

THE BISHOP'S DISCIPLINARY TRIBUNAL FOR THE DIOCESE OF LONDON

IN THE MATTER OF A COMPLAINT UNDER THE CLERGY DISCIPLINE MEASURE 2003

Complainant            The Venerable William Mungo Jacob

Respondent            The Reverend David Samuel Gilmore

**Constitution of the Tribunal :**

Canon Anne Alcock  
Canon Stephen Barney  
Revd Canon Dr Margaret Guite  
Revd Canon Rob Morris  
Canon Geoffrey Tattersall QC            Chairman

**DETERMINATION OF THE TRIBUNAL**

delivered on 16<sup>th</sup> December 2010

1.        This is the determination of the Tribunal in respect of allegations of misconduct made against the Reverend David Samuel Gilmore [‘the Respondent’]. Unless otherwise stated, the conclusions which we set out below are the unanimous conclusions of the Tribunal.

2.        We have reminded ourselves that the burden of proving allegations lies on the Designated Officer and that although the standard of proof is that of the balance of

probabilities, such is a flexible standard according to the seriousness of the complaint and the implications for a respondent of its being proved. We regard the allegations made against this Respondent as serious and which, if proved, will have profound implications for the Respondent. Accordingly we have sought for cogent evidence before concluding that we are satisfied on the balance of probabilities.

### *Introduction*

3. The Reverend James Stephen Francis, a chaplain in the Royal Navy, organized a Lesbian Gay Bisexual and Transgender Equality Conference in London on 3<sup>rd</sup> and 4<sup>th</sup> December 2009 in London for members of Her Majesty's Armed Forces. He asked the Respondent, the Rector of St Anne's Soho, whether he was prepared to allow St Anne's church hall to be used to provide accommodation for some delegates and the Respondent agreed to this. However because a group of delegates decided at the last moment not to stay overnight, only two servicemen required to be accommodated and the Respondent decided that these two men [whom we will describe as A and B] could stay in the Rectory itself.

4. It is common ground that A and B arrived at the Rectory shortly after 0200 am on 4<sup>th</sup> December 2009 and left at about 0800 am on the same day. They did not eat breakfast, even though the Respondent had arranged for this to be provided for them, and shortly thereafter at the conference complained to Revd Francis about the Respondent's behaviour towards them. Subsequently both A and B made written complaints.

5. On 17<sup>th</sup> December 2009 the Venerable William Mungo Jacob, the Archdeacon of Charring Cross, made a complaint against the Respondent pursuant to the Clergy Discipline Measure 2003 [the Measure']. It alleged that the Respondent :

'when it would appear that he was drunk, made indecent propositions of a sexual nature to the two complainants, and persisted in pressing his attentions on them when they had clearly indicated that his attentions were unwelcome.'

He attached the two statements of A and B and concluded thus :

'In my judgment these statements describe conduct inappropriate for a clergyman offering hospitality at the request of another priest for delegates to a conference organized by that priest ... . In my judgment this conduct amounts to conduct unbecoming a clerk in holy orders, and as one of the witnesses comments in his

statement, damages the Church's reputation, and poses a risk to young and vulnerable gay people who may turn to St Anne's and the Church as a secure place.'

6. The Bishop of London, the Diocesan Bishop, referred the matter to the Designated Officer for investigation pursuant to the Measure and, having considered the report of the Designated Officer, by letter dated 20<sup>th</sup> July 2010 the President of Tribunals informed the Archdeacon, the Bishop of London and the Respondent that he had concluded that there was a case for the Respondent to answer and that he referred the following charges to the bishop's disciplinary tribunal :

'that the Respondent ...engaged in conduct that is unbecoming or inappropriate to the office and work of a clerk in Holy Orders under section 8(1)(d) of the Clergy Discipline Measure in that, at the Rectory on 4 December 2009, he acted in a manner towards [A] and [B], for whom he was officially requested to provide accommodation in their capacity as delegates to a conference organized by a chaplain of the Royal Navy, that has caused them to complain to the organizer of the conference that the respondent

