



Standards Committee

Date: FRIDAY, 26 JANUARY 2018
Time: 11.30 am
Venue: COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

Members: Oliver Lodge (Chairman)
Christopher Hayward (Deputy Chairman)
Chris Boden
Deputy Kevin Everett
Alderman David Graves
Mark Greenburgh (Co-opted Member)
Ann Holmes
Deputy Jamie Ingham Clark
Dan Large (Co-opted Member)
Deputy Edward Lord
Vacancy (Co-opted Member)
Vacancy (Co-opted Member)

Enquiries: Martin Newton
tel.no.: 020 7332 3154
martin.newton@cityoflondon.gov.uk

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 OF THE PREVIOUS MEETING**

To agree the public minutes of the meeting held on 6 October 2017.

For Decision
(Pages 1 - 6)

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

13 November 2017

To receive the public minutes of the Assessment Sub (Standards) Committee meeting held on 13 November 2017.

10 January 2018

To receive the public minutes of the Assessment Sub (Standards) Committee meeting held on 10 January 2018. TO FOLLOW

For Information
(Pages 7 - 10)

5. **OUTSTANDING ACTIONS**

Report of the Town Clerk.

For Information
(Pages 11 - 12)

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

Report of the Town Clerk.

For Decision
(Pages 13 - 22)

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

Report of the Town Clerk.

For Decision
(Pages 23 - 26)

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

Report of the Director of Human Resources.

For Information
(Pages 27 - 50)

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

Report of the Comptroller and City Solicitor.

For Decision
(Pages 51 - 60)

10. **REPORT OF ACTION TAKEN**

A report of the Town Clerk relative to a decision that was taken in accordance with Standing Order No. 41(b) following the last meeting of the Committee.

For Information
(Pages 61 - 62)

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

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

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STANDARDS COMMITTEE **Friday, 6 October 2017**

Minutes of the meeting of the Standards Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Friday, 6 October 2017 at 11.30 am

Present

Members:

Oliver Lodge (Chairman)
Christopher Hayward (Deputy Chairman)
Chris Boden
Alderman David Graves
Mark Greenburgh
Ann Holmes
Deputy Jamie Ingham Clark
Deputy Edward Lord

Independent Persons:

Neil Asten
Chris Taylor

Officers:

Michael Cogher	- Comptroller and City Solicitor
Edward Wood	- Comptroller and City Solicitor's Department
Martin Newton	- Town Clerk's Department
Tracey Jansen	- Town Clerk's Department
William Chapman	- Private Secretary and Chief of Staff

1. APOLOGIES

Apologies for absence were received from Judith Barnes, Dan Large and Anju Sanahi (Independent Person).

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

Alderman David Graves, Ann Holmes and Deputy Edward Lord declared interests in item 5 (Dispensations in relation to the setting of council tax) insofar as they pay council tax in the City of London.

3. MINUTES OF THE LAST MEETING

RESOLVED – That the minutes of the meeting held on 19 May 2017 be approved as a correct record, subject to amendments to the final paragraph of page 1 to refer to 'Item 6 (Minutes of the Previous Meeting)' and to Item 4 on page 2 to include 'Nigel Challis' in the list of Members thanked by the Chairman that were stepping down from the Committee.

Matters Arising

Minute 7 – Standards Regime Review Working Party

- The Comptroller and City Solicitor informed the Committee that the Working Party had met this week for the final scheduled time and that officers were now re-drafting the relevant documents based on the proposed recommendations. He indicated that the recommendations were not radically different from those suggested by Mr Bourne, although the Working Party favoured the introduction of an independent committee comprised of senior Members to consider appeals, and considered that a complainant should also have a right to appeal. The Comptroller and City Solicitor said that it was the intention of the Chairman of the Working Party that briefing sessions be convened for all Members prior to the recommendations going before the Court of Common Council in December.

Discussion took place on the most appropriate way forward for the Standards Committee to further engage with the drafting process during which a Member made the point that, should the Working Party's views be different to that of the independent adviser engaged by the Corporation and be considered unreasonable by Members, then amendments to the recommendations may be moved at the Court of Common Council when the matter is discussed there. The Committee also noted the tight timescale for further engagement.

At the conclusion of debate, the Chairman undertook to contact the Chairman of the Working Party regarding the possibility of the Committee hearing about the Working Party's proposals at a special meeting, to help ensure that any significant debate should be identified well before the formal Court of Common Council deliberation on the matter.

Minute 8 – Code of Conduct / Protocol Training

- It was noted that the Comptroller and City Solicitor had confirmed that he could arrange additional Code of Conduct training sessions and the Chairman said that he would write to all recently elected Members that had not so far attended a training session.

Minute 10 – Requests for Dispensation

- A Co-opted Member said that he felt more information was needed when considering requests for dispensations. The Chairman noted that officers had already undertaken to provide covering reports for such requests going forwards, as recorded in the minutes of the previous meeting. The Co-opted Member also raised again the issue of Barbican residents that were Members of the Barbican Residential Committee and the potential for conflicts of interest.

After further discussion on this and related issues, the Chairman asked that the Comptroller and City Solicitor provide a report to a future meeting in relation to the Barbican Residential Committee, with the Chairman of the Policy and Resources Committee to be advised of this

course of action in relation to the Standards Committee's concerns regarding potential for conflicts of interest of Members who have an interest in property on the Barbican Estate and who serve on the Barbican Residential Committee.

4. **UPDATE- ASSESSMENT SUB-COMMITTEE**

The Committee received a report of the Town Clerk that, on Wednesday 20 September, the Assessment Sub (Standards) Committee had considered the details of a complaint made against a Member of the Court of Common Council. The Committee were informed that, following consideration of all relevant matters, the Assessment Sub (Standards) Committee had agreed that no further action should be taken in respect of the complaint.

RECEIVED.

5. **DISPENSATIONS IN RELATION TO THE SETTING OF COUNCIL TAX**

The Committee received a report of the Comptroller and City Solicitor on dispensations in relation to the setting of council tax.

Following discussion it was

RESOLVED – That authority be delegated to the Town Clerk, in consultation with the Chairman and Deputy Chairman of the Standards Committee, to determine dispensations received from Members in order to speak or vote on the setting of council tax where they have a home within the City.

6. **THE LORD MAYOR'S DECLARATIONS OF GIFTS AND HOSPITALITY**

With the agreement of the Chairman, the Committee received a late report of the Private Secretary and Chief of Staff on the declaration of gifts and hospitality in relation to the special provision made for the Lord Mayor as a ceremonial office holder.

The following matter was raised:-

- The Private Secretary and Chief of Staff stated that the annual report records all details of gifts, but that some further details of hospitality received by the Lord Mayor had inadvertently been omitted and that details of these would be circulated to Members.

RECEIVED.

7. **SHRIEVAL REGISTER OF GIFTS AND HOSPITALITY**

With the agreement of the Chairman, the Committee received a late report of the Secondary of London presenting the updated position of gifts and hospitality received by the Sheriffs of the City of London for the year 2016/17.

The following matter was raised:-

- It was suggested that it may be appropriate to provide a single report containing details of both the Lord Mayor's and the Sheriffs' gifts and hospitality received in future, or separate reports in the same format.

RECEIVED.

8. ANNUAL REVIEW OF THE PROTOCOL ON MEMBER/OFFICER RELATIONS

The Committee received a report of the Director of Human Resources on the annual review of the Protocol on Member / Officer Relations 2016/17.

The following matters were raised:-

- The Chairman referred to two issues – firstly, how allegations of a breach of the Protocol should be dealt with where the individual then declines to make a complaint; and secondly, the need for the Committee to have before them a copy of the Employee Code of Conduct in considering the paper.
- The Chairman suggested that, as the report before them did not currently cover these matters then consideration of the paper should be deferred in order for an updated report to be submitted by the Director of Human Resources at the next meeting.

RESOLVED – That the Committee receive an updated report at their next meeting, to include comment on allegations of a breach of the Protocol where the individual then declines to make a complaint and for Members to have before them a copy of the Employee Code of Conduct.

9. REPORT OF ACTION TAKEN

The Committee received a report of the Town Clerk on action taken between meetings under Standing Order 41.

It was noted that this action taken was consistent with decisions taken by the Standards Committee in May 2017.

RECEIVED.

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

The Chairman raised the issue of the late receipt of meeting papers and the Town Clerk confirmed that these concerns were noted.

11. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no urgent items.

