



Standards Committee

Date: FRIDAY, 8 JULY 2016

Time: 11.00 am

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

Members: Oliver Arthur Wynlayne Lodge (Chairman)
Edward Lord, OBE, JP (Deputy Chairman)
Judith Barnes (Co-opted Member)
Nigel Kenneth Challis
Mark Greenburgh (Co-opted Member)
Jamie Ingham Clark, Deputy
Alastair John Naisbitt King, Deputy
Dan Large (Co-opted Member)
Virginia Rounding
Tom Sleigh
Alderman Sir Alan Colin Drake Yarrow
Vacancy (Co-opted Member)

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Lunch will be served in the Guildhall Club at 1pm

John Barradell
Town Clerk and Chief Executive

AGENDA

1. **APOLOGIES**

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

3. **MINUTES**

To agree the minutes of the meeting held on 13 May 2016.

For Decision
(Pages 1 - 10)

4. **REPORT OF ACTION TAKEN BETWEEN MEETINGS**

Report of the Town Clerk.

For Information
(Pages 11 - 12)

5. **INTERACTION BETWEEN THE DISCIPLINARY POWERS OF THE CHIEF COMMONER, SENIOR ALDERMAN, GUILDHALL CLUB, ETC. WITH THE WORK OF THE STANDARDS COMMITTEE**

A report of the Comptroller and City Solicitor relative to the disciplinary powers of the Chief Commoner, the Aldermanic Chairmen and the Guildhall Club, and setting out options for how these parties might interact with the Standards Committee going forward, particularly in terms of reporting.

For Decision
(Pages 13 - 20)

6. **COMPLAINTS PROCESS REVIEW**

A report of the Town Clerk.

For Decision
(Pages 21 - 46)

7. **CO-OPTED MEMBER VACANCY**

The Town Clerk to be heard.

For Information

8. **REFERRAL BACK - STANDARDS COMMITTEE**

A report of the Town Clerk following the Court of Common Council's decision on 23rd June 2016 to refer the Standards Committee's Annual Report back to the Committee.

For Decision
(Pages 47 - 52)

9. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
10. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

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STANDARDS COMMITTEE **Friday, 13 May 2016**

Minutes of the meeting of the Standards Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Friday, 13 May 2016 at 11.30 am

Present

Members:

Judith Barnes
Nigel Challis
Mark Greenburgh
Deputy Jamie Ingham Clark
Dan Large
Oliver Lodge
Edward Lord
Felicity Lusk
Tom Sleigh

Officers:

Gemma Stokley	- Town Clerk's Department
Lorraine Brook	- Committee and Member Services Manager
Edward Wood	- Comptroller and City Solicitor's Department
Deborah Cluett	- Comptroller and City Solicitor's Department

1. APOLOGIES

Apologies for absence were received from Deputy Alistair King, Virginia Rounding, Anju Sanahi (Independent Person) and Alderman Alan Yarrow.

The Town Clerk also reported apologies from the Comptroller and City Solicitor.

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

Mr Lord, Mr Asten, Mr Lodge, Mr Greenburgh, Mr Large and Deputy Ingham Clark all declared a non-pecuniary interest in relation to agenda Item 12 (Freemasonry). Mr Lodge and Deputy Ingham Clark added that they were also members of the Guildhall Lodge.

3. ORDER OF THE COURT OF COMMON COUNCIL

The Order of the Court of Common Council of 21st April 2016, appointing the Committee and approving its terms of reference, was received.

Mr Lord reported that Mr Hudson had not been re-appointed to the Committee at the April Court and wished to place on record his thanks to Mr Hudson for his contributions to the work of the Standards Committee over the past two years.

Mr Lord went on to welcome Deputy Ingham Clark as a new member of the Standards Committee and he also welcomed the Chief Commoner to the meeting.

4. **ELECTION OF CHAIRMAN**

The Committee proceeded to elect a Chairman in accordance with Standing Order No.29.

The Town Clerk read a list of Members eligible to stand and Oliver Lodge, being the only Member expressing his willingness to serve, was duly elected as Chairman of the Committee for the ensuing year.

Mr Lodge thanked the Committee for their support.

Mr Lord, as the outgoing Chairman, presented Mr Lodge with a new gavel which he had recently purchased for use at all future Standards Committee meetings.

5. **ELECTION OF DEPUTY CHAIRMAN**

The Town Clerk reported that, in accordance with Standing Order No. 30. (3) (a), the immediate past Chairman had chosen to exercise his right to serve as Deputy Chairman for the ensuing year.

Edward Lord was therefore duly appointed as Deputy Chairman for the ensuing year.

VOTE OF THANKS TO THE PAST CHAIRMAN

Nigel Challis paid tribute to Edward Lord, the past Chairman.

RESOLVED UNANIMOUSLY:

That the Members of the Standards Committee wish to place on record their sincere appreciation to

CHARLES EDWARD LORD, OBE JP

for the courteous and conscientious manner in which he has carried out the duties of Chairman of this Committee since June 2013. He has shown great leadership in steering the Committee through a significant period of change over the past three years.

UNDER Mr Lord's chairmanship, an initially controversial revision of the Members' Code of Conduct, which included the introduction of a mandatory registration regime for gifts and hospitality and non-pecuniary interests, was put to and passed overwhelmingly by the Court of Common

Council in October 2014, with the new requirements coming into effect as of 1st January 2015.

THE Committee also examined how best to record the gifts and hospitality received by the Lord Mayor and Sheriffs, as well as ensuring that Co-opted Members of Corporation Committees properly record their interests.

THIS past year the Committee has also, for the first time, regrettably, had to hold Hearing and Appeal Sub Committee meetings in respect of an allegation of a breach of the Members' Code of Conduct made to them at the end of 2015. Mr Lord was instrumental throughout this process, chairing both the initial Assessment Sub Committee and the Hearing Sub Committee. Many lessons have been learnt from this process and these will go on to inform the future work of the Committee in these areas.

IN taking their leave of their Chairman, his colleagues are united in conveying to Edward Lord their thanks for the contribution he has made to their deliberations and hope that he will retain happy memories of his time as their Chairman.

6. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 29 January 2016 were considered and approved as a correct record.

MATTERS ARISING

Complaints Procedure and Form (page 3) – A Co-opted Member pointed out that the Committee, at their last meeting, had requested a written note from the Chief Commoner summarising the complaints he had dealt with informally whilst in office. The Town Clerk responded that this information had been sought but had not been forthcoming.

The Co-opted Member stated that she felt it was difficult to demonstrate that the Standards Committee had fulfilled their role in terms of oversight of these disciplinary powers in the absence of a written report.

The Town Clerk clarified that the Chief Commoner had never been required to produce this information previously. She added that it was therefore important for the roles and responsibilities of the office of Chief Commoner and the role of the Standards Committee in this area to be properly defined. Members were informed that Item 9 on the agenda asked that some further thought be given to this.

Ward Newsletters in the run up to the 2017 Common Council Elections (page 7) – In response to questions raised at the last meeting of the Standards Committee regarding editorial oversight of the Ward Newsletters, the Comptroller and City Solicitor reported that the first line of oversight lay with the editors of the individual newsletters. The Head of Publishing then reviewed the newsletters according to the City Corporation's guidelines before these went to press.

Members were informed that any issues identified were flagged with the Head of Publishing's Line Manager but this had only been necessary on a few occasions.

The Chairman thanked Officers for this feedback and reassurance that there was some formal structure/oversight in place.

7. MINUTES OF THE HEARING SUB (STANDARDS) COMMITTEE

The Committee received the minutes of the Hearing Sub (Standards) Committee dated 29 January 2016, 23 February 2016 and 15 March 2016.

The Town Clerk also tabled the minutes of the Dispensations Sub Committee dated 10 February 2016 which were for the Committee to receive.

A Member questioned whether any further requests for dispensations were considered under Delegated Authority following the 10 February meeting. The Town Clerk reported that five further applications for dispensations had been considered and granted by the Town Clerk in consultation with the Chairman and Deputy Chairman of the Standards Committee under Delegated Authority and in accordance with Standing Order number 41. Members were informed that details of these would be formally reported to the next meeting of the Standards Committee.

