



Standards Committee

Date: FRIDAY, 19 MAY 2017

Time: 11.30 am

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

Members: Judith Barnes
Chris Boden
Deputy Kevin Everett
Alderman David Graves
Mark Greenburgh
Christopher Hayward
Ann Holmes
Deputy Jamie Ingham Clark
Dan Large
Oliver Lodge
Deputy Edward Lord
Vacancy

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**Lunch will be served in the Guildhall Club at 1pm
N.B. Part of this meeting could be the subject of audio or 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, 27 April 2017, 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 3 February 2017.

For Decision
(Pages 3 - 10)
7. **STANDARDS REGIME REVIEW WORKING PARTY**
The Chairman of the Standards Regime Review Working Party (Emma Edhem) to brief the Committee on the approach being taken by the Working Party with regard to the progression of the recommendations within Mr Bourne's Independent Review Report.

For Information
8. **CODE OF CONDUCT/PROTOCOL TRAINING**
Report of the Comptroller and City Solicitor.

For Decision
(Pages 11 - 40)

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

Report of the Town Clerk.

For Decision
(Pages 41 - 44)

10. **REQUESTS FOR DISPENSATION**

The Committee is asked to consider written requests for a dispensation from a number of Members.

The majority are in relation to forthcoming discussions relating to the charging policy for car parking and stores at the Barbican Residential Committee.

A further dispensation has also been received from a newly elected Common Councilman in respect of housing/matters relating to Golden Lane Estate.

Written requests for a dispensation from Randall Anderson (Common Councilman for the Ward of Aldersgate), Deputy David Bradshaw (Common Councilman for the Ward of Cripplegate), Deputy Joyce Nash (Common Councilman for the Ward of Aldersgate) and Susan Pearson (Common Councilman for the Ward of Cripplegate) are attached.

N.B. - Any further written requests received will be tabled at the meeting.

For Decision
(Pages 45 - 56)

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

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

13. **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.

Part 2 - Non-Public Agenda

14. **NON PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 3 February 2017.

For Decision
(Pages 57 - 58)

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

16. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE BOARD AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

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Agenda Item 3

PARMLEY, Mayor	RESOLVED: That the Court of Common Council holden in the Guildhall of the City of London on Thursday 27th April 2017, doth hereby appoint the following Committee until the first meeting of the Court in April, 2018.
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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 2017/18**

ALDERMAN

- 1 David Andrew Graves

COMMONERS

- 1 (1) Christopher Paul Boden, *for two years*
1 (1) Kevin Malcolm Everett, Deputy, *for two years*
1 (1) Ann Holmes, *for three years*
5 (3) Charles Edward Lord, O.B.E., J.P., Deputy
2 (2) Christopher Michael Hayward
2 (2) Jamie Ingham Clark, Deputy
5 (1) Oliver Arthur Wynlayne Lodge

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

Judith Barnes (*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*)

Vacancy

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, 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)
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

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.

1. APOLOGIES

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

2. DECLARATIONS BY MEMBERS OF ANY PERSONAL AND PREJUDICIAL INTERESTS

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.

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 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.

RESOLVED – That, in so far as it is relevant to them, the Committee endorse this convention.

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 providing that there were no obvious conflict of interests and that the individual concerned adhered to the Code of Conduct. However, it was recognised that, once elected, it was a political matter for Members to decide on which bodies it might be most appropriate for them 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 restricted covenant in Chief Officer's contracts 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 the individual concerned as opposed to all Members to decide 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 Committee they had previously reported to and simply decline to participate if and when this was felt appropriate. The Chairman confirmed that this had not been taken into account as the Ward Deputy concerned had withdrawn his nomination at of the Court of Common Council meeting at which it was to be formally considered.

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 Governor 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. 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.

