbating the situation. The Subject Member should be reminded of the effect his choice of language in written correspondence may have and, in different circumstances, may have placed him in breach of the Code. More appropriate means to raise his concerns about the conduct of individual members of the public were available to the Subject Member at the time of the events, including raising the issues with the Monitoring Officer or the police.

Consultation Response

7.7 A local community group (the Bell Green Neighbourhood Forum) in the Bell Green area made an application seeking the designation of a Neighbourhood Area and the designation of a Neighbourhood Forum. As a result, the Council sought views and comments on the application from residents and other interested stakeholders. The Council's webpage setting out the consultation process can be found here: <https://consultation.lewisham.gov.uk/planning/bellgreen/>. It is expressly stated that

responses would only be viewed by members of the Strategic Planning team at the Council and would not be shared with any third party.

7.8 The Subject Member submitted a response on 26th March 2022 in his capacity as a ward councillor representing Perry Vale ward and a resident of and a ward councillor representing part of the wider area served by the retail catchment of Bell Green, and a user or potential user of retail and other facilities that are or could be provided by Bell Green as a centre. It is understood that the Complainant obtained a copy of the response as a result of a Freedom of Information request.

7.9 In his consultation response the Subject Member objected to the Bell Green Neighbourhood designation. The Complainant has objected to the following in the Subject Member's response:

'I am objecting to the present proposal mainly because it would preclude the development of a much more focused and beneficial area, and plan, and would risk dominating the views of residents and other stakeholders in the key area, *by those of a few others with less direct interests.*' [Complainant's italics]

and

'...the promotion and development of the forum to date *has not been inclusive and seems to be driven by a collection of potentially conflicting interests.*' [Complainant's italics]

The Complainant alleges that the Subject Member's response seems to suggest that the Bell Green Neighbourhood Forum has some kind of dishonest motives or agenda and that his comments fail to treat the committee with respect. It is another example of his bullying behaviour, and malicious allegations.

7.10 I disagree with the Complainant. There is nothing in the consultation response, which was not intended to be seen by anyone other than those in the Council's Strategic Planning team that alleges any dishonest motives and the Subject member disagreed with the consultation proposals in a respectful way. I find that the Complainant's complaint reflects a difference of opinion and whilst the Complainant may not agree with the views held by the Subject Member, I do not find that in setting out his position as he has, the Subject Member has failed to treat any person with respect or has failed to maintain an adherence to the Nolan Principles.

8 Findings and recommendations

As no findings have been made against the Subject Member, no recommendations for sanction are made.

9 Next Steps

This is the final version of the report, which is being sent to the Monitoring Officer in order that the process can be progressed in accordance with the Council's arrangements.

Melanie Dawson

**Principal Lawyer (Place)
Deputy Monitoring Officer
February 2023**



Lewisham

ETHICS COMPLAINT FORM Your

details

1. Please provide us with your name and contact details

Title:	Ms
First name:	Julia
Last name:	Webb
Address:	[REDACTED]
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	[REDACTED]

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

Normally we will tell the member you are complaining about that you have made this complaint, unless the Monitoring Officer decides that it would not be appropriate to do so.

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

Member of the public

Making your complaint

You are referred to the [“Procedure for handling complaints of breach of the Member Code of Conduct” Booklet which is available on the Council’s website by clicking this link](#) which explains how complaints of a breach of the Member Code of Conduct will be handled in Lewisham.

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name
Cllr	John	Paschoud	Perry Vale ward, Lewisham Council

4. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer in deciding what action to take on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

Dear Jeremy,

Member Code of Conduct Complaint against Cllr John Paschoud

I am making a formal complaint under the Lewisham Council, Member Code of Conduct - I note that this goes beyond the statutory minimum and it contains the provision:

"Members should promote equality and not discriminate unlawfully against any person, and treat all people with respect. Whilst it is acknowledged that political debate may at times be robust and forthright, and that the right of freedom of expression is essential to vibrant political discourse, members should ensure that their comments and behaviour do not overstep the line of acceptability. They should not bully any person."

AND

"Members should promote and support high standards of conduct in particular as characterised by the above requirements by leadership and example."

On August 25th 2022 at 10:08, Cllr John Paschoud sent an email from john.paschoud@lewisham.org.uk to the Bell Green Neighbourhood Forum email address, bellgreennf@gmail.com. This was copied to Cllrs Wise, Sheikh, Curran, Best, Lavery, Onikosi, Jacq Paschoud, and the Director of Planning, Emma Talbot. In this he accused an unnamed committee member of having "attempted to attack me at a Council Planning meeting, where they had to be physically restrained by several officers."

This statement is untrue. If Cllr John Paschoud disputes this, I ask that he provide evidence and witnesses to support his statement. The allegation brings the Bell Green Neighbourhood Forum into disrepute, by claiming that its committee is behaving badly. It is one of a pattern of such allegations made by the councillor against the BGNF.

Therefore, there is a clear breach of the Member Code of Conduct as making untrue allegations does not support points (8) and (9). The code must be engaged as Councillor titles of address have been used.

I look forward to a full investigation and the Standards Committee's recommendations as soon as practicable.

