

STANDARDS COMMITTEE
Friday, 5 October 2018

Minutes of the meeting of the Standards Committee held at Committee Rooms -
Committee Rooms 2nd Floor, West Wing, Guildhall on Friday, 5 October 2018 at
11.00 am

Present

Members:

Oliver Lodge (Chairman)
Ann Holmes (Deputy Chairman)
Caroline Addy
Judith Barnes
Chris Boden
Deputy Kevin Everett
Alderman David Graves
Mark Greenburgh
Michael Hudson
Deputy Jamie Ingham Clark
Dan Large
Deputy Edward Lord
Alderman Professor Michael Mainelli
Jeremy Simons

Officers:

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

1. APOLOGIES

Apologies for lateness were received from Caroline Addy and Deputy Edward Lord and the Committee noted that Alderman Michael Mainelli would be leaving the meeting at 11.15am.

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

The Chairman declared a non-pecuniary interest in declarations of gifts in item 9 as a Member of the Worshipful Company of Pewterers.

3. MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 18 May 2018 be approved as a correct record.

4. **MINUTES OF SUB COMMITTEE MEETINGS**

The Committee received the public minutes of the Hearing Sub (Standards) Committee, Dispensations Sub (Standards) Committee, Appeal Sub (Standards) Committee and Assessment Sub (Standard) recent meetings.

The following matters were raised:-

- Noted that the minutes of the Hearing Sub (Standards) Committee should list Deputy Jamie Ingham Clark as chairing the meetings.
- The Town Clerk confirmed that the meeting of the Appeal Sub (Standards) Committee on 28 September had been held almost entirely in public session, that the decision of the Sub Committee was that a breach of the code of conduct had taken place, and that these minutes when finalised would be publicly available.
- The Town Clerk undertook to number complaint cases going forward under the new complaints procedure for ease of reference.
- The Committee asked to receive copies of the non-public minutes of the Sub Committee meetings in future.

RECEIVED.

5. **DISPENSATIONS POLICY AND GUIDANCE, ETC**

With the agreement of the Chairman, the Committee considered a late, separately circulated joint report of the Town Clerk and the Comptroller and City Solicitor setting out a draft future policy and guidance on dispensations under the Localism Act 2011, revisions to the dispensation request form and proposed alterations to the terms of reference of the Dispensations Sub (Standards) Committee.

The Chairman outlined the detailed work undertaken by the Dispensations Working Party that had met regularly during the summer and the Comptroller and City Solicitor then provided further comment on the statutory background to disclosable pecuniary interests (dpis) and dispensations. The Chairman reminded Members that the discussion was to relate to the drafts of the policy and guidance and dispensation request application form, the Dispensation Sub Committee's terms of reference and the process for gaining acceptance on the policy and guidance from Members of the Court.

Detailed discussion then took place on the draft policy and guidance and associated other documentation, during which there were a number of comments by Committee members, including consistency on dispensation requests, particularly relating to Barbican Residential Committee and other committees commenting on the housing governance review, and the proposed future arrangements before the Committee and whether these adequately addressed concerns. Matters raised by Members included procedures to ensure consideration of dispensation requests where business has been added late to an agenda (the Committee were informed that late business had been

referred to at the recent Appeal Sub (Standards) Committee and that the Chairman of that meeting would be writing to the Chairman of Standards Committee about it); problems arising from ward members that had undertaken to raise matters at meetings on a colleagues behalf then being unable to attend that meeting and the need for dispensation flexibility because of this; issues that may arise from rejecting dispensation requests where one ward member may already have been granted a dispensation; whether the Court's approval of a committee's membership may be frustrated by too rigid a policy; whether 'blanket' dispensations should be considered covering appropriate issues (licensing matters in a particular ward for example); the requirement for the list of dispensations granted / refused to be available to members online if possible; if opportunity existed for an appeal mechanism or whether a new or revised application should be made; and whether the policy and guidance would result in a larger number of dispensations going forward

The above issues raised were debated in detail, during which a number of members spoke in favour of the proposals. In summary, those Members put forward the view that the proposals aimed to provide an enhanced level of requisite information about disclosable pecuniary interests, a better level of understanding of associated regulations around dpis and dispensations, including confirmation of other options available to members to communicate their views when conflicted, and increased clarity and confidence for both members and the general public that the Corporation is taking decisions on them in a consistent way. It was also noted that the intention was to consult Counsel on the content of the policy and guidance prior to implementation.

Arising from the detailed discussions on this matter, it was agreed that the following comments be referred to the Dispensations Working Party for its consideration as part of the finalisation of the draft documents.