RECEIVED.

8. DRAFT ANNUAL REPORT OF THE STANDARDS COMMITTEE

The Committee considered its Draft Annual Report for submission to the Court of Common Council.

The Chairman highlighted that further information regarding the outcome of the Appeal Process would now need to be inserted at Paragraph 8 of the report. Paragraph 3 would also be amended to reflect the second complaint referred to the Standards Committee in 2015/16 and rejected at the Assessment Stage.

In response to questions, the Town Clerk reported that it was proposed that the two complaints considered by the Committee in 2015/16 would be referred to anonymously as had been the case in previous years within the annual report. The Chairman agreed that he felt it would be inappropriate to name the respondents in this document. The Town Clerk added that all of the decision notices from each stage of the complaints process were public documents and

that the process, outcome and individuals concerned were therefore already widely known.

The Comptroller and City Solicitor reported that the decision of the Appeal Sub (Standards) Committee also contained a recommendation to the Standards Committee that a letter be distributed to all elected Members citing the outcome of the complaints process and strongly advising that all attend forthcoming training to be arranged by the Town Clerk and Comptroller and City Solicitor on the Member/Officer Protocol focusing on “How to Engage Appropriately with Electors and Officers”.

The Chairman reported that naming the respondent in a report to the Court of Common Council had already been carefully considered by the Appeal Sub Committee who had made it clear that they felt that a formal report of censure to this audience was inappropriate. He questioned whether naming the respondent within this report would, to some extent, contravene this ruling.

Members discussed the matter further and the Committee unanimously came to the conclusion that full details of the complaint, including the name of the respondent, should feature within the Annual Report given that the details of the complaint and appeal procedures were already within the public domain and that this had made up a substantial part of the Standards Committee’s work this municipal year. Members also highlighted that detailing the case within the Committee’s Annual Report did not amount to a formal report of censure to the Court of Common Council and did not, therefore, contravene the decision of the Appeal Sub Committee.

With regard to the recommendation of the Appeal Sub (Standards) Committee that a letter citing the complaint and recommending that all Members now attend forthcoming training sessions around how to engage appropriately with electors and Officers should be issued by the Standards Committee, the Committee agreed that this should be issued to all Co-opted as well as directly elected Members of the City Corporation as all were subject to the Corporation’s Code of Conduct.

The Committee agreed that the contents of the letter should be approved by the Town Clerk in consultation with the Chairman, Deputy Chairman and Comptroller and City Solicitor.

RESOLVED – That:-

- (a) the contents of the annual report be amended and approved by the Town Clerk in consultation with the Chairman and Deputy Chairman under delegated authority; and,
- (b) in accordance with the Committee’s terms of reference, the annual report be referred to the Court of Common Council for information.

9. POWERS OF THE CHIEF COMMONER & THE GUILDHALL CLUB

The Committee received a report of the Comptroller and City Solicitor setting out the disciplinary powers of the Chief Commoner (and the Chairman of the

General Purposes Committee of the Court of Aldermen) and the Guildhall Club requested by Members at a previous Standards Committee meeting.

The Comptroller and City Solicitor highlighted that although the report was 'For Information' the Committee were being invited to consider whether these roles and responsibilities, and their interaction with the work of the Standards Committee, ought to be formally set out. He also highlighted that the roles of the Chief Commoner and the Privileges Chairman were already referred to in the agreed Complaints Procedure.

It was noted that, if any Member were aggrieved by disciplinary action taken by the Chief Commoner or the Chairman of General Purposes/Privileges, they could self-refer to the Standards Committee.

Members were of the view that the powers that could be exercised by the Chief Commoner and the Chairmen and the right of appeal against these powers required greater clarity.

A Member stated that the Chief Commoner, the Chairman of General Purposes and the Chairman of Privileges performed informal, pastoral and discretionary functions in relation to members of their respective Courts. It was not, however, documented as to where this power was derived from.

The Chief Commoner confirmed that the terms of reference for his office were very wide and that disciplinary action available to the Chief Commoner was traditionally dictated by custom and practice. He added that any changes to the roles and responsibilities of the Chief Commoner would require the approval of the Court of Common Council. The Chief Commoner went on to state that, while he would appreciate some clarity in terms of the powers available to him, he would prefer to keep things relatively 'open' and define by exception only. In most cases he would characterise his role as to give advice rather than to mete out punishments. However, the Chief Commoner confirmed that he was very clear that any act that was a potential breach of the Code of Conduct would be escalated and dealt with formally by the Standards Committee.

A Member commented that it was important to underline this message as he was aware of a number of incidents dealt with by past Chief Commoners that were, undoubtedly, also breaches of the Code of Conduct. Members recognised that this was also a potential risk going forward if future Chief Commoners took a different view in terms of referring relevant matters to the Standards Committee.

A Co-opted Member stated that if anyone were to take exception to a decision of the Chief Commoner and refer the matter to the Standards Committee, the first question from the Committee would be did the Chief Commoner have the right/power to impose the sanction.

Members were of the view that it would therefore be useful for the Chief Commoner to provide the Standards Committee with a written, anonymous report of the matters he/she had dealt with informally whilst in office to enable

the Committee to pick up on any potential problems. A Co-opted Member reported that this currently happened at Parliamentary level.

With regard to the Guildhall Club, Members recognised that, as a private members club, it was proper that they should be able to take their own disciplinary action. However, Members were also keen to stress that, if the Guildhall Club decided to take action or otherwise against an act that was also deemed to be a breach of the Code of Conduct, this would not prevent the Standards Committee from acting on the same matter if this were formally reported to them.

The Chairman requested that the Comptroller and City Solicitor produce a further report for submission to the next meeting of the Standards Committee setting out options for how the Chief Commoner and Chairman of General Purposes/Privileges should interact with the Standards Committee going forward, including a requirement that the Chief Commoner report annually on disciplinary matters. He asked that the Comptroller set out within the report those changes that the Committee itself could implement and those changes that would require the agreement of the Court of Common Council or the Court of Aldermen. A Member commented that the Chairman of General Purposes, the Chairman of Privileges, the Guildhall Club and the Monitoring Officer should also be required to produce similar annual reports to the Standards Committee, suitably anonymised, detailing disciplinary matters dealt with.

RECEIVED.

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

The Committee considered a joint report of the Town Clerk and the Comptroller and City Solicitor providing Members with an update on the registration of interests by Co-opted Members as well as further details about the complement of Co-opted Members on City Corporation Committees and Sub-Committees.

The Comptroller and City Solicitor reminded the Committee that they had previously taken a decision to treat all Members and Co-opted Members the same in terms of requirements under the Code of Conduct. If still content with that decision, the Committee now needed to consider what further actions were required to ensure that all Co-opted Members comply with the registration requirements. If the Committee were minded to review that previous decision, and to omit some Co-opted Members from the registration requirements, the report contained additional information on all of the Co-opted Members and their respective Committees, Sub Committees or Boards. The Comptroller added that omitting any group of Co-opted Members would at least require a further report for information to both the Policy and Resources Committee and the Court of Common Council, detailing the change of approach, and would probably also require a change to the existing Code of Conduct.

The Comptroller and City Solicitor reported that those Co-opted Members involved in Local/Police Authority functions and who also had a vote on any decision to be taken at a meeting were caught by the statutory arrangements regarding the registration of interests. There was therefore no discretion around

the approach in relation to these Co-opted Members. The Comptroller and City Solicitor went on to highlight that the current response rate from Co-opted Members involved in such areas was good and it was therefore hoped that a 100% response rate could be achieved relatively quickly. The Chairman underlined that the same standard applied to these Co-opted Members as was applicable to directly elected Members and he noted that the Comptroller had advised that it was an offence for such Members to fail to comply and to disclose their interests. For all other Co-opted Members the requirement for them to register their interests was a matter of City Corporation policy.

The Chairman went on to report that the majority of Co-opted Members were not forewarned of the requirements around the registration of interests before being appointed to a City Corporation body. It was recognised that this needed to be addressed going forward.

