



## Standards Committee

**Date:** FRIDAY, 13 MAY 2016

**Time:** 11.30 am

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

**Members:** Judith Barnes (Co-opted)  
Deputy Jamie Ingham Clark  
Nigel Challis  
Mark Greenburgh (Co-opted)  
Deputy Alastair King  
Dan Large (Co-opted)  
Oliver Lodge  
Edward Lord  
Felicity Lusk (Co-opted)  
Virginia Rounding  
Tom Sleigh  
Alderman Sir Alan Yarrow

**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

## Part 1 - Public Agenda

1. **APOLOGIES**

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

3. **ORDER OF THE COURT OF COMMON COUNCIL**

To receive the Order of the Court of Common Council, 21 April 2016, appointing the Committee and approving its Terms of Reference.

**For Information**  
(Pages 1 - 2)

4. **ELECTION OF CHAIRMAN**

To elect a Chairman in accordance with Standing Order No. 29.

**For Decision**

5. **ELECTION OF DEPUTY CHAIRMAN**

To elect a Deputy Chairman in accordance with Standing Order No. 30.

**For Decision**

6. **MINUTES OF THE PREVIOUS MEETING**

To agree the public minutes of the meeting held on 29 January 2016.

**For Decision**  
(Pages 3 - 10)

7. **MINUTES OF THE HEARING SUB (STANDARDS) COMMITTEE**

To receive the public minutes of the Hearing Sub (Standards) Committee meetings on 29 January 2016, 23 February 2016 and 16 March 2016.

**For Information**  
(Pages 11 - 34)

8. **DRAFT ANNUAL REPORT OF THE STANDARDS COMMITTEE**

Report of the Town Clerk.

**For Decision**  
(Pages 35 - 38)

9. **POWERS OF THE CHIEF COMMONER & THE GUILDHALL CLUB**

Report of the Comptroller and City Solicitor.

**For Information**  
(Pages 39 - 42)

10. **UPDATE RE CO-OPTED MEMBERS AND THE REGISTER OF INTERESTS**

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

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

11. **UPDATE - HEARING AND APPEAL SUB COMMITTEES**

**For Discussion**

12. **FREEMASONRY**

**For Discussion**  
(Pages 53 - 54)

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

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

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# Agenda Item 3

MOUNTEVANS, Mayor	<b>RESOLVED:</b> That the Court of Common Council holden in the Guildhall of the City of London on Thursday 21st April 2016, doth hereby appoint the following Committee until the first meeting of the Court in April, 2017.
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## STANDARDS COMMITTEE

### 1. **Constitution**

A Non-Ward Committee consisting of,

- one Alderman appointed by the Court of Aldermen
- seven Commoners elected by the Court of Common Council, at least one of whom shall have fewer than five years' service on the Court at the time of their appointment
- four representatives (with no voting rights) who must not be Members of the Court of Common Council or employees of the City of London Corporation

None of the appointed shall serve on the Committee for more than eight years.

*N.B. Three independent persons are also appointed pursuant to the Localism Act 2011.*

### 2. **Quorum**

The quorum consists of three Members, at least one of whom must be a Co-opted Member.

### 3. **Membership 2016/17**

#### ALDERMAN

- 1 Sir Alan Yarrow

#### COMMONERS

- 4 (4) Oliver Arthur Wynlayne Lodge, T.D  
3 (3) Virginia Rounding  
3 (3) Tom Sleight  
4 (2) Charles Edward Lord, O.B.E., J.P.  
4 (1) Nigel Kenneth Challis  
3 (1) Alistair John Naisbitt King, Deputy  
1 (1) Jamie Ingham Clark, Deputy

together with four co-opted non-Common Council Members:-

Judith Barnes (*appointed for a four year term expiring in December 2017*)

Felicity Lusk (*appointed for a four year term expiring in December 2017*)

Mark Greenburgh (*appointed for a four year term expiring in December 2018*)

Dan Large (*appointed for a four year term expiring in December 2018*)

### 4. **Terms of Reference**

To be responsible for:-

- (a) promoting and maintaining high standards of conduct by Members and Co-opted Members of the City of London Corporation and to assist Members and Co-opted Members to observe the City of London Corporation's Code of Conduct;
- (b) preparing, keeping under review and monitoring the City of London Corporation's Member Code of Conduct and making recommendations to the Court of Common Council in respect of the adoption or revision, as appropriate, of such Code of Conduct;
- (c) keeping under review by way of an annual update by the Director of HR, the City of London Corporation's Employee Code of Conduct;
- (d) keeping under review and monitoring the Protocol on Member/Officer Relations;
- (e) advising and training Members and Co-opted Members on matters relating to the City of London Corporation's Code of Conduct;
- (f) dealing with any allegations of breach of the City of London Corporation's Code of Conduct in respect of Members and Co-opted Members, and in particular:
  - (i) to determine whether any allegation should be investigated by or on behalf of the Town Clerk or the Monitoring Officer and their findings reported to the Committee;
  - (ii) in relation to any allegation that it has decided to investigate, to determine whether there has been a breach of the Code of Conduct, taking into account the views of an Independent Person appointed under the Localism Act 2011;

- (iii) where there has been a breach of the Code of Conduct, to determine the appropriate sanction, and where this involves removal of a Member or Co-opted Member from any committee or sub-committee, to make an appropriate recommendation to the relevant appointing body;
  - (iv) to determine any appeal from a Member or Co-opted Member in relation to a finding that they have breached the Code of Conduct and/or in relation to the sanction imposed; and
- (g) monitoring all complaints referred to it and to prepare an annual report on its activity for submission to the Court of Common Council.

## STANDARDS COMMITTEE Friday, 29 January 2016

Minutes of the meeting of the Standards Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Friday, 29 January 2016 at 11.30 am

### Present

#### Members:

Edward Lord (Chairman)  
Oliver Lodge (Deputy Chairman)  
Judith Barnes  
Nigel Challis  
Mark Greenburgh  
Michael Hudson  
Deputy Alastair King  
Dan Large  
Felicity Lusk  
Virginia Rounding  
Tom Sleigh

#### Officers:

Gemma Stokley	- Town Clerk's Department
Michael Cogher	- Comptroller and City Solicitor
Edward Wood	- Comptroller and City Solicitor's Department
Deborah Cluett	- Comptroller and City Solicitor's Department
Charles Henty	- Secondary and Under-Sheriff of London and High Bailiff of Southwark

#### 1. APOLOGIES

There were no apologies for absence.

#### 2. DECLARATIONS BY MEMBERS OF ANY PERSONAL AND PREJUDICIAL INTERESTS

There were no declarations.

#### 3. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 2 October 2015 were considered and approved as a correct record.

#### MATTERS ARISING

**Complaints Procedure and Form (page 3)** – The Comptroller and City Solicitor informed the Committee that a written report summarising Complaints dealt with informally by the Chief Commoner would be submitted to their next meeting.

**Revised Guidance to Members re: Code of Conduct (page 3)** – The Town Clerk reported that, at the Committee’s request, relevant Committee Chairmen had been contacted to request that they remind their Co-opted Members of the need to submit responses to the Town Clerk at their next scheduled meetings. This had resulted in a further 12 responses meaning that there had now been 87 responses in total and 83 responses still outstanding from Co-opted Members from across the organisation.

The Committee requested that the Town Clerk provide a breakdown of responses by Committee for their next meeting so that they were able to identify if there were issues of compliance in particular areas.

The Chairman highlighted that he had particular concerns around the lack of responses received from those co-opted Members who sat on the City Corporation’s statutory consultative committees.

The Comptroller and City Solicitor informed the Committee that he would be producing a report on the legal status/constitution of the various Sub, Consultative and Grand Committees for whom responses were still outstanding to the next meeting of the Standards Committee with advice on how best to proceed in each case.

The Committee agreed that this would be helpful and would enable them to re-think their policy on this matter so that if a body were purely advisory and the City Corporation were keen to encourage participation, it might not be necessary for all members of that body to submit a response.

The Chairman reported that the City’s Property Investment Board had recently taken the decision to co-opt an additional 3 Members who would also be required to return the necessary forms.

#### **4. MINUTES OF THE ASSESSMENT SUB COMMITTEE**

##### **(a) 16 December 2015**

The Committee received the public minutes and summary of the Assessment Sub-Committee meeting held on 16 December 2015.

The Chairman reported that Mr Sleight had now been replaced by Mr Lodge on the Sub-Committee. This was because the matter involved officers who reported to a body on which Mr Sleight was currently serving as Deputy Chairman and so he had taken the decision that it would be best for him to stand down.

##### **(b) 21 January 2016**

The Chairman reported that the Assessment Sub Committee that originally met on 21 January 2016 would be reconvened today following Members’ request for further clarification on a number of issues. The minutes of both the original and



the reconvened Assessment Sub Committee meeting would be submitted to the next meeting of the Standards Committee for information.

5. **STANDARDS COMMITTEE- TERMS OF REFERENCE AND FREQUENCY OF MEETINGS**

The Committee considered a report of the Town Clerk concerning its Terms of Reference, the terms of reference of its sub committees and its frequency of meetings ahead of submission of the White Paper to the Court of Common Council on 21<sup>st</sup> April 2016.

The Deputy Chairman disagreed with the fact that there continued to be a dual measure of service for Standards Committee Members. He suggested that this be amended to read “None of the appointed shall serve on the Committee for more than eight years in total. The Committee unanimously agreed with this amendment.

With reference to terms of reference of the Hearing Sub Committee, the Deputy Chairman stated that it seemed wrong to suggest that the Sub Committee could ‘impose’ any sanctions given that, if removal of a Member from a particular committee or committees was decided upon then a recommendation would have to be made to the relevant appointing body in each case. The Comptroller and City Solicitor suggested that this could be amended to read “...it may take any one or a combination of the following actions...”. The Committee suggested that approval of the final wording of this paragraph be delegated to the Town Clerk and Comptroller and City Solicitor in consultation with the Chairman and Deputy Chairman.

The Chairman highlighted that both Mr Challis and Mr Hudson would be up for re-appointment to the Committee in April 2016.

**RESOLVED – That:**

- (a) Members approve the Standards Committee’s Terms of Reference for submission to the Court of Common Council on 21<sup>st</sup> April 2016 subject to the amendment referred to above regarding the maximum length of service for Standards Committee members;
- (b) Members agree that the Standards Committee continue to meet three times per annum; and
- (c) Members note the scheduled meeting dates for the remainder of 2016 and 2017.

6. **DECLARATION OF GIFTS AND HOSPITALITY IN RELATION TO THE SPECIAL PROVISION MADE FOR THE LORD MAYOR AS A CEREMONIAL OFFICE HOLDER**

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

In response to a question regarding the policy around the retention of gifts by the Lord Mayor, the Chairman reported that a note was kept on file at Mansion House on this. A Co-opted Member commented that the policy for Government and Royalty was that all gifts received went to storage unless purchased by the officer holder and it therefore seemed that the Lord Mayor's policy on this was not consistent with the approach adopted elsewhere. The Chairman highlighted that there was a considerable amount of personal cost incurred by the Lord Mayor whilst in office and that this was an unpaid office with no tax implications.

