



## Standards Committee

**Date:** FRIDAY, 2 OCTOBER 2015

**Time:** 11.30 am

**Venue:** COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

**Members:** Edward Lord (Chairman)  
Oliver Lodge (Deputy Chairman)  
Judith Barnes (Co-opted Member)  
Nigel Challis  
Mark Greenburgh (Co-opted Member)  
Michael Hudson  
Deputy Alastair King  
Dan Large (Co-opted Member)  
Felicity Lusk (Co-opted Member)  
Virginia Rounding  
Alderman Baroness Scotland  
Tom Sleigh

**Enquiries:** Gemma Stokley  
tel.no.: 020 7332 1407  
gemma.stokley@cityoflondon.gov.uk

Lunch will be served in the Guildhall Club at 1pm  
N.B. Part of this meeting could be the subject of audio/visual recording.

John Barradell  
Town Clerk and Chief Executive

# AGENDA

1. **APOLOGIES**

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

3. **MINUTES OF THE PREVIOUS MEETING**

To agree the public minutes of the meeting held on 1 July 2015.

**For Decision**  
(Pages 1 - 4)

4. **REPORT OF ACTION TAKEN**

A report of the Town Clerk relative to a report of action taken, in accordance with the City Corporation's Standing Orders (delegated authority), in respect of the Standards Committee's Annual Report.

**For Information**  
(Pages 5 - 6)

5. **COMPLAINTS PROCEDURE AND FORM**

A joint report of the Town Clerk and the Comptroller & City Solicitor.

**For Decision**  
(Pages 7 - 26)

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

Joint report of the Town Clerk and the Comptroller & City Solicitor.

**For Decision**  
(Pages 27 - 36)

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

Report of the Town Clerk.

**For Information**  
(Pages 37 - 42)

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

Report of the Director of HR.

**For Information**  
(Pages 43 - 52)

9. **RECORDING OF LORD MAYOR'S GIFTS AND HOSPITALITY**

Report of the Private Secretary & Chief of Staff.

**For Information**  
(Pages 53 - 60)

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

Copy of a report of the Policy and Resources Committee to the Court of Common Council.

**For Information**  
(Pages 61 - 66)

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

12. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

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## STANDARDS COMMITTEE

Wednesday, 1 July 2015

Minutes of the meeting of the Standards Committee held at the Guildhall EC2 at 12.00 pm

### Present

#### Members:

Edward Lord (Chairman)	Deputy Alastair King
Oliver Lodge (Deputy Chairman)	Dan Large
Nigel Challis	Virginia Rounding
Mark Greenburgh	

#### Officers:

Gemma Stokley	Town Clerk's Department
Lorraine Brook	Town Clerk's Department
Michael Cogher	Comptroller and City Solicitor
Edward Wood	Comptroller and City Solicitor's Department

**In attendance:** Neil Asten (Independent Person) and Chris Taylor (Independent Person) were also present at the meeting.

#### 1. **APOLOGIES**

Apologies for absence were received from Michael Hudson, Felicity Lusk (Co-opted Member), Anju Sanehi (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 15 May 2015 were considered and approved as a correct record.

### MATTERS ARISING

#### ***Item 6: Gifts and Hospitality – Ceremonial Officeholders***

The Town Clerk reported that Mansion House had sought clarification regarding certain webpage links earlier this week in order to be able to publish the Lord Mayor's register of gifts and hospitality online. It was reported that this would be 'going live' later this week. The Town Clerk added that there would also be links between the Lord Mayor's pages and the office holders existing register of interests.

In response to a question regarding the registering of gifts and hospitality for Sheriffs, the Town Clerk reported that there was no longer a stand-alone webpage dedicated to the Sheriffs on the City's website and that further work was therefore needed to establish where any register might be published,

particularly in the case of the Non-Aldermanic Sheriff, where they were not otherwise an elected Member.

In response to a further question regarding the Chief Commoner, the Town Clerk reported that the officeholder was always an elected Member and therefore already had a register of interests published online. The Committee were informed that the officeholder was also supported by staff to ensure that their register was kept up to date. The Committee were therefore of the view that there was no requirement for a separate register to be published in this case.

A Co-opted Member suggested that the importance of maintaining an up to date register of interests should be included within the Job Description for the Chief Commoner going forward.

***Item 6: Update to the Members' Declarations***

The Chairman referred to an informal meeting that had taken place earlier in the day with the Chairman of the Policy and Resources Committee. The Deputy Chairman summed up by stating that, on the whole, the Chairman of the Policy and Resources Committee was in agreement with the Standards Committee regarding declarations of gifts and hospitality. The Chairman of the Policy and Resources Committee had made it clear that he believed he had always complied with the Code of Conduct and its Guidance and would continue to do so.

The Deputy Chairman went on to state that, in the interests of transparency, members of the Standards Committee had underlined the need for the Chairman of the Policy and Resources Committee to err on the side of caution in terms of declaring gifts and hospitality and to possibly consider publishing his diary going forward.

The Committee were also informed that, as a result of the morning's informal meeting, it had been suggested that the Guidance to Members regarding compliance with the Code of Conduct be revisited and greater clarity given to certain points particularly those around cost/value for the benefit of all Members. The Chairman suggested that the Guidance (tabled) be reviewed under 'Any Other Business'.

***Item 8 – Members' Declarations – Co-opted Members***

The Town Clerk informed the Committee that a report on this matter would be submitted to the Policy and Resources Committee and also to the Court of Common Council for information later this month. In response to questions, the Town Clerk stated that the Policy and Resources Committee had oversight of the organisation's governance arrangements and, historically, had had sight of these matters.

The Committee were informed that the report to be submitted to the Policy and Resources Committee drew heavily on the report approved by the Standards Committee at their last meeting.

***Item 9: Complaints Review Process***

The Committee were informed that the Complaints Procedure would be brought to them for review at their next meeting in October.

***Item 10: Annual Report of the Standards Committee***

The Chairman reported that the Committee's Annual Report had been received by the Court of Common Council last week.

**4. ANNUAL UPDATE TO MEMBERS' DECLARATIONS - LATEST RESPONSES**

The Committee received a joint report of the Town Clerk and the Comptroller & City Solicitor providing Members with a further update on the annual update to the Members' Declarations.

The Chairman informed the Committee that all nine of the Members who had been written to and asked to update their register of interests had now done so within the specified deadline. There was, therefore, no need for any further action by the Committee.

The Town Clerk reported that two new Members had been elected within recent weeks and informed the Committee that it was hoped that declarations would be received by both and published online by next week. It was also noted that a further by-election would be taking place at the end of the week.

**RECEIVED.**

**5. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

**6. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT  
Guidance to Members – Members' Code of Conduct**

The Chairman suggested that the Committee take this opportunity to review Paragraphs 19-27 of the Guidance to members in light of some issues highlighted at the informal meeting with the Chairman of the Policy and Resources Committee earlier this morning and the general need to encourage a culture of transparency throughout the Corporation.

During discussion, the following points were made:

- It was suggested that some preamble be added before paragraph 19 stating that the guidance around what should and should not be declared should not preclude Members from making any additional, precautionary declarations in order to encourage an 'if in doubt, declare' approach going forward. It was also suggested that the 'public perception test' should be referred to within this preamble;
- It was suggested that paragraph 19 be amended to read "...that might reasonably be perceived to meet the thresholds set out in the Code";
- With regard to paragraph 20, it was agreed that the final bullet point regarding approximate values should be removed from the guidance but that reference should still be made to cumulative thresholds. It was then

suggested that the first bullet point be expanded to read “description of the gift or hospitality (i.e. tickets to a theatre performance) including, where relevant, its value”. Finally, it was suggested that a note should be added to the third bullet point under paragraph 20 stating that Members should specify both the individual or organisation paying for an event and the individual or organisation from whom the invitation was received, if different;

- Under paragraph 21, it was suggested that bullet point two (local government dinners) be removed from this list. It was also suggested that the final bullet point under paragraph 21 be removed;
- It was agreed that paragraph 22 be removed and that, instead, the new arrangements around the Lord Mayor and Sheriffs declarations should be incorporated;
- It was suggested that paragraph 23 should be strengthened to make it explicit that gifts and hospitality received by friends and family of a Member, by virtue of their being a Member, were also declarable. It was also suggested that Members’ attention should be drawn to the need to be mindful of where their private activities might cross over with or be perceived to cross over with their City of London activities;
- Under paragraph 25, it was suggested that the text in brackets after bullet point two be removed from the guidance. It was also suggested that ‘formal luncheons’ be added to the examples already listed.

The Chairman requested that Officers work up a new draft of the Guidance document to be reviewed by the Committee at their next meeting.

**The meeting closed at 1.05 pm**

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Chairman

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<b>Committee:</b>	<b>Date:</b>
Standards Committee	2 <sup>nd</sup> October 2015
<b>Subject:</b>	<b>Public</b>
Report of Action Taken Between Meetings	
<b>Report of:</b>	<b>For Information</b>
Town Clerk	
<p><b>Summary</b></p> <p>In accordance with Standing Order 41(b), this report provides 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 15<sup>th</sup> May 2015.</p> <p><b>Recommendation: -</b></p> <p>That the contents of the report be noted.</p>	

## Main Report

### Background

1. Standing Order no. 41(a) provides a mechanism for decisions to be taken between scheduled meetings of the Standards Committee, where in the opinion of the Town Clerk, it is urgently necessary for a decision to be made. Standing Order No. 41(b) provides a mechanism for decisions to be taken between scheduled meetings of the Standards Committee, where the Committee has delegated power to the Town Clerk, in consultation with the Chairman and Deputy Chairman, to make a decision.

### Decisions Taken Between Meetings (Delegated Authority)

2. In accordance with Standing Order 41(b), a decision has been taken in respect of the following matter since the last meeting of the Standards Committee on 15<sup>th</sup> May 2015:- Standards Committee Annual Report.
3. At the meeting of the Standards Committee on 15<sup>th</sup> May 2015, Members reviewed a draft annual report and a number of points were raised including the inclusion of further explanation about the annual update process (Members' Declarations) and the Committee's attempts to address the issue of non-compliance, by some Members, of the City Corporation's requirements. On the basis that the Annual Report of the Standards Committee should be amended ahead of submission to the Court of Common Council, delegated authority was granted to the Town Clerk, in consultation with the Chairman and Deputy Chairman of the Standards Committee, to amend the Annual Report and

incorporate further details regarding the annual update process and the Committee's concerns about non-compliance with the City Corporation's registration requirements.

