



## Standards Committee

**Date:** FRIDAY, 3 FEBRUARY 2017  
**Time:** 11.30 am  
**Venue:** COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

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

**Enquiries:** Gemma Stokley  
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Lunch will be served in the Guildhall Club at 1pm  
**NB: Part of this meeting could be the subject of audio or video 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. **MINUTES OF THE PREVIOUS MEETING**  
To agree the public minutes of the meeting held on 7 October 2016.  
  
**For Decision**  
(Pages 1 - 6)
4. **APPOINTMENT OF CHAIRMEN OF SUB-COMMITTEE**  
Resolution of the Policy and Resources Committee.  
  
**For Decision**  
(Pages 7 - 8)
5. **FORMER OFFICERS AS MEMBERS**  
Resolution of the Establishment Committee.  
  
**For Information**  
(Pages 9 - 16)
6. **TERMS OF REFERENCE AND FREQUENCY OF MEETINGS**  
Report of the Town Clerk.  
  
**For Decision**  
(Pages 17 - 26)
7. **MR BOURNE QC'S INDEPENDENT REVIEW OF THE CITY OF LONDON'S STANDARDS REGIME**  
The Chairman to be heard.  
  
**For Information**
8. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
9. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
10. **EXCLUSION OF THE PUBLIC**  
**MOTION** – 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.

**For Decision**

## **Part 2 - Non-Public Agenda**

11. **RECRUITMENT OF CO-OPTED MEMBER OF THE STANDARDS COMMITTEE**  
The Chairman to be heard.

**For Information**

12. **NON PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
13. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

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## **STANDARDS COMMITTEE** **Friday, 7 October 2016**

Minutes of the meeting of the Standards Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Friday, 7 October 2016 at 11.30 am

### **Present**

#### **Members:**

Oliver Lodge (Chairman)  
Edward Lord (Deputy Chairman)  
Judith Barnes  
Nigel Challis  
Mark Greenburgh  
Deputy Jamie Ingham Clark  
Dan Large  
Oliver Lodge (Chairman)  
Edward Lord (Deputy Chairman)  
Virginia Rounding  
Alderman Sir Alan Yarrow

#### **Also Present:**

Deputy Michael Welbank, Chief Commoner

#### **Officers:**

Gemma Stokley	-	Town Clerk's Department
Chrissie Morgan	-	Director of Human Resources
Michael Cogher	-	Comptroller and City Solicitor
Edward Wood	-	Comptroller and City Solicitor's Department

### **1. APOLOGIES**

Apologies for absence were received from Neil Asten (Independent Person) and Deputy Alastair King.

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

The Chairman and Deputy Ingham Clark declared a non-pecuniary interest in relation to agenda Item 3 (Minutes of the Previous Meeting), stating that they were both members of the Guildhall Lodge.

The Deputy Chairman declared a non-pecuniary interest in relation to the same agenda Item, stating that he was a Member of the City of London Lodge of Installed Members.

### **3. MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 8 July 2016 were considered and approved as a correct record.

### **MATTERS ARISING**

**Freemasonry (page 1)** – In response to a query raised at the last meeting, the Town Clerk reported that she had made enquiries with the Remembrancer's Office to ascertain whether lodges were unique in receiving free use of the Guildhall Crypts three times per year. The Town Clerk reported that she had been informed that this arrangement was unique to the 4 lodges associated with the City of London. In response to further questions, the Town Clerk stated that it was her understanding that this was a matter of custom and practice and was a historical arrangement overseen by the Remembrancer.

The Chief Commoner reported that the Remembrancer reported to the Hospitality Working Party on such matters. The Deputy Chairman stated that he suspected that, historically, this arrangement had been agreed by the Chief Commoner. The Town Clerk undertook to make further enquiries on behalf of the Committee and to ask the Remembrancer on what grounds masonic lodges received preferential rates for use of Guildhall Crypt.

A Member highlighted that the Finance Committee had recently been looking at all non-pecuniary gifts/benefits and suggested that this should also feature here.

