



Standards Committee

Date: FRIDAY, 18 MAY 2018

Time: 11.30 am

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

Members: Caroline Addy
Judith Barnes (Co-opted Member)
Chris Boden
Deputy Kevin Everett
Alderman David Graves
Mark Greenburgh (Co-opted Member)
Ann Holmes
Michael Hudson
Deputy Jamie Ingham Clark
Dan Large (Co-opted Member)
Oliver Lodge
Deputy Edward Lord
Oliver Sells QC
Vacancies x2
Vacancy (Co-opted Member)

Enquiries: Martin Newton
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Lunch will be served in the Guildhall Club at 1pm

John Barradell
Town Clerk and Chief Executive

AGENDA

Part 1 - Public Agenda

1. **APOLOGIES**

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

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

Order of the Court of Common Council, 19 April 2018, appointing the Committee and approving its terms of reference.

For Information
(Pages 1 - 4)

4. **ELECTION OF CHAIRMAN**

To elect a Chairman in accordance with Standing Order No. 29.

For Decision

5. **ELECTION OF A DEPUTY CHAIRMAN**

To elect a Deputy Chairman in accordance with Standing Order No. 30.

For Decision

6. **MINUTES OF THE PREVIOUS MEETINGS**

To agree

(a) the public minutes of the meeting held on 6 October 2017; and

(b) the public minutes of the inquorate meeting held on 26 January 2018.

For Decision
(Pages 5 - 16)

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

(a) To receive the public minutes of Assessments Sub (Standards) Committee meetings on –

(i) 13 March 2018; and

(ii) 22 March 2018

(b) To receive the public minutes of Dispensation Sub (Standards) Committee meeting on 13 March 2018

For Information
(Pages 17 - 26)

8. **OUTSTANDING ACTIONS**

Report of the Town Clerk.

For Information
(Pages 27 - 28)

9. **OUTCOME OF STANDARDS FRAMEWORK REVIEW**

Report of the Town Clerk.

For Information
(Pages 29 - 78)

10. **REVIEW OF TERMS OF REFERENCE ARISING FROM OUTCOME OF STANDARDS FRAMEWORK REVIEW**

Report of the Town Clerk.

For Decision
(Pages 79 - 90)

11. **CO-OPTED MEMBERS AND DECLARATIONS OF INTERESTS**

Report of the Town Clerk.

For Information
(Pages 91 - 94)

12. **APPOINTMENT OF CO-OPTED MEMBERS OF THE COMMITTEE**

Report of the Town Clerk.

For Decision
(Pages 95 - 98)

13. **DISPENSATIONS GENERAL POLICY**

Report of the Comptroller and City Solicitor.

For Decision
(Pages 99 - 102)

14. **DISPENSATIONS GUIDANCE FOR CHAIRMEN**

Report of the Comptroller and City Solicitor. TO FOLLOW

For Decision

15. **DISPENSATION REQUESTS**

Joint report of the Town Clerk / Comptroller and City Solicitor.

For Decision
(Pages 103 - 118)

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

Report of the Comptroller and City Solicitor. TO FOLLOW

For Decision

17. **COMMITTEE ANNUAL REPORT**

Report of the Town Clerk.

For Decision
(Pages 119 - 124)

18. **ACTION TAKEN BETWEEN MEETINGS**

Report of the Town Clerk.

For Information
(Pages 125 - 128)

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

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

Part 2 - Non-Public Agenda

21. **MINUTES OF THE PREVIOUS MEETING**

To agree the non-public minutes of the inquorate meeting held on 26 January 2018.

For Decision
(Pages 129 - 130)

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

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

BOWMAN, Mayor	RESOLVED: That the Court of Common Council holden in the Guildhall of the City of London on Thursday 19th April 2018, doth hereby appoint the following Committee until the first meeting of the Court in April, 2019.
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STANDARDS COMMITTEE

1. **Constitution**

A Non-Ward Committee consisting of,

- two Aldermen appointed by the Court of Aldermen
- ten Commoners elected by the Court of Common Council, at least one of whom shall have fewer than five years' service on the Court at the time of their appointment
- four representatives (with no voting rights) who must not be Members of the Court of Common Council or employees of the City of London Corporation

None of the appointed shall serve on the Committee for more than eight years.

N.B. Three independent persons are also appointed pursuant to the Localism Act 2011.

2. **Quorum**

The quorum consists of three Members, at least one of whom must be a Co-opted Member.

3. **Membership 2018/19**

ALDERMAN

- 2 David Andrew Graves

Vacancy

COMMONERS

- 2 (2) Christopher Paul Boden, *for two years*
 2 (2) Kevin Malcolm Everett, Deputy, *for two years*
 6 (4) Charles Edward Lord, O.B.E., J.P., Deputy
 2 (2) Ann Holmes, *for three years*
 3 (3) Jamie Ingham Clark, Deputy
 6 (2) Oliver Arthur Wynlayne Lodge
 1 (1) Oliver Sells, Q.C., *for three years*
 1 (1) Caroline Kordai Addy
 3 (1) Michael Hudson

Vacancy

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

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

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

Judith Barnes (*appointed for a four-year term expiring in March 2022*)

Vacancy

4. **Terms of Reference**

To be responsible for:-

- (a) promoting and maintaining high standards of conduct by Members and Co-opted Members of the City of London Corporation and to assist Members and Co-opted Members to observe the City of London Corporation's Code of Conduct;
- (b) preparing, keeping under review and monitoring the City of London Corporation's Member Code of Conduct and making recommendations to the Court of Common Council in respect of the adoption or revision, as appropriate, of such Code of Conduct;
- (c) keeping under review by way of an annual update by the Director of HR, the City of London Corporation's Employee Code of Conduct;
- (d) keeping under review and monitoring the Protocol on Member/Officer Relations;
- (e) advising and training Members and Co-opted Members on matters relating to the City of London Corporation's Code of Conduct;
- (f) dealing with any allegations of breach of the City of London Corporation's Code of Conduct in respect of Members and Co-opted Members, and in particular:
 - (i) to determine whether any allegation should be investigated by or on behalf of the Town Clerk or the Monitoring

Officer and their findings reported to the Committee;

- (ii) in relation to any allegation that it has decided to investigate, to determine whether there has been a breach of the Code of Conduct, taking into account the views of an Independent Person appointed under the Localism Act 2011;
 - (iii) where there has been a breach of the Code of Conduct, to determine the appropriate sanction, and where this involves removal of a Member or Co-opted Member from any committee or sub-committee, to make an appropriate recommendation to the relevant appointing body;
 - (iv) to determine any appeal from a Member or Co-opted Member in relation to a finding that they have breached the Code of Conduct and/or in relation to the sanction imposed; and
- (g) monitoring all complaints referred to it and to prepare an annual report on its activity for submission to the Court of Common Council.

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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 Sanehi (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

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STANDARDS COMMITTEE
Friday, 26 January 2018

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

Present

Members:

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

Officers:

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

1. INQUORACY

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

2. APOLOGIES

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

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

There were no declarations received.

4. MINUTES OF THE PREVIOUS MEETING

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

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

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

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

NOTED.

6. **OUTSTANDING ACTIONS**

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

The following matters were raised:-

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

NOTED.

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

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

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

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

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

The following matters were raised:-

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

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

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

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

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

The following matters were raised:-

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

NOTED.

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

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

The following matters were noted and raised.

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

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

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

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

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

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

11. REPORT OF ACTION TAKEN

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

NOTED.

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

There were no questions.

13. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

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

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

14. **DISPENSATION REQUESTS**

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

15. **EXCLUSION OF THE PUBLIC**

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

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

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

The meeting ended at 1.00 pm

Chairman

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ASSESSMENT SUB (STANDARDS) COMMITTEE

Tuesday, 13 March 2018

Minutes of the meeting of the Assessment Sub (Standards) Committee held at Committee Room 1, 2nd Floor, West Wing, Guildhall on Tuesday 13 March 2018 at 3.00 pm

Present

Members:

Mark Greenburgh (Co-opted Member)

Deputy Jamie Ingham Clark

Deputy Edward Lord

In attendance:

Neil Asten (Independent Person)

Officers:

Michael Cogher

- Comptroller and City Solicitor

Edward Wood

- Comptroller and City Solicitor's Department

Martin Newton

- Town Clerk's Department

1. ELECTION OF A CHAIRMAN

After Deputy Edward Lord proposed that Deputy Jamie Ingham Clark should 'take the chair' for this meeting, it was

RESOLVED – That Deputy Jamie Ingham Clark be elected Chairman for the duration of this meeting of the Sub Committee.

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

The Sub Committee noted the complaints procedure, Code of Conduct and guidance on it.

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 may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act.

5. ALLEGED BREACH OF THE MEMBERS' CODE OF CONDUCT

The Sub Committee considered a report and associated papers of the Comptroller and City Solicitor on an alleged breach of the Members' Code of Conduct.

The meeting closed at 3.50 pm

Chairman

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ASSESSMENT SUB (STANDARDS) COMMITTEE

Thursday, 22 March 2018

Minutes of the meeting of the Assessment Sub (Standards) Committee held at the Guildhall EC2 at 3.45 pm

Present

Members:

Alderman David Graves
Ann Holmes

Deputy Jamie Ingham Clark
Dan Large (Co-opted Member)

In Attendance:

Chris Taylor (Independent Person)

Officers:

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

1. ELECTION OF A CHAIRMAN

It was proposed by Deputy Jamie Ingham Clark, seconded by Ann Holmes and agreed that Alderman David Graves should take 'the chair' for the meeting.

RESOLVED – That Alderman David Graves be elected Chairman for the duration of the meeting.

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

There were no questions on matters relating to the work of the Sub Committee.

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 may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act.

5. ALLEGED BREACH OF THE MEMBERS' CODE OF CONDUCT

The Sub Committee considered a report and associated papers of the Comptroller and City Solicitor on an alleged breach by Gregory Lawrence, a Member of the Court of Common Council and the Markets Committee, of paragraph 13 of the Members' Code of Conduct in relation to a meeting of the Markets Committee on 24 January 2018. 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 allegation was proven it would

constitute a breach of the Code of Conduct, along with the current Corporation Assessment Criteria.

The Sub Committee then proceeded to discuss the contents of the report and associated documents and noted that Mr Lawrence had voted on a matter in respect of which he had a registered Disclosable Pecuniary Interest, namely the Strategic Review of the Wholesale Markets which involved, inter-alia, a proposal relating to Smithfield Market where Mr Lawrence carries out his business, without a dispensation entitling him to vote upon such a matter. Mr Lawrence had a dispensation from the Standards Committee granted on 19 May 2017 which permitted him to speak but not vote in relation to matters affecting the Central Markets.

The Sub Committee were informed that, as Smithfield is held by the Corporation in its City's Cash capacity and not as a local authority, any criminal sanctions under the Localism Act 2011 for voting on the matter at the Markets Committee meeting would not apply in this case. The matter was therefore solely a Code of Conduct matter. The Sub Committee also noted the contents of correspondence between Mr Lawrence and the Comptroller which confirmed that Mr Lawrence admitted the facts, which he said were due to his misunderstanding of his dispensation, and had offered an apology for this error and a commitment to attend relevant Code of Conduct training.

The Sub Committee fully considered and discussed the Comptroller's report along with all related submissions, during which Members commented on the recent review of the Standards framework. As a matter arising from the discussion, the Sub Committee requested that a report be taken back to the Standards Committee to consider the current policy on the granting of dispensations and to consider the scope for reviewing and clarifying the current arrangements. Given that Chairmen and officers could advise a Member in this situation that they should not vote, and as a Chairman does not have power to refuse such a vote, the Sub Committee also requested that the Comptroller draft a further report for the Standards Committee suggesting appropriate guidance for Members, officers and particularly Committee Chairmen in relation to the conduct of Committee meetings where voting and Member Declarations are relevant in decision-making, to help avoid future Code breaches of this nature.

At the conclusion of its deliberations the Sub Committee was of the unanimous opinion that Mr Lawrence's actions amounted to a breach of paragraph 13 of the Code of Conduct, that the Sub Committee should formally notify the Markets Committee that it had considered the breach of the Code and Mr Lawrence's letter of apology and offer to attend future training which it considered acceptable by way of resolution of the matter. The Sub Committee considered that notification of its decision and of Mr Lawrence's letter of apology should be brought before the Markets Committee in the public agenda pack for that Committee's next meeting so that the outcome of the matter was known to all.

The Independent Person was consulted and agreed with the Sub Committee's view set out above.

RESOLVED – That

- (a) Mr Lawrence's actions amounted to a breach of paragraph 13 of the Code of Conduct;
- (b) the Sub Committee formally notify the Markets Committee that it had considered the breach of the Code and Mr Lawrence's letter of apology and offer to attend future training which it considered acceptable, and that this decision and Mr Lawrence's letter should be brought before the Markets Committee in the public agenda pack for that Committee's next meeting so that the outcome of the matter was known to all;
- (c) the Comptroller and City Solicitor be instructed to write to Mr Lawrence to advise him of this decision and that the Comptroller's report and associated papers be brought before the Sub Committee and the decision on the matter be made public; and
- (d) Mr Lawrence attends the required Code of Conduct training with the Comptroller within 28 days of the date of the decision letter to him.

The meeting closed at 4.20 pm

Chairman

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

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DISPENSATIONS SUB (STANDARDS) COMMITTEE

Tuesday, 13 March 2018

Minutes of the meeting of the Dispensations Sub (Standards) Committee held at Committee Room 1, 2nd Floor, West Wing, Guildhall on Tuesday 13 March 2018 at 3.51 pm

Present

Members:

Mark Greenburgh (Co-opted Member)
Deputy Jamie Ingham Clark

Deputy Edward Lord

Officers:

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

1. ELECTION OF A CHAIRMAN

After Deputy Edward Lord proposed that Deputy Jamie Ingham Clark should 'take the chair' for this meeting, it was

RESOLVED – That Deputy Jamie Ingham Clark be elected Chairman for the duration of this meeting of the Sub-Committee.

2. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE DISPENSATIONS SUB COMMITTEE

There were no questions.

3. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There was no other business that the Chairman considered urgent.

4. DISPENSATION

With the agreement of the Chairman, the Committee considered the late reports of the Comptroller and City Solicitor on the requests received for dispensations under the Localism Act 2011, in view of the urgent need to determine these dispensations prior to forthcoming meetings.

4.1 Dispensation Requests

In respect of requests, the Town Clerk notified Members of an additional request received earlier in the day from Mark Bostock, which the Chairman agreed also be considered at the meeting.

After consideration of each request, it was

RESOLVED

- (a) **Deputy David Bradshaw** – request to speak at Barbican Residential Committee on 19 March 2018 on (i) concrete repairs to the Barbican Estate and (ii) lease enforcement dealing with breaches; and speak and vote on (iii) the annual rent review.