5. The final wording of the Annual Report, taking into account the views raised by Members of the Standards Committee on 15<sup>th</sup> May 2015 were approved in accordance with Standing Order no. 41(b) on 1 June 2015.

### **Conclusion**

7. In accordance with Standing Order 41(b), Members are asked to note the decision taken by the Town Clerk in consultation with the Chairman and Deputy Chairman since the Standards Committee's last meeting on 15<sup>th</sup> May 2015.

### **Background Papers:**

- Minutes of the meeting of the Standards Committee on 15<sup>th</sup> May 2015.

### **Gemma Stokley**

Committee and Member Services Officer

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<b>Committee(s)</b>	<b>Dated:</b>
Standards Committee	2 <sup>nd</sup> October 2015
<b>Subject:</b> Complaints Process Review	<b>Public</b>
<b>Joint report of:</b> The Town Clerk and The Comptroller & City Solicitor	<b>For Decision</b>
<p><b>Summary</b></p> <p>At the meeting of the Standards Committee on 15<sup>th</sup> May 2015, Members received a report setting out the current complaints procedure and the governance arrangements in respect of the Sub Committees that are constituted to consider any alleged breaches of the Code of Conduct. The report had been specifically requested by the Committee in February 2015 and invited Members to consider and comment on the current complaints process.</p> <p>In reviewing the existing procedure and accompanying form at their 15<sup>th</sup> May meeting, Members proposed several amendments to the existing complaints procedure and complaints form (alleged breaches of the Members' Code of Conduct) and requested that the Town Clerk and the Comptroller &amp; City Solicitor further review these and submit revised documentation to the next meeting of the Standards Committee for further consideration.</p> <p style="text-align: center;"><b>Recommendation</b></p> <p>Members are asked to approve the revised documentation and to note the existing arrangements in respect of responding to and managing alleged breaches of the Members' Code of Conduct.</p>	

## Main Report

### Background

1. At the meeting of the Standards Committee on 20<sup>th</sup> February 2015, following a discussion about the Committee's terms of reference and frequency of future meetings, Members requested a review of the current complaints procedure in respect of alleged breaches of the Code of Conduct by the City Corporation's Members and Co-opted Members.
2. A report outlining current arrangements and the background to these was submitted to the 15<sup>th</sup> May 2015 meeting of the Standards Committee. Appended to this was the Complaints Procedure (How Complaints Submitted To The City Of London's Standards Committee Will Be Dealt With) and the existing Complaints Form.
4. During discussion at the 15<sup>th</sup> May meeting, some further revisions to both the Form and the Procedure were requested. The Chairman suggested that the

procedure should make greater reference to the Chief Commoner and the Chairman of the Privileges Committee of Aldermen and the existing internal mechanisms to manage Members' behaviour. He further suggested that the procedure should also clarify the opportunities for Members to appeal against the imposition of any sanctions by the Chief Commoner or the Chairman of the Privileges Committee of Aldermen such as the removal of hospitality privileges.

5. Members noted that, whilst it was recognised that the complaints form should not be too legalistic, it was suggested that it be revised to invite people to specify which paragraphs of the Code of Conduct had allegedly been breached. Contact details of those who manage the complaints process should also be included.
6. Further comments were made in respect of the role of the Independent Person/s and it was suggested that the role should be outlined in the introduction of the procedure. With regard to the complainant type list within the procedure, the Town Clerk and the Comptroller & City Solicitor were requested to review the list and propose suitable revisions.

### **Current Position**

7. All Members were invited to examine the procedure further outside of the meeting and feed-back comments to officers although no additional comments were received.
8. The revisions requested by the Standards Committee, together with some further changes considered beneficial by the Comptroller & City Solicitor, are reflected in the amended version of the complaints procedure which is attached for the Committee's approval.

### **Corporate & Strategic Implications**

9. The Standards Committee's complaints procedure clearly sets out the City of London Corporation's arrangements for the management of alleged breaches of the Code of Conduct by Members and Co-opted Members and ensures that that the organisation's governance framework is robust and transparent.

### **Conclusion**

10. It is important that the City Corporation has a robust and transparent governance framework of which the Complaints Procedure is one aspect. Members are therefore invited to review and comment on the existing procedure.

### **Appendices**

Appendix 1 - Complaints Procedure (How Complaints Submitted To The City Of London's Standards Committee Will Be Dealt With)

### **Background Papers**

*Report and minutes - Standards Committee, 23 November 2012*

**Contacts**

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# **HOW COMPLAINTS SUBMITTED TO THE CITY OF LONDON'S STANDARDS COMMITTEE WILL BE DEALT WITH**

Approved: October 2015

## **INTRODUCTION**

The Localism Act 2011 requires the City of London Corporation (“the City”) to have in place arrangements under which written allegations of a breach of the member code of conduct can be investigated and decisions on those allegations taken. These arrangements apply to both members and co-opted members (referred to in this document collectively as “members”) and this handbook sets out to explain the arrangements in more detail.

## **STANDARDS COMMITTEE**

The City’s Standards Committee is responsible for these functions. The membership of the Standards Committee is made up of elected Aldermen and Common Councilmen of the City, together with non-voting co-opted members appointed under the Local Government Act 1972.

## **INDEPENDENT PERSONS**

The City must also appoint at least one Independent Person under the Localism Act 2011 whose views:

- must be sought, and taken into account, by the City before it makes its decision on an allegation that it has decided to investigate;
- may be sought by the City in relation to an allegation in other circumstances;
- may be sought by a member against whom an allegation has been made.

Independent Persons must not have been a member, co-opted member or officer of the City in the last five years, nor be a relative or close friend of a member, co-opted member or officer.

## **COMPLAINTS**

### **MAKING A COMPLAINT**

The City’s complaints process is publicised on the complaints and corporate governance pages of our website and explains where code of conduct complaints should be sent to. This is to ensure that members of the public are aware of the responsibility for handling code of conduct complaints and what the process entails.



A copy of the complaint form is appended to this handbook and can be accessed via the City's website. Alternatively, a complaints form can be requested from Lorraine Brook, Principal Committee & Member Services Manager, Town Clerk's Office (telephone 020 7332 1409). Complaints must be submitted in writing although this includes fax and electronic submissions.

The form covers the following matters:-

- Complainant's name, address and contact details;
- Complainant's status i.e. fellow member, member of the public or officer;
- Who the complaint is about;
- Details of the alleged misconduct including, where possible, dates, witness details and other supporting information;
- A warning that the complainant's identity will normally be disclosed to the subject member. (N.b. in exceptional circumstances, and at the discretion of the Standards Committee, this information may be withheld).

Once a complaint is received at the City, and the complaint specifies or appears to specify that it is in relation to the code of conduct, then it will be passed to the Assessment Sub-Committee for consideration. If at this stage (or a later stage) it appears that a criminal offence may have been committed then the relevant allegation will be referred to the police.

## **INFORMAL RESOLUTION OF COMPLAINTS**

A complaint may not necessarily be made in writing, for example it may be a concern raised with the monitoring officer verbally. In such cases, the monitoring officer should ask the complainant whether they want to formally put the matter in writing to the Standards Committee. If the complainant does not, the monitoring officer should consider the options for informal resolution to satisfy the complainant.

This could involve a meeting with the Chief Commoner or Chairman of the Privileges Committee of Aldermen. The role of the Chief Commoner has traditionally included a concern for the welfare and conduct of Common Councilmen and the Chairman of the Privileges Committee of Aldermen ("the Chairman") has performed a similar function in relation to Aldermen. Their intervention has in the past been a very effective mechanism for resolving problems between members.

There is nothing to stop aggrieved individuals continuing to approach the Chief Commoner or the Chairman for assistance with the reconciliation of disputes,

even where the matter relates to a breach of the code of conduct. This would require the consensus of all parties, as the matter could be referred to the Standards Committee at any time. If a matter in which the Chief Commoner or the Chairman is involved is subsequently referred to the Standards Committee, he or she should cease to take any action in relation to the matter. A member who is aggrieved with any sanction imposed by the Chief Commoner or the Chairman may refer the matter to the Standards Committee for formal consideration.

## **ACKNOWLEDGING RECEIPT OF A COMPLAINT**

The monitoring officer has the discretion to take the administrative step of acknowledging receipt of a complaint and telling the subject member that a complaint has been made about them.

The notification can say that a complaint has been made, and state the name of the complainant (unless the complainant has requested confidentiality and the Standards Committee has not yet considered whether to grant it) and the relevant paragraphs of the code that may have been breached. A copy of the complaint will normally be provided (unless to do so would breach confidentiality where this has been requested) and the subject member invited to comment on it should they so wish.

There is a possibility that by informing the subject member of the complaint, they may interfere with evidence or intimidate witnesses. Whilst this is a remote possibility, the monitoring officer has the discretion, after consultation with the Chairman of the Standards Committee, to defer notification in such exceptional circumstances to enable a proper investigation to take place.

## **STANDARDS SUB-COMMITTEES**

### **ASSESSMENT, HEARING AND APPEAL SUB-COMMITTEES**

In order to carry out its functions efficiently and effectively, and to avoid any conflicts of interest, the Standards Committee has established three separate Sub-Committees for the different stages of the complaints process, being Assessment, Hearing and Appeal Sub-Committees.

### **MEMBERSHIP**

Each of these Sub-Committees will normally consist of four members of the Standards Committee, including three elected members of the City and one non-voting co-opted member, with membership to be determined on a case by case

basis. The same members will normally sit on the Assessment Sub-Committee and the Hearing Sub-Committee in respect of a particular allegation, but different members will sit on the Appeal Sub-Committee, if this is required. Each of these Sub-Committees will take into account the views of an Independent Person.

## **ACCESS TO MEETINGS AND PUBLICATION OF DECISIONS**

Meetings of these Sub-Committees are subject to the same provisions regarding public access to information as any other Committee.

After a Sub-Committee has reached a decision, it will produce a written summary to include:-

- The main points of the matter considered;
- The decision reached; and
- The reasons for that decision.

The written summary will be sent to the relevant parties. A written summary (excluding exempt information heard in non-public session) will be made available for the public to inspect at the City's offices for six years but not until the subject member has been sent the summary.