The Chairman went on to inform the Committee that he was to receive a report directly from Mansion House should the Lord Mayor receive any gift/hospitality of a politically sensitive nature. He confirmed that there had been no such report to date.

The Chairman drew Members' attention to the addition of overseas hospitality as requested by the Committee at their last meeting.

## **RECEIVED.**

### **7. UPDATE ON SHRIEVAL DECLARATION ARRANGEMENTS**

The Committee received a report of the Secondary of London updating Members on the arrangements that had now been implemented for the Sheriffs' declarations of gifts and hospitality.

The Chairman reported that, whilst one of the City's Sheriffs was, typically, not a Common Councilman or Alderman, they were still 'caught' by the Code of Conduct as ex-officio members of a number of City of London Corporation committees.

The Secondary reported that the Old Bailey had followed the example set by mansion House in terms of the registering of gifts and hospitality and he hoped that this was to the Committee's satisfaction. He went on to report that, unlike the Lord Mayor, the Sheriffs did not tend to be the recipients of very expensive gifts.

The Committee were informed that the new arrangements around registering gifts and hospitality had been in place since the beginning of the new Shrievalty in September 2015 and that the Secondary would continue to provide similar public reports on this matter to the Committee on a quarterly basis.

A Member suggested that the assumption that one of the Sheriffs was always an Alderman be removed. It was also noted that the value of gifts was very much a guesstimate and that it was therefore unnecessary to include this information in future reports.

In response to a question regarding the policy around the retention of gifts, the Secondary repeated that the gifts given to the Sheriffs tended to be small, personal items but that, if a gift of great significance/value were to be received he would seek advice on the retention of such a gift.

Members asked that future reports record whether either Sheriff were accompanied by their escort at events.

Finally, Members informed the Secondary that it was not necessary to list invitations to events from the Queen in future reports.

The Chairman, on behalf of the Committee, thanked the Secondary for his efforts in this area and for his comprehensive report and log.

**RECEIVED.**

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

**Ward Newsletters in the run up to the 2017 Common Council Elections**

A Member referred to the forthcoming 2017 Common Council elections and questioned whether any guidance currently existed for Members around using publications such as Ward Newsletters for what might be perceived as electioneering.

The Comptroller and City Solicitor reported that the Local Government Act 1986 touched upon this matter with regard to 'promoting political ends'.

A Member commented that this matter did not seem to be within the remit of this Committee and highlighted the fact that guidance around the appropriate use of Corporation resources was normally circulated to all Members nearer the election period.

Members went on to question the publication of the Ward Newsletters and whether there was any oversight of this at officer level given that they were produced at the Corporation's cost. The Comptroller and City Solicitor undertook to ascertain exactly what oversight of these publications was currently in place.

The Chairman suggested that a minute on this item be sent to the Policy and Resources Committee given that it was their decision a number of years ago to create Ward newsletters and to print and post these at the City Corporation's expense. It would then be for them to consider whether or not guidance on the appropriate use of these publications should be issued to Members in the run up to the 2017 elections.

9. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**  
**Hearing Sub Procedures**

The Chairman highlighted that the Hearings Sub Committee had taken a decision earlier this morning to proceed to a full Hearing with regard to a complaint submitted to them. He went on to report that, as this would be the first of such hearings that the Sub Committee would oversee, there were some questions around whether this should be held in public or private session (different authorities currently took very different approaches to this) and further questions around what approach should be taken with regard to the publication

of any decisions reached by the hearing. The Chairman welcomed the views of the Committee on this matter.

The Committee were informed that the advice from the Assistant City Solicitor had been that the Sub Committee would have sufficient legal justification to hold the forthcoming hearing in private session.

One Co-opted Member commented that she was of the view that any decision reached should be published unless that was good reason not to. She added that her instinct was that the hearing should also be held in public for the same reason. However, another Co-opted Member disagreed and stated that the hearing should be held in private with a view then taken as to whether or not any decisions made should be made public on a case by case basis, taking into consideration the severity of each case.

An Independent Person concurred that the hearing should be held in private as was the case with many trade/professional bodies but that a strong case could then be made for making any decisions reached public.

A Member stated that he felt that hearings in general should be held in public unless this would be of concern to the complainant.

In response to a question, the Chairman confirmed that, if a hearing were to be held in public, the press would be entitled to attend and also to make audio/visual recordings of the proceedings.

The Comptroller and City Solicitor went on to state that the presumption should be that hearings would be held in public unless restricted information was involved. He added that it was also for the relevant Sub Committee to take a view in terms of public interest on each case. The Committee were informed that, where cases were held in private session, public minutes providing a sufficient summary would still be produced.

The Chairman thanked Members for their views and stated that all future hearings would be held in public unless there were clear, sufficient legal grounds for them to be private. With regard to decisions taken by the Sub Committee, it was agreed that these should be made public with the reasons behind such decisions also published unless these contained exempt information as covered by the Local Government Act 1972.

#### **Dispensations Sub Committee**

A copy of a letter sent to all Members of the Court of Common Council on behalf of the Chairman of the Standards Committee and the Comptroller and City Solicitor was tabled. The letter concerned a forthcoming debate and vote that was due to take place at the Finance Committee and potentially the Court of Common Council regarding the Business Rate Premium and any disclosable pecuniary interests Members might have around this. The letter had also advised Members that a Dispensations Sub Committee had been scheduled for Wednesday, 10 February 2016 to consider any written requests for a

dispensation that Members might want to submit to enable them to talk and vote on this matter.

The Chairman sought the availability of two Common Councilmen and one Co-opted Member to sit on the forthcoming Dispensations Sub Committee.

**RESOLVED** – That, the following Members be appointed to the Dispensations Sub Committee scheduled for 10.00am on Wednesday 10 February 2016:

- Nigel Challis
- Dan Large (Co-opted Member)
- Edward Lord
- Virginia Rounding

**The meeting ended at 12.40 pm**

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Chairman

**Contact Officer: Gemma Stokley**  
**tel.no.: 020 7332 1407**  
**[gemma.stokley@cityoflondon.gov.uk](mailto:gemma.stokley@cityoflondon.gov.uk)**

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## HEARING SUB (STANDARDS) COMMITTEE

Friday, 29 January 2016

Minutes of the meeting of the Hearing Sub (Standards) Committee held at the Guildhall EC2 at 10.30 am

### **Present**

#### **Members:**

Nigel Challis  
Mark Greenburgh  
Oliver Lodge

Edward Lord

#### **Also Present:**

Anju Sanehi (Independent Person)

#### **Officers:**

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

### **1. REPORT OF THE MONITORING OFFICER**

The Sub-Committee considered a report of the Monitoring Officer presenting the findings of an investigation into a complaint authorised by the Assessment Sub-Committee on 16<sup>th</sup> December 2015.

The Chairman highlighted that Mr Sleigh had now been replaced by Mr Lodge on the Sub-Committee. He explained that Mr Sleigh was currently serving as Deputy Chairman of the City's Property Investment Board to which all of the witnesses in this case reported. He therefore felt that it was inappropriate for him to continue to consider this complaint.

The Monitoring Officer introduced his report and provided the Sub-Committee with a brief overview of his investigations. He outlined the difficult interplay of issues in this case given that the complainant had made a related 'whistle-blowing' complaint and was currently suspended from work as the subject of a staff disciplinary case. He emphasised that this Sub-Committee should be very clear on its boundaries and the fact that their role was to decide whether or not there was any misconduct on the side of Deputy Chapman only.

The Monitoring Officer commented on the disparities between the style of the complainant's statement and the other statements and informed the Sub-

Committee that the Complainant had been offered assistance to refine his statement but had refused this assistance.

After presenting his report, the Monitoring Officer and Mr Edward Wood (Comptroller and City Solicitor's Department) withdrew from the meeting.

The Assistant City Solicitor commented that Member influence was a very tricky issue but that it was for this Sub-Committee to 'set the bar' here in terms of what they felt was proper and appropriate. The Sub-Committee were aware that any decisions taken on this matter were likely to set a precedent on this matter.

In terms of Policy, the Chairman highlighted that, should this matter proceed to a full hearing, this would be a first for the Committee and that consideration would therefore have to be given to the form that such a hearing would take.

Members went on to outline their concerns about a number of apparent inconsistencies in the statements presented to them. They also noted that there seemed to be a lack of information as to the process that the complainant should have been following regarding the events held at Leadenhall Market. The emails provided seemed to 'dip in and out' of the matter without actually providing a narrative as to how an event was initially refused but then proceeded.

Members also commented on the use of personal email addresses and suggested that this was an area that the Standards Committee might like to provide advice to all Members on going forward.

The Independent Person present agreed with all of the points raised and stated that it seemed extraordinary that events such as those referred to within the complaint could be signed off and agreed at the last minute. She also commented that there were a number of inconsistencies within the statements as to what actually happened on the morning of the Monte Carlo event.

In view of the inconsistencies in the statements provided and the apparent gaps in the information provided, the Sub Committee were unanimously of the view that this matter should now proceed to a full hearing. The Independent Person present also agreed with this approach.

Having unanimously decided that a full hearing should now proceed, the Sub-Committee went on to discuss the procedure that should be adopted for the hearing. A draft procedure was tabled by the Assistant Comptroller and City Solicitor.

Members suggested that further information would be helpful to provide some additional context to the complaint at the full hearing, namely the official procedure which ought to have be followed by Officers in terms of managing/processing events at Leadenhall Market, a scale of fees for such events and a timeline of events referred to within the complaint. It was also



agreed that a 'who's who' of relevant staff within the City Surveyor's Department and their reporting lines would be useful.

It was felt that both the complainant and respondent should be permitted to attend the full hearing with relevant witnesses called to attend according to a running order to be determined. It was also agreed that the complainant and respondent should be entitled to be accompanied to the hearing by a friend or colleague if they so wish.

The Sub Committee questioned the steps taken to secure the assistance of the Barnet Waddingham witness who had not responded. The Chairman requested that further efforts be made on this front with any response provided to be circulated to the Sub-Committee ahead of the full hearing.

The Sub Committee were of the view that cross examination should not be permitted at the hearing and that it would not be necessary for the Monitoring Officer to sum up or 'run' the hearing in any way.

Members were of the view that the Hearing should be held in private session but that a view should be taken at the time as to whether any decision reached should be made public.

**RESOLVED** – That the matter be referred to a full hearing to be held on Tuesday, 23 February 2016.

2. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**  
There were no additional, urgent items of business for consideration.