The Committee requested that a further letter be sent to all Co-opted Members reminding them of the requirement to submit their register of interests forms. Members suggested that the letter emphasise those for whom it was an offence not to comply. The letter would also refer to the publication of all Co-opted Members' interests later in the year – an exercise which would draw public attention to those for whom no response had been received. A Member also suggested that it should be made clear that the future appointment or re-appointment of all Co-opted Members on all bodies should be conditional on them satisfactorily declaring their interests.

RESOLVED – That, the Town Clerk write to all Co-opted Members as a final reminder regarding the completion of their Declaration of Interest forms before publishing all information received by the end of the calendar year.

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

The Town Clerk undertook to submit a report to the next meeting of the Standards Committee regarding 'lessons learnt' from the recent Complaints process. The report would seek further changes to the Committee's Complaints Procedure particularly around clarifying what information may/may not be published on the public website or posted in the Members' Room. Standing Order Number 35 regarding attendance would also require some amendment.

The Deputy Chairman suggested that the Town Clerk email all Members involved in various parts of the process to request any comments/feedback they might have that could usefully be built into the report to the next Committee.

Members suggested that it would be useful to hold an additional Standards Committee meeting at the end of July, ahead of the Summer recess, to consider this matter.

The Chairman reported that, given that the process was a first for all involved he felt that it had been managed extremely well. He thanked all Members and Officers involved in each stage of the process for their hard work and input.

12. **FREEMASONRY**

The Chairman reported that the Deputy Chairman had recently been approached by another elected Member regarding the potential influence of freemasonry within the Corporation. The Deputy Chairman had responded to the Member in writing and undertook to raise the matter with the Standards Committee. The text of the Deputy Chairman's response was detailed within the Committee papers.

The Chairman clarified that no formal complaint had been made to the Committee regarding Freemasonry under the Code of Conduct to date.

A Member commented that, whilst he was nervous speaking on the subject, he questioned whether Freemasonry could lead to political interference or unconscious bias amongst elected Members whose political careers were dependent on the support of their colleagues on the Court of Common Council. He went on to question whether it was proper to use Corporation resources/premises for Freemasonry meetings and arrangements and highlighted that there was also a potential PR risk for the organisation in this respect.

It was suggested that Guildhall Lodge should consider holding a future open afternoon and begin to look at a constructive way forward.

A Member commented that the Ministry of Defence had now banned all masonic meetings on their premises.

The Chairman reported that he understood that Guildhall Lodge were treated typically in terms of charging when seeking to use Corporation premises for meetings or other events and that they did not supersede commercial events. He added that he believed that the Lodge also paid commercial rates for the hiring of Mansion House.

The Chairman requested that the Remembrancer clarify the rates applied to the Guildhall Lodge for the use of Guildhall facilities.

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

Members' Related Party Transactions Returns

A Member raised a question regarding the Declaration of Related Party Transactions and the return rate from Members.

The Town Clerk clarified that this process was overseen by the Chamberlain who reported to the Finance Committee on this matter. An initial letter requesting all Members to complete the returns was distributed in April each year and this was then followed by various reminders. Members were informed that, in 2014/15, just 4% of forms were not returned.

In response to a further question, the Comptroller and City Solicitor confirmed that this was only a matter for the Standards Committee to the extent that such transactions also constituted disclosable interests under the Code of Conduct;

in which case they should also be included in the register of interests for the Member concerned.

14. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

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

The meeting ended at 1.20 pm

Chairman

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Committee:	Date:
Standards Committee	8 July 2016
Subject: Report of Action Taken Between Meetings	Public
Report of: Town Clerk	For Information
<p style="text-align: center;">Summary</p> <p>In accordance with Standing Order 41(b), this report provides Members with the details of decisions taken by the Town Clerk, in consultation with the Chairman and Deputy Chairman of the Standards Committee, since the Committee's meeting in January 2016.</p> <p>Recommendation: -</p> <p>That the contents of the report be noted.</p>	

Main Report

Background

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

Decisions Taken Between Meetings (Delegated Authority)

2. In accordance with Standing Order 41(b), decisions were taken in respect of the following matter since the meeting of the Standards Committee on 29th January 2016:- Requests for Dispensations.
3. At the meeting of the Dispensations Sub (Standards) Committee on 10th February 2016, Members considered and granted a total of ten written requests for dispensations, under Section 33 (2) of the Localism Act 2011, to participate in any discussion and vote on matters relating to the Business Rate Premium. The Dispensations Sub Committee suggested that any further written requests for dispensations from Members in relation to forthcoming discussions on the Business Rate Premium ahead of either the Finance Committee on 16 February 2016 or the Court of Common Council on 3 March 2016 be

considered by the Town Clerk in consultation with the Chairman and Deputy Chairman of the grand Committee under delegated authority.

5. Five further written requests for dispensations were received, and granted under delegated authority, from the following Members on the following dates:
 - Deputy Stanley Ginsburg – 16 February 2016;
 - Greg Laurence – 16 February 2016;
 - Nicholas Bensted-Smith – 2 March 2016;
 - Alderman Vincent Keaveny – 2 March 2016; and
 - Clare James – 2 March 2016.

Conclusion

7. In accordance with Standing Order 41(b), Members are asked to note the decisions taken by the Town Clerk in consultation with the Chairman and Deputy Chairman since the Standards Committee's meeting on 29th January 2016.

Background Papers:

- Minutes of the meeting of the Dispensations Sub (Standards) Committee on 10th February 2016.

Gemma Stokley

Committee and Member Services Officer

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Committee(s)	Dated:
Standards Committee	8 July 2016
Subject: Interaction between the disciplinary powers of the Chief Commoner, the Aldermanic Chairmen, Guildhall Club, etc. with the work of the Standards Committee	Public
Report of: Comptroller & City Solicitor	For Decision
Report Author: Edward Wood, Principal Legal Assistant	

Summary

This report discusses the disciplinary powers of the Chief Commoner, the Aldermanic Chairmen and the Guildhall Club, and sets out options for how these parties might interact with the Standards Committee going forward, particularly in terms of reporting. This report also considers additional reporting by the Monitoring Officer.

Recommendations

Members are invited to note this report and in particular to consider the options set out at paragraphs 20 and 24.

Main Report

Background

1. At the request of Members, a report was brought to the previous meeting of this Committee on 13 May 2016 setting out the disciplinary powers of the Chief Commoner, the Chairman of the Privileges/General Purposes Committee of the Court of Aldermen and the Guildhall Club. This Committee was invited to consider the report and what action if any to take in relation to its own procedures and practices and its general role of promoting high standards of conduct generally. In particular, Members were asked to consider whether these respective roles and responsibilities, and how they interrelate with the work of the Standards Committee, ought to be set out and, possibly, approved by the Court.
2. Following consideration of that item, Members requested that the Comptroller & City Solicitor produce a further report for submission to this meeting setting out options for how these parties should interact with the Standards Committee going forward, including a requirement that the Chief Commoner report annually on disciplinary matters. There was also support for extending

this reporting requirement to the Chairman of the Privileges/General Purposes Committee of the Court of Aldermen, the Guildhall Club and additionally the Monitoring Officer. Members asked that the Comptroller set out those changes that this Committee itself could implement and those changes that would require the agreement of the Court of Common Council or the Court of Aldermen.

