

STANDARDS COMMITTEE
Friday, 3 February 2017

Minutes of the meeting of the Standards Committee held at Committee Room - 2nd
Floor West Wing, Guildhall on Friday, 3 February 2017 at 11.30 am

Present

Members:

Oliver Lodge (Chairman)
Deputy Edward Lord (Deputy Chairman)
Nigel Challis
Mark Greenburgh
Christopher Hayward
Deputy Jamie Ingham Clark
Dan Large
Alderman Sir Alan Yarrow

Also Present:

Chris Taylor – Independent Person

Officers:

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

1. APOLOGIES

The Chairman, on behalf of the Committee, welcomed Mr Hayward, the newly elected Common Council Member of the Committee to his first Standards Committee meeting.

Apologies for absence were received from Judith Barnes (Co-opted Member), Virginia Rounding, Anju Sanehi (Independent Person) and Deputy Tom Sleigh.

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

Deputy Ingham Clark declared a non-pecuniary interest in relation to agenda Item 3 (Minutes of the Previous Meeting), stating that he was a member of the Guildhall Lodge.

Mr Hayward declared a non-pecuniary interest in relation to the same item, stating that he was currently Assistant Secretary of the Guildhall Lodge and, as such, would be taking no part in any subsequent discussion on this matter at today's meeting.

Deputy Edward Lord also declared a non-pecuniary interest in relation to agenda Item 3 stating that he was a member of the City of London Lodge of Installed Masters.

Dan Large and Mark Greenburgh declared a non-pecuniary interest in relation to the same agenda item, stating that he was a Freemason.

3. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 7 October 2016 were considered and approved as a correct record.

MATTERS ARISING

Freemasonry (page 2) – The Town Clerk reported that, at the Committee's request she had now made further enquiries with the Remembrancer's Department to ascertain how the use of the Guildhall Crypts by the Masonic lodges was approved and on what grounds they received preferential rates. The Committee were informed that applications for use of the Crypts by the Masonic lodges were submitted to the Remembrancer as part of the non-Guildhall use report and that the Chief Commoner was also consulted. Whilst the applications were submitted at 'no user charge' some lodge meetings did incur additional costs and were charged accordingly. The Town Clerk added that she had been informed that the lodges received preferential rates on the basis that they had clear City of London/Member links.

A Co-opted Member questioned whether the decision to grant usage of the Crypts to the masonic lodges was recorded publicly in any way. He stated that he was concerned about the potential external perception of this and the fact that it might be viewed as an unrecorded benefit. He stated that he would like to ask the City of London to strongly consider this and any associated reputational risks going forward.

A Member reported that the City's Finance Grants Sub Committee regularly received details of all benefits in kind for review. He added that there was therefore the opportunity for Member challenge at this stage.

The Chairman, who reminded the Committee that he had disclosed his membership of Guildhall Lodge on previous occasions, suggested that the Committee convey their concerns to the Remembrancer and encourage him to consider making this decision in the public domain going forward and how best this might be done.

The Deputy Chairman reported that use of the Great Hall was approved by the Hospitality Working Party who, in turn, reported up to the Court of Common Council on this. He added that use of other parts of the Guildhall complex were not so widely reported but suggested that this could perhaps be pursued under delegated authority in consultation with the Chairmen and Deputy Chairmen of the Hospitality Working Party and the Policy and Resources Committee. He also asked that a note of this discussion be sent to the next meeting of the Hospitality Working Party given that the use of Guildhall was within their remit.

A Co-opted Member suggested that a key issue here would be whether or not the Guildhall Crypts were a public or private space.

Complaint to the Chairman of the General Purposes Committee of Aldermen (page 2) – The Chairman reported that he had received no formal response to the complaint he had made. The Deputy Chairman stated that he had had an informal conversation with the Chairman of the General Purposes Committee of Aldermen who had informed him that he had spoken to the Alderman who was the subject of this complaint. The Committee were informed that the Alderman in question would be resigning from office early next week. The Chairman stated that he hoped that this would therefore draw the matter to a conclusion.

4. **APPOINTMENT OF CHAIRMEN OF SUB-COMMITTEE**

The Committee received a resolution of the Policy and Resources Committee, dated 15 December 2016, concerning the appointment of Chairmen of Sub Committees.

The Chairman reported that this resolution had been sent to all Committees to endorse the convention around the appointment of Chairmen of Sub Committees.

The Comptroller and City Solicitor clarified that this was intended to apply to formal, standing Sub Committees which met on a regular basis as opposed to ad-hoc Sub Committees such as those that the Standards Committee were currently required to establish in the event that a complaint was received. He therefore suggested that this Committee's Assessment, Hearing and Appeal Committees should continue to elect their own Chairmen.