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

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

12. 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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Committee	Date
Standards Committee	19 th May 2017
Subject: Code of Conduct/Protocol Training	Public
Report of: Michael Cogher Comptroller & City Solicitor	For Decision

Introduction

This report summarises the attendance of members at the training sessions offered on the Code of Conduct both before and after the Common Council election on 23rd March 2017. A further session is scheduled for 5th May 2017. Further follow up sessions will be arranged as necessary where there is interest.

Recommendations

That the Committee notes the report and decides what further action to take, if any.

Background

1. At its last meeting the Committee asked to be informed of the attendance of members at the training sessions offered to members on the Code of Conduct and the Officer/Member Protocol following the election.
2. An overview of the Members' Code of Conduct and the statutory regulations was circulated within the information packs that were available to all those interested in standing as candidates in the 2017 ward elections. Information regarding the Members Induction and Refresher Programme was also included in the candidate's packs. Specific details regarding each induction session was sent to all confirmed candidates on 9th March, at the close of nominations.
3. On 28th March, following the election, all Members were sent the schedule of induction and refresher sessions and each week, the Committee Team emails all Members to remind them about the forthcoming sessions, on a week-by-week basis. Members are expected to RSVP in advance, where possible. Booklets setting out the details of the programme have been widely circulated to all Members and during the Induction Day event (and also the 6 separate induction sessions that Lorraine Brook and Simon Murrells have held with newly elected Members), Code of Conduct and governance matters were clearly outlined and the Comptroller's induction sessions profiled, with all new Members in particular encouraged to attend.
4. A session was conducted on 5th April 2017 at 5.45 p.m. A copy of the slides is attached as an appendix. Attendees were also provided with a copy of the

Code, the Corporation Guidance (including the guidance on securities), the DCLG Guidance and a detailed paper on managing conflicts of interest from a legal perspective. The session was recorded and is available to members.

The following members attended:-

Mark Bostock
Ruby Sayed
Mary Durcan
Alexander Barr
Sylvia Moys
Rehana Ameer
Adrian Bastow
Tijs Broeke
William Upton

5. Prior to the election two other sessions were run in July and September 2016. The attendance was as follows:-

27 July 2016

Graham Packham
Graeme Harrower
Angela Starling
Peter Dunphy
Vivienne Littlechild
Sophie Fernandes
Oliver Lodge
Christina Coker (Co-opted)
Alderman Mainelli
Alderman Graves
Alderman Keaveny
Michael Hudson
Anne Fairweather
Jeremy Mayhew
Sylvia Moys
Alderman Sir Alan Yarrow
Steve Stevenson (Co-opted)
Paul Martinelli
Gareth Higgins (Co-opted)
Henrika Priest
Tom Sleigh
Graeme Smith
Alison Gowman
Sir Andrew Byrne (Co-opted)

26th September 2016

Randall Anderson
Nigel Challis
Elizabeth Corrado (co-opted)
Bill Fraser

Alderman Garbutt
Tom Hoffman
Ann Holmes
Wendy Hyde
Ronel Lehmann (Co-opted)
Alderman Luder
Kenneth Ludlam
John Lumley
Robert Merrett
Richard Morris (verderer)
Joyce Nash
Barbara Newman
Peter Adams (verderer)
Dhruv Patel
Mary Richardson (Co-opted)
Anju Sanehi (Co-opted)
James de Sausmarez
Ian Seaton
Michael Chapman
Philip Woodhouse
Sylvia Moys

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Member Development & Induction

city of london

Members' Code of Conduct & Protocol on Member/Office Relations

Michael Cogher

Comptroller & City Solicitor



An Introduction What is the Corporation?