The Chief Commoner

3. The Chief Commoner holds office for one year and acts as a counsellor when required and takes the lead in relation to the scrutiny of training and development opportunities offered to Common Councilmen. He or she actively promotes the aims, values and responsibilities of the City Corporation internally - and externally in support of the Lord Mayor and the Policy Chairman and also takes the lead in relation to all matters of City Corporation hospitality.
4. The office of Chief Commoner, first established in 1444, is unique in that it is the only role now directly elected by the whole Court of Common Council and serves to recognise the contribution the office holder is likely to have made to the City Corporation over a number of years. The Chief Commoner is, therefore, the foremost representative of the elected councillors with regard to their rights and privileges - but equally, seeks to uphold the discipline and integrity of the Court.
5. The role of the Chief Commoner has traditionally included a concern for the welfare and conduct of Common Councilmen. The Chief Commoner's intervention has in the past been a very effective mechanism for resolving problems between members. Since the introduction of standards committees there has been some overlap between this aspect of the Chief Commoner's work and the Standards Committee's responsibility for the assessment, investigation and hearing of complaints of Member misconduct.
6. The Chief Commoner is vested by custom and practice with disciplinary powers although these are not formally documented, as far as officers are aware and can ascertain, other than a reference in the "Job Description" which states that one of the Chief Commoner's functions is to "counsel Common Councilmen, as required, with a view to resolving minor problems and in relation to their rights, requirements and privileges".
7. The Chief Commoner is however generally regarded as having the power to hold Members to account for their behaviour and where appropriate to suspend their entitlement to hospitality or appropriate facilities. As far as officers are aware use of these powers is not documented. There will be boundaries to these powers and the Chief could not, for example, prevent a Member from attending committees or the Court.

The Aldermanic Chairmen

8. At previous meetings of this Committee there has been some confusion as to whether the Chairman of the Privileges Committee of Aldermen, or the Chairman of the General Purposes Committee of Aldermen, performed a similar function to that of the Chief Commoner in relation to the Aldermen.
9. Further inquiries have confirmed that there is currently a collaborative approach, with responsibility being shared between the Chairmen of the two Aldermanic standing committees.
10. We will therefore generally refer to the “Aldermanic Chairmen” collectively in this context in the future, which may involve liaising with, and receiving briefings from, the Chairman of the Privileges Committee and/or the Chairman of the General Purposes Committee.

Current arrangements with the Chief Commoner and the Aldermanic Chairmen

11. In relation to the interaction between the disciplinary roles of the Chief Commoner and the Aldermanic Chairmen, and the work of this Committee, Members will recall that this Committee’s published Complaints Procedure currently states that:-

“INFORMAL RESOLUTION OF COMPLAINTS

9. A complaint may not necessarily be made in writing, for example it may be a concern raised with the Monitoring Officer orally. In such cases, the Monitoring Officer should ask the complainant whether they want to formally put the matter in writing to the Standards Committee. If the complainant does not, the Monitoring Officer should consider the options for informal resolution to satisfy the complainant.
10. This could involve a meeting with the Chief Commoner or Chairman of the Privileges Committee of Aldermen (“the Privileges Chairman”). The role of the Chief Commoner has traditionally included a concern for the welfare and conduct of Common Councilmen and the Privileges Chairman has performed a similar function in relation to Aldermen. Their intervention has in the past been a very effective mechanism for resolving problems between members.
11. There is nothing to stop aggrieved individuals continuing to approach the Chief Commoner or the Privileges Chairman for assistance with the reconciliation of disputes, even where the matter relates to a breach of the code of conduct. This would require the consensus of all parties, as the matter could be referred to the Standards Committee at any time. If a matter in which the Chief Commoner or the Privileges Chairman is involved is subsequently referred to the Standards Committee, he or she should cease to take any action in relation to the matter. A member who is aggrieved with any sanction imposed by the Chief Commoner or the

Privileges Chairman may refer the matter to the Standards Committee for formal consideration.”

12. Members will also recall that it has been the practice in recent years for this Committee to invite the Chief Commoner and the Chairman of the Privileges Committee and/or the Chairman of the General Purposes Committee to one meeting per annum to give a verbal update, in general terms, on any disciplinary matters dealt with during the year. When these arrangements were established, this was considered to be the appropriate mechanism for capturing such matters given that, since the creation of the Standards Committee, these office holders intentionally provide an informal route for the resolution of disciplinary issues, and their conversations with Members can normally be characterised as the giving of advice rather than the imposition of any sort of sanction.
13. At its meeting on 29 January 2016, this Committee requested a written note from the Chief Commoner summarising the complaints that he had dealt with informally during his year in office. This information was sought by the Town Clerk but, as of the date of the last meeting of this Committee on 13 May 2016, had not been forthcoming. This prompted Members to seek clarification from officers as to whether they could require such a written report.

Options for new arrangements with the Chief Commoner and Aldermanic Chairmen

14. Whilst this Committee has a role in promoting high standards of conduct by Members, this relates in particular to compliance with the Code of Conduct agreed by the Court of Common Council. The remit of the Chief Commoner and the Aldermanic Chairmen is wider, in the sense that they may become involved in disciplinary matters that would not constitute a breach of the Code of Conduct.
15. This Committee’s involvement in any particular allegation of misconduct is also dependent upon a formal written complaint being made. The Chief Commoner and the Aldermanic Chairmen can act in the absence of such a written complaint, although as stated in the Complaints Procedure, a matter concerning the Code of Conduct can be referred to the Standards Committee at any time through a written complaint. In this respect therefore, the powers of the Chief Commoner and the Aldermanic Chairmen are effectively exercised with the consent of the parties involved.
16. The current Chief Commoner has made clear that, if a matter is referred to him that represents a potential breach of the Code of Conduct, he will refer that matter to this Committee. However, it is not recommended that this Committee should attempt to fetter the discretion of the Chief Commoner and the Aldermanic Chairmen by seeking to formalise this undertaking, as this would undermine the utility of having an informal complaints mechanism running in parallel with the formal framework overseen by this Committee.

17. It is also important to remember that, under the Localism Act 2011, there is no longer a statutory requirement to have a Standards Committee at all. Under section 28 of that Act, the requirement is that a relevant authority must have in place arrangements under which allegations can be investigated and decisions made.
18. Ultimately, the authority of the Chief Commoner and the Aldermanic Chairmen in relation to disciplinary matters, as with other matters, originates directly from the Court of Common Council and the Court of Aldermen respectively, and is not derived from this Committee. Therefore, any requirement for the Chief Commoner or the Aldermanic Chairmen to provide an annual update to this Committee on disciplinary matters dealt with during the year, or any other changes to the roles and responsibilities of the Chief Commoner and the Aldermanic Chairmen, would require the approval of the appropriate Court.
19. An alternative option, which would not require a formal request to the Court of Common Council or the Court of Aldermen, would be to seek to agree a protocol with the current Chief Commoner and Aldermanic Chairmen. Whilst this would not be binding on their successors, it could be brought to their attention on taking office, and would clearly set out the previously agreed expectations in terms of reporting to this Committee.
20. The options in relation to the Chief Commoner and the Aldermanic Chairmen are therefore to:-
 - (a) Continue to invite the Chief Commoner, and the Aldermanic Chairmen, to provide an annual verbal or written update to this Committee detailing the disciplinary matters dealt with during the year.
 - (b) Seek to agree a protocol with the current Chief Commoner, and Aldermanic Chairmen, setting out the expectations in terms of reporting to this Committee.
 - (c) Request that the Court of Common Council and the Court of Aldermen respectively require the Chief Commoner, and the Aldermanic Chairmen, to provide an annual verbal or written update to this Committee detailing the disciplinary matters dealt with during the year.
 - (d) Substitute a reference to the Aldermanic Chairmen for the existing reference to the Chairman of the Privileges Committee of Aldermen in the Complaints Procedure.

The Guildhall Club

21. The Guildhall Club is an unincorporated association whose objectives are to provide luncheon for members attending committees and other refreshments and to instil a sense of camaraderie amongst its members. All elected Members (and a number of specified office holders) are entitled to be members. Given the purposes of the Guildhall Club it is highly likely that any issues arising in relation to member conduct will occur in the course of their

office as elected Members. The Guildhall Club and the Standards Committee are therefore likely to both have jurisdiction, subject to their powers, in relation to misconduct at the Guildhall Club. Again, there are no formal reporting arrangements, etc. in place between the Guildhall Club and this Committee.

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

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

- (i) They must treat other Members, their guests, the Club’s staff and other users of the Club’s facilities with respect;
- (ii) They must behave in a way which reflects well on both the City of London Corporation and the Club;
- (iii) They must be attired appropriately to a smart London Club. In the case of Gentlemen, this should include a jacket and tie. In exceptional circumstances, such as abnormally high temperatures, the Chairman or Deputy Chairman shall have the authority to relax these rules.