24th October 2022

Further to my complaint of 18th October above, a FOI response has lifted the redaction of councillors' identities from the Bell Green

Neighbourhood Area and Forum consultation responses.

Cllr John Paschoud's comments are attached; pasted below are two extracts of particular concern (my italics). He says the Forum is not inclusive, and seems to suggest that the Forum has some kind of dishonest motives or agenda. Cllr Paschoud's comments fail to treat the committee with respect; it is another example of his bullying behaviour, and malicious allegations. If he has evidence of conflict of interests or lack of inclusion, he needs to present it immediately.

"I am objecting to the present proposal mainly because it would preclude the development of a much more focused and beneficial area, and plan, and would risk dominating the views of residents and other stakeholders in the key area, *by those of a few others with less direct interests.*"

... the promotion and development of the forum to date *has not been inclusive and seems to be driven by a collection of potentially conflicting interests.* "

Only complete this next section if you are requesting that your identity is kept confidential

5. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:

- you will be at risk of physical harm if your identity is disclosed; you are a Council employee who works closely with the member concerned and you are afraid of the effect on your employment if your identity is disclosed;
- you have a serious medical condition and there are medical risks associated with the disclosure of your identity

Please note that requests for confidentiality or requests for withholding the details of your complaint will not automatically be granted. The Monitoring Officer will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Additional Help

6. Complaints must be made in writing including by fax or e-mail. We can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.

If you need any support to complete this form, please let us know as soon as possible.

Complaints must be sent to : The Monitoring Officer

London Borough of Lewisham

Lewisham Town Hall

Catford

London SE6 4RU

Tel: 020 8314 7648

Fax: 020 8314 3107

E mail: monitoring.officer@lewisham.gov.uk

7. Equality monitoring questions

Lewisham Council has an equal opportunities policy and is keen to ensure that it is working efficiently. The information you provide in this section will be used for statistical monitoring only.

(Please tick the appropriate box)

Female <input type="checkbox"/>	Age	Date of birth
	57	22/01/1965

Ethnic origin (2001 Census categories) Please indicate below (tick one box only)

White		Mixed		Asian or Asian British	
<input type="checkbox"/>	British		White and Black Caribbean		Indian
	Irish		White and Black African		Pakistani
	Turkish/Turkish Cypriot		White and Asian		Bangladeshi
	Any other white background		Any other mixed background		Tamil
					Any other Asian background

Black or Black British Chinese or other ethnic group

	Caribbean		Chinese	
	African		Vietnamese	
	Any other black background		Any other ethnic group	

Do you consider yourself disabled?

<input type="checkbox"/>	Yes		No
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(Note: the Disability Discrimination Act says that this would be “a substantial or long term physical or mental impairment or health issue which could adversely affect your ability to carry on normal day to day activities”)

Examples of Disabilities – the following list of conditions or impairments is given as a guide only and is not meant to be exclusive. We have provided this list as it may help you to answer the question

Hearing, speech or visual impairments

(if you wear glasses or contact lenses this is not normally considered a disability)

Co-ordination, dexterity or mobility

(eg polio, spinal cord injury, back problems, repetitive strain injury)

Mental health

(eg schizophrenia, depression, severe phobias)

Speech Impairment

(eg stammering)

Learning Disabilities

(eg Down’s Syndrome)

Other physical or medical conditions

(eg diabetes, epilepsy, arthritis, cardiovascular conditions, haemophilia, asthma, cancer, facial disfigurement, sickle cell, dyslexia, etc)



Council rejects Bell Green Neighbourhood Forum

1 message

John Paschoud <john.paschoud@lewisham.org.uk>

Thu, 25 Aug 2022 at 10:08

To: bellgreen Neighbourhood Forum <bellgreennf@gmail.com>

Cc: Wise, Cllr Susan <susan.wise@lewisham.gov.uk>, Sheikh, Cllr Sakina <Sakina.Sheikh@lewisham.gov.uk>, Cllr Liam Curran <liam.curran@lewisham.gov.uk>, Best, Cllr Chris <chris.best@lewisham.gov.uk>, Lavery, Cllr Jack <Jack.Lavery@lewisham.gov.uk>, Paschoud, Cllr Jacqueline <jacq.paschoud@lewisham.gov.uk>, Onikosi, Cllr Rachel <Rachel.Onikosi@lewisham.gov.uk>, Emma Talbot <emma.talbot@lewisham.gov.uk>

I'm afraid that, due to family commitments over this bank holiday weekend, I couldn't make a meeting this Saturday.

I note that the Council's Director of Planning (in the response you quote) says that a new application would need to be made by at least 21 residents (in the widest sense) of the more appropriate area she suggests for a Neighbourhood Forum; and that this can include councillors representing any Council ward included. I have some reservations about the revised area proposed (by the DoP on behalf of the Council) and my personal view would be to make some small amendments to better represent the coherent neighbourhood of Bell Green - and the people who live, learn and work there. But that would still include parts of Perry Vale ward, and I would suggest that if the would-be committee of the BGNF was able to welcome and work constructively with all (8) of the elected councillors for the area, those councillors would comprise a significant proportion of the 21 supporters required for an application to proceed to the next stage.