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- Corporation by prescription
- A distinct legal entity separate from its members
- A unique hybrid body having functions of a local authority, police authority, private body and corporate trustee
- Local government legislation usually applies in its capacity as local authority only
- Some local government legislation does not apply at all



Conflicts of Interest

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- Members' personal interests v. Corporation interests
- Members' political interests v. Corporation interests
- Statutory duties/functions v. Corporation interests/duties
- Corporation interests v. those of a company it participates in



The Standards Regime

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- History
- Localism Act 2011
- Principles of Public Life and General Conduct
- Interests & Hospitality
- Protocol on Member/Officer Relations



History

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- Local Government Act 1972
- Local Government & Housing Act 1989
- Local Government Act 2000
(New Ethical Framework Mark 1)
- New Ethical Framework Mark II (2005)
- Localism Act 2011



Localism Act 2011

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New Ethical Framework & Standards Board Regime abolished

New light touch 'localist' regime introduced

No Model Code but statutory obligation to register/declare DPI's

Criminal sanctions for failure to comply with rules on DPI's

Other breaches dealt with by local non-statutory measures e.g. censure, removal from Committees or of privileges

DCLG and LGA produced 'Indicative codes'



Localism Act 2011

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- Statutory Duty to promote and maintain high standards of conduct of Members and Co-Opted Members
- LA must adopt a code dealing with the conduct expected of Members
- Code must be consistent with the “principles of public life”
- Must include provisions LA considers appropriate for the registration of pecuniary interests and any other interests it considers appropriate
- Must have in place arrangements under which allegations can be investigated and determined (no express statutory sanctions)
- Must appoint at least one ‘independent person’ whose views must be sought and taken into account before it takes its decision on an allegation



Corporation Position

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- Retained Standards Committee to promote high standards and deal with complaints
- Retained independent members as co-optees
- Appointed 3 'independent persons'
- Adopted light touch DCLG Code – no general requirements in relation to registration of hospitality or non pecuniary interests
- Reviewed position in 2014 and new expanded code introduced with effect from 1st January 2015
- Code applies across all Corporation Functions i.e. public, private and charitable



Code of Conduct

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- Conduct governed by principles of:
 - selflessness
 - integrity
 - objectivity
 - accountability
 - openness
 - honesty
 - leadership



Disclosable Pecuniary Interests (1) (DPI)

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- You must within 28 days of becoming a member notify MO of any disclosable pecuniary interests
- Where re-elected only interests not already registered need be registered
- No rolling requirement under the Act to update subject to interests arising at meetings but Code requires register to be kept up to date.
- Town Clerk operates an annual reminder system



Disclosable Pecuniary Interests (2)

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- Set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Interests of yours
- Interests of your spouse/civil partner of which you are aware



Disclosable Pecuniary Interests (3)

- Employment, office, trade profession or vocation (for profit/gain)
- Sponsorship for being a member
- Contracts with the Corporation (you or body in which you have beneficial interest)
- Beneficial interest in land in the City
- Licences to occupy land in the City
- Corporate tenancies (Corporation the landlord/you have a beneficial interest in the tenant)
- Securities (place of business/land in the City and nominal value of £25,000 plus or 1/100th issued share capital)

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Rules on DPI's at Meetings

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- Apply where you are at a meeting of the Corporation and have a DPI in any matter being considered
- And are aware of the interest
- If not registered then you must disclose to meeting
- Notify MO of DPI within 28 days of disclosure
- You may not participate in any discussion
- May not vote
- Only need to leave the room where the Principles of Public Life would require it.



Sanctions

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- Failure to register a DPI or participating when required not to is a criminal offence
- Conviction can result in a fine of up to £5000 and/or disqualification as a member for up to 5 years



Non-Pecuniary Interests

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- (a) Management board or similar organ of any charity or body directed to a charitable purpose (e.g. trustee or director) but excluding any charity or other such body administered by the Corporation
- (b) Club or Society active in the City of London or which relates to any functions of the Corporation
- (c) Fraternal or Sororal Societies
- (d) Livery Company, City Company without Livery, Guild or Company seeking Livery
- (e) Political Party
- (f) Organisation, one of whose principal purposes includes the influence of public opinion or policy, and which is likely to seek to affect the policy of the Corporation or which may have an impact on its services or stakeholders
- (g) Professional Association
- (h) Trade Association
- (i) Trade Union
- (j) Management board or similar organ of any organisation not falling within paragraph 3 or subparagraphs (a)-(i) above.