A Member reported that many Committees had referred this resolution back to the Policy and Resources Committee seeking further clarification and context.

5. **FORMER OFFICERS AS MEMBERS**

The Committee received a report of the Comptroller and City Solicitor setting out the main legal and governance issues which arise where former officers are elected as Corporation members alongside a summary of the discussion on this at the January 2017 meeting of the Establishment Committee.

The Deputy Chairman, who was also currently serving as Deputy Chairman of the Establishment Committee, informed the Committee that the recent election of a former Chief Officer as a Common Councilman had caused some concern amongst elected Members, particularly the recommendation that this Member should serve on the City's Planning and Transportation Committee and Property Investment Board, to which he had only recently reported. The Court of Common Council had therefore referred the matter to the Establishment Committee for further consideration.

The Deputy Chairman reported that there had been a lengthy discussion on the matter at the most recent meeting of the Establishment Committee where they had received a report of the Comptroller and City Solicitor clearly stating that there were no legal grounds on which a former Officer could be prevented from standing or serving as an elected Member. Any potential conflicts could be managed through the Members' Code of Conduct and Protocols. It was also recognised that, once elected, it was a matter for the Court of Common Council to decide on which bodies it might be most appropriate for particular Members to serve.

The Establishment Committee had questioned whether there was a need for formal guidance around this going forward and it was noted that guidance already existed within the current Common Councilmen Job Description.

In response to questions, the Comptroller and City Solicitor reported that any restrictions imposed in Chief Officers contracts seeking to prevent them from becoming Members within a certain period of their employment ending would amount to a breach of Article 10 of the European Convention on Human Rights and Freedoms.

A Member commented that the onus should also be on individual Members to be mindful of any potential conflicts in considering where best they might serve.

A Co-opted Member suggested that this seemed to be a matter of common sense. He questioned whether some of the objections voiced by elected Members might have been ill founded and questioned whether a former Chief Officer could be elected to serve on a Committee they had previously reported to and simply decline to participate if and when this was felt appropriate. The Deputy Chairman explained that, in this case, the concern was not simply around matters that the Member had previously been involved in as an Officer, but also the relationships that he had built up with property developers during that time. The Chairman confirmed that in the end no decision had been required as the Ward Deputy concerned had withdrawn his nomination at the Court of Common Council meeting at which it was formally raised and debated.

The Committee noted the resolution and were aware that, should an allegation be made with regard to any future conflict of interests arising from this kind of appointment, the matter might be referred to them as a breach of the Code of Conduct.

RECEIVED.

6. 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 27 April 2017.

The Chairman reminded Members that the Committee were required to review their terms of reference on an annual basis. He went on to suggest that, this year, the discussions around this matter might be held in two stages. Firstly, a decision was required as to what terms of reference were presented to the April 2017 Court of Common Council meeting but, secondly, the Chairman suggested that the Committee might want to adopt their own, longer term, view as to what they would like their terms of reference to look like following full consideration of Mr Bourne's report.

Members disagreed with this suggestion and stated that they felt it would be more prudent to wait for the outcomes of the Working Party's considerations and any views they might have on this before further reviewing the Committee's existing terms of reference.

RESOLVED – That:

- (a) Members approve the Standards Committee's Terms of Reference for submission to the Court of Common Council on 27 April 2017 and also note that these may be subject to further change pending the outcome of the Standards Regime Review Working Party's deliberations on Mr Bourne's report;
- (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 2017 and 2018.

7. MR BOURNE QC'S INDEPENDENT REVIEW OF THE CITY OF LONDON'S STANDARDS REGIME

This Item was taken before Item 6 to facilitate discussion on the Committee's Terms of Reference.

The Chairman reported that, since the last meeting of the Standards Committee, Mr Bourne's report had been received and was submitted to the Court of Common Council and also circulated to all Co-opted Members and Independent Persons serving on this Committee. The Chairman stated that he felt that the report was, in his view, very well put together and that Mr Bourne had engaged with all of the right people in producing it.

The Chairman went on to inform the Committee that the report had been submitted to the January 2017 Court of Common Council meeting with a covering report from this Committee suggesting that they be permitted to now examine the report in further detail and report back to the Court as to how the recommendations within it might best be implemented at a later date. A counter proposal had, however, been made at the Court meeting suggesting that it would be more appropriate for a separate Working Party (to be drawn up by a

Panel consisting of the Chairman of the Standards Committee, the Chairman of the Policy and Resources Committee, the Chairman of the General Purposes Committee of Aldermen and the Chief Commoner) to undertake this task.