- (a) made indecent proposals to them;
- (b) acted indecently towards [B];
- (c) acted indecently in their presence in the accommodation provided for them, it having been made clear by them to him that his conduct was unwelcome;
- (d) should not be in a position to act in such a way to potentially vulnerable young people and damage the reputation of the Church'

7. So it was that on 10<sup>th</sup> November 2010 we heard oral evidence in support of such charges from Revd Francis, A and B. We also heard oral evidence from the Respondent and written evidence was adduced on his behalf from two other persons [whom we will describe as X and Y]. Having heard submissions from both Mr Iles, the Designated Officer and Mr Gelder, on behalf of the Respondent, we reserved our Determination which we now give.

8. At the conclusion of the hearing Mr Iles, relying on Rule 49(a) of the Clergy Discipline Rules 2005, asked the Tribunal to make an order that the name and any other identifying details of A and B must not be published or otherwise made public. Mr Gelder made a similar application in respect of X and Y. Being satisfied that such an order is desirable to protect the private lives of such persons, we order that the names and any other identifying details of A, B, X and Y shall not be published or otherwise made public

*The nature of the offence alleged against the Respondent*

9. Section 8(1) of the Clergy Discipline Measure 2003 provides that :

‘Disciplinary proceedings under this Measure may be instituted against any ... priest ... alleging any of the following acts or omissions - ...

(d) conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders.’

Hereinafter we will refer to ‘conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders’ as ‘misconduct’.

10. Although the Measure contains no definition of what conduct is ‘unbecoming or inappropriate to the office and work of a clerk in Holy Orders’, it is of assistance to refer to the *Canons of the Church of England* and the *Guidelines for the Professional Conduct of the Clergy*.

11. Canon C26 of the *Canons* relates to the manner of life of ministers. Paragraph 2 provides that :

‘A minister shall not give himself to such occupations, habits or recreations as do not befit his sacred calling, or may be detrimental to the performance of the duties of his office, or tend to be a just cause of offence to others ; and at all times he shall be diligent to frame and fashion his life and that of his family according to the doctrine of Christ, and to make himself and them, as much as in him lies, wholesome examples and patterns to the flock of Christ’

12. Paragraph 3.10 of the *Guidelines* states :

‘In their personal life the clergy should set an example of integrity in relationships and faithfulness in marriage.’

13. Paragraph 10.1 of the *Guidelines* states :

‘The clergy are called to a high standard of moral behaviour.’

14. We note that ‘the response to a vocation to serve as an ordained minister signifies the voluntary undertaking of obligations of sacrificial self-discipline above and beyond the requirements of secular and ecclesiastical law’ [see paragraph 1.3 of the *Guidelines*].

*Some preliminary matters*

15. Before considering the evidence adduced to the Tribunal it is important that we should record some preliminary matters.

16. Firstly, we note that in cross-examination Mr Gelder never sought to formally challenge any parts of the evidence of A or B and never suggested to them that they were in any way mistaken or dishonest in such evidence, notwithstanding that the Chairman had observed to Mr Gelder that, subject to his instructions, it might be appropriate for him to do so. That said it was clear to us from the Respondent's own evidence that the Respondent did not accept the accuracy or veracity of the evidence of A and B. Accordingly, although in his closing submissions Mr Iles observed that there had been no challenge to any of the evidence of A or B, we have completely disregarded such observation in reaching our decision.

17. Secondly, although there was some dispute as to whether A and B had visited more than one bar in Soho before returning to the Rectory and some cross-examination as to whether the true position had been set out in witness statements, we note that in their oral evidence A and B gave a relatively consistent account of events and we have concluded that the determinations of the allegations made against the Respondent is in no way assisted by what happened until shortly before A and B returned to the Rectory.