I participated in some of the earlier meetings of people wishing to start the BGNF, but they did not feel very welcoming. I'm also deterred from participating in future because I've witnessed one committee member (who is still actively involved as far as I know) verbally attacking and abusing our Member of Parliament in the street, and the same person has attempted to attack me at a Council Planning meeting, where they had to be physically restrained by several officers. If those wishing to start the BGNF want to take on the responsibility of a quasi-public body, then they will need to consider the higher standards that people may expect of them - as they do of us as elected representatives.

When it's apparent that this issue has been addressed I'll be happy to participate in the process of establishing a Forum covering an appropriate area of Bell Green. I've always supported that in principle, and it would be relevant to many of the Perry Vale residents I represent, whether their addresses fall within or outside the Area that is (I hope) eventually agreed.

Best wishes,

John

On Wed, 24 Aug 2022, 21:07 bellgreen Neighbourhood Forum, <bellgreennf@gmail.com> wrote:

[Quoted text hidden]

Response ID ANON-MWH4-BASM-3

Submitted to Application for Bell Green Neighbourhood Area and Forum
Submitted on 2022-06-03 01:22:18

Introduction

1 What is your name?

Name:

John Paschoud

2 What is your email address?

Email:

xxxx.xxxxxxxx@xxxxxxx.xxx.xx

3 What is your organisation?

Organisation:

Lewisham Council

Application for Bell Green Neighbourhood Area and Forum

4 Are you a resident in the proposed Bell Green neighbourhood area?

No

If you have any further comments please provide below:

I am a ward councillor representing Perry Vale ward.

5 Are you a business owner in the proposed Bell Green neighbourhood area?

No

If you have any further comments please provide below:

6 If you are neither a resident or business owner, could you please confirm your relationship to the proposed Bell Green neighbourhood area?

What is your relationship to the proposed Bell Green neighbourhood area:

I am a ward councillor representing Perry Vale ward. I am a resident of and a ward councillor representing part of the wider area served by the retail catchment of Bell Green, and (in common with approx 15,000 other residents of Perry Vale ward) a user or potential user of retail and other facilities that are or could be provided by Bell Green as a centre.

7 Do you support or object to the proposed Bell Green neighbourhood area designation?

Object

Please tell us why to support or object to the neighbourhood area:

The neighbourhood area (NA) boundary proposed does not define a coherent neighbourhood with common characteristics. It covers the Bell Green retail park (mainly the area of the former gasworks) and selective parts of the catchment / hinterland that are served by retail and other businesses of Bell Green. As such the adoption of a NA on these boundaries would effectively 'blight' the progress of other potential NAs covering parts of this area, which form parts of other neighborhoods with consistent common features, such as (but not limited to) the Bellingham 'cottage' estate (to the East), the residential / retail area of Lower Sydenham to the Southwest, and the mainly residential neighbourhood to the North along Perry Hill. Whilst these (and their residents) may all have a relationship with Bell Green, as users of services there as a retail/district centre, they will similarly relate to other, longer-established centres such as Catford and Sydenham.

A NA with a more rational boundary could be of benefit to the Bell Green area and its future regeneration, and be more representative of residents of the area, by being confined to the site itself and the immediately surrounding road network and transport links. It would include the Livesey Hall and associated land (which was connected to the former industrial site), but has little relationship to the houses of Selworthy Road and other residential roads further North. Bell Green is similarly divided by the river and railway line from the residential streets which are clearly part of (and were developed with) the cottage estate of Bellingham. It makes sense to include the road network that now forms the gyratory system and access to the site; and the present site of Lower Sydenham rail station in a NA; but the Home Park estate and Home Park itself have a distinct character of their own and their residents may not be well represented in the views of a NF with the arbitrary boundary proposed. A more viable Southern boundary would be Stanton Way. There is similarly no justification for including an arbitrary area of residential streets within Sydenham and Perry Vale wards.

A more limited NA as described above would focus on the area of common history and character, and the present (small) and future (potentially much larger) residential population of this area.

I am objecting to the present proposal mainly because it would preclude the development of a much more focused and beneficial area, and plan, and would risk dominating the views of residents and other stakeholders in the key area, by those of a few others with less direct interests.

8 Do you support or object to the proposed Bell Green neighbourhood forum designation?

Object

Please tell us why you support or object to the neighbourhood forum:

For the reasons above relating to the area 'claimed' by the proposed forum. Also because the promotion and development of the forum to date has not been inclusive and seems to be driven by a collection of potentially conflicting interests.

9 Do you have any further comments regarding your support or objection to the proposed Bell Green neighbourhood area and forum?

Do you have any further comments regarding your support or objection to the neighbourhood area and forum?:

LBL Member Code of Conduct

1. Introduction

- 1.1 This Code sets out the principles and standards of behaviour for all members of the London Borough of Lewisham, both elected and co-opted members. It is designed to demonstrate the Council's commitment to the highest standards of ethical behaviour. Certain minimum requirements are set out in law and these are all included in this Code. However, the Council has put in place some elements of this Code by exercising its own local discretion to do so. Those elements which the Council has included under this discretionary power are contained within text boxes below.
- 1.2 For the avoidance of doubt, when the term "members" is used in this Code, or any appendices or protocols under it, it means the Mayor, elected and co-opted members.