Partially Granted - A dispensation be granted to Deputy David Bradshaw to speak only at Barbican Residential Committee on 19 March 2018 on (i) concrete repairs to the Barbican Estate, (ii) lease enforcement dealing with breaches and (iii) the annual rent review.

The request to vote on (iii) above was refused.

- (b) **Deputy John Tomlinson** – request to speak and vote at Barbican Residential Committee on 19 March 2018 on (i) concrete repairs, (ii) lease enforcement and (iii) any discussion which may arise on a possible review of the current composition and terms of reference of the Barbican Residential Committee.

Partially Granted - A dispensation be granted to Deputy John Tomlinson to speak only at Barbican Residential Committee on 19 March 2018 on (i) concrete repairs, (ii) lease enforcement and (iii) any discussion which may arise on a possible review of the current composition and terms of reference of the Barbican Residential Committee.

The request to vote on (i) to (iii) above was refused.

- (c) **Mark Bostock** – request to speak and vote at Barbican Residential Committee on 19 March 2018 and until the ward elections in 2021 on Barbican car park charges.

Partially Granted - A dispensation be granted to Mark Bostock to speak only at Barbican Residential Committee on 19 March 2018 on Barbican car park charges.

The request to vote on the above at Barbican Residential Committee on 19 March 2018 (and to speak and vote on the above until the ward elections in 2021) was refused.

- (d) **Susan Pearson** – request to speak on planning application 17/00770/FULL (former Richard Cloudesley School) at Planning and Transportation Committee on 26 March 2018 or subsequent meetings when the planning application is discussed.

Granted - A dispensation be granted to Susan Pearson to speak on planning application 17/00770/FULL (former Richard Cloudesley School) at the Planning and Transportation Committee on 26 March

2018 and subsequent meetings of that Committee when planning application 17/00770/FULL is discussed.

4.2 Dispensation Requests

After consideration of the request from Ann Holmes, it was

RESOLVED

- (a) **Ann Holmes** – request to speak on planning and licensing matters until the ward elections in 2021.

Rejected – The Sub-Committee considered the request to be too wide reaching – rather than focussing on specific applications or matters in proximity to the Member's property – and for too long a period. The dispensation request was therefore refused.

The meeting closed at 4.20 pm

Chairman

Contact Officer: Martin Newton
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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	Recommendations on the Framework approved by the Court of Common Council in March 2018.	Report on outcome to this meeting
2	26 January 2018	<u>Code of Conduct</u> Ease of access to code / visibility on website	Town Clerk / Comptroller and City Solicitor		Revised copy of Code and guidance on it circulated to all Members of Court of Common Council as part of agenda for Court's meeting in March and then separately by email on 20 March with confirmation of approval. Revised Code and Guidance available on website. 'Members E Guide' to be circulated by Town Clerk advising of links to this and other important information.
3	April 2018	<u>Annual reminder to Members on updating registered interests</u>	Town Clerk		Annual reminder process on updating interests for Members and Co-optees underway. Co- optees who have not previously submitted a register of interests form advised that a form should be returned in 28 days and details will be published online.

Item	Date	Action	Officer responsible	To be completed/ progressed to next stage	Progress Update
4	Ongoing	<u>Member Standards Framework Training</u>	Comptroller / Town Clerk		<p>A Member training session on Code of Conduct and Protocol on Member/Officer relations took place in January 2018.</p> <p>34 Members have attended the specific training sessions on the Code of Conduct, etc since April 2017. The Code of Conduct, etc was also a major part of the training provided as part of the 2017 Member Induction Day (attended by most new Members) along with information provided in the New Member Handbook.</p> <p>Training sessions to be held for briefings on revised Code, guidance and complaints procedure.</p>

Committee(s)	Dated:
Standards Committee	18 May 2018
Subject: Review of the Standards Framework	Public
Report of: Town Clerk	For Information

Summary

This report confirms the outcome of the review of the Standards framework following the Court of Common Council meeting on 8 March 2018.

Recommendations

The Committee is asked to receive the report as information.

Main Report

Background

1. On 8 March 2018, the Court of Common Council approved recommendations of the Standards Regime Review Working Party on the Corporation's current Standards Framework, following a review undertaken by Mr Charles Bourne QC. A copy of the report and associated documents have previously been sent to all Members of the Standards Committee and the Independent Persons.
2. The revised Code of Conduct and guidance on it are now in operation, whilst the new complaints procedure will come into effect on a date to be confirmed by the Town Clerk under delegated authority (see paragraph 3 below). These documents are attached as appendices.
3. As Members will now be aware, the review outcome approved the appointment of a Standards Appeal Committee to conduct the appeals process of the complaints procedure, and the membership of that committee and its terms of reference has now been approved by the Court. However, the new committee will not determine any appeals until a date to be fixed by the Town Clerk under delegated authority, to allow for a seamless transition following the training of the Standards Appeal Committee, the amendment of the Standards Committee terms of reference arising from the review outcome, and the coming into force of the new complaints procedure.
3. The Court considered that the 'separation' of the Independent Persons from the Committee should be reinforced with Independent Persons no longer

routinely attending Standards Committee meetings, other than (1) hearings where they have a statutory role and (2) meetings at which their role is under discussion and they may contribute useful information. Independent Persons will continue to receive Standards Committee agendas and minutes and be invited to six-monthly briefing meetings with the Chairman, Deputy Chairman and appropriate officers, to ensure they remain updated on the Committee's discussions and decisions about the Code of Conduct and conduct matters generally.

Conclusion

5. The Committee is asked to note the outcome of the review of the Standards framework.

Martin Newton

Committee & Member Services Officer

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CODE OF CONDUCT FOR MEMBERS IN RESPECT OF THE CITY OF LONDON CORPORATION'S LOCAL AUTHORITY, POLICE AUTHORITY AND NON-LOCAL AUTHORITY FUNCTIONS

1. You are a member of the City of London Corporation ("the Corporation") or a member of a committee of the Corporation (in this Code collectively referred to as a "Member") and hence you shall have regard to the Seven Principles of Public Life –

- a) **SELFLESSNESS:** Holders of public office should act solely in terms of the public interest.
- b) **INTEGRITY:** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

NB - This Principle applies only to conduct by a Member in their capacity as a Member which may foreseeably lead to the Member being subjected to inappropriate influence in the performance of their duties. It does not apply to contracts of employment, service or other formal and informal business relationships entered into by Members in their private capacities and which are dealt with by the rules on disclosable pecuniary and non-pecuniary interests.

- c) **OBJECTIVITY:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- d) **ACCOUNTABILITY:** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- e) **OPENNESS:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- f) **HONESTY:** Holders of public office should be truthful.
- g) **LEADERSHIP:** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2. As a Member your conduct shall in particular address the Seven Principles of Public Life by:
- a) Championing the public interest, taking into account the needs of your constituents, including those that did not vote for you, and the community as a whole.
 - b) Dealing with representations or enquiries from residents, City voters, members of our communities and visitors fairly, appropriately and impartially.
 - c) Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the Corporation or the good governance of the Corporation in a proper manner.
 - d) Exercising independent judgement and not compromising your position by allowing individuals or organisations to improperly influence you in the performance of your official duties by means of any financial or other obligations.
 - e) Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
 - f) Being accountable for your decisions and co-operating when scrutinised internally and externally, including by constituents.
 - g) Contributing to making the Corporation's decision-making processes as open and transparent as possible to enable constituents to understand the reasoning behind those decisions and to be informed when holding you and other Members to account, and not seeking to prevent any person from obtaining information that they are entitled to by law.
 - h) Restricting access to information when the wider public interest or the law requires it, and not disclosing confidential information, unless you are entitled to by law – refer to the Monitoring Officer if you are unsure.
 - i) Behaving in accordance with all of the Corporation's legal obligations, alongside any requirements contained within the Corporation's policies, protocols or procedures, including on the use of the Corporation's resources.
 - j) Ensuring that, when using or authorising the use by others of the resources of the Corporation, such resources are not used improperly for political purposes (including party political purposes) and having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
 - k) Valuing your colleagues and officers of the Corporation and engaging with them in an appropriate manner and one that underpins the mutual respect that is essential to good local governance.
 - l) Always treating people with respect, including the organisations and constituents that you engage with and those that you work alongside, and not bullying,

harassing (including sexually harassing), intimidating or attempting to intimidate any person.

- m) Not doing anything which could reasonably be regarded as bringing your office or authority into disrepute.
- n) Upholding the Corporation's obligations under the Equality Act 2010 by promoting equality, and not discriminating unlawfully against any person on the grounds of race, gender, disability, religion or belief, sexual orientation or age.
- o) Registering and declaring any private interests, both pecuniary and non-pecuniary, that relate to your public duties in a manner conforming with the procedures set out below.
- p) Providing leadership through behaving in accordance with these principles when championing the interests of constituents with other organisations as well as within the Corporation.

Registering and declaring pecuniary and non-pecuniary interests

3. You must, within 28 days of taking office as a Member, notify the Town Clerk (on behalf of the Corporation's Monitoring Officer) of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners, together with any non-pecuniary interests of yours described in paragraph 7 below and thereafter maintain an up to date register of any such interests.
4. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (Appendix 1) currently define disclosable pecuniary interests under the following categories:
 - a) Employment, office, trade, profession or vocation
 - b) Sponsorship
 - c) Contracts
 - d) Land
 - e) Licences
 - f) Corporate tenancies
 - g) Securities
5. Where you believe you have a sensitive interest¹, you should apply to the Monitoring Officer (via the Town Clerk) for exemption from the requirement that details of the interest be published and made available for inspection.
6. In addition, you must, within 28 days of taking office as a Member, and thereafter on an ongoing basis, notify the Corporation's Monitoring Officer (via the Town Clerk) of

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

any other pecuniary or non-pecuniary interest which you consider should be included on your Members' Declaration form if you are to fulfil your duty to act in conformity with the Seven Principles of Public Life.

7. In any event you are required to disclose your membership of any:
- (a) Management board or similar organ of any charity or body directed to a charitable purpose (e.g. a trustee or director) but excluding any charity or other such body administered by the Corporation
 - (b) Club or Society active in the City of London or which relates to any functions of the Corporation
 - (c) Fraternal or Sororal Societies
 - (d) Livery Company, City Company without Livery, Guild or Company seeking Livery
 - (e) Political Party
 - (f) Organisation, one of whose principal purposes includes the influence of public opinion or policy, and which is likely to seek to affect the policy of the Corporation or which may have an impact on its services or stakeholders
 - (g) Professional Association
 - (h) Trade Association
 - (i) Trade Union
 - (j) Management board or similar organ of any organisation not falling within paragraph 3 or sub-paragraphs (a)-(i) above.
8. You must also notify the Corporation's Monitoring Officer (via the Town Clerk) of any gift or hospitality received by you as a Member with a value of £100 or more, or multiple gifts and/or instances of hospitality with a cumulative value of £200 or more when received from a single donor within a rolling twelve month period. Such notification must be made within 28 days of receipt, or within 28 days of reaching the cumulative threshold, as appropriate.
9. Special provision shall be made for the Lord Mayor and other holders of special offices in relation to the registration of gifts and hospitality to be set out in Guidance to be issued by the Standards Committee.
10. Entries shall be retained in the register of gifts and hospitality for three years – older entries will be removed.
11. If an interest has not been entered onto the Corporation's register, then the Member must disclose the interest to any meeting of the Corporation at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'¹.
12. Following any disclosure of an interest not on the Corporation's register or the subject of pending notification², you must notify the Monitoring Officer (via the Town Clerk) of the interest within 28 days beginning with the date of disclosure.
13. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State.

² This is where an interest has been notified to the Monitoring Officer but has not yet been entered on the register.

14. Your participation in any item of business:

- a) in which you have any other interest; or
- b) that affects a donor from whom you have received any gift or hospitality;

that is registered, or ought to be registered as set out above, will need to be considered by you on a case by case basis. You will only be expected to exclude yourself from speaking or voting in exceptional circumstances, for example where there is a real danger of bias.

15. If in doubt about any of the above matters you are encouraged to seek advice from the Town Clerk or the Corporation's Monitoring Officer.

STATUTORY INSTRUMENTS

2012 No. 1464

LOCAL GOVERNMENT, ENGLAND

**The Relevant Authorities (Disclosable Pecuniary Interests)
Regulations 2012**

Made - - - - *6th June 2012*

Laid before Parliament *8th June 2012*

Coming into force - - *1st July 2012*

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011⁽³⁾, makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.

(2) In these regulations—

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of [a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union];

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000⁽⁴⁾ and other securities of any description, other than money deposited with a building society.

Specified pecuniary interests

2. The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified in the second column of the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

Grant Shapps
Minister of State

6th June 2012

Department for Communities and Local Government

⁽³⁾ 2011 c.20.

⁽⁴⁾ 2000 c. 8.

SCHEDULE

Regulation 2

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992⁽⁵⁾.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

⁽⁵⁾ 1992 c. 52.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a relevant authority as defined in section 27(6) of the Localism Act 2011, on taking office and in the circumstances set out in section 31, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) of the Act sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.



Guidance to Members – Members’ Code of Conduct

General

1. This Guidance is supplemental to the City of London Corporation’s Code of Conduct for Members (“the Code”). As in the Code, any reference to a “Member” includes both a member of the Corporation and a member of a committee of the Corporation.
2. It is not possible to cover every scenario or eventuality in this Guidance, which is intended as an aid for Members. It is not meant to be construed in an overly forensic or legalistic fashion. Rather, Members should consider how their actions might be perceived by the general public. In interpreting this Guidance and the Code, Members should at all times have regard to the Seven Principles of Public Life – selflessness; integrity; objectivity; accountability; openness; honesty; and leadership. Further advice on the requirements of the Code can be obtained from the Corporation’s Monitoring Officer (the Comptroller & City Solicitor) or the Committee and Member Services Team.

Register of Member Interests

3. All information provided on a Member Declaration Form will be published and made available for inspection – the only exception is where specific information is deemed to be sensitive, as set out in the Code.
4. A Member’s register of interests will be published via the respective Member’s page on the Corporation’s website. The register includes sections on disclosable pecuniary interests, non-pecuniary interests and gifts and hospitality.
5. The Code sets out the relevant timescales for registering interests. One requirement is to notify the Monitoring Officer (via the Town Clerk) of any disclosable pecuniary interest, and specified non-pecuniary interests, within 28 days of taking office as a Member. Accordingly, a Member Declaration Form will be sent to Members following election or appointment.
6. Where a Member has been re-elected or re-appointed, the requirements of the Code are satisfied if the register is updated – it is not necessary to register interests that have previously been notified to the Town Clerk.
7. The Code also states that a Member must maintain an up to date register of interests and Members are encouraged to regularly review their register entries. In addition, Members will be contacted individually once a year to review and where necessary update their register of interests and will also be reminded of the arrangements in respect of requests for dispensations.

