

**STANDARDS COMMITTEE**  
**Friday, 18 May 2018**

Minutes of the meeting of the Standards Committee held at Committee Rooms -  
Committee Rooms on Friday, 18 May 2018 at 11.30 am

**Present**

**Members:**

Judith Barnes  
Chris Boden  
Deputy Kevin Everett  
Alderman David Graves  
Mark Greenburgh  
Ann Holmes  
Michael Hudson  
Deputy Jamie Ingham Clark  
Dan Large  
Oliver Lodge  
Deputy Edward Lord  
Oliver Sells QC  
Jeremy Simons

**Officers:**

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

**1. THE CHAIR**

It was moved by Deputy Everett, duly seconded and

**RESOLVED** – that Alderman Graves takes ‘the chair’ until the election of a Chairman for the 2018/19 year.

**2. APOLOGIES**

The Committee noted the appointment of 2 further Members (Alderman Mainelli and Jeremy Simons) since the publication of the agenda for its meeting. Apologies for absence had been received from Caroline Addy and Alderman Mainelli.

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

Judith Barnes, Mark Greenburgh and Dan Large declared non-pecuniary interests in the items relating to Co-opted Members declarations of interest and appointment to the Committee. Deputy Lord declared an disclosable pecuniary interest in the item on dispensation requests insofar as he had submitted a request for determination.

4. **ORDER OF THE COURT OF COMMON COUNCIL**

The Committee received as information the Order of the Court of Common Council.

**RECEIVED.**

5. **ELECTION OF CHAIRMAN**

The Town Clerk having read the names of those Members eligible to stand for election as Chairman for the ensuing year, and Oliver Lodge being the only Member to put himself forward for election, it was

**RESOLVED** – That Oliver Lodge be appointed as Chairman of the Committee for the ensuing year.

On taking his seat, the Chairman thanked Members for his election and welcomed Caroline Addy, Alderman Mainelli, Oliver Sells and Jeremy Simons to the Committee.

6. **ELECTION OF A DEPUTY CHAIRMAN**

The Town Clerk having read names of those Members eligible to stand for election as Deputy Chairman, Alderman Graves, Mark Greenburgh, Ann Holmes and Michael Hudson put themselves forward for election.

A ballot was held and there was found to be 3 votes for Mark Greenburgh and Ann Holmes, 2 votes for Michael Hudson and 1 vote for Alderman Graves.

A further ballot was then held under the provisions of the Standing Orders and there was found to be 4 votes for Ann Holmes, 3 votes for Mark Greenburgh and 2 votes for Michael Hudson.

A final vote was then held and there was found to be 4 votes for Mark Greenburgh and 5 votes for Ann Holmes.

**RESOLVED** – That Ann Holmes be duly elected Deputy Chairman for the ensuing year.

On taking her seat, Ann Holmes thanked Members for her election.

7. **MINUTES OF THE PREVIOUS MEETINGS**

Members had before them the public minutes of the Standards Committee's meetings on 6 October 2017 and 26 January 2018 (inquire).

**RESOLVED** – That the minutes be confirmed and signed as a correct record.  
**Matters Arising**

Barbican Residential Committee

The Committee noted that, on 14 December 2017, the Policy & Resources Committee had asked for the governance of the City Corporation's residential housing to be examined on a more strategic level with the aim of producing

proposals which consolidate the governance arrangements of the City Corporation's residential housing offer. It was also noted that, at its inquorate January 2018 meeting, the Standards Committee had considered a report of the Comptroller and City Solicitor on potential conflicts of interest on the Barbican Residential Committee and had subsequently submitted views to the Policy and Resources Committee, under the urgency provisions of Standing Order No. 41(a), to ensure that these comments could be considered as part of that Committee's review of the governance of the City Corporation's residential housing.

Members were informed that a further report on the matter had not yet come before the Policy and Resources Committee and Members asked that a resolution be forwarded to that Committee for an update on when this matter would be considered.

**(Action: TC)**

**8. MINUTES OF ASSESSMENTS SUB (STANDARDS) AND DISPENSATIONS SUB COMMITTEES**

Members had before them the public minutes of the Assessment Sub (Standards) Committee and Dispensation Sub (Standards) Committee's recent meetings.

**RECEIVED.**

**9. OUTSTANDING ACTIONS**

The Committee considered the report of the Town Clerk on outstanding actions. The following matters were raised:-

- On the Members' Code of Conduct and associated documents visibility on the Corporation's website, Members asked that the appropriate committee be notified that its view was that the Code documents should be easy to find and readily accessible (under 'C' for Code; 'M' for Member, for example). A Member also said that this reminder to the appropriate committee should further request that the details of how the public make a complaint under the Code should also be easy to locate.

**(Action: TC)**

**RECEIVED.**

**10. OUTCOME OF STANDARDS FRAMEWORK REVIEW**

Members had before them the report of the Town Clerk on the outcome of the Standards framework review. The following matters were raised:-

- Noted that the Town Clerk had delegated authority to determine the start of the new complaints process following training for Standards Appeal Committee members. The Chairman asked that officers ensure that the timing of new process commencement avoids any gaps or duplication of arrangements for appeals to maintain confidence in the system.