The Chairman reported that this Panel had subsequently met and had decided on a list of 10 Members (2 Aldermen and 8 Common Councilmen) who should be invited to serve on the new Working Party. It was confirmed that there was no specified date on which the new Working Party should report back to the Court with their recommendations at present.

The Chairman invited the Committee's views on the report at a high level.

A Co-opted Member stated that he was concerned that the newly appointed Working Party considering Mr Bourne's report did not lose the benefit of the experience of this Committee's Co-opted Members and Independent Persons as it would be important for the Court to also take into account their views. The Chairman reported that he had proposed the inclusion of a number of Standards Committee Members (including Co-opted Members) on the new Working Party but that this proposal had not been supported by other Members of the Appointment Panel. He added that it would, however, be up to the new Working Party who they wanted to consult with and engage in the review process at various stages.

Mr Hayward, who had been appointed to serve on the new Working Party, took on board the co-opted Member's points and stated that he felt there would be real merit in hearing from this Committee's Co-opted Members and Independent Persons as part of the review process. He stated that he would be strongly suggesting to the Working Party that they permit this input. The Chairman reminded Members that all of the City's Co-opted Members would be affected by the outcome of the review given that all were subject to the same Code of Conduct.

In response to questions from Co-opted Members regarding the discussion at the recent Court of Common Council meeting around this item, the Deputy Chairman reported that, whilst the majority of elected Members had not taken a view, it had been used by some to champion the abolishment of the Standards Committee and the current standards regime.

An Independent Person commented that he felt the recommendation within Mr Bourne's report regarding the future interaction of the Independent Persons with this Committee was unfortunate. He stated that the Standards Committee met relatively infrequently and that, if Independent Persons were to cease attending these meetings, their involvement with its work would become extremely remote.

The Deputy Chairman agreed with this view. He added that, on the whole, he felt that Mr Bourne's report was well thought out and that the majority of the recommendations put forward were sensible. The report had made it clear that

it was important to have a strong and effective Standards regime going forward whilst also clearly identifying areas for improvement without totally overturning the current system.

Other Members agreed with this view. It was suggested that, with regard to the future engagement of Independent Persons, it might be considered appropriate to develop a formal protocol regarding their input at future Standards Committee meetings.

A Co-opted Member went on to highlight a second area of concern within Mr Bourne's report which would involve the Monitoring Officer undertaking the initial assessment of any complaints received. He stated that he felt that this would put the Monitoring Officer under a lot of pressure and in an invidious position as an Officer of the City Corporation sitting in judgement of its elected Members. He stated that he felt that it was much more appropriate for Members to sit in judgement of other Members and that this might be done by way of a panel advising the Monitoring Officer going forward. Other Members agreed with these concerns and suggested that the initial assessment of complaints could also be outsourced where appropriate going forward.

The Comptroller and City Solicitor clarified that he had made no representations to Mr Bourne regarding policy matters but stated that the two recommendations highlighted by this Committee were the two that he would also have some concerns around.

The Chairman highlighted that it may be that the Working Party would refer some matters to the Standards Committee going forward or ask for them to feed in to the review process in some way.

Members confirmed that, aside from the two areas of concern they had highlighted, they were generally content with and welcomed Mr Bourne's report and its recommendations which they felt would serve the City Corporation very well in future.

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

There were no questions.

9. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

Nigel Challis

The Chairman, on behalf of the Committee, thanked Mr Challis for his service on the Standards Committee and wished him all the very best for the future. He informed Members that this would be Mr Challis' last meeting given that he was choosing not to seek re-election to Common Council in March 2017.

Mr Challis thanked the Chairman for his kind words and stated that he would continue to follow the work of the Committee with great interest.

Member Training

A Co-opted Member questioned what Standards related training would be offered to newly elected Members.

A Member reported that the Member Development Working Party had now approved a very full programme of training for any newly elected Members. The Comptroller and City Solicitor confirmed that training relating to the work of the Standards Committee would form a part of this and that the same offerings would also be made to returning as well as new Members.

The Committee requested a report to their next meeting detailing what training had been provided to new Members alongside details of attendance and the content of the training.

10. EXCLUSION OF THE PUBLIC

RESOLVED – That under Section 100A(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.

Item No.	Paragraph No.
11	1

11. RECRUITMENT OF CO-OPTED MEMBER OF THE STANDARDS COMMITTEE

The Chairman updated the Committee on the recent recruitment drive to appoint a new Co-opted Member of the Standards Committee.

12. NON PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions raised in the non-public session.

13. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED

There were no additional, urgent items of business for consideration in the non-public session.

The meeting ended at 12.56 pm

Chairman

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