

**STANDARDS COMMITTEE**  
**Friday, 26 January 2018**

Minutes of **inquorate** meeting of the Standards Committee held at Committee Room  
- 2nd Floor West Wing, Guildhall on Friday, 26 January 2018 at 11.30 am

**Present**

**Members:**

Oliver Lodge (Chairman)  
Christopher Hayward (Deputy Chairman)  
Deputy Kevin Everett  
Alderman David Graves  
Ann Holmes  
Deputy Jamie Ingham Clark  
Deputy Edward Lord

**Officers:**

Michael Cogher	-	Comptroller and City Solicitor
Edward Wood	-	Comptroller and City Solicitor's Dept.
Tracey Jansen	-	Human Resources
Martin Newton	-	Town Clerk's Department

**1. INQUORACY**

The Town Clerk reported that, in the absence of a quorum for the meeting, informal discussion could take place on items and that decisions on the more pressing items of business could be progressed through the Corporation's urgency procedures in Standing Orders 41(a) and 19. It was also noted that the report of the Comptroller and City Solicitor (item 13) on a request for a dispensation under the Localism Act 2011 could be deferred until the next scheduled meeting in May. The Members present concurred with this view.

**2. APOLOGIES**

Apologies for absence were received from Mark Greenburgh and Dan Large (Co-opted Members) and Neil Asten and Chris Taylor (Independent Persons).

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

There were no declarations received.

**4. MINUTES OF THE PREVIOUS MEETING**

Members had before them the minutes of the meeting held on 6 October 2017 and it was noted that confirmation of these minutes be deferred until the Committee's next meeting.

5. **MINUTES OF THE ASSESSMENT SUB (STANDARDS) COMMITTEE**

Members had before them the minutes of the Assessments Sub (Standards) Committee meetings on 13 November 2017 and 10 January 2018.

The Comptroller and City Solicitor confirmed that the action points arising from the meeting on 13 November 2017 had been dealt with.

NOTED.

6. **OUTSTANDING ACTIONS**

Members considered a report of the Town Clerk on outstanding actions.

The following matters were raised:-

- Concern was raised by Members, particularly those on the Standards Regime Working Party, that they had received no further communication on next stages of the review following the recent Court of Common Council meeting. The Town Clerk undertook to forward these concerns and to ascertain timescale intentions for the matter to be reconsidered by the Court.

NOTED.

7. **TERMS OF REFERENCE AND FREQUENCY OF MEETINGS**

Members had before them a report of the Town Clerk on terms of reference and frequency of meetings.

Members asked that the Town Clerk look into a provisional date for a special meeting of the Committee, to reconsider the terms of reference and any proposed changes arising out of the review of standards in the event that the review is finalised at the Court of Common Council in March, and should the review not be concluded by this time then to progress the approval of the current terms of reference through the urgency provisions of Standing Order No. 41(a).

8. **CO-OPTED MEMBERS OF THE COMMITTEE**

The Committee had before them a report of the Town Clerk on Co-opted Members of the Committee.

The following matters were raised:-

- Members were of the view that the reappointment of Judith Barnes should be progressed under the urgency provisions of Standing Order Nos. 41(a) and 19.
- The option of different future terms of office for the reappointment of the co-optees whose terms of office expire in December 2018 to be considered (should the co-optees wish to be reappointed) in order that terms of office do not expire at the same time.

- The Town Clerk to explore the possibility of the appointment of former Common Councilman Nigel Challis as a co-opted member to fill the outstanding long-standing vacancy, subject to confirmation of his wish to be appointed to that role and eligibility to serve in that capacity following previous membership of the Committee. It was noted that the Court of Common Council would have discretion to waive current rules regulating membership of the Committee if it considered appropriate to do so.

The Committee asked the Town Clerk to look into these matters.

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

Members considered a joint report of the Director of Human Resources and Comptroller and City Solicitor on the annual review of the Protocol on Member / Officer Relations.

The following matters were raised:-

- Noted that the Protocol had last been reviewed in 2016.
- The Comptroller and City Solicitor to report back to the next meeting on amended wording for paragraph 12.3 of the Protocol relating to the dispute procedure for officers.

NOTED.

10. **BARBICAN RESIDENTIAL COMMITTEE - POTENTIAL CONFLICTS OF INTEREST**

The Committee considered a report of the Comptroller and City Solicitor on potential conflicts of interest on the Barbican Residential Committee. The report had come forward following concerns expressed by Members of the Standards Committee at a previous meeting. Members noted that, on 14 December 2017, the Policy & Resources Committee had asked for the governance of the City Corporation's residential housing to be examined on a more strategic level with the aim of producing proposals which consolidate the governance arrangements of the City Corporation's residential housing offer.