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

23. As discussed at the previous meeting, despite the very strong links between the Guildhall Club and the City Corporation, this Committee has no authority over the Guildhall Club. As a private members’ club, it is entitled to take action under its rules against its own members, in the same way as any other private members’ club. At the same time it is perfectly clear that, whether or not the Guildhall Club decides to take action over an alleged breach of its rules, this does not prevent this Committee from taking action on the same matter if a formal complaint is made to it and there is deemed to have been a breach of the Code of Conduct.

24. The options in relation to the Guildhall Club are therefore to:-

- (a) Invite a representative of the House Committee of the Guildhall Club to provide an annual verbal or written update to this Committee detailing the disciplinary matters dealt with during the year.
- (b) Insert a reference into the Complaints Procedure stating, for the avoidance of doubt, that whether or not the Guildhall Club decides to

take action over an alleged breach of its rules, this does not prevent this Committee from taking action on the same matter if a formal complaint is made to it and there is deemed to have been a breach of the Code of Conduct.

The Monitoring Officer

25. Members will recall that, at the previous meeting of this Committee, it was suggested that the Monitoring Officer should also report annually on any disciplinary matters involving Members that he had dealt with during the year. However, whilst it is clearly open to the Monitoring Officer to advise individuals of the options for informal resolution of any grievance, of their right to make a formal complaint in relation to an alleged breach of the Code of Conduct and, where appropriate, to refer a matter to the Standards Committee himself, the Monitoring Officer does not personally exercise any formal or informal disciplinary powers in relation to Members.

Conclusion

26. Any requirement for the Chief Commoner or the Aldermanic Chairmen to provide an annual report to this Committee on disciplinary matters, as opposed to the current voluntary arrangements, would require the approval of the Court of Common Council and the Court of Aldermen respectively. A middle way would be to seek to agree a protocol with the current Chief Commoner and Aldermanic Chairmen. The Guildhall Club cannot be directly required to provide an annual report to this Committee on disciplinary matters, although can of course be invited to do so. The Monitoring Officer does not personally exercise any formal or informal disciplinary powers in relation to Members.

Background Papers:

Report to the Standards Committee dated 13 May 2016 entitled 'Powers of the Chief Commoner & the Guildhall Club'.

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Committee(s)	Dated:
Standards Committee	8 July 2016
Subject: Complaints Process Review	Public
Report of: Town Clerk	For Decision
Report Author: Gemma Stokley, Committee and Member Services Officer	

Summary

This report asks that Members reflect on the recent Hearing and Appeal processes overseen by the Standards Committee and consider whether, in light of this, any further amendments to the document entitled 'How complaints submitted to the City of London Corporation's Standards Committee will be Dealt with' are now required.

Recommendations

Members are asked to note the report and to consider any further amendments that might now be required in relation to the Standards Committee's written complaints procedure ('How complaints submitted to the City of London Corporation's Standards Committee will be Dealt with') and/or relevant Standing Orders.

Main Report

Background

1. At the meeting of the Standards Committee on 15th May 2015, Members received a report setting out the current complaints procedure and the governance arrangements in respect of the Sub Committees that are constituted to consider any alleged breaches of the Code of Conduct. The report had been specifically requested by the Committee in February 2015 and invited Members to consider and comment on the current complaints process.
2. In reviewing the existing procedure and accompanying form at their 15th May meeting, Members proposed several amendments to the existing complaints procedure and complaints form (alleged breaches of the Members' Code of Conduct) and requested that the Town Clerk and the Comptroller & City Solicitor further review these and submit revised documentation to the next meeting of the Standards Committee for further consideration.
3. At the Standards Committee meeting on 2nd October 2015, Members were asked to approve the revised documentation and to note the existing

arrangements in respect of responding to and managing alleged breaches of the Members' Code of Conduct. Members went on to suggest some further, minor, amendments to the documentation and agreed that a final version should be approved by the Town Clerk in consultation with the Chairman and Deputy Chairman of the Standards Committee under Delegated Authority.

4. The existing procedure was approved under Delegated Authority on 28th October 2015 and is included at Appendix 1.
5. On 23 November 2015, the Town Clerk received notice of a formal, written complaint from a City of London Corporation employee against an elected Member of the City Corporation. The Assessment Sub (Standards) Committee met on 16 December 2015 to receive the complaint and took the decision to refer this matter for further investigation by the Monitoring Officer.
6. The Hearing Sub Committee considered the Monitoring Officer's report presenting the findings of his investigation. The Hearing Sub Committee felt that there were a number of inconsistencies in the statements provided by the main protagonists and also some gaps in the information provided. In view of this, the Sub Committee were unanimously of the view that the matter should proceed to a full hearing.
7. The full Hearing was held on 23 February 2016. Having carefully considered the complaint and the Monitoring Officer's report; read all of the relevant papers and considered the oral and written evidence and representations made by the parties, the Sub-Committee found unanimously that there had been breaches of the Code of Conduct. On 15 March 2016, the Hearing Sub Committee met for the final time to consider the imposition of sanctions.
8. On 30 March 2016, the Town Clerk received a letter from the elected Member in question, outlining his intention to appeal the decisions taken by the Hearing Sub Committee. The written grounds for appeal were received on 12 April 2016.
9. Accordingly, a separate Panel was convened to hear the appeal and the Appeal Sub Committee met, initially, on 25 April 2016 to formally receive the written grounds for appeal and to determine the procedure the Appeal should follow.
10. The Appeal Sub Committee reconvened on 6 May 2016 and resolved unanimously to uphold the decision of the Hearing Sub-Committee that there had been breaches of the Code.
11. Both the Hearing and Appeal process were a first for the Standards Committee, given that no previous or subsequent complaints received have progressed beyond the Assessment stage.
12. At its most recent meeting on 13 May 2016, the Standards Committee suggested that it would now be appropriate to reflect on the process and consider what changes, if any, might now be required to the relevant

documentation in light of this. The Town Clerk undertook to produce a report on this matter for consideration at a special meeting of the Standards Committee in July 2016.

Current Position

13. Both the Hearing and Appeal Sub Committees developed their own procedures during the course of the proceedings and these are included at Appendices 2 and 3. The general feeling from both Members and Officers is that the procedures adopted worked well, and can therefore be used as a basis for future hearings. It is, however, recognised that the sub-committees should retain some flexibility and be free to make modifications to these procedures in future cases, within the broad framework, should they consider it appropriate in the circumstances. The procedures adopted already provide for this by including a provision stating that, "This procedure may be varied by the Sub-Committee as it considers appropriate in order to dispose of the matter in a fair and efficient manner."
14. The Hearing Sub Committee took the decision to hold their proceedings in public session, publishing both the minutes of their meetings and their decision on the Corporation's public webpages. They also placed these in the Members' Reading Room for information. The Appeal Sub Committee adopted a similar approach. The complaints procedure currently states that, "Meetings of these Sub-Committees are subject to the same provisions regarding public access to information as any other Committee." It is not possible to definitively state in the complaints procedure whether future hearings will be held in public, as this will always depend on the facts of a particular case and whether the public interest in maintaining any exemption outweighs the public interest in disclosing the information. There are also issues around data protection and the duty of confidentiality in relation to whistleblowers. Members may wish to include more guidance about these issues in the complaints procedure. Members may also wish to highlight, for the avoidance of doubt, that this process may result in full details of a complaint being made public.
15. Given that the recent Hearing and Appeal Sub Committees decided to hold their proceedings in public session, it would be appropriate to recommend to the Court of Common Council an amendment to the wording of Standing Order No. 35 (3). This Standing Order, at present, prevents any Member, who is not a Member of any Committee or Sub Committee considering the conduct of a Member of the Court or an ex-officio Member in relation to the City of London Corporation's Code of Conduct for Members, from attending the proceedings. This clearly assumes that all such proceedings will be held in non-public session. Officers would advise amending the wording to make it clear that non-participating Members will only be excluded when the proceedings are non-public.
16. One other lesson that can be learned from the proceedings of the Hearing Sub Committee is in relation to the handling of witnesses. The Hearing Sub Committee heard from six witnesses during the course of a full day's hearing.