18. Thirdly, we were invited to consider whether A or B had any motive to make a false complaint, particularly when such complaint was made at the first available opportunity. For the reasons which appear below we are satisfied that there was no such motive. In so concluding we have borne in mind that they left the rectory at the earliest opportunity, made a complaint at the earliest opportunity and in their complaints did not seek to conceal matters which many might consider adverse to them, in particular their abuse of the Respondent's hospitality by arriving late and by insisting on sleeping together when their host might have been offended by such behaviour.

19. Finally it is important that we should record that, although we were unimpressed by the admittedly promiscuous behaviour of A and B, each of the members of the Tribunal was impressed by their frankness and honesty. Whilst, as hereinbefore appears, we were unable to be sure of the accuracy of everything that they said, we found no reason to doubt the truthfulness of their evidence or its accuracy on the major issues and we are bound to record that our outright rejection of the Respondent's account as to what happened after 0700 am bolstered our conclusion that the Respondent had behaved indecently towards B after A had retired to bed.

*The evidence*

20. It is convenient to consider the evidence chronologically and to identify all the available evidence and to set out our conclusions in respect thereof.

*Before A and B arrived at the Rectory*

21. We heard oral evidence from Revd Francis to the effect summarized in paragraph 3 above. He also described that on the evening of the first day of the Conference there was a reception at the Victory Services Club at which he introduced A to the Respondent and that thereafter there was a pre-arranged party at the KU club in Frith Street Soho which the Respondent left before most people, saying that he was tired. Such evidence was uncontroversial and we accept it.

22. Both A and B gave oral evidence. A was serving in the Royal Air Force and B was serving in the Royal Navy. At the time of the events described they were aged 30 and 20 respectively. Given the wording of the complaint we have asked ourselves whether A or B could be legitimately described as 'potentially vulnerable' and have concluded that in the absence of drink [it is noteworthy that the Respondent describes both of them as being very drunk] they could not be so described. Although when giving evidence B appeared as vulnerable, it became clear that he was able to deal with issues relating to his own sexuality.

23. In their letters of complaint and their witness statements both A and B say that they left the KU Bar at about 0200 am to return to the Respondent's Rectory and that they stopped off en route to purchase a take-away, including food for the Respondent which was intended as a way of apologizing for keeping him up late. The Respondent himself regarded the food as an apology for their late arrival at the Rectory.

24. Although, as we have already recorded, in their oral evidence both A and B both described leaving the KU Bar and going to another bar before walking to the Rectory, it did not seem to any of us that such difference had any materiality and we were satisfied that their oral evidence on this issue was both truthful and accurate.

25. We are satisfied that both A and B had consumed a significant quantity of alcohol before they went to the Rectory and we have borne such fact in mind when reaching our conclusions as to what happened subsequently.

26. We are satisfied that both A and B recognized that they were returning later to the Rectory than the Respondent might have anticipated : hence the need for the take-away meal for the Respondent which we are sure was intended as some kind of apology. We note that whilst the Respondent's text message sent to A at 0016 am merely said 'Back at home, whenever' which did not in our judgment connote any sense that the Respondent required the men to come to the Rectory urgently, his text message sent to A at 0154 am - 'Guys I need to sleep' - did connote such urgency.

27. We are also satisfied that, although there was a legitimate basis for misunderstanding about the time by which the Respondent had expected A and B to return to the Rectory, the Respondent was probably justifiably frustrated by the late return of A and B.

*At the Rectory before A went to bed*

28. The Respondent said that A and B arrived at the Rectory at about 0230 am. We accept this which is consistent with A and B having left the second bar at 0200 am and then purchasing take away meals and walking to the Rectory.