2 Principles

- 2.1 Members are required to comply with the following principles in their capacity as a member:-

- SELFLESSNESS
- INTEGRITY
- OBJECTIVITY
- ACCOUNTABILITY
- OPENNESS
- HONESTY
- LEADERSHIP

- | |
|---|
| <ul style="list-style-type: none">• INDEPENDENT JUDGEMENT• RESPECT• STEWARDSHIP |
|---|

- 2.2 Accordingly the following requirements apply:-

- 1) Members must act solely in the public interest. They must never improperly confer an advantage or disadvantage on any person nor seek to do so. They must not act to gain financial or other benefit for themselves, their family, friends or close associates.

- 2) Members must not place themselves under a financial or other obligation to any individual or organisation that might seek to influence the performance of their duties as a member.

LBL requires that members must not act to place themselves in a position where their integrity might reasonably be questioned and should on all occasions avoid situations which may create the impression of improper behaviour

- 3) Members should make decisions on merit, including when awarding contracts, making appointments, or recommending individuals for rewards or benefits.
- 4) Members are accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their office.
- 5) Members should be as open as possible about their decisions and actions and those of the Council. They should be prepared to give reasons for those decisions and have regard to the advice of the Council's statutory officers before making any decision.
- 6) Members must act to ensure Council resources are used prudently. When using or authorising the use by others of Council resources, members must ensure that they are used only for legitimate Council purposes and not for any other purpose. In particular they must not be used improperly for political purposes (including party political purposes). Members must have regard to any applicable Local Authority Code on Publicity under the Local Government Act 1986.

- 7) Members must take account of the views of others, including their political groups, but must reach their own conclusions and act in accordance with those conclusions.
- 8) Members should promote equality and not discriminate unlawfully against any person, and treat all people with respect. Whilst it is acknowledged that political debate may at times be robust and forthright, and that the right of freedom of expression is essential to vibrant political discourse, members should ensure that their comments and behaviour do not overstep the line of acceptability. They should not bully any person. They should respect the impartiality and integrity of the Council's officers

- 9) Members should promote and support high standards of conduct in particular as characterised by the above requirements by leadership and example.

3 When does this Code apply?

- 3.1 This Code applies at all times when members act in their capacity as member or claim to do so.

4 Personal interests

4.1 There are three categories of personal interest.

- Disclosable pecuniary interest
- Other registerable interest
- Non registerable interest

Disclosable pecuniary interest

4.2 The definition of disclosable pecuniary interest is set out in regulation. It is as follows:-

1 Employment, office, trade, profession or vacation

Any employment, office, trade, profession or vocation carried on by a relevant person for profit or gain.*

2 Sponsorship

Any payment or provision of any other financial benefit (other than from the Council) made or provided within the 12 months prior to the date of giving notice of interest for inclusion in the register in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

3 Contracts

Any contract which is made between a relevant person (or a firm in which they are a partner, or a body corporate in which they are a director or in the securities** of which body corporate they have a beneficial interest) and the relevant authority—*

(a) under which goods or services are to be provided or works are to be executed; and

(b) which has not been fully discharged.

4 Land

Any beneficial interest in land which is within the borough.

5 Licences

Any licence (alone or jointly with others) to occupy land in the borough for a month or longer.

6 Corporate tenancies

Any tenancy where (to the Member's knowledge)—

- (a) the landlord is the Council; and*
- (b) the tenant is a body in which the relevant person* is a firm in which they are a partner, or a body corporate in which they are a director or in the securities** of which body corporate they have a beneficial interest.*

7 Securities

Any beneficial interest in securities of a body where—

- (a) that body (to the Member's knowledge) has a place of business or land in the borough; and*
- (b) either—*
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or*
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds one hundredth of the total issued share capital of that class.*

** For the purposes of this paragraph 4.2, a "relevant person" is:-*

- (i) the Member, their spouse, or civil partner;*
- (ii) a person with whom the member is living as husband and wife; or*
- (iii) a person with whom the member is living as if they were civil partners.*

*** For the purposes of this paragraph 4.2, "securities" means shares, debentures, debenture stock, loan stock, units of a collective investment scheme within the meaning of the Financial Services and markets Act 2000 and other securities of any description other than money deposited with a building society*

- 4.3 Members must within 28 days of taking office as a member, notify the Monitoring Officer of any disclosable pecuniary interest where the pecuniary interest is the interest of themselves, their spouse or civil partner (or is the interest of someone with whom the member lives as spouse or civil partner) for inclusion in the Register of Members' Interests.

Other registerable interest

- 4.4 Members must also within 28 days of taking office as a member, notify the Monitoring Officer of such further interests as LB Lewisham has decided should be included in the register

Membership or position of control or management in:-

- *Any body to which you were appointed or nominated by the Council*
- *Any body exercising functions of a public nature (described below) or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party*

Any person from whom you have received a gift or hospitality with an estimated value of at least £25

There is no definitive list of bodies exercising functions of a public nature, but those bodies which:-

- *carry out a public service, or*
- *take the place of local/central government (including through outsourcing); or*
- *carry out a function under legislation or in pursuit of a statutory power; or*
- *can be judicially reviewed,*

are likely to be bodies carrying out functions of a public nature. They include bodies such as government agencies, other councils, health bodies, council owned companies, ALMOs, school governing bodies.