Hospitality

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- You must also notify the Corporation's Monitoring Officer (via the Town Clerk) of any gift or hospitality received by you as a Member with a value of £100 or more, or multiple gifts and/or instances of hospitality with a cumulative value of £200 or more when received from a single donor within a rolling twelve month period. Such notification must be made within 28 days of receipt, or within 28 days of reaching the cumulative threshold, as appropriate.
- Special provision shall be made for the Lord Mayor and other holders of special offices in relation to the registration of gifts and hospitality to be set out in Guidance to be issued by the Standards Committee.
- Entries shall be retained in the register of gifts and hospitality for three years – older entries will be removed



Failure to Comply with the Code.

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- Criminal sanctions in relation to DPI
- Standards Committee investigation
- Power of censure, removal of privileges
- Appointing body may remove from committee or sub-committee
- In certain circumstances a decision may be subject to judicial review or investigation by ombudsman



Sensitive Interests & Dispensations

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- Interests the disclosure of which may subject a member to violence or intimidation may be redacted by MO
- Standards Committee may grant dispensation from the restrictions on speaking and voting where appropriate



Protocol on Member/Officer Relations

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- Guide to the appropriate working relationships between members and officers across all Corporate functions
- Viewed in conjunction with Members' and Employees' Codes of Conduct (but not part of them)
- May therefore be relevant in Standards or Disciplinary matters



Overarching Principles

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- Good administration and effective decision making dependent upon successful member/officer working relationships
- Such relationships founded on mutual trust, respect and an understanding of roles and responsibilities
- In addition to avoiding actual impropriety members and officers should also seek to avoid the appearance/suspicion of improper conduct



Role of Members

city of london

- Determining policy and strategic direction
- Monitoring performance in implementing policy & delivery of services
- Representing the Corporation externally
- Representing the constituents and stakeholders
- It is not the role of members to involve themselves in the detail of day to day management of the Corporation's services
- An individual member cannot exercise lawful authority. Decisions may only be taken by the Court, Committee or Sub-committee or officer exercising delegated powers



Role of Officers

city of london

- To provide important advice guidance and information to members
- Implement promptly and efficiently the Corporation's policies
- To manage the provision of services and the discharge of statutory functions
- Officers must recognise the right of members to determine policy and not act to undermine that right



Expectations of Members

city of london

- Working Partnership
- Understanding of and support for respective roles, workloads and pressures
- Leadership and policy direction
- Respect, dignity and courtesy
- Integrity, mutual support & confidentiality
- Not to be bullied or subjected to undue pressure (members having regard to the seniority of the officer in question)
- That they will not use their relationship with officers to advance their personal interests or influence decisions improperly
- Compliance at all times with the relevant Code of Conduct.



Conclusions

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- Be familiar with the Code and the Protocol
- Keep your Register of Interests up to date
- If in doubt take advice
- But nothing in the Code or the Protocol prevents you from being an effective Member
- Appearances are important



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“Just because you’re paranoid doesn’t mean they aren’t after you”

Joseph Heller, Catch 22



And another thing

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- Bias and predetermination
- Charity conflicts
- Company conflicts

Committee	Dated:
Standards Committee	19 May 2017
Subject: Draft Annual Report of the Standards Committee	Public
Report of: The Town Clerk	For Decision
Report Author: 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 no allegations of breaches of the Code of Conduct were made to the Committee during the course of 2016/17.

Recommendations

It is recommended that:-

- (a) the contents of the annual report be approved; 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, no allegations of breaches of the Members' Code of Conduct have been made to the Committee during the course of 2016/17.