8. Where you wish to register any interest, please use the Declaration Form provided (where appropriate) or contact the Committee and Member Services Team via email at declarations@cityoflondon.gov.uk or telephone: 020 7332 1407 or 020 7332 1409.

Disclosable Pecuniary Interests

9. The Code requires Members to register their disclosable pecuniary interests, as defined by regulations made by the Secretary of State – the current regulations are included in Appendix 1 of the Code.
10. It is essential that Members follow the rules on disclosable pecuniary interests because failure to do so may result in prosecution, a fine and/or disqualification as a member for up to 5 years. Investigations and sanctions regarding breaches of this aspect of the Code will be a matter for the Director of Public Prosecutions.

Declaring interests in Securities

What are Securities?

11. For these purposes “securities” means “shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and any other securities of any description other than money deposited with a building society” (Regulation 1 of The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012).

What Securities must be registered?

12. Members must register any beneficial interest in securities where:-
- (a) The body, to the member’s knowledge has a place of business or land within the City of London’s area; and
- (b) either-
- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body (whichever is the lower); or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares in any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

What is a “beneficial interest”?

13. A beneficial interest arises where there is a right to the economic benefit of the securities i.e. a right to the income from the securities or a share of it and a right to the proceeds of sale or part of the proceeds.

What degree of knowledge is required?

14. A Member will be taken to have knowledge of the necessary facts if:-
- They have actual knowledge; or
 - They wilfully shut their eyes to the obvious; or
 - They wilfully and recklessly fail to make such inquiries as an honest and reasonable man would make; or

They have knowledge of circumstances which would indicate the facts to an honest or reasonable man; or

They have knowledge of circumstances which would put an honest and reasonable man on enquiry.

Thus genuine and reasonable ignorance of the facts is required if the obligation to register a disclosable pecuniary interest is to be avoided.

15. There is no general obligation to undertake extensive enquiries and thus a Member with significant holdings in, say, a unit trust is unlikely to be required to ascertain the value of the beneficial interest in each company within the trust and whether they have a place of business in the City provided that this is not apparent from the material routinely supplied to unit trust holders.

What is a “reasonable excuse”?

16. There is no statutory definition and whether a “reasonable excuse” for failure to register a disclosable pecuniary interest exists will depend on all the circumstances of the case. The Court will consider the actions of a Member from the perspective of a prudent person exercising reasonable foresight and due diligence having proper regard to their responsibilities.

Non-pecuniary interests

17. Members are also required to register specific non-pecuniary interests as set out in the Code. Some illustrative examples of the types of organisations and bodies intended to be included in particular categories in paragraph 7 of the Code are set out below:

- Fraternal or Sororal Societies would include Freemasonry and the Royal Antediluvian Order of Buffaloes;
- Club or Society active in the City of London would include a Ward Club;
- Club or Society which relates to any functions of the Corporation would include the Heath & Hampstead Society.

18. This does not do away with the general obligation, in accordance with the Nolan Principles and the general duties set out in the Code, that Members are also required to notify the Town Clerk of any other interest that warrants disclosure.

Gifts and hospitality

19. Members must also notify the Corporation’s Monitoring Officer (via the Town Clerk) of any gift or hospitality received that, when valued in accordance with this Guidance, meets or exceeds the relevant thresholds set out in the Code (being £100, or a cumulative value of £200 within a twelve month period). Hospitality can be defined as any food, drink, accommodation or entertainment freely provided or heavily discounted.

20. Please contact the Committee and Member Services Team within 28 days of receipt of any disclosable gift or hospitality specifying the following details:

- description of the gift or hospitality (i.e. tickets to a theatre performance);
- the date it was received;

- from whom the gift or hospitality was received (where the person who invites a Member to an event is not the person paying for the event, the identities of both persons (or organisations, etc.) must be specified if known).

21. It is acknowledged that special arrangements are required in relation to gifts and hospitality provided to the Lord Mayor and Sheriffs, and these arrangements are set out in Appendix 1.

Gifts and hospitality that do not need to be disclosed

22. The following do not need to be disclosed:

- gifts and hospitality provided by the Corporation, including committee dinners or lunches associated with committee visits and hospitality offered by the Corporation at external events such as MIPIM;
- tickets to events at the Barbican Centre or Guildhall School of Music and Drama, where the Chairman, Managing Director or Principal (i.e. the Corporation) is the host – but this does not include invitations from external organisations e.g. the London Symphony Orchestra, or the Royal Shakespeare Company;
- any invitation from Her Majesty The Queen.

23. In addition, a Member only has to disclose gifts or hospitality received by virtue of being a Member – this will not normally include gifts or hospitality received from friends or family. Members should apply common sense when they consider how receipt of a gift or hospitality might be interpreted. For example, if the Member is a member of the Planning and Transportation Committee, and a birthday present arrives from an applicant just before a planning application is due to be considered, then the Member should think about how this would be interpreted by a reasonable member of the public. If in doubt, the Member should disclose the interest.

24. Members do not need to disclose gifts and hospitality that do not reach the relevant thresholds.

How should Members assess the value of gifts and hospitality received?

25. Members should assess all of the hospitality on offer at any event attended, whether it is accepted or not. This approach is in the interests of transparency, certainty and accountability; and avoids Members being drawn into a debate about exactly what they ate or drank on a particular occasion. Members should consider how much a person could reasonably expect to pay to attend an equivalent function or event run on a commercial basis. Likewise, in relation to gifts, Members should consider how much a person could reasonably expect to pay for an equivalent item on a retail basis. Where a Member is in any doubt as to value, the prudent course is to err on the side of caution and register the gift or hospitality in question.

26. Some examples of gifts and hospitality that are unlikely to reach the individual threshold are as follows:

- drinks receptions (where only drinks and canapés are served);
- standard commemorative gifts including pin badges, published materials, ties, paper weights, plaques.

27. Some examples of gifts and hospitality that are likely to reach the individual threshold are as follows:
- overseas trips or overnight accommodation;
 - formal luncheons or evening dinner events;
 - bespoke gifts that have been sourced/ made specifically for the Member (e.g. an engraved crystal vase, or a gold picture frame with a signed limited edition print);
 - hospitality packages including lunch or dinner and tickets to a sporting or cultural event.
28. Gifts and hospitality received by friends and family of a Member, by virtue of the latter being a Member, should also be treated as having been received by the Member and registered accordingly.

Additional caution

29. Caution should be exercised where the offer of any gift or hospitality is over and above what could reasonably be viewed as ancillary to the business being conducted, or is wholly unrelated to the business being conducted.
30. Particular caution should also be exercised by Members involved in determining regulatory matters (licensing, planning) and making decisions that affect the financial position of others.
31. Where a Member has reservations about accepting a gift, but is concerned that a refusal to accept the gift might cause offence, one available course of action would be to pass the gift on to the Corporation, rather than retaining it personally.
32. Members also need to be mindful of where their private activities might cross over with or be perceived to cross over with their activities as a Member.
33. Interests under the Code may also give rise to obligations in a Member's other capacities e.g. to an employer, or a charity for which one works in a personal capacity, and Members are advised to independently verify the requirements of such bodies.

Declaring interests at meetings

34. Where a Member has registered their pecuniary and non-pecuniary interests in accordance with the Code, there is no requirement to additionally declare the existence of such an interest at a meeting of the Corporation at which that interest is engaged. However, in the interests of transparency it is good practice to do so.

Confidential information

35. A Member must not disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where:
- they have the consent of a person authorised to give it;
 - they are required by law to do so;
 - the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

- the disclosure is –
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority.

36. A Member should seek advice from the Monitoring Officer if they are unsure about the applicability of the above exceptions.

Relationship between the Code and the Protocol on Member/Officer Relations

37. Non-compliance with the Protocol on Member/Officer Relations (“the Protocol”) does not in itself amount to a breach of the Code. However, the purpose of the Protocol is to provide a guide to working relationships between Members and Officers, and therefore the Protocol may be referred to when interpreting the provisions of the Code in such circumstances.

38. The Protocol includes a dispute procedure where an Officer is dissatisfied with a Member’s conduct or behaviour. This does not preclude an Officer from making a complaint to the Monitoring Officer if they believe that there has been a breach of the Code. Likewise, if a matter is raised with a Chief Officer or the Town Clerk under the Protocol, they may choose to refer the matter to the Monitoring Officer for assessment as a breach of the Code in appropriate circumstances.

39. Where a written complaint is made alleging that a Member has breached the Code, that complaint shall be dealt with in accordance with the arrangements that the Corporation has in place under the Localism Act 2011, notwithstanding any possible alternative action under the Protocol in relation to the conduct or behaviour in question.

Further information

For further information regarding the Members’ Code of Conduct, please contact:

Michael Cogher (Comptroller & City Solicitor)
Tel: 020 7332 3699
Email: michael.cogher@cityoflondon.gov.uk

Lorraine Brook (Principal Committee and Member Services Manager)
Tel: 020 7332 1409
Email: lorraine.brook@cityoflondon.gov.uk

Appendix 1 to Guidance to Members – Members’ Code of Conduct

Gifts and hospitality – Lord Mayor

The same financial thresholds for the registration of gifts and hospitality apply to the Lord Mayor as to other Members. However, due to the sheer number of events attended, the details of gifts and hospitality received will be presented on a quarterly basis. This will be via a log maintained on the Lord Mayor’s webpages by staff at Mansion House, with a link from the Lord Mayor’s “Member’s” web page during their term of office.

The log will include disclosable gifts and hospitality received by the Lady Mayoress or Lord Mayor’s Consort, as well as gifts and hospitality received by a Lord Mayor Locum Tenens or Sheriff in the place of and on behalf of the Lord Mayor.

There are rare instances where the disclosure of a specific item of hospitality or related gift into the public domain may give rise to diplomatic, commercial or political sensitivities. In such cases that item will not appear on the public register but the relevant details will be notified to the Standards Committee.

It is acknowledged that failure to register gifts, on the basis that they do not meet the relevant value threshold, may cause offence in some cases. Therefore, in the same way that any Member can choose to register gifts with a lesser value, it has been agreed that the Lord Mayor will register all gifts received. For the same reason, in no case will the description of a gift include an approximate value.

Although the Lord Mayor can expect to receive many gifts during his or her year in office as a matter of courtesy, the large majority of those gifts are not retained by the Lord Mayor personally. Whilst the Standards Committee considers that it is important that it receives details of those gifts that are retained, it is acknowledged that this information may again give rise to diplomatic, commercial or political sensitivities and the relevant details will not therefore be released into the public domain.

Gifts and hospitality – Sheriffs

The arrangements for the registration of gifts and hospitality by the Sheriffs will as far as possible mirror the arrangements for the Lord Mayor. The Sheriffs, be they Aldermanic or non-Aldermanic, are subject to the Code and will have an individual register of interests. The details of gifts and hospitality received by the Sheriffs in that capacity will also be presented on a quarterly basis but via a log maintained by Old Bailey staff and published on the Corporate Governance webpages. Again, there will be a link from the “Member’s” web page of both Sheriffs during their term of office.

As set out above, disclosable gifts and hospitality received by a Sheriff in the place of and on behalf of the Lord Mayor will be recorded in the log maintained by staff at Mansion House and not the log maintained by staff at the Old Bailey.

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Adopted by the Court of Common Council on 8 March 2018 and in force from XX.



HOW COMPLAINTS SUBMITTED TO THE CITY OF LONDON CORPORATION RELATING TO THE MEMBER CODE OF CONDUCT WILL BE DEALT WITH

INTRODUCTION

1. The Localism Act 2011 requires the City of London Corporation to have in place arrangements under which written allegations of a breach of the member code of conduct can be investigated and decisions on those allegations taken. These arrangements apply to both elected members and co-opted members and this handbook sets out to explain the arrangements in more detail.
2. The Localism Act 2011 only applies to the City of London Corporation in its capacity as a local authority or police authority. However the City of London Corporation has chosen to apply the member code of conduct and these arrangements to all of its functions.

DEFINITIONS

3. In this handbook:-

“the Corporation” means the City of London Corporation;

“member” means an elected member or co-opted member of the Corporation (unless specified);

“complaint” means a written allegation of a breach of the member code of conduct;

“complainant” means a person who has made a complaint;

“subject member” means a member who is the subject of a complaint;

“the Aldermanic Chairmen” means the Chairman of the General Purposes Committee of Aldermen and the Chairman of the Privileges Committee of Aldermen.

PEOPLE INVOLVED IN THE COMPLAINTS PROCESS

MONITORING OFFICER

4. The Corporation’s Monitoring Officer is the Comptroller & City Solicitor. The Monitoring Officer has a statutory duty under section 5 of the Local Government and Housing Act 1989 to report any contravention, or likely contravention, of any enactment or rule of law, and certain types of maladministration or failure, by the Corporation, its members or officers. The Monitoring Officer also has responsibility under the Localism Act 2011 for maintaining the register of interests for members, and has traditionally had a wider role in relation to member conduct.

STANDARDS COMMITTEE

5. The Corporation’s Standards Committee will consist of 12 elected Aldermen and Common Councilmen of the Corporation, together with 4 non-voting co-opted members appointed under the Local Government Act 1972.

INDEPENDENT PERSONS

6. The Corporation must appoint at least one Independent Person under the Localism Act 2011 whose views:
 - (i) must be sought, and taken into account, by the Corporation before it makes its decision on an allegation that it has decided to investigate;
 - (ii) may be sought by the Corporation in relation to an allegation in other circumstances;
 - (iii) may be sought by a member against whom an allegation has been made.
7. The Corporation has decided to seek the views of an Independent Person at every stage of the consideration of a complaint. A subject member may also seek the views of an Independent Person at every stage of the complaints process. Further details are provided in the relevant sections of this procedure. To avoid any issues of fairness and confidentiality arising from this dual role, the Corporation aims to have three Independent Persons in post at any one time.
8. Independent Persons must not have been a member, co-opted member or officer of the Corporation in the last five years, nor be a relative or close friend of a member, co-opted member or officer. In addition, in order to preserve their independence and remain at arms length from the Standard Committee, the Corporation's Independent Persons do not attend meetings of the Standards Committee other than hearings, where they have a statutory role, and meetings at which their role is under discussion to which they are invited to contribute on matters relating to that role. Upon request, they are supplied with the agendas, minutes and other documents of the Standards Committee to enable them to remain abreast of discussions and decisions about the code of conduct and conduct matters generally. They are also invited to attend a six monthly briefing with the Chairman and Deputy Chairman of the Standards Committee and the Monitoring Officer.