**(Action: TC / CCS)**

- Noted that complaints now in the system would continue to be dealt with under the current arrangements rather than the revised arrangements.
- A Co-opted Member made a point about the informal resolution of disputes (paragraph 14 to 17 of the complaints procedure, pages 50-51 of the agenda pack) and her views (detailed below) that this element of the procedure needs to be clearer:
  - paragraph 15 refers to the Chief Commoner/Aldermanic Chairmen being effective in resolving disputes between members. If it is intended that they can also be asked to informally resolve a complaint by a member of the public, this should be explicit.
  - either the complainant or the subject of the complaint can at any time during or after informal resolution withdraw their consent to informal resolution and ask for the complaint to be referred to the Standards Committee. This is an important safeguard and needs to be made explicit. Currently paragraph 17 only refers to the right of a member (presumably the member complained about, though that is not clear) to refer a matter to the Standards Committee if aggrieved by any proposed course of action.

Another Member put forward the view that paragraph 63 (iv) on page 60 of the agenda pack on sanctions did not make reference to the possible withdrawal of an appointment to an outside body.

On these points, the Chairman said that a review of current wording of the documents should be undertaken at the end of the year, by when there should have been opportunity to identify shortcomings. The Town Clerk to maintain a list of points for consideration as they emerge.

**(Action: TC)**

## **RECEIVED.**

### **11. REVIEW OF TERMS OF REFERENCE ARISING FROM OUTCOME OF STANDARDS FRAMEWORK REVIEW**

The Committee considered the Town Clerk's report on the review of terms of reference. The following matters were raised:-

- On terms of reference of the Standards Committee, the Chairman and other Members suggested amendments be made to the draft wording set out on pages 83 and 84 of the agenda pack as set out below:-
  - Amend (d) and (e) to include reference to committee ownership (Establishment)
  - Amend (g) to read "Monitoring all complaints referred to it and dealing with assessment...."
  - Amend (h) to read "Prepare an annual report on its activity for submission to the Court of Common Council."

- Noted that the Comptroller and City Solicitor would offer appropriate training to Committee Members on revised standards arrangements.

**(Action: CCS)**

- On terms of reference of the Sub Committees, the Town Clerk confirmed that the listed changes to quorums on pages 85 and 87 reflected decisions taken by the Court on the review at its March meeting. Noted that there would be provision for late substitution of members listed as serving at the meeting on the agenda papers.

## **RESOLVED – That**

- (a) the draft terms of reference of the Committee be approved for submission to the Court of Common Council, as set out below:-

### **Standards Committee – Draft 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, monitoring and revising as appropriate the City of London Corporation's Guidance to Members on the Code of Conduct and the complaints procedure and relevant paperwork, reporting any changes on these documents to the Court of Common Council in the Committee's annual report.***
- (d) keeping under review by way of an annual update by the Director of HR, the City of London Corporation's Employee Code of Conduct ***and, in relation to any revisions, making recommendations to the Establishment Committee;***
- (e) keeping under review and monitoring the Protocol on Member/Officer Relations ***and, in relation to any revisions, making recommendations to the Establishment Committee;***
- (f) advising and training Members and Co-opted Members on matters relating to the City of London Corporation's Code of Conduct;
- (g) ***monitoring all allegations referred to it and dealing with assessment of and any hearing into*** 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~~
- (h)** ~~monitoring all complaints referred to it and~~ **To** prepare an annual report on its activity for submission to the Court of Common Council.

- (b) The draft terms of reference of the Sub-Committees be approved, as set out below:-

### **Standards Committee – Sub-Committees' Draft 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.

- c) ***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.***
- d) ***The quorum shall consist of any three elected Members.***
- e) ***The Sub Committee will take into account the views of an Independent Person appointed under the Localism Act 2011.***

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### **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.
- 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, provided that Members should not be selected to sit on the Hearing Sub Committee if they sat on the Assessment Sub Committee in relation to the same complaint.***
- e) ***The quorum shall consist of any three elected Members.***
- f) ***The Sub Committee will take into account the views of an Independent Person appointed under the Localism Act 2011.***

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### **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**

- b) ~~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.~~

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### **Dispensations Sub (Standards) Committee**

- 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.

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## **12. CO-OPTED MEMBERS AND DECLARATIONS OF INTERESTS**

The Committee considered the Town Clerk's paper on Co-opted Members and declarations of interest. The following matters were raised:-

- Noted that the annual update is underway and that co-optees' declarations of interest would be published. The Committee expressed frustration at the delays to date in publishing this information and requested that declarations received be published on-line by the end of June.

**(Action: TC)**

- Noted that all co-optees (except on consultative committees) would also be obliged to use a City email address from 25 May 2018. A Co-opted Member commented that this needed to be made clearer to co-optees.

## **RECEIVED.**

### **13. APPOINTMENT OF CO-OPTED MEMBERS OF THE COMMITTEE**

The Town Clerk reported on the appointment of Co-opted Members to the Committee.