- 4.5 LBL requires all members to ensure that their entries on the Register of Members' Interests are kept up to date annually and that they notify the Monitoring Officer of any change to their interests within 28 days of the change arising

5. Declaration of interests

Disclosable pecuniary interest

- 5.1 By law, Members with a disclosable pecuniary interest may not participate in any discussion of, vote on, or discharge any function relating to any matter in which the member has such an interest, unless a dispensation has been granted under Section 33 Localism Act 2011.

5.2 In Lewisham decisions relating to dispensation may only be taken by the Standards Committee which will decide each case on its merits.

5.3 The law requires that if a member has a disclosable pecuniary interest which is not entered on the Register of Members' Interests, then the member must disclose the interest to any meeting of the Council at which they are present where they have a disclosable interest in any matter being considered at that meeting. However this shall not apply if the interest is a 'sensitive interest' (see para 5.4 below.) Following any such disclosure the law requires that members update their entry in the Register of Members' Interests within 28 days of the date of disclosure. In this context the law defines a meeting as a meeting of the Council, or any committee, sub-committee or joint committee of it.

5.4 A 'sensitive interest' is an interest the disclosure of which the member and Monitoring Officer have agreed could lead to the member or a person connected with them being subject to violence or intimidation

Other registerable interests

5.5 Members must also comply with such other provisions as the Council may require in relation to declarations of interest. The provisions which the Council has decided to include in this Code in relation to the declaration of interests are set out in paragraphs 5.6 to 5.11 below.

5.6 LBL requires that whenever a member has a registerable interest (pecuniary or otherwise) in any matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not improperly seek to influence the decision in any way.

5.7 Where the member has a registerable interest which falls short of a disclosable pecuniary interest, the member must still declare the nature of that interest to the meeting at the earliest opportunity and in any event before the matter is considered, but unless paragraph 5.8 below applies, provided the member does so, they may stay in the room and participate in consideration of the matter and vote on it.

5.8 Where a member has an interest which under this Code would not be a disclosable pecuniary interest but would be registerable (and therefore would not generally by law prevent participation in consideration of a matter in which the member has that interest,) the member must consider whether a reasonable member of the public in possession of all the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.

Non-registerable interests

- 5.9 Occasions may arise where a matter under consideration would, or would be likely to, affect the wellbeing of the member, their family, friend or close associate(s) more than it would affect those in the local area generally, but which is not required to be included in the Register of Members' Interests (for example, a decision in relation to a school closure, where a member has a child at the school). In such matters, members must comply with paragraph 5 in its entirety as if the interest were a registerable one.
- 5.10 Decisions in relation to the declaration of interests are for the member's personal judgement. However members must consider not only whether they have an actual interest in a matter under discussion but should at all times seek to avoid the impression being created that their judgement of the public interest is or is likely to be impaired by their personal interests.
- 5.11 The provisions of this paragraph 5 apply not only to meetings but to circumstances where a member makes a decision alone.

6. ACCESS TO INFORMATION

- 6.1 Members must not disclose confidential information given to them in the course of their duties without the consent of the person entitled to give it unless:-
- (a) there is a legal requirement to disclose the information, or
 - (b) the disclosure is to a third person for the purpose of obtaining professional advice and the third party agrees not to disclose it, or
 - (c) the disclosure is reasonable, in the public interest, made in good faith and made in accordance with the Council's reasonable requirements.
- 6.2 Conversely, members must not prevent access to information to which another is entitled by law.

7. GIFTS AND HOSPITALITY

The Council maintains a Register of Gifts and Hospitality in which all members must register gifts and hospitality received from any party of £25 or over. Members must also register the identity of the party whom they believe to be the source of the hospitality or gift. Members must also record in this register any gift or hospitality offered to them but not accepted if it exceeds £25. This register will be publicly available on the Council's website.

8 PROTOCOLS

From time to time, the Council may put in place protocols which clarify this Code of Conduct and will be used to interpret it. Members must comply with any such protocols in place from time to time. There are attached to this Code 5 such protocols:-

- (1) Member and Officer relations
- (2) Member Use of IT
- (3) Planning and Lobbying
- (4) Local Authority Code on Publicity
- (5) Guidance Code for Members on Outside Bodies

9 UNDERTAKING TO COMPLY

LBL requires that all members sign an undertaking within two months of being elected to abide by this Code of Conduct. Failure to do so will itself amount to a breach.

10 SANCTIONS

Members are reminded that breach of any of the statutory requirements relating to the registration and declaration of interests may result in prosecution. Breach of the provisions introduced locally by the Council will be dealt with in accordance with the Council's procedure for handling allegations of breach of this Code

Members in need of advice about the application of this Code should contact the Head of Law and Monitoring Officer, Kath Nicholson on extension 47648

Procedure for handling complaints of breach of the Member Code of Conduct

Introduction

- 1) This booklet describes the procedure that the London Borough of Lewisham will use to deal with complaints of breach of its Member Code of Conduct.