29. In their evidence B and the Respondent agree that when A and B arrived at the Rectory, the Respondent was wearing boxer shorts, a T shirt and socks. Although A says that initially the Respondent was only wearing boxer shorts and later put on a T shirt, we think that he must be wrong on this point. The Respondent explained that he was in bed and had put on some clothes to let them in. Although in his evidence the Respondent conceded that such clothing was probably inappropriate, and we agree, we do not think that any significant criticism should be made of the Respondent in this respect.

30. The Respondent says that both A and B were very drunk. Given that we accept that A and B were able to purchase food and find their way to the Rectory and that it is agreed that the Respondent offered them wine to drink with their take-away meals [which we think would have been inconceivable if they were already very drunk] and that each was able to engage with the Respondent in lengthy conversation, we do not accept that A and B were very drunk although we do accept that both had consumed a significant quantity of alcohol.

31. In his oral evidence B described what happened after he and A had gained entry to the Rectory. He stated that the Respondent had asked if they wanted wine and then went into the sitting room where they consumed the food and drank the wine. Initially he was sitting on the floor leaning against the front of the sofa but subsequently he got back ache and sat at the other end of the sofa on which the Respondent was sitting. There was much general talk and then the

sleeping arrangements were mentioned. B said that he wanted to go with A and the Respondent said that they could go into the spare room together. The Respondent offered for both A and B to sleep in bed with him but B said he would rather go with just A.

32. A said that the Respondent opened a bottle of wine and that they all drank some wine. He described the conversation as good to start with but that it descended into much banter and innuendo. It was in that context that the Respondent proposed that all three of them should share a bed. He was satisfied that this was not a joke on the Respondent's part and that he meant it seriously. A then rejected such offer and told the Respondent to behave himself. The Respondent then produced a second bottle of wine but A went to bed because he was tired. He left the Respondent reclining across the sofa with B sitting at the other end of it next to the Respondent's feet.

33. The Respondent said that although he was tired and did not need any food, he thought that it would be pastorally insensitive to refuse to accept it. Moreover he asked if they wanted a drink and, being asked what was available, agreed to provide wine. He said that during their conversations A told B 'You are in my bed tonight' whereupon the Respondent had stated 'Not unless you want me as a bolster between you'. The Respondent accepted that such may have not been the best way of expressing his view that A and B would not be permitted to sleep together. The Respondent expressly denied that there was any lengthy debauched conversation although he did concede that there was some conversation about A's boyfriend and the nature of their relationship.

34. On this part of the evidence we make the following findings.

35. We have no doubt that when A and B arrived at the Rectory it was the Respondent who, without any prompting from A or B, volunteered wine. Even without the benefit of hindsight, we believe that such was unwise. However we do not believe that this alone amounts to misconduct.

36. We are satisfied that the conversation between A, B and the Respondent did include matters of a lurid nature and that there was much banter and innuendo of a sexual nature from all sides. In our judgment this amounted to misconduct by the Respondent although, given the context and that the Respondent may well not have instigated such conversation, we would not have regarded this, taken alone, as very serious.

37. More importantly, A and B both stated that the Respondent asked them to sleep with him in his bed. We are satisfied that he made such an offer although we believe that such offer



was probably expressed in an ambiguous and jocular way, by reference to him being the bolster between them. However, given that we are sure that the Respondent was entertaining the possibility that either A or B or both of them might share his bed and that he would have been content that they did so, we adjudge that such amounted to misconduct.

*At the Rectory after A had gone to bed*

38. It is agreed that A went to bed leaving B still talking with the Respondent in the sitting room. At this time the Respondent stated that he was lying across a four seater settee and that B was sitting at the far end of such settee.

39. In his oral evidence B said that a number of things happened.

40. Firstly, B said that the Respondent placed his foot on B's thigh and then moved it up to his crotch area. B tried to remove the Respondent's foot but found a lot of resistance.

41. As to this allegation the Respondent conceded that whilst they were talking, his toe brushed against B's right leg. His recollection was that this happened because B shifted in his seat rather than because the Respondent himself moved. He said that at that point B had said words to the effect of 'are you making a move on me' whereupon the Respondent had replied light-heartedly 'if I was trying to make a move on you, you would know it'.