Mark Greenburgh and Dan Large left the room during Members' consideration of the paper insofar as it covered their possible reappointment as Co-opted Members of the Committee. It was also

**RESOLVED** – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Local Government Act.

After the contents of the report had been discussed, Mark Greenburgh and Dan Large returned to the Committee room.

The meeting returned to public session.

With the agreement of Members, the Chairman drew a name out of the ballot bowl and declared that Dan Large would be recommended to the Court for appointment as a Co-opted Member of the Committee for a 4 year term of office, with Mark Greenburgh to be recommended for a 3 year term of office.

The Committee then considered the matter of the outstanding vacancy for a Co-opted Member and it was agreed that this vacancy be advertised with an initial term of office of 2 years.

## **RESOLVED - That**

- (a) the re-appointments of Dan Large and Mark Greenburgh as Co-opted Members of the Standards Committee, for a 4 year and a 3 year term of office respectively, to commence from the expiry of their current terms in December 2018, be recommended to the Court of Common Council for approval at its July meeting.
- (b) The Town Clerk make the necessary arrangements for advertising the outstanding vacancy for a Co-opted Member with an initial term of office

of 2 years commencing from the date of appointment by the Court of Common Council.

**14. DISPENSATIONS GENERAL POLICY**

The Committee considered the report of the Comptroller and City Solicitor on the general policy on granting dispensations under the Localism Act 2011.

A Co-opted Member put forward the view that some additional relevant information is required by committee members when assessing dispensation requests, such as committee composition, quorum, number of conflicted members, etc if that information was known. He asked that these details be added to the usual dispensations report 'template' going forward. The Co-opted Member put forward the view that a dispensation to vote needed to clear a 'higher hurdle' than a dispensation for speaking rights only.

It was noted that a number of recent dispensation requests had been approved for speaking only rights and for a specific meeting. A Member commented that a blanket exemption until next ward elections would usually seem less appropriate than one for 'specific meetings only' in the vast majority of instances and that although the boxes currently contained on the application form for 'until next ward election' should probably be retained, encouragement should be given to using them sparingly.

**RESOLVED** – That the report be received and contents noted.

**15. DISPENSATIONS GUIDANCE FOR CHAIRMEN**

The Comptroller and City Solicitor gave an oral update on guidance to Chairmen and explained that guidance to chairmen on committee interests and decision-making required some further research and consideration and that, given the time constraints and priority work commitments, it had not been possible to produce a paper for this meeting.

**(Action: CCS)**

**RECEIVED.**

*(Deputy Lord left the meeting at this point).*

**16. DISPENSATION REQUESTS**

The Committee considered the joint report of the Comptroller and City Solicitor and the Town Clerk on recently received dispensation requests.

Arising from the Committee's consideration of these it was:-

**RESOLVED** - (a) that the following dispensations be agreed:-

Mark Bostock

Partially granted (speaking rights only – voting rights refused)

A dispensation be granted to speak on Ben Jonson, Breton, Thomas More, Benyon and Willoughby Houses, Barbican residential car park at the Barbican Residential Committee on 4 June 2018.

Deputy John Tomlinson

Partially granted (speaking rights only – voting rights refused)

A dispensation be granted to speak at Barbican Residential Committee on 4 June 2018 on (i) car park charges and stores and (ii) concrete repairs.

The request to vote and speak on (iii) (any discussion which may arise on a possible review of the current composition and terms of reference of the Barbican Residential Committee) was refused as no proposal for this currently exists, and therefore it was not possible to know what form any proposal might take.

Deputy David Bradshaw

Partially granted (speaking rights only – voting rights refused)

A dispensation be granted to speak on Baggage stores in the Barbican at the Barbican Residential Committee on 4 June 2018.

(b) That authority be delegated to the Town Clerk to determine the late submitted requests from Alderman Luder and Deputy Lord.

**17. PROTOCOL ON MEMBER / OFFICER RELATIONS**

The Committee considered the report of the Comptroller and City Solicitor on the Protocol on Member / Officer relations.

**RESOLVED** – That the revised Protocol on Member/Officer Relations be approved for endorsement by the Establishment Committee and onward approval by the Court of Common Council.

**18. COMMITTEE ANNUAL REPORT**

The Committee considered the report of the Town Clerk on the annual report of the Committee.

The following matters were raised:-

- The Chairman asked that the Court report be amended to reflect the current composition of the Committee and with a reference inserted to dispensations. He also asked that some redrafting of the Employee Code of Conduct and gifts and hospitality sections be undertaken and that paragraphs 14 and 15 be omitted. A Member also asked that details of standards training and attendance in the period under review be included.

**RESOLVED** – That subject to the necessary changes outlined above the annual report be approved for consideration by the Court of Common Council in July.

19. **ACTION TAKEN BETWEEN MEETINGS**

The Committee had before them the Town Clerk's report on action taken between meetings.

**RECEIVED.**

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

There were no questions.

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

There was no urgent business.

22. **MINUTES OF THE PREVIOUS MEETING**

**RESOLVED** – That the non-public minutes of the inquorate meeting on 26 January 2018 be confirmed and signed as correct.

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

There were no non-public questions.

24. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

There was no non-public urgent business.

**The meeting ended at 1.33 pm**

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Chairman

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