**Co-opted Member Vacancy (page 3)** – The Town Clerk reported that, following the Committee's instructions to proceed with recruiting to the recently created co-opted Member vacancy, it was hoped that the advertisement would 'go live' later this month following final sign-off from the Chairman and Deputy Chairman.

The Town Clerk outlined a draft timetable for recruitment, highlighting that final interviews were likely to take place early in the New Year.

The Town Clerk undertook to notify all Members of the Standards Committee once the advertisement had 'gone live' so that they could look to encourage any suitable candidates they might know to apply.

**Complaint to the Chairman of the General Purposes Committee of Aldermen (page 4)** – The Chairman reported that he was still awaiting a response to the formal complaint he had filed with the Chairman of the General Purposes Committee of Aldermen regarding unacceptable comments made by an Alderman at the Court of Common Council meeting at which the Annual Report of the Standards Committee had first been considered.

4. **LORD MAYOR'S REGISTER OF GIFTS AND HOSPITALITY**

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

**RECEIVED.**

5. **SHERIFFS' REGISTER OF GIFTS AND HOSPITALITY**

The Committee received a report of the Secondary of London presenting the updated position on gifts and hospitality received by the Sheriffs of the City of London.

Members stated that, in the interest of transparency, they were grateful to now receive these reports for ceremonial officeholders on a regular basis.

In response to a question regarding the Sheriffs' overseas travel, the Town Clerk reported that the Sheriffs often accompanied the Lord Mayor on official City of London business overseas and that this was not, therefore a gift.

**RECEIVED.**

6. **ANNUAL REVIEW OF PROTOCOL ON MEMBER/OFFICER RELATIONS**

The Committee considered a report of the Director of Human Resources providing Members with an annual review of the Protocol on Member/Officer relations and highlighting any related issues that have arisen in the year 1 August 2015 – 31 July 2016.

The Director of Human Resources highlighted that, in addition to the standard annual report to the Committee, some changes were also recommended this year in terms of the Member/Officer Protocol. The Director went on to highlight that whilst the Protocol was not explicitly part of either the Member or Employee Code of Conduct, it was now also recommended that the document be appended to the Employee Code of Conduct in order to make the connection between the two and the fact that the Protocol should be viewed in conjunction with this document clear.

The Chairman stated that he would also like to see the Protocol appended to the Guidance on the Members Code of Conduct going forward. He highlighted that this had also been the subject of some Member Development sessions delivered by the Comptroller and City Solicitor and it was hoped that this would also be offered to all new Members elected in Spring 2017 as a priority.

In response to questions, the Town Clerk reported that two Member Development sessions on the Member/officer Protocol had taken place over the past 3 months, with the Chairman of the Standards Committee writing to all directly elected and Co-opted Members strongly encouraging them to attend on the back of the recent complaint dealt with by the Committee. The Town Clerk reported that approximately 50 directly elected and Co-opted Members had attended across the two sessions. The Comptroller and City Solicitor reported that he was very aware of the need to promote the Protocol amongst both Officers and Members and would be happy to host one more session before the end of the year and further sessions in March/April 2017 for new and returning Members.

The Chairman highlighted that any changes to the Member/Officer Protocol would also need the approval of the Establishment Committee who would then refer the matter up to the Court of Common Council for final approval.

With regard to the suggested changes to the Member/Officer protocol, the Chairman questioned whether it was appropriate to give such prominence to the Public Sector Equality Duty or whether this might appear disproportionate in the absence of specific reference to any other legislation. The Committee agreed that this might appear to be the case and so suggested some modification to the proposed recommendations.

**RESOLVED – That, Members:**

- Note the report;
- Approve the inclusion of specific reference to equality and diversity in the Protocol on Member/Officer Relations by including additional points in the Protocol's Expectations as follows:
  - 1) *(m) Commitment to equality, diversity and inclusion in their relationship with Members and colleagues that as appropriate takes into account our Public Sector Equality Duty*
  - 2) *(i) Commitment to equality, diversity and inclusion in their relationship with Officers and colleagues that as appropriate takes into account our Public Sector Equality Duty;*
- Approve the recommendation of the Establishment Committee to append the Protocol on Member/Officer Relations to the Employee Code of Conduct as set out in paragraph 8 of this report; and
- Append the Protocol on Member/Officer Relations to the 'Guidance to Members -Members' Code of Conduct' document.