Making a complaint

- 2) Complaints should be made in writing (including by fax or email) to the Monitoring Officer, LB Lewisham, Town Hall, Catford, London SE6 4RU (fax no 0208 314 3107); email monitoring.officer@lewisham.gov.uk . Complaints may be made using the Ethics Complaint Form available on the Council's website, <http://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/how-council-is-run/Documents/Form%20Ethics%20Complaints.pdf>, and from the Monitoring Officer. If a complainant find it hard to put their complaint in writing, Council staff will help them to do so. The Council will make reasonable adjustments to help a disabled complainant.

Notice of complaint

- 3) The Monitoring Officer will normally write to the complainant to acknowledge their complaint and write to the member concerned to tell them that an allegation has been received. The Monitoring Officer may decide that it is not appropriate to inform the member if s/he thinks it is not appropriate to do so, for example if by doing so any investigation would be affected, or there might be a risk that evidence could be destroyed.
- 4) Unless the Monitoring Officer decides that it would not be appropriate to inform the member of the complaint, s/he will also tell the member the paragraphs of the Member Code of Conduct that may have been breached.
- 5) The Monitoring Officer will normally tell the member concerned the name of the complainant, unless the Monitoring Officer thinks in all the circumstances it is appropriate not to do so.

Informal resolution

- 6) In some circumstances it may be possible to resolve the complaint informally without considering whether it is necessary to proceed to investigation. If the complainant and the member concerned agree to this and it appears to the Monitoring Officer that informal resolution is appropriate, s/he will seek to achieve an informal resolution at that stage. It may be for example, in less serious allegations that an apology or a meeting between the parties may resolve the issue. However informal resolution is unlikely to be appropriate if the allegation is serious or the parties do not agree.

Initial assessment

7) If informal resolution is not appropriate or possible, the Monitoring Officer will make initial enquiries so that s/he may reach a decision about whether the matter should be investigated in detail. If the Monitoring Officer is not satisfied that:-

- the complaint is against a member of the Council,
- the member was in office at the time of the alleged complaint , and
- the complaint, if proven would amount to a breach of the Member Code of Conduct in place at the time of the alleged breach

then the complaint cannot be investigated.

8) **In making an initial assessment, the Monitoring Officer will apply assessment criteria in deciding whether to investigate further.** These assessment criteria are designed to promote confidence that complaints will be taken seriously and dealt with properly. They also reflect the fact that any decision to investigate a complaint will cost public money and both officer and member time. The criteria are designed to balance the need to promote confidence in local governance and to make sure that public resources are applied appropriately.

Public interest – The Monitoring Officer must be satisfied that an investigation would be in the public interest, taking into account the time and cost involved. If the Monitoring Officer is not so satisfied s/he will decide not to investigate.

Sufficient information – The complainant must provide sufficient information to warrant an investigation. If not the Monitoring Officer will take no further action unless additional information is provided by the complainant.

Previous action – If there has already been an investigation or some other action under the Code of Conduct or by another regulatory body, in relation to the complaint, the Monitoring Officer will not normally decide to investigate, though s/he may do so if circumstances dictate (e.g. if a criminal charge was dropped)

Repeated complaints – If the complaint is the same or substantially the same as one previously dealt with, the Monitoring Officer will normally decide not to investigate.

Timing – If there has been a significant delay between the incident complained of and the submission of the complaint, the matter will not normally be investigated.

Trivial matters – If the Monitoring Officer takes the view that the matter is not sufficiently serious to warrant further action, no further action will be taken, unless there are compelling reasons to do so.

Ulterior motive – No further action will be taken if it appears to the Monitoring Officer that the complaint is motivated by malice or retaliation unless it involves a serious allegation.

Special circumstances – There may be circumstances where the Monitoring Officer takes the view that an investigation should occur even though the application of these criteria would suggest otherwise. For example, were a very serious allegation to be made after a long delay, it may be appropriate to investigate notwithstanding the delay.

These criteria are for general guidance, but they have to be applied in the light of any particular circumstances of each case.

Police involvement

- 9) If it appears to the Monitoring Officer at any time that if proven the breach might amount to a breach of the criminal law and a referral to the police is appropriate, s/he may, if appropriate, defer any decision about investigation until the police investigation is complete.

Investigation

- 10) If the Monitoring Officer decides that an investigation is appropriate, s/he will investigate the complaint or appoint another person to do so on her behalf. The investigation will be conducted thoroughly and both members and staff are required to co-operate with such investigation. Once the investigation is complete the Monitoring Officer, or person appointed to investigate on her/his behalf, will prepare a report for a sub committee of the Standards Committee. A copy of that report will be sent to the member concerned at least 4 weeks before the meeting of the sub committee. The member concerned will be entitled to make a written submission to the Standards Committee, but if s/he does so it must be delivered to the Monitoring Officer at least 2 weeks before the Sub Committee meeting.

Independent Person

- 11) The Council has appointed an Independent Person whose views are to be sought prior to the Standards Sub Committee making any decision on an allegation that has been investigated. The Monitoring Officer will therefore send her/his report to the Independent Person at the same time as s/he sends it to the member concerned. Should the member make any written representations in response, the member may also send these to the Independent Person, but should they fail to do so, the Monitoring Officer will do so.
- 12) The comments of the Independent Person will be made in writing and presented to the Standards Sub Committee for consideration.
- 13) The member concerned is also entitled to approach the Independent Person directly for their views.