## **INITIAL ASSESSMENT OF ALLEGATIONS**

### **PRE-ASSESSMENT REPORTS AND ENQUIRIES**

The Assessment Sub-Committee may decide that it wants the monitoring officer, or other officer, to prepare a short summary of the complaint for it to consider. This could, for example, set out the following details:-

- Whether the complaint is within jurisdiction;
- The paragraphs of the code the complaint might relate to, or the paragraphs the complainant has identified;
- A summary of key aspects of the complaint if it is lengthy or complex;
- Any further information that the officer has obtained to assist the Assessment Sub-Committee with its decision – this may include:-
  - Obtaining a copy of a declaration of acceptance of office form;
  - Minutes of meetings;

- A copy of a member's entry in the Register of Interests;
- Information from Companies House or the Land Registry;
- Other easily obtainable documents.

Officers may contact complainants for clarification of their complaint if they are unable to understand the document submitted. Any comments received from the subject member regarding the complaint will also be provided to the Assessment Sub-Committee.

Caution should be exercised in order to ensure that pre-assessment enquiries are not carried out in such a way as to amount to an investigation e.g. they should not extend to interviewing the complainant or a potential witness.

### **ASSESSMENT SUB-COMMITTEE TERMS OF REFERENCE**

- a) The Assessment Sub-Committee is established to receive and assess allegations that a member of the City has failed, or may have failed, to comply with the code of conduct.
- b) Upon receipt of each allegation and any accompanying report by the monitoring officer, the Sub-Committee will make an initial assessment of the allegation and will then do one of the following:-
  - (i) refer the allegation to the monitoring officer, with an instruction that he arrange a formal investigation of the allegation; or
  - (ii) direct the monitoring officer to arrange training, conciliation or other appropriate alternative steps; or
  - (iii) decide that no action should be taken in respect of the allegation.

### **ASSESSMENT OF COMPLAINTS**

Before the assessment of a complaint begins, the Assessment Sub-Committee should be satisfied that the complaint meets the following tests:-

- It is a complaint against one or more named members of the City;
- The named member was in office at the time of the alleged conduct and the code of conduct was in force at the time;
- The complaint, if proven, would be a breach of the code of conduct under which the member was operating at the time of the alleged misconduct.

In the complaint fails one or more of these tests, it cannot be investigated as a breach of the code and the complainant must be informed that no further action will be taken in respect of the complaint.

## **DEVELOPING ASSESSMENT CRITERIA**

The Standards Committee may develop criteria against which it assesses new complaints and decides what action, if any, to take. These criteria should ensure fairness for both the complainant and the subject member.

Assessing all new complaints by established criteria will also protect the Committee members from accusations of bias. In drawing up assessment criteria, the Standards Committee will bear in mind the importance of ensuring complainants are confident that complaints are taken seriously and dealt with appropriately, whilst appreciating that a decision to investigate a complaint or to take other action will cost both public money and the officers' and members' time – an important consideration where the matter is relatively minor.

The following questions constitute the current assessment criteria:-

- Has the complainant submitted enough information to satisfy the Assessment Sub-Committee that the complaint should be referred for investigation?
- Has the complaint already been the subject of an investigation or other action relating to the code of conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?
- Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
- Is the complaint too trivial to warrant further action?
- Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?

## **INITIAL ASSESSMENT DECISIONS**

The Assessment Sub-Committee will normally complete its initial assessment of an allegation within an average of 30 working days to reach a decision on what should happen with the complaint.

The summary at this stage may give the name of the subject member unless doing so is not in the public interest or would prejudice any subsequent investigation.

The monitoring officer will write to the relevant parties to advise who will be responsible for conducting the investigation, if applicable.

The Assessment Sub-Committee may decide that other action (rather than an investigation) would be appropriate and it may ask the monitoring officer to arrange this.

The suitability of “other action” is dependent on the nature of the complaint. Deciding to deal pro-actively with a matter in a positive way that does not involve an investigation can be a good way of resolving less serious matters. Examples of alternatives to investigation are:-

- Arranging for the subject member to attend a training course;
- Arranging for the subject member and complainant to engage in a process of conciliation;
- Instituting changes to a procedure of the City if this has given rise to the complaint.

The Assessment Sub-Committee should always seek the advice of the monitoring officer before it decides on this course of action. It may be useful for the Assessment Sub-Committee to seek written confirmation from all involved parties that they will co-operate with the process of other action proposed. In this case, a letter should be written to parties outlining what is being proposed, why it is being proposed, why they should co-operate and what the Assessment Sub-Committee is hoping to achieve.

The Assessment Sub-Committee can decide that no action is required in respect of a complaint. This could be if they do not consider the complaint to be serious enough, or if a long time has elapsed since the alleged conduct took place, or if there is clearly no case to answer. The decision reached by the Assessment Sub-Committee and the reasons for it should adhere to any assessment criteria that the Standards Committee has previously agreed.

## **INVESTIGATIONS AND HEARINGS**

### **INVESTIGATION**

It is recognised that the monitoring officer may not personally conduct a formal investigation but it will be for the monitoring officer to determine who to instruct to conduct a formal investigation.

There are many factors that can affect the time it takes to complete an investigation. However most investigations will be carried out, and a report on

the investigation completed, within six months of the original complaint being assessed. In his report, the investigator will conclude whether or not there has been a failure to observe the code of conduct. Any hearing will normally be held within three months of receipt of the report.

### **HEARING SUB-COMMITTEE TERMS OF REFERENCE**

- a) To hear and determine any allegation that a member has failed, or may have failed, to comply with the code of conduct for members;
- b) Following the hearing, to make one of the following findings:-
  - (i) that the subject member has not failed to comply with the code of conduct;
  - (ii) that the subject member has failed to comply with the code of conduct but that no action needs to be taken in respect of the matters considered at the hearing;
  - (iii) That the subject member has failed to comply with the code of conduct and that a sanction should be imposed.
- c) If the Sub-Committee makes a finding under paragraph b) (iii), it may impose any one of or any combination of sanctions that are available, as set out below.

### **HEARING SUB-COMMITTEE DECISIONS**

If the Hearing Sub-Committee finds that a subject member has failed to follow the code of conduct and that they should be sanctioned, it may impose any one or a combination of the following:-

- censure of that member;
- withdrawal of City hospitality for an appropriate period;
- removal of that member from a particular committee or committees.

The option of removal from a particular committee or committees includes sub-committees. The Hearing Sub-Committee will make a recommendation to the relevant appointing body in each case.

The Hearing Sub-Committee has no power to impose any alternative sanctions, although the willingness of a member to co-operate in the matters listed below may have a bearing on any sanction that is imposed:-

- that the member submits a written apology in a form specified by the Hearing Sub-Committee;
- that the member undertakes such training as the Hearing Sub-Committee specifies;
- that the member participates in such conciliation as the Hearing Sub-Committee specifies.

## **APPEALS**

### **APPEAL PROCESS**

If a member is aggrieved by a decision of the Hearing Sub-Committee to impose one or more sanctions against him, either because he does not accept that he has breached the code or conduct, or because he considers that the sanction or sanctions imposed are disproportionate, he is entitled to appeal to the Appeal Sub-Committee.

Any such request must be sent in writing to the clerk to the Appeal Sub-Committee and received by him within 21 days from the date that the subject member is informed of the decision of the Hearing Sub-Committee. The Appeal Sub-Committee will normally complete its review of the decision within an average of 30 working days following receipt of the request.

### **APPEAL SUB-COMMITTEE TERMS OF REFERENCE**

- a) To determine any appeal from a member in relation to a finding of the Hearing Sub-Committee that they have breached the code of conduct and/or in relation to the sanction imposed, in accordance with paragraph b);
- b) Having due regard to the decision of the Hearing Sub-Committee, to substitute any alternative decision for that decision that the Appeal Sub-Committee considers is appropriate, being a decision that the Hearing Sub-Committee had the power to make.





# COMPLAINT FORM

## YOUR DETAILS

### 1. Please provide us with your name and contact details:

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

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

However, we will tell the following people that you have made this complaint:-

- The Member that you are complaining about;
- The Monitoring Officer of the City of London Corporation.

We will normally tell them your name and give them full details of your complaint. If you have serious concerns about your name and details of your complaint being released, please complete section 6 of this form.

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

- Member of the public
- An elected or co-opted Member of the City of London Corporation
- An employee of the City of London Corporation
- Other (please specify.....)

**MAKING YOUR COMPLAINT**

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

Title	First name	Last name

**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 assessment sub Committee when it decides whether to take any action 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.
- If possible, please be specific about which paragraphs of the Code of Conduct you believe have been breached.

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

**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 that they have the 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 reasonable grounds for believing that you will be at risk of physical harm if your identity is disclosed;
- You are an officer who works closely with the subject Member and you are afraid of the consequences to your employment or of losing your job if your identity is disclosed;
- You suffer from a serious health condition and there are medical risks associated with your identity being disclosed.

Please note that requests for confidentiality or requests for suppression of complaint details will not be automatically granted. The Assessment sub-Committee 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 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 the details of why you believe we should withhold your name and/or details of your complaint. Continue on a separate sheet if there is not enough space on this form:

## **6. ADDITIONAL HELP**

Complaints must be submitted in writing (this includes fax and electronic submissions). However, 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 in completing this form, please let us know as soon as possible.

## **7. CONTACT DETAILS**

If you have any queries regarding the completion of this form, or to submit your completed form by fax or email, please use the following contact details:

Michael Cogher (Comptroller & City Solicitor)

Tel: 020 7332 3699

Fax: 020 7332 1992

Email: [michael.cogher@cityoflondon.gov.uk](mailto:michael.cogher@cityoflondon.gov.uk)

Lorraine Brook (Principal Committee & Member Services Manager)

Tel: 020 7332 1409

Fax: 020 7796 2621

Email: [lorraine.brook@cityoflondon.gov.uk](mailto:lorraine.brook@cityoflondon.gov.uk)

Paper forms should be sent to either of the above recipients at the following address:

PO Box 270

Guildhall

London

EC2P 2EJ

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# Agenda Item 6

<b>Committee:</b>	<b>Date:</b>
Standards Committee	2 <sup>nd</sup> October 2015
<b>Subject:</b> Revised Guidance to Members re: Code of Conduct	<b>Public</b>
<b>Report of:</b> The Comptroller and City Solicitor and the Town Clerk	<b>For Decision</b>
<b>Summary</b>	
<p>At a special meeting of the Standards Committee held on 1<sup>st</sup> July 2015, Members took the opportunity to review and refine the existing Guidance to Members on the Code of Conduct.</p> <p>It was felt that it was timely to undertake such a review following discussions which had taken place at an informal meeting between the Standards Committee and the Chairman of the Policy and Resources Committee (also held on 1<sup>st</sup> July 2015).</p> <p><b>Recommendations:</b> That Members of the Standards Committee -</p> <ol style="list-style-type: none"><li>i. consider and comment on the revised <i>Guidance to Members</i> in respect of the Members' Code of Conduct; and</li><li>ii. subject to the inclusion of any additional points, approve the revised <i>Guidance to Members</i> so this can be re-circulated to all Members of the Court of Common Council for information.</li></ol>	

## Main Report

### **Background**

1. Following a request from the Standards Committee, the Chairman of the Policy and Resources Committee agreed to meet with Members informally to discuss his approach to the declaration of gifts and hospitality whilst in office.
2. The informal meeting took place on 1<sup>st</sup> July 2015. During the course of discussions it became apparent that there were still some outstanding issues regarding the interpretation of the Guidance to Members which accompanied the Code of Conduct and it was suggested that, in light of this, the Standards Committee should revisit the documentation issued.
3. Immediately after the informal meeting, a special meeting of the Standards Committee took place where Members took the opportunity to review the Guidance to Members, in particular Paragraphs 19-27.