The following matters were noted and raised.

- The Committee noted that the Barbican Residential Committee is responsible for the management of all completed residential premises and ancillary accommodation on the Barbican Estate, as well as the disposal of interests in the Barbican Estate. The Barbican Residential Committee acts on behalf of the City Corporation as landlord of the Barbican Estate.
- Nine members of that Committee are nominated by the residential wards encompassing the Barbican Estate, being Aldersgate, Cripplegate Within and Cripplegate Without. As a matter of practice, the members

nominated by the wards of Aldersgate, Cripplegate Within and Cripplegate Without are always residents of the Barbican Estate.

- The Court of Common Council had attempted to offset any concerns over potential conflicts of interests by itself electing a further eleven members of the Barbican Residential Committee who are non-residents of the Barbican Estate. Even when the one ex-officio position to the Chairman or Deputy Chairman of the Community & Children's Services Committee is taken into account, this ensures that a majority of the members of the Barbican Residential Committee should be non-residents of the Barbican Estate. At present, however, there were five vacancies for non-resident members of the Barbican Residential Committee, despite significant efforts to fill these vacancies, and at meetings over the past two years Aldersgate and Cripplegate ward members had always been in a majority.
- The Chairman and Deputy Chairman of the Barbican Residential Committee are elected from the non-residents members of the Barbican Estate, and the quorum for meetings was any four non-resident members. Non-resident Members from the wards of Aldersgate, Cripplegate Within and Cripplegate Without can also be elected to fill the quota of non-resident members, stand for the Chairmanship and Deputy Chairmanship and count towards the quorum. Currently, eleven out of the fifteen members of the Barbican Residential Committee represent Aldersgate or Cripplegate.
- The question of disclosable pecuniary interests and dispensations granted to enable members to speak was considered, along with relevant declarations made under the Code of Conduct.
- Members noted that, at the two most recent quorate meetings of the Barbican Residential Committee, the resident Members were in the majority.
- The Comptroller and City Solicitor confirmed that these current arrangements for the composition of the Barbican Residential Committee are lawful.
- Members then considered whether the current arrangements might give rise to a public perception that conflicts of interest could occur, particularly around Aldersgate and Cripplegate ward member ratios, quorum and attendance of non-resident members at meetings. A Member put forward the view that, having previously served on the committee, he was uncomfortable with its composition. Although he did not consider that anyone was motivated by self-interest, there was potential for conflicts of interest to occur and this point was endorsed by another Member who said that Aldersgate and Cripplegate members are put in an 'invidious position'. A further Member confirmed that he ceased to be a member of the Barbican Residential Committee due to similar concerns.

- Discussion continued and views were put forward that a revised structure may be necessary that allowed members at the committee to discuss issues such as service charges, with the management of the estate dealt with separately, effectively splitting the managing agent role away from the landlord role.

In conclusion, the informal meeting considered that the present operation of the Barbican Residential Committee, with the distinct roles of managing agent and landlord, and with the current vacancies for 5 non-resident members and Aldersgate and Cripplegate ward members being in a majority at its meetings over the past two years, could give rise to a perception of a conflict of interest and that the Policy and Resources Committee might wish to review the current composition and terms of reference of the Barbican Residential Committee, in order to consider the separation of the managing agent and landlord roles, to relieve these perceptions.

The inquorate meeting asked that these views be submitted to the Policy and Resources Committee under the urgency provisions of Standing Order No. 41(a) to ensure that these views could be considered as part of that Committee's review of the governance of the City Corporation's residential housing.

**11. REPORT OF ACTION TAKEN**

Members had before them a report of the Town Clerk confirming action taken under Standing Order No. 41(b) since the last meeting of the Committee to grant a dispensation under Section 33 (2) of the Localism Act 2011 to enable Deputy Edward Lord, as a City resident, to speak and vote on matters concerning the setting of council tax.

NOTED.

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

There were no questions.

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

With the agreement of the Chairman, discussion took place on the following:-

- Noted that the Code of Conduct is currently not easy to find on the Corporation's website. A Member confirmed that a review of the website was taking place and that ease of access to some areas of the site related to the publishing software used.
- Deputy Edward Lord informed Members of his intention to stand down from the Committee in April 2018.

14. **DISPENSATION REQUESTS**

Noted that, as referred to at the beginning of the meeting, this report could be deferred to the May meeting of the Committee.

15. **EXCLUSION OF THE PUBLIC**

Under Section 100(A) of the Local Government Act 1972, the public were excluded for the remaining item of business on the grounds that discussion would involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part I of Schedule 12A of the Local Government Act.

16. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT (CONT'D)**

With the agreement of the Chairman, Members considered an urgent non-public matter.

**The meeting ended at 1.00 pm**

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Chairman

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