

PLEASE BRING THIS AGENDA WITH YOU

1

The Lord Mayor will take the Chair at ONE
of the clock in the afternoon precisely.

This being the occasion
of the Lord Mayor
taking his seat for the
first time, Members are
requested to appear in
their Gowns.



COMMON COUNCIL

SIR/MADAM,

You are desired to be at a Court of Common Council, at **GUILDHALL**, on
THURSDAY next, the 11th day of January, 2018.

JOHN BARRADELL,
Town Clerk & Chief Executive.

*Guildhall,
Wednesday 3rd January 2018*

Sir Roger Gifford

Vincent Keaveny

}

Aldermen on the Rota

1 **Apologies**2 **Declarations by Members under the Code of Conduct in respect of any items on the agenda**3 **Minutes**

To agree the minutes of the meeting of the Court of Common Council held on 7 December 2017.

For Decision
(Pages 1 - 16)

4 **Resolutions on Retirements, Congratulatory Resolutions, Memorials**5 **Mayoral Visits**

The Right Honourable The Lord Mayor to report on his recent overseas visits.

6 **Policy Statement**

To receive a statement from the Chairman of the Policy and Resources Committee.

7 **Docquets for the Hospital Seal**8 **The Freedom of the City**

To consider a circulated list of applications for the Freedom of the City.

For Decision
(Pages 17 - 20)

9 **Legislation**

To receive a report setting out measures introduced into Parliament which may have an effect on the services provided by the City Corporation.

For Information
(Pages 21 - 22)

10 **Ballot Results**

The Town Clerk to report the outcome of the ballot taken at the last Court:

Where appropriate:-

** denotes a Member standing for re-appointment;*

★ denotes appointed.

Four Members to the **Board of Governors of the Museum of London.**

	Votes
*Vivienne Littlechild, J.P.	62 ★
Paul Nicholas Martinelli	68 ★
*Jeremy Paul Mayhew	44
Judith Lindsay Pleasance	51 ★
*John George Stewart Scott, J.P.	57 ★

For Information

11 **Appointments**

To consider the following appointments:

Five Members on the **Capital Buildings Committee**, subject to the creation of this

Committee being approved at Item 15.

Nominations received:-

Randall Keith Anderson
 Peter Gordon Bennett
 John Douglas Chapman
 Henry Nicholas Almroth Colthurst
 Alison Jane Gowman, Alderman
 Timothy Russell Hailes, J.P., Alderman & Sheriff
 Christopher Michael Hayward
 Michael Hudson
 Ian David Luder, J.P., Alderman
 Charles Edward Lord, O.B.E., J.P., Deputy
 Susan Jane Pearson
 James Henry George Pollard, Deputy
 John George Stewart Scott, J.P.
 Oliver Sells, Q.C.
 Sir Michael Snyder
 James Richard Tumbridge

For Decision

12 **Questions**

13 **Motions**

14 **Awards and Prizes**

15 **Policy and Resources Committee**

To consider the creation of a new Capital Buildings Committee.

For Decision
 (Pages 23 - 26)

16 **Hospitality Working Party of the Policy and Resources Committee**

To consider four applications concerning the provision of hospitality.

For Decision
 (Pages 27 - 30)

17 **Policy and Resources and Finance Committees**

The consider a proposal relating to the City Corporation's participation in a pilot scheme for business rates devolution in London.

For Decision
 (Pages 31 - 40)

18 **Standards Regime Review Working Party**

To consider the findings of the review undertaken by the Standards Regime Working Party in respect of the City Corporation's current Standards Framework.

For Decision
 (Pages 41 - 160)

MOTION**19 By the Chief Commoner**

That the public be excluded from the meeting for the following items of business below on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act, 1972.

For Decision

20 Non-Public Minutes

To agree the non-public minutes of the meeting of the Court held on 7 December 2017.

For Decision
(Pages 161 - 166)

21 Finance Committee

To consider reports of the Finance Committee, as follows:-

- (A) **Extension of IT Contract** – to consider the extension of a contract to provide IT services to the City Corporation and City of London Police.

For Decision
(Pages 167 - 170)

- (B) **Highway Disposal** – to consider the disposal of City Fund and City's Estate highways land.

For Decision
(Pages 171 - 174)

22 Police Committee

To receive a report advising of action taken under urgency procedures in relation to the City Police's Action and Know Fraud Centre.

For Information
(Pages 175 - 176)

23 Property Investment Board

To receive a report advising of action taken under urgency procedures in relation to the grant of a long leasehold interest.

For Information
(Pages 177 - 178)



BOWMAN, MAYOR

LUDER, LOCUM TENENS

COURT OF COMMON COUNCIL

7th December 2017
MEMBERS PRESENT

ALDERMEN

Nicholas Anstee
Sir Michael David Bear
John Garbutt
Sir Roger Gifford
Alison Gowman
Peter Lionel Raleigh Hewitt, JP

Vincent Thomas Keaveny
Alastair John Naisbitt King
Ian David Luder JP
Professor Michael Raymond Mainelli
Matthew Richardson

Elizabeth Rogula, Deputy
William Anthony Bowater Russell
Dame Fiona Woolf
Sir David Hugh Wootton
Sir Alan Colin Drake Yarrow

COMMONERS

George Christopher Abrahams
John David Absalom, Deputy
Munsur Ali
Randall Keith Anderson
Thomas Alexander Anderson
Alexander Robertson Martin Barr
Adrian Mark Bastow
Matthew Bell
John Bennett, Deputy
Peter Gordon Bennett
Nicholas Michael Bensted-Smith, JP
Christopher Paul Boden
Sir Mark Boleat
Mark Bostock
Keith David Forbes Bottomley,
Deputy
David John Bradshaw, Deputy
Tijs Broeke
Thomas Cowley Clementi
Henry Nicholas Almroth Colthurst
Karina Dostalova
Simon D'Olier Duckworth, OBE, DL

Mary Durcan
Emma Edhem
Kevin Malcolm Everett, Deputy
Anne Helen Fairweather
John William Fletcher
Stuart John Fraser, CBE
Marianne Bernadette Fredericks
Caroline Wilma Haines
The Revd Stephen Decatur
Haines, Deputy
Graeme Harrower
Christopher Michael Hayward
Christopher Hill
Tom Hoffman, Deputy
Ann Holmes
Michael Hudson
Wendy Hyde, Deputy
Jamie Ingham Clark, Deputy
Henry Llewellyn Michael Jones,
Deputy
Gregory Alfred Lawrence
Vivienne Littlechild JP

Oliver Arthur Wynlayne Lodge, TD
Edward Lord, OBE, JP, Deputy
Paul Nicholas Martinelli
Andrew Paul Mayer
Jeremy Mayhew
Catherine McGuinness, Deputy
Andrew Stratton McMurtrie, JP
Wendy Mead, OBE
Robert Allan Merrett, Deputy
Brian Desmond Francis Mooney,
Deputy
Hugh Fenton Morris
Sylvia Doreen Moys
Benjamin Daniel Murphy
Joyce Carruthers Nash, OBE,
Deputy
Barbara Patricia Newman, CBE
Graham David Packham
Susan Jane Pearson
William Pimlott
Judith Pleasance
James Henry George Pollard,
Deputy

Henrika Johanna Sofia Priest
Jason Paul Pritchard
James de Sausmarez
Ruby Sayed
John George Stewart Scott, JP
Ian Christopher Norman Seaton
Oliver Sells QC
Dr Giles Robert Evelyn Shilson,
Deputy
Jeremy Lewis Simons
Tom Sleigh, Deputy
Graeme Martyn Smith
Sir Michael Snyder
John Tomlinson, Deputy
James Richard Tumbridge
William Upton
Michael Welbank, MBE
Mark Raymond Peter Henry
Delano Wheatley
Philip Woodhouse, Deputy

Locum Tenens

The Town Clerk reported that the Lord Mayor was unable to preside over this meeting of the Court as he was engaged on an official visit with Her Majesty The Queen. Accordingly, this day was produced and read in Court a Warrant, signed by the Right Honourable The Lord Mayor, appointing Alderman Ian Luder as Locum Tenens to transact all the business appertaining to the Office of Mayoralty of this City during his absence.

1. Introduction of Newly-Elected Member Benjamin Daniel Murphy, lately elected to be of the Common Council for the Ward of Bishopsgate (Without), was introduced to the Court and, having previously made the declaration prescribed by the Promissory Oaths Act, 1868, took his seat
2. Apologies The apologies of those Members unable to attend this meeting of the Court were noted.
3. Declarations Those Members who served on the Board of Governors of the Museum of London declared an interest in respect of item 25.
4. Minutes *Resolved* – That the Minutes of the last Court are correctly recorded.

5. Vote of Thanks to the Lord Mayor *Resolved unanimously* - that the Members of this Court take great pleasure in expressing to:

Alderman Dr Andrew Charles Parmley

*Hoffman, T.,
Deputy; Mead, W.,
O.B.E.*

their gratitude and appreciation for the distinguished manner in which he has served as Lord Mayor of the City of London during the past year.

Always good-humoured and unfailingly charming, Andrew has been a superb ambassador – not just for the City, but for the entire nation. From Mexico to Nepal, from Glasgow to Blackpool, the Lord Mayor has worked tirelessly both at home and abroad to champion the UK's financial, legal, educational and professional services.

As an educator, the Lord Mayor's motto of "Educate, Support, Inspire" has provided a fitting theme for his year, and his appointment to the Government's Apprenticeship Delivery Board is a testament to his endeavours in this area.

He has also had the pleasure of hosting many special occasions in Guildhall and Mansion House, including the magnificent State Banquet for His Majesty the King of Spain, which I know will live long in his memory.

Andrew's colleagues on this Court also wish to pay tribute to Wendy, the Lady Mayoress, who has herself undertaken a varied programme with passion and commitment. We express our gratitude for all her contributions.

In taking their leave of Andrew, their 689th Lord Mayor, Honourable Members reflect that his has been an exceptional Mayoralty and express our confidence that, after a well-earned rest, he will look back on a unique year with the greatest pleasure, a justifiable pride and immense satisfaction.

6. Resolutions There were no resolutions.
7. Mayoral Visits There was no report.
8. Policy Statement There was no statement.

9. Hospital Seal There were no docquets to be sealed.

10. Freedoms The Chamberlain, in pursuance of the Order of this Court, presented a list of the under-mentioned, persons who had made applications to be admitted to the Freedom of the City by Redemption:-

Dr Avtar Singh Kamboj <i>John Wykes</i> <i>Herbert Richard Sharp</i>	a Medical Doctor <i>Citizen and Chartered Secretary & Administrator</i> <i>Citizen and Loriner</i>	Claygate, Esher, Surrey
Alex Nigel Jones <i>Lord Robert George Alexander Lingfield, Kt., DL.</i> <i>Nigel Anthony Chimmo Branson, JP</i>	a Funeral Director <i>Citizen and Goldsmith</i> <i>Citizen and Haberdasher</i>	Ardenrun, Lingfield, Surrey
Eddie James Aylett <i>Scott Marcus Longman</i> <i>George Henry Capon</i>	a Teacher <i>Citizen and Blacksmith</i> <i>Citizen and Blacksmith</i>	Romford, Essex
Henry Peter Johan Kruis <i>Stuart John Fraser, CBE, CC</i> <i>John Alfred Bennett, Deputy</i>	a Management Consultant <i>Citizen and Fletcher</i> <i>Citizen and International Banker</i>	Hackney, London
Kenneth Richard Gibson <i>Frederick Joseph Trowman</i> <i>Donald Mostyn Morris</i>	a Leprosy Organisation Chief Executive <i>Citizen and Loriner</i> <i>Citizen and Distiller</i>	Kilquade, Co. Wicklow, Ireland
Matthew Richard Howard-Coombe <i>Richard Howard Coombe</i> <i>Donald Howard Coombe, MBE</i>	an Insurance Underwriter <i>Citizen and Poulter</i> <i>Citizen and Poulter</i>	Greenwich, London
Anthony James May <i>Keith John Ebsworth</i> <i>Peter Colet Laurie</i>	a Distributing Company Manager <i>Citizen and Glover</i> <i>Citizen and Saddler</i>	Hexham, Northumberland
Jo-Anne Elizabeth Cooper <i>Vivienne Littlechild, JP, CC</i> <i>Professor Ronan O'Hora</i>	a School External Engagements Manager <i>Citizen and Glover</i> <i>Citizen and Goldsmith</i>	Reigate, Surrey
Pamela Ann Saunders <i>Lisa Rutter</i> <i>Anne Elizabeth Holden</i>	a Human Resources Secretary, retired <i>Citizen and Patternmaker</i> <i>Citizen and Basketmaker</i>	Totteridge Green, London
Erol Mark Houssein <i>Michael Peter Cawston</i> <i>Adarsh Kumar Sharma</i>	a Coffee Distributor <i>Citizen and Tyler & Bricklayer</i> <i>Citizen and Chartered Accountant</i>	Dagenham, Essex
Stephen John Bullen <i>Colin James Bridgen</i> <i>Jeffrey Charles Williams</i>	a Ceramic Tiler <i>Citizen and Carman</i> <i>Citizen and Carman</i>	Emerson Green, Bristol