### **Current Position**

4. In accordance with the points raised at the 1<sup>st</sup> July 2015 meeting, a revised Guidance to Members document is now attached for Committee approval.
5. As suggested at the informal meeting on 1<sup>st</sup> July 2015, the Chairman of the Policy and Resources Committee has been given sight of the draft documentation and his comments are incorporated. The three Deputy Chairmen of the Policy and Resources Committee and the Chairman of the General Purposes Committee of Aldermen were also sighted on the document but had no comment.

### **Conclusion**

6. Following a review of the existing Guidance to Members at a special meeting of the Standards Committee the Chairman requested that Officers work up a new draft of the document to reflect the views of Members for submission to the Committee at their October meeting.

### **Background Papers:**

- Minutes of the meetings of the Standards Committee on 1<sup>st</sup> July 2015.

### **Appendices**

- **Appendix 1** – Revised guidance for Members' (Code of Conduct)

#### **Gemma Stokley**

Committee and Member Services Manager

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E: [gemma.stokley@cityoflondon.gov.uk](mailto:gemma.stokley@cityoflondon.gov.uk)

#### **Michael Cogher**

Comptroller & City Solicitor

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## ***Guidance to Members – Members’ Code of Conduct***

### **General**

1. This Guidance is supplemental to the City of London Corporation’s Code of Conduct for Members (“the Code”). As in the Code, any reference to a “Member” includes both a member of the Corporation and a member of a committee of the Corporation.
2. It is not possible to cover every scenario or eventuality in this Guidance, which is intended as an aid for Members. It is not meant to be construed in an overly forensic or legalistic fashion. Instead Rather, Members should consider how their actions might be perceived by the general public. In interpreting this Guidance and the Code, Members should at all times have regard to the Seven Principles of Public Life – selflessness; integrity; objectivity; accountability; openness; honesty; and leadership. Further advice on the requirements of the Code can be obtained from the Corporation’s Monitoring Officer (the Comptroller & City Solicitor) or the Committee and Member Services Team.

### **Register of Member Interests**

3. All information provided on a Member Declaration Form will be published and made available for inspection – the only exception is where specific information is deemed to be sensitive, as set out in the Code.
4. A Member’s register of interests will be published via the respective Member’s page on the Corporation’s website. The register includes sections on disclosable pecuniary interests, non-pecuniary interests and gifts and hospitality.
5. The Code sets out the relevant timescales for registering interests. One requirement is to notify the Monitoring Officer (via the Town Clerk) of any disclosable pecuniary interest, and specified non-pecuniary interests, within 28 days of taking office as a Member. Accordingly, a Member Declaration Form will be sent to Members following election or appointment.
6. Where a Member has been re-elected or re-appointed, the requirements of the Code are satisfied if the register is updated – it is not necessary to register interests that have previously been notified to the Town Clerk.
7. The Code also states that a Member must maintain an up to date register of interests and Members are encouraged to regularly review their register entries. In addition, Members will be contacted individually once a year to review and where necessary

\* Via the Town Clerk’s Department

update their register of interests and will also be reminded of the arrangements in respect of requests for dispensations.

8. Where you wish to register any interest, please use the Declaration Form provided (where appropriate) or contact the Committee and Member Services Team via email or telephone: 020 7332 1427 or 020 7332 1434.

### **Disclosable Pecuniary Interests**

9. The Code requires Members to register their disclosable pecuniary interests, as defined by regulations made by the Secretary of State – the current regulations are included in Appendix 1 of the Code.
10. It is essential that Members follow the rules on disclosable pecuniary interests because failure to do so may result in prosecution, a fine and/or disqualification as a member for up to 5 years. Investigations and sanctions regarding breaches of this aspect of the Code will be a matter for the Director of Public Prosecutions.

### **Declaring interests in Securities**

#### *What are Securities?*

11. For these purposes “securities” means “shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and any other securities of any description other than money deposited with a building society” (Regulation 1 of The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012).

#### *What Securities must be registered?*

12. Members must register any beneficial interest in securities where:-
  - (a) The body, to the member’s knowledge has a place of business or land within the City of London’s area; 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 (whichever is the lower); or
    - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares in any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

#### *What is a “beneficial interest”?*

13. A beneficial interest arises where there is a right to the economic benefit of the securities i.e. a right to the income from the securities or a share of it and a right to the proceeds of sale or part of the proceeds.

#### *What degree of knowledge is required?*

14. A ~~an~~ Member will be taken to have knowledge of the necessary facts if:-  
They have actual knowledge; or

They wilfully shut their eyes to the obvious; or  
They wilfully and recklessly fail to make such inquiries as an honest and reasonable man would make; or  
They have knowledge of circumstances which would indicate the facts to an honest or reasonable man; or  
They have knowledge of circumstances which would put an honest and reasonable man on enquiry.

Thus genuine and reasonable ignorance of the facts is required if the obligation to register a disclosable pecuniary interest is to be avoided.

15. There is no general obligation to undertake extensive enquiries and thus a ~~Member~~ Member with significant holdings in, say, a unit trust is unlikely to be required to ascertain the value of the beneficial interest in each company within the trust and whether they have a place of business in the City provided that this is not apparent from the material routinely supplied to unit trust holders.

*What is a “reasonable excuse”?*

16. There is no statutory definition and whether a “reasonable excuse” for failure to register a disclosable pecuniary interest exists will depend on all the circumstances of the case. The Court will consider the actions of a Member from the perspective of a prudent person exercising reasonable foresight and due diligence having proper regard to their responsibilities.

### **Non-pecuniary interests**

17. ~~As of 1<sup>st</sup> January 2015,~~ Members are also required to register specific non-pecuniary interests as set out in the Code. Some illustrative examples of the types of organisations and bodies intended to be included in particular categories in paragraph 7 of the Code are set out below:

- Fraternal or Sororal Societies would include Freemasonry and the Royal Antediluvian Order of Buffaloes;
- Club or Society active in the City of London would include a Ward Club;
- Club or Society which relates to any functions of the Corporation would include the Heath & Hampstead Society.

18. This does not do away with the general obligation, in accordance with the Nolan Principles and the general duties set out in the Code, that Members are also required to notify the Town Clerk of any other interest that warrants disclosure.

### **Gifts and hospitality**

19. ~~As of 1<sup>st</sup> January 2015,~~ Members must also notify the Corporation’s Monitoring Officer (via the Town Clerk) of any gift or hospitality received that, when valued in accordance with this Guidance, meets or exceeds the relevant thresholds set out in the Code. Hospitality can be defined as any food, drink, accommodation or entertainment freely provided or heavily discounted.

**Comment [EW1]:** I think this should be “meets or exceeds”.

**Comment [GG2]:** It would be useful to set out the thresholds once again within the guidance – it is referred to on numerous occasions here (JM)

20. ~~In such cases, p~~ Please contact the Committee and Member Services Team within 28 days of receipt of any disclosable gift or hospitality specifying the following details:

**Comment [M 3]:** This is not very user friendly. I think it can be done online? And why not give a specific email address that members can use.

- description of the gift or hospitality (i.e. tickets to a theatre performance) including an approximate value if not apparent from the description;
- the date it was received;
- from whom the gift or hospitality was received (where the person who invites a Member to an event is not the person paying for the event, the identities of both persons (or organisations, etc.) must be specified if known); and

**Comment [M 4]:** I am sure I have been advised that this is not a requirement of the Code, and that it is merely sufficient to state for example "dinner". If the wording remains I suggest adding something like "this is not necessary where the hospitality is a dinner"

**Comment [M 5]:** It is often not at all clear who is paying for a dinner.

21. It is acknowledged that special arrangements are required in relation to gifts and hospitality provided to the Lord Mayor and Sheriffs, and these arrangements are set out in Appendix 1.

- ~~an approximate value (and cumulative value, if appropriate).~~

#### Gifts and hospitality that do not need to be disclosed

24.2. The following do not need to be disclosed:

- gifts and hospitality provided by the Corporation, including committee dinners or lunches associated with committee visits, tickets to events at the Barbican Centre or Guildhall School of Music and Drama, and hospitality offered by the Corporation at external events such as MIPIM;
- ~~local government dinners;~~
- any invitation from Her Majesty The Queen;
- ~~tickets to sporting and cultural events (if tickets via the Corporation) including tickets to events at the Barbican Centre, or Guildhall School of Music and Drama, as well as external events (e.g. Olympics tickets in Summer 2012).~~

**Comment [GG6]:** This isn't robust enough and doesn't cover, for example, the LSO as a separate entity. (JM).

~~22. It is acknowledged that special arrangements are required in relation to gifts and hospitality provided to ceremonial office holders, including the Lord Mayor and Sheriffs, and separate guidance will be produced in relation to this.~~

23. In addition, a Member only has to disclose gifts or hospitality received by virtue of being a Member – this will not normally include gifts or hospitality received from friends or family. Members should apply ~~honesty and~~ common sense when they consider how receipt of a gift or hospitality might be interpreted. For example, if the Member is a member of the Planning and Transportation Committee, and a birthday present arrives from an applicant just before a planning application is due to be considered, then the Member should think about how this would be interpreted by a reasonable member of the public. If in doubt, the Member should disclose the interest.

24. Members do not need to disclose gifts and hospitality that do not reach the relevant thresholds.

#### How should Members assess the value of gifts and hospitality received?

25. Members should assess all of the hospitality on offer at any event attended, whether it is accepted or not. This approach is in the interests of transparency, certainty and accountability; and avoids Members being drawn into a debate about exactly what they ate or drank on a particular occasion. Members should consider how much a person could reasonably expect to pay to attend an equivalent function or event run on a commercial basis. Likewise, in relation to gifts, Members should consider how much a person could reasonably expect to pay for an equivalent item on a retail basis.