**7. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**  
**Code of Conduct**

A Member questioned whether the possibility of an elected Member trying to sue the City of London Corporation could be considered a breach of the Code of Conduct.

The Comptroller and City Solicitor clarified that this was not in breach of the Code of Conduct and that Members were entitled to exercise their legal rights. He added that, should any legal action be unsuccessful, the Member would be liable to pay the relevant associated costs.

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

The Chairman reported that the date of this year's Committee dinner was still to be confirmed with the Remembrancer's Department.

**Potential Judicial Review**

In response to questions, the Comptroller and City Solicitor updated the Committee on a potential judicial review. The Comptroller confirmed that, in July, he had received a 19 page letter before claim concerning the recent case overseen by the Committee and alleging procedural impropriety. The Comptroller went on to confirm that he had robustly responded to each of the points in the letter before claim, concluding that they did not begin to raise an arguable case and were out of time.



The Committee were informed that a further two points were raised in early September which were also fully responded to and it was, again, pointed out that there was a timing issue – any challenge should be made promptly and, in any event, within 3 months – this timeframe had clearly lapsed. The Committee were informed that no further communication had been received to date.

**The meeting ended at 12.35 pm**

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Chairman

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# Agenda Item 4

TO: **STANDARDS COMMITTEE**

Friday, 3 February 2017

FROM: **POLICY AND RESOURCES COMMITTEE**

Thursday, 15 December 2016

## **APPOINTMENT OF CHAIRMEN OF SUB-COMMITTEES**

Members considered and approved a report of the Town Clerk and Comptroller and City Solicitor regarding the appointment of Sub-Committee Chairmen.

### **RESOLVED – that:-**

- when a Chairman does not wish to exercise his/her right to be the Chairman of a Sub-Committee and wishes a specific Member to be appointed, Committees adopt a convention whereby the Chairman submits his/her nomination for Chairman and/or Deputy Chairman to the service committee for approval; and
- a resolution to this effect be circulated to all relevant Committees to endorse this convention.

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# Agenda Item 5

To: **MEMBERS' PRIVILEGES SUB (POLICY AND RESOURCES) COMMITTEE**

Thursday 19 January 2017

## **STANDARDS COMMITTEE**

Friday 3 February 2017

From: **ESTABLISHMENT COMMITTEE**

Tuesday 17 January 2017

### **FORMER OFFICERS AS MEMBERS**

The Committee received a report of the Comptroller and City Solicitor which set out the main legal and governance issues which arise when former officers are elected as City Corporation Members.

The Chairman advised that the report before Members had been produced by the Comptroller and City Solicitor in response to the proposed Ward appointment of the recently elected Member of Walbrook Ward to serve on the Planning and Transportation Committee.

A Member expressed concerns about the imposition of restrictions on Members in order to prevent their appointment to committees. A discussion took place, during which the point was raised that when nominating or electing Members to serve on Committees, potential conflicts of interest should be taken into consideration. Members further added that it was the responsibility of all Members to decide, under the existing governance arrangements, whether a Member should be appointed to a Committee.

Members further considered the recent Ward Committee appointment and it was suggested that, had the Ward Deputy been aware of the Common Councilman job description, which specifies that former officers should not sit on committees to which they have previously reported for a period of two years, the motion to appoint the new Member to the Planning and Transportation Committee may never have been submitted.

A discussion took place about the onus being on Ward Deputies to be aware of this information and the Committee asked that this be brought to the attention of both the Members' Privileges Sub (Policy and Resources) Committee and the Standards Committee.