Bradley James Seaman <i>Colin James Bridgen</i> <i>Jeffrey Charles Williams</i>	a Logistics Manager <i>Citizen and Carman</i> <i>Citizen and Carman</i>	Horfield, Bristol
Peter Charles Anderson <i>Nicholas John Anstee, Ald.</i> <i>Vivienne Littlechild, JP, CC</i>	an Adult Education Tutor, retired <i>Citizen and Butcher</i> <i>Citizen and Glover</i>	West Wickham, Kent
Mark Alan Cook <i>Alan Stanley Cook</i> <i>Deborah Jane Black</i>	a Heavy Goods Vehicle Driver <i>Citizen and Gunmaker</i> <i>Citizen and Educator</i>	Shepperton, Middlesex
Jordan Alexander Wain <i>John Arthur Wain</i> <i>Captain Colin Anthony Cox</i>	a Nuclear Scientist <i>Citizen and Air Pilot</i> <i>Citizen and Air Pilot</i>	Broad Hinton, Wiltshire
William Harris <i>Andrew Stratton McMurtrie, JP, CC</i> <i>William Barrie Fraser, OBE</i>	a Teacher, retired <i>Citizen and Salter</i> <i>Citizen and Gardener</i>	Stepney, London
Gillian Ruth Griffiths <i>Lisa Rutter</i> <i>Anne Elizabeth Holden</i>	a Geologist, retired <i>Citizen and Patternmaker</i> <i>Citizen and Basketmaker</i>	Friern Barnet, London
Ross Jonathan Harmer <i>Simon Jonathan Mark Burrows</i> <i>David Roots</i>	a Regular Army Warrant Officer <i>Citizen and Framework Knitter</i> <i>Citizen and Glover</i>	Camden, London
Elsbeth Catriona Hanson <i>Sir Michael Bear, Kt., Ald.</i> <i>Lady Barbara Anne Bear</i>	a Musician <i>Citizen and Pavior</i> <i>Citizen and Musician</i>	Blackrock, Co. Dublin, Ireland
Katie Lee Charlwood <i>Anthony Ben Charlwood</i> <i>Donald Newell</i>	an Occupational Therapist <i>Citizen and Basketmaker</i> <i>Citizen and Pattenmaker</i>	Apsley, Hertfordshire
Allison Grace Redmond <i>Stuart John Fraser, CBE, CC</i> <i>John Alfred Bennett, Deputy</i>	a Change Consultant <i>Citizen and Fletcher</i> <i>Citizen and International Banker</i>	Hanwell, Middlesex
Barbara Woodthorpe Browne <i>Christopher Sarson Histed</i> <i>Robert Woodthorpe Browne, MBE</i>	a Company Director, retired <i>Citizen and Information Technologist</i> <i>Citizen and World Trader</i>	Kensington, London
Grace May Turner <i>Mark John Herbage</i> <i>Anjola Adeniyi</i>	a Consultant <i>Citizen and Cook</i> <i>Citizen and Information Technologist</i>	Stratford, London
David William Hayes <i>Antonio Masella</i> <i>Daniel Mark Heath</i>	a Head Host <i>Citizen and Mason</i> <i>Citizen and Hackney Carriage Driver</i>	Hackney, London

David Mark Grant <i>Paul Joseph Jeremy Burton</i> <i>Roger Antony Prentis</i>	a Pharmacist, retired <i>Citizen and Fruiterer</i> <i>Citizen and Arbitrator</i>	Adel, Leeds, West Yorkshire
Christopher John Edwards <i>Christopher Michael Hayward, CC</i> <i>Stanley Ginsburg, JP</i>	a Business Development Manager, retired <i>Citizen and Pattenmaker</i> <i>Citizen and Glover</i>	Eastbourne, East Sussex
Roger John Edwards <i>Christopher Michael Hayward, CC</i> <i>Stanley Ginsburg, JP</i>	a Waste Company Managing Director <i>Citizen and Pattenmaker</i> <i>Citizen and Glover</i>	Crowborough, East Sussex
Ronald Joseph Murtagh <i>Paul Joseph Jeremy Burton</i> <i>Roger Antony Prentis</i>	a Fire Officer, retired <i>Citizen and Fruiterer</i> <i>Citizen and Arbitrator</i>	Gomersal, West Yorkshire
John Bayliss <i>Michael Pares</i> <i>Stuart John Somerville</i>	a Chartered Builder, retired <i>Citizen and Builders Merchant</i> <i>Citizen and Builders Merchant</i>	Royston, Hertfordshire
David Andrew Hawtin <i>Graham John Peacock</i> <i>John Edward Peacock</i>	a Logistics Manager <i>Citizen and Loriner</i> <i>Citizen and Loriner</i>	Cold Norton, Essex
Shirley Florence Zangwill <i>David Albert Charles Ayres</i> <i>Patricia Ann Ayres</i>	a Dental Surgeon, retired <i>Citizen and Upholder</i> <i>Citizen and Upholder</i>	Cambridge, Cambridgeshire
Hazel Muriel Taylor, OBE <i>Lawrence John Day</i> <i>Mervyn Doreen Redding</i>	a Nursing & Quality Executive Director, retired <i>Citizen and Maker of Playing Cards</i> <i>Citizen and Basketmaker</i>	Christchurch, Newport, Wales
Kenneth Damian Doyle <i>John Donald Lunn</i> <i>Gordon Mark Gentry</i>	a Barrister <i>Citizen and Fan Maker</i> <i>Citizen and Baker</i>	South Woodford, Essex
Dr Angela Mary Parker <i>Lisa Rutter</i> <i>Anne Elizabeth Holden</i>	a General Medical Practitioner, retired <i>Citizen and Patternmaker</i> <i>Citizen and Basketmaker</i>	Southgate, London
Paul Prentice <i>Iain Reid</i> <i>Richard Leslie Springford</i>	a Watermen and Lightermen Boat Master <i>Citizen and Educator</i> <i>Citizen and Carman</i>	Romford, Essex
Alan Clive Davies <i>Peter Kenneth Estlin, Ald.</i> <i>William Anthony Bowater Russell, Ald.</i>	a Stockbroker <i>Citizen and International Banker</i> <i>Citizen and Haberdasher</i>	Hackney, London
Joy Elizabeth McGlinchey <i>Iain Reid</i> <i>Richard Leslie Springford</i>	a Waterman and Lighterman <i>Citizen and Educator</i> <i>Citizen and Carman</i>	Northfleet, Kent

Robert Lambkin Bushell <i>Iain Reid</i> <i>Richard Leslie Springford</i>	a Waterman and Lighterman <i>Citizen and Educator</i> <i>Citizen and Carman</i>	Northfleet, Kent
Roger Gould <i>Guy Philip Brocklebank</i> <i>Les Chapman</i>	a Security Consultant <i>Citizen Scientific Instrument</i> <i>Maker</i> <i>Citizen and Master Mariner</i>	Twickenham, London
Joseph Paul Lane <i>Guy Philip Brocklebank</i> <i>Les Chapman</i>	a Site Manager <i>Citizen Scientific Instrument</i> <i>Maker</i> <i>Citizen and Master Mariner</i>	Billericay, Essex
Anthony Geoffrey Soards <i>Adarsh Kumar Sharma</i> <i>Michael Peter Cawston</i>	a Painter and Decorator <i>Citizen and Chartered Accountant</i> <i>Citizen and Tyler and Bricklayer</i>	Erith, Kent
Davy-Joe Albert Soards <i>Adarsh Kumar Sharma</i> <i>Michael Peter Cawston</i>	a Scaffolder <i>Citizen and Chartered Accountant</i> <i>Citizen and Tyler & Bricklayer</i>	Erith, Kent
Jillian Deborah Cerey Moffatt <i>Nigel Reginald Pullman, JP</i> <i>Anthony Alexander Vlasto</i>	a Banker <i>Citizen and Leatherseller</i> <i>Citizen and Shipwright</i>	Clapham, London
Cllr. Norma Jean Symonds <i>Alan Leslie Warman</i> <i>Diane Irene Warman</i>	a Councillor <i>Citizen and Clockmaker</i> <i>Citizen and Clockmaker</i>	Bishop's Stortford, Hertfordshire
Simon Peter Foreman <i>Timothy Luke Fitzgerald-</i> <i>O'Connor</i> <i>David Trevor Owen</i>	a Reinsurance Broker <i>Citizen and Gold & Silver Wyre</i> <i>Drawer</i> <i>Citizen and Gold & Silver Wyre</i> <i>Drawer</i>	Blackheath, London
Timothy Grant Dillon <i>Roger Trevor Parker</i> <i>Colin Robert Woodcock, MBE</i>	an Engineering Company Director, retired <i>Citizen and Loriner</i> <i>Citizen and Security Professional</i>	Swanland, East Riding of Yorkshire
Mark Paul Lawson <i>Stanley Brown, QGM, TD</i> <i>Richard George Clerk Thornton, TD</i>	an Environmental Services Manager <i>Citizen and Loriner</i> <i>Citizen and Leatherseller</i>	Rochester, Kent
Anthony Ronald Edgar <i>Stanley Brown, QGM, TD</i> <i>David Benjamin Morris</i>	a Restaurateur <i>Citizen and Loriner</i> <i>Citizen and Solicitor</i>	Gillingham, Kent
Surrinder Singh Chadha <i>Christopher David McDonald</i> <i>Nicholas Garnish</i>	an Accountant, retired <i>Citizen and Security Professional</i> <i>Citizen and Baker</i>	South Woodford, Essex
Charles Gideon Lawrence Montlake <i>Richard Leslie Springford</i> <i>Iain Reid</i>	a Finance Director <i>Citizen and Carman</i> <i>Citizen and Educator</i>	Greenwich, London

Davina Mary Vasserman <i>Marianne Bernadette Fredericks, CC</i> <i>Joyce Carruthers Nash, OBE, Deputy</i>	a Civil Servant <i>Citizen and Baker</i> <i>Citizen and Feltmaker</i>	Islington, London
Angela Sharon Plumb <i>Stephen John Plumb</i> <i>Andrew Stratton McMurtrie, JP, CC</i>	a Registered Midwife <i>Citizen and Musician</i> <i>Citizen and Salter</i>	Barnet, Hertfordshire
Commander Stuart Andrew Finn <i>Gordon Lenham Warren</i> <i>William Fitzgerald-O'Connor</i>	a Royal Naval Officer <i>Citizen and Gold and Silver Wyre Drawer</i> <i>Citizen and Gold and Silver Wyre Drawers</i>	Pimlico, London
Anna Christina Richmond <i>Graham Holland</i> <i>Cllr. Belinda Claire Donovan</i>	a Payroll Manager, retired <i>Citizen and Mason</i> <i>Citizen and Glover</i>	Balham, London
His Excellency Antonio Manuel Lagdameo <i>Stephen Decatur Haines, Deputy</i> <i>Catherine Sidony McGuinness, Deputy</i>	a Diplomat <i>Citizen and Pewterer</i> <i>Citizen and Solicitor</i>	Westminster, London
Patrick Jean-Marie Engelberg <i>The Rt. Hon The Lord Mayor</i> <i>Catherine Sidony McGuinness, Deputy</i>	a Diplomat <i>Citizen and Solicitor</i>	Brussels, Belgium
Thomas Firth Jackson <i>Graham Leslie Flight</i> <i>Lieutenant-Colonel John Craven Chambers</i>	a Schoolmaster, retired <i>Citizen & Loriner</i> <i>Citizen and Wax Chandler</i>	Chorley, Lancashire
Paul Raymond Clement <i>Graham Leslie Flight</i> <i>Lieutenant-Colonel John Craven Chambers</i>	a Regalia Maker <i>Citizen & Loriner</i> <i>Citizen and Wax Chandler</i>	Swansea, Wales
Alison Louise Balsom, OBE <i>John Alfred Bennett, Deputy</i> <i>Vivienne Littlechild, JP, CC</i>	a Classical Musician <i>Citizen and International Banker</i> <i>Citizen and Glover</i>	Church Westcote, Gloucestershire
Timothy Nigel Peake, CMG <i>Lord Mountevans, Ald.</i> <i>Peter Lionel Raleigh Hewitt, Ald.</i>	an Astronaut <i>Citizen and Shipwright</i> <i>Citizen and Woolman</i>	Westbourne, Hampshire
Rajesh Agrawal <i>Catherine Sidony McGuinness, Deputy</i> <i>Peter Kenneth Estlin, Ald.</i>	a Politician <i>Citizen and Solicitor</i> <i>Citizen and International Banker</i>	Stanmore, Middlesex

Nathan Myhrvold	a Chief Technology Officer	Washington State, United States of America
<i>Michael Raymond Mainelli, Ald.</i>	<i>Citizen and World Trader</i>	
<i>Judith Lindsay Pleasance, CC</i>	<i>Citizen and Clockmaker</i>	
Maged Awni Aburamadan	a Consultant Ophthalmic Surgeon	Gaza, Palestine
<i>Dame Catherine Fiona Woolf, DBE, Ald.</i>	<i>Citizen and Solicitor</i>	
<i>Robert James Ingham Clark, Deputy</i>	<i>Citizen and Clothworker</i>	

Read.

Resolved – That this Court doth hereby assent to the admission of the said persons to the Freedom of this City by Redemption upon the terms and in the manner mentioned in the several Resolutions of this Court, and it is hereby ordered that the Chamberlain do admit them severally to their Freedom accordingly.

11. Legislation

The Court received a report on measures introduced by Parliament which might have an effect on the services provided by the City Corporation as follows:-

Bills

Trade Bill

The Bill will put in place the legal framework for the UK to operate an independent trade policy after withdrawing from the EU.

Taxation (Cross-border Trade) Bill

The Bill will put in place the legal framework for the UK to operate an independent customs policy after withdrawing from the EU.

Sanctions and Anti-Money Laundering Bill

The Bill will put in place the legal framework for the UK to enforce international sanctions (including under United Nations measures) once it has left the EU, and introduce domestic anti-money laundering powers to replace EU legislation in the field.

Statutory Instruments

Date in force

The Environmental Offences (Fixed Penalties) (England) Regulations 2017, S.I. No. 1050

1 April 2018

The Regulations increase the amounts payable under fixed penalty notices which local authorities (including the Common Council acting in that capacity) may issue in respect of a range of environmental offences, including littering and noise offences.

The Traffic Signs (Amendment) (England and Wales) Regulations and General Directions 2017, S.I. No. 1086

13 December 2017

The Regulations and Directions amend a range of traffic sign specifications, in order to correct errors and improve clarity. They will apply to the Common Council acting in its capacity as

traffic authority.

(The text of the measures and the explanatory notes may be obtained from the Remembrancer's office.)

12. Ballot
Results

The Town Clerk reported the results of two ballots taken at the last Court, as follows:-

(A) One Member to **The City Bridge Trust Committee.**

	Votes
Rehana Banu Ameer	5
Matthew Bell	9
Tijs Broeke	23
Peter Gerard Dunphy	52

Read.

Whereupon the Lord Mayor declared Peter Dunphy to be appointed to The City Bridge Trust Committee.

(B) One Member to **Health and Wellbeing Board.**

	Votes
Rehana Banu Ameer	13
Marianne Bernadette Fredericks	80

Read.

Whereupon the Lord Mayor declared Marianne Fredericks to be appointed to the Health and Wellbeing Board.

