

STANDARDS COMMITTEE
Friday, 2 October 2015

Minutes of the meeting of the Standards Committee held at Committee Room - 2nd
Floor West Wing, Guildhall on Friday, 2 October 2015 at 11.30 am

Present

Members:

Edward Lord (Chairman)
Judith Barnes
Nigel Challis
Michael Hudson
Deputy Alastair King
Felicity Lusk
Virginia Rounding

Officers:

Gemma Stokley	-
Michael Cogher	- Comptroller and City Solicitor
Edward Wood	- Comptroller and City Solicitor's Department
William Chapman	- Private Secretary and Chief of Staff to the Lord Mayor
Janet Fortune	- Town Clerk's Department
Tracey Jansen	- Human Resources

1. APOLOGIES

The Chairman informed the Committee that Mr Large had recently been hospitalised with pneumonia and was therefore expected to be out of action for the coming weeks. The Committee wished to record their best wishes to Mr Large for a speedy recovery.

Apologies for absence were received from Mark Greenburgh (Co-opted Member), Dan Large (Co-opted Member), Oliver Lodge (Deputy Chairman), Anju Sanahi (Independent Person) and Tom Sleigh.

2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA

There were no declarations.

3. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 1 July 2015 were considered and approved as a correct record, subject to adding Judith Barnes to the list of apologies.

MATTERS ARISING

Gifts and Hospitality – Ceremonial Officeholders

The Town Clerk reported that, following a recent meeting with the Secondary, it had been agreed that a quarterly log of Shrieval gifts and hospitality would now be produced by the Old Bailey and published on the Corporate webpages. These arrangements would mirror those already in place for the Lord Mayor.

The Chairman suggested that the Committee periodically review the Shrieval log alongside the Lord Mayor's log.

Annual Update to Members' Declarations – Latest Responses

In response to a question, the Town Clerk confirmed that declarations for all three new Common Councilmen who had been appointed since the last meeting of the Standards Committee had been received and were published on the public website..

4. REPORT OF ACTION TAKEN

The Committee received a report of the Town Clerk providing Members with the details of a decision taken by the Town Clerk, in consultation with the Chairman and Deputy Chairman of the Standards Committee, since the Committee's last meeting on 15th May 2015.

RESOLVED – That, the contents of the report be noted.

5. COMPLAINTS PROCEDURE AND FORM

The Committee considered a joint report of the Town Clerk and the Comptroller & City Solicitor reviewing the current complaints process and form.

A copy of the document with tracked changes visible was tabled for ease of reference.

The Comptroller & City Solicitor highlighted that all of the changes suggested by Members at the last meeting had now been incorporated into the revised document. He clarified that he had not received any further comments from Members outside of the meeting.

The Committee went through the proposed changes within the document and the following points were made:

- The Chairman requested that ("the City") be replaced with ("the Corporation" within the Introduction;
- Under 'Making a Complaint', the fourth bullet point should request that, where possible, complainants specify what aspects of the Code have been breached;
- Under 'Informal Resolution of Complaints', ("the Chairman) be replaced by ("the Privileges Chairman"), that the word "verbally" be replaced with "orally and that capital letters be used when referring to the Monitoring Officer ;

- It was suggested that it be made clear in the document that, whilst informal complaints were possible, formal complaints must be received in writing;
- Under 'Assessment of Complaints', it was suggested that the opening phrase (Before the assessment of a complaint begins) be removed;
- Under 'Initial Assessment Decisions', it was suggested that it be made clear that a copy of any decision, with reasons, would be sent to all parties;
- Under 'Appeals Process' it was suggested that the reference to 21 days be replaced with 20 working days given that working days were referred to throughout the document;
- The Chairman requested that paragraph numbers be added to the document for ease of reference and that bullet points be replaced with sub paragraphs.

In relation to the Complaint Form, the following suggestions were made:

- It was noted that the section regarding concerns around details of a complaint being released was Section 5 and not Section 6 as suggested on the front page of the form;
- Under the section requesting that a complainants identity is kept confidential, it was suggested that reference to physical or other harm be made;

A Member went on to make a more general point around Complaints and those that were dealt with informally by the Chief Commoner for example. She questioned if the Committee could receive an annual written report summarising these. The Comptroller & City Solicitor underlined that Officers were not always aware of the informal conversations the Chief Commoner had. In response to questions around formalising the structure around this, it was highlighted that any written record of such conversations immediately gave them an air of formality.

The Committee requested that the Comptroller and City Solicitor produce a report on the issues around this for discussion at the next meeting of the Standards Committee.

RESOLVED – That, Members delegate authority to the Town Clerk, in consultation with the Chairman and Deputy Chairman of the Standards Committee, to approve the revised documentation in accordance with the suggestions made today and note the existing arrangements in respect of responding to and managing alleged breaches of the Members' Code of Conduct.

6. **REVISED GUIDANCE TO MEMBERS RE: CODE OF CONDUCT**

The Committee considered a joint report of the Town Clerk and the Comptroller & City Solicitor in relation to revised Guidance to Members regarding the Code of Conduct.

The Chairman highlighted that the revised guidance document had all changes and amendments highlighted for ease of reference.