At the conclusion of the discussion it was noted that whilst the Committee was clear about the legal position, the appointment to committees was in essence a political decision and that Members needed to determine a policy which would ensure that appropriate restrictions on committee appointments and decision-making activities could be imposed when former officers became Members.

### **RESOLVED – That:**

- a) the Committee note the contents of the report and the legal position; and
- b) the report and a summary of the discussion be sent to both the Members' Privileges Sub Committee and the Standards Committee.

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## **APPENDIX 1**

<b>Committee:</b>	<b>Date:</b>
Establishment Committee	17 January 2017
<b>Subject:</b> Former Officers As Members	<b>Public</b>
<b>Report of:</b> The Comptroller & City Solicitor	<b>For Information</b>
<b>Report author:</b> Michael Cogher, The Comptroller & City Solicitor	

### **Summary**

This Report sets out, at the request of members, the main legal and governance issues which arise where former officers are elected as Corporation members. As will be seen, there is no legal bar on a former officers becoming members and existing governance arrangements under the Members' Code of Conduct and the Court's ability to choose committee membership should be sufficient to deal with any concerns members may have. Any attempt to impose contractual restrictions post termination would, as will be explained, be unlawful.

### **Recommendations**

That members note the contents of this report and the legal position.

## **2. The Legal Position**

- 2.1 In order to be a candidate in a Corporation or local authority election a prospective member needs to satisfy requirements for qualification and not be disqualified.
- 2.2 In the case of the Corporation, the City of London Municipal Elections Act 1849 contains the relevant statutory provision in respect of disqualifications for Corporation members and it contains no disqualification provisions for former officers. As the disqualification provisions derive from an Act they are not capable of modification through an Act of Common Council.
- 2.3 The issue of officers holding elected office in local government was a significant issue in the 1980s, and became known as "twin tracking". The position was considered by the Widdecombe Committee which concluded:

"The overwhelming view in the evidence we have received has been that officers should continue to serve the council as a whole... There

has been equally wide agreement that the public service tradition of a permanent corps of politically impartial officers should be retained”.

- 2.4 This resulted in the political restriction provisions of the Local Government and Housing Act 1989 (“the Act”) and associated regulations, which applies to the Corporation qua local authority. The Act and regulations prohibit holders of specified “politically restricted posts” (including all Chief Officers and Deputy Chief Officers) from becoming or remaining a member of a local authority or Parliament. Moreover politically restricted officers may not whilst employed announce that they intend to stand for election as a member of any authority or Parliament, and certain other restrictions are imposed in relation to holding office in a political party (but not prohibiting membership), canvassing and political advocacy and publicity.
- 2.5 However, the provisions recognise that a politically restricted post-holder may resign in order to announce their candidature and whilst relevant serving officers are politically restricted in the interests of neutrality, there is no bar to former officers becoming members of their former authority.
- 2.6 It should also be noted a member of a local authority may not become a paid officer of that authority whilst a member or for 12 months after they cease to be a member (s.116 Local Government Act 1972) although this provision does not apply to the Corporation.
- 2.7 Nor may a paid officer of a local authority become a member of that authority under s.80 of the Local Government Act 1972. Again, this provision does not apply to the Corporation and it would appear that there is no statutory bar to a non-politically restricted officer from becoming a Corporation member. However, given this apparent lacuna and undesirability of such a contingency the Corporation would probably be able to fairly dismiss such an employee should the situation arise.

### **3. Conflicts of Interest**

- 3.1 Potential conflicts of one form or another are of course extremely common and the Corporation has systems in place to appropriately manage such conflicts. In broad terms potential conflicts can range in risk and severity and how they are judged, with some requiring formal action and others none at all.
- 3.2 For example, legal or formal conflicts may arise where clear pecuniary or non-pecuniary interests are engaged, where there is a real danger of bias, or where there are other formal requirements to deal with the conflict such as charity rules.