Activities of the Committee during 2016/17

4. Below is a brief synopsis of the activities undertaken by the Committee in 2016/17.

Independent review of the City of London Corporation's standards framework

5. In June 2016, the Court took the decision to refer back the Committee's 2015/16 Annual Report. In view of this, it was the Committee's firm view that radical steps needed to be taken in order to re-establish the standing of the Standards Committee in the Court.
6. The Committee reported further to the Court, on 21 July 2016, advising Members of its intention to commission an independent, broadly-based review of the arrangements currently in place for addressing matters connected with the conduct of Members (including co-opted Members) under the Localism Act 2011 with particular focus on the Complaints Procedure (alleged breaches of the Members' Code of Conduct). The choice of the individual to undertake the review was left entirely to the Town Clerk to decide and he appointed Mr Charles Bourne QC of 11 King's Bench Walk to carry out the task.
7. The Standards Committee Annual Report was also amended and resubmitted to the Court of Common Council for information at this same meeting in July 2016.
8. As part of Mr Bourne's review process, written submissions were sought from all directly elected and co-opted Members from the outset. Mr Bourne met subsequently with Members of the Standards Committee and then, on a one-to-one basis, with a number of other Members. A meeting with Mr Bourne also took place on 7 November 2016 to which all Members were invited to enable further consultation and input into the process.
9. In January 2017, the report detailing Mr Bourne's findings, together with his recommendations, was presented by the Standards Committee to the Court of Common Council for information. The Standards Committee suggested that they should now be tasked with reviewing Mr Bourne's report in detail and reporting back to the Court during 2017 as to how the various recommendations might best be progressed and implemented, as appropriate.
10. The Court disagreed with this recommendation and, instead, agreed that :
"a Panel be established by resolution of this Court today comprising the Chairman of the Standards Committee, the Chairman of Policy & Resources, the Chairman of the General Purposes Committee of Aldermen and the Chief Commoner with power to act and to appoint a Working Party to report to this Court as soon as is practicable during this year on how the various recommendations in Mr Bourne's Report might be progressed and implemented as appropriate".
11. This Panel met on Thursday 19th January 2017, with each Panel Member presenting a list of names of members who they considered to have the right qualities to serve on the new Working Party. After careful consideration, a consensus was reached as to the final ten Members who would be approached to serve.
12. The newly formed 'Standards Regime Review Working Party' have now met on two occasions and the Standards Committee eagerly awaits their suggestions

as to how the various recommendations within Mr Bourne's report might best be progressed.

Membership and composition of the Standards Committee

13. The Standards Committee comprises twelve Members, four of whom are co-opted and are independent from the City Corporation. Whilst Co-opted Members are no longer a statutory requirement and have no formal vote, following the introduction of the Localism Act 2011, the City of London Corporation has agreed to the inclusion of Co-opted Members on the Committee to maximise the breadth of knowledge and experience available.
14. In June 2016, one of the Committee's four Co-opted Members chose to step down with immediate effect due to her departure from the UK to work abroad. It was the Committee's view that the recruitment of a new Co-opted Member should commence as soon as possible. An advertisement for this position was posted on the City Corporation's Website and within 'City AM' in October 2017 following final sign-off from the Chairman and Deputy Chairman.
15. A total of six applications were received and reviewed by the appointment panel consisting of the Chairman and Deputy Chairman of the Standards Committee, the Chief Commoner and the Chairman of the General Purposes Committee of Aldermen. Following assessment by the Panel, three candidates were invited to interview with one candidate subsequently withdrawing from the process before interview due to ongoing ill health.
16. Two candidates were therefore interviewed by the Panel but, unfortunately, neither was considered appropriate. The recruitment process has been paused for the time being but will be re-visited later this calendar year. The Committee will be giving consideration as to how the position might be advertised more widely and how they might engage with more relevant organisations around this.