Where a Member is in any doubt as to value, the prudent course is to err on the side of caution and register the gift or hospitality in question.

26. –Some examples of gifts and hospitality that are unlikely to reach the individual threshold are as follows:

- drinks receptions (where only drinks and canapés are served);
- standard commemorative gifts including pin badges, published materials, ties, paper weights, plaques.

Gifts and hospitality that are likely to require disclosure

257. Some examples of gifts and hospitality that are likely to reach the individual threshold are as follows:

- overseas trips or any overnight accommodation;
- formal luncheons or evening dinner events; (i.e. pre-dinner drinks, three course, silver service meals, all drinks)
- bespoke gifts that have been sourced/ made specifically for the Member (e.g. an engraved crystal vase, or a gold picture frame with a signed limited edition print);
- hospitality packages including lunch or dinner and tickets to a sporting or cultural event.

**Comment [M 7]:** The majority of the one I attend (and host) do not reach the threshold. I would change to something like "Formal banquets but not working lunches or dinners"

28. Gifts and hospitality received by friends and family of a Member, by virtue of their being a Member, should also be treated as having been received by the Member and registered accordingly.

Additional caution

269. Caution should be exercised where the offer of any gift or hospitality is over and above what could reasonably be viewed as ancillary to the business being conducted, or is wholly unrelated to the business being conducted.

3027. Particular caution should also be exercised by Members involved in determining regulatory matters (licensing, planning) and making decisions that affect the financial position of others.

31. Members also need to be mindful of where their private activities might cross over with or be perceived to cross over with their activities as a Member.

### Further information

For further information regarding the Members' Code of Conduct, please contact:

Michael Cogher (Comptroller & City Solicitor)  
Tel: 020 7332 3699  
Email: [Michael.cogher@cityoflondon.gov.uk](mailto:Michael.cogher@cityoflondon.gov.uk)

Lorraine Brook (Principal Committee and Member Services Manager)  
Tel: 020 7 3321409

Email: [lorraine.brook@cityoflondon.gov.uk](mailto:lorraine.brook@cityoflondon.gov.uk)

## **Appendix 1**

### **Gifts and hospitality – Lord Mayor**

The same financial thresholds for the registration of gifts and hospitality apply to the Lord Mayor as to other Members. However, due to the sheer number of events attended, the details of gifts and hospitality received will be presented on a quarterly basis. This will be via a log maintained on the Lord Mayor's webpages by staff at Mansion House, with a link from the Lord Mayor's "Member's" web page during their term of office.

The log will include disclosable gifts and hospitality received by the Lady Mayoress or Lord Mayor's Consort, as well as gifts and hospitality received by a Lord Mayor Locum Tenens or Sheriff in the place of and on behalf of the Lord Mayor.

There are rare instances where the disclosure of a specific item of hospitality or related gift into the public domain may give rise to diplomatic, commercial or political sensitivities. In such cases that item will not appear on the public register but the relevant details will be notified to the Standards Committee.

It is acknowledged that failure to register gifts, on the basis that they do not meet the relevant value threshold, may cause offence in some cases. Therefore, in the same way that any Member can choose to register gifts with a lesser value, it has been agreed that the Lord Mayor will register all gifts received. For the same reason, in no case will the description of a gift include an approximate value.

Although the Lord Mayor can expect to receive many gifts during his or her year in office as a matter of courtesy, the large majority of those gifts are not retained by the Lord Mayor personally. Whilst the Standards Committee considers that it is important that it receives details of those gifts that are retained, it is acknowledged that this information may again give rise to diplomatic, commercial or political sensitivities and the relevant details will not therefore be released into the public domain.

### **Gifts and hospitality – Sheriffs**

The arrangements for the registration of gifts and hospitality by the Sheriffs will as far as possible mirror the arrangements for the Lord Mayor. The Sheriffs, be they Aldermanic or non-Aldermanic, are subject to the Code and will have an individual register of interests. The details of gifts and hospitality received by the Sheriffs in that capacity will also be presented on a quarterly basis but via a log maintained by Old Bailey staff and published on the Corporate Governance webpages. Again, there will be a link from the "Member's" web page of both Sheriffs during their term of office.

As set out above, disclosable gifts and hospitality received by a Sheriff in the place of and on behalf of the Lord Mayor will be recorded in the log maintained by staff at Mansion House and not the log maintained by staff at the Old Bailey.

**Comment [EW8]:** Note: This sets out how the arrangements will work, but officers are still in the process of setting up the Old Bailey log and webpages for those "Members" who are not Aldermen or Common Councilmen.

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<b>Committee(s)</b>	<b>Dated:</b>
Standards Committee	2 <sup>nd</sup> October 2015
<b>Subject:</b> Update re: Co-opted Member Declarations	<b>Public</b>
<b>Report of:</b> The Town Clerk	<b>For Information</b>

## Summary

At its May 2015 meeting, the Standards Committee endorsed a proposal in respect of the adoption and implementation of a consistent approach to the management and on-line publication of declarations of interest by the City Corporation's voting and non-voting Co-opted Members that serve on City Corporation committees. The proposal would result in all Co-opted Members (voting and non-voting) being required to submit and maintain a Declaration of Interests, including both pecuniary and non-pecuniary interests.

This report provides an update about the status of the Co-opted Members' Registers of Interest following circulation of correspondence by the Town Clerk in consultation with the Comptroller and City Solicitor in early August 2015 and the implementation of the new arrangements.

## Recommendations

Members are asked to note the report and to consider any further steps it considers necessary to ensure compliance with the Code of Conduct.

## Main Report

### Background

1. At the meeting of the Standards Committee on 20<sup>th</sup> February 2015, an update report about the Annual Update to Members' Declarations was considered and a query was raised as to why only the Declarations of elected Members were published on-line and why there was a different arrangement in respect of the management of the Co-opted Members declarations.
2. It was noted that whilst the statutory provisions in relation to on-line registration only applied to those Co-opted Members who were entitled to vote on matters relating to the City Corporation's local authority or police authority functions, this did not preclude the Register of Interests of all Co-opted Members being made available on-line as a matter of policy. It was subsequently agreed, for the sake of consistency and greater transparency, that a Register of Interest should be completed by all Co-opted Members and thereafter published on-line.

3. Historically, the City Corporation's Co-opted Members have been categorised as voting or non-voting Co-optees serving on the City Corporation's Committees and only those Co-opted Members with voting rights have been requested to submit a register of interest form setting out their pecuniary interests.
4. During the 2014 annual update exercise, all Co-opted Members were contacted in writing and invited to submit a new or updated declaration. The voting Co-opted Members were reminded that submission was a statutory requirement but the non-voting Co-opted Members were advised that, whilst there was no statutory requirement, they were encouraged to submit a declaration in order to maximise transparency. Since that exercise commenced, fifty-one declarations had been received from the City Corporation's Co-opted Members, both voting and non-voting. To date, where completed registers of interest have been received, these have been retained on hard-copy file by the Town Clerk's Department.
5. At the meeting of the Standards Committee on 15<sup>th</sup> May 2015, Members agreed that they would like to implement a consistent approach to the management and publication of declarations of interest by both the City Corporation's elected and Co-opted Members. Consequently this would streamline the current arrangements whereby all elected and Co-opted Members, with or without voting rights, would be required, upon taking office, to submit a Members' Declaration form which would include their statutory pecuniary interest and any non-pecuniary interests that have been introduced as a requirement by the City Corporation.

### **Current Position**

6. Whilst the Court of Common Council's consent to amend the current arrangements in respect of the management of Co-opted Members' declarations was not required, the Town Clerk submitted reports informing both the Policy and Resources Committee and the Court of Common Council of the future proposed changes in advance of implementation. These reports were both received.
7. Since the Standards Committee meeting on 15<sup>th</sup> May 2015, and also in light of the April Court of Common Council meeting, the Town Clerk undertook a review of all of the City's Co-opted Members. This review resulted in the production of a final list of 168 relevant Co-opted Members (both voting and non-voting) who would need to be contacted regarding the new arrangements.
8. Following consultation with the Comptroller and City Solicitor, the Town Clerk wrote to all 168 of these Co-opted Members, voting and non-voting, setting out the background to the new arrangements, providing guidance about these and specifying a deadline for the return of all declarations.
9. Taking into account the Committee's earlier acknowledgement that the City Corporation's Co-opted Members should be given plenty of notice about any

future changes, these letters were circulated to all at the beginning of August 2015. A response date of 25 September 2015 was specified. Where existing declarations were held on file for Co-opted Members these were re-circulated so that these individuals had the opportunity to refresh these where necessary.

10. Briefing sessions, hosted by the Comptroller and City Solicitor were also offered to all to provide an opportunity to discuss the new requirements in greater depth and to raise any specific/individual queries. The training sessions were scheduled for Wednesday 9<sup>th</sup> September 2015 2pm - 4pm and Friday 11<sup>th</sup> September 2015 10am – 12pm. There was a disappointing take up of these sessions which led to just three Co-opted Members attending the first training session and the second training session being cancelled due to lack of interest. However, those who did attend have stated that they found the sessions extremely useful.
11. The current position in respect of responses is that, of the 168 Co-opted Members that were contacted in early August 2015, 57 complete responses and 14 partial responses (only one form returned or references to updates to previous declarations where none are held on file) were subsequently received. This leaves 97 responses outstanding (approximately 58%). A further update will be provided at the meeting. Every time a response has been received, this has been logged and retained on file in the Town Clerk's Department.
12. With regard to the online publication of the Co-opted Members' declarations, work has begun into identifying how this might be technically possible using the current Committee Management System and is currently being trialled by members of the Committee and Member Services Team. The idea is that Co-opted Member Declarations will be accessible by navigating to the Committee that they are on, then viewing the Membership of this Committee and clicking on the Members' name. It is not proposed that any further details be provided other than their Committee appointment/s and Declarations.

### **Moving Forward**

13. It is still envisaged that each Co-opted Member from whom we have received responses will, by the end of the year, have a register of interests that is accessible by the public, in the same way as elected Members have. The register will include all statutory pecuniary interests and non-pecuniary interests in line with the requirements for elected Members. The Standards Committee will be kept abreast of progress with implementation.
14. The Committee will now also need to provide a steer as to 'next steps' in terms of 'chasing' those Co-opted Members who are yet to reply or have only sent partial responses to the request for information. With regard to the issue of non-compliance, for the majority of Co-opted Members (i.e. those that are not voting Co-opted Members), non-compliance will not constitute a criminal offence. However, non-compliance could be deemed to be a breach of the

Code of Conduct and a complaint could therefore be investigated by the Standards Committee.