The meeting ended at 12.17 pm

Chairman

Contact Officer: Martin Newton
tel.no.: 020 7332 3154
martin.newton@cityoflondon.gov.uk

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ASSESSMENT SUB (STANDARDS) COMMITTEE

Monday, 13 November 2017

Minutes of the meeting of the Assessment Sub (Standards) Committee held at the Guildhall EC2 at 1.45 pm

Present

Members:

Judith Barnes
Alderman David Graves

Ann Holmes
Deputy Jamie Ingham Clark

Independent Person:

Neil Asten

Officers:

Michael Cogher	- Comptroller and City Solicitor
Edward Wood	- Comptroller and City Solicitor's Department
Lorraine Brook	- Town Clerk's Department
Martin Newton	- Town Clerk's Department

1. ELECTION OF CHAIRMAN

The Town Clerk having asked for nominations for a Chairman for the meeting, it was proposed, duly seconded and agreed that Ann Holmes be elected as Chairman.

RESOLVED - That Ann Holmes be elected as Chairman of the Assessment Sub (Standards) Committee for the meeting.

2. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE ASSESSMENT SUB (STANDARDS) COMMITTEE

The Committee noted the circulated report setting out the complaints process.

RECEIVED.

3. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There was no other urgent business.

4. EXCLUSION OF THE PUBLIC

RESOLVED - That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following item on the grounds that it involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act.

5. **COMPLAINT: REPORT OF THE TOWN CLERK AND THE COMPTROLLER AND CITY SOLICITOR**

The Committee considered a joint report and associated papers of the Town Clerk and the Comptroller and City Solicitor presenting, for assessment by the Committee, a complaint made against a member of the Court of Common Council.

The Comptroller and City Solicitor provided a brief introduction to his report and reminded Members of the need to ascertain whether they were satisfied that if the complaint was proven it would constitute a breach of the Code of Conduct, along with the current Corporation Assessment Criteria. During discussion, a Member asked that the Code of Conduct be circulated to Committee members in advance of future meetings as a guidance document.

The Committee then proceeded to discuss the contents of the report and duly considered all relevant matters including hearing the views of the Independent Person that was present. The Committee were clear that Mr Goyal had breached the Code of Conduct, as acknowledged by him, and considered that an investigation was unlikely to elicit any further information. The Committee judged that Mr Goyal's offer to apologise, attend a training session, reimburse the Corporation and give an undertaking as to his future conduct, with the details to be approved by the Committee, would be sufficient remedy. The Committee were also keen to determine the matter in a timely fashion given the upcoming election. At the conclusion of discussion, it was

RESOLVED:- That the Assessment Sub (Standards) Committee agree that:-

- (a) Having considered the complaint received and comments submitted by Mr Goyal on it, and given Mr Goyal's admission of a breach of the Code of Conduct, the matter should not proceed to investigation subject to Mr Goyal's compliance with the actions set out in paragraphs (i) to (iii) below.
 - (i) That within 7 days of the date of being formally notified of the Committee's decision, Mr Goyal issue a letter of apology and an undertaking not to use Corporation's resources for inappropriate purposes in breach of the Members' Code of Conduct to the Court of Common Council in the form set out in the Schedule.
 - (ii) That within 14 days of the date of being formally notified, Mr Goyal attend training on the Members' Code of Conduct with the Monitoring Officer.
 - (iii) That Mr Goyal reimburse the Corporation for the cost of production of the leaflets the subject of the complaint, as determined by the Director of IS, within 14 days of receipt of such determination.
- (b) That the Monitoring Officer, in consultation with the Chairman and the Independent Person, be authorised to commence an investigation of the

complaint and bring a report to the Hearing Sub (Standards) Committee in the event that Mr Goyal fails to comply with the steps set out in (a) (i) - (iii) above to the Monitoring Officer's reasonable satisfaction.

- (c) That the report of the Monitoring Officer and its appendices, the decision letter and any apology received from Mr Goyal, be accessible to the public in the usual way, pursuant to the access to information provisions of Part VA of the Local Government Act 1972, and placed on the notice board in the Members' Room.

The meeting closed at 2.37 pm

Chairman

Contact Officer: Martin Newton
tel. no.: 020 7332 3154
martin.newton@cityoflondon.gov.uk

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Standards Committee – Outstanding Actions

Item	Date	Action	Officer responsible	To be completed/ progressed to next stage	Progress Update
1	6 October 2017	<u>Standards Regime Review Working Party</u> Standards Committee meeting with Chairman of Working Party to consider proposals arising from review.	Town Clerk / Comptroller and City Solicitor	It is anticipated that the recommendations on the Framework will be considered again by the Court of Common Council in March 2018. The Standards Committee will be informed of the outcome of the review at their next meeting.	<p>Informal meeting with Chairman of Working Party and Standards Committee members held on 1 November. Views noted as part of process of review. All Members invited to briefing sessions held in December 2017.</p> <p>The Standards Regime Working Party reported to the Court of Common Council in January 2018 and the Court referred the recommendations back to the Working Party for some further consideration. Matters raised at the Court included the proposed role of the Monitoring Officer in assessing complaints received; composition of the Appeal Committee; automatic right of appeal for subject member / complainant; role of the Standards Committee in approving future changes to guidance.</p>

Item	Date	Action	Officer responsible	To be completed/ progressed to next stage	Progress Update
2	6 October 2017	<p><u>Code of Conduct / Protocol Training</u> Town Clerk / Comptroller and City Solicitor to arrange further training.</p> <p>Chairman to write to all new Members that had not previously attended a training session.</p>	Town Clerk / Comptroller and City Solicitor		<p>Member Development Session: Code of Conduct and the Member/Officer Protocol – Guidance for Members arranged for 22 January 2018.</p> <p>Letter from Chairman circulated to all Members.</p>
3	6 October 2017	<p><u>Barbican residents that are Members of the Barbican Residential Committee and the potential for conflicts of interest</u> Comptroller and City Solicitor to submit report to future meeting.</p>	Comptroller and City Solicitor		Report included elsewhere on agenda.

Committee: Standards Committee	Date: 26 January 2018
Subject: Standards Committee – Terms of Reference and Frequency of meetings	Public
Report of: Town Clerk	For Decision

Summary

1. The purpose of this report is for the Standards Committee to consider and approve their terms of reference and that of their sub committees and the frequency of meetings, ahead of submission of the White Paper to the Court of Common Council on 19 April 2018. It is proposed that the approval of any further changes required to terms of reference in the lead up to the Court's appointment of Committees, including any arising from the current review of the Standards Framework, be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman. The Committee are also asked to receive meeting dates for the remainder of 2018.
2. Details of the composition of the Standards Committee and their terms of reference are set out below.

Recommendations

3. It is recommended that:-
 - (a) subject to any comments, the terms of reference of the Committee be approved for submission to the Court of Common Council, as set out at Appendix 1, and that any further changes required in the lead up to the Court's appointment of Committees, including any arising from the current review of the Standards Framework, be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman;
 - (b) Members consider the frequency of the Committee's meetings; and
 - (c) Members note the scheduled meeting dates for the remainder of 2018.

Main Report

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

Standards Committee –Terms of Reference

6. The Standard's Committee's terms of reference, as agreed by the Court of Common Council at its meeting on 27 April 2017 are set out at **Appendix 1**. It is anticipated that the recommendations of the Standards Regime Working Party on the review of the Standards Framework will be considered again by the Court of Common Council in March 2018. Subject to any views of the Committee, and any further required updates arising from the outcome of the review that it is proposed be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman, the terms of reference will be submitted to the Court of Common Council for approval on 19 April 2018 ahead of the start of the new municipal year.

Standards Committee – Composition

7. The Standard's Committee's composition, as agreed by the Court of Common Council at its meeting on 27 April 2017 is:-
 - one Alderman appointed by the Court of Aldermen
 - seven Commoners elected by the Court of Common Council, at least one of whom shall have fewer than five years' service on the Court at the time of their appointment
 - four representatives (with no voting rights) who must not be Members of the Court of Common Council or employees of the City of London Corporation.
8. None of the appointed shall serve on the Committee for more than eight years.
9. Three independent persons are also appointed pursuant to the Localism Act 2011. In previous years, Independent Persons were invited to attend all future meetings of the Committee (in an observer capacity). These attendance arrangements are part of the current review of the Standards Framework being carried out by the Standards Regime Working Party and it is anticipated that the recommendations on the Framework will be considered again by the Court of Common Council in March 2018. The Standards Committee will be informed of the outcome of the review at their next meeting.
10. The quorum consists of three Members, at least one of whom must be a non-Common Council Member.

Standards Committee – 2017/2018 Membership

11. The Standard's Committee's membership in 2017/2018, as agreed by the Court of Common Council at its meeting on 27 April 2017, was as follows:-

Alderman

David Graves

Common Councilmen

Christopher Boden

Kevin Malcolm Everett, Deputy

Christopher Michael Hayward

Ann Holmes

Jamie Ingham Clark, Deputy

Oliver Arthur Wynlayne Lodge, T.D.