Annual Review of Protocol on Member/Officer relations

17. In October 2016, the Committee undertook its annual review of the Protocol on Member/Officer relations. At this point it was agreed that the Member/officer Protocol, which was amended to include more specific reference to equality and diversity, be appended to both the 'Guidance on the Members Code of Conduct' and Employee Code of Conduct in order to make the connection between these documents and the fact that the Protocol should be viewed in conjunction with them abundantly clear.
18. Two Member Development sessions on the Member/Officer Protocol took place in 2016, 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 Committee were informed that approximately 50 directly elected and Co-opted Members attended across the two sessions. The Comptroller and City Solicitor informed the Committee that he was very aware of the need to promote the Protocol amongst both Officers and Members and has now also hosted further sessions

focusing on this in March/April 2017 for both new and returning elected Members.

Gifts and Hospitality - Ceremonial Officeholders

19. This year, the Committee have continued to receive reports on Gifts and Hospitality for both the Lord Mayor and the Sheriffs.
20. All gifts and hospitality received by the Lord Mayor continue to 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.
21. 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 September 2015.
22. The new provisions ensure that there is greater transparency about the gifts and hospitality received by ceremonial officeholders.

Recommendation

23. It is recommended that:-
 - (i) the contents of the annual report be approved; 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

Name: Randall K Anderson Date: May 9, 2017

Signed: 

I request a dispensation to enable me to speak and vote on the following matter(s):

charging policy for car parking and stores

(Please delete as applicable)*

Please describe the nature of the disclosable pecuniary interest(s) that would otherwise prohibit you from speaking and/or voting on the above matter(s):

I currently have a storage room. I will be giving this up later this month. I do not have, nor do I have any intention to have a car park space but as a tenant of the Corporation I could request a space.

Please explain which of the criteria for granting a dispensation you consider to be met, and why:

- Without the dispensation the proportion of Members and Co-opted Members prohibited from participating in any particular business would be so great as to impede the transaction of the business; and
- Granting the dispensation is in the interests of persons living in the City

The majority of members of this committee live in the Barbican. There are, I believe, 4 non-resident member vacancies so a decision would have to be made by 3 or 4 members who may not be fully aware of resident's considerations. Further, one of the potential issues is whether baggage stores will be made available to nearby but non-Barbican residents. This could preclude 2 or 3 of the non-resident members from voting, thus ensuring the committee was non-quorate.

I require the dispensation for:

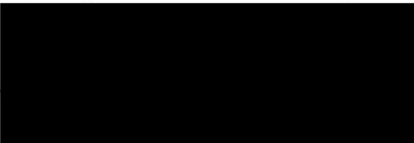
- (i) a time limited period from/to:
- (ii) for a specific meeting of:
- On:
- (ii) Until the Ward elections in 2021

If your request is urgent, please specify why:

Request considered by the Standards Committee / Dispensations Sub Committee:

Date:----- Decision taken:

Name: Deputy DAVID BRADSHAW Date: 9 May 2017

Signed: -----

I request a dispensation to enable me to speak and/or vote* on the following matter(s):

Any matter which impacts on Barbican or Golden Lane residents.

(* Please delete as applicable)

Please describe the nature of the disclosable pecuniary interest(s) that would otherwise prohibit you from speaking and/or voting on the above matter(s):

Leased interest in Barbican apartment.

Please explain which of the criteria for granting a dispensation you consider to be met, and why:

... "In the interests of persons living in the City"

I require the dispensation for:

(i) a time limited period from/to:

(ii) for a specific meeting of:

On:

(ii) Until the Ward elections in 2021

If your request is urgent, please specify why:

Timing of Standards and Barbican Residential Committee

Request considered by the Standards Committee / Dispensations Sub Committee:

Date:----- Decision taken:



REQUEST FOR DISPENSATION – DISPENSATIONS FOR MEMBERS TO SPEAK AND VOTE WHERE THEY HAVE CERTAIN DISCLOSABLE PECUNIARY INTERESTS

The new Standards regime does not replicate the former statutory exemptions which allowed Members to vote on a number of matters in which they would otherwise have had a prejudicial interest. However, the City of London Corporation may, following a written request, grant a dispensation for a Member or a Co-opted Member to take part in any discussion and vote on a matter in which they have a disclosable pecuniary interest, in some circumstances.