13.
Appointments

The Court proceeded to consider appointments to the Community and Children's Services Committee, the Board of Governors of the Museum of London, the Mitchell City of London Charity and Educational Foundation, and the Dr Johnson's House Trust.

Where appropriate:-

** denotes a Member standing for re-appointment;*

(A) **Community and Children's Services Committee** (one vacancy for the balance of a term expiring in April 2018).

Nominations received:-

Adrian Mark Bastow

Read.

Whereupon the Lord Mayor declared Adrian Bastow to be appointed to the Community and Children's Services Committee.

- (B) **Board of Governors of the Museum of London** (four vacancies for four-year terms expiring in December 2021).

Nominations received:-

*Vivienne Littlechild, J.P.
 Paul Nicholas Martinelli
 *Jeremy Paul Mayhew
 Wendy Mead, O.B.E.
 Judith Lindsay Pleasance
 *John George Stewart Scott, J.P.

Read.

Prior to the ballot taking place, Wendy Mead sought and obtained the leave of the Court to withdraw her name from the list of nominations.

The Court proceeded, in accordance with Standing Order No.10, to ballot on the vacancies. The Lord Mayor appointed the Chief Commoner and the Chairman of the Finance Committee, or their representatives, to be the scrutineers of the ballot.

Resolved – That the votes be counted at the conclusion of the Court and the result printed in the Summons for the next meeting.

- (C) **Mitchell City of London Charity and Educational Foundation** (one vacancy for a five-year term expiring in December 2022).

Nominations received:-

Tom Hoffman, Deputy

Read.

Whereupon the Lord Mayor declared Deputy Tom Hoffman to be appointed to the Mitchell City of London Charity and Educational Foundation.

- (D) **Dr Johnson's House Trust** (one vacancy for a two-year term expiring in December 2019).

Nominations received:-

*Jeremy Lewis Simons

Read.

Whereupon the Lord Mayor declared Jeremy Simons to be appointed to the Dr Johnson's House Trust.

14. Questions There were no questions.

15. Motions (A) *Resolved unanimously* – That the Resolution of Thanks to the late Lord Mayor, passed by Common Hall on 29 September last, be presented in a form agreeable to him.

Hoffman, T.,
 Deputy; Mead, W.,

O.B.E.

Shilson, Dr
G.R.E., Deputy;
Mead, W., O.B.E.

- (B) *Resolved unanimously* – That the Resolution of Thanks to William Anthony Bowater Russell, Alderman and Haberdasher and Peter Kenneth Estlin, Alderman and International Banker, the late Sheriffs of the City, passed by Common Hall on 29 September last, be presented in a form agreeable to them.

Nash, J.C.N.,
O.B.E., Deputy;
Mead, W., O.B.E.

- (C) *Resolved unanimously* – That Randall Keith Anderson be appointed on the Community and Children's Services Committee as a representative for the Ward of Aldersgate, in the room of Richard Peter Crossan.

Seigh, T., Deputy;
Mead, W., O.B.E.

- (D) *Resolved unanimously* – That Benjamin Murphy be appointed to the Community and Children's Services and the Port Health and Environmental Services Committees to represent the Ward of Bishopsgate in the room of Pooja Tank, who was no longer on Common Council.

16. Awards &
Prizes

The Court received a report of the Chairman of the Hampstead Heath, Highgate Wood & Queen's Park Committee, advising of the recent receipt of several awards.

17.

FINANCE COMMITTEE

(Jeremy Paul Mayhew)

21 November 2017

(A) City Fund and Pension Funds - 2016/17 Statement of Accounts and Annual Audit Letter

On 23 May 1996, the Court authorised the Finance Committee to approve, amongst other things, the Statement of Accounts for the City Fund and Pension Funds.

The Committee had duly considered and approved the City Fund and Pension Funds Statement of Accounts for the year ending 31 March 2017 and now presented them to the Court for information, along with the annual audit letter from BDO LLP. The Statement and letter had also been published on the City's website.

It was accordingly **recommended** that the Court receive the 2016/17 City Fund and Pension Fund Statement of Accounts for information.

Resolved – That the 2016/17 City Fund and Pension Fund Statement of Accounts be received.

21 November 2017

(B) City's Cash, Bridge House Estates, City's Cash Trust Funds and Sundry Trust Funds Annual Reports and Financial Statements 2016/17

On 23 May 1996, the Court authorised the Finance Committee to approve, amongst other things, the Annual Reports and Financial Statements for City's Cash, Bridge House Estates and the Charitable Trusts.

The Committee had duly considered and approved the Annual Reports and Financial Statements for the year ending 31 March 2017 and now presented them to the Court for information, along with the management letter from Moore Stephens LLP on its audit of the funds. The Annual Reports and Financial

Statements for City's Cash and Bridge House Estates, the Annual Report and Financial Statements and the management letter had also all been published on the City's website.

It was accordingly **recommended** that the Court receive the 2016/17 City's Cash, Bridge House Estates and Charitable Trusts Statement of Accounts.

Resolved – That the 2016/17 City's Cash, Bridge House Estates and Charitable Trusts Statement of Accounts be received.

18.

PLANNING AND TRANSPORTATION COMMITTEE

(Christopher Michael Hayward)

21 November 2017

Surplus Arising for On-Street Parking 2015/16 and Utilisation of Accrued Surplus

The City of London in common with other London authorities is required to report to the Mayor for London on action taken in respect of any deficit or surplus in its On-Street Parking Account for a particular financial year.

Members were advised that:

- the surplus arising from on-street parking activities in 2016/17 was £6.313m;
- a total of £3.421m, was applied in 2016/17 to fund approved projects; and
- the surplus remaining on the On-Street Parking Reserve at 31st March 2017 was £20.121m, which will be wholly allocated towards the funding of various highway improvements and other projects over the medium term.

The Court was **recommended** to note the contents of the report and approve its submission to the Mayor of London.

Resolved – That the report be approved for submission to the Mayor of London.

19.

PLANNING AND TRANSPORTATION COMMITTEE PORT HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE

**(Christopher Michael Hayward)
(Jeremy Lewis Simons)**

21 November 2017

Update to the Scheme of Delegations

The Court of Common Council had previously delegated some of its functions to the Planning and Transportation and the Port Health and Environmental Services Committees. To facilitate the administration of these functions, some matters relating to transportation and public realm, town planning, and building control had been further delegated to the Director of the Built Environment and the District Surveyor, as set out in the Scheme of Delegations previously approved by the Court of Common Council.

Minor modifications were now required to reflect responsibilities relating to Crossrail and changes to job titles. These were reflected in the revised section of the Scheme of Delegations set out in full in the Appendix to the report, which was

presented to the Court of Common Council for consideration and **recommended** for approval.

Resolved – That the revised delegations to the Director of the Built Environment and the District Surveyor, as set out in the Appendix to the report, be approved.

20.

AUDIT AND RISK MANAGEMENT COMMITTEE

(Ian David Luder, J.P., Alderman)

10 October 2017

Re-appointment of External Member for a Third Term

At its meeting on 9 September 2011, the Court agreed a procedure for appointing External (Independent) Members to the Audit and Risk Management Committee. Subsequent to this, on 16 January 2014 the Court agreed a variation to this procedure such that it would allow for existing External Members to be appointed for a second term on the Committee.

On 8 December 2016, the Court agreed a further variation to permit the appointment of an external Member, Kenneth Ludlam, for a third term. The second term of another existing external Member, Ms Caroline Mawhood, was now due to expire and the Committee wished to reappoint her similarly for a third term.

Ms Mawhood had served on the Audit and Risk Management Committee, as an External Member, since its inception in 2011 and her contributions to both the Committee and the Police Performance and Resource Management Sub Committee, on which she also served, as well as the recent Auditor Appointment Panel, had been invaluable. Ms Mawhood had expressed a wish to serve for a third term and the Audit and Risk Management Committee desired to **recommend** this to the Court.

Resolved – That Ms Caroline Mawhood be appointed to the Audit and Risk Management Committee for a third term, expiring in 2021.

21.

COMMUNITY AND CHILDREN'S SERVICES COMMITTEE

(Dhruv Patel)

17 November 2017

Gateway 4b: Windows Replacement & Common Parts Redecorations Programme - Golden Lane, Holloway, Southwark, Dron House, Sydenham Hill, William Blake and Windsor House

Gateway 2 approval had previously been provided for the commissioning of condition surveys across several City of London Housing Estates. This was given to identify areas where repair, refurbishment or replacement of windows or other common parts was required, with recommendations then to be produced for Members' consideration.

These surveys had now been completed and the overall scope of the windows replacement and redecorations programme was significant, given that it covered multiple Estates, with estimated total programme costs of £16,905,452.

It was intended that a single design team be appointed to undertake the works

across all Estates; however, pursuant to the City Corporation's project management procedures, whilst works across the vast majority of Estates were to proceed on the regular route, the Golden Lane Estate works would be progressed along the complex route (and thus also be considered by Members at the detailed design stage) due to that Estate's listed status.

It was **recommended** that the Court's approval be granted to appoint the design team and to progress the project on the Golden Lane Estate to Gateway 4c to allow the requisite works to be undertaken, and to progress the programme to Gateway 5 on the wider estates at Holloway, Southwark, Dron House, Sydenham Hill, William Blake and Windsor House.

Resolved – That approval be given to:-

- the progression of the programme of works across the Holloway, Southwark, Dron House, Sydenham Hill, William Blake and Windsor House Estates to Gateway 5;
- the progression of the programme of works at the Golden Lane Estate to Gateway 4c; and,
- the allocation of £1,087,967 for the procurement of a single design team, of which £449,854 being allocated to Golden Lane and £638,113 was to be allocated across the other Estates.

22.

CULTURE, HERITAGE AND LIBRARIES COMMITTEE

(Graham David Packham)

4 September 2017

City of London Cultural Strategy 2018-22

The City of London Corporation's current cultural strategy was due to expire at the end of 2017. It came into effect during the 2012 Cultural Olympiad but no longer reflected the full extent of the organisation's activities across arts, culture, heritage and learning or its new and emerging ambitions.

Following a successful tender process, Global Cities Limited were appointed in May 2017 to assist the organisation in developing a new cultural strategy and, working with officers, undertook engagement across the City of London Corporation and key partners to inform the new strategy. It was a collaborative document that set an ambitious vision for the organisation over the next five years.

The draft strategy was approved by the Culture, Heritage and Libraries Committee on 4 September 2017 and the Policy and Resources Committee on 16 November 2017. A number of other Committees and Boards which had an interest in the delivery of arts, culture, heritage and learning had also received and fed into its development.

The draft strategy, including its two-page executive summary was presented for consideration at Appendix A and the Court was **recommended** to approve its adoption.

Resolved – That the draft City of London Cultural Strategy 2018-22 be approved for

adoption.

23. *Resolved* – That the public be excluded from the meeting for the following items of business below on the grounds they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

*Mead, W., O.B.E.;
Mayhew, J.P.*

Summary of exempt items considered whilst the public were excluded:-

24. *Resolved* – That the non-public Minutes of the last Court are correctly recorded.
25. **(A) Policy and Resources Committee**
The Court approved proposals relating to the relocation of the Museum of London.
25. **(B) Markets Committee**
The Court received a report setting out the Markets Committee's considerations in respect of the Museum of London's proposed relocation, on the agenda at item 25(a).
26. **Policy and Resources and Finance Committees**
The Court approved the award of a Work Health Programme contract.
27. **Finance Committee**
The Court received a report advising of action taken under urgency procedures concerning the award of a minor works contract.
28. **Audit and Risk Management Committee**
The Court approved the appointment of an External Auditor.
29. **Property Investment Board**
The Court:-
- (A) approved a reconciliation of funds between Bridge House Estate and City Fund; and
 - (B) received a report advising of action taken under urgency procedures relating to the implementation of planning permissions.

The meeting commenced at 1.00 pm and ended at 1.55 pm

BARRADELL.

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List of Applications for the Freedom

To be presented on Thursday, 11th January, 2018

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

Set out below is the Chamberlain's list of applicants for the Freedom of the City together with the names, etc. of those nominating them.

Sister Caroline Campbell <i>Suzanne Margarete Peppitt Matthew John Edward Peppitt</i>	a Religious Sister <i>Citizen and Tax Adviser Citizen and Tax Adviser</i>	North Cheam, Surrey
Julia Vivienne Galgano <i>Peter Reginald Allcard Anne Elizabeth Holden</i>	a Private Medical Secretary, retired <i>Citizen and Blacksmith Citizen and Basketmaker</i>	Billericay, Essex
Adrian De Villiers <i>Richard George Clerk Thornton, TD Patrick John Marsland-Roberts, TD</i>	a Police Officer <i>Citizen and Leatherseller Citizen and Carman</i>	Sydenham, London
Michael Andrew Abelson <i>Martin John Davies Dame Heather Steel, DBE</i>	a Judge, retired <i>Citizen and Scrivener Citizen and Pattenmaker</i>	Spital, Wirral
Andrew Donald Anthony Johnson <i>Brian Warburton Reverend Richard Horner</i>	an Insurance Company Chief Executive, retired <i>Citizen and Insurer Citizen and Draper</i>	Calpe, Alicante, Spain
Robert Manus O'Donel Alexander, OBE <i>John George Stewart Scott, JP, CC Charles Edward Lord, OBE, JP, Deputy</i>	The Head of Government Hospitality <i>Citizen and International Banker Citizen and Broderer</i>	Oval, London
Claire Rachel Chitty <i>David Mark Spofforth, OBE David Chitty</i>	a Registered Nurse <i>Citizen and Horner Citizen and Horner</i>	Oxted, Surrey
Alice Ann Chadd <i>Anjola Adeniyi Mark John Herbage</i>	an Auditor <i>Citizen and Information Technologist Citizen and Cook</i>	Stewkley, Buckinghamshire
Andrew Ryan Lonas <i>Michael Peter Cawston James William Lane</i>	an Investigator <i>Citizen and Tyler & Bricklayer Citizen and Tyler & Bricklayer</i>	Lambeth, London