Charles Edward Lord, OBE, JP

Non-Common Council Members

Judith Barnes (appointed for a four-year term expiring in December 2017)

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

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

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

Meetings of the Standards Committee

13. In 2013, the Committee confirmed that 3 scheduled meetings of the Committee per annum were sufficient. On that basis the following meeting dates were previously confirmed for 2018 and 2019:
 - Friday, 18 May 2018 (11.30am)
 - Friday, 5 October 2018 (11.30am)
 - Friday, 25 January 2019 (11.30am)
 - Friday, 24 May 2019 (11.30am)
 - Friday, 4 October 2019 (11.30am)
14. Where there is no business, and with the Chairman's consent, meetings may be cancelled.
15. Where meetings of the Sub Committees are required, these will be scheduled on an ad hoc basis throughout the year.

Standards Committee – current Sub Committees' terms of reference**16. Dispensations Sub (Standards) Committee**

Established on 13th September 2013, the principal function of the Dispensations Sub Committee is to consider requests for a dispensation from elected Members and Co-opted Members to speak and/or vote on a specific matter(s), in-line with the City of London Corporation's criterion. Consequently, the Sub Committee will meet on an ad hoc basis as and when requests for a dispensation are received.

17. The terms of reference are:

- a) The Dispensations Sub Committee is established to determine written requests for dispensations from Members or Co-opted Members to take part in any discussion and/or vote on a matter in which they have a disclosable pecuniary interest in accordance with section 33 of the Localism Act 2011.
- b) Upon receipt of a written request for a dispensation, a meeting of the Sub Committee will be convened (unless a meeting of the Standards Committee is scheduled to take place within a reasonable timeframe), to consider the details of the request and will then do one of the following:-
 - (i) grant a dispensation (in whole or in part) for a specified period not exceeding four years;
 - (ii) reject the request for a dispensation; or
 - (iii) seek further information regarding the request ahead of further consideration at a newly convened meeting, or in accordance with the City Corporation's urgency provisions (Standing Order No. 41).
- c) The Town Clerk will advise the Member seeking a dispensation of the Sub Committee's decision upon the conclusion of the meeting and will retain a list of action taken in respect of all written requests considered by the Sub Committee.
- d) The Sub Committee will consist of any three elected Members (voting) and one Co-opted Member (non-voting) to be drawn from the membership of the Standards Committee.
- e) The quorum shall consist of any three elected Members.

18. **Allegations of breaches of the Members' Code of Conduct - Assessment, Hearing and Appeal Sub Committees**

The Localism Act 2011 requires the City of London Corporation to have in place arrangements under which written allegations of a breach of the Members' Code of Conduct can be investigated and decisions on those allegations taken. These arrangements apply to both Members and Co-opted Members.

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

of reference for each of the current sub committees are set out at **Appendix 2**.

20. These arrangements are part of the current review of the Standards Framework being carried out by the Standards Regime Working Party and, as reported in paragraph 9 above, it is anticipated that recommendations on the Framework will be considered again by the Court of Common Council in March 2018. The Standards Committee will be informed of the outcome of the review at their next meeting.

Background Papers:-

- Appointment of Members on Committees Court report (White Paper), April 2017
- Review of Standards Regime – Court of Common Council, January 2018.

Appendices:-

- **Appendix 1** – Standards Committee's Terms of Reference, as approved by the Court of Common Council in April 2017.
- **Appendix 2** - The terms of reference for the Standards Committee's current sub committees: Assessment, Hearing and Appeal Sub Committees.

Martin Newton

Town Clerk's Department

T: 020 7332 3154

E: martin.newton@cityoflondon.gov.uk

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Standards Committee – Terms of Reference

To be responsible for:-

- (a) promoting and maintaining high standards of conduct by Members and Co-opted Members of the City of London Corporation and to assist Members and Co-opted Members to observe the City of London Corporation's Code of Conduct;
- (b) preparing, keeping under review and monitoring the City of London Corporation's Member Code of Conduct and making recommendations to the Court of Common Council in respect of the adoption or revision, as appropriate, of such Code of Conduct;
- (c) keeping under review by way of an annual update by the Director of HR, the City of London Corporation's Employee Code of Conduct;
- (d) keeping under review and monitoring the Protocol on Member/Officer Relations;
- (e) advising and training Members and Co-opted Members on matters relating to the City of London Corporation's Code of Conduct;
- (f) dealing with any allegations of breach of the City of London Corporation's Code of Conduct in respect of Members and Co-opted Members, and in particular:
 - (i) to determine whether any allegation should be investigated by or on behalf of the Town Clerk or the Monitoring Officer and their findings reported to the Committee;
 - (ii) in relation to any allegation that it has decided to investigate, to determine whether there has been a breach of the Code of Conduct, taking into account the views of an Independent Person appointed under the Localism Act 2011;
 - (iii) where there has been a breach of the Code of Conduct, to determine the appropriate sanction, and where this involves removal of a Member or Co-opted Member from any committee or sub-committee, to make an appropriate recommendation to the relevant appointing body;
 - (iv) to determine any appeal from a Member or Co-opted Member in relation to a finding that they have breached the Code of Conduct and/or in relation to the sanction imposed; and
- (g) monitoring all complaints referred to it and to prepare an annual report on its activity for submission to the Court of Common Council.

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Standards Committee – Current Sub-Committees’ Terms of Reference

Assessment Sub Committee

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

Hearing Sub Committee

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

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

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

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

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

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

Appeal Sub Committee

Appeal process

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

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

Appeal Sub Committee Terms of reference

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

Committee: Standards Committee	Date: 26 January 2018
Subject: Co-opted Members – Appointments	Public
Report of: Town Clerk	For Decision

Summary

The purpose of this report is for the Standards Committee to consider the reappointment of Judith Barnes as a Co-opted Member of the Standards Committee following the expiry of her previous term of office in December 2017. A recommendation for reappointment would be required to be submitted to the Court of Common Council for approval on 8 March 2018.

Recommendation

Members are asked to consider recommending the Court of Common Council to reappoint Judith Barnes as a Co-opted Member of the Standards Committee for a second and final 4-year term of office expiring in March 2022.

Main Report

1. This report sets out the details of the proposed reappointment of Judith Barnes as a Co-opted Member of the Standards Committee.
2. The principal function of the Standards Committee is to promote and maintain high standards of conduct by Members and Co-opted Members of the City of London Corporation, to assist Members and Co-opted Members to observe the City of London Corporation's Code of Conduct and to deal with any allegations of breach of the City of London Corporation's Code of Conduct in respect of Members and Co-opted Members.
3. Following the introduction of the Localism Act 2011, this Committee (with the Court of Common Council's subsequent approval), determined that the Committee's composition should continue to include four Co-opted Members (with no voting rights) who must not be Members of the Court of Common Council or employees of the City of London Corporation.

Background to the current position

4. Following the expiry of Judith Barnes previous 4-year term of office in December 2017, there are currently two vacancies for Co-opted Members of the Committee.

5. Prospective Co-opted Members are asked to demonstrate:-
- an understanding of the role and objectives of the City of London Corporation;
 - community or business experience (preferably, you will either have lived or worked in the City for a number of years);
 - an insight into and understanding of the demands and pressures placed on individuals in public service;
 - the ability to think logically and in an impartial manner;
 - an understanding of the Nolan Principles of Public Life: selflessness; integrity; objectivity; accountability; openness; honesty and leadership
 - good questioning skills;
 - the ability to attend any meetings that are necessary for the conduct of business associated with the local Standards regime; and
 - a legal background (whilst useful this is not essential).

Recommended appointments

6. Following the expiry of her previous 4-year term of office in December 2017, Judith Barnes has confirmed her willingness to serve a further term. As the Committee's terms of reference provide for a maximum of eight years' membership, any reappointment would be for a maximum of a further 4-year period.
7. Judith Barnes practised as a company commercial lawyer for over twenty years, including seven years in charge of her own practice, with both legal and business experience as well as knowledge of the City which was gained whilst practising as a solicitor whilst she was a partner in Jaques & Lewis (now Eversheds). Ms Barnes previously served as a councillor for twelve years and demonstrated a sound understanding of the role and operations of the City of London Corporation. Ms Barnes' understanding and practical experience of dealing with evidence was demonstrated by her role as Senior Policy Officer at the Independent Police Complaints Commission (IPPC) between 2005/12.
8. If the Committee decide to recommend the reappointment of Judith Barnes there remains one outstanding vacancy for a Co-opted Member on the Standards Committee and this Committee are asked to note the vacancy and comment on the options for appointing a further Co-opted Member.
9. A recommendation by the Standards Committee to reappoint Judith Barnes would then be submitted to the Court of Common Council for its approval on 8 March 2018. Subject to the approval of the Court of Common Council the Co-opted Member would then be invited to attend all future meetings of the Committee.