CHIEF COMMONER & ALDERMANIC CHAIRMEN

9. The Chief Commoner is a Common Councilman who has made a distinguished contribution to the Corporation over a number of years. A new Chief Commoner is elected by the Court of Common Council in October each year. The Aldermanic Chairmen are elected by the Aldermen from amongst their number who have passed the Chair (i.e. served as Lord Mayor). The role of the Chief Commoner has traditionally included a concern for the welfare and conduct of Common Councilmen and the Aldermanic Chairmen perform a similar function in relation to Aldermen.

STANDARDS APPEAL COMMITTEE

10. The Corporation's Standards Appeal Committee will consist of 12 members comprising elected Aldermen and Common Councilmen of the Corporation, who are not members of the Standards Committee.

CONFLICTS OF INTEREST

11. Individuals should not participate in the consideration of a complaint where there is a real risk of bias, or the perception of bias, or if they have, or might be reasonably perceived to have, a conflict of interests – for example, if they are personally involved, or if a family member or close associate is involved. A close associate is someone that a reasonable member of the public might think they would be prepared to favour or disadvantage because of their connection with them. It may be a friend, a colleague, a business associate or someone that they know through general social contacts. A conflict would not arise from mere acquaintance, or the sort of relationship that usually exists between members and/or officers of the Corporation.
12. If the Monitoring Officer has a conflict of interests then he shall delegate his functions in relation to that particular complaint to another officer of the Corporation. If another individual involved in the consideration of complaints has a conflict of interests in relation to a particular matter, this will generally be dealt with through selection and the committee arrangements at the relevant stage of the process.

TRAINING

13. The Corporation provides training for all individuals involved in the consideration of complaints and appeals to ensure that they are dealt with appropriately and consistently. The Corporation also provides training for all members to help them to comply with the code of conduct.

INFORMAL RESOLUTION OF DISPUTES

14. An allegation that a member has breached the code of conduct may not necessarily be made in writing, for example it may be a concern raised with the Monitoring Officer orally. In such cases, the Monitoring Officer should ask the person making the allegation whether they want to formally put the matter in writing. If they do not, the Monitoring Officer may consider options for the informal resolution of the matter.
15. This could involve a meeting with the Chief Commoner or one of the Aldermanic Chairmen. Their intervention has in the past been a very effective mechanism for resolving problems between members. Equally, there is nothing to stop aggrieved individuals continuing to approach the Chief Commoner or the Aldermanic Chairmen directly for assistance with the reconciliation of disputes. These arrangements generally fall outside the scope of this handbook.
16. The Chief Commoner and the Aldermanic Chairmen have a discretion to share with the Standards Committee information which they consider necessary in promoting and maintaining high standards of conduct by members. The Standards Committee may also ask them whether there is any such information to be shared, although the Standards Committee does not have a formal role of

monitoring the pastoral activities of the Chief Commoner and the Aldermanic Chairmen.

17. Where the Chief Commoner or one of the Aldermanic Chairmen receive allegations of criminality, racial abuse or sexual harassment relating to a member, they shall be under an obligation to pass such matters to the Standards Committee for assessment. In other cases where the matter relates to a potential breach of the code of conduct, informal resolution by the Chief Commoner or one of the Aldermanic Chairmen will require the consensus of all parties, as the matter could be referred to the Standards Committee as a complaint at any time – including by the Chief Commoner or the Aldermanic Chairman concerned. If a matter in which the Chief Commoner or one of the Aldermanic Chairmen is involved is subsequently referred to the Standards Committee as a complaint, he or she should cease to take any action in relation to the matter. Similarly, a member who is aggrieved by any course of action proposed by the Chief Commoner or one of the Aldermanic Chairmen in relation to a potential breach of the code of conduct may refer the matter to the Standards Committee for formal consideration.

COMPLAINTS

MAKING A COMPLAINT

18. The Corporation's complaints process is publicised on the complaints and corporate governance pages of our website and explains where code of conduct complaints should be sent to. This is to ensure that members of the public are aware of the responsibility for handling code of conduct complaints and what the process entails.
19. A copy of the complaint form is included at Appendix 1 to this handbook and can be accessed via the Corporation's website. Alternatively, a complaints form can be requested from Lorraine Brook, Principal Committee & Member Services Manager, Town Clerk's Office (telephone 020 7332 1409). Formal complaints must be submitted in writing although this includes fax and electronic submissions.
20. The form covers the following matters:-
 - (i) Complainant's name, address and contact details;
 - (ii) Complainant's status i.e. fellow member, member of the public or officer;
 - (iii) Who the complaint is about;
 - (iv) Details of the alleged misconduct including, where possible, the paragraphs of the code of conduct that have been breached, dates, witness details and other supporting information;
 - (v) A warning that the complainant's identity and a copy of the complaint will normally be disclosed to the subject member, unless there are exceptional circumstances.

21. Once a complaint is received at the Corporation, and the complaint specifies or appears to specify that it is in relation to the code of conduct, then it will be passed to the Assessment Sub-Committee of the Standards Committee for initial assessment. A complainant may, at any stage, withdraw their complaint with the consent of the Monitoring Officer, acting in consultation with the Chairman of the Standards Committee. If at this stage (or a later stage) it appears that a criminal offence may have been committed then the relevant allegation will be referred to the police.

CONFIDENTIALITY

22. In the interests of fairness and natural justice, the Corporation believes that members who are complained about generally have a right to know who the complainant is and to be provided with a copy of the complaint. We are unlikely to withhold a complainant's identity or any details of their complaint unless there are exceptional circumstances, for example if the complainant has reasonable grounds for believing that they will be at risk of physical or other harm or detriment if their identity is disclosed – but this list is not exhaustive.
23. Requests for confidentiality or for suppression of complaint details should be included in the complaint form and will not automatically be granted. The Assessment Sub-Committee will consider the request alongside the substance of the complaint. Where it is not appropriate to give the subject member a full copy of the complaint, the Assessment Sub-Committee will consider whether it is possible to give them a summary, or a redacted version of the complaint.
24. The Assessment Sub-Committee will confirm its decision to the complainant. If the request for confidentiality is not granted, the complainant will usually be allowed the option of withdrawing their complaint. However, it is important that in certain exceptional circumstances, where the matter complained about is very serious, the Corporation can proceed with an investigation or other action and disclose a complainant's name even if they have expressly asked us not to.
25. Where there is a reasonable suspicion that informing the subject member of a complaint may lead to an attempt to interfere with evidence or intimidate witnesses the Assessment Sub-Committee has the discretion to defer notification to enable a proper investigation to take place.
26. Where issues around confidentiality do arise, the procedures as set out in this handbook shall be modified accordingly.

ACKNOWLEDGING RECEIPT OF A COMPLAINT

27. The Monitoring Officer will acknowledge receipt of a complaint within 10 working days. The Monitoring Officer will provide the subject member with a copy of the complaint within the same timescale. The letter to the subject member will make it clear that they may seek the views of an Independent Person at the initial assessment stage, should they wish (see below).

INITIAL ASSESSMENT OF COMPLAINTS

RESPONSIBILITY

28. The Standards Committee will receive and assess allegations that a member of the Corporation has failed, or may have failed, to comply with the code of conduct. However, in order to carry out its functions efficiently and effectively, and to avoid any conflicts of interest, the Standards Committee will conduct hearings through an Assessment Sub-Committee. The Standards Committee and its Assessment Sub-Committee are subject to the Corporation's standing orders in the normal way.
29. The Assessment Sub-Committee will consist of four members of the Standards Committee, including three elected members of the Corporation and one non-voting co-opted member. The selection of the Assessment Sub-Committee is delegated to the Town Clerk in consultation with the Chairman of the Standards Committee. The quorum will be three voting members. The Assessment Sub-Committee will take into account the views of an Independent Person.

SUBJECT MEMBER CONSULTING WITH INDEPENDENT PERSON

30. The views of an Independent Person may be sought by the subject member at the assessment stage. A subject member exercising this right will be entitled to consult confidentially with an Independent Person who has not been and will not be involved in the assessment of the complaint.

PUBLIC ACCESS TO MEETINGS AND PAPERS

31. Meetings of the Assessment Sub-Committee are subject to the same provisions regarding public access to meetings as any other Committee. Under section 100A of the Local Government Act 1972, meetings shall be open to the public except to the extent that they are excluded. The Assessment Sub-Committee may by resolution exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information. For more information on exempt information see Appendix 2 to this handbook.
32. Meetings of the Assessment Sub-Committee are also subject to the same provisions regarding public inspection of agendas, reports and background papers prior to a meeting as any other Committee, under section 100B and section 100D of the Local Government Act 1972. However, reports and background papers may be excluded from public inspection where they are likely to be considered in non-public session. In addition, the Corporation will not publish the agendas, reports and background papers for meetings of the Assessment Sub-Committee on its website.

PRE-ASSESSMENT REPORTS AND ENQUIRIES

33. The Monitoring Officer may contact a complainant for clarification of their complaint if he is unable to understand the document submitted. The Monitoring

Officer may also invite the subject member to provide initial written comments on the complaint before it is submitted to the Assessment Sub-Committee.

34. The Monitoring Officer may decide to obtain further information to assist the Assessment Sub-Committee with its decision – this may include:-
- (i) Obtaining a copy of a declaration of acceptance of office form;
 - (ii) Minutes of meetings;
 - (iii) A copy of a member's entry in the Register of Interests;
 - (iv) Information from Companies House or the Land Registry;
 - (v) Other relevant and readily obtainable documents.
35. Caution should be exercised in order to ensure that pre-assessment enquiries are not carried out in such a way as to amount to an investigation e.g. they should not extend to interviewing the parties or a potential witness.

ASSESSMENT OF COMPLAINTS

36. The Assessment Sub-Committee should firstly satisfy itself that the complaint meets the following tests:-
- (i) It is a complaint against one or more named members of the Corporation;
 - (ii) The named member was in office at the time of the alleged conduct and the code of conduct was in force at the time;
 - (iii) The complaint, if proven, would be a breach of the code of conduct under which the member was operating at the time of the alleged misconduct;
 - (iv) The complaint is about something that happened or came to light within the last three months, or is connected to alleged misconduct within the last three months, unless there are reasonable grounds for the complaint not having been made within that time period.
37. If the complaint fails one or more of these tests, it cannot be investigated as a breach of the code and the complainant must be informed that no further action will be taken in respect of the complaint.

ASSESSMENT CRITERIA

38. The Corporation has developed criteria for the Assessment Sub-Committee to use when assessing new complaints and deciding what action, if any, to take. These criteria should ensure fairness for both the complainant and the subject member. Assessing all new complaints by established criteria will also protect the Assessment Sub-Committee from accusations of bias.

39. In drawing up assessment criteria, the Corporation has borne in mind the importance of ensuring complainants are confident that complaints are taken seriously and dealt with appropriately, whilst appreciating that a decision to investigate a complaint or to take other action will cost both public money and the officers' and members' time – an important consideration where the matter is relatively minor.
40. The following questions constitute the current assessment criteria:-
- (i) Has the complainant submitted enough information to satisfy the Assessment Sub-Committee that the complaint should be referred for investigation?
 - (ii) Has the complaint already been the subject of an investigation or other action relating to the code of conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?
 - (iii) Is the complaint insufficiently serious to warrant further action?
 - (iv) Does the complaint appear to be simply malicious, politically motivated or tit-for-tat? In relation to politically motivated or tit-for-tat complaints, the Assessment Sub-Committee must decide whether the allegation is genuine and serious despite the motivation, or whether in fact it is reasonable to assume that it is not the expression in good faith of a genuine concern.

INITIAL ASSESSMENT DECISIONS

41. The Assessment Sub-Committee will make an initial assessment of each complaint received and will then do one of the following:-
- (i) arrange a formal investigation of the complaint; or
 - (ii) arrange training, conciliation or other appropriate alternative steps; or
 - (iii) decide that no action should be taken in respect of the complaint.
42. The suitability of “other action” is dependent on the nature of the complaint. Deciding to deal pro-actively with a matter in a positive way that does not involve an investigation can be a good way of resolving less serious matters. Examples of alternatives to investigation are:-
- (i) Arranging for the subject member to attend a training course;
 - (ii) Arranging for the subject member and complainant to engage in a process of conciliation;
 - (iii) Instituting changes to a procedure of the Corporation if this has given rise to the complaint.

43. It may be useful for the Assessment Sub-Committee to seek written confirmation from all involved parties that they will co-operate with the process of other action proposed. In this case, a letter should be written to the parties outlining what is being proposed, why it is being proposed, why they should co-operate and what the Assessment Sub-Committee is hoping to achieve.
44. The Assessment Sub-Committee will normally complete its initial assessment of an allegation within 30 working days. The decision reached by the Assessment Sub-Committee and the reasons for it should adhere to the assessment criteria previously agreed.

PUBLICATION OF INITIAL ASSESSMENT DECISIONS

45. After the Assessment Sub-Committee has reached a decision, it will write to the complainant and the subject member to advise them of the outcome within 10 working days. The decision letter will include:-
 - (i) The main points of the matter considered;
 - (ii) The decision reached;
 - (iii) Clear and concise reasons for the decision on whether to proceed (including whether any of the assessment criteria were engaged); and
 - (iv) Clear and concise reasons for the decision on how to proceed (if appropriate).
46. Meetings of the Assessment Sub-Committee are subject to the same provisions regarding public access to information following a meeting as any other Committee. Therefore, under section 100C of the Local Government Act 1972, the following documents will be made available for the public to inspect at the Corporation's offices for six years from the date of the meeting:-
 - (i) a copy of the agenda for the meeting;
 - (ii) a copy of any report considered in public session;
 - (iii) the minutes of the proceedings held in public session;
 - (iv) a written summary of the proceedings held in non-public session (excluding exempt information);

and under section 100D of the Local Government Act 1972 a copy of the background papers for any report considered in public session will be made available for the public to inspect at the Corporation's offices for four years from the date of the meeting. However, the Corporation is not required to disclose to the public any document or part of a document that contains exempt information. For more information on exempt information see Appendix 2 to this handbook.

47. The outcome will also be reported to the next meeting of the Standards Committee but the Corporation will not automatically publish the minutes and/or written summary and any other documents available for public inspection on its website, or further disseminate the decision. If the Assessment Sub-Committee has determined the matter without the need for an investigation then it will decide whether a formal announcement is called for as to its findings and any action taken. This might, for example, take the form of a notice on the members' notice board, a statement to the Court of Common Council and/or a statement on the Corporation's website.
48. Where the Assessment Sub-Committee finds that a subject member has not breached the code of conduct there will be a presumption against a formal announcement being made. However, the Assessment Sub-Committee will have regard to all of the circumstances of the case including:
- (i) the nature of the allegation(s);
 - (ii) any information already in the public domain;
 - (iii) where relevant, the proximity of any election;
 - (iv) the effect of publication on the subject member;
 - (v) the views of the parties; and
 - (vi) the public interest.
49. Where the Assessment Sub-Committee refers the complaint for a formal investigation, any decision as to whether a formal announcement is called for will pass to the Hearing Sub-Committee, once the complaint has been determined.