Robert Stanley Dearing <i>James John Madden</i> <i>Lawrence John Day</i>	a Chartered Accountant <i>Citizen and Maker of Playing Cards</i> <i>Citizen and Maker of Playing Cards</i>	Stoke Mandeville, Buckinghamshire
Ian Andrew Hall <i>Peter Richard John York</i> <i>Eric Royston Gill</i>	a Services Supervisor, retired <i>Citizen and Plaisterer</i> <i>Citizen and Plaisterer</i>	Uffington, Lincolnshire
Robert John Cottrell <i>Richard Leslie Springford</i> <i>Iain Reid</i>	an Author and Genealogist <i>Citizen and Carman</i> <i>Citizen and Educator</i>	Longfield, Kent
Alan Reginald Froom <i>Harold Ebenezer Piggott</i> <i>Paul Stephen Hollebone</i>	a Toolmaking Company Proprietor, retired <i>Citizen and Basketmaker</i> <i>Citizen and Chartered Accountant</i>	Chichester, West Sussex
Sir Angus McFarlane McLeod Grossart, QC CBE DL <i>Sir Roger Gifford, Kt, Ald.</i> <i>Carolyn Foreman Dwyer</i>	a Merchant Banker <i>Citizen and Musician</i> <i>Citizen and Pavior</i>	Edinburgh, Scotland
Edmund Bonaparte Andrew Sokolowski <i>John Alexander Smail</i> <i>John Donald Lunn</i>	an Operations Officer <i>Citizen and Distiller</i> <i>Citizen and Fan Maker</i>	Upper Tooting, London
Kessick John Jones <i>Graham Leslie Flight</i> <i>Lieutenant-Colonel John Craven Chambers</i>	a Chief Superintendent, retired <i>Citizen and Loriner</i> <i>Citizen and Wax Chandler</i>	Orpington, Kent
Stephen Charles Galpin, JP <i>Alan Elias, JP</i> <i>Dr Stephen J Perkins, JP</i>	a Property Company Director <i>Citizen and Solicitor</i> <i>Citizen and Carman</i>	Canary Wharf, London
Toby Bernard Roseman <i>Antony William Mullee</i> <i>Kevin Malcolm Everett, Deputy</i>	a Student <i>Citizen and Marketor</i> <i>Citizen and Fletcher</i>	Carterton, Oxfordshire
Rommel Ariman Romato <i>Michael Alan Rutherford</i> <i>Ian Bonny</i>	a Diplomat <i>Citizen and Management Consultant</i> <i>Citizen and Management Consultant</i>	Notting Hill, London
Frederick Wilbert Russell- Rivoallan <i>Michele McCarthy</i> <i>Neil Frederick Purcell</i>	a Diplomat <i>Citizen and Scrivener</i> <i>Citizen and Painter Stainer</i>	Paris, France
Barbara Jill Seamark <i>William John Hudson Clark</i> <i>Richard Michael Excell</i>	a Farmer <i>Citizen and Woolman</i> <i>Citizen and Woolman</i>	Wilstead, Bedford
David James Seamark <i>William John Hudson Clark</i> <i>Richard Michael Excell</i>	a Farmer <i>Citizen and Woolman</i> <i>Citizen and Woolman</i>	Wilstead, Bedford
Charles Resar Jalali-Farhani <i>Neville John Watson</i> <i>Peter Francis Clark</i>	a Student <i>Citizen and Fletcher</i> <i>Citizen and Mason</i>	Chiswick, London

Michael Thomas Smyth, CBE <i>Jeremy Paul Mayhew, CC</i> <i>Robert James Ingham Clark, Deputy</i>	a Lawyer <i>Citizen and Loriner</i> <i>Citizen and Clothworker</i>	Pimlico, London
Andrew McNab, CBE, DCM, MM <i>Mark Raymond Peter Henry Delano</i> <i>Wheatley</i> <i>James Henry George Pollard, Deputy</i>	a Writer <i>Citizen and Draper</i> <i>Citizen and Skinner</i>	Marylebone, London
Ian Ronald Weatherley <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a British Army Engagement Officer <i>Citizen and Grocer</i>	South Hornchurch, Essex
Keiron Mark Francis, VR <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a Sales Manager <i>Citizen and Grocer</i>	Eastbourne, East Sussex
Col. Andrew Charles Wood <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a Regular Army Officer <i>Citizen and Grocer</i>	Rainham, Kent
Richard Mark Gardiner Steele <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	an Information Manager <i>Citizen and Grocer</i>	Stansted Mountfitchet, Essex
Martin John Cannon <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a Royal Navy Officer <i>Citizen and Grocer</i>	Pinner, Middlesex
Paul Patrick Keherly <i>Richard Leslie Springford</i> <i>Brian Sidney Lamden</i>	a Systems Analyst <i>Citizen and Carman</i> <i>Citizen and Chartered Surveyor</i>	Tower Hamlets, London
Maj. Michael Patrick Blake <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a Service Manager <i>Citizen and Grocer</i>	Barkingside, Essex
Karen Chambers <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a Local Government Officer <i>Citizen and Grocer</i>	Trimley St Martin, Suffolk
Maj. William Nigel Charles Hale <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a Financial Risk Manager <i>Citizen and Grocer</i>	Canary Wharf, London
Elizabeth Church <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a Royal Navy Officer <i>Citizen and Grocer</i>	Hutton, Essex
David John Cooper <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a Royal Navy Officer <i>Citizen and Grocer</i>	Long Ditton, Surrey
Lt. Col. Mark Stephen Judge <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a Chief Operations Manager <i>Citizen and Grocer</i>	Forest Hill, London
Larry Brian Davis <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a Deputy Headteacher <i>Citizen and Grocer</i>	Walthamstow, London

Peter Pequignot Gracey <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a Royal Navy Officer <i>Citizen and Grocer</i>	Clapton, London
Andrew David Poe <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a Regular Army Officer <i>Citizen and Grocer</i>	Llandefalle, Powys
Brian Paul Ramsay <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a Project Manager <i>Citizen and Grocer</i>	Kings Cross, London
Fraser John Lyttleton Smith <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	an Accountant <i>Citizen and Grocer</i>	Battersea, London
Lt. Col. Neil Gareth Watkinson <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a Civil Servant <i>Citizen and Grocer</i>	Gomshall, Surrey
Sarah-Jane Abigail Lancashire, OBE <i>John Alfred Bennett, Deputy</i> <i>Vivienne Littlechild, JP, CC</i>	an Actress <i>Citizen and International Banker</i> <i>Citizen and Glover</i>	Richmond Lock, Twickenham
John Henry Ernest Taverner <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a General Manager <i>Citizen and Grocer</i>	Redhill, Surrey
Cdr. Gregory Christian Young, VR RNR <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a Marketing Director <i>Citizen and Grocer</i>	Epsom, Surrey
Pamela Valentine Nash <i>Mark Anthony Grove</i> <i>Marianne Bernadette Fredericks, CC</i>	a Teacher <i>Citizen and Cook</i> <i>Citizen and Baker</i>	Durfold Wood, West Sussex
Roderick William Urquhart <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a Marketing Consultant <i>Citizen and Grocer</i>	Witley, Surrey
Cdr. John Christopher Anderson, VRSM <i>The Rt. Hon The Lord Mayor</i> <i>John Dominic Reid</i>	a Banker <i>Citizen and Grocer</i>	Warsash, Hampshire

Report – City Remembrancer

Measures introduced into Parliament which may have an effect on the services provided by the City Corporation

To be presented on Thursday, 11th January 2018

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

Bill

Taxation (Cross-border Trade) Bill

The Bill paves the way for the UK to establish a stand-alone customs regime. It will allow the UK to charge customs duty on goods, including those imported from the EU. It will allow the Government to set out how and in what form customs declarations should be made.

Statutory Instrument

Date in force

Administrative Forfeiture of Terrorist Cash and Terrorist Money Held in Bank and Building Society Accounts (Cash and Account Forfeiture Notices) Regulations 2017

31st January 2018

The Regulation makes technical changes to provide that a cash forfeiture notice must be given to persons known to be affected by an order. The Regulation makes similar provision in relation to account forfeiture notices and informing persons known to be affected by an order freezing the money in an account.

(The text of the measures and the explanatory notes may be obtained from the Remembrancer's office.)

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Report – Policy & Resources Committee

Appointment of a Capital Buildings Committee

To be presented on Thursday, 11th January 2018

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

SUMMARY

The purpose of this report is to seek approval for the formation of a new committee to scrutinise, provide detailed oversight and delivery of two major capital projects, namely the upcoming Police Accommodation and City's Courts projects. The proposal is supported by your Police Committee.

RECOMMENDATIONS

The Court of Common Council is recommended to:

- a) approve the formation of a Capital Buildings Committee together with the attached terms of reference and constitution;
- b) agree that the membership of the Committee should not count towards the limit on the number of committees on which a Member may serve contained in Standing Order 22; and
- c) agree that the Committee be added to those Committees listed in Standing Order 29 (3), thereby enabling its Chairman to be eligible to be Chairman of another Committee (Ward or non-Ward) at the same time.

MAIN REPORT

Background

1. As Members are aware, approval has been given in principle to two significant and potentially complex capital projects, relating to the renewal of police accommodation and the initial stages of the consolidation of the City's Court services. There is considerable synergy between the two projects, which are likely to involve significant expenditure. In the past, complex schemes such as the refurbishment of the Guildhall Complex and the construction of Guildhall Yard East have been deemed to merit scrutiny outside of the standing governance structure.

Current Position

2. Currently, oversight of major schemes is covered by the relevant service committee and the Projects Sub-Committee. Under this proposed arrangement the detailed oversight would be undertaken by a dedicated stand-alone committee, reporting directly to the Court of Common Council and, therefore, the existing projects regime, via the Projects Sub-Committee, would not be applied to these two projects.

Proposals

3. In view of their complexity, it is recommended that a new committee is set up to provide dedicated oversight, scrutiny and delivery of the police accommodation and City's Courts projects, reporting directly to the Court of Common Council as necessary. The proposed terms of reference and constitution of the committee are attached as an appendix to this report.
4. It is also proposed that a) membership of this Committee should not count towards the limit on the number of committees on which a Member may serve contained in Standing Order 22 and b) the Committee be included within the list of those Committees in Standing Order 29 (3), thereby enabling its Chairman to be eligible to be Chairman of another Committee (Ward or non-Ward) at the same time.
5. Considering the nature of the business to be conducted, the Police Committee has been consulted and it supports the proposal for the creation of a new Committee.

Corporate & Strategic Implications

6. Ensuring that both projects are completed to the highest possible standard and as efficiently as possible speaks directly to the City Corporation's strategic aim to provide modern, efficient and high quality local services, including policing, within the Square Mile for workers, residents and visitors, and the key policy priority of improving the value for money of our services within the constraints of reduced resources.

Appendices

- Appendix 1 – Terms of Reference and Constitution

Background Papers

Proposed New Combined Court Facility – Feasibility Study – Policy and Resources Committee, 21 September 2017

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

DATED this 14th day of December 2017.

SIGNED on behalf of the Committee.

Catherine McGuinness
Chairman, Policy & Resources Committee

Capital Buildings Committee

Terms of Reference

Terms of Reference

In respect of the Police Accommodation and City's Courts projects, to be responsible for:

- (i) overall direction;
- (ii) review of progress; and
- (iii) decisions on significant option development and key policy choices.

Constitution

14 Members comprising:

- The Chairman and Deputy or a Vice Chairman of the Policy & Resources Committee
- The Chairman and Deputy Chairman of the Finance Committee
- The Chairman and Deputy Chairman of the Police Committee
- Two members appointed by the Policy & Resources Committee
- Five Members appointed by the Court of Common Council
- The Chairman of the General Purposes Committee of Aldermen

Together with

- Up to two non-City of London Corporation Members with appropriate experience, skills or knowledge.

Note: Membership of this Committee shall not count towards the limit on the number of committees on which a Member may serve contained in Standing Order 22 and its Chairman shall be eligible to be Chairman of another Committee (Ward or non-Ward) at the same time, pursuant to the provisions of Standing Order 29 (3).

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Report – Hospitality Working Party of the Policy and Resources Committee

Applications for Hospitality

To be presented on Thursday, 11th January 2018

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

(i) Lecture and early evening reception to mark the 250th anniversary of the imprisonment of John Wilkes

John Wilkes was an 18th century journalist and radical politician who, following repeated expulsions from Parliament and a period of imprisonment, was elected as an Alderman in 1769. He became a Sheriff of the City of London in 1771, before being elected as Lord Mayor in 1774. He was subsequently elected as City Chamberlain in 1779. 2018 marks the 250th anniversary of his imprisonment for seditious libel.

A study of his remarkable life provides an opportunity to examine eighteenth-century British politics, demonstrate the City Corporation's commitment to education, and provide the opportunity to engage with students from the City Corporation's associated schools and academies. It would also help illuminate an intriguing element of the City Corporation's rich history.

It is proposed that the City Corporation invite Professor Jeremy Black to give a lecture on the career of John Wilkes, followed by a reception and a small private dinner. Guests would include historians, students from the City Academies and Schools, representatives from the Livery Companies and the London Metropolitan Archives, past Lord Mayors and parliamentarians.

It is therefore **recommended** that hospitality be granted for a lecture and early evening reception, with arrangements made under the auspices of the Hospitality Working Party; the costs to be met from City's Cash and within the approved parameters.

This would be a full Court event.

(ii) Lecture and reception to mark the 500th anniversary of the birth of Sir Thomas Gresham

Sir Thomas Gresham was born in London in 1519 and, in 1565, founded the Royal Exchange. Sir Thomas left proceeds in his will for the foundation of the college in his name, intended to make 'new learning' freely available to people living and working in London. The College, established in 1597, played a key part in the scientific revolution of the 17th century, with early professors including Sir Christopher Wren, Robert Hooke and John Taverner.

Management of the College is jointly exercised by the City Corporation and the Worshipful Company of Mercers, acting through the Joint Grand Gresham Committee, and today the College provides over 130 free public lectures and events in London each year. Adding online lectures to its programme has meant that the College now reaches beyond London and the UK, with its lectures watched online between 3 and 4 million times each year, as well as attracting nearly 20,000 people in person.

The 500th anniversary of Sir Thomas Gresham's birth will be marked by a new biography by historian John Guy, the introduction of new types of lectures and one-off events focused on the theme of what 'new learning' means today. In addition, it is proposed that the City Corporation hosts a lecture followed by an early evening reception and small dinner to mark the anniversary, with it anticipated that the lecture would be live streamed to maximise the audience it reaches. The event would help to signify the City Corporation's general commitment to the provision of education ranging from Gresham College, the City's oldest institute of higher education, to the recently established group of City Academies.