15. The next all-Member update will take place in April 2016 and it is proposed that Co-opted Members are also incorporated within all Annual Reviews going forward.

### **Corporate & Strategic Implications**

16. The adoption and implementation of a consistent approach to the management and publication of declarations of interest by both the City Corporation's elected and Co-opted Members enhances transparency about the City of London Corporation's governance framework and those involved in decision-making processes.
17. The annual reminder to review and update all Members' declarations satisfies the objectives of the Standards Committee in seeking greater transparency about the City of London Corporation's governance framework and those involved in decision-making processes.

### **Conclusion**

18. The adoption and implementation of a consistent approach to the management and publication of declarations of interest by both the City Corporation's elected and each of its Co-opted Members that serve on City Corporation Committees will ensure that there is a reasonable and consistent approach to the management of declarations of interest. The proposed approach, whereby all Co-opted Members are invited to submit a declaration of interest when they take office and then review this annually during the annual update exercise every April, will mean that all individuals who serve on City Corporation Committees are bound by the same requirements. This will enhance transparency of the City Corporation's decision making arrangements and ensure consistency in how declarations are managed. Publication of the declarations of interest on-line will further enhance transparency about the organisation's decision-making arrangements and highlight the important contribution that Co-opted Members make to the work of the City Corporation.
19. Members are invited to note the current position in respect of this exercise and the proposal in respect of the future arrangements for managing Co-opted Members' Declarations. Members are also asked to provide Officers with a steer as to any follow up with those Co-opted Members who are yet to respond to this request.

### **Background Papers**

The Members' Code of Conduct (*as agreed on 16<sup>th</sup> October 2014*)

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<b>Committee(s)</b>	<b>Dated:</b>
Standards Committee	02/10/2015
<b>Subject:</b> Annual review of the Protocol on Member/Officer Relations	<b>Public</b>
<b>Report of:</b> Director of Human Resources	<b>For Information</b>

## Summary

This report provides the Committee with the annual review of the Protocol on Member/Officer Relations highlighting any related issues that have arisen in the year 1 August 2014 – 31 July 2015. The report also includes a review of the Employee Code of Conduct and commentary from the Comptroller and City Solicitor on Employment Tribunal cases in the past year.

## Recommendation

Members are asked to note the report.

## Main Report

### Background

1. This annual report has been requested by the Committee to:
  - review and refresh the Protocol on Member/Officer Relations highlighting any related issues in the past year.
  - keep under review the Employee Code of Conduct
  - include a commentary about the Employment Tribunal cases in the past year.

### Current Position

2. The Protocol on Member/Officer Relations was reviewed by the Committee at its meeting in May 2014. The Committee's Terms of Reference were amended to include responsibility to keep under review and monitor the Protocol on Member/Officer Relations. A copy of the protocol is attached as Appendix 1 to this report.
3. There have been no formal disputes raised under the Disputes Procedures which is set out in the Protocol.
4. The Terms of Reference also include keeping under review by way of annual update the Employee Code of Conduct. The Employee Code of Conduct broadly

sets out the standards of conduct expected of employees and covers political neutrality, relationships with Members and the wider Nolan Principles. Breaches of the Code of Conduct are dealt with as disciplinary matters although minor breaches are dealt with informally in accordance with the statutory ACAS Code of Practise. A summary of the cases that have been dealt with formally are as follows:

7 cases related to standards of conduct in relation to insubordination or issues with a colleague

8 cases related to conduct and/or behaviour that fell short of the standards expected under the Code of Conduct

4 cases related to both of the above

1 case related to breaches of the Health and Safety Policy

5. There were no cases which related to the Protocol on Member/Officer Relations.
6. Members are not of course ordinarily involved in day-to-day employment matters but may be required to hear appeals against dismissal of employees as part of the Staff Appeals Committee. Of the 20 cases listed above 3 resulted in dismissal. Of these one was upheld by the Staff Appeals Committee and two were dismissed.
7. It should be noted that the Disciplinary and Grievance procedures have been revised and are currently subject to a review of the first year of operation. In addition there have been changes to the Data Protection and Whistleblowing Policies and a new Social Media Policy is due to be reported to Establishment Committee. The Employee Code of Conduct was last reviewed in 2012 but with these recent changes it will be reviewed and updated in this financial year.
8. There have been two Employment Tribunal cases concluded in the last year. Both were Police civilian employees. The Police, both officers and civilians make up the majority of cases. There are currently four cases outstanding of which two are police officers, one is a police civilian, and one is a former employee of Community and Children's Services. None of the cases involved the conduct of elected Members.

### **Corporate & Strategic Implications**

9. This report provides Members with information needed to monitor and review the Member/Officer Protocol and to consider whether any amendments or actions arising are appropriate.

### **Conclusion**

10. This report summarises activity over the past year in relation to the Protocol on Member/Officer Relations and the Employee Code of Conduct.



## Appendices

- Appendix 1 – Protocol on Member/Officer Relations

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## **PROTOCOL ON MEMBER / OFFICER RELATIONS**

### **1. Introduction**

- (1) The purpose of the Protocol, which was approved by the Court of Common Council on 13 April 2006, is to provide a guide to working relationships between Members of the Court (including co-opted Members) and Officers, and is in addition to any statutory requirements governing such relationships. The Protocol applies whether such relationships are in the context of the City's role as a local authority, police authority, port health authority or in any of its other roles.
- (2) Although it does not form part of the Members' or Employees' Codes of Conduct, the Protocol should be viewed in conjunction with those documents.
- (3) Responsibility for upholding the Protocol rests with the Chief Commoner and, when necessary, the Standards Committee in relation to Members, and with the Town Clerk in relation to Officers.

### **2. Principles Underlying Member / Officer Relations**

- (1) Good administration and effective decision-making are dependent upon the maintenance of successful working relationships between Members and Officers, based on mutual trust, respect and an understanding of respective roles and responsibilities. These relationships, and the trust which underpins them, should not be abused or compromised.
- (2) Whilst it is acceptable for Members, particularly Committee Chairmen as part of their leadership role, to offer guidance to Officers, they must 'not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority' (Code of Conduct). It is the responsibility of Officers to provide clear, impartial advice upon which Members may make decisions.
- (3) In addition to avoiding actual impropriety, Members and Officers should also seek to avoid situations which might give rise to the suspicion and/or appearance of improper conduct.

### **3. Role of Members**

- (1) Members are subject to:-
  - (a) the Corporation's Code of Conduct; and,
  - (b) Standing Orders of the Court of Common Council.
- (2) Members have four main areas of responsibility:-
  - (a) determining the policy and strategic direction of the Corporation
  - (b) monitoring and reviewing the performance of the Corporation in implementing that policy and delivering services
  - (c) representing the Corporation externally
  - (d) representing their constituents and stakeholders

- (3) It is not the role of Members to involve themselves in the detail of day to day management of the Corporation's services.
- (4) Members are required to take the advice of Officers into account in reaching a decision on a matter and must respect the Officers' responsibility to provide impartial advice, guidance and information.
- (5) The power to make decisions for the discharge of the authority's functions lies with the Court of Common Council and the properly constituted committees and sub-committees. A Member acting in an individual capacity cannot exercise any lawful authority and Members in general must operate through the Court of Common Council and its committees and sub committees. Members acting individually may not legally commit the Corporation.
- (6) Whilst individual Chairmen are in the same constitutional position as all other Members, having no legal authority to make executive decisions, they have certain other powers (eg. the control and conduct of meetings) as well as a broader leadership role. Chief Officers are required to consult Chairmen (and Deputy Chairmen) before certain delegated powers are exercised.
- (7) Leading Members ie. the Lord Mayor, the Chairman of the Policy & Resources Committee, the Chief Commoner and other Committee Chairmen (or Deputy Chairmen with the agreement of, or in the absence of, the relevant Chairman) can speak for the Corporation on matters appropriate to their roles and in accordance with the policy of the Corporation. Arrangements for media interviews and the issue of press releases will be made through or in agreement with the Public Relations Office.
- (8) Whilst all other Members have opportunities to promote the work of the Corporation with the people they meet and when entertaining on behalf of the Corporation, they cannot act as spokesmen for the Corporation.

#### **4. Role of Officers**

- (1) Officers are subject to:
  - (a) the Corporation's Code of Conduct;
  - (b) Standing Orders of the Court of Common Council;
  - (c) Financial Regulations; and,
  - (d) other instructions and professional guidelines relevant to their duties.
- (2) The primary role of Officers is to provide impartial advice, guidance and information to Members, and to implement promptly and efficiently the policies determined by the Court of Common Council and its various committees. Certain Officers have specific statutory responsibilities.
- (3) Officers must recognise the right of Members, as elected representatives, to determine the policy of the authority and must not act in any way to undermine that right.

- (4) Officers serve the Corporation as a whole and must carry out the work of the Corporation under the direction and control of the Court of Common Council and the properly constituted committees and sub-committees.

## **5. Expectations**

- (1) Members have a right to expect from Officers:-
- (a) commitment to the Corporation as a whole
  - (b) a working partnership
  - (c) an understanding of, and support for, respective roles, workloads and pressures
  - (d) timely response to enquiries and complaints and the efficient execution of decisions
  - (e) impartial, professional advice and guidance
  - (f) regular, up to date information on matters appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions they hold
  - (g) respect, dignity and courtesy
  - (h) integrity, mutual support and appropriate confidentiality
  - (i) not to have personal issues raised with them outside the agreed procedures
  - (k) that they will not use their relationship with Members to advance their personal interests or to influence decisions improperly
  - (l) compliance at all times with the relevant Code of Conduct
- (2) Officers have a right to expect from Members:-
- (a) a working partnership
  - (b) an understanding of, and support for, respective roles, workloads and pressures
  - (c) leadership and policy direction
  - (d) respect, dignity and courtesy
  - (e) integrity, mutual support and appropriate confidentiality
  - (f) not to be subject to bullying or to be placed under undue pressure and, in this respect, Members should have regard to the seniority of Officers in their dealings with them ie. they should not engage junior officers in discussions and requests more properly directed at senior officers
  - (g) that they will not use their relationship with Officers to advance their personal interests or to influence decisions improperly
  - (h) compliance at all times with the relevant Code of Conduct

## **6. Members in the Ward Role**

Members will, through their work with their electorate and stakeholders, need to contact Officers to obtain information on behalf of their constituents and others. This is perfectly in order and from time to time it may be appropriate for Officers to reply to constituents etc. on behalf of, or at the request of, Members.

