

Item 8, Appendix N

The following note of clarification was provided to the Committee by Liz Forgan, Chair of the Arts Council England on 12 November 2009.

The telephone conversation between Liz Forgan and the Mayor was prompted by his announcement that he intended to disregard his own process, agreed with the Arts Council and communicated to all short listed candidates. Instead of selecting from the names sent to him by a three-person interviewing panel including his own cultural adviser and someone from his Standards Commission, he decided to drop one name and substitute another which had not been recommended to him at all. This decision was conveyed to Liz Forgan by the Mayor's cultural adviser the day after the panel met. Liz Forgan made completely plain her opposition to his behaviour and set this out in a letter to him of 6 July 2009. His proposal to interview the three recommended candidates as well as the candidate whose name was not put forward was only "fairer" in the context of what she clearly pointed out to him was a grossly unfair alternative – the dropping of a name that the panel had judged as being of sufficient merit to forward to him.

Liz Forgan's letter to the Department of Culture, Media and Sport fully explained her reasons for concluding that the Mayor's nomination had breached the agreed process and had not been made on merit. They were and are unaffected by the telephone conversation of July 17.

The minutes of the interview panel which have now been published have not been shared with members of the panel, were not agreed by Liz Forgan and do not give an accurate account of her comments.

The Independent member of the interview panel has made a statement to the Mayor's standards commission which clearly corroborates this view of events.