- 3.3 The Corporation manages such conflicts through its Members' Code of Conduct and Protocols. In many cases it will be possible for an officer e.g. a lawyer to determine whether a formal conflict arises or not.
- 3.4 However, other conflicts can be more subtle and less easy to determine. Often it will be for a member to determine themselves in accordance with the general (Nolan) Principles of Public Life (selflessness, integrity, objectivity, accountability and openness). In some cases a particular action by a member may not be a breach of a formal rule or the Nolan principles but may nonetheless be seen by others to be inappropriate or undesirable.
- 3.5 All members join the Court with their own outlook, motives and interests. However a former chief officer is likely to be in a unique position, having overseen a major Department for many years, particularly if it is one whose functions cuts across a large number of committees and activities.
- 3.6 There are clearly likely to be instances where, despite there being no strict legal bar, it could be seen as inappropriate for a former officer to be involved, particularly in matters relating to their former department.
- 3.7 For example, it is a fundamental principle of the scrutiny function that a member should not be involved in scrutinising a decision which they themselves participated in. Clearly Corporation committees exercise a joint executive and scrutiny role including monitoring performance and holding officers to account. It is also an accepted rule of good practice that a member should not sit on a committee where their interests are likely to prevent them from fully and properly participating in its business.
- 3.8 Thus it would probably not be appropriate for a former officer to be involved in scrutinising decisions and actions of their department which are connected with that persons "watch". Such an officer may also have a perceived conflict in any proposed changes such as a change in business strategy or in the organisation of the department.
- 3.9 That having been said it would not necessarily be unlawful or a breach of the Code for a member to do so. Each case would need to be analysed on its merits. It may however be difficult for such an officer to appear objective in matters relating to their department, whether they seek to support it or to challenge it in any given case and of course objectivity is one of the Nolan principles which falls to be considered under the Code of Conduct. There are of course softer management issues arising out of such a member's new relationship with their former colleagues.
- 3.10 The answers to these more nuanced problems rest with the Court which has the power to determine through committee membership arrangements, which committees such a member will sit on. This

enables the Court to deal with circumstances which, whilst not overtly unlawful or otherwise prohibited, do not “feel right” to the majority of members in all the circumstances.

- 3.11 Any alleged breach of the Code of Conduct arising will of course ultimately be a matter for the Corporation’s Standards arrangements in the event of a complaint.

#### **4. Contractual Restrictions**

- 4.1 It has been suggested that the Corporation should seek to impose contractual restrictions on officers from becoming members within a certain period of their employment ending. Such proposals would not, in the view of the Comptroller and City Solicitor, be enforceable or lawful.
- 4.2 Parliament has considered the issue of officers becoming members and determined that certain senior officers cannot stand in relevant elections whilst they are officers in the 1989 Act. It chose not to place any restrictions on former officers. Thus provided a former officer is qualified and not disqualified under electoral law they have a civil right to stand for election and hold office if successful. A contractual term which seeks to restrict such a civil right would, in the view of the City Solicitor, be void as a breach of public policy because such a contract would purport to remove legal rights conferred on individuals as citizens in a democratic society.
- 4.3 Furthermore, such an attempted restriction would, in the opinion of the City Solicitor, be a breach of Article 10 of the European Convention on Human Rights and Freedoms on the basis of the decision in *Ahmed and Others v. UK* [1999] IRLR.
- 4.4 In that case a number of local government officers affected by the restrictions outlined above brought proceedings in the European Court of Human Rights claiming that the restrictions of the 1989 Act infringed their convention rights.
- 4.5 Human Rights law recognises that convention rights can be restricted by a State where such restrictions are prescribed by law and are necessary and proportionate in the pursuit of legitimate aims e.g. the prevention of crime and disorder.

Thus Article 10 provides as far as is relevant:-

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authorities and regardless of frontiers...

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society , in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others....”