**The meeting closed at 11.30 am**

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Chairman

**Contact Officer: Gemma Stokley**  
**gemma.stokley@cityoflondon.gov.uk**  
**020 7332 1407**

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**HEARING SUB (STANDARDS) COMMITTEE**

**Tuesday, 23 February 2016**

**Minutes of the meeting of the Hearing Sub (Standards) Committee held at the Guildhall EC2 at 10.00 am**

**Present**

**Members:**

Nigel Challis	Edward Lord (Chairman)
Mark Greenburgh (Co-opted Member)	Anju Sanehi (Independent Person)
Oliver Lodge	

**Officers:**

Lorraine Brook	- Town Clerk's Department
Deborah Cluett	- Comptroller & City Solicitor's Department

**Also in attendance:**

Michael Cogher (Comptroller & City Solicitor/ Monitoring Officer) and Edward Wood (Comptroller & City Solicitor's Department).

Deputy John Chapman (Respondent), accompanied by Alderman Julian Malins QC.

Leighton McDonnell (Complainant).

**1. APOLOGIES**

There were none.

**2. PUBLIC MINUTES**

The Sub-Committee approved the minutes of the last meeting.

**Resolved:-** That the minutes of the last meeting held on 29<sup>th</sup> January 2016 be approved.

**3. QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**

There were none.

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

There was none.

**5. EXCLUSION OF THE PUBLIC**

**Motion** - That under Section 100(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

The Sub-Committee considered whether the remaining items of business should be considered in closed session following an exclusion of the press and public in accordance with the Local Government Act. Members considered whether it was in the public interest to apply an exemption on the grounds that the remaining business (principally item 8) concerned information relating to an individual (paragraph 1, Schedule 12A of the Local Government Act). It was noted that whilst the decision notice would naturally be published in the public domain, the evidence and associated papers relevant to the complaint before Members had thus far been exempt under paragraph 1.

The Sub-Committee considered representations from the Complainant and the Respondent and, on the grounds that they had no objections and the that public interest in relation to the conduct of a holder of public office outweighed the possibility for maintaining the exemption, following a brief adjournment it was **AGREED** that Item 8 of the agenda (*Complaint by LM against JC – Points of clarification*) would be considered in public session and all relevant documentation would be made publicly accessible.

**Resolved unanimously:-** That the motion to exclude the press and public be not approved.

#### 6. **NON-PUBLIC MINUTES**

The Sub-Committee considered the non-public minutes of the last meeting on 29<sup>th</sup> January 2016, which had since become a public document.

**Resolved:-** That the previously restricted non-public minutes of the last meeting on 29<sup>th</sup> January 2016 be approved.

#### 7. **HEARING SUB (STANDARDS) COMMITTEE-PROPOSED HEARING PROCEDURE**

The Sub-Committee considered and approved the procedure for hearing the complaint.

**Resolved:-** That the procedure for hearing the complaint be approved.

#### 8. **COMPLAINT BY LM AGAINST JC - POINTS OF CLARIFICATION**

The Chairman outlined the procedure for hearing the complaint, a copy of which had been circulated in advance to Members of the Sub-Committee, Officers, the Complainant and the Respondent. He explained that whilst cross-examination of the witnesses would not be permitted, the Panel would give consideration to putting questions on behalf of the Complainant or the Respondent. It was noted that the witnesses would be heard in the following order following an opening statement from the Monitoring Officer:-

- Leighton McDonnell (Complainant)
- Nicholas Gill
- Trevor Nelson
- Steve Ivers
- John Black
- Deputy John Chapman (Respondent)

The Monitoring Officer provided a brief introduction to his report and the investigation into the complaint which had been undertaken at the request of the Sub-Committee. He referred to the boundaries of legitimate Ward Member activities and reminded Members that as the boundaries were now determined at a local level it was therefore for the Sub-Committee to decide whether the accepted boundaries had been breached by Mr Deputy Chapman. In respect of Member/officer interaction, it was noted that officers had to determine whether requests from Members were appropriate.

### **Opening Statements – Complainant and Respondent**

Mr McDonnell presented his opening statement, a written copy of which had been tabled to all those present. He summarised the key facts and referred to specific examples of evidence which he believed demonstrated that Mr Deputy Chapman had acted inappropriately and influenced management decisions at Leadenhall Market, including the waiving of fees.

Mr Deputy Chapman then presented his opening statement and a summary of key points was, with the Chairman's consent, tabled to all those present. Mr Deputy Chapman referred to the additional information that Mr McDonnell had submitted to the Panel (as set out in the agenda) and commented on the accusations that had been made against himself and a number of other people, all of which he considered to be untrue.

With reference to Mr McDonnell's comment (in the additional paperwork entitled "*Further Information*") about Mr Deputy Chapman's alleged bankruptcy, Mr McDonnell apologised if this was not the case.

### **Evidence – Mr McDonnell**

The Sub-Committee considered the evidence of Mr McDonnell and, following confirmation from Mr McDonnell that the statement at page 7 was considered to be true to the best of his knowledge and belief, the Sub-Committee raised a number of queries.

Mr McDonnell clarified who was present at the Market when he arrived on the morning of the Monte Carlo or Bust Car Rally and confirmed that whilst Mr Deputy Chapman did not swear at Mr Ivers he was very irate and rude. He went on to explain that the "f" word had been used during a conversation involving Trevor Nelson, Mr McDonnell, Martin Robinson and Mr Deputy Chapman and, when Mr Deputy Chapman indicated that he wanted to change the management of the market, Mr Nelson indicated that he would talk to him in private.

Mr McDonnell outlined the relationship with Osprey Associates, the level of communication that he had with the company in respect of potential events at Leadenhall Market and the usual fee arrangements. In respect of the Virtual Golf event, Mr McDonnell confirmed that he had requested written confirmation from Mr Nelson to proceed with the delegated authority and licence

arrangements because of Mr Nelson's insistence that the event go ahead despite the earlier refusal. Mr McDonnell stated that he wanted a document trail because he felt under duress.

With reference to paragraph 1 of his statement, Mr McDonnell was asked to clarify his role at the Market and how the additional workload had been managed. He was also asked to outline any handover arrangements for work associated with the Market. It was noted that having assumed his new role in June 2015, Mr McDonnell had a backlog of work with some 10-15 cases requiring attention.

In respect of events at the Market, Mr McDonnell confirmed that two-three requests for high-level events were received each week such as the Tudor Market event which had been well received despite a complaint from one tenant about the similarity of goods being sold during the event.

Mr McDonnell reiterated that there was sufficient evidence to prove that Mr Deputy Chapman had bowed down to influential business partners or clients that had no relation to his role serving constituents within his Ward and that he was used his position to influence matters pertaining to the market, including the hosting of events; as well as requesting a change in management at the Market.

At the request of the Sub-Committee, Mr McDonnell outlined the Delegated Authority procedure before outlining how the Delegated Authority paperwork for the Virtual Golf event was managed ahead of final authorisation being granted. Mr McDonnell then went on to explain that fees were determined with reference to a list of events that had taken place and on what fee arrangement (page 18 of the supplementary pack) which he considered to be the fairest way to determine fees. With reference to page 25 of the supplementary pack (Agreement for Hire of Parts of Leadenhall Market for the Purposes of an Event) Mr McDonnell explained that he had not been made aware of a formal Schedule of Rates.

*[There was an adjournment between 11.32am and 11.40am]*

### **Questions from the Respondent to the Complainant**

The Chairman put a number of questions to the Complainant including whether he felt that the tone of Mr Deputy Chapman's email to Mr McDonnell (page 15 of the main bundle) was appropriate or if Mr Deputy Chapman was insistent that Mr McDonnell do something in respect of the Monte Carlo or Bust Car Rally. Mr McDonnell confirmed that when he spoke to Mr Deputy Chapman, he was insistent that the event go ahead.

With reference to page 11, paragraph 9, Mr McDonnell was asked to explain why he felt that Mr Deputy Chapman had abused his position as a Ward Member to which he responded that the Virtual Golf event request had been refused by two different asset managers and ignored by senior managers until

such time that the event organiser had contacted Mr Deputy Chapman who, in turn, sought to take control and ensure that the event went ahead.

### **Evidence – Nicholas Gill**

The Sub-Committee considered the evidence of Nicholas Gill and, following confirmation from Mr Gill that the statement at page 75 was considered to be true to the best of his knowledge and belief, the Sub-Committee raised a number of queries.

With reference to page 79, paragraph 16 of Mr Gill's statement that Mr Deputy Chapman and Mr Howard were reminded at a meeting on 1<sup>st</sup> September 2015 that the traditional officer/Member boundary lines needed to be maintained, Mr Gill confirmed that he was very aware of Mr Deputy Chapman's enthusiasm to promote the Market but he wanted to draw the lines between Member/Officer roles and responsibilities. Whilst he had no concern that the line had been crossed he felt that there was potential for the distinction to come together. Mr Gill confirmed that Mr Deputy Chapman's involvement in the Virtual Golf event had resulted in Osprey Associates being asked to manage the event in order to "relieve JC of further responsibility and dedicated time."

In respect of the costs associated with events and the agreed fees policy, Mr Gill referred to page 15 (supplementary pack) and explained there was no agreed Schedule of Fees as only eight events were held each year and, as the size/duration of each event varied, the fees for each event were addressed on a case-by-case basis. Mr Gill explained that the Monte Carlo or Bust Car Rally was a new event and one which had been deemed to be very successful in terms of raising the profile of the Market with potential customers.

With regard to page 78, paragraph 12 (statement) and whether Mr Gill's decision to authorise the event was made in part to placate Mr Deputy Chapman and the event organiser, Mr Gill stressed that diffusing a difficult situation involving an infuriated client and Ward Member was one issue but the decision to authorise the event was another and he did not bow to any pressure. Mr Gill went on to confirm that he was not party to diffusing the situation. He routinely declined to sign Delegated Authority requests if the terms were not clear or he was unhappy with the recommendations. He explained further that he would not have signed the delegated authority for the event if he disagreed with it.

At the Sub-Committee's request, Mr Gill then outlined the fee/cost arrangements in respect of the Virtual Golf event and explained why the fees had been waived. He also clarified why the fees had been waived for the Monte Carlo or Bust Car Rally, namely that the increased footfall and profiling of the Market were sufficient reasons to waive the fees. He then outlined how the Virtual Golf event was ultimately brought to his attention following Mr Deputy Chapman's intervention and how Mr McDonnell's earlier refusal was not a consideration when reaching a decision on whether the event satisfied the Leadenhall Market Strategy and warranted approval. In respect of fees, Mr Gill

confirmed that in hindsight some form of fee should have been charged although at the time the decision was made on the basis that the event would be positive for the Market and it was the least bad option in a difficult situation. In respect of staff management matters, Mr Gill confirmed that staffing decisions were taken by him alone and, where necessary, in consultation with the City Surveyor and Corporate HR.

The Chairman thanked Mr Gill for his assistance.

### **Questions from the other parties**

There were none.