All of the witnesses were asked to be in attendance from the start of the morning session, and as a result some witnesses had to wait for several hours before being heard. Future hearings might be able to employ more effective timetabling of witnesses, with some witnesses 'on call' and available at short notice, rather than from the outset of the hearing.

Feedback from Members

17. At the Standards Committee's request, the Town Clerk wrote to all Members who served on the panel of the Assessment, Hearing or Appeals Sub-Committee overseeing the recent case. The Town Clerk sought any feedback that these Members might have in terms of what might be done differently in any future cases or any areas that perhaps require greater clarity.
18. The following comments were received from Members and are now for the Standards Committee to consider in terms of any future complaints proceedings and potential amendments to the written Complaints Procedure:
 - Cross examination – It was felt that the Hearing Sub-Committee were right to avoid cross-examination. There was some concern that, at a future hearing, the respondent might press for this. Therefore, it has been suggested that the position is set out in the written complaints procedure to minimise the chance that anyone tries to insist on it being permitted.

Officers would advise against definitively ruling out cross-examination in the complaints procedure, as circumstances could arise where a Sub Committee might consider it appropriate and beneficial to permit cross-examination. However, the procedures developed during the course of the recent proceedings could be appended to the complaints procedure as an indication of the expected process at future hearings.

Conclusion

19. The general consensus from the Standards Committee is that the recent Hearing and Appeal proceedings were handled well. However, given that both of these were a first for the Committee, it was felt that it was both appropriate and timely to revisit the written Complaints procedure and to consider how this might now be amended in light of recent proceedings.
20. Finally, it is proposed that the Town Clerk retain a spread-sheet on file detailing the following, which will serve as a helpful aide memoire for future Assessment/Hearing and Appeal Sub committees to ensure that there is a consistent approach to the handling of complaints:-
 - Brief overview of complaint and who it was against/made by
 - Date received
 - Dates of Assessment / Hearing/Appeal Sub-Committee meetings
 - Outcome at each stage

- Overview of sanctions imposed

Appendices:

- 'How complaints submitted to the City of London Corporation's Standards Committee will be Dealt with' (Appendix 1).
- Hearing Sub Committee Procedure (Appendix 2)
- Appeal Sub Committee Procedure (Appendix 3)

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

INTRODUCTION

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

STANDARDS COMMITTEE

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

INDEPENDENT PERSONS

3. The Corporation must also appoint at least one Independent Person under the Localism Act 2011 whose views:
 - (i) must be sought, and taken into account, by the Corporation before it makes its decision on an allegation that it has decided to investigate;
 - (ii) may be sought by the Corporation in relation to an allegation in other circumstances;
 - (iii) may be sought by a member against whom an allegation has been made.
4. Independent Persons must not have been a member, co-opted member or officer of the Corporation in the last five years, nor be a relative or close friend of a member, co-opted member or officer.

COMPLAINTS

MAKING A COMPLAINT

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

6. A copy of the complaint form is appended to this handbook and can be accessed via the Corporation's website. Alternatively, a complaints form can be requested from Lorraine Brook, Principal Committee & Member Services Manager, Town Clerk's Office (telephone 020 7332 1409). Formal complaints must be submitted in writing although this includes fax and electronic submissions.
7. The form covers the following matters:-
 - (i) Complainant's name, address and contact details;
 - (ii) Complainant's status i.e. fellow member, member of the public or officer;
 - (iii) Who the complaint is about;
 - (iv) Details of the alleged misconduct including, where possible, the paragraphs of the code of conduct that have been breached, dates, witness details and other supporting information;
 - (v) A warning that the complainant's identity will normally be disclosed to the subject member. (N.b. in exceptional circumstances, and at the discretion of the Standards Committee, this information may be withheld).
8. Once a complaint is received at the Corporation, and the complaint specifies or appears to specify that it is in relation to the code of conduct, then it will be passed to the Assessment Sub-Committee for consideration. If at this stage (or a later stage) it appears that a criminal offence may have been committed then the relevant allegation will be referred to the police.

INFORMAL RESOLUTION OF COMPLAINTS

9. A complaint may not necessarily be made in writing, for example it may be a concern raised with the Monitoring Officer orally. In such cases, the Monitoring Officer should ask the complainant whether they want to formally put the matter in writing to the Standards Committee. If the complainant does not, the Monitoring Officer should consider the options for informal resolution to satisfy the complainant.
10. This could involve a meeting with the Chief Commoner or Chairman of the Privileges Committee of Aldermen ("the Privileges Chairman"). The role of the Chief Commoner has traditionally included a concern for the welfare and conduct of Common Councilmen and the Privileges Chairman has performed a similar function in relation to Aldermen. Their intervention has in the past been a very effective mechanism for resolving problems between members.

11. There is nothing to stop aggrieved individuals continuing to approach the Chief Commoner or the Privileges Chairman for assistance with the reconciliation of disputes, even where the matter relates to a breach of the code of conduct. This would require the consensus of all parties, as the matter could be referred to the Standards Committee at any time. If a matter in which the Chief Commoner or the Privileges Chairman is involved is subsequently referred to the Standards Committee, he or she should cease to take any action in relation to the matter. A member who is aggrieved with any sanction imposed by the Chief Commoner or the Privileges Chairman may refer the matter to the Standards Committee for formal consideration.

ACKNOWLEDGING RECEIPT OF A COMPLAINT

12. The Monitoring Officer has the discretion to take the administrative step of acknowledging receipt of a complaint and telling the subject member that a complaint has been made about them.
13. The notification can say that a complaint has been made, and state the name of the complainant (unless the complainant has requested confidentiality and the Standards Committee has not yet considered whether to grant it) and the relevant paragraphs of the code that may have been breached. A copy of the complaint will normally be provided (unless to do so would breach confidentiality where this has been requested) and the subject member invited to comment on it should they so wish.
14. There is a possibility that by informing the subject member of the complaint, they may interfere with evidence or intimidate witnesses. Whilst this is a remote possibility, the Monitoring Officer has the discretion, after consultation with the Chairman of the Standards Committee, to defer notification in such exceptional circumstances to enable a proper investigation to take place.

STANDARDS SUB-COMMITTEES

ASSESSMENT, HEARING AND APPEAL SUB-COMMITTEES

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

MEMBERSHIP

16. Each of these Sub-Committees will normally consist of four members of the Standards Committee, including three elected members of the Corporation and one non-voting co-opted member, with membership to be determined on a case by case basis. The same members will normally sit on the Assessment Sub-Committee and the Hearing Sub-Committee in respect of a particular allegation, but different members will sit on the Appeal Sub-Committee, if this is required. Each of these Sub-Committees will take into account the views of an Independent Person.

ACCESS TO MEETINGS AND PUBLICATION OF DECISIONS

17. Meetings of these Sub-Committees are subject to the same provisions regarding public access to information as any other Committee.
18. After a Sub-Committee has reached a decision, it will produce a written summary to include:-
 - (i) The main points of the matter considered;
 - (ii) The decision reached; and
 - (iii) The reasons for that decision.
19. The written summary will be sent to the relevant parties. A written summary (excluding exempt information heard in non-public session) will be made available for the public to inspect at the Corporation's offices for six years but not until the subject member has been sent the summary.

INITIAL ASSESSMENT OF ALLEGATIONS

PRE-ASSESSMENT REPORTS AND ENQUIRIES

20. The Assessment Sub-Committee may decide that it wants the Monitoring Officer, or other officer, to prepare a short summary of the complaint for it to consider. This could, for example, set out the following details:-
 - (i) Whether the complaint is within jurisdiction;
 - (ii) The paragraphs of the code the complaint might relate to, or the paragraphs the complainant has identified;
 - (iii) A summary of key aspects of the complaint if it is lengthy or complex;

(iv) Any further information that the officer has obtained to assist the Assessment Sub-Committee with its decision – this may include:-

- a. Obtaining a copy of a declaration of acceptance of office form;
- b. Minutes of meetings;
- c. A copy of a member's entry in the Register of Interests;
- d. Information from Companies House or the Land Registry;
- e. Other easily obtainable documents.