- 4.6 In Ahmed it was recognised by the European Court of Human Rights and the parties that the political restrictions imposed by the 1989 Act and regulations were an interference with the officers’ Article 10 Rights as their involvement in certain forms of political activities were curtailed. The question for the Court was therefore whether that interference was prescribed by law and necessary and proportionate to achieve a legitimate aim. The Court considered that the interference was prescribed by law (the 1989 Act) and that it was legitimate in all the circumstances to ensure confidence in public administration. The officers’ challenge therefore failed.
- 4.7 However, the corollary of the decision in Ahmed is that an attempt by a public authority to curtail an employees’ rights to engage in political activity under Article 10, other than by the proper application of legislation, would be an unlawful interference with the human rights of such employees and that the absence of statutory restrictions is fatal to such a suggestion.

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Comptroller and City Solicitor

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<b>Committee:</b> Standards Committee	<b>Date:</b> 3 February 2017
<b>Subject:</b> Standards Committee – Terms of Reference and Frequency of meetings	<b>Public</b>
<b>Report of:</b> Town Clerk <b>Report Author:</b> Gemma Stokley	<b>For Information</b>

## Summary

The purpose of this report is for the Standards Committee to consider 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<sup>th</sup> April 2017. The Committee is also asked to receive meeting dates for the remainder of 2017 and 2018.

Details of the composition of the Standards Committee and its terms of reference are set out below.

## Recommendations

It is recommended that:-

- (a) Members consider the Standards Committee's Terms of Reference (**Appendix 1**);
- (b) Members consider the frequency of the Committee's meetings; and
- (c) Members note the scheduled meeting dates for the remainder of 2017 and 2018.

## **Main Report**

1. This report sets out the terms of reference and composition of the Standards Committee, including the Committee's Co-opted Members and the Independent Persons.
2. The Committee is also asked to note the frequency of its meetings and the meeting dates scheduled for the remainder of 2017 and 2018, as set out in paragraph 13.

## **Standards Committee –Terms of Reference**

3. The Standard's Committee's Terms of Reference, as agreed by the Court of Common Council at its meeting on 21<sup>st</sup> April 2016 are set out at **Appendix 1**. Subject to any views of the Committee, the Terms of Reference will be submitted to the Court of Common Council for approval on 27<sup>th</sup> April 2017 ahead of the start of the new municipal year.

## **Standards Committee – Composition**

4. The Standard's Committee's composition, as agreed by the Court of Common Council at its meeting on 21<sup>st</sup> April 2016 is:-
  - 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.
5. None of the appointed shall serve on the Committee for more than eight years.
6. Three independent persons are also appointed pursuant to the Localism Act 2011. As in previous years, it is proposed that Independent Persons be invited to attend all future meetings of the Committee (in an observer capacity).
7. The quorum consists of three Members, at least one of whom must be a non-Common Council Member.

## **Standards Committee – 2016/2017 Membership**

8. The Standard's Committee's membership in 2016/2017, as agreed by the Court of Common Council at its meeting on 21<sup>st</sup> April 2016, was as follows:-

### ***Alderman***

Sir Alan Yarrow

### ***Common Councilmen***

Oliver Arthur Wynlayne Lodge, T.D.

Charles Edward Lord, OBE, JP

Virginia Rounding

Thomas Charles Christopher Sleigh

Nigel Kenneth Challis

Jamie Ingham Clark, Deputy

*\*Alastair John Naisbitt King, Deputy (no longer on the Committee after being appointed an Alderman in November 2016)*

### ***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) (subsequently stood down from the Committee)*

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

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

9. The Corporation's Independent Persons are Neil Asten, Anju Sanehi and Chris Taylor (appointed pursuant to the Localism Act 2011).

## **Meetings of the Standards Committee**

10. In 2013, the Committee confirmed that 3 scheduled meetings of the Committee per annum were sufficient. On that basis the following meeting dates were previously confirmed for the remainder of 2017 and 2018:
  - Friday, 3<sup>rd</sup> February 2017 (11.30am)
  - Friday, 19<sup>th</sup> May 2017 (11.30am)
  - Friday, 6<sup>th</sup> October 2017 (11.30am)
  - Friday, 26<sup>th</sup> January 2018 (11.30am)
  - Friday, 18<sup>th</sup> May 2018 (11.30am)
  - Friday, 5<sup>th</sup> October 2018 (11.30am)
11. Where there is no business, and with the Chairman's consent, meetings may be cancelled.
12. Where meetings of the Sub Committees (Dispensations and Assessment/Hearing/Appeal) are required, these will be scheduled on an ad hoc basis throughout the year.