It is anticipated that the principal matters likely to require dispensations are those relating to the following, where a Member has a beneficial interest in land within the City:-

- Housing (where the Member holds a lease or tenancy from the City, as long as the matter does not relate to their particular lease or tenancy).

However, dispensation may be granted in relation to any matter so long as a relevant criterion is met. The criteria that are relevant to the City of London Corporation are as follows:

- Without the dispensation the proportion of Members and Co-opted Members prohibited from participating in any particular business would be so great as to impede the transaction of the business; or
- Granting the dispensation is in the interests of persons living in the City; or
- It is otherwise appropriate to grant a dispensation.

Please provide the following information if you wish to request a dispensation to allow you to speak and/or vote on a specific matter or matters, either on a specific occasion or at any point until the next Ward elections in 2021.

The following information will be considered by the Standards Committee or its Dispensations Sub Committee.

Name: DEPUTY JOYCE NASH

Date: 08/05/2017

Signed: _____

I request a dispensation to enable me to speak and/or vote* on the following matter(s):

Charging Policy for Car Parking and stores in The Barbican.

(* Please delete as applicable)

Please describe the nature of the disclosable pecuniary interest(s) that would otherwise prohibit you from speaking and/or voting on the above matter(s):

I rent a storeroom in Shakespeare Tower.

Please explain which of the criteria for granting a dispensation you consider to be met, and why:

Interested party but need to speak on behalf of my residential electors

I require the dispensation for:

(i) a time limited period from/to:

(ii) for a specific meeting of: Barbican Residential Committee
On: June 5th regarding charging phis. for store rooms

(ii) Until the Ward elections in 2021

If your request is urgent, please specify why:

Reports going to next meeting of BRC on 5th June

Request considered by the Standards Committee / Dispensations Sub Committee:

Date:----- Decision taken:



REQUEST FOR DISPENSATION – DISPENSATIONS FOR MEMBERS TO SPEAK AND VOTE WHERE THEY HAVE CERTAIN DISCLOSABLE PECUNIARY INTERESTS

The new Standards regime does not replicate the former statutory exemptions which allowed Members to vote on a number of matters in which they would otherwise have had a prejudicial interest. However, the City of London Corporation may, following a written request, grant a dispensation for a Member or a Co-opted Member to take part in any discussion and vote on a matter in which they have a disclosable pecuniary interest, in some circumstances:

It is anticipated that the principal matters likely to require dispensations are those relating to the following, where a Member has a beneficial interest in land within the City:-

- Housing (where the Member holds a lease or tenancy from the City, as long as the matter does not relate to their particular lease or tenancy).

However, dispensation may be granted in relation to any matter so long as a relevant criterion is met. The criteria that are relevant to the City of London Corporation are as follows:

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- Granting the dispensation is in the interests of persons living in the City; or
- It is otherwise appropriate to grant a dispensation.

Please provide the following information if you wish to request a dispensation to allow you to speak and/or vote on a specific matter or matters, either on a specific occasion or at any point until the next Ward elections in 2021.

The following information will be considered by the Standards Committee or its Dispensations Sub Committee.

Name: ROSEAN JANE PATERSON Date: 18 April 2017


Signed: 

I request a dispensation to enable me to speak and/or vote* on the following matter(s):

housing & matters to do with
Clyde Lane Estate

(* Please delete as applicable)

Please describe the nature of the disclosable pecuniary interest(s) that would otherwise prohibit you from speaking and/or voting on the above matter(s):

Leasholder flat , Hatfield House
Clyde Lane Estate, ELY 4 0ST

Please explain which of the criteria for granting a dispensation you consider to be met, and why:

I require the dispensation for:

(i) a time limited period from/to:

(ii) for a specific meeting of:

On:

(ii) Until the Ward elections in 2021

If your request is urgent, please specify why:

Request considered by the Standards Committee / Dispensations Sub Committee:

Date:----- Decision taken:

By virtue of paragraph(s) 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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