Guests attending the lecture would include the members of Gresham College, representatives from supporting organisations such as the Royal Society, sponsors of the anniversary year, academics, representatives from the Museum of London, the Royal Exchange and the Mercers' Company.

It is therefore **recommended** that hospitality be granted for a lecture and early evening reception in Spring 2019, with arrangements made under the auspices of the Hospitality Working Party; the costs to be met from City's Cash and within the approved parameters.

This would be a full Court event.

(iii) Guildhall Art Gallery: Private Views 2018

The Guildhall Art Gallery usually hosts private views ahead of major exhibitions opening to the public. Private views provide an opportunity to publicise an exhibition and highlight the City Corporation's contribution to London's cultural landscape to an influential audience of cultural, political, media and other stakeholders. They aim to foster constructive business relationships, draw attention to the City Corporation as a major player in London and the UK's cultural offer and provide an opportunity to develop interest in Guildhall as a venue for private hire.

In 2018 two exhibitions are planned. The first, *Sublime Symmetry*, focuses on the mathematical devices used in William de Morgan's designs, and is particularly aimed at children and families, and links to Key Stage 2 in the primary school curriculum. The second, *Children in Art*, explores how childhood was represented in art over the course of the nineteenth century.

It is proposed that the City Corporation hosts a private view to launch the start of each exhibition. Guests attending would include exhibition partners, exhibit lenders and funders, representatives from the media, industry professionals, City and London cultural and heritage providers, artists and historians with a connection to the exhibition.

It is therefore **recommended** that hospitality be granted for early evening private views, with arrangements made under the auspices of the Culture, Heritage and Libraries Committee; the costs to be met from City's Cash and within the approved parameters.

These would be a full Court events.

(iv) Industry and Parliament Trust 2018 Programme

Engagement with parliamentarians within the Palace of Westminster is an important aspect of the City Corporation's parliamentary activity to highlight matters of interest to the City and its stakeholders. The significant advantage of holding meetings in the Palace of Westminster is that it offers straightforward and effective access for politicians to attend an event.

The Industry and Parliament Trust (IPT) is an independent, non-partisan organisation that provides a platform for engagement between Parliament and UK business. IPT is supported by cross-party representation of senior parliamentarians. The two presidents of IPT are the Speaker of the House of Commons and the Lord Speaker.

The Remembrancer's Office has previously worked with IPT to provide opportunities to discuss issues relevant to the City. Examples include meetings on financial services, culture and the creative sector, banking standards, and the City's cultural offering; all chaired by relevant City Corporation Members or Officers.

It is proposed that in 2018 the Remembrancer's Office collaborates with IPT on a joint programme of six meetings. This would facilitate discussion on matters of concern to the City between parliamentarians and City businesses and other organisations. Topics covered would relate to a wide range of City interests including Brexit and financial services, trust in business, fintech, green finance, policing, culture and innovation. Typically, the City Corporation would have a chairing or speaking slot and other Members with a relevant interest would be invited. Other participants would include policy makers and prominent business, academic and industry representatives. The hospitality cost would be shared equally with IPT.

The meetings would add to the City Corporation's support for London as a world-leading hub for business and professional services. It is envisaged that most meetings would be breakfast meetings. It is therefore **recommended** that hospitality be granted for this series of meetings; the costs to be met from City's Cash and within the approved parameters.

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

DATED this 13th day of December 2017

SIGNED on behalf of the Working Party.

Wendy Mead, OBE
Chief Commoner and Chairman, Hospitality Working Party

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Report – Policy & Resources and Finance Committees

Pilot Scheme for Business Rates Devolution in London

To be presented on Thursday, 11th January 2018

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

SUMMARY

The Government, the Greater London Authority (GLA) and London Councils have negotiated a pilot scheme for business rates devolution in London for the financial year 2018–19, involving the establishment of a business rates pool. The proposal requires the unanimous agreement of the borough councils and the Court of Common Council to proceed. Your Policy and Resources and Finance Committees have both considered the proposal and are supportive.

The scheme would have a financially neutral starting-point but enable any year-on-year growth in rates revenue to be retained in London – a dividend projected to be worth £240 million in 2018–19. Some of this would be used to establish a new strategic investment fund and the rest would be shared among the participating authorities (with the Common Council's projected share £8.2 million).

If these projections were not to materialise, the Government would guarantee that no individual authority would be worse off as a result of participating in the pool. The Common Council will therefore not face any risk to its current allocations, including the City Premium and the City Offset.

The scheme would carry no commitment beyond 2018–19 but could offer a platform for a further-reaching devolution settlement.

In addition to this the City Corporation has been invited to act as lead authority under the scheme and undertake the main administrative responsibility for operating the pool and the strategic investment fund.

RECOMMENDATION

Members are asked to agree that:-

- i) the Court of Common Council participate in business rates pool pilot scheme for the 2018-19 financial year together with the Greater London Authority and the London borough councils;
- ii) the arrangements for the distribution of revenue within the pool should, subject to recommendation (iii), be as described in the body of this report;
- iii) the Chairman of the Policy and Resources Committee be authorised, in consultation with the Chairman of the Finance Committee, to agree to minor variations in the arrangements, if agreed by the other participants in the pool;

- iv) the City of London Corporation act as the lead authority for the pool and for the strategic investment fund to be established under the pooling arrangements;
- v) the Town Clerk, the Chamberlain or the Comptroller & City Solicitor (as appropriate) should be authorised, in consultation with the Remembrancer on matters of constitutional or legislative relevance, to take all necessary legal and practical steps for the establishment and administration of the pool and the strategic investment fund, in accordance with the preceding recommendations;
- vi) the Chamberlain be authorised to draw upon the City Fund reserve to meet the additional costs incurred in the administration of the pool and the strategic investment fund, including those arising from the Common Council's role as lead authority, up to one full-time equivalent post, with the amounts drawn down being refunded, and any future costs met, from additional revenue retained under the scheme as it becomes available; and
- vii) oversight of the City Corporation's work in connection with the pool and the strategic investment fund be referred to the Policy and Resources Committee so far as concerns governance and the distribution and deployment of resources, and to the Finance Committee so far as concerns financial administration.

MAIN REPORT

Introduction

1. The programme of further local devolution initiated by the Coalition Government prompted many in London government to press for further devolution in the capital, aimed at securing greater local control over revenue, services and investment. The City Corporation has taken a supportive position in relation to these efforts. The unique position of London did not, however, fit easily into the Government's programme, which was focused on 'City deals' for areas yet to have elected mayors.
2. The Government's pursuit of reform to local government finance—and in particular moves to increase the local retention of business rates revenue—has created an opening for progress in this agenda. Legislative proposals for a general move to a 100% retention scheme were abandoned following the last General Election. The Government remains keen, however, to undertake local pilot schemes for 100% retention. Several such schemes are already in place and the Government is seeking to negotiate more.
3. These political developments have converged on the idea of a London pilot scheme for 100% retention whereby the GLA, the boroughs and the Common Council form a business rates pool in the 2018–19 financial year. In exchange they will be allowed to retain 100% of growth in business rates revenue in the capital in that year. The need to enter into a pooling arrangement reflects the Government's policy that greater devolution should be accompanied by greater regional co-operation among local government bodies. Negotiations with the Government have been led by the GLA and London Councils.
4. In September the Policy and Resources Committee and the Finance Committee both expressed 'in principle' support for the proposed pilot scheme. This support was conveyed in October at the Congress of London Councils, where it was

matched with that of the GLA and the boroughs, enabling the negotiations to proceed to a more detailed stage.

5. These negotiations proved successful and led to confirmation by the Chancellor in the Autumn Budget that the scheme would go ahead, subject to the necessary approvals. Further details have also emerged as to how the scheme would operate, including a change to the distribution model previously suggested and a proposed administrative role for the Common Council.
6. The pilot scheme now requires the agreement of the Common Council and all London boroughs if it is to proceed. The commitment would only be for the 2018–19 financial year, with detailed evaluation to follow. If successful, it is envisaged that a business rates pool could form part of a longer-term devolution settlement.

Proposed arrangements

7. The proposed arrangements build on the system of partial rates retention introduced in 2013. This system allows local authorities to retain a share of growth in the rates revenue they collect over a given cycle, while exposing them to a share of the risk of any fall in revenue over that cycle. A fuller description of the operation of the current system is given as an appendix to this report.
8. Arrangements for the governance of the pool and, in particular, the distribution of revenue within it, are set out in a Memorandum of Understanding between the Government, London Councils and the GLA, which reflect the arrangements described below.

Main features

9. The effect of a business rates pool is to make the participating authorities jointly liable for a single tariff payment (assuming, as will be the case in London, that the area's revenue exceeds its assessed need). This enables the authorities, by agreeing individual contributions to that payment, effectively to determine the distribution of rates revenue across the area they cover.
10. The proposed pooling arrangements in this case involve the following main elements. The retained share of business rates will be increased to 100%. To counteract this, London will no longer receive revenue support grant, and its joint tariff payment will be calculated to ensure that its aggregate spending need is matched to its aggregate business rates base. The levy payment will be removed, but the safety net will be retained and adjusted to provide an equivalent level of protection as at present (*i.e.* 97% of total expected revenue).
11. In practical terms the main effect is that, while the arrangements will be financially neutral at the start, any increase in business rates revenue in 2018–19 will be wholly retained within London. At present, over one third of such growth is sent to the Treasury, in the form of the national share and levy payments.
12. Rates revenue is currently projected to increase significantly in the financial year 2018–19. The ability to retain the entirety of this growth, as proposed under the pooling arrangements, is likely to be of considerable financial benefit.

13. In case these projections do not materialise, the Government will guarantee that London will not be worse off as a result of entering into the pilot scheme. In other words, while London will have a greater opportunity to benefit from an increase in growth, it will not face any greater risk from a decrease in revenue than the total risk that participating authorities would face under the current system.
14. This 'upside-only' model is intended to encourage participation in the pilot scheme and is unlikely to be carried over into any longer-term scheme.

Distribution of revenue

15. The first principle to be applied in working out the distribution of revenue within the pool is that each participating authority will end up with at least the equivalent rates revenue to that which it would have received had the pilot not been initiated. This is made possible by the Government guarantee referred to above. So far as the City is concerned, the principle encompasses revenue from the City Premium and the City Offset in addition to the standard formula allocation.
16. In order to meet this principle, additional retained sums from areas which see an increase in their rates revenue will first be used to compensate areas which see a decrease in their revenue and which therefore would stand to lose out from 100% retention. Only if the former is insufficient to cover the latter will the Government guarantee be called upon.
17. It is anticipated, however, that growth in revenue in London will be sufficient to leave a significant financial dividend even after worse-performing areas have been compensated. On current projections the dividend will total approximately £240 million in 2018–19.
18. It is proposed that this dividend be distributed as follows:-
 - 15% will be allocated to a strategic investment fund, to support projects which contribute to the sustainable growth of London's economy;
 - 31% will be allocated to the GLA (36% of the total after the strategic investment fund is accounted for, reflecting its share of retained rates under the current system);
 - 54% will be shared among the boroughs and the Common Council, of which:
 - 10% will be distributed according to where the additional revenue was generated, thereby enhancing the incentive to generate growth;
 - 22% will be distributed accordingly to residential population as measured by the Office for National Statistics;
 - 22% will be distributed according to spending need, as assessed under the Government's standard formula.
19. So far as the direct financial consequences for the City are concerned, this is a less favourable distribution mode than the various options suggested at the time the City Corporation gave 'in principle' support to the scheme in October. The weighting has been shifted away from retention of growth where it is generated

(a factor which tends to benefit the City) in favour of a more redistributive approach. This change arose in the negotiating process and was put forward by London Councils to improve the prospect of obtaining the necessary unanimous support for the scheme. As explained below, it does, on current projections for revenue growth, still leave the Common Council as the largest single beneficiary except for the GLA.

Governance

20. The proposal requires unanimous agreement by the Common Council and the boroughs to proceed. It is proposed that the pool will be governed by a Memorandum of Understanding with all the participating authorities. This will set out the applicable principles for the operation of the pool but will not be legally binding. London Councils consider that there is insufficient time to put in place a more formal contractual arrangement.
21. The Memorandum will determine the distribution of revenue within the pool, in accordance with the principles set out above. It may only be amended with the consent of all participating authorities. This means that the funding model cannot be changed to the detriment of any authority without its consent.
22. The Memorandum will also govern the process by which decisions are taken about the deployment of the strategic investment fund. Proposals for investment from the fund will be assessed for their contribution to sustainable growth in the capital, and for their ability to attract private sector funding (thus exerting maximum leverage). Any expenditure will require the approval of a majority of two thirds of the billing authorities (the London borough councils and Common Council). In addition, billing authorities in any one sub-region will be able to veto a proposed expenditure. The City will for this purpose form part of a 'Central' sub-region along with Westminster, Kensington & Chelsea, Camden, Islington, Southwark, Lambeth and Wandsworth.

Lead authority

23. When a business rates pool is created it is necessary to appoint a statutory lead authority to exercise the administrative functions. Principally, this will involve calculating and collecting the share of each participating authority to the joint tariff payment. In order to do this, the lead authority will be required to set up a separate collection fund for the pool, and to establish information-sharing mechanisms with the other participating authorities to form estimates of their rates revenue and consequent entitlements or liabilities under the pool. It is likely that the system will mirror to some extent the 'National Non-Domestic Rates' system operated by the Government, whereby revenue forecasts will be submitted at the beginning of the financial year and reconciled at the end of it.
24. A lead authority will also be required for the strategic investment fund referred to above, to hold and disburse the fund in accordance with its governing arrangements. As well as accounting requirements, this will call for the operation of a process for the making and consideration of proposals for spending from the fund, in accordance with the assessment criteria and voting rules described above.

25. The City Corporation is being asked to act as the lead authority in both of these respects. The implications of this request are included in the following assessments.