*[There was an adjournment between 12.35pm and 1.47pm]*

### **Evidence – Trevor Nelson**

The Sub-Committee considered the evidence of Trevor Nelson and, following confirmation from Mr Nelson that the statement at page 83 was considered to be true to the best of his knowledge and belief, the Sub-Committee raised a number of queries.

At the Sub-Committee's request Mr Nelson confirmed the line management arrangements within the City Surveyor's Department and in relation to Leadenhall Market. He then went on to explain the usual decision-making arrangements in respect of event requests and the procedure that is followed in the event that someone wishes to appeal against a decision to refuse an event.

In response to a query about Member input in Market related activities, Mr Nelson confirmed that some Members could be very involved, more than necessary, as was the case with Mr Deputy Chapman in this instance. He confirmed that Mr Gill's attempt to re-establish boundaries in respect of Member/Officer roles and responsibilities at the meeting on 1<sup>st</sup> September 2015 was as a result of Mr Deputy Chapman's involvement with the Virtual Golf event.

Reference was made to paragraph 23 of Mr Nelson's statement and Mr Deputy Chapman's criticism of Mr McDonnell. When asked as to whether Mr Deputy Chapman "crossed the line", Mr Nelson commented that whilst there had been a clash of personalities no line had been crossed. He had no recollection of hearing Mr Deputy Chapman swear or make threats to anyone although the atmosphere was tense as the first set of cars were at the Market and people had expected the barriers to be up. Mr Deputy Chapman was not happy that the barriers had not been lifted.

With regards to the benefits of the Monte Carlo or Bust Car Rally event, to the City of London Corporation, Mr Nelson explained that the event did not have the impact that was anticipated, although the feedback received since had been very positive. Mr Nelson then outlined what happened in advance of the event



being authorised and his role in assessing whether the event would be of benefit to the Market.

In response to a query, Mr Nelson then outlined the staffing and line management arrangements that were in place at the Market at that time and explained that due to staff being overstretched, and due to the need to effectively manage an important political asset, various staffing changes took place. This included Osprey Associates being brought in to oversee events. Mr Nelson confirmed that Mr McDonnell had responsibility for Leadenhall Market and Alie Street. He went on to explain that he had had little contact with Mr McDonnell prior to him being brought into manage the Market but that he was very negative about events and tended to make decisions without undertaking investigations or reaching justifiable risk-based assessments. With regards to Mr McDonnell's ability to manage the Market, Mr Nelson referred to Mr McDonnell's extensive experience of managing small-medium sized businesses and office sites rather than retail units which, he felt, required a different way of working.

In respect of his relationship with Mr Deputy Chapman, Mr Nelson explained that their relationship was purely professional. In response to a question and with reference to page 86 of the bundle, Mr Nelson explained that Mr Deputy Chapman spoke to him at the Monte Carlo or Bust Car Rally event because the gates had not been open when the cars arrived, Mr Ivers had not been seen on site and the gates should have been opened in advance. Mr Nelson confirmed that he did not recall Mr Deputy Chapman asking for staff changes at the Market but that he might have referred to Andrew Cross and Mr McDonnell providing temporary cover during the permanent asset manger's maternity leave.

Mr Nelson confirmed that the Monte Carlo or Bust Car Rally event was approved on the basis that it was likely to increase footfall as well as being a fund-raising event which was heavily supported by representatives from the City of London Corporation, including the Sheriffs. In response to a question and with reference to page 87, paragraph 23, Mr Nelson explained that Mr McDonnell had been suspended for a number of reasons and that this was a decision taken by Nicholas Gill.

Some members of the Sub-Committee queried whether Mr McDonnell was overruled as a result of Mr Deputy Chapman's involvement with the Virtual Golf event and the pressure he placed on officers to ensure that the event was approved. Mr Nelson confirmed that it could be interpreted in this way but stressed that by the time the matter came to light, the Department was really up against it and officers had to ensure all the necessary checks and assessments were undertaken.

The Chairman thanked Mr Nelson for his assistance.

#### **Questions from the other parties**

There were none.

*[There was a brief adjournment between 2.51pm and 2.56pm]*

### **Evidence – Steve Ivers**

The Sub-Committee considered the evidence of Steve Ivers and, following confirmation from Mr Ivers that the statement at page 93 was considered to be true to the best of his knowledge and belief, the Sub-Committee raised a number of queries.

In response to a query about Mr Deputy Chapman's behaviour at the Monte Carlo or Bust Car Rally and whether Mr Ivers heard Mr Deputy Chapman use inappropriate or disrespectful language, Mr Ivers explained that his recollection was different to Mr McDonnell and Mr Black in that he could not recall Mr Deputy Chapman being rude or disrespectful. He went on to explain that it he had been focussing on opening the gate and had not known the whereabouts of other people. Mr Ivers confirmed that he was not aware of any discussions with senior officers about the event and that, as far as he could recall, he was only advised of the event the day before, possibly in writing, when he was told to open the gates at 8am.

### **Questions from the other parties**

Through the Chairman, Mr Deputy Chapman enquired as to who was called down from the office on the morning of the Monte Carlo or Bust Car Rally. Mr Ivers responded that he and Mr Black had been called down from the office.

The Chairman thanked Mr Ivers for his assistance and apologised for the lengthy wait ahead of being called before the Sub-Committee.

### **Evidence – John Black**

The Sub-Committee considered the evidence of John Black and, following confirmation from Mr Black that the statement at page 95 was considered to be true to the best of his knowledge and belief, the Sub-Committee raised a number of queries.

In response to a query about Mr Deputy Chapman's behaviour on the morning of the Monte Carlo or Bust Car Rally, Mr Black explained that he had not known who Mr Deputy Chapman was and no introductions were made ahead of him repeatedly asking why the bollards had not been raised at 7.30am at the Market. Mr Black went on to explain that he had seen Mr Deputy Chapman had "marching up" Whittington Avenue and that he had spoken with Mr Ivers about why the bollards had not been raised and Mr Ivers attempted to calm Mr Deputy Chapman down. Mr Black confirmed that he did not hear Mr Deputy Chapman swear but that he was visibly upset. With regard to who else was present at the Market, Mr Black confirmed that he saw Mr McDonnell but that there were a lot of people around; a lot going on and he did not know many people at that stage. Following a further query about Mr Deputy Chapman's

behaviour, Mr Black explained that he would not have wanted to be spoken to in the manner in which Mr Deputy Chapman spoke to people – he felt it was rude but acknowledged that other people might not think that he had been rude.

In response to a question about the Virtual Golf event and how Mr Black knew that a proposal had previously been refused, Mr Black explained that Mr McDonnell had told him of the earlier refusal.

Following a query about how and when Mr Black and Mr Ivers were notified that the barriers should be raised at 7.30am on the morning of the event, Mr Black explained that the event took place during his first week of employment at the Market and he had not therefore been party to any requests or email notifications. Neither he nor Mr Ivers were aware of the request or else they would have been there at that time. Mr Black went on to confirm that Mr Ivers routinely asked for requests/information to be confirmed via email as there were a lot of vehicles at the Market and lots going on. As it was Mr Black's first week at the Market he had not however seen any communications about the event.

### **Questions from the other parties**

Through the Chairman, Mr Deputy Chapman enquired as to how Mr Black knew that there had been some dispute regarding the Monte Carlo or Bust Car Rally event. Mr Black responded that Mr Ivers had mentioned the matter as he'd seen some email exchanges.

In respect of a query from Mr McDonnell about Mr Black's experience at 1 Alie Street and whether there was a significant retail component at the premises, Mr Black confirmed that there were a number of retail components at the premises and they required a significant amount of management.

The Chairman thanked Mr Black for his assistance and apologised for the lengthy wait ahead of being called before the Sub-Committee.

### **Evidence – Mr Deputy John Chapman**

The Sub-Committee considered the evidence of Mr Deputy John Chapman and, following confirmation from Mr Deputy Chapman that the statement at page 65 was considered to be true to the best of his knowledge and belief, the Sub-Committee raised a number of queries.

With reference to paragraph 7 of the statement, the Chairman enquired as to whether Mr Deputy Chapman stood by his comment that he didn't understand how a Common Councilman could exert improper pressure on an officer. Mr Deputy Chapman responded that this remained the case. When asked to explain the impact that Members could have on officers, he commented that following his election in 2006 and subsequent re-election in 2009, he had worked hard to build relationships with numerous businesses within the Ward and develop better engagement with officers. Mr Deputy Chapman went on to explain that the businesses expected him to engage more closely with them

given his role as a Ward Member. He explained that he started attending the Leadenhall Tenant's Association meetings, previously fractious, but that a number of tensions had been smoothed out over recent years. Mr Deputy Chapman explained that he spoke regularly to senior officers within the City Surveyor's Department and whilst accepting that some might view his behaviour as being naïve, he had never interfered politically with the City Corporation's activities.

In response to a query regarding Mr Deputy Chapman's involvement with the Monte Carlo or Bust Car Rally and the Virtual Golf event, Mr Deputy Chapman clarified his relationships with both event organisers and the background to the events at Leadenhall Market. With specific reference to the Monte Carlo or Bust Car Rally, Mr Deputy Chapman explained that the event was first proposed in 2014 but as a senior sponsor could not be identified, the event had been delayed although various pre-planning activities had taken place i.e. there was a template street plan in place. Mr Deputy Chapman referred to the Tudor Market and East End Market events, other activities that were hosted at Leadenhall and demonstrated how Mr Deputy Chapman was the "*go-to person*" who then contacted the City Corporation with a view to helping to facilitate arrangements. Mr Deputy Chapman explained that he wanted to help people; wanted to "*help get things happening.*" He confirmed that whilst he had been aware that there had been a previous refusal for the Virtual Golf event, he could not recall when that came to light.

With regard to the Virtual golf event and the waiving of fees, Mr Deputy Chapman acknowledged that the event was, for the most part, a corporate event. He stressed however that he had been told in advance that it would be a charitable event and this was also confirmed in writing (page 658). With reference to the email exchange with Adam Brooks and his concerns about the imposition of a fee two-three days before the event was due to take place, Mr Deputy Chapman explained that he had contacted Mr Nelson in an effort to try and unravel the situation but not with a view to him overruling Mr McDonnell. He stressed that he had not spoken to Mr Gill or Mr Nelson about staffing matters and did not speak with officers about Mr McDonnell's suspension.

Mr Deputy Chapman stressed that he did not think it was wrong to have a good working relationship with officers and that he did not apply any pressure to the officers in respect of events at the Market, although he accepted that it was a reasonable assumption to draw that the Virtual Golf event went ahead due to his involvement and his escalation of the matter to Mr Nelson. Mr Deputy Chapman further agreed that he may have given the impression that the event would go ahead, despite the earlier refusal and in the absence of any agreement/clarity two days before the event. On the basis that Barnett Waddingham interpreted Mr Deputy Chapman's involvement as him having authority to approve the event they went ahead and made all the logistical arrangements.