INVESTIGATIONS

RESPONSIBILITY

50. Where the Assessment Sub-Committee has decided that an allegation should be formally investigated, an individual other than the Monitoring Officer will be responsible for that investigation ("the Investigating Officer"). The Monitoring Officer will appoint the Investigating Officer, in consultation with the Chairman of the Standards Committee. The Investigating Officer may be another officer from the Comptroller & City Solicitor's Department, or another Chief Officer of the Corporation. Where appropriate the Investigating Officer may be assisted by an external investigator. The Monitoring Officer will write to the complainant and the subject member to advise them of the person who will be responsible for conducting the investigation.

PROCEDURE

51. Investigations will be conducted in accordance with the relevant protocol, which is included at Appendix 3 to this handbook.
52. There are many factors that can affect the time it takes to complete an investigation. However investigations must be carried out, and a report on the investigation completed, within three months of the original complaint being assessed, unless there are exceptional circumstances. In the report, the Investigating Officer will conclude whether there is a case to answer i.e. whether there is or is not evidence of a breach of the code of conduct. The report will include all of the relevant evidence that the Investigating Officer has relied upon in coming to this conclusion. The hearing will normally be held within three months of receipt of the report.

HEARINGS

RESPONSIBILITY

53. The Standards Committee will hear and determine any allegation that a member has failed, or may have failed, to comply with the code of conduct. However, in order to carry out its functions efficiently and effectively, and to avoid any conflicts of interest, the Standards Committee will conduct hearings through a Hearing Sub-Committee. The Standards Committee and its Hearing Sub-Committee are subject to the Corporation's standing orders in the normal way.
54. The Hearing Sub-Committee will consist of four members of the Standards Committee, including three elected members of the Corporation and one non-voting co-opted member. Members should not be selected to sit on the Hearing Sub-Committee if they were selected to sit on the Assessment Sub-Committee in relation to the same complaint. The selection of the Hearing Sub-Committee is delegated to the Town Clerk in consultation with the Chairman of the Standards Committee. The quorum will be three voting members. The Hearing Sub-Committee will take into account the views of an Independent Person; preferably one who was not involved at the assessment stage.

SUBJECT MEMBER CONSULTING WITH INDEPENDENT PERSON

55. The views of an Independent Person may also be sought by the subject member at the hearing stage. A subject member exercising this right will again be entitled to consult confidentially with an Independent Person who has not been and will not be involved in the hearing of the complaint.

PUBLIC ACCESS TO MEETINGS AND PAPERS

56. Meetings of the Hearing Sub-Committee are subject to the same provisions regarding public access to meetings as any other Committee. Under section 100A of the Local Government Act 1972, meetings shall be open to the public except to the extent that they are excluded. The Hearing Sub-Committee may by resolution exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there

would be disclosure to them of exempt information. For more information on exempt information see Appendix 2 to this handbook.

57. Meetings of the Hearing Sub-Committee are also subject to the same provisions regarding public inspection of agendas, reports and background papers prior to a meeting as any other Committee, under section 100B and section 100D of the Local Government Act 1972. However, reports and background papers may be excluded from public inspection where they are likely to be considered in non-public session. In addition, the Corporation will not publish the agendas, reports and background papers for meetings of the Hearing Sub-Committee on its website.

PRE-HEARING PROCESS

58. A pre-hearing process shall be used to identify the issues, including areas of disputed fact, and to decide what (if any) witnesses are required to attend the hearing, unless all parties consider this unnecessary. A copy of the pre-hearing checklist is included at Appendix 4 to this handbook.

HEARING PROCEDURE

59. Both the complainant and the subject member may be legally represented and they, or their representatives, will be allowed to question witnesses, subject to the Chairman's discretion to manage the hearing in a fair and efficient manner. A copy of the hearing procedure is included at Appendix 5 to this handbook.
60. The burden of proof rests on the complainant, however the Hearing Sub-Committee will operate on an inquisitorial basis. The question whether there has been a breach of the code of conduct must be answered on the balance of probabilities.

FINDINGS

61. Following the hearing, the Hearing Sub-Committee will 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.
62. If the Hearing Sub-Committee makes a finding under sub-paragraph (iii) above, it may impose any one of or any combination of sanctions that are available, as set out below. Where the subject member has failed to attend training provided by the Corporation in relation to the code of conduct this may be considered as an

aggravating feature and held against the subject member when considering the imposition of any sanction or sanctions.

SANCTIONS

63. If the Hearing Sub-Committee finds that a subject member has failed to follow the code of conduct and that they should be sanctioned, it may impose any one or a combination of the following:-

- (i) censure of that member;
- (ii) withdrawal of Corporation hospitality for an appropriate period;
- (iii) recommending removal of that member from a particular committee or committees (including sub-committees);
- (iv) the Hearing Sub-Committee may also consider the suitability of other action.

CENSURE

64. Censure means a formal expression of severe disapproval, and is distinct from a simple finding that there has been a breach of the code of conduct.

WITHDRAWAL OF CORPORATION HOSPITALITY

65. Corporation hospitality includes committee lunches and dinners, drinks receptions, state banquets, etc. This sanction will normally only be considered where relevant to the nature of the complaint.

REMOVAL FROM COMMITTEE

66. 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. This sanction will only be considered where proportionate and relevant to the nature of the complaint.

OTHER ACTION

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

- (i) that the member submits a written apology in a form specified by the Hearing Sub-Committee;
- (ii) that the member undertakes such training as the Hearing Sub-Committee specifies;

- (iii) that the member participates in such conciliation as the Hearing Sub-Committee specifies.

PUBLICATION OF DECISIONS FOLLOWING A HEARING

68. After the Hearing Sub-Committee has reached a decision, it will write to the complainant and the subject member to advise them of the outcome within 10 working days. The decision letter will include:-

- (i) The main points of the matter considered;
- (ii) The decision reached;
- (iii) Clear and concise reasons for the decision in relation to breach; and
- (iv) Clear and concise reasons for the decision in relation to sanction (if appropriate).

69. Meetings of the Hearing Sub-Committee are subject to the same provisions regarding public access to information following a meeting as any other Committee. Therefore, under section 100C of the Local Government Act 1972, the following documents will be made available for the public to inspect at the Corporation's offices for six years from the date of the meeting:-

- (i) a copy of the agenda for the meeting;
- (ii) a copy of any report considered in public session;
- (iii) the minutes of the proceedings held in public session;
- (iv) a written summary of the proceedings held in non-public session (excluding exempt information);

and under section 100D of the Local Government Act 1972 a copy of the background papers for any report considered in public session will be made available for the public to inspect at the Corporation's offices for four years from the date of the meeting. However, the Corporation is not required to disclose to the public any document or part of a document that contains exempt information. For more information on exempt information see Appendix 2 to this handbook.

70. The outcome will also be reported to the next meeting of the Standards Committee but the Corporation will not automatically publish the minutes and/or written summary and any other documents available for public inspection on its website, or further disseminate the decision. The Hearing Sub-Committee will decide whether a formal announcement is called for as to its findings and any sanctions imposed. This might, for example, take the form of a notice on the members' notice board, a statement to the Court of Common Council and/or a statement on the Corporation's website.

71. In the absence of a finding that a subject member has breached the code of conduct there will be a presumption against a formal announcement being made. Where the Hearing Sub-Committee finds that a subject member has breached the code of conduct, there will be a presumption in favour of a formal announcement being made. However, the Hearing Sub-Committee will have regard to all of the circumstances of the case including:
- (i) the nature of the allegation(s);
 - (ii) any information already in the public domain;
 - (iii) where relevant, the proximity of any election;
 - (iv) the effect of publication on the subject member;
 - (v) the views of the parties; and
 - (vi) the public interest.
72. Any formal announcement will be delayed until the appeal time limit expires and no appeal is received. If an appeal is received, any decision as to whether a formal announcement is called for will pass to the Standards Appeal Committee, once the appeal has been determined.

APPEALS

RESPONSIBILITY

73. The Standards Appeal Committee will determine any appeal from a complainant or subject member from a decision of the Hearing Sub-Committee. In order to carry out its functions efficiently and effectively, and, further, to avoid any conflicts of interest, the Standards Appeal Committee will conduct appeals through an Appeal Sub-Committee. The Standards Appeal Committee and its Appeal Sub-Committee are subject to the Corporation's standing orders in the normal way.
74. The Appeal Sub-Committee will consist of three members of the Standards Appeal Committee. The selection of the Appeal Sub-Committee is delegated to the Town Clerk in consultation with the Chairman of the Standards Appeal Committee. The quorum will be three members. The Appeal Sub-Committee will take into account the views of an Independent Person; preferably one who was not involved at the assessment or hearing stage.

MAKING AN APPEAL

75. If a subject member is aggrieved by a decision of the Hearing Sub-Committee they are entitled to appeal to the Appeal Sub-Committee. This may relate either to a finding that there has been a breach of the code of conduct and/or in relation to any sanction imposed. A complainant is also entitled to appeal to the Appeal Sub-Committee if aggrieved by a finding that there has not been a breach of the code of conduct. Written notice of intention to appeal must be received by the

Monitoring Officer within 14 days from the date that the appellant received the decision letter of the Hearing Sub-Committee. Full written details of the reasons for the appeal must then be received by the Monitoring Officer within a further 14 days.

RESPONDING TO AN APPEAL

76. The Monitoring Officer will forward the full written details of any appeal to the respondent and invite them to submit their own written comments in response to the Appeal Sub-Committee. Any written response must be received by the Monitoring Officer within 14 days from the date that the respondent received the full written details of the appeal.

SUBJECT MEMBER CONSULTING WITH INDEPENDENT PERSON

77. The views of an Independent Person may also be sought by the subject member at the appeal stage. A subject member exercising this right will again be entitled to consult confidentially with an Independent Person who has not been and will not be involved in the determination of the appeal.

PUBLIC ACCESS TO MEETINGS AND PAPERS

78. Meetings of the Appeal Sub-Committee are subject to the same provisions regarding public access to meetings as any other Committee. Under section 100A of the Local Government Act 1972, meetings shall be open to the public except to the extent that they are excluded. The Appeal Sub-Committee may by resolution exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information. For more information on exempt information see Appendix 2 to this handbook.
79. Meetings of the Appeal Sub-Committee are also subject to the same provisions regarding public inspection of agendas, reports and background papers prior to a meeting as any other Committee, under section 100B and section 100D of the Local Government Act 1972. However, reports and background papers may be excluded from public inspection where they are likely to be considered in non-public session. In addition, the Corporation will not publish the agendas, reports and background papers for meetings of the Appeal Sub-Committee on its website.

APPEAL PROCEDURE

80. The Appeal Sub-Committee may adopt such procedure as it considers appropriate having regard to the nature of the case. The Appeal Sub-Committee will normally make its decision on any appeal on the papers and will not hold a hearing *de novo* (a completely new hearing) of the whole matter. However, the Appeal Sub-Committee may decide to hear further oral evidence in a particular case if it deems this necessary. If the Appeal Sub-Committee does decide to hear further oral evidence then the procedure will as far as possible follow the hearing procedure included at Appendix 5 to this handbook with any necessary modifications.

FINDINGS

81. Having due regard to the decision of the Hearing Sub-Committee, the Appeal Sub-Committee may substitute any alternative decision that it considers appropriate, providing it is a decision that the Hearing Sub-Committee had the power to make. The Appeal Sub-Committee may also remit a matter back to the Hearing Sub-Committee to be re-heard if it deems it appropriate to do so. The Appeal Sub-Committee will normally complete its review of the decision within 30 working days following receipt of the full written details of the appeal. There is no further right of appeal against a decision of the Appeal Sub-Committee.

PUBLICATION OF APPEAL DECISIONS

82. After the Appeal Sub-Committee has reached a decision, it will write to the complainant and the subject member to advise them of the outcome. The decision letter will include:-

- (i) The main points of the matter considered on appeal;
- (ii) The decision reached;
- (iii) Clear and concise reasons for the decision in relation to breach (if appropriate); and
- (iv) Clear and concise reasons for the decision in relation to sanction (if appropriate).

83. Meetings of the Appeal Sub-Committee are subject to the same provisions regarding public access to information following a meeting as any other Committee. Therefore, under section 100C of the Local Government Act 1972, the following documents will be made available for the public to inspect at the Corporation's offices for six years from the date of the meeting:-

- (i) a copy of the agenda for the meeting;
- (ii) a copy of any report considered in public session;
- (iii) the minutes of the proceedings held in public session;
- (iv) a written summary of the proceedings held in non-public session (excluding exempt information);

and under section 100D of the Local Government Act 1972 a copy of the background papers for any report considered in public session will be made available for the public to inspect at the Corporation's offices for four years from the date of the meeting. However, the Corporation is not required to disclose to the public any document or part of a document that contains exempt information. For more information on exempt information see Appendix 2 to this handbook.

84. The outcome will also be reported to the next meeting of the Standards Committee and the Standards Appeal Committee but the Corporation will not automatically publish the minutes and/or written summary and any other documents available for public inspection on its website, or further disseminate the decision. The Appeal Sub-Committee will decide whether a formal announcement is called for as to its findings and any sanctions imposed. This might, for example, take the form of a notice on the members' notice board, a statement to the Court of Common Council and/or a statement on the Corporation's website.
85. In the absence of a finding that a subject member has breached the code of conduct there will be a presumption against a formal announcement being made. Where the Appeal Sub-Committee finds that a subject member has breached the code of conduct, there will be a presumption in favour of a formal announcement being made. However, the Appeal Sub-Committee will have regard to all of the circumstances of the case including:
- (i) the nature of the allegation(s);
 - (ii) any information already in the public domain;
 - (iii) where relevant, the proximity of any election;
 - (iv) the effect of publication on the subject member;
 - (v) the views of the parties; and
 - (vi) the public interest.



COMPLAINT FORM

YOUR DETAILS

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

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

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

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

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

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

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

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

MAKING YOUR COMPLAINT

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

Title	First name	Last name

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

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

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

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

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

5. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe that they have the right to be provided with a copy of the complaint. We are unlikely to withhold your identity or any details of your complaint unless you have reasonable grounds for believing that you will be at risk of physical or other harm or detriment if your identity is disclosed.