Financial implications

26. As explained above, the pilot scheme will see the retained share of business rates set at 100% and levy payments abolished, in exchange for an increase in tariff payments and the removal of revenue support grant. On current projections for revenue growth in 2018–19, the net effect will be an additional £240 million of revenue retained in London. Of this, under the distribution model described above, £36 million will be put into a strategic investment fund, £74 million will go to the GLA, and £130 million will be divided among the boroughs and the Common Council.
27. Of this £130 million, the City Corporation will receive £8.2 million—the largest of any individual billing authority share. This arises mainly from the 10% share of the total dividend which is to be retained where revenue growth occurs, and reflects the fact that projected growth in the City in the next financial year is expected to outpace that in London as a whole, at 15% compared to 6%.
28. To put the matter in context, business rates revenue generated in the City is projected to rise from £945 million in 2017–18 to £1,093 million in 2018–19, an increase of £148 million. Under the current system, of this £148 million, 15% would be retained by the City, 37% would go the GLA and 48% would go to the Treasury. Under the proposed pilot scheme, 20.5% would be retained by the City, 48.8% would go to the GLA, 7.2% would be contributed to a pan-London strategic investment fund, and 30.7% would be distributed among the London boroughs.
29. The Government guarantees underpinning the proposal mean that there is no down-side risk for the City Corporation should the projected increase in revenue growth fail to materialise in the next financial year. In other words, the City Corporation will receive at least an equivalent amount to that which would have resulted from the operation of the current system in 2018–19. Specific assurances have been received, and are reflected in the proposals, that the City Premium and the City Offset will continue to be recognised in the pooling arrangements.
30. If the pool were to become a longer-term arrangement, it is unlikely that the Government would continue to underwrite a one-sided approach to risk and reward. Accordingly, the City Corporation, along with the other participating authorities, could become more exposed to volatility in its own rates revenue and to that of London as a whole. On the other hand, participation in a pool could offer a means of spreading risk, which might benefit the City as an area which is liable to significant fluctuations in rates revenue. These considerations would need to be assessed in the context of a detailed proposal and conditions at the time.
31. The proposed role of the City Corporation as the lead authority would entail additional staffing costs. These are estimated at no more than one full-time-equivalent senior accounting role. It is proposed that these costs be met in the first instance through drawing on City Fund reserves, with the amount drawn

down being refunded, and any future costs met, through the expected additional income from the scheme once it becomes available.

Strategic implications

32. The proposed pilot scheme is currently the best available vehicle for securing meaningful further devolution to the capital. This is in keeping with the City Corporation's stated policy and should enable greater local influence to be brought to bear on decisions about public services and investment.
33. Furthermore, the pilot scheme is an opportunity to demonstrate that further devolution to London can be achieved without the creation of new sub-regional corporate structures such as combined authorities, which the Government has insisted on elsewhere in the country under its 'City deals'. Such structures may offer a potential starting-point for wider-ranging local government reorganisation but their establishment in the capital is not perceived to be in the interests of the City Corporation.
34. The Government has made clear that unanimous agreement within London will be required if it is to agree to the establishment of a pool. This means that the City Corporation's failure to participate would frustrate the scheme. Such an outcome would risk undermining the City Corporation's political standing and its stated support for devolution.
35. If the pilot scheme were to mature into a longer-term pooling arrangement, this would mean, in effect, that the amount of rates revenue available to the City Corporation would depend on agreement within London local government from time to time, rather than an allocation set in Whitehall. This would make it necessary to give careful consideration to the parameters of any more permanent proposal.
36. The proposal for the Common Council to act as lead authority would enhance its existing role in facilitating regional co-operation (for instance through hosting the London Councils Summit, holding the London Government Dinner, and providing the secretariat and 'accountable body' function of Central London Forward). It would be a useful demonstration of its ability to provide services for the benefit of Greater London as a whole.

Legal implications

37. The operation of a business rates pool is governed by Schedule 7B of the Local Government Finance Act 1988, as inserted by the Local Government Finance Act 2012. This makes each participating authority jointly and severally liable for the joint tariff payment under the scheme, although if it were to act as the lead authority the Common Council would in practice be responsible for discharging the payment and collecting contributions to it. The Common Council's consent is required for the City Corporation to be included in a pooling arrangement. Beyond joint liability for the tariff, the legislation contains little detail about the operation of a pool and leaves much to the voluntary arrangements made by the participating authorities.
38. The proposal that the pool be governed by a non-binding Memorandum of Understanding, rather than a more detailed contractual arrangement, means that the Common Council will be largely reliant on mutual trust and confidence

in carrying out its proposed role as the lead authority. It will, in particular, depend on the London borough councils providing timely and accurate information about their rates revenue and to make the required payments promptly. A Memorandum of Understanding is the mechanism which governs the operation of Central London Forward and the City Corporation's role in it, under arrangements which have been in place for some ten years.

39. It is possible that, in administering the pool or the strategic investment fund, the Common Council will have to exercise certain functions on behalf of the borough councils, for instance when disbursing the investment fund outside the City. The need for such delegations will be assessed on a case-by-case basis and will be arranged under the Local Government Act 1972, which applies to the Common Council in its capacity as a local authority for this purpose. The exercise of such functions would remain legally the responsibility of the delegating council.

Conclusions

40. The proposed scheme offers an opportunity to advance the devolution agenda in London and strengthen collaboration among the different organs of local government in the capital. On current projections, it will create an additional source of funding for strategic investment and deliver a financial dividend to the Common Council and the other participants. The proposals do not expose the Common Council to any additional risk of volatility in 2018–19, and they are designed to respect the current arrangements in place to cater for the special position of the City within the local government finance system. The proposed role of the Common Council as the lead authority, meanwhile, would enhance its supportive role in wider London government.
41. If successful, the scheme could lay the ground for a more permanent devolution settlement. It carries, however, no commitment beyond the initial financial year, and would not prejudice consideration of any longer-term proposal.

Appendix

- Description of the current system of partial rates retention

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

DATED these 12th and 14th days of December of 2017.

SIGNED on behalf of the Committees.

Catherine McGuinness, Deputy
Chairman, Policy & Resources Committee

Jeremy Paul Mayhew
Chairman, Finance Committee

Current system of partial rates retention

Partial rates retention was introduced in 2013 under the Local Government Finance Act 2012. Generally, under this system, 50% of rates revenue is retained within local government (subject to a system of redistribution) and 50% is sent to the Treasury, to fund the revenue support grant and other expenditure related to local government.

In London, the position has been modified to allow for the TfL capital budget to be funded from retained rates. Under the current arrangements, 67% of rates revenue is retained in local government: 30% by the billing authorities (the boroughs and the Common Council) and 37% by the GLA. The remaining 33% goes to the Treasury.

A system of redistribution operates in respect of the retained share of rates. The system operates on a cyclical basis (generally expected to be five years). At the beginning of each cycle, an annual 'top-up' or 'tariff' payment is calculated for each authority—a top-up being an amount received from the system and a tariff being an amount paid into it. This is designed to match, at the start of the cycle, each authority's formula-assessed spending need to the amount of rates revenue it will end up with at its disposal.

Critically, the top-up or tariff amount remains constant over the course of the cycle. This, coupled with the retention of a percentage share of revenue, gives local authorities the opportunity to benefit financially from any increase in rates revenue in their areas. Conversely, if rates revenue falls, the local authority loses out. This mechanism is designed as an incentive for councils to retain and increase business activity in their areas.

The system is adjusted to neutralise the effects of business rates revaluations (such as that undertaken earlier this year). This means that councils do not gain from increases in property values in their areas, or suffer from falls in value. The incentive is effectively confined to 'physical' changes such as the construction of new office space or the renovation of existing space.

Two mechanisms serve to limit the incentive effect. First, a 'levy' is charged on councils which see high increases in revenue. Second, a 'safety net' ensures that councils cannot see the amount of rates revenue at their disposal diminished beyond a certain amount (currently 92.5% of the 'baseline' level).

Growth in revenue in recent years means that the Common Council is currently both a 'tariff' and a 'levy' authority.

On the introduction of the modern rating system in 1990, special arrangements were put in place to recognise the City's uniquely low council tax base relative to the level of services it had to provide. These arrangements—the City Premium and the City Offset—enable the Common Council to charge a slightly higher rate and retain an additional share of rates revenue. During the passage of the Bill for the 2012 Act which introduced the partial retention system, the Government recognised the continuing justification for these arrangements and agreed to their application in the new system.

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Report – The Standards Regime Review Working Party

Independent Review of the City of London’s Standards Regime

To be presented on Thursday 11th January 2018

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

SUMMARY

This report provides findings of the review undertaken by your Standards Regime Working Party in respect to the Corporation’s current Standards Framework, especially the Complaints Procedure (alleged breaches of the Members’ Code of Conduct). Specifically, this report outlines the consideration given to a review undertaken by Mr Charles Bourne QC and his report (“the Report”), who was appointed by the Town Clerk to examine the Standards Framework and provides both findings and recommendations on how to improve the current arrangements.

RECOMMENDATION

We recommend that the Court of Common Council approves the responses we have proposed in respect to the recommendations as set out in the Report, and the revised Code of Conduct, Complaints Procedure and Guidance to Members on the Code of Conduct as appended.

MAIN REPORT

Background

1. At the meeting of the Court of Common Council on 23rd June 2016, concerns were expressed by a number of Members about the content of the Standards Committee’s annual report, principally around the identification of a Member involved in a particular complaint and that Committee’s handling of the complaint. This led to a decision by the Court to refer the report back to the Standards Committee for further consideration.
2. In light of the concerns raised, the Standards Committee re-submitted its annual report to the Court at its meeting on 21st July 2016, without naming the individual Member concerned with the complaint.
3. To ensure that Members would have full confidence in the arrangements in place, the Standards Committee also reported to the Court of Common Council its intention to commission an independent review of the current arrangements for addressing matters connected to the conduct of Members under the Localism Act 2011.

4. The Standards Committee proposed that the review should be independent and broad in its remit so that City Corporation's responsibilities under the Act, fulfilled by the Standards Committee in accordance with the Terms of Reference set by the Court, could be further considered. The review would examine the arrangements the City Corporation currently has in place for addressing matters connected to the conduct of Members (including co-opted Members) under the Localism Act 2011 with a particular focus on the Complaints Procedure (alleged breaches of the Members' Code of Conduct).
5. The Town Clerk appointed Mr Charles Bourne QC of 11 King's Bench Walk to carry out the task. As part of the review process, written submissions were sought from all directly elected and co-opted Members from the outset. Mr Bourne subsequently met with Members of the Standards Committee and then, on a one-to-one basis, with a number of other Members.
6. A meeting with Mr Bourne, which all Members were invited to, also took place on 7th November 2016 to enable further consultation and input into the process.
7. The final report detailing Mr Bourne's findings, together with his recommendations, was presented to the Court of Common Council, for information, at your meeting on 12th January 2017.
8. The Court decided that *'a Panel be established by resolution of this Court today comprising the Chairman of the Standards Committee, the Chairman of Policy & Resources, the Chairman of the General Purposes Committee of Aldermen and the Chief Commoner with power to act to appoint a Working Party to report to this Court as soon as is practicable during this year on how the various recommendations in Mr Bourne's Report might be progressed and implemented as appropriate'*.
9. After careful consideration, the Panel reached a consensus on the final ten Members who should be approached to serve.
10. At the Working Party's initial meeting in February 2017, Emma Edhem was elected as our Chairman. We initially sought to decide upon a method of working for considering the various recommendations contained in Mr Bourne's review. After working through each of the recommendations presented within the report, we concluded that there were primarily six clear, separate, areas of work that required investigation. These were agreed to be:
 - Assessment of Complaints
 - Investigation of Complaints
 - Complaints Hearings
 - Sanctions
 - Appeals
 - the Role of the Independent Person
11. On 6th November 2017 and twice on 9th November 2017, a total of three sessions were held by the Chairman of your Working Party for all Members of the Court of Common Council in order to informally brief Members on our

findings and to invite further input into the process. The Chairman of your Working Party also held a briefing session for the Standards Committee, again inviting input into the process. Additionally, and prior to holding the four meetings with the Standards Committee and Members as described above, all Members, including Members of the Standards Committee, were invited to email comments on the draft findings of your Working Party for consideration by the same. Following comments received from Members at those briefings and also by email, the Working Party met further to consider the comprehensive representations made by the Members and to amend the draft report and guidance accordingly.

12. For the purpose of this report, each recommendation and our responses are provided in the following section, grouped in the areas of work (as stated at paragraph 11).

Review of recommendations

13. At our first meeting, 27th February 2017, we agreed that some recommendations were straight forward, made good sense and could be dealt with quickly, without the need for detailed consideration. These recommendations – and our response to each one – were as follows:

- 13.1 ***Recommendation 1: Members should be required to attend such training on conduct and standards matters as the City may provide from time to time***

Working Party response: We support this recommendation.

- 13.2 ***Recommendation 2: The Code of Conduct should adopt the CSPL's [Committee on Standards in Public Life] revised descriptions of the Nolan Principles***

Working Party response: We support this recommendation.

- 13.3 ***Recommendation 3: The Code of Conduct should contain more express requirements in respect of equality and diversity***

Working Party response: We support this recommendation, and were also of the view that the Code of Conduct should make explicit reference to Members' obligation to comply with the Equality Act 2010.

- 13.4 ***Recommendation 4: The Code should prohibit Members from bringing their office into disrepute, engaging in any bullying and intimidation or breaching obligations of confidentiality to the City***

Working Party response: We supported the recommendation but with the proviso that behavioural issues should be contained in an additional separate and distinct clause in the Code. We were also of the view that the reference to Members bringing their office into disrepute, engaging in any bullying and intimidation, and breaching obligations of confidentiality to the City be three, clearly separate bullet points in the Code of Conduct.

- 13.5 **Recommendation 5:** *The Guidance to Members on the Code should be updated to reflect changes to the Code and also to deal with conduct matters generally, rather than only with the declaration of interests*

Working Party response: We support this recommendation.

- 13.6 **Recommendation 6:** *The City should retain a Standards Committee which will keep abreast of all of the City's activities relating to conduct and standards, including training*

Working Party response: We support this recommendation and considered that the Standards Committee should not only be retained but should also continue to operate as a Grand Committee with the ability to report directly to the Court of Common Council. We agreed that it is important to retain the independent dynamics of a Standards Committee with continued involvement of both Co-opted Members and Independent Persons in their separate and distinct roles respectively.