42. We have thus asked ourselves whether the Respondent's foot touching B's thigh or leg was accidental. We are satisfied that it was not. Had this been an accidental touching, prompted by B himself moving, we think that it is inconceivable that B would have said what the Respondent attributes to him. Moreover we think that such a remark would have not have been prompted merely by a touching of B's leg or thigh but was far more likely to have resulted from a deliberate movement of the Respondent's foot from B's leg to his crotch area. We thus accept B's evidence on this issue and reject that of the Respondent.

43. Secondly, B said that after about 10 minutes of lurid conversation, the Respondent placed his hand on B's thigh and moved it to his crotch area whereupon B got cross and ripped his hand away.

44. The Respondent denies this allegation although he admitted in his witness statement that 'I may well have placed my hand on his leg ([B] was fully dressed all the time) at some point, but it was never in a sexual manner'. He contended that his action has been taken completely out of context. In his oral evidence the Respondent said that his hand had touched

B's leg as he reached across to get an ashtray off a coffee table to prevent the ash from B's cigarette from falling on the sofa.

45. We found this explanation unconvincing, are satisfied that the Respondent's account is untrue and we reject it. We are sure that the Respondent's hand did deliberately touch the Respondent's leg and we accept B's evidence that such hand was moved to B's genital area and that B regarded such an act as unwelcome and moved the Respondent's hand away.

46. Thirdly, B said that between these two acts and thereafter the conversation was lurid. In particular B said that the Respondent had told him the size of his penis, made it clear that A and B were not the first people he had accommodated and tried to sexually lure, that he had never had a sailor before but soldiers were fun, and that he offered B to come and sleep with him in his bed. In addition B said that the Respondent referred to B's 'good looking, hot little body'.

47. Although the Respondent contended that the conversation with B began as a quasi pastoral conversation in which B wished to talk about personal matters in his life, he conceded that subsequently the conversation had a sexual flavour. For example he maintained that B had asked him 'are you trying to flatter me' [to which the Respondent had replied that he was not sexually interested in him at all] and 'are you getting hard' [by which the Respondent had understood B to ask him whether he was becoming sexually aroused by the conversation to which he had replied to the effect that 'you would know it if I was']. In his oral evidence the Respondent stressed that the latter was a flippant response to what he had considered to be a flippant comment by B.

48. We are bound to observe that when the Respondent was cross-examined on these issues he was very defensive. Frequently when he was asked a direct question by Mr Iles as to whether something had happened, he replied 'Yes, if it is in my statement'. It seemed to us that the Respondent was more keen to ensure consistency in his evidence rather than to answer such questions directly. However we bore in mind that it is the Respondent whose conduct was the subject of close scrutiny at the hearing and we have thus ignored any such defensiveness in evaluating the evidence.

49. Although both B and the Respondent agree that there was some conversation of a sexual nature, there is dispute as to its extent and who instigated it. We have found it difficult to resolve this issue. On this part of the evidence we make the following findings.

50. Whilst we are satisfied that there was some conversation about the Respondent's penis, we are not satisfied that it was the Respondent who initiated it. However we think it was

unwise for the Respondent to allow any such conversation to continue, as he did. Given that we have no doubt that B was more vulnerable than the Respondent by reason of his relative age, his being a guest in a stranger's house and his having had a quantity to drink, in our judgment the Respondent should have summarily ended such a conversation and it was inappropriate that he should fail to do so.

51. We are satisfied that the Respondent probably referred to past sexual conquests as B related in his evidence, but we are equally satisfied that such might well have been mere boasting on the part of the Respondent and we need to emphasise that there is no evidence to justify a conclusion that such talk was true

52. We are satisfied that the Respondent did offer B to come and sleep with him in his bed, which offer B declined, and that he described B's body in terms such as described by B. In our judgment this was misconduct on the part of the Respondent, particularly given our findings as to B's vulnerability.