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

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

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

6. ADDITIONAL HELP

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

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

7. CONTACT DETAILS

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

Michael Cogher (Comptroller & City Solicitor)
Tel: 020 7332 3699
Fax: 020 7332 1992
Email: michael.cogher@cityoflondon.gov.uk

Lorraine Brook (Principal Committee & Member Services Manager)
Tel: 020 7332 1409
Fax: 020 7796 2621
Email: lorraine.brook@cityoflondon.gov.uk

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

PO Box 270
Guildhall
London
EC2P 2EJ

<p>GDPR PRIVACY NOTICE</p>

EXEMPT (NON-PUBLIC) INFORMATION

THE DESCRIPTIONS OF EXEMPT INFORMATION

The descriptions of exempt information under Part VA and Schedule 12A to the Local Government Act 1972 are as follows:-

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes-
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Where, in the opinion of the proper officer, the consideration of a complaint at a meeting is likely not to be open to the public, in order to prevent the disclosure of exempt information, any related papers will be treated as non-public pending a formal decision on the matter. This is in accordance with section 100B(2) of the Local Government Act 1972 and so as to avoid pre-judging the matter.

THE PUBLIC INTEREST TEST

However, the types of information set out above are only exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. If the public interest is equal on both sides, then the information must be disclosed – in this sense there is an assumption in favour of disclosure.

The Corporation must consider the balance of the public interest in each individual case, and therefore it is not possible to have a blanket ruling as to whether information relating to a complaint will be exempt or not.

There is no statutory definition of what constitutes the ‘public interest’. The public interest can cover a wide range of values and principles relating to the public good, or what is in the best interests of society, and there are often arguments to be made on both sides. A non-exhaustive list of relevant factors to be considered are set out below:-

GENERAL PUBLIC INTEREST IN TRANSPARENCY

There is a general public interest in promoting transparency, accountability, public understanding and involvement in the democratic process.

SPECIFIC PUBLIC INTEREST IN THE COMPLAINT

As well as the general public interest in transparency, which is always an argument for disclosure, there may also be a legitimate public interest in knowing the details of a particular complaint. For example, if the complaint relates to the misappropriation of public funds, or it is alleged that the subject member’s conduct has impacted on public services.

DETERRENT EFFECT

If members know – because the Corporation’s policy is to publish in an appropriate case – that improper conduct, if it comes to light, will be exposed to the glare of public scrutiny then this, in and of itself, can act as a deterrent to misconduct in the first place.

OF INTEREST TO THE PUBLIC

The public interest is not necessarily the same as what interests the public. The fact that a subject member’s actions are being discussed, for example in the media, does not automatically mean that there is a public interest in disclosing the information.

THE VIEWS OF THE PARTIES

The public interest test is concerned only with public interests, not private interests. However, the complainant and the subject member may be invited to make representations regarding the public interest in a particular case. For example, if neither has any concerns about information relating to the complaint being disclosed then it is unlikely that the exemption would be maintained.

INFORMATION ALREADY IN THE PUBLIC DOMAIN

If a complaint relates to the conduct of the subject member at a public meeting, then it is unlikely to be treated as exempt because knowledge of the incident is already in the public domain. However if, for example, the conduct may have been caused by an underlying medical condition, then it is likely that this would be exempt information.

PRESENTING A ‘FULL PICTURE’

Similarly, there may be cases where allegations have been thoroughly aired, for example in the press and on social media; the coverage may have been partisan and not always accurate. It may be in the public interest to make the full facts known to the public, rather than having snippets referred to and innuendos drawn from those snippets.

EVIDENCE OF WRONGDOING

It is not in the public interest for baseless accusations against members of the Corporation to be publicised. Therefore in order for information regarding a complaint to be disclosed, the suspicion of wrongdoing must normally amount to more than a mere allegation; there should be a plausible basis for the suspicion, even if it is not actually proven at that stage. It is not wrong or unfair in principle to publish allegations, as opposed to ultimate findings, but we will take into account the nature and depth of any investigations undertaken, and the strength of the case against the subject member.

Consequently, it is less likely that information regarding a complaint will be disclosed at the initial assessment stage, particularly where the Monitoring Officer has decided that no action should be taken. It is more likely that information will be disclosed if a subsequent investigation reveals a serious case to answer. It is more likely still that information will be disclosed if, after full consideration of all of the evidence at a hearing, or after any appeal, a subject member is found to have breached the code of conduct and a sanction is imposed.

INVESTIGATIONS PROTOCOL

Meeting with complainant

The Investigating Officer will interview the complainant to explore the complaint and identify supporting evidence and/or witnesses.

Meeting with subject member

The Investigating Officer will interview the subject member to explore the complaint and identify supporting evidence and/or witnesses.

The subject member shall have the right to be accompanied by a person of their choice. This may be a lawyer although the process will be an interview with the subject member rather than a hearing involving advocacy.

Interviewing witnesses

All requests for interviews will be made in writing and will include a summary of the matters that the Investigating Officer wishes to ask the witness about.

Recording of interviews

All interviews will either be recorded, or a full written transcript taken, and the interviewee will be provided with a copy.

Preparation of statements

The Investigating Officer may assist the parties and witnesses in the preparation of statements if they so wish, or they may choose to prepare their own statements.

Confidentiality

All interview records, witness statements and other materials produced in the course of the investigation will only be used and disclosed in accordance with the procedures set out in this handbook.

Retention of records

All interview records, witness statements and other materials produced in the course of the investigation will be retained by the Monitoring Officer for six years following the determination of the complaint and then destroyed.

Provision of draft report

At least 14 days prior to submitting a final report to the Hearing Sub-Committee on whether there is or is not evidence of a breach of the code of conduct the Investigating Officer will provide a copy of his/her draft report to the parties for comment. The draft

report will include all of the material gathered during the investigation that the Investigating Officer is intending to present to the Hearing Sub-Committee.

PRE-HEARING CHECKLIST

Should the pre-hearing (and hearing) be held in public session?

Are the parties to be legally represented or accompanied, and if so by whom?

When and where is the hearing scheduled to start?

When is the hearing expected to end?

If a public hearing, can the room accommodate the number of people expected?

Are any special facilities required?

What are the issues to be determined at the hearing?

Which facts are agreed and which are in dispute?

What, if any, of the written evidence is agreed or not in issue?

Do either of the parties wish to introduce additional evidence that is not included in the Investigating Officer's report?

Which witnesses are to be called, by whom and in relation to what issue?

What is the extent of the cross-examination of each witness that is proposed?

Does the Chairman wish to limit the time for questioning?

What order should the witnesses be called in and when should they attend?

Are there any representations in relation to the hearing procedure?

HEARING SUB-COMMITTEE – HEARING PROCEDURE

1. The Sub-Committee will open in public session. It is a matter for the Sub-Committee to determine whether it moves into confidential session with the press and public excluded, in accordance with the provisions of Part VA and Schedule 12A of the Local Government Act 1972. The views of the complainant and the subject member will be sought, if these have not already been received at the pre-hearing review.
2. The Chairman introduces the members of the Sub-Committee and others present, and explains the purpose of the hearing, the procedure to be followed and the nature of the meeting.
3. The complainant and the subject member may be legally represented if they wish, or accompanied by some other person, but will be expected to give evidence and answer any questions put to them personally.
4. The complainant and the subject member (and anyone representing or accompanying them) are invited to be present throughout the hearing; other witnesses will enter to give evidence and then withdraw.
5. The Investigating Officer presents his report (N.B. the Investigating Officer is not acting as 'prosecutor' or 'defence'). The Investigating Officer will then answer questions (if any) from the complainant, the subject member, the Independent Person and the Sub-Committee (in that order).
6. The complainant and then the subject member will be invited to make an opening statement which should be no more than ten minutes long.
7. The Chairman calls witnesses in the order agreed at the pre-hearing review, or otherwise in the order that their statements appear in the papers. The statements will be taken as read rather than read out. Witnesses will be asked to confirm that their statements are true.
8. Immediately after confirming the contents of their statement each witness will be invited to answer questions (if any) from the complainant, the subject member, the Independent Person and the Sub-Committee (in that order).
9. The Chairman has a discretion to manage the hearing in a fair and efficient manner and may therefore refuse to allow certain questions, or limit the time for questioning, in appropriate circumstances.
10. The views of the Independent Person in relation to the complaint will then be heard. The Independent Person will be invited to answer questions (if any) from the complainant, the subject member and the Sub-Committee (in that order).
11. There will then be an opportunity for the complainant and the subject member (in that order) to make any closing comments if they so wish. Again, these should be no more than ten minutes long.

12. The Investigating Officer, the complainant, the subject member, the Independent Person and any other persons present then withdraw to allow the Sub-Committee to consider the evidence and representations with the committee clerk and legal adviser and to take legal advice where necessary.
13. The Investigating Officer, the complainant, the subject member, the Independent Person and any other persons present are then invited to return and the Sub-Committee announces its decision as to whether there has been a breach of the Code of Conduct.
14. If the Sub-Committee considers that there has been a breach of the Code it may invite any representations from the complainant and the subject member (in that order) on the appropriate sanction (censure of the member; withdrawal of Corporation hospitality for an appropriate period; or removal of the member from a particular committee or committees). The Sub-Committee will also seek the views of the Independent Person on the question of sanction. The Sub-Committee may ask the parties to withdraw again to allow it to consider the appropriate sanction, then invite them to return to hear the Sub-Committee's decision as to any appropriate sanction.
15. The Sub-Committee will endeavour to conclude the hearing in one day but, in exceptional circumstances, may at any stage adjourn the hearing to a different day. This may be necessary, for example, where one of the parties makes a request to introduce additional evidence at the hearing, and more time is needed to consider this. An adjournment may also be necessary where the Sub-Committee, having heard all of the evidence, requires more time to come to a decision.
16. The decision, together with the reasons for that decision, will be confirmed to the parties in writing following the hearing.
17. This procedure may be varied by the Sub-Committee as it considers appropriate in order to dispose of the matter in a fair and efficient manner.

Committee: Standards Committee	Date: 18 May 2018
Subject: Standards Committee – Terms of Reference	Public
Report of: Town Clerk	For Decision

Summary

The purpose of this report is for the Standards Committee to consider and approve its terms of reference, and that of its sub committees, following the outcome of the review of the Standards framework that is referred to elsewhere on the agenda. The revisions to the Committee's terms of reference would then be reported to the Policy and Resources Committee and the Court of Common Council for approval.

Details of the proposed amendments to the terms of reference, in the light of the outcome of the Standards framework review, are set out in the paper and its appendices.

Recommendations

It is recommended that, subject to any comments

- (a) the draft terms of reference of the Committee be approved for submission to the Court of Common Council, as set out in Appendix 1.
- (b) The draft terms of reference of the Sub-Committees be approved, as set out in Appendix 2.

Main Report

1. This report sets out proposed amendments to the terms of reference of the Standards Committee following the outcome of the review of the Standards framework.

Standards Committee – terms of reference

2. The Standards Committee's draft terms of reference are set out in Appendix 1. The outcome of the review of the Standards framework necessitates some amendments to the previous terms to bring them in line with the recommendations approved on the framework review.
3. The review outcome approved the appointment of a Standards Appeal Committee (12 members, comprising elected Aldermen and Common Councilmen of the Corporation, who are not members of the Standards Committee) to conduct the appeals process of the complaints procedure, and

the membership of that committee and its terms of reference has now been approved by the Court. However, the new committee will not determine any appeals until a date to be fixed by the Town Clerk under delegated authority, to allow for a seamless transition following the training of the Standards Appeal Committee, the amendment of the Standards Committee terms of reference arising from the review outcome, and the coming into force of the new complaints procedure.

4. The proposed inserted amendments to the Standards Committee's draft terms of reference in Appendix 1 are set out in bold and italics with deletions to current text crossed through.

Sub Committees' terms of reference

Allegations of breaches of the Members' Code of Conduct

3. 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.
4. To carry out its functions efficiently and effectively, and to avoid any conflicts of interest, the Standards Committee has previously had three separate Sub Committees for different stages of the complaints process, Assessment, Hearing and Appeals Sub-Committees. As stated above, a revised complaints procedure is being introduced with the appeals process under the control of the Standards Appeal Committee.
5. The draft terms of reference for each of the Standards Committee's complaints procedure sub committees are set out at Appendix 2, with proposed additions to previous text arising from the review in italics and bold and deletions crossed through.

Dispensations

6. Established in 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.

Appendices:-

- **Appendix 1** – The Standards Committee's draft terms of reference, amended to show required changes following the outcome of the Standards review.
- **Appendix 2** - The Sub Committees draft terms of reference, amended to show required changes following the outcome of the Standards review.

Martin Newton

Town Clerk's Department

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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;
- (e) keeping under review and monitoring the Protocol on Member/Officer Relations;
- (f) advising and training Members and Co-opted Members on matters relating to the City of London Corporation's Code of Conduct;
- (g) 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.

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.***

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.***

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.~~

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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Committee(s)	Dated:
Standards Committee	18 May 2018
Subject: Co-opted Members and Declarations of Interests	Public
Report of: Town Clerk	For Information

Summary

This report provides an update on the registration of interests by Co-opted Members and their online publication.

Recommendations

The Committee is asked to note the report.

Main Report

Background

1. The City Corporation's Code of Conduct for Members, adopted in its latest iteration by the Court of Common Council on 8 March 2018, applies to any Member of the City Corporation and any Member of a Committee of the City Corporation. The Code requires the registration of disclosable pecuniary interests, as specified in regulations made by the Secretary of State, together with certain non-pecuniary interests.
2. The Committee has considered previous reports concerning the registration of interests by Co-opted Members. In May 2015 the Committee noted that whilst the statutory provisions in relation to online registration only applied to those Co-opted Members who were entitled to vote on matters relating to the City Corporation's local authority or police authority functions, this did not preclude the register of interests of all Co-opted Members being made available online as a matter of policy. It was agreed that all Co-opted Members should be required to submit a register of interests' form, which would be published online to promote greater consistency and transparency. The need to make Co-opted Members fully aware of the new approach to managing and publishing interests, and to afford them ample time to raise any queries, was acknowledged.
3. Subsequently, in October 2015, the Committee was advised that over 50% of Co-opted Members had not submitted a response and that many of those contacted had also expressed concern at plans to publish their interests, with some suggesting that they might resign over the matter. With regard to the

technicalities around publishing the responses received, the Town Clerk reported that this had now been trialled and would be technically possible if the Committee were minded to proceed with this exercise. The Committee requested a paper for the following meeting detailing how each of the various Sub/Consultative/Grand Committees concerned were constituted and providing Members with some advice on how best to proceed in each case. The Committee requested that, in the interim, the Town Clerk contact all relevant Committee Chairmen requesting that they remind their Co-opted Members of the need to submit responses.