With reference to paragraph 42 and Mr Deputy Chapman's circulation of the technical details form to the event organiser and his receipt of the paperwork, Mr Deputy Chapman explained that he was acting as a facilitator; representing

the electorate and tenants at the Market and trying to help make sure events went well. He stressed that he could not and would not have given authority for an event to go ahead but he was keen to secure approval for this event. Likewise, with regards to the Monte Carlo or Bust event, Mr Robinson had asked Mr Deputy Chapman to be on site on the date of the event and all communications on the day were with Mr Deputy Chapman rather than officers as the event organiser did not have their details. Some Members queried whether Mr Deputy Chapman thought that he had interfered in matters and overstepped the line between officer/Member responsibilities by, in effect, micro-managing matters at the Market. Mr Deputy Chapman stressed that there were reputational implications if the events had not gone to plan with senior Members and significant stakeholders in attendance. He explained that he was also aware that Mr Nelson was short staffed and so he was trying to help and to make sure it all worked.

In respect of the waiving of fees for the Virtual Golf event, reference was made to page 590 and it was suggested that Mr Brooks had contacted Mr Deputy Chapman in the hope that he would secure a favour. Mr Deputy Chapman explained that the imposition of fees was confirmed very close to the event and this placed Mr Brook in a very difficult situation. Ultimately, Nicholas Gill agreed to waive the fee, save for £1,000 to cover administrative costs.

#### **Questions from the other parties**

There were none.

#### **Closing Statements**

The Chairman invited the Complainant and the Respondent to make closing statements. The Complainant indicated that he had nothing further to add. With the Chairman's consent, a list of summary points was tabled by Mr Deputy Chapman. He reiterated that there had not been any commercial, financial or business benefit to him as a result of helping with the Monte Carlo or Bust Car Rally event or the Virtual Golf event. He stressed that his involvement was because it was good for the Market, the City and for his constituents. Alderman Julian Malins, who was permitted to speak on behalf of Mr Deputy Chapman, stated that in respect of the general charges under the Nolan Principles (Selflessness and Leadership) there was insufficient evidence to find that there had been a breach of the principles or of any aspect of the Code of Conduct.

The Chairman thanked Mr McDonnell and Mr Deputy Chapman for their assistance and invited them to wait for the Sub-Committee to reach a decision, which would be reached whilst the press and public were excluded.

A motion to exclude the press and public was put to the Sub-Committee and **CARRIED.**

**Resolved:** - That under Section 100(A) (4) of the Local Government Act 1972, the public be excluded from the meeting on the grounds that there be the likely

disclosure of exempt information as defined in paragraph 5 of Part I of Schedule 12A of the Local Government Act.

The Sub-Committee then considered the evidence before them, both the written submissions and the verbal evidence that had been provided by the Complainant, the Respondent and the witnesses. The Sub-Committee sought to determine whether, on the basis of the evidence available to them, the allegations surmised in the Monitoring Officer's report could be proven.

A motion to readmit the press and public was then put to the Sub-Committee and **CARRIED**. Mr McDonnell, Mr Deputy Chapman, Alderman Malins and officers from the Comptroller and City Solicitor's Department then returned to the room.

The Chairman explained that, having carefully considered the allegation and the Monitoring Officer's report; read all of the relevant papers and considered the representations, the Committee found unanimously that there had been breaches of the following parts of the Code of Conduct:-

1. Members shall have regard to the Seven Principles of Public Life –
  - (a) SELFLESSNESS: Holders of public office should act solely in the public interest and should never improperly confer an advantage or disadvantage on any person [the Committee noted there was no breach of the second part of this principle, that holders of public office should never to act to gain financial or other material benefits for themselves, their family, a friend or close associate, since no such advantage had been conferred]
  - (g) LEADERSHIP: Holders of public office should promote and support high standards of conduct when serving in their public post, in particular as characterised by the above requirements (a to f), by leadership and example;
2. As a Member your conduct shall in particular address the Seven Principles of Public Life by:-
  - (j) valuing your colleagues and officers of the Corporation and engaging with them in an appropriate manner and one that underpins the mutual respect that is essential to good local governance;
  - (k) always treating people with respect, including the organisations and constituents that you engage with and those that you work alongside; and
  - (m) providing leadership through behaving in accordance with these principles when championing the interests of constituents with other organisations as well as within the Corporation.

The Chairman explained that a formal decision statement with reasons would be circulated to both the Complainant and the Respondent within 5 working days. In respect of the imposition of sanctions, the extent of which should be proportionate, the Sub-Committee was reminded by the Monitoring Officer that the following options were available to it if it chose to impose sanctions on Mr Deputy Chapman:-

- (i) Censure of the Member;
- (ii) withdrawal of Corporation hospitality for an appropriate period;
- (iii) removal of the Member from a particular committee or committees (subject to approval from the relevant appointing body).

It was noted that the Sub-Committee had no power to impose any alternative sanctions, although the willingness of a Member to co-operate in the manners listed below may have a bearing on any sanction that was imposed:-

- (i) that the Member submits a written apology in a form specified by the Sub-Committee;
- (ii) that the Member undertakes such training as the Sub-Committee specifies; and
- (iii) that the Member participates in such conciliation as the Sub-Committee specifies.

The Chairman confirmed that the meeting would reconvene on either the 4<sup>th</sup> or the 15<sup>th</sup> March 2016 and that confirmation of the date would be circulated to both the Complainant and the Respondent in due course. Mr McDonnell was advised that he was not required to attend that meeting. Mr Deputy Chapman was advised that he could be accompanied at that meeting, could present one live character witness and also submit written representations.

**Resolved:-** That:-

- (i) a written decision setting out the Sub-committee's decision and reasons be circulated within 5 working days to both the Complainant and the Respondent; and
- (ii) the Sub-Committee reconvene on either the 4<sup>th</sup> or the 15<sup>th</sup> March 2015 to enable the Sub-Committee to consider the imposition of sanctions following the Sub-Committee's finding that Deputy John Chapman had breached the Code of Conduct.

*The formal written decision of the Sub-Committee, agreed by circulation, is appended to these minutes.*

**9. NON-PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**

There were none.

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

There was no additional business.

**The meeting closed at 6.00 pm**

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Chairman

**Contact Officer: Lorraine Brook**

E: [Lorraine.brook@cityoflondon.gov.uk](mailto:Lorraine.brook@cityoflondon.gov.uk)

T: 020 7332 1409



## HEARING SUB (STANDARDS) COMMITTEE

Tuesday, 15 March 2016

**Minutes of the meeting of the Hearing Sub (Standards) Committee held at the Guildhall EC2 at 10.00 am**

### **Present**

#### **Members:**

Edward Lord (Chairman)  
Nigel Challis  
Mark Greenburgh (Co-opted Member)  
Oliver Lodge

#### **Also Present:**

Anju Sanehi (Independent Person)

#### **Officers:**

Lorraine Brook - Town Clerk's Department  
Gemma Stokley - Town Clerk's Department

#### **Also in attendance:**

Deputy John Chapman (Respondent)  
Alderman Sir David Wootton (Respondent's character witness)

Michael Cogher (Comptroller and City Solicitor/Monitoring Officer)  
Edward Wood (Comptroller and City Solicitor's Department)

### **1. APOLOGIES**

There were no apologies for absence.

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

There were no declarations.

### **3. COMPLAINT BY LM AGAINST JC (ITEM CARRIED FORWARD FROM THE MEETING OF THE HEARING SUB (STANDARDS) COMMITTEE ON 23RD FEBRUARY 2016)**

The Chairman reminded all present that this was the re-convened meeting of the Standards (Hearing) Sub Committee which had commenced its proceedings on Tuesday 23 February. At the initial hearing, the Sub-Committee found the Respondent to be in breach of the Code of Conduct. An adjournment had been requested by the Respondent and the purpose of today's meeting was now to consider the sanctions to be imposed on the Respondent regarding a complaint received from Leighton McDonnell.

The Chairman noted that the Sub-Committee had received no further written submissions from the Respondent but that Alderman Sir David Wootton was present as a character witness for the Respondent.

With the Chairman's permission, the Respondent read a prepared statement to the Sub-Committee. The Respondent referred to his past ten years of service to the City of London Corporation and the vast number of Committees and Sub Committees he had served on in this time. These included Markets, Finance, the Board of Governors of the Guildhall School of Music and Drama, Property Investment Board and Corporate Asset Sub Committee. He stated that he had given his time freely to the City of London over the years and was both honoured and privileged to serve such a uniquely diverse organisation.

The Respondent stated that the Sub-Committee, at its last meeting, had noted that he had probably been acting in a manner that he believed to be appropriate. He did, however, admit to some naivety in this matter.

The Sub-Committee then heard some oral observations from Alderman Sir David Wootton who appeared as a character witness for the Respondent. The Alderman clarified that the Respondent had been a Common Councilman for the Ward of Langbourn for 10 years. He stated that the Respondent was both responsive and attentive to concerns raised by voters and others in the Ward over the years, particularly with regard to Leadenhall Market. He added that, in his view, the Respondent had always dealt with past issues at the Market in the correct manner.

The Alderman went on to describe the Respondent as an active and enthusiastic member of the Ward but recognised that, in the events referred to by the complainant, the Respondent may have shown excessive 'zeal' which, in the view of the Sub-Committee, crossed the line in terms of the Code of Conduct. The Alderman accepted that the Respondent had shown a level of naivety in not fully appreciating the impact that his involvement in the events would have. With direct reference to the morning of the car rally event, the Alderman stated that the Respondent may not react as well under pressure as others and that, in this respect, he was simply human.

The Alderman wanted to reiterate that the Sub-Committee, in their findings, had found no evidence that the Respondent had sworn at Officers or that his involvement had resulted in any financial or other benefit directly to him. He added that it would also be uncharacteristic of the Respondent to attempt to secure any monetary advantage for a third party. He suggested that, in the case of the Barnet Waddingham event, the waiver of letting fees had been due, in part, to a two week delay from Officers in responding to emails as they were unable to reach an agreement on this point. This had also put the Respondent under further pressure.

The Chairman stated that the Sub-Committee's findings of fact had been clearly set out at the conclusion of the 23 February 2016 meeting and that the purpose of today's meeting was not to revisit this.

The Sub-Committee's Co-opted Member questioned the role of a Deputy. The Alderman responded by stating that the Deputy essentially deputised for the Alderman of the Ward and undertook such tasks as allocating members of a

Ward to various Committees on an annual basis. The Sub-Committee were informed that Langbourn is made up of 1 Alderman and 3 Common Councilmen with the Ward Deputy selected by the Alderman of the Ward. Whilst this could be done at any time, in practice, Deputies were appointed annually.