Conclusion

10. Members are asked to consider recommending the Court of Common Council to reappoint Judith Barnes as a Co-opted Member of the Standards Committee for a second and final 4-year term of office expiring in March 2022.

Appendices - None.

Martin Newton

Town Clerk's Department

T: 020 7332 3154

E: martin.newton@cityoflondon.gov.uk

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Committee(s):	Date:
Standards Committee	26 January 2018
Subject: Annual Review of the Protocol on Member/Officer Relations 2016-17	Public
Report of: Director of Human Resources and Comptroller and City Solicitor	For Information
Report author: Tracey Jansen, Town Clerk's Department	

Summary

This report provides the Committee with the annual review of the Protocol on Member/Officer Relations highlighting any related issues that have arisen in the year 1 August 2016 – 31 July 2017. The report also includes commentary from the Comptroller and City Solicitor on Employment Tribunal cases in the past year. The report includes the information requested at the meeting of the Committee in October 2017.

Recommendation

Members are asked to note the report.

Main Report

Background

1. This annual report has been requested by the Committee to:
 - review the Protocol on Member/Officer Relations highlighting any related issues in the past year
 - keep under review the Employee Code of Conduct
 - include a commentary about the Employment Tribunal cases in the past year

Current Position

2. The Protocol on Member/Officer Relations was reviewed by the Committee at their meeting in October 2014. The Committee's Terms of Reference were amended to include responsibility to keep under review and monitor the Protocol on Member/Officer Relations. A copy of the Protocol is attached as Appendix 1 to this report.
3. There have been no formal disputes raised under the Disputes Procedures which is set out in the Protocol for the period under review. There has been one instance more recently of a member of staff wishing to make a complaint to the Standards Committee (in November 2016), who subsequently requested that the

matter be dealt with outside the complaints procedure by the Monitoring Officer, and the matter was ultimately resolved informally. The Monitoring Officer is aware of one other similar situation which was resolved through the Chief Commoner.

4. The Terms of Reference also include keeping under review by way of annual update the Employee Code of Conduct. The Employee Code of Conduct broadly sets out the standards of conduct expected of employees and covers political neutrality, relationships with Members and the wider Nolan Principles. Breaches of the Code of Conduct are dealt with as disciplinary matters although minor breaches are dealt with informally in accordance with the statutory ACAS Code of Practice. A copy of the Employee Code of Conduct is attached as Appendix 2. It should be noted that the Employee Code of Conduct is currently subject to review following various changes to policy and legislation that need to be addressed. A summary of the cases that have been dealt with formally are as follows:
5. Formal Disciplinary Cases during this reporting period-
17 cases related to conduct and/or behaviour that fell short of the standards expected under the Code of Conduct
1 case related to attendance
6. Formal Grievances-
4 cases related to standards of conduct in relation to bullying and harassment
2 related to management issues
2 related to discrimination
7. There were no disciplinary or grievance cases which related to the Protocol on Member/Officer Relations.
8. Members are not of course ordinarily involved in day-to-day employment matters but may be required to hear appeals against dismissal of employees as part of the Staff Appeals Committee. Of the 18 disciplinary cases listed above, 2 resulted in dismissal. One of these was considered by the Staff Appeals Committee and the appeal was upheld.
9. The Protocol on Member/Officer Relations has been updated to include specific reference to equality and inclusion. In the interests of transparency, the Protocol on Member/Officer Relations is now referenced in and appended to the Employee Code of Conduct in the Employee Handbook.
10. The Establishment Committee receives regular reports in relation to the progress of Employment Tribunal cases. Three cases were concluded in this reporting period. There are currently three outstanding cases, none of which relate to the Protocol on Member/Officer Relations.

Implications

11. This report provides Members with information needed to monitor and review the Protocol on Member/Officer Relations and to consider whether any amendments or actions arising are appropriate.

Conclusion

12. This report summarises activity over the past year in relation to the Protocol on Member/Officer Relations and the Employee Code of Conduct.

Appendices

- Appendix 1 – Protocol for Member/ Officer Relations
- Appendix 2 - Employee Code of Conduct

Tracey Jansen, Assistant Director of Human Resources Town Clerk's Department
T: 020 7332 3289 E: tracey.jansen@cityoflondon.gov.uk

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PROTOCOL ON MEMBER / OFFICER RELATIONS

1. Introduction

- (1) The purpose of the Protocol, which was approved by the Court of Common Council on 13 April 2006, is to provide a guide to working relationships between Members of the Court (including co-opted Members) and Officers, and is in addition to any statutory requirements governing such relationships. The Protocol applies whether such relationships are in the context of the City's role as a local authority, police authority, port health authority or in any of its other roles.
- (2) Although it does not form part of the Members' or Employees' Codes of Conduct, the Protocol should be viewed in conjunction with those documents.
- (3) Responsibility for upholding the Protocol rests with the Chief Commoner and, when necessary, the Standards Committee in relation to Members, and with the Town Clerk in relation to Officers.

2. Principles Underlying Member / Officer Relations

- (1) Good administration and effective decision-making are dependent upon the maintenance of successful working relationships between Members and Officers, based on mutual trust, respect and an understanding of respective roles and responsibilities. These relationships, and the trust which underpins them, should not be abused or compromised.
- (2) Whilst it is acceptable for Members, particularly Committee Chairmen as part of their leadership role, to offer guidance to Officers, they must not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority. It is the responsibility of Officers to provide clear, impartial advice upon which Members may make decisions.
- (3) In addition to avoiding actual impropriety, Members and Officers should also seek to avoid situations which might give rise to the suspicion and/or appearance of improper conduct.

3. Role of Members

- (1) Members are subject to:-
 - (a) the Corporation's Code of Conduct; and,
 - (b) Standing Orders of the Court of Common Council.
- (2) Members have four main areas of responsibility:-
 - (a) determining the policy and strategic direction of the Corporation
 - (b) monitoring and reviewing the performance of the Corporation in implementing that policy and delivering services
 - (c) representing the Corporation externally
 - (d) representing their constituents and stakeholders

- (3) It is not the role of Members to involve themselves in the detail of day to day management of the Corporation's services.
- (4) Members are required to take the advice of Officers into account in reaching a decision on a matter and must respect the Officers' responsibility to provide impartial advice, guidance and information.
- (5) The power to make decisions for the discharge of the authority's functions lies with the Court of Common Council and the properly constituted committees and sub-committees. A Member acting in an individual capacity cannot exercise any lawful authority and Members in general must operate through the Court of Common Council and its committees and sub committees. Members acting individually may not legally commit the Corporation.
- (6) Whilst individual Chairmen are in the same constitutional position as all other Members, having no legal authority to make executive decisions, they have certain other powers (e.g. the control and conduct of meetings) as well as a broader leadership role. Chief Officers are required to consult Chairmen (and Deputy Chairmen) before certain delegated powers are exercised.
- (7) Leading Members i.e. the Lord Mayor, the Chairman of the Policy & Resources Committee, the Chief Commoner and other Committee Chairmen (or Deputy Chairmen with the agreement of, or in the absence of, the relevant Chairman) can speak for the Corporation on matters appropriate to their roles and in accordance with the policy of the Corporation. Arrangements for media interviews and the issue of press releases will be made through or in agreement with the Public Relations Office.
- (8) Whilst all other Members have opportunities to promote the work of the Corporation with the people they meet and when entertaining on behalf of the Corporation, they cannot act as spokesmen for the Corporation.

4. Role of Officers

- (1) Officers are subject to:
 - (a) the Corporation's Code of Conduct;
 - (b) Standing Orders of the Court of Common Council;
 - (c) Financial Regulations; and,
 - (d) other instructions and professional guidelines relevant to their duties.
- (2) The primary role of Officers is to provide impartial advice, guidance and information to Members, and to implement promptly and efficiently the policies determined by the Court of Common Council and its various committees. Certain Officers have specific statutory responsibilities.
- (3) Officers must recognise the right of Members, as elected representatives, to determine the policy of the authority and must not act in any way to undermine that right.

- (4) Officers serve the Corporation as a whole and must carry out the work of the Corporation under the direction and control of the Court of Common Council and the properly constituted committees and sub-committees.