- 13.7 **Recommendation 7:** *The Chief Commoner and Privileges Chairman should have a discretion to share with the Standards Committee information which may be useful to it. Whilst the Standards Committee may ask them, from time to time, whether there is any such information to be shared, the Standards Committee should not have a formal role of monitoring the pastoral activities of the Chief Commoner and Privileges Chairman*

Working Party response: We support this recommendation. It is our opinion that there is no formal role for the Standards Committee in monitoring the pastoral responsibilities of the Chief Commoner or the Aldermanic Chairmen (the Chairman of the General Purposes Committee of Aldermen and the Chairman of the Privileges Committee of Aldermen).

The Chief Commoner and the Aldermanic Chairmen should continue to have a discretion to report matters which are not serious in nature but may nevertheless be deemed of sufficient breach to report to the Standards Committee. Accordingly, on matters of a serious nature, an obligation should be imposed upon the same to report matters to the Standards Committee. It is borne in mind that the role of the Standards Committee is in promoting and maintaining high standards of conduct by Members. In the circumstances, the Standards Committee should be put in a position whereby they are capable of enquiring whether there is any such information to be shared. In matters of criminality, racial abuse or sexual harassment, such matters should be immediately referred to the Standards Committee.

It was felt by your Working Party that the Standards Committee should have the discretion to refer minor issues to the Chief Commoner for resolution (this could apply in circumstances where an issue could be resolved informally).

It should be emphasised that the Chief Commoner and the Aldermanic Chairmen have the ability to refer a dispute for formal resolution under the Complaints Procedure, where it relates to a potential breach of the Code of Conduct.

We agreed that the Chief Commoner and the Aldermanic Chairmen should receive guidance from the appropriate officer on how to most appropriately handle such instances. We were also of the view that all Members should be offered training and guidance on when to make a formal complaint or when to flag issues with the Chief Commoner and the Aldermanic Chairmen.

- 13.8 **Recommendation 8:** *There should be more detailed published guidance on the procedure for dealing with complaints, especially at the hearing stage*

Working Party response: We support this recommendation.

- 13.9 **Recommendation 9:** *The City should provide training for all Members and Officers who deal with complaints (and appeals) to ensure that they are dealt with expertly and consistently*

Working Party response: We support this recommendation.

- 13.10 **Recommendation 36:** *After a finding of breach, publication of the finding should be an available sanction and the usual course, subject to recommendation 35. Otherwise the Standards Committee should have a discretion as to publication, to be exercised having regard to legal advice where appropriate, the views of the Independent Person and all the circumstances as set out at paragraph 199 [of the report]*

Working Party response: We support this recommendation.

Recommendations relating to the Assessment of Complaints

14. Recommendations 10-14 of the Report were considered within the Assessment of Complaints area of work.

- 14.1 **Recommendation 10:** *Initial assessment of a complaint should be by the Monitoring Officer, with a limited discretion to assign the function to another officer (or an officer of another authority) where necessary e.g. in a case of conflict of interest*

Working Party response: We support this recommendation, with the Monitoring Officer providing the initial assessment of a complaint in consultation with the Chairman of the Standards Committee, the Chief Commoner, one of the Aldermanic Chairmen and one Independent Person, provided the person or persons in consultation was not involved in the complaint and or was not the one referring the complaint. We also agreed that it should be left to the Monitoring Officer to determine if he or she might have a conflict of interest in any case and if so to delegate the assessment of the complaint accordingly. In addition, we were of the view that the complainant should be informed in the event where the Chief Commoner refers a complaint to the Monitoring Officer or the Standards Committee.

- 14.2 **Recommendation 11:** *A rule should require that an Independent Person's views be sought at the assessment stage unless this is considered unnecessary*

Working Party response: We support the recommendation that an Independent Person's views be sought at the assessment stage, but deem it necessary that the same always be consulted at this stage.

- 14.3 ***Recommendation 12:*** *The published arrangements should refer to the possibility of the Independent Person's views being sought at the assessment stage by the respondent to an allegation*

Working Party response: We support this recommendation and add that the draft reflect 14.2 above.

- 14.4 ***Recommendation 13:*** *Decisions on initial assessment should be accompanied by concise written reasons which enable the complainant and the respondent to understand (1) whether any of the grounds for not proceeding are present and if so (2) the reasons for the decision on whether and how to proceed*

Working Party response: We support this recommendation as a statutory requirement.

- 14.5 ***Recommendation 14:*** *If assessment is carried out by the Monitoring Officer and if the complaint is not dismissed or resolved informally, it should be referred for investigation by an Investigating Officer who may be another officer of the Corporation or an officer from another local authority, with provision for the Investigating Officer to be assisted by an external investigator where appropriate*

Working Party response: It is our opinion that it would be both just and cost effective for another officer from the Comptroller & City Solicitor's Department, or another Chief Officer of this authority, to undertake the investigation of a complaint if the Monitoring Officer had carried out the assessment and not dismissed or informally resolved it. We supported the notion that the Monitoring Officer (in consultation with Chairman of the Standards Committee, the Chief Commoner, one of the Aldermanic Chairmen and one Independent Person) should decide the most appropriate investigating officer (including external support where appropriate) on a case by case basis.

We are also of the view that the criteria currently contained within the document entitled '*How complaints to the City of London Corporation's Standards Committee will be dealt with*' should be tightened to stipulate that all complaints should be submitted for consideration within three months in order to satisfy initial assessment criteria, except in exceptional circumstances. Further to this, it should also be amended to state that an initial assessment will normally be completed within 30 working days (removing the words 'an average of' in the document) and that Investigations must be completed and a report provided within three (as opposed to six) months of assessment. Deviation from the time limits can be only be in exceptional circumstances backed with cogent reasons.

Recommendations relating to the Investigation of Complaints

15. Recommendations 15-17 of the Report were considered within the Investigation of Complaints area of work.

- 15.1 **Recommendation 15:** *Investigation should be the subject of a concise but sufficiently detailed protocol covering the matters set out at paragraph 110 of the Report*

Working Party response: We support this recommendation, but with the proviso that the Member who was the subject of a complaint would have the same right as the complainant to identify supporting evidence and/or witnesses at the interview stage.

- 15.2 **Recommendation 16:** *When interviewed by the Investigating Officer, the Member should have the right to be accompanied by a person of their choice. This could be a lawyer although the process should be an interview with the Member rather than a hearing involving advocacy*

Working Party response: We support this recommendation.

- 15.3 **Recommendation 17:** *The Investigating Officer should report on whether there is or is not evidence of a breach, or whether the allegation of breach of the Code of Conduct raises a case to answer*

Working Party response: We support this recommendation, and were of the view that there needs to be a reasoned explanation offered to substantiate the findings of the Investigating Officer

Recommendations relating to Complaints Hearings

16. Recommendations 18-25 and 34 of the Report were considered within the Complaints Hearings area of work.

- 16.1 **Recommendation 18:** *Hearings should be conducted by a committee or sub-committee including at least one (non-voting) co-opted member*

Working Party response: We are of the view that hearings should continue to be conducted by a Sub-Committee of the Standards Committee, to comprise of three elected Members, one (non-voting) Co-opted Member and the mandatory role of the Independent Person. It was, however, unanimously and strongly felt that the Standards Committee (or any sub-committee thereof) should not then be involved in any subsequent appeal.

- 16.2 **Recommendation 19:** *A pre-hearing process should be used to identify the issues and decide what (if any) witnesses need to attend the final hearing unless all parties consider it unnecessary*

Working Party response: We are of the view that a pre-hearing process should be used and that this should be formalised. We are also of the opinion that both the respondent and the complainant should be included in the pre-hearing process. We considered that Recommendation 19 should be amended thus - *"A pre-hearing process should be used to identify the issues and decide what witnesses are required to attend the final hearing and address issues of disputed fact unless all parties consider it unnecessary."*

- 16.3 **Recommendation 20:** *The committee should continue to conduct hearings in public session, subject to its statutory powers to move into confidential session under Part VA of and schedule 12A to the Local Government Act 1972*

Working Party response: We support this recommendation, and were of the view that there cannot be a “blanket rule” as to whether or not hearings should be conducted in public session. We considered that, this must be for the Hearing Sub-Committee to determine on a case-by-case basis.

- 16.4 **Recommendation 21:** *The procedure should state that the respondent may be legally represented. Respondents or their representative should be allowed to question witnesses, subject to the Chairman's discretion to set a timetable which may limit the time for questioning*

Working Party response: We are of the view that both the respondent and the complainant should be entitled to be legally represented. We felt that recommendation 21 should be amended to “The procedure should state that either party may be legally represented. Respondents/Complainants or their representatives should be allowed to question witnesses, subject to the Chairman’s discretion to manage the Hearing in a fair and expeditious manner”. During the course of discussing this recommendation, it was further our opinion that there was clearly a need for a more robust Hearing Procedure to be developed.

- 16.5 **Recommendation 22:** *The role of the Independent Person at a hearing (and generally) should be set out in writing, emphasizing its importance. The Independent Person should answer questions and express views in the presence of all those attending the hearing. Where a panel finds a breach of the Code of Conduct, the views of the Independent Person should be sought on sanction*

Working Party response: We support this recommendation.

- 16.6 **Recommendation 23:** *The arrangements should reiterate that an Independent Person's views may also be sought by the respondent at the hearing stage*

Working Party response: We support this recommendation.

- 16.7 **Recommendation 24:** *The written procedure should also make separate provision for the committee to take legal advice where necessary*

Working Party response: We support this recommendation.

- 16.8 **Recommendation 25:** *The arrangements should clarify that the question whether there has been a breach of the Code must be answered on the balance of probabilities. The panel should give concise but clear reasons for its decisions in relation to breach and sanction*

Working Party response: We support this recommendation and are of the view that the arrangements should also explicitly clarify that the burden of proof

is on the complainant to prove an allegation and not for the respondent to disprove it.

- 16.9 **Recommendation 34:** *Before any finding of breach there should be a presumption against publication of details of a case*

Working Party response: We support this recommendation.

- 16.10 **Recommendation 35:** *The announcement of any findings and/or sanction at the hearing stage should be delayed until either (1) the appeal time limit passes and no appeal is received or (2) an appeal is dismissed or (3) a new finding is made and/or a sanction is imposed at a re-hearing*

Working Party response: We support this recommendation, with the deletion of the words 'at a re-hearing.'

Recommendations relating to Sanctions

17. Recommendation 26 was considered within the Sanctions area of work. We endorsed the following in respect to the recommendation:

- 17.1 **Recommendation 26:** *The list of available sanctions should draw a distinction between a finding of breach and the sanction of censure*

Working Party response: We first gave consideration to the general comments about available sanctions in paragraphs 145-152 of the Report. It was acknowledged that an elected Member cannot be disqualified or suspended under the Corporation's arrangements. However, we noted that the Court of Common Council reserves the power to appoint Members to Committee, and similarly has the power to revoke such appointments. We noted that that any such sanction must be necessary and proportionate to the nature of the breach.

We support the recommendation that the list of available sanctions should draw a distinction between a finding of breach and the sanction of censure.

Recommendations relating to appeals against complaints

18. Recommendations 27-31 of the Report were considered within the appeals area of work.

- 18.1 **Recommendation 27:** *A respondent Member should continue to have a right of appeal against finding of breach and/or sanction, subject to a written appeal being delivered within a reasonable time limit such as 14 days*

Working Party response: It is our opinion that a Member should continue to have a right of appeal against a finding of breach and/or sanction, but we considered that the right to appeal should also be extended to the complainant, notwithstanding the view expressed by Mr Bourne at paragraph 158 of his report. This should be subject to written notice of intention to appeal being given within 14 calendar days from the date that the appellant was notified of the decision of the Standards Committee (with reasons). The right of appeal would also be subject to the appellant providing a full written appeal, including all

reasons for that appeal, within 28 calendar days from the date that he/she was notified of the decision of the Standards Committee.

18.2 Recommendation 28: *Those deciding an appeal should not be part of the body (e.g. the Standards Committee) from which the hearing panel is constituted; and*

Recommendation 29: *It may be better for a separate individual or panel to receive a written appeal, review the decision and decide whether to remit it to a differently constituted hearing panel (16i). If this course is taken there should be no right of appeal against the outcome of the re-hearing*

Working Party response: Having considered these recommendations, it is our opinion that a separate Standards Appeal Committee, made up of Members who are not on the Standards Committee, should be constituted. However, we considered it preferable that this Committee should be able to substitute a new decision on appeal, but may remit the decision(s) back to the Standards Committee to be re-decided if deemed appropriate to do so, as per Mr Bourne's suggestion. It should therefore have the authority to either uphold, change, reverse or remit back a decision made by the Standards Committee. It is our opinion that there should be no further appeal from a decision of the Standards Appeal Committee. It was further our opinion that this Committee would normally determine any appeal on the papers but should have the discretion to receive oral representations if necessary on a case by case basis.

We recommend that a Standards Appeal Committee should be made up of the following ex-officio Members (or his/her representative):

- Chairman of Policy and Resources Committee
- One of the Aldermanic Chairmen
- Chairman of Finance Committee
- Chairman of Audit and Risk Management Committee
- A former Chief Commoner

Those sitting on the Standards Appeal Committee must consult with an Independent Person, preferably one not involved in the original hearing. The Independent Person would not be entitled to a vote as part of the Standards Appeal Committee's deliberation.

It was further agreed that the quorum for this Committee, should it be established, should be any three of the listed Members, or their representatives (being, as the case may be, the Deputy Chairman, an Alderman passed the Chair and a former Chief Commoner).

18.3 Recommendation 30: *The Court should decide how to design its appeal arrangements by considering the questions set out at paragraph 165 of the report*

Working Party response: In respect to one question posed, it is our opinion that there should be a training and guidance requirement for the Members of the new Standards Appeal Committee. In relation to those other questions, it is

our opinion that we had already answered them by our consideration of recommendations 27-29.

- 18.4 **Recommendation 31:** *Any appeal panel should receive the views of an Independent Person before making its decision, preferably one who was not involved at or before the hearing stage*

Working Party response: We support this recommendation.