The Sub-Committee questioned the origins of the Leadenhall Market Liaison Committee. The Sub-Committee were informed that the Liaison Committee was created in 2014. The Alderman reported that this had been the Respondent's initiative and had been much appreciated by the Officers involved as it was felt that it was of benefit to all. The Alderman recounted past difficulties in terms of communications and changes in personnel at the Market and stated that this Liaison Committee had served as an effective means of overcoming much of this.

The Sub-Committee were keen to ascertain whether or not the Respondent understood their concerns. The Respondent wanted to underline that he had overseen many events at the Market during his time as a Common Councilmen without issue. He added that there had been a period of confusion at the Market with a 'gap' between the former manager leaving and the Complainant taking over. He felt that this could have resulted in the collapse of the events mentioned, resulting in reputational damage for the City of London and its Officers. The Respondent went on to state that he did, however, understand the panels concerns regarding his over-enthusiasm in relation to the two events specifically referred to by the Complainant. He added that he would attempt to be more reserved in his approaches in future and that he would like to apologise for any distress and inconvenience his conduct in relation to these events may have caused.

Finally, the Sub-Committee questioned the Respondents concern at the decision notice of the last meeting on 23 February 2016 being placed on the Members reading Room Notice Board. The Respondent replied that he had not been aware, at the time of the last meeting, that this action would be taken. He added that his concern was embarrassment amongst his colleagues and he felt that this was, in itself, very much a sanction.

In response to a final question, the Respondent stated that he had no knowledge of the notice being removed from the noticeboard within 24 hours. He added that he had not visited the Members' Room since the date of the last Sub-Committee hearing.

The Chairman thanked the Respondent and Alderman Sir David Wootton for their attendance. He stated that the meeting would now be adjourned so that the Sub-Committee could consider which sanctions might now be imposed. The Respondent was invited to await the outcome of the deliberations if he so wished. Failing that, a formal decision notice would be issued within five working days of the Hearing in accordance with the Standards Committee's Complaints Procedure.

*[There was an adjournment between 10.40am and 12.10pm]*

The Sub-Committee reconvened at 12.10pm. The Respondent was not present.

A draft decision notice was tabled.

Having found the Respondent to have breached the Code of Conduct and failed to comply with the Member/Officer Protocol in respect of his continued interference in the day-to-day management of Leadenhall Market, his lack of respect for and rudeness to Corporation staff, and the advantages obtained by a third party as a consequence of his actions, the Sub-Committee concluded that the following sanctions and remedies were appropriate:

#### Sanctions

- (a) That the Respondent be formally censured for his misconduct and that this be reported to the Court of Common Council;
- (b) That the Investment Committee be invited to discharge the Respondent from his membership of the Property Investment Board for a period of twelve months;

#### Remedies

- (c) Having noted his willingness to do so, that the Respondent be invited to write to the Complainant and John Black to apologise for his lack of courtesy towards them, and to Nicholas Gill and Trevor Nelson to apologise for the difficult position his actions placed them in, such letters to be drafted by the Monitoring Officer, in terms agreeable to the Sub-Committee; and
- (d) That the Respondent be invited to attend training on the Member/Officer Protocol and in particular the demarcation of responsibilities of elected Members and the Officers of the Corporation.

In arriving at these conclusions, the Sub-Committee felt strongly that, other than his proper responsibilities representing the interests of his constituents, the Respondent should not be involved in the conduct of the affairs of Leadenhall Market, and urges the Aldermen and Councilmen for the Ward of Langbourn to nominate another of their number to be the principal contact on market affairs.

In reaching its decision the Sub-Committee fully took into account the views of the Independent Person, Ms Sanahi, who was also of the view that the sanctions and remedies decided upon were appropriate.

4. **QUESTIONS RELATING TO THE WORK OF THE SUB-COMMITTEE**

There were no questions.

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

There were no additional, urgent items of business for consideration.

**The meeting closed at 12.15 pm**

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Chairman

**Contact Officer: Gemma Stokley**  
**[gemma.stokley@cityoflondon.gov.uk](mailto:gemma.stokley@cityoflondon.gov.uk)**  
**020 7332 1407**

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<b>Committee</b>	<b>Dated:</b>
Standards Committee	13 May 2016
<b>Subject:</b> Draft Annual Report of the Standards Committee	<b>Public</b>
<b>Report of:</b> The Town Clerk	<b>For Decision</b>
<b>Report Author:</b> Gemma Stokley, Committee and Member Services Officer	

### Summary

The Standards Committee is required to monitor all complaints referred to it and to prepare an annual report on its activity for submission to the Court of Common Council. It should be noted that one allegation of a breach of the Code of Conduct were made to the Committee during the course of 2015/16.

### Recommendations

It is recommended that:-

- (a) the contents of the annual report be noted; and,
- (b) in accordance with the Committee's terms of reference, the annual report be referred to the Court of Common Council for information.

### Main Report

#### Background

1. The purpose of this report is to brief Members on the work undertaken over the last year by the Standards Committee.
2. In accordance with the Committee's terms of reference, the Committee is required to monitor all complaints referred to it and to submit an annual report on its activities to the Court of Common Council.

#### Complaints to the Standards Committee

3. During the period of this report, one allegation of a breach of the Members' Code of Conduct has been made to the Committee and was considered by an Assessment Sub (Standards) Committee on 16<sup>th</sup> December 2015. That Committee concluded unanimously that an investigation should take place in relation to the allegations made. The Independent Person was of the same view.
4. Following a meeting on 29 January 2016, the Hearing Sub Committee were unanimously of the view that the matter should proceed to a full hearing. Again, the Independent Person was of the same view.
5. The full Hearing was held on 23 February 2016. Having carefully considered the complaint and the Monitoring Officer's report; read all of the relevant papers

and considered the oral and written evidence and representations made by the parties, the Sub-Committee found unanimously that there had been breaches of the Code of Conduct. At the Respondent's request, the Sub Committee adjourned and agreed to reconvene, on a date to be confirmed, in order to consider the imposition of sanctions.

6. On 15 March 2016, the Hearing Sub Committee met for the final time to consider the imposition of sanctions. A number of sanctions and remedies were imposed by the Sub Committee.
7. On 30 March 2016, the Town Clerk received a letter from the Respondent outlining his intention to appeal the decisions taken by the Hearing Sub Committee. The written grounds for appeal were received on 12 April 2016.

#### **8. TBC – APPEAL PROCESS/OUTCOME**

##### **Activities of the Committee during 2015/16**

9. Below is a brief synopsis of the activities undertaken by the Committee in 2015/16.

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

10. The Standards Committee is required to prepare, keep under review and monitor the City of London Corporation's Members' Code of Conduct and make recommendations to the Court of Common Council in respect of the adoption or revision, as appropriate, of such Code of Conduct.
11. A revised version of the Code and the introduction of a mandatory registration regime for gifts and hospitality was submitted and approved by the Court of Common Council at their meeting on 16 October 2014, with the new requirements coming into effect as of 1st January 2015.
12. In November 2015, a revised version of the 'Guidance to Members' document which is intended to accompany and inform the Corporation's Members' Code of Conduct was sent to all elected Members. The Standards Committee felt that it was timely to review this document as, over recent months, it became increasingly apparent that there were still some outstanding issues regarding how the Code should be interpreted.
13. It is hoped that the revised guidance issued will provide Members with greater clarity on certain issues whilst also removing any unnecessary additional obligations. Some of the main changes to highlight are the removal of the need to provide an approximate value of any gifts/hospitality declared. This was something that was frequently problematic to Members and is not, in fact, a requirement of the Code. Secondly, the Committee attempted to provide some further examples of what type of information Members might need to provide against their declarations and those types of items that need not be declared at all. The Committee was also keen for Members to be conscious of where their private/business activities might cross over or be perceived to cross over with their City of London activities and vice versa.



14. Finally, a new, dedicated, email address to which all future declarations of gifts and hospitality should now be sent was set up at the Committee's request. The address is **delarations@cityoflondon.gov.uk**. This mailbox is staffed by a number of Officers within the Committee and Member Services Team and removes the need for Members to contact a single, named Officer with their declarations.

### **Annual Update to the Members' Declarations**

11. The Committee were pleased to note that, as at July 2015, all elected Members had responded to the Annual Update process. All new Members elected to the Court since this date are also fully compliant.
12. A further annual update to the Members' Declarations will take place in July 2016 in accordance with the requirements in the Members' Code of Conduct. Each of the City of London Corporation's elected Members will be contacted in writing. The Standards Committee are keen to highlight, to all Members, the importance of the annual update process.
14. Where necessary, Members of the Court are routinely submitting updates to their register of interest and the registers are updated on-line.
15. With regard to the registration requirements for the City Corporation's Co-opted Members, this matter is currently being reviewed with a view to the introduction of a system of on-line registration of all declarations made by those Co-opted Members who sit on the City Corporation's statutory bodies and/or have voting rights.

### **Gifts and Hospitality - Ceremonial Officeholders**

17. This year, the Committee have continued to progress the proper registration and publication of declarations of gifts and hospitality for Ceremonial Office Holders.
18. As of July 2015, all gifts and hospitality received by the Lord Mayor are published on the Corporate webpages. There are also links between the Lord Mayor's pages and the office holders existing register of interests. It was agreed that the same financial thresholds for hospitality should apply to the Lord Mayor as for other Members of the Court unless diplomatic, commercial or political sensitivities were a consideration in which case such instances would be reported to the Committee rather than via the published register.
19. With regard to the other ceremonial office holders, namely the Sheriffs, the Old Bailey have followed the example set by Mansion House in terms of the registering of gifts and hospitality. These arrangements have been in place since the beginning of the most recent Shrievalty in September 2015.
19. The new provisions ensure that there is greater transparency about the gifts and hospitality received by ceremonial officeholders and the Committee currently review the arrangements and scrutinise the registers on a quarterly basis.

## **Recommendation**

19. It is recommended that:-

- (i) the contents of the annual report be noted; and,
- (ii) in accordance with the Committee's terms of reference, the annual report be referred to the Court of Common Council for information.

### **Gemma Stokley**

Committee & Member Services Officer  
Town Clerk's Department

T: 020 7332 1407

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

<b>Committee STANDARDS</b>	<b>Date:</b> 2016
<b>Subject:</b> <b>POWERS OF THE CHIEF COMMONER &amp; THE GUILDHALL CLUB</b>	Public
<b>Report of:</b> Comptroller and City Solicitor	<b>For Information</b>

### Summary

This report sets out the disciplinary powers of the Chief Commoner (and the Chairman of the General Purposes Committee of the Court of Aldermen) and the Guildhall Club requested by the Committee at an earlier meeting.

### Recommendations

The Committee is invited to consider the report and consider what action if any to take in relation to its own procedures and practices and its general role of promoting high standards of conduct generally.

### Main Report

#### **The Chief Commoner**

The Chief Commoner holds office for one year and acts as a counsellor when required and takes the lead in relation to the scrutiny of training and development opportunities offered to Common Councilmen. He or she actively promotes the aims, values and responsibilities of the City of London Corporation internally - and externally in support of the Lord Mayor and the Policy Chairman and also takes the lead in relation to all matters of City Corporation hospitality.