53. Fourthly, B said that when B had rebuffed the Respondent's advances, the Respondent had said 'don't repeat this conversation or I will get hanged.'

54. The Respondent said that the reference to hanging arose thus. The Respondent, having assured B that their conversation was confidential, observed that there were things in everyone's life, including his own, which each of us regrets and for which 'we would be hung' if they were repeated.

55. We did not find the Respondent's explanation in any way convincing. We do not think that it is likely that the conversation would have arisen in the way described by the Respondent. We think that it is far more likely, and probable, that the Respondent, having realised that he had behaved improperly to B, was anxious to stress to B the importance of him not disclosing to anyone what had occurred and the potentially serious consequences for the Respondent if he were to do so.

56. It is agreed that at about 0345 am B retired to bed and slept in the same bed as A.

*At the Rectory after 7 am*

57. In his evidence B said that, having awoken in bed, he and A were physically intimate. He was lying on his side facing the door and opened his eyes to see the Respondent naked,

standing by the side of the bed next to the doorway, aroused and masturbating. B nudged A who shouted at the Respondent and told him to get out.

58. In his evidence A said that when he awoke he went to the toilet and closed the bedroom door behind him. He tried to do that quietly which was not easy because it was quite a heavy door. When B awoke they indulged in intimacy during which B said something and A saw the Respondent standing naked by the door next to them, masturbating. He told the Respondent to 'fuck off' and the Respondent left immediately.

59. In his witness statement the Respondent said this. He awoke shortly before 0730 am and, as was his usual practice, went naked to the bathroom and turned on the shower. He then went to wake up A and B as they had requested : he knew that they would both be in A's room. When he arrived at the door it was wide open. He therefore put his head around the door to call to wake them. To his surprise A and B were engaged in an act of sexual intimacy. He came more fully into the room 'though just beyond the door and some considerable distance from the bed and stood there for a moment somewhat shocked.' 'Being aware of my nakedness and sexually aroused by the unexpected sight, I covered my genitals with my hands.' A then asked him to leave and he did so.

60. In cross-examination by Mr Iles the Respondent admitted that he had gone into A's bedroom without knocking and naked, notwithstanding that only a few hours before there had been an inappropriate sexual conversation with B and he believed that A and B were mutually attracted to each other and would be in bed together. As he walked into the bedroom he saw the duvet on the floor. He was not surprised that they were naked. He did not alert A or B to his presence and stood about a foot from the bed. He did not immediately retreat. He had a spontaneous erection and claimed it to be an instantaneous erection such as men can have in the morning.

61. The Respondent relied on the evidence of X and Y.

62. X and her husband were due to stay at the Rectory on evening of 4<sup>th</sup> December 2009 and she thus spoke to the Respondent on the evening of 3<sup>rd</sup> December 2009 to confirm the arrangements. During that conversation the Respondent said that he expected his guests [who were A and B] to return by about midnight. She had known the Respondent for a number of years and stated 'knowing his character, integrity and honesty I find it inconceivable that he is involved in any wrong doing.'

63. Y was a friend of the Respondent who resided at the Rectory. He confirmed that, unless there were female guests staying, it was usual for the Respondent and himself to walk to and from the bathroom wearing very little. He also confirmed that the door to the bedroom occupied by A and B was very tight and that it could not have been opened without alerting the two men.

64. On this part of the evidence we make the following findings.

65. We accept that the Respondent probably genuinely believed that he had been requested by A and B to wake them up. It was certainly the case that the Respondent had arranged for people to attend to make breakfast for them at 0800 am and it was not unreasonable that the Respondent wanted them to be up by that time. We also accept that the Respondent was under some pressure and busy.