## **7. Correspondence and Communications**

Members may contact (ie. by letter, e-mail, fax, telephone) Officers to seek advice, guidance or information. Whatever method of communication is used,

Members should receive an acknowledgement as soon as possible, but in any event within 2 working days, and a full response as soon as possible thereafter within 10 working days of receipt of the request. If for any reason this is not possible, a holding reply setting out the reasons for the delay should be sent as soon as possible following the acknowledgement, but in any event before the expiry of the 10 working days.

## **8. Limitations on Behaviour**

The separate roles of Members and Officers necessarily impose limitations upon behaviour. By way of illustration:-

- (1) personal relationships between Members and Officers going beyond normal working relationships can confuse/obscure the separate roles and interfere with the proper discharge of the authority's functions, not least in creating the perception in others that a particular Member or Officer may secure advantageous treatment;
- (2) the need to maintain and recognise the separate roles means that there are limits to the matters on which Members may seek the advice of Officers;
- (3) relationships with particular individuals should not be such as to create a suspicion/perception that an Officer favours a particular Member above others.

## **9. Reports**

- (1) Chairmen of committees or sub-committees may, on behalf of the committees or sub-committees concerned, make reasonable requests to Chief Officers or other Officers to prepare written reports on matters relating to the authority for consideration at Member-level. Such requests should not seek confidential information (eg. relating to case work or personal details of applicants for services).
- (2) Any disagreement relating to such a request (eg. if the Chief Officer concerned considers that the cost of providing the information or the nature of the request is unreasonable) should be referred to the Town Clerk.

## **10. Members' Access to Documents and Information**

- (1) Members' rights of access to documents and information are governed by the common law and statute. Members have such access to documents and information that is reasonably necessary to enable them properly to perform their duties as elected representatives.
- (2) Generally, information should, therefore, be made available to Members on request unless there is a justifiable legal or other reason for declining access.
- (3) Standing Order No. 42 sets out the detail on Members' access to documents.

- (4) If the information is not readily available or will require significant resources to produce, Officers should seek the guidance of their Chief Officer before taking steps to provide information that has been requested.

#### **11. Other Members of Corporation Committees**

Co-opted Members of the various committees, the Verderers serving on the Epping Forest & Commons Committee and the Independent Members of the Standards Committee are entitled to receive documents and information relating to their appointments in the same way as if they were elected Members.

#### **12. Dispute Procedures**

- (1) The overriding objective in any dispute is to achieve a satisfactory resolution through informal channels. However, it has to be recognised that this might not always be possible.

- (2) Procedure for Members:-

- (a) If a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Chief Officer.

- (b) If the employee concerned is a Chief Officer, the matter should be raised with the Town Clerk. (In the case of the Town Clerk there is a separate procedure.)

- (c) If the matter cannot be resolved informally, it may be necessary to resort to the Corporation's Disciplinary Procedure.

- (3) Procedure for Officers:-

If an Officer is dissatisfied with the conduct or behaviour of a Member, the matter should be raised with the appropriate Chief Officer or the Town Clerk.

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<b>Committee(s)</b>	<b>Dated:</b>
Standards Committee	18/09/15
<b>Subject:</b> Declaration of Gifts and Hospitality in relation to the Special Provision made for the Lord Mayor as a Ceremonial Office Holder	<b>Public</b>
<b>Report of:</b> The Private Secretary & Chief of Staff	<b>For Information</b>
<b>Summary</b>	
To update the Committee on the Lord Mayor's declaration of gifts and hospitality.	
<b>Recommendation(s)</b>	
Members are asked to note the report.	

## Main Report

### Background

1. Following the meeting of Standards Committee on 20<sup>th</sup> February 2015 it was agreed that as of 1<sup>st</sup> April gifts and hospitality which breached the threshold, as applied to all Members, would be declared unless they fell within the caveat outlined within the previous report of 'special provision' for the Lord Mayor as a ceremonial office holder.

### Current Position

2. As agreed with the Committee the Lord Mayor has made a declaration at the end of a three month period, declaring gifts and hospitality publicly via his internet page - <http://www.cityoflondon.gov.uk/about-the-city/the-lord-mayor/Pages/lord-mayor-biography.aspx> The gifts and hospitality are detailed on two separate documents via web links.
3. This page is also linked from his personal Aldermanic page - <http://democracy.cityoflondon.gov.uk/mguserinfo.aspx?uid=399>
4. The Lord Mayor has no separate declarations to make to the Committee under the special provision. All gifts and hospitality have been declared.
5. The next set of declarations is due to be made at the end of September.

## **Appendices**

- Appendix 1 – Gifts: 1 April - 1 July 2015
- Appendix 2 – Hospitality: 1 April - 1 July 2015

### **William Chapman**

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**Gifts received 1st April to 30th June 2015**  
**Lord Mayor - Alderman Alan Yarrow**

<b>Gift</b>	<b>Donor</b>	<b>Recipient</b>	<b>Date received</b>	<b>Did LM GIVE gift at the time of receipt? Yes/No</b>
Silver box	President of Mexico	LM	07.04.2015	No
Pewter quaich, engraved	Deacon Convenor, Trades	LM	13.04.2015	Yes
Pair of cufflinks	Leader, Glasgow City Council	LM	13.04.2015	Yes - dinner
Shot Glass in a tartan box	Ian Watson, Master, Company of	LM	14.04.2015	Yes
Gold coloured salver	CEO, Shurooq from Sharjah,	LM	15.04.2015	Yes
Leather weekend case	Leathersellers'	LM	15.04.2015	Yes
Book on the club	Langbourn Ward	LM	21.04.2015	Yes
Book: London - History in Maps	Bridge Ward Club	LM	22.04.2015	Yes
Pr silver plated Ormer cufflinks	Guernsey Int Business	LM	27.04.2015	Yes
2 Bottles of wine and bag of miscellaneous small gifts	HE The Ambassador of	LM	05.05.2015	Yes
Gold coloured Presentation key	Security Professionals'	LM	05.05.2015	Yes
Framed certificate for Hon Fellowship of the Institute of Chartered Secretaries and Administrators	Institute of Chartered Secretaries and Administrators	LM	05.05.2015	No (given to livery company, not Institute)
Lacquerware Peranakan Box - black with flower on top	High Commissioner for Sinagpore	LMS	11.5.2015	No - received via the post today
Ceramic tile in a black wooden frame	High Commissioner for Sinagpore	LM	11.5.2015	No - received via the post today
Lead weight and Book of History of Company	Master Plumber	LM	11.05.2015	Yes
Silk Scarf	Master Plumber	LMS	11.05.2015	Yes
Presentation of Fruit	Chairman, Spitalfields	LM	12.05.2015	Yes
Book from the National Bank of Abu Dhabi	Chairman of the National Bank of Abu Dhabi	LM	13.05.2015	No - received via the post today
Sample of China Brocade in wooden tryptich frame and pack of chinese opera paper faces	China Construction Bank	LM	14.05.2015	No
Box of Doughnuts to mark National Doughnut Week	Chris Freeman (Dunn's Bakery)	LM	15.05.2015	Yes
Fountain pen, City Shield and two City engraved Brandy glasses	Lord Mayor of Kingston upon Hull	LM	15.05.2015	Yes
Gold coloured bull on plinth	Chairman of Colombo Stock	LM	17.05.2015	Yes
China Elephant Salt and pepper pots	Millennium IT, Sri Lanka	LM	18.05.2015	Yes

Gold coloured engraved plaque	Mayor of Colombo, Sri	LM	18.05.2015	Yes
Silver coloured plate embossed with temple	Institute of Chartered	LM	19.05.2015	Yes
Copper coloured spear head on a wooden box	Indonesian Stock Exchange,	LM	19.05.2015	Yes
Blue tinted glass diamond engraved plaque in blue box	Commissioner of Otoritas Jasa Keuangan,	LM	20.05.2015	Yes
Silk Bound named Visitors' Book	Visit to Jaro, Singapore	LM	24.05.2015	Yes
2 Books - Johor - Tropic of Colour and Kenbera Manksta Johor 2013	Sultan of Johor	LM	24.05.2015	Yes
2 silk pashminas	Sultan of Johor	LMS	24.05.2015	Yes
Framed watercolour of Palace at Johor	Chief Executive, Bank Muamahat,	LM	25.05.2015	Yes
3 Books on World Islamic and Economic Forum	CEO, WIEF, Kuala Lumpur	LM	25.05.2015	Yes
Book: A Tale of two countries	Chamber of Commerce,	LM	25.05.2015	Yes
Framed silver coloured leaves	HELP University, Kuala Lumpur	LM	25.05.2015	Yes
Book: Islamic Finance, the new financial System	Redmoney, at IFN Asia Forum,	LM	25.05.2015	Yes
Book: Expressions of Merdeta Malaysia 57-63	Unknown	LM	25.05.2015	No
Books on Eleveth Malaysian Plan	Minister in the Prime Minister's	LM	26.05.2015	Yes
2 Books on Company	Selanger Dredging	LM	26.05.2015	No
Framed wooden picture of Two Towers	Financial Accreditation	LM	26.05.2015	No
Book: Islamic Capital Markets	Chairman, Securities	LM	26.05.2015	Yes
Glass Model of Ministry of Finance	Minister of Finance, Kular	LM	26.05.2015	Yes
Tottenham Hotspur signed shirt and 2 spurs pens	Kevan Watts, Chairman, ASEAN Business	LM	26.05.2015	No
Book on Municipality	Subang Jaya	LM	26.05.2015	No
Framed horseshoe and chutney and marmalade	Farriers' Company	LM	22.05.2015	Yes (by LMLT)
Leatherbound history of Painter Stainers' Company	Painter Stainers' Company	LM	28.05.2015	Yes
Barber's Bowl	Barbers'	LM	29.05.2015	Yes
12 bottles of red wine	Kleinwort Benson	LM	02.06.2015	No
Mother of Pearl laqueur box	Deputy Prime	LM	05.06.2015	Yes
Photobook of LMB Curry Lunch	Michael Hockney,	LM	10.06.2015	No
2 prs Spectacles	Spectacle	LM&LMS	12.06.2016	Yes
Bottle of Bourbon whisky	US Ambassador	LM	11.06.2015	No
Fish book and paperweight	Chairman, Markets	LM	12.06.2015	Yes
Small metal and green glass bud vase	Tseng, Chairman, Financial	LM	16.06.2015	Yes
White porcelain with hand painted rural picture boat shaped pot with sail on lid	Delegation from Pudong/Shangha	LM	18.06.2015	Yes