5. Expectations

- (1) Members have a right to expect from Officers:-
- (a) commitment to the Corporation as a whole
 - (b) a working partnership
 - (c) an understanding of, and support for, respective roles, workloads and pressures
 - (d) timely response to enquiries and complaints and the efficient execution of decisions
 - (e) impartial, professional advice and guidance
 - (f) regular, up to date information on matters appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions they hold
 - (g) respect, dignity and courtesy
 - (h) integrity, mutual support and appropriate confidentiality
 - (i) not to have personal issues raised with them outside the agreed procedures
 - (k) that they will not use their relationship with Members to advance their personal interests or to influence decisions improperly
 - (l) compliance at all times with the relevant Code of Conduct
 - (m) Commitment to equality, diversity and inclusion in their relationship with Members and colleagues
- (2) Officers have a right to expect from Members:-
- (a) a working partnership
 - (b) an understanding of, and support for, respective roles, workloads and pressures
 - (c) leadership and policy direction
 - (d) respect, dignity and courtesy
 - (e) integrity, mutual support and appropriate confidentiality
 - (f) not to be subject to bullying or to be placed under undue pressure and, in this respect, Members should have regard to the seniority of Officers in their dealings with them ie. they should not engage junior officers in discussions and requests more properly directed at senior officers
 - (g) that they will not use their relationship with Officers to advance their personal interests or to influence decisions improperly
 - (h) compliance at all times with the relevant Code of Conduct
 - (i) Commitment to equality, diversity and inclusion in their relationship with Officers and colleagues

6. Members in the Ward Role

Members will, through their work with their electorate and stakeholders, need to contact Officers to obtain information on behalf of their constituents and others. This is perfectly in order and from time to time it may be appropriate for Officers to reply to constituents etc. on behalf of, or at the request of, Members.

7. Correspondence and Communications

Members may contact (i.e. by letter, e-mail, fax, telephone) Officers to seek advice, guidance or information. Whatever method of communication is used, Members should receive an acknowledgement as soon as possible, but in any event within 2 working days, and a full response as soon as possible thereafter within 10 working days of receipt of the request. If for any reason this is not possible, a holding reply setting out the reasons for the delay should be sent as soon as possible following the acknowledgement, but in any event before the expiry of the 10 working days.

8. Limitations on Behaviour

The separate roles of Members and Officers necessarily impose limitations upon behaviour. By way of illustration:-

- (1) personal relationships between Members and Officers going beyond normal working relationships can confuse/obscure the separate roles and interfere with the proper discharge of the authority's functions, not least in creating the perception in others that a particular Member or Officer may secure advantageous treatment;
- (2) the need to maintain and recognise the separate roles means that there are limits to the matters on which Members may seek the advice of Officers;
- (3) relationships with particular individuals should not be such as to create a suspicion/perception that an Officer favours a particular Member above others.

9. Reports

- (1) Chairmen of committees or sub-committees may, on behalf of the committees or sub-committees concerned, make reasonable requests to Chief Officers or other Officers to prepare written reports on matters relating to the authority for consideration at Member-level. Such requests should not seek confidential information (e.g. relating to case work or personal details of applicants for services).
- (2) Any disagreement relating to such a request (e.g. if the Chief Officer concerned considers that the cost of providing the information or the nature of the request is unreasonable) should be referred to the Town Clerk.

10. Members' Access to Documents and Information

- (1) Members' rights of access to documents and information are governed by the common law and statute. Members have such access to documents and information that is reasonably necessary to enable them properly to perform their duties as elected representatives.
- (2) Generally, information should, therefore, be made available to Members on request unless there is a justifiable legal or other reason for declining access.
- (3) Standing Order No. 42 sets out the detail on Members' access to documents.

- (4) If the information is not readily available or will require significant resources to produce, Officers should seek the guidance of their Chief Officer before taking steps to provide information that has been requested.

11. Other Members of Corporation Committees

Co-opted Members of the various committees, the Verderers serving on the Epping Forest & Commons Committee and the Independent Members of the Standards Committee are entitled to receive documents and information relating to their appointments in the same way as if they were elected Members.

12. Dispute Procedures

- (1) The overriding objective in any dispute is to achieve a satisfactory resolution through informal channels. However, it has to be recognised that this might not always be possible.
- (2) Procedure for Members:-
 - (a) If a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Chief Officer.
 - (b) If the employee concerned is a Chief Officer, the matter should be raised with the Town Clerk. (In the case of the Town Clerk there is a separate procedure.)
 - (c) If the matter cannot be resolved informally, it may be necessary to resort to the Corporation's Disciplinary Procedure.
- (3) Procedure for Officers:-

If an Officer is dissatisfied with the conduct or behaviour of a Member, the matter should be raised with the appropriate Chief Officer or the Town Clerk.

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Code of Conduct

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Scope

1. This Code of Conduct (the 'Code') applies to all employees, workers and volunteers and their conduct both within the organisation and when dealing with other organisations as a representative of the City Corporation (for ease of reference the term "employees" will be used in the code but applies to all groups). There is a separate code of conduct for Councilmen (called Members in this Code). As far as possible, employees must also comply with the Code if they are appointed as a representative of the City Corporation on any organisation, trust or company. The principles detailed below are the basic ones governing all employees, but each Chief Officer may wish to issue further guidance specifically relating to his/her departmental service requirements which will supplement but not contradict the basic principles contained in this Code. The Code does not affect an employee's rights and responsibilities under the law; its purpose is to provide clear and helpful advice. These principles should be taken in conjunction with requirements set down by any employees' professional body.
2. Any substantive contravention of this code may result in disciplinary proceedings, and those disciplinary proceedings could end in dismissal. For those individuals not falling within the scope of disciplinary procedures appropriate action will be taken.

Standards

3. City Corporation employees are expected to give the highest possible standard of service to the public, service users, members and fellow employees, and where it is part of their duties, to provide advice to members and fellow employees with impartiality and in good faith.
4. This will be achieved in part through the demonstration of effective and appropriate behaviours defined internally, and adherence to the wider standards (Nolan Principles) of selflessness, objectivity, accountability, openness, leadership, honesty and integrity in which the public, Members, or managers can trust. Employees are expected to conduct themselves in a way that, in the reasonably held belief of the City Corporation, is not likely to fundamentally undermine the required relationship of trust and confidence between themselves and the organisation.
5. Employees are expected to adhere to City Corporation's core values which define the way the organisation works and how it plans to develop and wishes to be regarded by others, namely:
 - The best of the old with the best of the new

- The right services at the right price
 - Working in Partnership
6. Employees must not conduct themselves in a way that brings the Corporation, Employees, Members, Service Users and Partners into disrepute or causes reputational damage.
 7. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management potential deficiencies in the provision of service. Employees must report to the appropriate manager impropriety or any breaches of procedure.
 8. Employees shall dress in line with the appropriate standards set by individual departments. Any special clothing, including personal protective equipment or identification provided by the City Corporation must be worn where required.
 9. All employees are expected to be accurate in their time at work recording where this is a requirement.
 10. Any declarations required by this Code must be in writing to your Chief Officer so that all parties can be assured that any declaration has been received.

Disclosure of Information

11. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public.
12. Most Committee agendas and most reports and background papers are required by law to be available for public inspection. Detailed guidance is available from the Town Clerk's department. Obstruction of a member of the public who wishes to exercise their lawful rights to access documents may be a criminal offence. If in doubt, refer to the Town Clerk or Comptroller for advice.
13. The public are specifically excluded from certain proceedings of Committees or meetings associated with the business of any Committee. No employee shall communicate to the public the content of such proceedings or any document relating to the City Corporation, unless required by law or expressly authorised by the Town Clerk to do so.
14. Employees have a responsibility to protect and not disclose commercially sensitive information unless required to effectively perform their duties. Guidance should be sought from the appropriate Chief Officer.
15. Employees have a duty to maintain confidentiality and must not disclose any information obtained in the course of their employment to any third party for any unauthorised reason.

16. Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
17. Employees must not communicate confidential information or documents to others who do not have a legitimate right to know. Furthermore, such information which is stored on computer systems must also only be disclosed in accordance with the requirements of the Data Protection Act. A disclosure which complies with the requirements of the Whistleblowing Policy will be regarded as authorised disclosure.

Political Neutrality

18. Employees serve the City Corporation as a whole and must not allow their own personal or political opinions to interfere with their work. They must serve all Members and fellow employees, and must ensure that the individual rights of all Members and employees are respected. Employees, whether or not politically restricted, must follow every lawfully expressed policy of the City Corporation. Where a City Corporation employee holds a politically restricted post such restriction is deemed to be incorporated in their contract of employment. (See policy on Politically Restricted Posts).

Relationships

Members

19. Employees are responsible to the City Corporation as an authority through its Chief Officers. The role of some staff is to give advice and information to Members and for all staff to implement the policies determined by the City Corporation. Mutual respect between employees and Members is essential, and relationships should be conducted on a constructive and professional basis. In this regard, the City Corporation has adopted protocol on Member/Officer relations. Employees must not lobby Members in relation to personal issues affecting either their employment or other matters personal to them.