66. We have considered whether the bedroom door was open, as the Respondent contends, or closed, as A and B contend. However, given that we do not think that anything turns on which version is correct, we have assumed that the Respondent is correct that the door was open.

67. We have considered whether it was necessary for the Respondent to go into the bedroom at all and have concluded that it was not. We are satisfied that a loud knock on the door, whether the door was open or closed, accompanied by words to the effect that it was time to get up and that breakfast would be ready downstairs in a short time would have sufficed. We accept that had there been no response, some further action would have been necessary. However since we know that both A and B were awake, such further action is unlikely to have been necessary.

68. The Respondent says that he peeped round the door and saw A and B engaged in sexual activity. Accepting such to be the case, we are satisfied that there was no need for him to walk further into the room and we are satisfied that it was wholly inappropriate and unnecessary that he should do so.

69. In fact having gone into the bedroom we are satisfied that the Respondent stood about a foot from the bed due to the layout of the room, notwithstanding that in his witness statement he had said that he stood a considerable distance from bed. There was absolutely no need for the Respondent to stand in such a position or to remain there when he could readily see that sexual activity was taking place.

70. The Respondent admits that he went into the bedroom naked. Whatever practice the Respondent might legitimately adopt in relation to walking around naked in the absence of guests, in our judgment it was wholly inappropriate to walk into the bedroom naked when he knew that A and B were engaged in sexual activity, particularly in the context of what had happened before they had retired to bed.

71. The Respondent admits he had an erection whilst he was watching A and B engage in sexual activity. He concedes that he was sexually aroused by them. We thus ask whether this was a morning erection some time after he had got up, as the Respondent contends, or this was the result of masturbation, as A and B contend.

72. On this issue four members of the Tribunal are satisfied that the Respondent impulsively began to masturbate himself having chosen to walk naked into a bedroom where he knew that sexual activity was taking place between A and B. Moreover we are satisfied that he went into the bedroom either hoping to be aroused by such sexual activity or having decided to arouse himself in the presence of such sexual activity and we reject the Respondent's explanation of a morning erection.

73. One member of the Tribunal is unable to share such conclusion. Such member is unable to reach any firm conclusion as to what was in the Respondent's mind when he entered the bedroom, although (s)he concludes that it was inappropriate for the Respondent to put himself into such a compromising situation and concludes that, having made a flawed decision to walk into the bedroom, he should have walked straight out when he realised that he was being sexually aroused by A and B's sexual activity.

74. We are all agreed that, having made a flawed decision to enter the bedroom, the Respondent should have left very much sooner than he did and that he only left when A told him to 'fuck off'.

#### *Conclusions*

75. We have thus concluded that it is proved that in the respects set out above the conduct of the Respondent was unbecoming or inappropriate to the office and work of a clerk in Holy Orders.

76. Although our full findings are set out above our principal findings of misconduct may be summarized thus. Firstly, though expressed in an ambiguous and jocular way, the Respondent asked both A and B, who were complete strangers, to sleep with him in his bed and

was willing for them to do so. Secondly, the Respondent deliberately put first his foot and then his hand against B's leg and crotch area when such behaviour was neither encouraged nor approved of by B. Thirdly, the Respondent allowed a conversation of a sexual nature to take place between himself and B. Fourthly, the Respondent asked B to sleep with him and when such offer was declined asked B not to repeat such conversation because of the potentially serious consequences for him. Fifthly, the Respondent chose to enter A's bedroom naked when it was unnecessary for him to do so and when he knew that sexual activity was taking place between A and B and chose to masturbate himself whilst watching such sexual activity. We have no doubt that all of such behaviour on the part of the Respondent damages the reputation of the church

76. It necessarily follows that to the extent set out above we adjudge that the complaint is well founded and that the case against the Respondent is proved.

Canon Anne Alcock

Canon Stephen Barney

Revd Canon Dr Margaret Guite

Revd Canon Rob Morris

Canon Geoffrey Tattersall QC