Commemorative 25th Anniversary edition of Graceland Album by Paul Simon	Skip Keesal of Keesal, Young, Logal	LM	18.06.2015	No
Pot of JP Morgan Honey	Richard Kaye, JPM	LM	22.06.2015	Yes
Presentation Basket of fruit and veg	Gardeners' Company	LM&LMS	23.06.2015	No

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Start	Subject	Location	Over Limit
05-May-15	Chartered Secretaries' Company Livery Dinner (LM, LMS, SH1, SH2, E1, E2)	Egyptian Hall	TRUE
06-May-15	Cooks' Company Civic Dinner (LM, SH1, SH2)	Innholders' Hall, 30 College Street, London, EC4	TRUE
11-May-15	Plumbers' Company 650th Anniversary Banquet (LM, LMS, SH1, SH2, E1, E2)	Egyptian Hall	TRUE
12-May-15	Festival of The Sons of The Clergy Service (LM, LMS, SH1, SH2, E1, E2)	St Paul's Cathedral	TRUE
12-May-15	Festival of The Sons of The Clergy Dinner (LM, LMS, SH1, SH2, E1, E2)	Merchant Taylors' Hall	TRUE
13-May-15	Fishmongers' Company Dinner (LM, LMS, SH1, SH2, E1, E2)	Fishmongers' Hall, London Bridge, London, EC4	TRUE
13-May-15	Furniture Makers' Company Dinner (RLM)	Egyptian Hall	TRUE
14-May-15	Reception and Dinner for City Magna Carta Charter (LM, LMS, SH1, SH2, E1, E2)	Temple Church and Middle Temple Hall	TRUE
15-May-15	Launderers' Company Banquet (LM, LMS, SH2, E2)	Egyptian Hall	TRUE
19-May-15	Coachmakers' Company Dinner (SH1, E1, SH2, E2)	Egyptian Hall	TRUE
20-May-15	Wheelwrights' Company Dinner (SH1, SH2, E1, E2)	Egyptian Hall	TRUE
22-May-15	Farriers' Company Dinner (LMLT, SH1, SH2, E1, E2)	Egyptian Hall	TRUE
27-May-15	Appeal Fundraising Event (LM, LMS)	Royal Academy	TRUE
28-May-15	Painter Stainers' Barnett Dinner (LM, LMS, SH1, E1, SH2, E2)	Painters' Hall, 9 Little Trinity Lane, EC4V 2	TRUE
29-May-15	Barber Surgeons' Company Dinner (LM, LMS, SH1, E1, SH2, E2)	Barbers Hall, Monkwell Square, Wood Street, EC2	TRUE
02-Jun-15	Bakers' Ladies Banquet (LMS, E1, E2)	Apothecaries' Hall, Black Friars Lane, London, EC2	TRUE
03-Jun-15	Constructors' Company Dinner (LM, LMS, SH1, SH2, E1, E2)	Egyptian Hall	TRUE
04-Jun-15	Vintners' Company Dinner (LM, SH1, SH2)	Vintners' Hall, Upper Thames Street, London EC4V	TRUE
08-Jun-15	Broderers' Company Dinner (LM, LMS, SH1, E1, SH2, E2)	Mercers' Hall, Ironmonger Lane, London, EC4	TRUE
12-Jun-15	Feltmakers' Company Dinner (LM, LMS, SH1, E1, SH2, E2)	Egyptian Hall	TRUE
13-Jun-15	Trooping the Colour (LM, LMS)	Horseguards Parade	TRUE
16-Jun-15	Innholders' Company 500th Anniversary Banquet (LM, LMS, SH1, E1, SH2, E2)	Guildhall, London, EC2	TRUE
17-Jun-15	Waterloo 200 Reception and Banquet for Wellington College (LM, LMS, SH1, SH2, E1, E2)	Guildhall	TRUE
19-Jun-15	Apothecaries Society Dinner (LM, LMS, SH1, E1, SH2, E2)	Apothecaries' Hall, Black Friars Lane, London, EC4V	TRUE
21-Jun-15	Private Engagement - Queen's (LM, LMS)	Queen's Club	TRUE
23-Jun-15	Guild of Entrepreneurs Civic Dinner (RLM)	Old Ballroom	TRUE
24-Jun-15	London Pride Dinner (SH2)	Egyptian Hall	TRUE
24-Jun-15	Lloyds of London (LM, LMS, SH1, E1)	Lloyds of London Dinner	TRUE
29-Jun-15	Girdlers' Company Dinner (LM, LMS, SH1, SH2, E1, E2)	Girdlers' Hall, Basinghall Avenue, London, EC2	TRUE
01-Jul-15	APPEAL GOLF DAY (LM, LMS)	ROYAL WIMBLEDON GOLF CLUB	TRUE

N.B. The vast majority of the hospitality received by the Lord Mayor which is worth £100 or more (or, if offered by the same host in a rolling twelve month period, amounts to £200 or more) is typically civic in nature.

In the course of a typical working week, the Lord Mayor will of course routinely receive hospitality of a type normally associated with business meetings or other working events, almost all of which falls beneath the £100 limit. Where it does not, it will of course be declared.





## Report – Policy and Resources Committee Amendment to Standing Orders

*To be presented on Thursday 25<sup>th</sup> June 2015*

*To the Right Honourable The Lord Mayor, Aldermen and Commons  
of the City of London in Common Council.*

### **SUMMARY**

The purpose of this report is to propose the amendment of Standing Order 63 regarding Disciplinary Action to comply with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the 2015 Regulations).

This Standing Order currently sets out the process by which disciplinary action can be taken in respect of the Town Clerk, the City of London Corporation's Monitoring Officer or the Chamberlain. The 2015 Regulations amend this process such that it now only covers dismissal, rather than any discipline, and no longer requires the relevant authority (the Court of Common Council in this instance) to follow a recommendation of a designated independent person. Investigations into dismissal of one of the three designated officers should therefore be conducted by a disciplinary panel, and a decision agreed by a vote of the Court of Common Council.

The full terms of the proposed amendments are attached at Appendix A. This integrates Schedule 3 of the 2015 Regulations into Standing Orders as required by law.

### **Recommendation**

Members are asked to:

- a) approve the amendment of Standing Order 63 to comply Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, as set out in Appendix A.
- b) note that your Policy and Resources Committee has, subject to the approval of the amendment to Standing Order 63 by this Honorable Court, requested that the Director of Human Resources undertake further work into the composition and constitution of the disciplinary panel and report thereon to your Policy and Resources Committee, your Establishment Committee and this Honorable Court as necessary.

## Main Report

### **Current position**

1. Currently, Standing Order 63(2) states that:  
*“No disciplinary action in respect of the Town Clerk, the City of London Corporation’s Monitoring Officer (as defined in Regulation 2 of the said Regulations) or the Chamberlain, except action described in Standing Order Number 63 (3), may be taken by the Court, or by a Committee, Sub-Committee, a Joint Committee on which the City of London Corporation is represented or any other person acting on behalf of the City of London Corporation, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 7 (investigation of alleged misconduct) of the said Regulations.”*
2. This means that the Court of Common Council can only approve disciplinary action in respect of one of those three named officers if it is recommended to them through a report made by a designated independent person. This is reflective of the requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 which has now been replaced with the new requirements set out below.

### **New Requirements**

3. The 2015 Regulations amend this such that there is no longer reference to disciplinary action, only to dismissal. In this area, the relevant authority (in this case the Court of Common Council) can only approve dismissal of those three same officers through a vote of the authority, as long as this vote takes into account:
  - a) any advice, views or recommendations of a Panel;
  - b) the conclusions of any investigations; and
  - c) any representations from the officer concerned.
4. The requirement that advice, views or recommendations of a Panel must be taken into account necessarily means that a Panel must be created to investigate potential dismissals of these officers. The 2015 Regulations set out some of the requirements for this panel and these are incorporated into the proposed amendments to Standing Order 63 set out at Appendix A. The Panel must comprise at least two Independent Persons appointed for the purposes of Standards investigations under the Localism Act 2011; the Corporation has already appointed three such independent persons to its Standards Committee.
5. The Panel has the status of an advisory committee appointed under s.102(4) of the Local Government Act 1972 and will need to be appointed by the Court of Common Council. Due to the requirement to incorporate the 2015 Regulations into Standing Orders as soon as possible, it is also recommended that investigation be conducted in this area by the Director of Human Resources, with a further report to be submitted to your Policy and Resources Committee, your Establishment Committee and the Court of Common Council if required.

## **Conclusion**

6. The amendment required by the 2015 Regulations is required and Members are **recommended** to approve the amendments set out in Appendix A to this report.

All of which we submit to the judgment of this Honorable Court.

DATED this 28<sup>th</sup> day of May, 2015.

SIGNED on behalf of the Committee.

**Mark John Boleat**  
Chairman, Policy and Resources Committee

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### 63. Disciplinary Action

1. In the following paragraphs,
  - (a) “the 2011 Act” means the Localism Act 2011;
  - (b) “chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
  - (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
  - (d) “local government elector” means a person registered as a local government elector in the register of electors in the City of London Corporation’s area in accordance with the Representation of the People Acts;
  - (e) “the Panel” means a committee appointed by the Court of Common Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Court of Common Council on matters relating to the dismissal of relevant officers of the City of London Corporation;
  - (f) “relevant meeting” means a meeting of the Court to consider whether or not to approve a proposal to dismiss a relevant officer; and
  - (g) “relevant officer” means the Town Clerk, Chamberlain or Monitoring Officer, as the case may be.
2. A relevant officer may not be dismissed by the City of London Corporation unless the procedure set out in the following paragraphs is complied with.
3. The Court of Common Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
4. In paragraph 3 “relevant independent person” means any independent person who has been appointed by the Court of Common Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Court of Common Council considers appropriate.
5. Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order,
  - (a) a relevant independent person who has been appointed by the Court of Common Council and who is a local government elector;
  - (b) any other relevant independent person who has been appointed by the Court of Common Council;
  - (c) a relevant independent person who has been appointed by another authority or authorities.
6. The Court of Common Council is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.
7. The Court of Common Council must appoint any Panel at least 20 working days before the relevant meeting.

8. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Court of Common Council must take into account, in particular—
  - (a) any advice, views or recommendations of the Panel;
  - (b) the conclusions of any investigation into the proposed dismissal; and
  - (c) any representations from the relevant officer.
  
9. Any remuneration, allowances or fees paid by the City of London Corporation to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.