Consideration of the addition of words in bold

- '**may take into account**' (par.20 of guidance)
- '**planning, licensing and housing matters**' (par.20 (c))
- '**able and willing to attend**' (par.20 (e))

Consideration of rewording of paragraphs

- *Public perception (par.8)*
- *Manifesto promise does not mean can deliver on it (par.20 (j))*
- *Par. 23 and 24 wording to be enhanced to make clear dispensation does not release member from other legislative prohibitions*
- *Par.8 amend – line 1 (delete 'they have a' and insert '**any**'); line 2 (delete 'in relation' and insert '**relates**'); line 4 (delete 'affect' and insert '**relate to**'); delete last sentence of paragraph.*

Other matters

- *Schedule of previous dispensation decisions to be readily available (possibly on website)*

During the above debate, Alderman Michael Mainelli left the meeting at 11.15am, Deputy Edward Lord joined the meeting at 12.12pm, Ann Holmes left the meeting at 12.25pm and Caroline Addy joined the meeting at 12.37pm.

Consideration then turned to how best to ensure that all Members had the opportunity to consider and comment on the documentation prior to implementation and, after discussion, it was agreed that a public meeting of the Standards Committee should be convened with all members of the Court invited to attend.

The Committee then considered the proposed amendments to the terms of reference of the Dispersations Sub (Standards) Committee and after discussion it was

RESOLVED – That

- (a) the above comments on draft policy and guidance and the dispensation request form be approved for the further consideration of the Dispersations Working Party;
- (b) the Working Party finalises the draft policy and guidance and dispensation request form and that these then be submitted for consideration to a specially convened meeting of the Standards Committee with all members of the Court invited to attend that meeting;
- (c) the terms of reference of the Dispersations Sub (Standards) Committee be revised, to come into effect from the implementation of the dispensations policy and guidance referred to above, in the following terms:-

Dispersations Sub (Standards) Committee

Note: The Standards Committee will elect on an annual basis a Chairman and two Deputy Chairmen of the Sub Committee and each meeting of the Sub Committee will be chaired by one of those persons subject to (d) below.

- a) The Dispersations Sub Committee is established to determine written requests for dispensations from Members (including a Co-opted Member) 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 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 Members of any meeting of the Sub Committee will not be Members of any Committee / Sub Committee that the dispensation request(s) relates to.
- e) The Sub Committee will consist of three elected Members (voting) and one Co-opted Member (non-voting) to be drawn from the membership of the Standards Committee, subject to (d) above and the provisions for each meeting to be chaired by either the Chairman or two Deputy Chairmen elected annually by the Standards Committee also referred to above.
- f) The quorum shall consist of any three Members.

6. CO-OPTED MEMBERS AND DECLARATIONS OF INTERESTS

The Committee considered a report of the Town Clerk setting out details of outstanding declaration of interests forms by Committee.

Discussion ensued and concern was raised at declaration of interest form non-compliance and it was noted that in some cases, depending on the committee, this would be a breach of the Code of Conduct and in some other cases it would also amount to a criminal offence. The Comptroller and City Solicitor undertook to confirm those committees / sub committees subject to the Code of Conduct and the Committee asked that a letter be sent to those relevant co-optees from the Town Clerk / Chairman of Standards Committee informing them that they are in breach of the Corporation's Code of Conduct and that non-submission of an interests form in 28 days from the date of the letter may result in further action from the Assessments Sub Committee. The Town Clerk was instructed to report back to the Committee at its January 2019 meeting on the outcome. The Committee asked that Chairmen of relevant committees / sub committees also be contacted with a request to raise this matter with the co-optees concerned.

RESOLVED – That

- (a) the Comptroller and City Solicitor confirms those committees / sub committees subject to the Code of Conduct;
- (b) subject to (a) above a letter be sent to those relevant co-optees from the Town Clerk / Chairman of Standards Committee informing them that the Committee is concerned to note that they appear to be in breach of the Corporation's Code of Conduct and that non-submission of a declaration of interests form in 28 days from the date of the letter may result in steps being taken in relation to any such breach;
- (c) Chairmen of relevant committees / sub committees also be contacted with a request to raise this matter with the co-optees concerned; and
- (d) the Town Clerk be instructed to report back to the Committee at its January 2019 meeting on the outcome.

7. DISPENSATIONS - RESOLUTIONS TO STANDARDS COMMITTEE

The Committee received resolutions from a) Barbican Residential Committee; b) Community and Children's Services Committee; and c) Housing Management and Almshouses Sub Committee.

With reference to the resolutions, one of which related to a meeting that had taken place in June, the Chairman made the point that discussions firstly at the Dispersations Working Party and during the last item had now gone some way to dealing with concerns raised and that the dispensations policy and guidance would now come before a special Standards Committee meeting open to all Court members. The Chairman expressed concern however at the timescale for communicating resolutions to him and asked that this be communicated to the Town Clerk to ensure this did not happen again in future.