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

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

ASSESSMENT SUB-COMMITTEE TERMS OF REFERENCE

23. The Assessment Sub-Committee is established to receive and assess allegations that a member of the Corporation has failed, or may have failed, to comply with the code of conduct.

24. Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee will make an initial assessment of the allegation and will then do one of the following:-

- (i) refer the allegation to the Monitoring Officer, with an instruction that he arrange a formal investigation of the allegation; or
- (ii) direct the Monitoring Officer to arrange training, conciliation or other appropriate alternative steps; or
- (iii) decide that no action should be taken in respect of the allegation.

ASSESSMENT OF COMPLAINTS

25. The Assessment Sub-Committee should firstly satisfy itself that the complaint meets the following tests:-

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

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

DEVELOPING ASSESSMENT CRITERIA

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

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

29. The following questions constitute the current assessment criteria:-

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

INITIAL ASSESSMENT DECISIONS

30. The Assessment Sub-Committee will normally complete its initial assessment of an allegation within an average of 30 working days to reach a decision on what should happen with the complaint.
31. The summary at this stage may give the name of the subject member unless doing so is not in the public interest or would prejudice any subsequent investigation.
32. The Monitoring Officer will write to the relevant parties to advise who will be responsible for conducting the investigation, if applicable.
33. The Assessment Sub-Committee may decide that other action (rather than an investigation) would be appropriate and it may ask the Monitoring Officer to arrange this.
34. The suitability of “other action” is dependent on the nature of the complaint. Deciding to deal pro-actively with a matter in a positive way that does not involve an investigation can be a good way of resolving less serious matters. Examples of alternatives to investigation are:-
 - (i) Arranging for the subject member to attend a training course;
 - (ii) Arranging for the subject member and complainant to engage in a process of conciliation;
 - (iii) Instituting changes to a procedure of the Corporation if this has given rise to the complaint.
35. The Assessment Sub-Committee should always seek the advice of the Monitoring Officer before it decides on this course of action. It may be useful for the Assessment Sub-Committee to seek written confirmation from all involved parties that they will co-operate with the process of other action proposed. In this case, a letter should be written to parties outlining what is being proposed, why it is being proposed, why they should co-operate and what the Assessment Sub-Committee is hoping to achieve.
36. The Assessment Sub-Committee can decide that no action is required in respect of a complaint. This could be if they do not consider the complaint to be serious enough, or if a long time has elapsed since the alleged conduct took place, or if there is clearly no case to answer. The decision reached by the Assessment Sub-Committee and the reasons for it should adhere to any assessment criteria that the Standards Committee has previously agreed.

INVESTIGATIONS AND HEARINGS

INVESTIGATION

37. It is recognised that the Monitoring Officer may not personally conduct a formal investigation but it will be for the Monitoring Officer to determine who to instruct to conduct a formal investigation.
38. There are many factors that can affect the time it takes to complete an investigation. However most investigations will be carried out, and a report on the investigation completed, within six months of the original complaint being assessed. In his report, the investigator will conclude whether or not there has been a failure to observe the code of conduct. Any hearing will normally be held within three months of receipt of the report.

HEARING SUB-COMMITTEE TERMS OF REFERENCE

39. To hear and determine any allegation that a member has failed, or may have failed, to comply with the code of conduct for members;
40. 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.
41. If the Sub-Committee makes a finding under paragraph 40 (iii), it may impose any one of or any combination of sanctions that are available, as set out below.

HEARING SUB-COMMITTEE DECISIONS

42. 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:-

- (i) censure of that member;
 - (ii) withdrawal of Corporation hospitality for an appropriate period;
 - (iii) removal of that member from a particular committee or committees.
43. 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.
44. 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:-
- (i) that the member submits a written apology in a form specified by the Hearing Sub-Committee;
 - (ii) that the member undertakes such training as the Hearing Sub-Committee specifies;
 - (iii) that the member participates in such conciliation as the Hearing Sub-Committee specifies.

APPEALS

APPEAL PROCESS

45. If a member is aggrieved by a decision of the Hearing Sub-Committee to impose one or more sanctions against him, either because he does not accept that he has breached the code or conduct, or because he considers that the sanction or sanctions imposed are disproportionate, he is entitled to appeal to the Appeal Sub-Committee.
46. Any such request must be sent in writing to the clerk to the Appeal Sub-Committee and received by him 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

47. 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;
48. Having due regard to the decision of the Hearing Sub-Committee, to substitute any alternative decision for that decision that the Appeal Sub-Committee considers is appropriate, being a decision that the Hearing Sub-Committee had the power to make.



COMPLAINT FORM

YOUR DETAILS

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

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

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

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

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

We will normally tell them your name and give them full details of your complaint. If you have serious concerns about your name and details of your complaint being released, please complete section 5 of this form.

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

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

MAKING YOUR COMPLAINT

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

Title	First name	Last name

4. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member, you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the assessment sub Committee when it decides whether to take any action on your complaint. For example:-

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates, it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.
- If possible, please be specific about which paragraphs of the Code of Conduct you believe have been breached.

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

**ONLY COMPLETE THIS NEXT SECTION IF YOU ARE REQUESTING
THAT YOUR IDENTITY IS KEPT CONFIDENTIAL**

5. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe that they have the right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless:

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

Please note that requests for confidentiality or requests for suppression of complaint details will not be automatically granted. The Assessment sub-Committee will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with the details of why you believe we should withhold your name and/or details of your complaint. Continue on a separate sheet if there is not enough space on this form:

6. ADDITIONAL HELP

Complaints must be submitted in writing (this includes fax and electronic submissions). However, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

7. CONTACT DETAILS

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

Michael Cogher (Comptroller & City Solicitor)

Tel: 020 7332 3699

Fax: 020 7332 1992

Email: michael.cogher@cityoflondon.gov.uk

Lorraine Brook (Principal Committee & Member Services Manager)

Tel: 020 7332 1409

Fax: 020 7796 2621

Email: lorraine.brook@cityoflondon.gov.uk

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

PO Box 270

Guildhall

London

EC2P 2EJ

HEARING SUB (STANDARDS) COMMITTEE PROPOSED HEARING PROCEDURE

The Sub-Committee will open in public session. It is a matter for the sub-committee to determine whether it moves into confidential session with the press and public excluded, in accordance with the provisions of Schedule 12A of the Local Government Act 1972

1. The Chairman introduces the members of the Sub-Committee and others present, and explains the purpose of the hearing, the procedure to be followed and the nature of the meeting
2. The Complainant and Respondent may be accompanied if they wish, but will be expected to give evidence and answer any question put by members of the sub-committee personally,
3. The Complainant and Respondent (and anyone accompanying them) are invited to be present throughout the hearing; other witnesses will enter to give evidence and then withdraw.
4. The Monitoring Officer presents his report (n.b. the Monitoring Officer is not acting as 'prosecutor' or 'defence').
5. The Complainant and then the Respondent will be invited to make an opening statement which should be no more than ten minutes long.
6. The Chairman calls the witnesses in the following order:
 - Complainant
 - Nicholas Gill
 - Trevor Nelson
 - Stephen Ivers
 - John Black

- Respondent

The statements will be taken as read rather than read out. Witnesses will be asked to confirm that their statements are true.