Public and Service Users

20. Employees should always remember their responsibilities to the public and service users they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals as defined by the policy statements of the City Corporation. All stakeholders (e.g. residents, service users and city workers) have a right to be treated with fairness and equality.

Contractors and Potential Contractors

21. All relationships of a direct or indirect pecuniary nature with external contractors, or potential contractors, should be made known to your Chief Officer. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses operated or controlled by, for example, friends, partners or relatives in the tendering process.
22. Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
23. Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a direct or indirect pecuniary interest with a contractor who is engaged or who is proposed to be engaged by the City Corporation, should declare that interest to the Chief Officer as soon as practicable.
24. Where a Chief Officer feels that any relationship is substantive, he/she will notify the Town Clerk who will then decide if Members need to be informed. The Chief Officer will determine any appropriate safeguards, including removing the officer in the engagement or supervision of the contractor taking advice from the Town Clerk as appropriate.
25. Employees should ensure that no special favour is shown to current or recent former employees or partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

The Press and the Media

26. Employees must not deal directly with the press or the media unless they have been expressly authorised by the Director of Communications or the Head of Media. All media enquiries received by officers must be immediately referred to the Media Team, without engaging with the journalist. Any article, publication, or interview given on aspects of City Corporation policy or activity must be properly authorised by the Director of Communications or the Head of Media.

Other Employees

27. All employees have a responsibility to act in a way that ensures dignity and respect for their colleagues. All employees are expected to adhere to the standards of behaviour as set out in the City Corporation's relevant Policies and Procedures and in particular not to discriminate against colleagues.

28. Staff and managers have a mutual responsibility to ensure good working relationships. As part of this, staff should carry out any reasonable and lawful requests that their manager makes and to do so to the best of their ability; and behave courteously, reasonably and fairly in all dealings with their managers. Managers should endeavour to reasonably support staff in the proper performance of their duties, including assistance, where necessary, in working with other employees; and behave courteously, reasonably and fairly in all dealings with their staff.

Appointments and other Employment Matters

29. Employees involved in appointments should ensure that these are made on the basis of merit. It is unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. These principles and the City Corporation's procedures are detailed in the Recruitment and Selection Policy.
30. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship with him or her. Candidates for any appointment with the City Corporation when making an application must disclose on the job application form whether s/he is related to any member of the City Corporation or to a holder of any senior officer position. Deliberate omission to make such a disclosure will disqualify the candidate and if the omission is discovered after appointment, s/he may be liable to dismissal.
31. All Employees need to disclose to the City Corporation any relationship known to exist between themselves and a candidate for an appointment of which they are aware.
32. The City Corporation recognises that employees who work together may have or form close personal relationships. While it does not wish to interfere with these personal relationships, the City Corporation does expect all such employees to behave in an appropriate and professional manner at work. To ensure that potential problems are avoided, if the relationship is between a manager/supervisor and an employee whom he/she supervises, the relationship should be declared to either their immediate Line Manager, senior manager or HR Business Partner. Similarly any relationship which could potentially involve a conflict of interest in work roles, (e.g. countersigning of invoices or supervisory decisions relating to overtime etc.) should be declared. Any such disclosures will be dealt with sensitively. The City Corporation reserves the right, where such a relationship exists between staff, to ensure that the persons concerned are not employed in a situation where one would be responsible for managing the other. Alternative mitigating measures may be introduced to ensure that appropriate reporting lines are in place.

33. Employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or someone they have a close personal relationship with.

Outside Commitments

34. Employees are required to obtain written consent from their Chief Officer to take any outside employment.
35. Employees' off-duty hours are their personal concern but they should not subordinate their duty to private interests so as to put themselves in a position where duty and private interests conflict. The City Corporation will not preclude employees from undertaking additional employment, but any such employment must not, in the view of the City Corporation:
- conflict with or react detrimentally to the City Corporation's interests, (for example, if their official duties overlap in some way with their proposed work)
 - in any way weaken public confidence in the conduct of the City Corporation's business
 - interfere with the employee's ability to undertake their role, e.g. cause a breach of the Working Time Directive or place demands on the individual such that they cannot perform at their full capacity for the City Corporation
 - make use of information or material to which the employee has access by virtue of his or her position
36. No outside work of any sort should be undertaken in the office or in Corporation working hours, and use of City Corporation facilities, equipment or materials e.g. telephones, photocopiers or IS systems for outside work is forbidden.
37. Any work undertaken on behalf of the City Corporation or which contributes to the work of the City Corporation or is requested/delivered on the basis of being an employee of the City Corporation and which attracts a fee/ is paid e.g. a presentation or lecture, will need Chief Officer approval and the fees will need to be paid to the City Corporation. In the case of a Chief Officer, approval from the Town Clerk is required.

Intellectual Property

38. Intellectual property is a generic term that includes inventions and patents, creative writings and drawings, photographs and images. If these are created by an employee during the course of employment then as a general rule the property belongs to the City Corporation. Specific arrangements may exist locally.
39. Any matter, or thing capable of being patented under the Patents Act 1977, made, developed or discovered by an employee, either alone or with others, whilst in the

performance of their duties should be disclosed to the City Corporation through the appropriate Chief Officer and, subject to the provisions of the Patents Act, it will belong to and be the absolute property of the City Corporation.

Information Technology and Data Security

40. The City Corporation encourages the use of appropriate technology to achieve efficient and effective services. Employees must ensure that they use technology professionally, appropriately and responsibly and follow the City Corporation's procedures in relation to the use of technology and access to/storage of information in relation to the Data Protection Act. This also applies to external facing technology including social media which due to its nature means any comments posted about the City Corporation should be regarded as public, whether made in a work or private capacity and should not damage the reputation of the organisation, Members, staff or service users, or contravene the Equal Opportunities Policy.

Personal Interests

41. Employees must declare to their Chief Officer, any financial or non-financial interests that could bring about conflict with the City Corporation's interests. This may include membership of outside bodies in a personal capacity. In such cases employees should be mindful not to place themselves in a situation where their involvement or working contribution could compromise their continuing professional duty to the interests of the City Corporation.
42. Employees must declare to their Chief Officer membership of any organisation not open to the public with formal membership and commitment of allegiance and which has secrecy about rules and/or membership and/or conduct e.g. Masonics, a Society, Trust or regular gathering or meeting which is not open to members of the public who are not a member of the organisation. (This does not include membership of Livery Companies)
43. On no account must employees be directly involved in the processing of any matter or application in which they or any close relative (including a child) have a personal interest.

Equality

44. All City Corporation employees should ensure that policies relating to equality issues as agreed by the City Corporation are complied with in addition to the requirements of the law. Such policies would include: Equal Opportunities, Physical and Verbal Abuse Policy and Grievance (Employee Complaints). All members of the local community, customers and other employees have a right to be treated with fairness and equity.

Corruption and Bribery

45. Employees must be aware that it is a serious criminal offence (and an act of gross misconduct) for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained. Such acts may compromise the impartiality of the City Corporation and cause reputational, legal and financial damage.
46. It is important to avoid the perception as well as the fact of corruption or bribery and employees must comply with all applicable bribery and corruption laws.
47. Employees will not offer, promise, give, request, or agree to receive, or accept any bribes:
 - in the course of their employment;
 - when conducting City Corporation business; or
 - when representing the City Corporation in any capacity.

A bribe means a financial payment or other forms of reward or advantage, whether direct or indirect, that is intended to induce or influence, or has the effect of inducing or influencing, an individual, company or public body (whether in the UK or abroad) to perform their functions, including business and public duties, improperly. Improper performance includes:

- not acting in good faith
 - not acting impartially; and
 - not acting in accordance with a position of trust.
48. Employees must not act fraudulently, particularly in relation to The City Corporation's resources or assets.

Use of Financial Resources and Property

49. Employees must ensure that they use all City Corporation funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money and to avoid legal challenge to the City Corporation.
50. Employees should be aware of and adhere to the City Corporation's Financial Regulations, Procurement Regulations and the Communication and Information Systems Use Policy.
51. Where employees have concerns over the lawfulness of certain action they should express such concerns to the appropriate manager or Chief Officer without delay.

The whistleblowing procedure is also available to staff who feel they need to raise an issue outside of the management chain.

52. Employees must not steal, wilfully damage or take off site without permission, anything that belongs to the City Corporation.
53. Employees must not use City Corporation resources to recognise or reward colleagues without the approval of their Chief Officer.