The office of Chief Commoner, first established in 1444, is unique in that it is the only role now directly elected by the whole Court of Common Council and serves to recognise the contribution the office holder is likely to have made to the City Corporation over a number of years. The Chief Commoner is, therefore, the foremost representative of the elected councillors with regard to their rights and privileges - but equally, seeks to uphold the discipline and integrity of the Court.

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. Since the introduction of standards committees there has been some overlap between this aspect of the Chief’s (and the Chairman’s) work and the Standards Committee’s

responsibility for the assessment, investigation and hearing of complaints of member misconduct.

The Chief is vested by custom and practice with disciplinary powers although these are not formally documented, as far as officers are aware and can ascertain, other than a reference in the Chief's "Job Description" (attached) which states that one of his functions is to "counsel Common Councilmen, as required, with a view to resolving minor problems and in relation to their rights, requirements and privileges"

The Chief is however generally regarded as having the power to hold members to account for their behaviour and where appropriate to suspend their entitlement to hospitality or appropriate facilities. As far as officers are aware use of these powers is not documented or reported. There will be boundaries to these powers and the Chief could not, for example, prevent a member from attending committees or the Court.

One way to analyse the Chief's powers is that they are effectively exercised with the consent of the member concerned. The Committee has therefore inserted in its procedures a provision to allow a member to refer themselves to the Committee if a sanction is imposed by the Chief which they do not accept.

The position of the Chairman is similar except that there is no "job description".

The Committee may wish to consider whether the respective roles and responsibilities of the Committee, the Chief and the Chairman and how they interrelate ought to be set out and, possibly, approved by the Court.

### **The Guildhall Club**

The Guildhall Club is an unincorporated association whose objectives are to provide luncheon for members attending committees and other refreshments and to instil a sense of camaraderie amongst its members. A copy of the Club rules is attached. All elected members (and a number of specified office holders) are entitled to be members. Given the purposes of the Club it is highly likely that any issues arising in relation to member conduct will occur in the course of their office. The Club and the Standards Committee are therefore likely to both have jurisdiction, subject to their powers, in relation to member misconduct at the Club. Again, there are no formal reporting arrangements etc. in place between the Club and the Committee.

The Club rules make the following provisions in relation to conduct:-

"2.11 Members and their guests are expected to conduct themselves at all times whilst within the Club's premises in an exemplary fashion, in particular:

- (i) They must treat other Members, their guests, the Club's staff and other users of the Club's facilities with respect;
- (ii) They must behave in a way which reflects well on both the City of London Corporation and the Club;
- (iii) They must be attired appropriately to a smart London Club. In the case of Gentlemen, this should include a jacket and tie. In exceptional circumstances, such as

abnormally high temperatures, the Chairman or Deputy Chairman shall have the authority to relax these rules.

- 2.12 Any Members violating the Rules of the Club, or whose actions are perceived to bring the Club into disrepute, shall be reported to the Club Committee, which shall, if satisfied that a clear violation has taken place and no adequate explanation from the Member complained of is forthcoming, have power to suspend such Member from membership of the Club for such period as they think fit. In the most extreme cases, and then only by a two thirds majority of those members of the Committee present and voting, the Committee may permanently exclude a member from the Club”.

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<b>Committee(s)</b>	<b>Dated:</b>
Standards Committee	13 May 2016
<b>Subject:</b> Update re Co-opted Members and the register of interests	<b>Public</b>
<b>Report of:</b> Town Clerk and Comptroller & City Solicitor	<b>For Decision</b>

## Summary

This report provides an update on the registration of interests by Co-opted Members. It also provides further details about the complement of Co-opted Members on City Corporation Committees and Sub-Committees, as requested by your Committee, to help inform any decision about further steps that may be required to ensure compliance.

## Recommendations

Members are asked to note the report and to consider any further steps that may be required in relation to Co-opted Members and the register of interests.

## Main Report

### Background

1. The City Corporation's Code of Conduct for Members, adopted by the Court of Common Council on 16 October 2014, applies to any Member of the City Corporation and any Member of a Committee of the City Corporation (in this report referred to generally as "Co-opted Members"). The Code requires the registration of disclosable pecuniary interests, as specified in regulations made by the Secretary of State, together with certain non-pecuniary interests.
2. On 20 February 2015 your Committee received an annual report concerning Members' interests and a query was raised as to why there were different arrangements for the registration of interests by Co-opted Members. Historically, only those Co-opted Members with voting rights had been asked to submit a register of interests form, and only the interests of Members had been published online.
3. A report was requested to enable your Committee to fully understand the registration requirements for Co-opted Members and to consider the implementation of a more consistent approach to registration by Members and Co-opted Members.

4. On 15 May 2015 your Committee received that report and agreed that all Co-opted Members (voting and non-voting) should be required to submit a register of interests form, which would be published online, in order to promote greater consistency and transparency. The need to make Co-opted Members fully aware of the new approach to managing and publishing interests, and to afford them ample time to raise any queries, was acknowledged.
5. The Town Clerk submitted reports for information to both the Policy and Resources Committee and the Court of Common Council in advance of implementation. In consultation with the Comptroller & City Solicitor, the Town Clerk wrote to all 168 identified Co-opted Members about the new arrangements, providing guidance and specifying a response date of 25 September 2015. The Comptroller & City Solicitor also offered briefing sessions to provide Co-opted Members with an opportunity to discuss the new requirements in greater depth and to raise any specific queries. However there was a disappointing take up of these sessions which led to just three Co-opted Members attending.
6. On 2 October 2015 your Committee received a report on the number of forms returned. The Town Clerk advised that over 50% of Co-opted Members had not submitted a response. She went on to highlight that many of those contacted had also expressed concern at plans to publish their interests, with some suggesting that they might resign over the matter.
7. Your Committee therefore requested a paper detailing how each of the various Sub/Consultative/Grand Committees concerned were constituted to assist Members in deciding how best to proceed in each case.

#### **Details of Co-opted Members by Committee**

8. A table is attached at Appendix 1 giving a breakdown of all Co-opted Members by Grand Committee, Consultative Committee and Sub-Committee. Column 1 in the table sets out the name of the relevant Committee or Sub-Committee and column 2 gives details about the complement of Co-opted Members.
9. Column 3 in the table indicates in each case whether the inclusion of Co-opted Members is a legal requirement. In some cases these are discretionary appointments e.g. under section 102 of the Local Government Act 1972 – a Committee or Sub-Committee of the City Corporation appointed under that section, other than a Committee for regulating or controlling finances, may include persons who are not Members of the City Corporation. In other cases a specific provision in a statute or governing document may require the inclusion of Co-opted Members. These specific provisions have not generally been set out in the table but can be provided if required.
10. Column 4 in the table indicates in each case whether the Co-opted Members are involved in decisions relating to the City Corporation's local authority, police authority or port health authority functions (referred to as "City Fund



Functions” in the table). Where Co-opted Members are involved in such functions, and have voting rights, they are automatically caught by the provisions of the Localism Act 2011 regarding the registration of interests, in the same way as Members – there is no discretion about this.

11. Column 5 in the table indicates in each case whether the Co-opted Members have voting rights. Co-opted Members appointed by the City Corporation under section 102 of the Local Government Act 1972, in its capacity as a local authority, police authority or port health authority, must be non-voting, by virtue of section 13 of the Local Government and Housing Act 1989, unless they come within a specific statutory exemption. In other cases, where there is no specific provision in a statute or governing document, the City Corporation has a discretion whether to confer voting rights or not. Again, the specific provisions have not generally been set out in the table but can be provided if required.

### **Update on the registration of interests**

12. Column 6 in the table indicates in each case how many Co-opted Members have submitted a return – so for example for a Committee with five Co-opted Members, where every form has been received, this is represented as 5 / 5. In some cases there are vacancies for Co-opted Members and therefore the numbers given will not necessarily tally with the full complement. We have not included the names of those Co-opted Members who have not provided returns in this report but these can be provided on request. For the purposes of this report we have counted a partial return as a return – further details on partial returns can be provided if required. The total number of forms received is currently 94 out of 182.

### **Conclusion**

13. Whilst slightly over 50% of Co-opted Members have now submitted a register of interests form, this is not a significant improvement on the position in October 2015, particularly as some of the returns are incomplete. The compliance rate from Co-opted Members of Grand Committees is generally much better, with the overall return rate pulled down by the poor response from some of the Consultative Committees.

#### **Edward Wood**

Principal Legal Assistant

T: 020 7332 1834

E: [edward.wood@cityoflondon.gov.uk](mailto:edward.wood@cityoflondon.gov.uk)

#### **Gemma Stokley**

Committee & Member Services Officer

T: 020 7332 1427

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

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**Table showing Co-Opted Members<sup>1</sup> by Committee**

1. Grand Committees

<b>Committee</b>	<b>Co-Opted Members</b>	<b>Legal Requirement?</b>	<b>City Fund Functions?</b>	<b>Voting Rights?</b>	<b>Forms Returned</b>
Audit & Risk Management Committee	Three representatives who must not be Members of the Court of Common Council	No	Yes	No	3 / 3
Barbican Centre Board	Up to seven non-Common Council representatives appointed by the Committee, of which at least two should be drawn from the arts world	No	Yes	Yes	4 / 5
Board of Governors of the City of London Freeman's School	Up to six co-opted non-City of London Governors with relevant experience of education	No	No	Yes	3 / 6
Board of Governors of the City of London School	Up to eight co-opted non-City of London Governors with experience relevant to the Board	No	No	Yes	5 / 5
Board of Governors of the City of London School for Girls	Up to six co-opted non-City of London Governors with experience relevant to the Board	No	No	Yes	2 / 6
Board of Governors of the Guildhall School of Music & Drama	Up to six co-opted non-City of London Corporation Governors with appropriate expertise; one Member of the Guildhall School academic staff to be elected by such staff; one Member of the Guildhall School administrative staff to be elected by such staff; the Principal of the Guildhall School; one Guildhall School student representative who shall normally be the President of the Students' Union	Yes	No	Yes	5 / 8

<sup>1</sup> In this context meaning any Member of a Committee who is not a Member of the Court of Common Council