4. Further details of Co-opted Members by Committee were then considered by the Committee in May 2016. This included the number of Co-opted Members on each Committee, whether they were a legal requirement, whether they were involved in City Fund functions, whether they had voting rights, and the number of forms returned. The Committee requested that the Town Clerk write to all Co-opted Members as a final reminder regarding the completion of their declaration of interests forms before publishing all information received by the end of the calendar year. Following the Committee's decision in July 2016 to recommend to the Court that a review of the standards regime be undertaken, work on some associated framework issues, including interests' publication as detailed above, was temporarily paused pending the review's outcome.

Update on the registration of interests

5. With the latest iteration of the Code of Conduct recently approved by the Court, it is now considered timely to update the Committee on the online publication of all registered interests, in accordance with the Committee's decision in May 2015. The Town Clerk has recently commenced the annual exercise to contact all Elected and all Co-opted Members to remind them to review and update their existing declarations. Co-opted Members whose declarations are not currently held on file have been invited to complete and return a form within 28 days. The Town Clerk has informed Co-opted Members that declarations will be published on the City Corporation's webpages and it is anticipated that we will be able to start publishing returns online by the end of May.
6. The Committee will receive a report back at its October meeting with an update on progress, together with the latest statistics on response rates for each Committee. The Committee may wish to review the overall policy at that stage and consider how best to address any non-compliance.

Conclusion

7. The Committee is asked to note the commencement of the annual exercise to remind all Co-opted Members to review and update their registrable interests and that all such interests will be published online. An update will be made to the Committee at its next meeting on progress with this matter.

Martin Newton

Committee & Member Services Officer

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Committee: Standards Committee	Date: 18 May 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 Mark Greenburgh and Dan Large as Co-opted Members of the Standards Committee following the expiry of their current terms of office in December 2018. Although both Co-optees are eligible for reappointment for a 4 year term of office, it is suggested, in line with discussion at the inquorate meeting of the Committee in January, that one reappointment be for a 3 year period at this stage, in order to better regulate co-optee terms of office. It is also proposed that a further recruitment process now be undertaken to fill the current vacancy for a fourth co-optee on the Committee.

Recommendation

- (a) That the Court of Common Council be recommended to reappoint Mark Greenburgh and Dan Large as Co-opted Members of the Standards Committee after the expiry of their terms of office in December 2018, with one reappointment to be for a 3-year term of office at this point until December 2021, and the second reappointment to be for a second and final 4-year term of office until December 2022; and
- (b) That the Town Clerk be instructed to undertake a further recruitment process to fill the current vacancy for a fourth Co-optee on the Committee

Main Report

1. This report sets out the details of the proposed reappointment of Mark Greenburgh and Dan Large as Co-opted Members of the Standards Committee following the completion of their current terms of office in December 2018 and proposes a course of action on the outstanding vacancy for a Co-opted Member.
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. There is currently a long-standing vacancy for one Co-opted Member of the Committee.

Background to the current position

4. Previous recruitment initiatives for Co-opted Members resulted in the appointment of Judith Barnes in 2013 and Mark Greenburgh and Dan Large in 2014. 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

5. Mark Greenburgh and Dan Large both complete a 4-year term of office in December 2018 and have confirmed their willingness to serve a further term. As the Committee's terms of reference provide for a maximum of eight years' membership, any reappointment could be for a maximum of a further 4-year period.
6. In order to better regulate the terms of office of Co-opted Members, and in accordance with views put forward by members at the inquorate meeting of the Standards Committee in January, it is proposed that the Committee recommend the Court of Common Council to reappoint Mark Greenburgh and Dan Large after their current terms of office expire in December 2018, with one appointment to be for a 3 year period at this stage until December 2021, and the other appointment to be for a second and final 4 year period expiring in December 2022.

7. Mark Greenburgh

- Solicitor and Higher Rights Advocate of 18 years standing
- Specialises in Employment, Equalities and Governance in Public Sector Bodies
- Freeman of the City of London and Liveryman of the Solicitors Livery Company
- Elected member of the City of London Law Society Employment Law Committee
- Fellow of the Royal Society of Arts
- A member of Buckinghamshire County Council from 1993 to 2001 and Leader of the Majority Group 1997 to 2001.
- Resident of Hackney, E8.

8. Dan Large

- is a company director of two public relations firms
- is a director and trustee of the Riverside Trust Limited (a registered arts charity and arts centre in London)
- is a Fellow of the Chartered Institute of Public Relations, a Chartered Public Relations Practitioner and a Member of the Public Relations Consultants' Association
- is a former member of the Professional Practices Committee, Chartered Institute of Public Relations
- is a Freeman and Court Assistant of the Company of Public Relations Practitioners
- is a Freeman of the City of London
- has served on a variety of standards-focussed committees over recent years, including the Disciplinary Appeals Panel of the University of Newcastle upon Tyne, the Independent Monitoring Board of HMP Wormwood Scrubs, and the Professional Practices Committee of the Chartered Institute of Public Relations
- has worked regularly with local authorities, the Department for Communities & Local Government, the Electoral Commission and the Parliamentary standards regime in his professional capacity as a political adviser.
- is a member of the British German Forum Advisory Board (Wilton Park / FCO)

Outstanding vacancy for Co-opted Member

9. Judith Barnes was recently reappointed as a Co-opted Member of the Committee until March 2022 under urgency provisions (see report elsewhere on agenda) and, if the Committee decide to recommend the reappointment of Mark Greenburgh and Dan Large after December this year, there remains one outstanding vacancy for a Co-opted Member on the Standards Committee.
10. Now that the Standards Regime Review is complete and the Committee's constitution effectively settled, it is proposed that the Town Clerk be instructed to undertake a further recruitment exercise to fill this vacancy and, under the approved processes for this, to convene an Appointment and Selection Panel (established by the Court in 2000 and comprising the Chairman of the General Purposes Committee of Aldermen, the Chief Commoner and the Chairman of the Policy & Resources Committee, or their representatives) to consider applicants before reporting back to us on the outcome.

Conclusion

10. Members are asked to consider recommending the Court of Common Council to reappoint Mark Greenburgh and Dan Large as Co-opted Members of the Standards Committee as set out in paragraph 6 and to instruct the Town Clerk to undertake a recruitment exercise to fill the vacancy for a fourth Co-optee on the Committee.

Appendices - None.

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Committee: Standards Committee	Date: 18 May 2018
Subject: General policy on granting dispensations under the Localism Act 2011	Public
Report of: Comptroller & City Solicitor	For Decision
Report author: Edward Wood, Chief Solicitor	

Summary

The Assessment Sub (Standards) Committee has requested that your Committee consider the current policy on the granting of dispensations under the Localism Act 2011 and the scope for reviewing and clarifying the current arrangements.

Recommendation:

Members are asked to review the current policy on the granting of dispensations.

Main Report

Background

1. The Assessment Sub (Standards) Committee that met on 22 March 2018 considered a breach of the Code of Conduct where a dispensation was in place. As a matter arising, Members requested that a report be taken back to your Committee to consider the current policy on the granting of dispensations under the Localism Act 2011 and to consider the scope for reviewing and clarifying the current arrangements.
2. The view expressed was that, as some decisions on dispensations are taken by the Dispensations Sub (Standards) Committee rather than your Committee as a whole, there was a risk that decisions could be taken in a piecemeal fashion. It was felt that a general discussion of the issues would ensure a consistent approach. In particular, there was some disagreement amongst Members of the Assessment Sub (Standards) Committee about the scope and duration of dispensations that should generally be granted.

Matters to be included in covering report

3. Your Committee will recall that at your meeting on 19 May 2017 you requested that all applications for a dispensation be accompanied by a covering report. An example of the covering report that has subsequently been provided is included in item 15 on this agenda and is not therefore reproduced here.
4. Members will note that the covering report explains the prohibition on speaking or voting on a matter in which a Member has a disclosable pecuniary interest. It also sets out the disclosable pecuniary interest that is considered to be engaged in any particular case and the grounds for granting a dispensation under the Localism Act 2011. As these matters are derived from statute it is not proposed to make any changes to this aspect of the covering report.
5. However, Members will note that there is a further non-exhaustive list of additional factors that Members may wish to take into account when considering whether to grant a dispensation. These factors are not statutory in nature and are amenable to change, should your Committee so wish. Members are therefore asked to consider whether they are content with the existing list of additional factors and whether there are any further factors that ought to be listed.
6. Your Committee will also note that the covering report seeks to provide Members with any information additional to that contained in the application form that may be relevant to or helpful in making a decision: such as the Member's ward, relevant committee memberships and any recent history of dispensation applications; clarification of any matters included in the application form; and any specific issues arising from the particular committee or item of business in question. Your Committee is asked to consider whether there is any further information that could usefully and relatively easily be provided as a matter of course. One suggestion that has previously been mooted is a list of all current/recent dispensations.

Scope and duration of dispensations

7. Some requests for dispensations that are received are general in nature and for a lengthy time period e.g. a request to speak on planning matters until the ward elections in 2021. Others are much more specific in relation to a particular matter at a particular meeting e.g. a request to speak on planning application XXX at the Planning and Transportation Committee on XXX.

8. When the Assessment Sub (Standards) Committee discussed this, one Member felt that the latter position was preferable for maintaining oversight of the use of dispensations, and considering the specific context in any particular case, and stated that this was the stance adopted at the most recent meeting of the Dispensations Sub (Standards) Committee.
9. However another Member strongly objected to this approach on the basis that it is difficult for Members to pre-empt every specific dispensation that might be required. Granting dispensations that are wider and last for longer would also require less administrative work in terms of determining applications. That Member also made the point that the current application form has a box for requesting a dispensation “Until the ward elections in 2021” and that if your Committee does not wish to encourage such applications then that form ought to be amended.
10. Anecdotally it does appear that in previous years your Committee was more receptive to granting a dispensation for the duration of the electoral cycle, whereas more recent decisions have indicated a preference for granting a dispensation on a case by case basis. Clearly each individual request for a dispensation must still be determined on its individual merits. However, if there is a consensus amongst your Committee about the relative merits of the two approaches then some suitable wording could be included in the standard covering report, and the application form amended if necessary. Your Committee might also wish to circulate some suitable guidance to the Court of Common Council on this point.

Conclusion

11. Whilst the grounds for granting a dispensation are statutory in nature, your Committee has some discretion in terms of the factors to be taken into account, the information to be provided and the scope and duration of any dispensations granted. Your Committee is therefore asked to consider whether any changes are required to the standard covering report, or the application form, and whether any additional guidance should be circulated to the Court of Common Council.

Contacts:

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Committee: Standards Committee	Date: 18 May 2018
Subject: Requests for a Dispensation under the Localism Act 2011	Public
Report of: Joint Report of Town Clerk and Comptroller & City Solicitor	For Decision
Report author: Martin Newton / Edward Wood	

Summary

Three Members have requested a dispensation to speak and/or vote on specified matters where they would otherwise have a disclosable pecuniary interest by virtue of their ownership of property within the City.

Recommendation

Your Committee is asked to determine the applications for a dispensation.

Main Report

Background

1. Three Members have submitted requests for a dispensation. Your Committee has requested that all such applications are accompanied by a covering report.

Disclosable pecuniary interests under the Localism Act 2011

2. Under the Localism Act 2011, The Relevant Local Authorities (Disclosable Pecuniary Interests) Regulations 2012 and the City Corporation's Member Code of Conduct 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 engaged in this case is:
 - (a) any beneficial interest in land which is within the area of the relevant authority.
3. 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.
4. 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. This will be the case where a decision would materially affect a Member's interest in land, for example by materially affecting the value of that land, the prospects of selling that land, or the use and enjoyment of that land.
5. A Member also commits a criminal offence if, without reasonable excuse, they participate in any discussion or vote on any City Fund 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).

Granting dispensations under the Localism Act 2011

6. 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. A dispensation must specify the period for which it has effect, which may not exceed four years. 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.

Additional factors

7. Subject to the specific statutory grounds for granting a dispensation, Members may also wish to take into account the following (non-exhaustive) additional factors:
 - (i) whether the nature of the Member's interest is such that to allow them to participate would risk damage to public confidence in the conduct of the City Corporation's business;
 - (ii) whether the interest is common to the Member and a significant proportion of the general public;
 - (iii) whether the Member was elected on a platform that they would specifically address the item or items of business for which the dispensation is sought;
 - (iv) whether the participation of the Member in the business that the interest relates to is justified by their particular role or expertise;
 - (v) whether the request is for a dispensation to (a) speak at the meeting with the same rights as a member of the public; (b) participate fully in the debate as a Member of the decision-making body in question; or (c) participate fully in the debate as a Member of the decision-making body in question and vote on the business.
8. As previously stated, the onus is on individual Members to decide whether they have a disclosable pecuniary interest in any given matter. Therefore, the Committee should assume for present purposes that any dispensation being sought is required in order to participate, and you should not refuse a request simply on the basis that a dispensation is not thought to be necessary. Any dispensation granted is entirely permissive in nature and does not impose any restrictions on speaking or voting where no such restrictions otherwise exist.

The applications and specific considerations

9. The requests for dispensations that have been received are listed below and the relevant application forms are appended. This report does not seek to duplicate the information that is contained in those application forms. However, where there is additional relevant information this is set out below.

Appendix 1 – Mark Bostock

10. A request for a dispensation from Mark Bostock is attached at Appendix 1. He is a Common Councilman for the Ward of Cripplegate and a Member of the Barbican Residential Committee. The part of the request that needs to be determined by your Committee is the application to speak and vote at a specific meeting of the Barbican Residential Committee on 4 June 2018.
11. This is because a partial dispensation to speak only on planning application 17/00909/FULL (Ben Jonson, Breton, Thomas More, Benyon and Willoughby Houses, Barbican residential car park) at the Planning and Transportation Committee on 9 April 2018 was previously granted by the Town Clerk under Standing Order No. 41(a) urgency arrangements as reported elsewhere on this agenda. The request to vote on that matter was refused.
12. Mark Bostock was partially granted a dispensation by the Dispensations Sub (Standards) Committee in March 2018 to speak only on Barbican car park charges at the Barbican Residential Committee on 19 March 2018. The request to vote on that matter, and to speak and vote on that matter at subsequent meetings until the ward elections in 2021, was refused.

Appendix 2 – Deputy John Tomlinson

13. A request for a dispensation from Deputy John Tomlinson is attached at Appendix 2. He is also a Common Councilman for the Ward of Cripplegate and a Member of the Barbican Residential Committee. For the avoidance of doubt Deputy John Tomlinson is seeking a dispensation until the ward elections in 2021.
14. Deputy Tomlinson was refused a dispensation by the Standards Committee on 19 May 2017 because they felt that further information was required and that the application was too wide reaching by requesting to speak and/or vote on any matter at the Barbican Residential Committee and the Community & Children's Services Committee.