Standards Sub Committee meeting

- 14) The Standards Sub Committee will meet to consider the report of the Monitoring Officer and any written representations made by the member concerned as well as any views received from the Independent Person. The member will be entitled to attend the meeting, which will normally be held in public unless the Sub Committee takes the view that there are compelling reasons to the contrary. The Sub Committee will not normally take oral evidence at the meeting (but may decide to do so in appropriate cases). However it may require the member concerned, the Monitoring Officer (and/or person appointed on her/his behalf to investigate), the Independent Person and/or any other person to attend to answer their questions. The conduct of the meeting will be a matter for the Chair so long as the process used accords with the principles of fairness and natural justice. Legal advice will be available to the meeting.

Findings

- 15) The Standards Sub Committee will decide whether there has been a breach of the Member Code of Conduct. Both the complainant and the member concerned will be notified in writing of the decision.

Appeal

- 16) If there is a finding of breach, the Member concerned may appeal to a different sub committee of the Standards Committee within 21 days of the date of notification. The decision of that sub-committee will be final.

Sanctions

- 17) If there is a finding of breach of the Member Code of Conduct, the Standards Sub Committee will decide whether it is appropriate to require action to be taken in respect of it. That may be a sanction, such as censure or in certain circumstances the withdrawal of access to Council facilities provided that is proportionate and does not interfere unduly with the members' ability to carry out their duties as a member. It may also report any finding of breach to the full Council and/or publicise them on the website and/or in a local newspaper. It may also recommend that a member in breach undergo training, or that Council processes be amended.

Statement: Julia Webb,

7th February 2023

Following the conclusion of the strategic Planning Committee meeting on 28th April 2022, which had permitted the revised development of Our Lady & St Philip Neri School, I approached the chair, Cllr John Paschoud and the Director of Planning, to register a complaint about the committee's procedure. The meeting was held in the Council Chamber, and they were both behind the top desk. I am not sure of the distance, but given the number of people milling around, I couldn't get close to the table, and was craning my neck to have a conversation. I was extremely upset, as a number of procedural matters had been troubling. The layout of participants in the chamber made it impossible to see people as they spoke; only the remote participants were shown on the big screen. I was seated, and spoke from the very back row of the tiered chamber, and could only see the back of the heads of the committee, seated in the front tier. There was very little discussion, and no questions directed at me, while the developers were given a great deal of space. My case was also undermined by the Chair allowing a supporter to speak after my presentation for the objectors. This is in a case in which I have struggled to get Lewisham to enforce a shocking series of planning breaches since July 2017; enforcement was supported by the Planning Inspector (where I was a Rule 6 participant), then at the High Court (where I was a party). Lewisham failed to enforce, then rushed through an application with minimum remediation at short notice during electoral purdah, months after the expiry of the deadline for completion of all works, imposed by PINS and the High Court. I can supply a brief summary of the situation if it would be helpful.

After a couple of minutes, the Director of Planning came around from behind the table to continue the conversation more conveniently, seeming sympathetic to my distress. She cannot have felt that I posed any threat, or she would have not come around from behind the table to speak to me. A couple of minutes later, Cllr John Paschoud appeared beside us, having also come from behind the desk. He did not speak, but was listening, smiling, and standing very close, in a way that I thought intrusive and very much 'in my face'. I felt his presence was intended to mock and to intimidate, as he had nothing to contribute to the discussion. I asked Cllr John Paschoud four times to please step away, as he was not welcome, intrusive, and was making me feel uncomfortable. At the fifth time, I pointed out that I had already asked him to go repeatedly, and stressed my point by asking him mildly to piss off. In the circumstances, after so many requests, I don't think that my wording should have been particularly surprising to him.

Cllr John Paschoud's accusations of my attempting to attack him are astonishing. He says that my intent seemed to be physical violence, raises the possibility of my carrying a weapon, and said that I needed to be restrained by officers. I have never been violent, am appalled that such a slur should be made against me, and even more appalled that this should be used to discredit the Bell Green Neighbourhood Forum. It is surprising that Cllr John Paschoud cannot remember the identity of officers who allegedly needed to physically restrain me, and that he made no contemporaneous notes of an such 'attack'. It is even more surprising that such a sensational incident passed unnoticed by up to forty people in the area, and that no witnesses can be produced by Cllr Paschoud to support his account.

Cllr John Paschoud's concerns for the safety of council members and officers is, of course, very important. However, he is stretching the definition to cover members of the public disagreeing with his actions, while abusing his considerable power as a chair by treating residents with contempt. During meetings, councillors are in total control; they can deny residents a proper hearing, they can be dismissive and mocking, and repeat these positions on social media. It is not abusive for a resident to challenge this conduct, and to scrutinise council decisions.

Julia Webb

**Statement: Cllr Paschoud
3rd January 2023**

Dear Melanie,

The complainant isn't identified to me, but I assume it's one of three individuals I know to be associated with the would-be Bell Green Neighbourhood Forum, one of whom is currently a Lewisham councillor, one a former councillor, and one an 'activist' well known to Council staff in Planning and other services.