7. Immediately after giving their evidence-in chief each witness will be invited to answer questions (if any) from the Sub-Committee. Any questions that the complainant or respondent has, or the Monitoring Officer may wish to ask in clarification, should be passed to and put by the Chairman.
8. There will then be an opportunity for the Complainant and the Respondent (in that order) to make any short closing comments if they so wish. Again this should be no more than up to 10 minutes each.
9. The Monitoring Officer, the Complainant and the Respondent then withdraw to allow the Sub-Committee to consider the evidence and representations.
10. The Monitoring Officer, the Complainant and the Respondent are then invited to return and the Sub-Committee announces its decision as to whether there has been a breach of the Code of Conduct.
11. If the Sub-Committee considers that there has been a breach of the Code it may invite any representations on the appropriate sanction (censure of the member; withdrawal of Corporation hospitality for an appropriate period; or removal of the member from a particular committee or committees). The Sub-Committee may ask the parties to withdraw again to allow it to consider the appropriate sanction, then invite them to return to hear the Sub-Committee's decision as to any appropriate sanction.
12. The decision will be confirmed to the parties in writing within five working days and published. Full reasons may be published at the discretion of the Sub-Committee.
13. This procedure may be varied by the Sub-Committee as it considers appropriate in order to dispose of the matter in a fair and efficient manner.

APPEALS (STANDARDS) SUB-COMMITTEE

APPEAL PROCEDURE

1. The Appeal Sub-committee meeting will be held in public (having regard to the fact that the Hearing Sub-Committee largely held its meetings in public), but may adjourn to deliberate in non-public.

Prior to the meeting all background papers (i.e. those before the Hearing Sub-Committee, the Minutes of the Hearing Sub-Committee meeting(s), the Decision Notices of the Hearings Sub-Committee, the grounds of appeal, and any responses to the grounds of appeal) will be circulated to the Appeal Sub-committee and be publicly available in the same way as other public committee documents. The meeting documents will be provided to any other person who the Appeal Sub-Committee directs. The Chairman of the Hearing Sub-Committee will be invited to submit any response to the grounds of appeal no later than 5 working days after receipt by him of the grounds of appeal.

2. A short introductory report prepared by the Town Clerk will be circulated at least 5 clear working days before the meeting together with any response from the Chairman of the Hearing Sub-Committee.
3. At the start of the meeting the Chairman shall introduce the members of the Sub-Committee and others present, and explains the purpose of the appeal, the procedure to be followed and the nature of the meeting.
4. The Town Clerk's report will be taken as read.
5. The Sub-Committee will consider the appeal on the basis of the background papers provided and will not call witnesses (although the Sub-Committee's discretion to request or permit attendance under S.O.35 will apply). The Appeal Sub-Committee will then consider, having due regard to the decision of the

Hearings Sub-Committee, whether or not, on the basis of the Grounds of Appeal, the decisions of the Hearings Sub-Committee were reasonable. The Appeal Sub-Committee will consider, firstly, whether it was reasonable of the Hearing Sub-Committee to find there had been a breach of the Code of Conduct. If so, the Appeal Sub-Committee will then consider whether the sanctions imposed were reasonable. The Appeal Sub-Committee will not consider the Complaint afresh.

6. If the Appeals Sub-Committee considers the decisions were not reasonable (either in respect of whether there has been a breach of the Code, or in respect of the sanctions imposed) it shall substitute its decision for the decision of the Hearings Sub-Committee.
7. The decision will be public and will be confirmed to the parties in writing within five working days. Full reasons may be published at the discretion of the Appeals Sub-Committee, having regard to whether the matter has been considered as a public or non-public item.
8. This procedure may be varied by the Appeals Sub-Committee as it considers appropriate in order to dispose of the matter in a fair and efficient manner.

Committee(s)	Dated:
Standards Committee – For Decision	8 July 2016
Subject: Referral back - Standards Committee	Public
Report of: Town Clerk	For Decision
Report author: Simon Murrells, Assistant Town Clerk	

Summary

This report has been prepared at the request of and in consultation with the Chairman of this Committee. In accordance with its terms of reference (Appendix 1), the Standards Committee submitted its Annual Report to the Court of Common Council on 23rd June 2016. The purpose of the report was to brief Members on the work undertaken in 2015/16 including the Committee's handling of any formal allegations of a breach of the Members' Code of Conduct.

In light of dissatisfaction expressed by Members at the meeting of the Court of Common Council about the content of the report, specifically in respect of a complaint addressed by the Standards Committee, and more also the Committee's handling of the complaint, it was agreed that the report be referred back to the Committee for further consideration.

This report recommends for consideration a possible way forward to address the concerns which includes the commissioning by the Town Clerk of an independent review of the City Corporation's standards framework with the aim of validating the position or proposing improvements.

Recommendation(s)

Members are asked to consider:-

- (1) whether to recommend to the Court of Common Council that an independent review be undertaken by a suitably qualified person identified and appointed by the Town Clerk to review the City Corporation's standards framework and to report back to the Court by December 2016; and
- (2) whether the process of review should include a meeting of all Members of the Common Council to reinforce the Committee's transparent and collaborative way of working, to enable views to be sought.

Main Report

Background

1. At the meeting of the Court of Common Council on 23 June 2016, concerns were expressed by a number of Members about the Standards Committee's Annual Report, principally around the level of detail included in the report of a complaint. Some Members saw this as a form of censure of the Member concerned which they felt was contrary to the Appeal Sub-Committee's decision. This led to a decision by the Court to refer the report back to the Standards Committee. The decision was supported by a significant majority of Members present and voting. Members spoke to the item and voiced their dissatisfaction over the report's content and the Committee's general handling of the complaint.
2. In light of the concerns raised, the Chairman has requested that Members should now decide how to respond to the Court's decision. Having given the matter some further thought, the Chairman has asked for consideration to be given to a possible way forward and this report sets out that course of action.

Proposals

3. To ensure that the City Corporation's standards framework remains fit for purpose and Members have full confidence in the adopted framework, one option open to the Committee is to have an independent review to be undertaken by a suitably qualified person, identified and appointed by the Town Clerk, to review the City Corporation's standards framework and to report back to the Court by December 2016. In addition to this, given the strong feeling amongst some Members of the Court, the Committee may wish to consider, as part of the review process, including a meeting of all Members of the Court to enable all views to be sought.
4. The proposed review would be wide ranging to ensure that all aspects of the current standards framework and the Committee's terms of reference (Appendix 1) are appropriately scrutinised and would cover:-
 - The Member/Officer Protocol
 - Declarations of interest – local requirements in respect of pecuniary and non-pecuniary registration
 - Declarations of interest – ceremonial office-holders
 - The Complaints Procedure (alleged breaches of the Members' Code of Conduct)
 - Composition of the Committee – including Independent and Co-opted Membership.

Corporate & Strategic Implications

5. The City Corporation has a duty to promote high standards of governance throughout the organisation and provide support and democratic services which meet the needs of our elected Members and the electorate. The Localism Act

2011 requires all local authorities to promote and maintain high standards of conduct, the adoption of local codes of conduct and grants local responsibility for investigating alleged breaches of those codes including those in respect of the registration and disclosure of pecuniary and other interests.

Implications

6. In light of the views expressed at the Court of Common Council on 23rd June 2016 following submission of the Committee's Annual Report, and the strength of feeling of some Members about the current standards arrangements which were adopted by the City Corporation, the proposed review will ensure that Members of the Court are assured that the framework is fit for purpose and provides an appropriate, transparent, proportionate and high standard of governance.

Conclusion

7. The Court's decision of 23rd June 2016 to refer the Committee's Annual Report back to the Committee highlights a degree of Member dissatisfaction that is currently felt in respect of the standards framework. On the basis that the City Corporation has a duty to promote and maintain high standards of conduct and the local arrangements should be adopted, supported and maintained by the Court as a whole, the Committee is invited to consider whether a full review of the current framework should be undertaken by a suitably qualified person, identified and appointed by the Town Clerk, to review the City Corporation's standards framework and to report back to the Court by December 2016. As part of this review it may be appropriate for an open meeting of the Standards Committee, to which all Members of the Court of Common Council shall be invited, to take place to enable views to be sought.

Appendices

- Appendix 1 – *Standards Committee Terms of Reference 2016*

Contact:-

Simon Murrells
Assistant Town Clerk
Town Clerk's Department

T: 020 7332 1418

E: simon.murrells@cityoflondon.gov.uk

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Standards Committee

Terms of Reference as at May 2016

To be responsible for: -

- (a) promoting and maintaining high standards of conduct by Members and Co-opted Members of the City 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. whether 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.