## **Standards Committee – Sub Committees' terms of reference**

13. **Dispensations Sub (Standards) Committee**  
Established on 13<sup>th</sup> September 2013, the principal function of the Dispensations Sub Committee is to consider requests for a dispensation from elected Members and Co-opted Members to speak and/or vote on a specific matter(s), in-line with the City of London Corporation's criterion. Consequently, the Sub Committee will meet on an ad hoc basis as and when requests for a dispensation are received.
14. The Terms of Reference are:
  - a) The Dispensations Sub Committee is established to determine written requests for dispensations from Members or Co-opted Members to take part in any discussion and/or vote on a matter in which they have a disclosable pecuniary interest in accordance with section 33 of the Localism Act 2011.
  - b) Upon receipt of a written request for a dispensation, a meeting of the Sub Committee will be convened (unless a meeting of the Standards Committee is scheduled to take place within a reasonable timeframe), to consider the details of the request and will then do one of the following:-
    - (i) grant a dispensation (in whole or in part) for a specified period not exceeding four years;
    - (ii) reject the request for a dispensation; or

- (iii) seek further information regarding the request ahead of further consideration at a newly convened meeting, or in accordance with the City Corporation's urgency provisions (Standing Order No. 41).
  - c) The Town Clerk will advise the Member seeking a dispensation of the Sub Committee's decision upon the conclusion of the meeting and will retain a list of action taken in respect of all written requests considered by the Sub Committee.
  - d) The Sub Committee will consist of any three elected Members (voting) and one Co-opted Member (non-voting) to be drawn from the membership of the Standards Committee.
  - e) The quorum shall consist of any three elected Members.
15. **Allegations of breaches of the Members' Code of Conduct - Assessment, Hearing and Appeal Sub Committees**  
The Localism Act 2011 requires the City of London Corporation to have in place arrangements under which written allegations of a breach of the Members' Code of Conduct can be investigated and decisions on those allegations taken. These arrangements apply to both Members and Co-opted Members.
16. In order to carry out its functions efficiently and effectively, and to avoid any conflicts of interest, the Standards Committee has established three separate Sub-Committees for the different stages of the complaints process, being Assessment, Hearing and Appeal Sub-Committees. The terms of reference for each of the sub committees are set out at **Appendix 2**.

## **Recommendations**

17. Members are asked to:
- (a) consider the Standards Committee's Terms of Reference (Appendix 1);
  - (b) consider the frequency of the Committee's meetings; and
  - (c) note the scheduled meeting dates for 2017/18.

## **Background Papers:-**

- Appointment of Members on Committees Court report (White Paper), April 2016.
- "How complaints submitted to the City of London's Standards Committee will be dealt with." (October 2015).

## **Appendices:-**

- **Appendix 1** – Standards Committee's Terms of Reference, as approved by the Court of Common Council on 21<sup>st</sup> April 2016.
- **Appendix 2** - The terms of reference for the Standards Committee's sub committees: Assessment, Hearing and Appeal Sub Committees.



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**Standards Committee – Terms of Reference**

- (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 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.
- (g) monitoring all complaints referred to it and to prepare an annual report on its activity for submission to the Court of Common Council.

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**Standards Committee – Sub-Committees’ Terms of Reference**

**Assessment Sub Committee**

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

**Hearing Sub Committee**

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

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

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

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

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

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

## **Appeal Sub Committee**

### **Appeal process**

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

Any such request must be sent in writing to the clerk to the Appeal Sub-Committee and received by him/her within 20 working days from the date that the subject Member is informed of the decision of the Hearing Sub-Committee. The Appeal Sub-Committee will normally complete its review of the decision within an average of 30 working days following receipt of the request.

### **Appeal Sub Committee Terms of reference**

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