15. Subsequently, Deputy Tomlinson was partially granted a dispensation by the Dispensations Sub (Standards) Committee in March 2018 to speak only at Barbican Residential Committee on 19 March 2018 on (i) concrete repairs, (ii) lease enforcement and (iii) any discussion which may arise on a possible review of the current composition and terms of reference of the Barbican Residential Committee. The request to vote on these matters was refused.

Appendix 3 – Deputy David Bradshaw

16. A request for a dispensation from Deputy David Bradshaw is attached at Appendix 2. He is also a Common Councilman for the Ward of Cripplegate and a Member of the Barbican Residential Committee. For the avoidance of doubt Deputy David Bradshaw is seeking a dispensation until the ward elections in 2021.
17. Deputy Bradshaw was refused a dispensation by the Standards Committee on 19 May 2017 because they felt that further information was required and that the application was too wide reaching by requesting to speak and/or vote on any matter impacting on either Barbican or Golden Lane residents.
18. Subsequently, Deputy Bradshaw was granted a dispensation by the Town Clerk under Standing Order No. 41(a) urgency arrangements in June 2017 to speak on car parking charging at the meeting of the Barbican Residential Committee on 5th June 2017; and a partial dispensation by the Dispensations Sub (Standards) Committee in March 2018 to speak only at Barbican Residential Committee on 19 March 2018 on (i) concrete repairs to the Barbican Estate, (ii) lease enforcement dealing with breaches and (iii) the annual rent review. The request to vote on (iii) above was refused.

Conclusion

19. Your Committee is asked to determine these applications in accordance with the criteria set out under the Localism Act 2011.

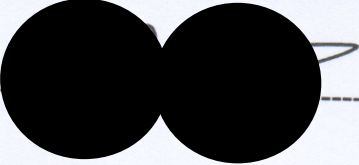
Contacts:

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Committee and Member Services Officer
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martin.newton@cityoflondon.gov.uk

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

Name: Mark Bastack

Date: 29 March 2018

Signed: 

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

Ben Jonson House, Breton House, Thomas More House, Benyon House and Willoughby House

Barbican Residential Car Park

at the Planning and Transportation Committee meeting on MONDAY 9 APRIL 2018

and at the Barbican Residential Committee meeting on Monday 4 June 2018

(* Please delete as applicable)

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

long leaseholder 815 Frohiche Crescent,
Barbican

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

"Granting the dispensation is in the interests of persons living in the City"

I require the dispensation for:

(i) a time limited period from/to: ☐

(ii) for a specific meeting of: Planning and Transport Committee
and Bahian Residential Committee ☐

On: on 9 April and 4 June respectively

(ii) Until the Ward elections in 2021 ☐

If your request is urgent, please specify why:

Sent yesterday (28 March) Agenda to the Planning and Transport Committee. It meets on 9 April 2018

Request considered by the Standards Committee / Dispensations Sub Committee:

Date:----- Decision taken:

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Name: JOHN TOMLINSON Date: 13/4/18

Signed: _____

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

(i) CAR PARKING AND STORES CHARGING (ii) CONCRETE REPAIRS (iii) ANY DISCUSSION ON THE CURRENT COMPOSITION AND TERMS OF REFERENCE OF THE BARBICAN RESIDENTIAL COMMITTEE OR ANY ARRANGEMENT TO REPLACE IT

(* Please delete as applicable)

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

LEASEHOLDER IN THE BARBICAN

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

GRANTING THE DISPENSATION IS IN THE
INTERESTS OF PERSONS LIVING IN THE CITY

I require the dispensation for:

~~(i) a time limited period from/to:~~

☐

~~(ii) for a specific meeting of:~~

☐

~~On:~~

(ii) Until the Ward elections in 2021

☐

If your request is urgent, please specify why:

Request considered by the Standards Committee / Dispensations Sub Committee:

Date: _____ Decision taken:



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

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

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

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

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

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

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

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

Name: --Deputy David Bradshaw----- Date: -25 April 2018-----

Signed: ----DJBradshaw-----

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

Baggage stores in the Barbican - SPEAK

(Please delete as applicable)*

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

Baggage store licence holder

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

To enable me to speak on behalf of my constituents living in the Barbican who hold baggage store licences and/or are interested in applying for same.

I require the dispensation for:

(i) a time limited period from/to:

☐

(ii) for a specific meeting of:

On:

☐

(ii) Until the Ward elections in 2021

YES

If your request is urgent, please specify why:

Required for BRC meeting scheduled for 4 June 2018

Standards Committee approval 18 May 2018

Request considered by the Standards Committee / Dispensations Sub Committee:

Date:----- Decision taken:

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Committee	Dated:
Standards Committee	18 May 2018
Subject: Draft Annual Report of the Standards Committee	Public
Report of: The Town Clerk	For Decision
Report Author: Martin Newton, Committee and Member Services Officer	

Summary

The Standards Committee is required to prepare an annual report on its activity for submission to the Court of Common Council. A copy of the report, covering the period from May 2017 to April 2018, is attached as an appendix. It should be noted that five alleged breaches of the Code of Conduct were considered by the Committee during 2017/18.

Recommendations

The Committee is recommended to:-

- (a) approve the contents of the annual report; and
- (b) in accordance with the Committee's terms of reference, refer the annual report to the Court of Common Council for information.

Martin Newton

Committee & Member Services Officer
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Report – Standards Committee

Annual Report

To be presented on Thursday, 19th July 2018

*To the Right Honourable The Lord Mayor, Aldermen and Commons
of the City of London in Common Council assembled.*

Summary

The Standards Committee is required to prepare an annual report on its activity for submission to the Court of Common Council. The report covers the May 2017 to April 2018 period. It should be noted that five alleged breaches of the Code of Conduct were considered by the Committee during 2017/18.

Main Report

Background

1. The purpose of this report is to brief Members on the work undertaken over the May 2017 to April 2018 period by the Standards Committee.
2. In accordance with the Committee's terms of reference, the Committee is required to deal with allegations of breaches of the Code of Conduct and to submit an annual report on its activities to the Court of Common Council.

Alleged breaches of the Code of Conduct

3. During 2017/18, five alleged breaches of the Members' Code of Conduct have been considered.
4. The Assessments Sub (Standards) Committee has considered the details of these alleged breaches and decided that no further action should be taken in

respect of two alleged breaches. In two other cases, a breach of the Code was admitted, but the Sub Committee decided that the matters should not proceed to investigation subject to a suitable apology being made, and standards training being undertaken by the Members in question, with the Monitoring Officer's report, minutes from the meeting, decision letter and related apologies placed in the public domain by way of publication. The Sub Committee decided that one other alleged breach should be the subject of an investigation and a hearing, which at the end of the reporting period has yet to be determined.

Activities of the Committee during 2017/18

5. Below is a brief synopsis of the activities undertaken by the Committee in 2017/18.

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

6. In November 2017, the Standards Committee met with the Chairman of the Standards Regime Review Working Party on the Working Party's findings. The Court of Common Council then approved recommendations on the Standards Review on 8 March 2018 and the revised Code of Conduct and Guidance to Members came into effect on that date.
7. The revised complaints procedure provides for the Standards Committee to continue to consider and determine complaints made about alleged breaches of the Code of Conduct (and alleged breaches referred to it by the Comptroller and City Solicitor where no complaint has been made), at the assessment and hearing stage, with any future appeals following the hearing stage to be considered by a new Standards Appeal Committee (not members of the Standards Committee). The revised complaints procedure will be implemented on a date to be determined by the Town Clerk following appropriate training of the members of the Standards Appeals Committee and required revision to the Standards Committee terms of reference.
8. In accordance with the wishes of the Court, and to reinforce their independence from the Standards Committee, Independent Persons will not in future routinely attend the Committee's meetings, other than (1) hearings where they have a statutory role and (2) meetings at which their role is under discussion and they may contribute useful information. However, they will be invited to attend separate six-monthly briefing session with the Chairman, Deputy Chairman and relevant officers, to be updated on the Committee's discussions and decisions about the Code of Conduct and conduct matters generally, and will continue to receive all agendas and minutes.

Membership and composition of the Standards Committee

9. During the 2017/18 municipal year, the Standards Committee comprised of twelve Members, four of whom were co-opted and independent from the City Corporation. Whilst Co-opted Members are no longer a statutory requirement and have no formal vote, following the introduction of the Localism Act 2011, the City of London Corporation has agreed to the inclusion of Co-opted

Members on the Committee to maximise the breadth of knowledge and experience available. At the Court of Common Council meeting on 19 April 2018 the Standards Committee was increased to thirteen Members, along with four co-optees independent from the City Corporation.

10. In December 2017, the term of office of Judith Barnes, one of the Committee's four Co-opted Members, expired and subsequently this was renewed for a second and final four-year term of office expiring in March 2022 under urgency provisions (Standing Orders 19 and 41). The terms of office of two other Co-opted Members, Dan Large and Mark Greenburgh, expire in December 2018. Both have expressed a wish to be reappointed and the process to consider this is currently underway.
11. The fourth Co-opted Member position has been vacant for some time, pending the outcome of the Standards Regime Review. It is now proposed to undertake a recruitment process to fill this vacancy.

Annual Review of Protocol on Member/Officer relations

12. In October 2017, the Committee undertook its annual review of the Protocol on Member/Officer relations. At this point it was agreed that the Committee should receive at its next meeting an updated report, to include comment on how allegations of a breach of the Protocol should be dealt with where the individual then declines to make a complaint. At an inquorate meeting of the Committee members in January 2018, it was noted that the Committee would also receive a further report on amended wording for the Protocol relating to the dispute procedure for officers.

Employee Code of Conduct

13. At the January 2018 meeting, the Committee received an annual update on the Employee Code of Conduct which 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. It was noted that the Employee Code of Conduct is currently subject to review following various changes to policy and legislation that need to be addressed. Details of formal disciplinary and grievance cases in the reported period are below:-
14. Formal Disciplinary Cases-
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
15. Formal Grievances-
4 cases related to standards of conduct in relation to bullying and harassment
2 related to management issues
2 related to discrimination

Standards Framework Training

16. Three specific Member Development sessions on the Code of Conduct and Protocol on Member/Officer relations have taken place since April 2017, led by the Comptroller and City Solicitor and attended by a total of 34 Members. The Code of Conduct was also a major part of the training provided as part of the 2017 Member Induction Day (attended by most new Members). Further sessions would now be arranged focusing on the outcome of the review of the Standards framework and the revised Code of Conduct, Guidance on the Code and complaints procedure.

Gifts and Hospitality - Ceremonial Officeholders

14. The Committee has again received reports on Gifts and Hospitality for both the Lord Mayor and the Sheriffs.
15. All gifts and hospitality received by the Lord Mayor continue to be published on the Corporate webpages. There are also links between the Lord Mayor's pages and the office holder's existing register of interests. It was agreed that the same financial thresholds for hospitality should apply to the Lord Mayor as for other Members of the Court unless diplomatic, commercial or political sensitivities were a consideration in which case such instances would be reported to the Committee rather than included on the published register.
16. With regard to the other ceremonial office holders, namely the Sheriffs, the Old Bailey have followed the same approach as the Mansion House in terms of the registering of gifts and hospitality. These arrangements have been in place since the beginning of September 2015.
17. These provisions ensure that there is transparency about the gifts and hospitality received by ceremonial officeholders.

Recommendation

18. We submit this report for information.

All of which we submit to the judgement of this Honourable Court.

DATED this 18th May 2018.

SIGNED on behalf of the Committee.

OLIVER ARTHUR WYNLAYNE LODGE
Chairman

Committee:	Date:
Standards Committee	18 May 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 inquorate meeting in January 2018.

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 each case, the decisions are taken in consultation with the Chairman and Deputy Chairman.

Decisions Taken Between Meetings

2. Decisions have been taken in respect of the following matters since the inquorate meeting of the Standards Committee in January 2018:-
 - (i) **Reappointment of Judith Barnes as a Co-opted Member of the Standards Committee** (subsequently approved under Standing Order 19).

At the inquorate meeting in January 2018, the Town Clerk was requested to progress a recommendation to the Court of Common Council under the urgent provisions of Standing Order No. 41(a), after consultation with the Chairman and Deputy Chairman of the Standards Committee, for the reappointment of Judith Barnes as a Co-opted Member of the Standards Committee. This recommendation to the Court was subsequently approved by the Town Clerk under Standing Order No. 19 (Court urgency

provisions) with Judith Barnes formally reappointed by the Court for a second and final four-year term of office expiring in March 2022.

(ii) Submission of comments to the Policy and Resources Committee on Barbican Residential Committee potential conflicts of interest.

At the inquorate meeting in January 2018, Committee members put forward views (as set out in the minutes of that meeting elsewhere on the agenda) on Barbican Residential Committee potential conflicts of interest and asked the Town Clerk to formally submit these views to the Policy and Resources Committee. After consultation with the Chairman and Deputy Chairman of the Standards Committee, this action was progressed by the Town Clerk under the urgency provisions of Standing Order 41(a).

(iii) Convening of two meetings of the Assessments Sub (Standards) Committee to consider alleged breaches of the Members' Code of Conduct.

At the inquorate meeting in January 2018, Committee members were advised by the Comptroller and City Solicitor of an alleged breach of the Members' Code of Conduct arising out of a vote on a matter at the Markets Committee meeting in January. Members asked the Town Clerk to formally convene a meeting of the Assessments Sub (Standards) Committee to consider this alleged breach. After consultation with the Chairman and Deputy Chairman of the Standards Committee, this action was progressed by the Town Clerk under the urgency provisions of Standing Order 41(a).

Subsequently, the Comptroller and City Solicitor was then advised of another alleged breach of the Members' Code of Conduct arising out of a vote on a matter at the Planning and Transportation Committee meeting in January. After consultation with the Chairman and Deputy Chairman of the Standards Committee, the Town Clerk formally convened a further meeting of the Assessments Sub (Standards) Committee to consider this alleged breach under the urgency provisions of Standing Order 41(a).

(iv) Granting of a dispensation to Mark Bostock, a Member of the Planning and Transportation Committee, to speak on an application at that Committee on 9 April 2018.

The Town Clerk received a short notice request from Mark Bostock for a dispensation to speak and vote at the Planning and Transportation Committee on 9 April on a planning application in which he had a disclosable pecuniary interest. After consultation with the Chairman and Deputy Chairman of the Standards Committee, and with due regard to a recent decision of the Dispensation Sub (Standards) Committee on a similar request from another Member, the Town Clerk granted a dispensation under the urgency provisions of Standing Order 41(a) to allow Mark Bostock to speak only at the meeting on this application.

Conclusion

3. In accordance with Standing Order 41(a), Members are asked to note the decisions taken by the Town Clerk in consultation with the Chairman and Deputy Chairman since the Standards Committee's inquorate meeting in January 2018.

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

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