Hospitality and Gifts

54. There can be little doubt that the acceptance of gifts by employees from persons who have, or may seek to have, dealings with the City Corporation would be viewed by the public with grave suspicion and would make the employee concerned and the City Corporation extremely vulnerable to criticism.
55. An employee should tactfully refuse any personal gift which is offered to him/her or a close relative by, or indirectly attributable to any person or body who has, or may have, dealings of any kind whatsoever with the City Corporation or, who has applied, or may apply, to the City Corporation for any kind of decision.
56. The only exceptions to this rule that have been agreed are:-
 - small gifts of only token value often given by way of trade advertisements to a wide range of people, e.g. calendars, diaries, pens, pencils and similar articles of use in the workplace (up to a maximum value of £20); or
 - Small gifts of only token value given on the conclusion of a courtesy visit or visit by/to dignitaries, (up to maximum value of £20)
 - Working meals which are permissible, provided the employee has the approval of the Chief Officer
 - Chief Officers or appropriate employee nominated to represent them can attend work related functions as the City Corporation representative
57. When acting under this dispensation, employees must complete the appropriate declaration (e-form available on the intranet). The completed form will need to be sanctioned by the Line Manager in advance.
58. If there is any doubt about whether a gift may be accepted the gift should be politely and tactfully refused.
59. Employees are reminded that they are forbidden under the terms of their office and employment to accept any fee or reward other than their proper remuneration and any person who contravenes this provision would be liable to Court proceedings.

60. In the event of an employee receiving a gift without warning, which does not fall in any of the exceptions mentioned above, this should immediately be reported to a Chief Officer who will be responsible for deciding whether the gift should be returned.
61. Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the City Corporation in the community, establish or maintain good business relationships, and/or improve the image and reputation of the City Corporation; provided that this is in good faith and not likely to secure advantage or have an intention to induce. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the City Corporation should be seen to be represented.
62. When acting under this dispensation, employees must complete the appropriate declaration e-form, which is accessible from the City Corporation's Intranet site before the hospitality is taken up. The completed form will automatically be forwarded to the employee's line manager for approval and copied to the Town Clerk's Department for monitoring purposes.
63. When hospitality has to be declined the offer should be courteously but firmly declined and it should be explained to the other party the procedures and standards operating within the City Corporation.
64. When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation, for example, to decisions which the City Corporation may be taking affecting those providing the hospitality.
65. Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the City Corporation gives consent. Where visits to inspect equipment or review services by undertaking site visits etc. are required, employees should ensure that the City Corporation meets the cost of such visits to avoid jeopardising the integrity of subsequent procurement decisions.
66. Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of hospitality.

Sponsorship – Giving and Receiving

67. Where an outside organisation wishes to sponsor or is seeking to sponsor a City Corporation activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

68. Where the City Corporation wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to a Chief Officer of any such interest. Similarly, where the City Corporation through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

Health & Safety

69. Employees are expected to ensure that a safe working environment is maintained and prevent the risk of injury to themselves and others in accordance with the City Corporation's Health & Safety Statement, the Occupational Health and Safety Policies and guidance. This includes the Drug and Alcohol policy and any local arrangements.

Whistleblowing

70. The City Corporation is committed to the highest possible standards of probity. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about the conduct of any aspect of the City Corporation's work to come forward and voice those concerns to us. It is recognised that most cases will have to proceed on a confidential basis.
71. Any suspicion of wrongdoing will be treated seriously and will be reviewed and analysed in accordance with the Whistleblowing or Complaints Policy, considering the Public Interest Disclosure Act, the Human Rights Act and if appropriate the City Corporation's Anti-Fraud and Corruption Strategy.
72. City Corporation staff, agency staff, and contractors should be aware that they have statutory protection against victimisation and dismissal under the Public Interest Disclosure Act 1999, if they speak out genuinely against corruption and malpractice at work. Further information on how to make a disclosure is contained in the Whistleblowing Policy.

Professional Indemnity

73. If an employee, former employee or volunteer, (for the purpose of this paragraph, the term 'employees' refers to the narrow definition of employed staff) is subject to a claim for professional negligence from third parties, in relation to work they carried out as part of their duties for the City Corporation (including voluntary work approved by a Chief Officer carried out in connection with the City Corporation) they will be indemnified in relation to claims for damages and reasonable legal costs (subject as

follows) for breaches of professional duty arising from the bona fide execution of their duties in accordance with current policies of the City Corporation. The City Corporation reserves the right to decide whether to defend (or contribute to the costs of defending) a legal action brought against an employee.

Links / Other resources

Main Corporation policies that should be read in conjunction with the Code of Conduct:

- Communications and Information Systems Use
- Complaints Policy
- Corporate Anti-Fraud & Corruption Strategy
- Data Protection Policy
- Disciplinary Procedure
- Drug and Alcohol Misuse Policy
- Equal Opportunity Policy
- Health and Safety Statement
- [Member / Officer Protocol](#)
- Physical and Verbal Abuse
- Regulation of Investigatory Powers policy statement
- Whistleblowing Policy

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Committee: Standards Committee	Date: 26 January 2018
Subject: Potential Conflicts of Interest on the Barbican Residential Committee	Public
Report of: Comptroller & City Solicitor	For Decision
Report author: Edward Wood, Chief Solicitor	

Summary

Your Committee requested a report on potential conflicts of interest for Members who serve on the Barbican Residential Committee and who have an interest in property on the Barbican Estate. This report covers the constitutional arrangements of the Barbican Residential Committee, the position in relation to disclosable pecuniary interests under the Localism Act 2011, the granting of dispensations and the history of declarations and attendance at meetings of the Barbican Residential Committee.

It should be noted that on 14 December 2017, the Policy & Resources Committee 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.

Recommendation:

Members are asked to:

- a) note that the Policy & Resources Committee have 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: and
- b) consider whether, in light of the Policy & Resources Committee's review referred to above, it is appropriate to make a recommendation to that Committee regarding any future composition of the Barbican Residential Committee.

Main Report

Background

1. At the last regular meeting of this Committee on 6 October 2017, Members requested that the Comptroller & City Solicitor produce a report on the Barbican Residential Committee and the potential for conflicts of interest arising in relation to Members who serve on that Committee and who have an interest in property on the Barbican Estate. Members also requested that the Chairman of the Policy and Resources Committee be advised of this, as the Policy and Resources Committee had separately requested a review of the housing services by the Director of Community & Children's Services, including the governance arrangements.
2. Subsequently, on 14 December 2017, the Policy & Resources Committee 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. This review is now being co-ordinated by the Town Clerk.

Constitutional arrangements

3. The Barbican Residential Committee is a non-ward committee appointed by the Court of Common Council. It was first established in the early 1980's and its current constitution and terms of reference are attached at Appendix 1.
4. 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.
5. The Barbican Residential Committee acts on behalf of the City Corporation as landlord of the Barbican Estate, and is not to be confused with the Barbican Estate Residents' Consultation Committee, which is an independent body which exists to represent the views of the Barbican Estate residents. In carrying out its management functions, the Barbican Residential Committee must have regard to any representations made to it by the Barbican Estate Residents' Consultation Committee.
6. Potential conflicts of interest are essentially 'hard wired' into the Barbican Residential Committee itself by the fact that nine Members of that Committee are nominated by the residential wards encompassing the Barbican Estate, being Aldersgate, Cripplegate Within and Cripplegate Without. Presumably this arrangement was put in place to ensure that

the views of residents were fully represented on the Barbican Residential Committee, as well as via the Barbican Estate Residents' Consultation Committee. I understand that 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 (referred to as "resident Members" in this report).

7. However, the Court of Common Council has 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 (referred to as "non-resident Members" in this report). 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.
8. This does of course only protect the City Corporation's position if the non-resident vacancies are filled and those Members attend meetings in sufficient numbers. At the time of writing there are five vacancies for non-resident Members of the Barbican Residential Committee. Recent attendance at meetings is considered later on in this report.
9. Further safeguards include the fact that the Chairman and Deputy Chairman of the Barbican Residential Committee shall be elected from the Members who are non-residents of the Barbican Estate, and that the quorum consists of any four Members who are non-residents of the Barbican Estate.
10. It may be worth noting that 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 of the Barbican Residential Committee, stand for the Chairmanship and Deputy Chairmanship and count towards the quorum. Currently therefore eleven out of the fifteen Members of the Barbican Residential Committee represent Aldersgate or Cripplegate. However, this is of course within the gift of the Court of Common Council.