I've attached copies of the complete email which seems to be complained about here, from my own records and in appropriate evidential form (the ".eml") as well as a more readable PDF. I hope those are helpful to you.

The incident which I described in that email occurred at (just after the conclusion of) the Strategic Planning Committee meeting on 28th April 2022 which had permitted the revised development of Our Lady & St Philip Neri School, and was witnessed by several councillors and officers - including those who restrained the person attempting to attack me, who was identifiable as Julia Webb. The attack directed at myself on 28th April occurred just after the conclusion of the meeting and therefore is not included on the webcast of that meeting; but it should be possible to identify some of the Council officers who would have been present at that time from those appearing during the webcast. They included Emma Talbot, the Director of Planning. As I recall (I didn't make any notes at the time) Ms Webb left the public area of the Council Chamber (where she can be seen seated earlier in the webcast of the meeting) and walked towards the meeting chair's table (on the floor of the chamber) and myself. I was at that point standing in front of the table, talking with officers who had just participated. Ms Webb was shouting, fairly incoherently and I cannot recall her exact words. She appeared to be quite angry and was staring at me. Several officers (including Ms Talbot) moved to surround and contain Ms Webb, and calmed her down.

The verbal attack on Ellie Reeves MP by Julia Webb that I also mention occurred on 29th April 2022 at around 11am, in Porthcawe Road, Lower Sydenham. Ms Reeves and others present (of whom Ms Reeves' office may have a record) would be able to confirm the latter.

I would not have said at the time that I was in any great fear of physical violence, even though that seemed to be the intent of Ms Webb towards me. She did not appear to have any sort of visible weapon, she is significantly smaller than me, and there were many other people still in the room. However, I do feel that it is a responsibility of Council legal officers to ensure that the Council premises in which we (elected members and the officers who support us) fulfil our duties are as completely safe a place as possible for us to do so. When such assaults, whether physical or verbal, are perpetrated or even attempted by members of the public who we invite into those spaces, I believe that appropriate action should be taken to make it clear, to the perpetrators and anyone else who may be inspired to follow their example. Whilst our Code of Conduct makes it clear that we should treat everyone with whom we deal with respect, as the complainant reminds us, the corollary of that is that councillors, performing the duties for which we have been elected, should be accorded due respect from others participating in those processes; and we should all be able to do so without fear of violence of any sort.

I did not choose to raise this on or immediately after 28th April, and perhaps in hindsight I should have been less tolerant and forgiving at the time. However, regardless of the outcome of this complaint against myself, I am now requesting that you open an investigation into the attempted attack on myself and/or Council officers by Ms Julia Webb

which took place immediately after a formal Council meeting, on Council premises, and in front of many witnesses; and that as it involved a potential criminal assault, the Police should be involved in that investigation. Please let me know how you will be proceeding with that, as well as with any complaint against myself.

It was not clear (from you or from Jeremy) whether you're also expecting me to expand on the comments I made in response to the public consultation, which are also quoted in the complaint; nor on the "pattern of such allegations" also quoted. Please let me know, either way, but with more precise questions.

Best wishes,

John

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Cllr John Paschoud

Representing [Perry Vale ward](#)

Vice-chair, [Lewisham Strategic Planning Committee](#)

Member and Trustee of the [London Road Safety Council](#)
representing Lewisham

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Statement: Emma Talbot
4th January 2023

Hi Mel,

I did have a good break thanks. Hope you did too.

I remember the meeting and happy to answer any questions. Jennifer Daothong also joined me at the top table at the end as John and I were immediately approached by Julia Webb at the end of the meeting and subjected to quite an emotional outpouring from her.

After the decision was made, Julia approached the top table almost immediately was incredibly upset, crying, and calling out saying the committee hadn't asked her any questions and that I had refused to meet her and wouldn't talk to her. I recall her telling Cllr Paschoud to piss off after he had said something to her. I don't remember what he has said to her exactly but I don't recall him being rude to justify her saying that.

Chris Best also joined a group that formed around me and Julia when she continued for some time to cry and criticise how we'd dealt with the application and what she'd been through. I think John had moved away at that point – I think I might have gestured to him to go and leave it to me as they seemed to wind each other up a bit. It all went on for some time with Julia incredibly distressed and I made an offer to meet with Julia if she emailed me.

After Julia left, Jennifer and I found her sitting on a wall outside the Civic Suite with her phone in her hand crying. We approached and asked if we could help get her someone where she would be safer as we didn't feel we could just leave her there. I was worried that she was incredibly vulnerable at that point. She told Jennifer and I to fuck off and leave her alone and that she'd be fine so we did have to leave her there in the end.

My take away from it is that emotions were heightened and Julia's reaction to the decision was quite extreme. I felt very uncomfortable and initially quite nervous when she approached the top table calling out to us and crying. That said, I very quickly felt that her reaction was one of vulnerability rather than aggression. I didn't hear John say anything that I considered to be rude but there was certainly an exchange where Julia swore at him and she later swore at myself and Jennifer.

Regards

Emma Talbot