Committee	Co-Opted Members	Legal Requirement?	City Fund Functions?	Voting Rights?	Forms Returned
Community & Children's Services Committee	A limited number of Members co-opted by the Committee	Two to five elected parent governor representatives required by law	Yes	Parent governor representatives can vote in relation to education functions only – any other co-opted members would not be able to vote	1 / 1
Education Board	Up to four non-Common Council representatives, appointed by the Board, with appropriate expertise in the field of education	No	No	Yes	2 / 3
Epping Forest & Commons Committee	For the consideration of business relating to Epping Forest only, four Verderers elected or appointed pursuant to the Epping Forest Act 1878	Yes	No	Yes – in respect of Epping Forest business only	4 / 4
Hampstead Heath, Highgate Wood & Queen's Park Committee	For business relating to Hampstead Heath only, at least six members who must not be Members of the Court of Common Council or employees of the City, appointed as follows: one after consultation with the Council of the London Borough of Barnet, one after consultation with the Council of the London Borough of Camden, one after consultation with the owners of the Kenwood lands; three after consultation with bodies representing local, ecological, environmental or sporting interests	Yes	No	Yes – in respect of Hampstead Heath business only	2 / 6
Health & Social Care Scrutiny Committee	One representative from Healthwatch	No	Yes	No	0 / 0

Committee	Co-Opted Members	Legal Requirement?	City Fund Functions?	Voting Rights?	Forms Returned
Health & Wellbeing Board	The Director of Public Health or his/her representative; the Director of the Community and Children's Services Department; a representative of Healthwatch appointed by that agency; a representative of the Clinical Commissioning Group appointed by that agency; a representative of the SaferCity Partnership Steering Group; the Environmental Health and Public Protection Director; a representative of the City of London Police appointed by the Commissioner; the Board may also appoint up to two non-City Corporation representatives with experience relevant to its work (who do not have voting rights)	Yes	Yes	Yes	6 / 7
Local Government Pensions Board	One officer of the City of London Corporation, nominated by the Town Clerk and Chief Executive; three Scheme Member Representatives, selected by an appointment method determined by the Town Clerk and Chief Executive; in addition, the Board has the power to appoint one independent advisor should it require further technical guidance	Yes	Yes	Yes – except for the independent advisor	2 / 3
Police Committee	Two external members appointed in accordance with the terms of the Police Committee membership scheme	No	Yes	No	2 / 2
Standards Committee	Four representatives who must not be Members of the Court of Common Council or employees of the City of London Corporation <sup>2</sup>	No	Yes	No	7 / 7
West Ham Park Committee	Four representatives appointed by the heir at law of John Gurney; one by the incumbent or priest in charge of the benefice of West Ham; two by the Council of the London Borough of Newham	Yes	No	Yes	7 / 7

<sup>2</sup> Whilst not technically Co-opted Members, the Standards Committee has resolved that the three Independent Persons should also register any interests, and this is reflected in the figures

2. Consultative Committees

Committee	Co-Opted Members	Legal Requirement?	City Fund Functions?	Voting Rights?	Forms Returned
Ashtead Common Consultative Committee	A representative from the Ashtead Residents Association; a representative from the Ashtead Common volunteers; the County Councillor representing the Ashtead Division of Surrey County Council; one of the District Councillors representing the Ashtead Common ward of Mole Valley District Council; a representative from Natural England; representatives from local conservation groups; a representative from a local heritage or historical society; representatives from recreational user groups to include horse riders, ramblers and cyclists; a youth representative from local schools, Governors, Parent Teacher Associations or school councils	No	No	Yes	3 / 10
Barbican Estate Residents Consultation Committee	Representatives from each of the twenty-one Barbican Estate House Groups and the Chairman of the Barbican Association	No	Yes	Yes	2 / 17
Coulson Commons Consultative Committee <sup>3</sup>	Representatives from local Residents Associations; representatives from the Friends of Farthing Downs and the Kenley Airfield Friends Group; representatives from the Coulson Commons volunteer groups; local politicians from Caterham Hill Parish Council, the London Borough of Croydon and Tandridge District Council; a representative from a local conservation group; a representative from a local heritage or historical society; representatives from recreational user groups to include horse riders, ramblers and cyclists; youth representation from local schools, Parent Teacher Associations or school councils	No	No	Yes	5 / 21

<sup>3</sup> The Coulson Commons Consultative Committee is in the process of being merged with the West Wickham Commons Consultative Committee

Committee	Co-Opted Members	Legal Requirement?	City Fund Functions?	Voting Rights?	Forms Returned
Hampstead Heath Consultative Committee	At least eighteen members who must not be Members of the Court of Common Council or employees of the City, appointed as follows: eight after consultation with bodies representing local interests; three after consultation with bodies representing sporting interests; five after consultation with bodies representing ecological interests; one after consultation with bodies representing the interests of disabled persons; and one after consultation with bodies concerned with the management of the Kenwood lands	Yes	No	Yes	11 / 20
Highgate Wood Joint Consultative Committee	A representative from the Muswell Hill & Fortis Green Association; a representative from the Highgate Conservation Area Advisory Committee; two representatives from the Highgate Society; a representative from the Tree Trust for Haringey; two councillors from the London Borough of Haringey; a representative from Muswell Hill Friends of the Earth; a representative from the Friends of Queen's Wood	No	No	Yes	4 / 9
Keats House Consultative Committee	A representative from the Heath and Hampstead Society; a representative from the Keats Foundation; a representative from the Heath Hurst Road Residents' Association; a representative from the Keats Grove House Charity; a representative from the Keats Community Library; a representative from the South End Green Association; a representative from the Keats-Shelley Memorial Association; a representative from the Hampstead Conservation Area Advisory Committee	No	No	Yes	3 / 8
Queen's Park Joint Consultative Group	Three councillors from the London Borough of Brent; two representatives from the Queen's Park Area Residents' Association; a representative from the Islamia School <sup>4</sup>	No	No	Yes	2 / 6

<sup>4</sup> The addition of a representative from the Friends of Salusbury School and a representative from the Kensal Rise Residents' Association is being recommended to the Hampstead Heath, Highgate Wood & Queen's Park Committee on 16 May 2016

<b>Committee</b>	<b>Co-Opted Members</b>	<b>Legal Requirement?</b>	<b>City Fund Functions?</b>	<b>Voting Rights?</b>	<b>Forms Returned</b>
West Wickham Commons Consultative Committee <sup>2</sup>	Representatives from Wickham Common, West Wickham South and West Wickham Residents Associations; representatives from West Wickham and Spring Park Volunteers; local politicians representing West Wickham & Hayes & Coney Hall; representatives of recreational user groups; representation from local schools, Parent Teacher Associations or school councils	No	No	Yes	5 / 12

### 3. Sub-Committees

<b>Sub-Committee</b>	<b>Additional<sup>5</sup> Co-Opted Members</b>	<b>Legal Requirement?</b>	<b>City Fund Functions?</b>	<b>Voting Rights?</b>	<b>Forms Returned</b>
Property Investment Board	The Board is empowered to co-opt people with relevant expertise or experience to assist in its deliberations (currently three co-optees)	No	Yes	No	3 / 3
Social Investment Board	The Board is empowered to co-opt people with relevant expertise or experience to assist in its deliberations (currently three co-optees)	No	Yes	No	1 / 3

<sup>5</sup> In this case only including Co-Opted Members who are not already Co-Opted Members of the Parent Committee or another Grand Committee



## **NOTE TO THE STANDARDS COMMITTEE: FREEMASONRY**

I was approached in March by a Member of the Court of Common Council, who expressed concern about the potential for influence by Freemasonry within the City of London Corporation. In particular, he expressed specific concern that there was a Members' lodge, to which women Aldermen and Councilmen were unable to join.

Following our conversation, I wrote to the Member in the terms set out below and said that I would raise the issues with the Committee.

### **CEL**

4-May-16

"You raised with me on Thursday, prior to the meeting of the Court of Common Council, your concerns regarding the potential influence of freemasonry within the Corporation and the need for greater transparency, particularly with regard to the Guildhall Lodge. You also expressed specific concern about the gender restriction on membership of freemasonry in general and Guildhall Lodge in particular, i.e. that it is only open to men.

As I told you on Thursday, I am a freemason, but am not a member of Guildhall Lodge. For the sake of openness, I should tell you that I am a Grand (i.e. national) Officer of the United Grand Lodge of England and chairman of one of its committees.

As I hope you know, I am a passionate believer in transparency and that has been the watchword of the Standards Committee under my chairmanship over the past three years. In relation to freemasonry specifically, when we updated the Code of Conduct late in 2014, we introduced a requirement for members to declare, under paragraph 7 (c) of the Code, their memberships of fraternal and sororal societies, which our guidance advises includes organisations like Freemasonry and the Royal Antediluvian Order of Buffaloes. This is a change from the previous statutory code which only required Members to register membership of charities, meaning that most freemasons did not have to declare their membership of the fraternity, but only their membership of the Freemasons' Grand Charity.

From the Standards Committee's recent review of Members' register entries, it appears that all those who are freemasons have declared their membership either by stating that they are a freemason, or by giving the names and or numbers of the lodges to which they belong.

Turning to the specific issue of Guildhall Lodge No. 3116, which was consecrated in 1905 for Aldermen and Common Councilmen of the City of London and from which it still draws most of its membership. Clearly as there has been a Guildhall Lodge for more than 100 years, the position is not new. In fact, the number of freemasons and Guildhall Lodge members on Common Council today is almost certainly lower than previously, not least because of the growth in the number of women on the Court. In my fifteen years on Common Council, I have never been aware of any suggestion that Guildhall Lodge or its members have ever acted either improperly or in concert in respect of the activities of the Corporation or its internal governance. I am, however, aware that suspicion might – and indeed occasionally does – arise amongst certain non-masonic members of the Court that the Lodge could exert influence behind the scenes at Guildhall.

If you are aware of any specific concerns about the direct and inappropriate influence of freemasonry – as opposed to there being freemasons individually in leadership positions – in

the work of the Corporation that you would wish the Standards Committee to investigate, please let me know.

Whilst it would be invidious (and indeed in breach of judgments of the European Court of Human Rights) to require Members to declare their membership of any specific organisation (as opposed to types of organisations in the generality), it may well be that the Standards Committee might wish to review its guidance on the interpretation of the Code on this point. I could certainly see an argument that – given the number of Members involved – Guildhall Lodge could reasonably be interpreted to be a ‘club or society active in the City of London’ which we might expect Members to declare their membership of under paragraph 7 (b) of the Code, just as do memberships of Ward Clubs etc.

I will ask the Town Clerk to place this issue on the agenda for the next meeting of the Standards Committee as we will be reviewing the Guidance on the Code of Conduct in any event at that meeting.

On your point regarding gender inequality in freemasonry, you raise an entirely valid issue. Under its current rules, membership of lodges under the United Grand Lodge of England is restricted to men only, and clearly that includes the Guildhall Lodge. Masonry is however open for women to join and in this country there are two Grand Lodges for women: the Order of Women Freemasons ([www.owf.org.uk](http://www.owf.org.uk)) and the Honourable Fraternity of Ancient Freemasons ([www.hfaf.org](http://www.hfaf.org)). Perhaps, if enough women Members of Common Council wanted to, they could establish their own Guildhall Lodge.

I hope that this responds to your concerns and provides greater clarity on this issue. Please let me know if you are happy with the way I propose to take this forward.”