Position under the Localism Act 2011

11. Members will know that under the Localism Act 2011 and The Relevant Local Authorities (Disclosable Pecuniary Interests) Regulations 2012 there are a number of disclosable pecuniary interests that prevent a Member from participating in any discussion or vote on a connected item of business. The disclosable pecuniary interest that is primarily engaged in relation to housing matters is:

- (a) any beneficial interest in land which is within the area of the relevant authority.
- 12. The Localism Act 2011 does not provide any additional guidance on judging whether a disclosable pecuniary interest is engaged or not. It simply states that the prohibition on speaking or voting on a matter is engaged where a Member:
 - (a) is present at a meeting;
 - (b) has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting; and
 - (c) is aware that the condition in paragraph (b) is met.
- 13. It is up to individual Members to make a judgement whether they have a disclosable pecuniary interest in relation to any particular item of business. It is a moot point for example whether a Member of the Barbican Residential Committee who owned a flat on the Barbican Estate, but did not own a car, would have a disclosable pecuniary interest in the setting of resident car parking charges. Whilst the Member concerned would not be liable to pay any parking charge at that time, their circumstances could change in the future, and the level of such a charge could conceivably also have an impact on the saleability and value of the Member's flat.
- 14. A Member commits a criminal offence if, without reasonable excuse, they participate in any discussion or vote on any matter in which they have a disclosable pecuniary interest. For this reason, we would always advise a Member to err on the side of caution. A Member who is found guilty of such an offence can be fined up to £5,000 and disqualified from holding office for up to five years. A prosecution may only be instigated by or on behalf of the Director of Public Prosecutions (DPP).
- 15. Members will also know however that a relevant authority may, on a written request made to the proper officer of the authority by a Member of the authority, grant a dispensation relieving the Member from either or both of the restrictions on speaking or voting in cases described in the dispensation. The granting of such dispensations is a function of this Committee and its Dispensations Sub-Committee. A relevant authority may only grant a dispensation if, after having had regard to all relevant circumstances, the authority:
 - (a) considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;

- (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;*
- (c) considers that granting the dispensation is in the interests of persons living in the authority's area;
- (d) if it is an authority operating executive arrangements, considers that without the dispensation each Member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive;* or
- (e) considers that it is otherwise appropriate to grant a dispensation.

* Grounds (b) and (d) are not directly applicable to the City Corporation but are included for completeness and context.

Comparison with previous regime

16. The previous standards regime under the Local Government Act 2000 expressly allowed Members to vote on a number of matters in which they would otherwise have had a 'prejudicial interest' (the equivalent of a disclosable pecuniary interest). In the context of a beneficial interest in land in an authority's area, this included business relating to the functions of the authority in respect of:-
 - (a) housing, where the Member was a tenant of the authority, provided that those functions did not relate particularly to their tenancy or lease.
17. Therefore, under the previous standards regime, Members of the Barbican Residential Committee who had an interest in property on the Barbican Estate were automatically allowed to speak and vote on all matters relating to the management of the Barbican Estate that did not relate to their tenancy or lease in particular.

Dispensations granted under the Localism Act 2011

18. Your Committee will recall that you most recently considered a number of requests for dispensations from Members of the Barbican Residential Committee at your meeting on 19 May 2017. The requests were largely prompted by an upcoming report relating to the charging policy for car parking and stores on the Barbican Estate. In that case, where sufficient information had been provided, your Committee granted dispensations to speak on those specific matters but not to vote.

Declarations made under the Code of Conduct

19. Inspection of the minutes of the Barbican Residential Committee for the last two years reveals that the following disclosable pecuniary interests were declared:

Date of meeting	Item of business	Number
11/12/2017	Lease enforcement	5
11/09/2017	No declarations – meeting inquorate	-
05/06/2017	Charging policy for car parking	3
13/02/2017	Rent review	2
12/12/2016	Charging policy for car parking and storage	5
19/09/2016	No declarations	-
13/06/2016	No declarations	-
14/03/2016	Service based review	1
14/03/2016	Car park charging	2
14/03/2016	Rent review	2

Attendance at meetings of the Barbican Residential Committee

20. Inspection of the minutes of the Barbican Residential Committee for the last two years indicates the following level of attendance by resident and non-resident Members:

Date of meeting	Resident Members	Non-resident Members
11/12/2017	7	6
11/09/2017	-	-
05/06/2017	9	6
13/02/2017	7	9
12/12/2016	6	7
19/09/2016	7	9
13/06/2016	7	7
14/03/2016	8	10

21. Your Committee will note that at the two most recent quorate meetings of the Barbican Residential Committee the resident Members were in the majority.

Assessment of legal position

22. There is no doubt that the current arrangements are lawful. The Barbican Residential Committee is covered by the rules on disclosable pecuniary interests in the Localism Act 2011 and The Relevant Local Authorities (Disclosable Pecuniary Interests) Regulations 2012. Members of the Barbican Residential Committee can deal with any disclosable pecuniary interests that arise by not participating in the

discussion and vote on that item, or by seeking an appropriate dispensation from your Committee.

Other considerations

23. Members may wish to consider whether the constitutional arrangements of the Barbican Residential Committee might give rise to a public perception that conflicts of interest could occur. Members may also wish to consider whether any aspect of the current arrangements constitutes an impediment to the proper consideration of business at meetings of the Barbican Residential Committee.

Conclusion

24. The current constitutional arrangements of the Barbican Residential Committee are lawful. However, Members may wish to consider whether the current arrangements might give rise to a negative public perception that conflicts of interest could occur. Members may also wish to consider whether any aspect of the current arrangements could be improved upon.

Contacts:

Edward Wood
Chief Solicitor
020 7332 1834
edward.wood@cityoflondon.gov.uk

Michael Cogher
Comptroller & City Solicitor
020 7332 1660
michael.cogher@cityoflondon.gov.uk

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BARBICAN RESIDENTIAL COMMITTEE

1. **Constitution**

A Non-Ward Committee consisting of,

- 11 Members who are non-residents of the Barbican Estate elected by the Court of Common Council, at least one of whom shall have fewer than five years' service on the Court at the time of their appointment
- three Members nominated by each of the following Wards:-
 - Aldersgate
 - Cripplegate Within
 - Cripplegate Without
- the Chairman or Deputy Chairman of the Community & Children's Services Committee (ex-officio)

The Chairman and Deputy Chairman of the Committee shall be elected from the Members who are non-residents of the Barbican Estate.

2. **Quorum**

The quorum consists of any four Members who are non-residents of the Barbican Estate.

3. **Membership 2017/18**

Non-Residents:-

- 5 (4) Ann Holmes
- 6 (3) Jeremy Paul Mayhew
- 9 (2) Michael Hudson
- 2 (2) Clare James, Deputy

Residents:-

Nominations by the Wards of Aldersgate and Cripplegate (Within and Without), each for the appointment of three Members

Aldersgate

Randall Keith Anderson
Joyce Carruthers Nash, O.B.E., Deputy
Barbara Patricia Newman, C.B.E.

Cripplegate

Mark Bostock
David John Bradshaw, Deputy
William Pimlott
Joan Mary Durcan
John Tomlinson, Deputy
Stephen Douglas Quilter

together with seven Members to be appointed this day and the ex-officio Members referred to in paragraph 1 above.

4. **Terms of Reference**

To be responsible for:-

- (a) the management of all completed residential premises and ancillary accommodation on the Barbican Estate, eg. the commercial premises, launderette, car parks, baggage stores, etc. (and, in fulfilling those purposes, to have regard to any representations made to it by the Barbican Estate Residents' Consultation Committee);
- (b) the disposal of interests in the Barbican Estate pursuant to such policies as are from time to time laid down by the Court of Common Council.

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Committee:	Date:
Standards Committee	26 January 2018
Subject: Report of Action Taken Between Meetings	Public
Report of: Town Clerk	For Information

Summary

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 October 2017.

Recommendation

That the contents of the report be noted.

Main Report

Background

1. Standing Order 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 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), a decision has been taken in respect of the following matter since the meeting of the Standards Committee on 6 October 2017:- Request for a Dispensation.
3. At the meeting of the Standards Committee on 6 October 2017, the Committee considered a report of the Comptroller and City Solicitor on dispensations in relation to the setting of council tax. The Committee were informed by the Comptroller and City Solicitor that Members must make their own decision on whether to apply for a dispensation in order to speak or vote on the setting of council tax, where they have a home within the City. The Department for Communities and Local Government has issued guidance stating that this is not necessary. However, the Committee agreed that such written requests should still be considered when received and that any further written requests be dealt with under delegated authority by the Town Clerk in consultation with the Chairman and Deputy Chairman of the Standards Committee.

4. A request from Deputy Edward Lord for a dispensation under 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 was subsequently received. In accordance with Standing Order 41(b) and the above delegation, and in consultation with the Chairman and Deputy Chairman of the Standards Committee, the Town Clerk has granted 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.

Conclusion

5. In accordance with Standing Order 41(b), Members are asked to note the decision taken by the Town Clerk in consultation with the Chairman and Deputy Chairman since the Standards Committee's meeting on 6 October 2017.

Background Papers:

- Minutes of the meeting of the Standards Committee on 6 October 2017.

Martin Newton

Town Clerk's Department

T: 020 7332 3154

E: martin.newton@cityoflondon.gov.uk