The Committee went through the proposed changes/comments within the document and the following points were made:

- At paragraph 2, it was agreed that 'Rather' replace 'Instead';
- The date referred to within paragraphs 17 and 19 be removed;
- Paragraph 19 to read 'meets or exceeds'
- Under paragraph 19, it was agreed that a dedicated email address be set up for Members to notify Officers of any amendments/updates to their existing declarations. The Town Clerk undertook to progress this;
- Under paragraph 20, bullet point one, it was recognised that an approximate value was not required under the Code and was often difficult to estimate. It was therefore agreed that wording referring to this be removed from the Guidance;
- Amendments at paragraph 21 were agreed as set out;
- It was agreed that the following wording be added to the first bullet point at paragraph 22 ... "where the Chairman, Managing Director or Principal is the host. Invitations from the London Symphony Orchestra or the Royal Shakespeare Company for example should be declared;
- Amendments at paragraph 25 were agreed as set out;
- Amendments at paragraph 27 were agreed as set out;
- It was suggested that officers clarify, under paragraph 28, that this was by virtue of an individual's relationship to the Member;
- Under paragraph 31, it was suggested that this should also refer to the fact that Members may also have an obligation to inform their employer where private activities might cross over with their activities as a Member;

RESOLVED – That, Members of the Standards Committee approve the revised Guidance to Members so this can be re-circulated to all Members of the Court of Common Council for information.

7. **UPDATE RE: CO-OPTED MEMBER DECLARATIONS**

The Committee considered a report of the Town Clerk providing Members with an update on the status of the Co-opted Members' Registers of Interest following circulation of correspondence by the Town Clerk in consultation with the Comptroller & City Solicitor in early August 2015 and the implementation of the new arrangements.

The Town Clerk informed the Committee that over 50% of those co-opted Members contacted on this matter had not submitted a response. She went on to highlight that many of those contacted had also expressed concern, particularly at plans to publish their interests and some had also suggested that pursuing this matter may leave them with no choice but to resign from their respective Committees.

With regard to the technicalities around publishing the responses received, the Town Clerk reported that this had now been trialled and would be technically possible if the Committee were minded to proceed with this exercise.

The Chairman suggested that the Comptroller and City Solicitor produce a paper for the next meeting of the Standards Committee detailing how each of the various Sub/Consultative/Grand Committees concerned were constituted and providing Members with some advice on how best to proceed in each case. It was felt that this exercise was absolutely essential to pursue in the case of co-opted Members sitting on decision making bodies such as the three City School Boards.

A Member commented that he felt it important to set out proper and consistent parameters.

The Committee suggested that, in the interim, the Town Clerk contact all relevant Committee Chairman requesting that they remind their Co-opted Members of the need to submit responses at their next scheduled meetings.

8. ANNUAL REVIEW OF THE PROTOCOL ON MEMBER/OFFICER RELATIONS

The Committee received a report of the Director of HR providing Members with the annual review of the Protocol on Member/Officer Relations highlighting and related issues that have arisen in the year 1 August 2014-31 July 2015. The report also included a review of the Employee Code of Conduct and commentary from the Comptroller & City Solicitor on Employment Tribunal cases in the past year.

In order to clarify a point in the report, the Committee were informed that, of the three dismissals referred to, one appeal had been upheld and the member of staff concerned had been reinstated although they had subsequently resigned. In response to a question regarding this matter, the Chairman confirmed that this was now the subject of a claim for constructive dismissal.

In response to further questions concerning Employment Tribunal cases and the City of London Police, the Chairman reported that the Establishment Committee had identified this as a matter of concern and requested a further report on the matter.

RESOLVED – That, Members note the report.

9. RECORDING OF LORD MAYOR'S GIFTS AND HOSPITALITY

The Committee received a report of the Private Secretary & Chief of Staff updating the Committee on the Lord Mayor's declaration of gifts and hospitality.

The Private Secretary confirmed that there were no separate, sensitive items to report to the Committee on this occasion. He went on to apologise for the fact that the register of hospitality did not include entries for April. He assured the Committee that this would be rectified and re-published by close of play today. Declarations for the subsequent quarter were also set to be published by close of play today.

The Private Secretary stated that lunches were not included within the register of hospitality as the Lord Mayor tended to attend far fewer of these and that

those he did attend tended to be working lunches which were under the suggested threshold.

The Chairman highlighted that the Private Engagement at Queen's Club listed in the hospitality log was, in fact, an annual invitation to the Lord Mayor from the Chief Executive of the London Stock Exchange. The Chairman requested that this be 'rebadged' as such in future.

In response to a question regarding the reporting of overseas hospitality, the Private Secretary undertook to clarify this and update the Committee within his next report. The Chairman added that the Committee were content that hospitality provided by the Foreign and Commonwealth Office in relation to overseas visits did not need to be declared.

The Committee requested that, for future reports, the Private Secretary produce a non-public annex detailing those gifts actually retained by the Lord Mayor.

RESOLVED – RESOLVED – That, Members note the report and request that future versions also include a non-public annex detailing those gifts retained by the Lord Mayor.

10. AMENDMENT TO STANDING ORDERS (EXPANDED ROLE OF INDEPENDENT PERSONS)

The Committee received a copy of a Policy and Resources Committee Report to the Court of Common Council dated 25 June 2015 relating to an amendment to Standing Order 63 regarding Disciplinary Action and the involvement of Independent Persons in this process.

The Comptroller & City Solicitor summarised by stating that Independent Persons (of which there were three on the Standards Committee) would now be required to take part in any advisory panel regarding disciplinary action taken in respect of the Town Clerk, the City of London's Monitoring Officer or the Chamberlain.

The Committee were informed that the Director of Corporate HR would now be putting together a further report on process for the Establishment Committee and was currently awaiting LGA guidance on this matter.

RECEIVED.

11. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions.

12. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT
Annual Committee Dinner

The Chairman reminded the Committee that this year's annual dinner would be taking place on 2nd December 2015 in the Chief Commoner's Parlour.

The meeting ended at 12.30 pm

Chairman

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