The Committee therefore agreed to note the resolutions received. It was also noted that the Chairman of the most recent Dispersations Sub (Standards) Committee meeting had written to the Chairman of the Barbican Estate Residents' Consultative Committee to respond to concerns raised regarding dispensation requests that had come before that Sub Committee.

RECEIVED.

8. STANDING ORDER NO. 40

The Committee agreed to consider the remaining business after the usual 2-hour meeting deadline.

9. OUTSTANDING ACTIONS

The Committee received a report of the Town Clerk setting out updates on a number of outstanding actions.

RECEIVED.

10. LORD MAYOR AND SHRIEVAL GIFTS AND HOSPITALITY

The Committee received a report of the Executive Director, Mansion House and Central Criminal Court updating Members on the Lord Mayor and Shrieval declaration of gifts and hospitality for the year 2017/18.

The Chairman confirmed that the Executive Director had been unable to attend the meeting due to an important prior commitment.

During discussion, a Member asked that further information be included in future reports on who named individuals are to ensure greater transparency.

RECEIVED.

11. DISPENSATIONS REQUESTS

The Committee had before them a report by the Town Clerk on applications for dispensations and, with the agreement of the Chairman, a late application from Deborah Oliver was considered (external member of Police Committee).

Deborah Oliver

The Committee considered that a decision should be deferred in order to allow the applicant to complete the section of the dispensation request form that relates to criteria met for the granting of a dispensation.

Deputy Robert Merrett

The application from Deputy Merrett (a Common Council appointed member of the Board of Governors of the City of London School for Girls (CLSG)) was to speak and or vote on all CLSG matters, but not vote on any matter that has a direct financial impact to himself as a parent of a pupil, such as school fees. Deputy Merrett's daughter has recently become a pupil at the school in September 2018.

The Committee noted that, at its meeting in August 2018, the Dispensations Sub (Standards) Committee considered a request from another Common Councilman for a dispensation to speak and vote as a member of the Board of Governors of the City of London Freeman's School, and the parent of two children at that School, on all business before the Board except the setting of school fees, and the award of bursaries from the City of London Freeman's School Bursary Fund.

In considering that application, the Sub Committee noted that as a Common Council appointment, the applicant's role as a Governor was different to that of a parent governor and therefore his disclosable pecuniary interest was such that a dispensation could only be granted if it met with the criteria set out under the Localism Act 2011. The Sub-Committee acknowledged the request to participate only in core strategic business and where no direct pecuniary interest arose. However, Members felt that it was not possible to determine what business before the Board was or was not relevant to the disclosable pecuniary interest and on that basis, the request should be refused as it was

not appropriate for the applicant, in light of his disclosable pecuniary interest, to serve on the Board of Governors as a City Corporation Member.

With regard to the application from Deputy Merrett, the Committee considered that, whilst being sympathetic to the parent governor role and the content of the request, they were again not satisfied that it was possible to determine what business before the Board was or was not relevant to the disclosable pecuniary interest and on that basis, the request should be refused in line with the similar decision made by the Dispensations Sub (Standards) Committee.

The Committee asked that a resolution be sent to the Policy and Resources Committee, in view of that committee's overall governance role, on the issue of interests affecting the ability of a member with children at a CoL school to serve on that school's governing body, in order to allow that committee to consider the matter further and possibly seek a solution to it.

RESOLVED – That

- (a) a decision be deferred on the dispensation request from Deborah Oliver to allow the applicant to complete the section of the dispensation request form that relates to criteria met for the granting of a dispensation;
- (b) the dispensation request from Deputy Robert Merrett be refused on the grounds that the Committee is not satisfied that it is possible to determine what business before the Board was or was not relevant to the disclosable pecuniary interest; and
- (c) with regard to the decision on (b) above, and at an earlier meeting of the Dispensations Sub (Standards) Committee on a similar dispensation request from another Common Councilman, a resolution be sent to the Policy and Resources Committee, in view of that committee's overall governance role, on the issue of interests affecting the ability of a member with children at a CoL school to serve on that school's governing body, in order to allow that committee to consider the matter further and possibly seek a solution to it.

12. ACTION TAKEN BETWEEN MEETINGS

The Committee received a report of the Town Clerk providing 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 last meeting in May 2018.

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

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

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

On urgent matters, the Chairman accepted a further matter for consideration.

- A Member raised the issue of pastoral care and counselling available for a person suffering stress as a result of accusations made relating to the work of the Corporation and it was noted that this matter had been raised at the recent Policy and Resources Committee where the matter of occupational health and employee welfare was referenced. The issue would be considered at the next Members' Privileges Sub Committee.

The meeting ended at 1.37 pm

Chairman

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