Recommendations relating to the role of the Independent Person

19. Recommendations 32-33 of the Report were considered within the Role of the Independent Person area of work.

- 19.1 **Recommendation 32:** *The City's Independent Persons should not routinely attend meetings of the Standards Committee 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. They should however be supplied with all such agendas, minutes and other documents as will enable them to remain abreast of the Standards Committee's discussions and decisions about the Code [of Conduct] and conduct matters generally*

Working Party response: We noted that, contrary to Mr Bourne's suggestion, the Independent Persons themselves felt that they should routinely attend meetings of the Standards Committee. The majority of Members of the Working Party, however, are in support of Mr Bourne's suggestion that Independent Persons should no longer continue to routinely attend Standards Committee meetings particularly so as to reinforce their independence from that Committee. Whilst the Independent Persons' input is important and valued, it is our opinion that in the interest of independence they should instead be invited to attend a separate briefing session with the Chairman, Deputy Chairman and relevant Officers of the Standards Committee every six months in order to be updated on their activities instead of regularly attending Committee meetings. It is also our opinion that, under this new approach, they should also continue to receive all Standards Committee agendas and minutes. It should be noted that Independent Persons are at liberty to attend open Standards Committee meetings as members of the public should they so wish.

- 19.2 **Recommendation 33:** *A respondent Member exercising the right to seek the views of an Independent Person should be given a choice between a non-confidential consultation with the Independent Person who will advise the hearing panel and a confidential consultation with an Independent Person who will not. Arrangements should state that the purpose of either type of consultation is for the respondent to seek the Independent Person's views, not to influence them, and a note should be kept of what is said*

Working Party response: We noted that it is mandatory for an Independent Person to be consulted on the determination of any allegation. It was recognised that respondent Members also had a statutory right to consult an Independent Person about their case. We are in favour of insisting on the separation of the two roles so that respondent Members could only consult an Independent Person not advising the hearing panel.

Conclusion

20. Having given thorough consideration to each recommendation, we submit this report to the Court for consideration. Should the Court approve the responses to the recommendations, it is recommended that the Court should consequently approve the revised Code of Conduct, Complaints Procedure and Guidance to Members on the Code of Conduct as appended. The suggested amendments to these documents are detailed throughout our responses to the report's recommendations.

Background Papers

- Item 17, Standards Committee: Annual Report, Meeting of the Common Council, 23rd June 2016
- Item 8, Referral Back – Standards Committee, 8th July 2016
- Item 16a, Independent Review of Standards Framework, Meeting of the Common Council, 21st July 2016

Appendices

- Appendix 1 – Revised Code of Conduct
- Appendix 2 – Revised Complaints Procedure and form
- Appendix 3 – Revised Guidance to Members on the Code of Conduct
- Appendix 4 – Report of Mr Bourne QC: 'An independent review by leading counsel of the arrangements made under the Localism Act 2011 by the City of London Corporation for addressing matters connected with the conduct of Members and Co-opted Members'

DATED this 27th day of November 2017.

SIGNED on behalf of your Committee.

Emma Edhem
Chairman, Standards Regime Review Working Party

APPENDIX 1



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, 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) 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 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.

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.

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.
14. Your participation in any item of business:

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

- 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.

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STATUTORY INSTRUMENTS

2012 No. 1464

LOCAL GOVERNMENT, ENGLAND

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

<i>Made</i>	- - - -	<i>6th June 2012</i>
<i>Laid before Parliament</i>		<i>8th June 2012</i>
<i>Coming into force</i>	- -	<i>1st July 2012</i>

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.

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APPENDIX 2



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 CONSIDERATION OF COMPLAINTS

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 is made up of elected Aldermen and Common Councilmen of the Corporation, together with 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 is made up of the following ex officio members (or their representatives): the Chief Commoner; one of the Aldermanic Chairmen; the Chairman of the Policy and Resources Committee;

the Chairman of the Finance Committee; and the Chairman of the Audit and Risk Management Committee. The latter three members are senior Common Councilmen or Aldermen who have been appointed by their peers to positions concerned with good governance at the Corporation.

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.

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. However, 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 matter relates to a potential breach of the code of conduct though, 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 Monitoring Officer 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 Monitoring Officer as a complaint, he or she should cease to take any action in relation to the matter. Similarly, a member who is aggrieved with any sanction imposed 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 Monitoring Officer 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 Monitoring Officer for initial assessment. A complainant may, at any stage, withdraw their complaint with the consent of the Monitoring Officer. 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 Monitoring Officer will consider the request in consultation with the Chairman of the Standards Committee, the Chief Commoner, one of the Aldermanic Chairmen and one Independent Person. Where it is not appropriate to give the subject member a full copy of the complaint, the Monitoring Officer will consider whether it is possible to give them a summary, or a redacted version of the complaint.
24. The Monitoring Officer will confirm his 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 the Monitoring Officer has a reasonable suspicion that informing the subject member of a complaint may lead to an attempt to interfere with evidence or intimidate witnesses he also has the discretion, after consultation with the Chairman of the Standards Committee, the Chief Commoner, one of the Aldermanic Chairmen and one Independent Person 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. Authority to receive and assess allegations that a member of the Corporation has failed, or may have failed, to comply with the code of conduct is delegated to the Monitoring Officer, in consultation with the Chairman of the Standards Committee, the Chief Commoner, one of the Aldermanic Chairmen and one Independent Person.

SUBJECT MEMBER CONSULTING WITH INDEPENDENT PERSON

29. 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.

PRE-ASSESSMENT REPORTS AND ENQUIRIES

30. 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 at this stage.
31. The Monitoring Officer may decide to obtain further information to assist him with his 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.
32. 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

33. The Monitoring Officer should firstly satisfy himself 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 within the last three months, or is connected to alleged misconduct within the last three months.
34. 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

35. The Corporation has developed criteria for the Monitoring Officer 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 Monitoring Officer from accusations of bias.
36. 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.
37. 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 Monitoring Officer 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

38. The Monitoring Officer 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.
39. 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.
40. It may be useful for the Monitoring Officer 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 Monitoring Officer is hoping to achieve.
41. The Monitoring Officer will normally complete his initial assessment of an allegation within 30 working days. The decision reached by the Monitoring Officer and the reasons for it should adhere to the assessment criteria previously agreed.

PUBLICATION OF INITIAL ASSESSMENT DECISIONS

42. The Monitoring Officer will write to the complainant and the subject member to advise them of his decision. 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).
43. Any initial assessment decisions made by the Monitoring Officer under delegated authority will also come within Part 3 (Record of Decisions and Access to Documents) of the Openness of Local Government Bodies Regulations 2014. A written record must therefore be produced as soon as reasonably practicable after the decision has been made and, together with any background papers, must be made available for public inspection at the Corporation’s offices and on the Corporation’s website. The written record must be retained for six years and any background papers for four years. However, the Corporation is not required to disclose to the public any document or part of a document if it contains, or is likely to contain, exempt information. For more information on exempt information see Appendix 2 to this handbook.

INVESTIGATIONS

RESPONSIBILITY

44. Where the Monitoring Officer has decided that an allegation should be formally investigated, a different individual ("the Investigating Officer") will be responsible for that investigation. The Monitoring Officer will appoint the Investigating Officer, in consultation with the Chairman of the Standards Committee, the Chief Commoner, one of the Aldermanic Chairmen and one Independent Person. 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

45. Investigations will be conducted in accordance with the relevant protocol, which is included at Appendix 3 to this handbook.
46. 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. 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

47. 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 normally 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.
48. The Hearing Sub-Committee will normally 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 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.

SUBJECT MEMBER CONSULTING WITH INDEPENDENT PERSON

49. 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

50. 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.
51. 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

52. 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

53. 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.
54. The burden of proof rests on the complainant to establish that there has been a breach of the code of conduct, rather than on the subject member to disprove this. The question whether there has been a breach of the code of conduct must be answered on the balance of probabilities.

FINDINGS

55. 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.

56. If the Hearing Sub-Committee makes a finding under paragraph 40 (iii), it may impose any one of or any combination of sanctions that are available, as set out below.

SANCTIONS

57. 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

58. 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

59. 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

60. 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

61. 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

62. 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).
63. 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.

64. 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.

65. 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.
66. 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

67. The Standards Appeal Committee will determine any appeal from a complainant or subject member from a decision of the Hearing Sub-Committee. Where unavailable, or conflicted, the Chief Commoner may be represented on the Standards Appeal Committee by a former Chief Commoner; the Aldermanic Chairmen may be represented by an Alderman passed the Chair; and the other ex officio members may be represented by their respective Deputy Chairmen. The quorum will be three members. The Standards Appeal Committee is subject to the Corporation's standing orders in the normal way. The Standards Appeal 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

68. If a subject member is aggrieved by a decision of the Hearing Sub-Committee they are entitled to appeal to the Standards Appeal 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 Standards Appeal 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

69. 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 Standards Appeal 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

70. 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

71. Meetings of the Standards Appeal 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 Standards Appeal 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.
72. Meetings of the Standards Appeal 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 Standards Appeal Committee on its website.

APPEAL PROCEDURE

73. The Standards Appeal Committee may adopt such procedure as it considers appropriate having regard to the nature of the case. The Standards Appeal 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 Standards Appeal Committee may decide to hear further oral evidence in a particular case if it deems this necessary. If the Standards Appeal 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

74. Having due regard to the decision of the Hearing Sub-Committee, the Standards Appeal Committee may substitute any alternative decision that it considers is appropriate, being a decision that the Hearing Sub-Committee had the power to make. The Standards Appeal 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 Standards Appeal Committee.

PUBLICATION OF APPEAL DECISIONS

75. After the Standards Appeal 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).

76. Meetings of the Standards Appeal 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.

77. 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 Standards Appeal 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.

78. 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 Standards Appeal 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 Standards Appeal 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 Monitoring Officer will consider the request in consultation with senior Members and one Independent Person. 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

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.

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APPENDIX 3



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 7 3321409

Email: lorraine.brook@cityoflondon.gov.uk

Appendix 1 to Guidance to 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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**AN INDEPENDENT REVIEW BY LEADING COUNSEL
OF THE ARRANGEMENTS MADE UNDER THE LOCALISM ACT 2011
BY THE CITY OF LONDON CORPORATION
FOR ADDRESSING MATTERS CONNECTED WITH
THE CONDUCT OF MEMBERS AND CO-OPTED MEMBERS**

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- 8. Proposed hearing procedure for the 2015 complaint**
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1. Introduction and terms of reference

1. I have been instructed by the Comptroller and City Solicitor on behalf of the City of London Corporation (“the City”) to carry out an independent broadly-based review of its current arrangements for addressing matters connected with the conduct of its members and co-opted members, with particular focus on the complaints procedure applicable to alleged breaches of the members’ Code of Conduct.
2. The City is the municipal governing body of the City of London. It is divided into 25 wards and 125 members are elected to represent them. Each ward elects one Alderman, thus 25 in total who serve on the Court of Aldermen, and two or more Common Councilmen, depending on its population, there being 100 members of the Court of Common Council. The Court of Common Council (“the Court”), described as the City of London’s primary decision-making body, works through committees upon which Aldermen also sit. The Court of Aldermen is chaired by the Lord Mayor of London.
3. Local government legislation often provides for the City to be treated as a London borough and for the Common Council to act as a local authority. In this way the Common Council has been made subject to the relevant sections of the Localism Act 2011 dealing with matters of standards and conduct¹.
4. In pursuance of the 2011 Act the City adopted the current version of its Code of Conduct which came into force on 1 January 2015 (“the Code”).
5. In 2015 the City’s Standards Committee (“the SC”) received what would be the first complaint to progress beyond the initial assessment stage (“the 2015 complaint”). Findings were made at a hearing, some of which were upheld on appeal. Details of these proceedings were contained in the Standards

¹ The relevant provisions apply to the City in its capacity as a local authority and a police authority. However, for consistency, it chooses to apply its conduct and standards arrangements to Members in respect of all of its functions.

Committee's annual report to the Court on 23 June 2016. The contents of the report caused dissatisfaction among the Court, which referred the report back to the Standards Committee. Concern was also expressed about the procedures used to handle the complaint.

6. This was a trigger for the resolution to commission this independent review. Although my terms of reference do not include a review of the 2015 complaint as such, it is hoped that lessons may be learned from the handling of it.
7. My terms of reference are therefore as stated in paragraph 1 above. In particular I have considered what if any improvements might be made to (1) the Code and related documents, (2) the allocation of conduct matters to, and the constitution of, the Standards Committee and (3) the procedures for dealing with allegations of breaches of the Code.

2. Basis of the review

8. In carrying out this review I have applied the relevant law as I understand it.
9. In assessing best practice I have drawn on my experience as a Barrister and as a Judge. I was called to the Bar in 1991 and became Queen's Counsel in 2014. My practice has encompassed a number of areas, notably public law including local authority law. I have thereby had experience of advising authorities, officers and members in cases concerning local authority governance, conduct and standards. I have gained other relevant experience by practising in the fields of professional regulation and discipline and employment law. As well as specialising in the legal requirements for decision-making by bodies, committees, courts, tribunals and individuals, I have also acquired considerable experience as a user of such decision-making bodies. I have also acted as a decision maker. For some years I sat on the internal disciplinary tribunals of the Bar. Since 2009 as a Recorder I have sat as a Judge in the Crown Court. I have recently been appointed as a Deputy High Court Judge. I am also a Mediator accredited by CEDR.

10. By way of further research I have reminded myself of the conduct and standards arrangements of other local authorities and have considered two reports by the Committee on Standards in Public Life (“CSPL”) namely *Standards Matter: a review of best practice in promoting good behaviour in public life* (2013, “the 2013 report”) and *Striking the Balance: upholding the seven principles of public life in regulation* (2016, “the 2016 report”). I have also read a House of Commons briefing paper by Mark Sandford (a Senior Research Analyst at the House of Commons Library), *Local government standards in England* (27 June 2016).
11. In order to glean relevant factual information:
- (1) I have been shown the documents listed in Appendix 1 to this report.
 - (2) On 5 September 2016 I had introductory meetings with the Town Clerk, and with the Comptroller and City Solicitor and other officers.
 - (3) I asked for all members to be told that they could share any views with me orally or in writing and a number have done so. Those representations are listed in Appendix 2 to this report. They were shared with the Standards Committee but I have not received any responses from the Standards Committee (or anyone else) to those representations.
 - (4) I met with the Chairman and Deputy Chairman of the Standards Committee on 15 September 2016 and attended part of a meeting of that Committee on 7 October 2016.
 - (5) I met with the Chief Commoner on 31 October 2016.
 - (6) On 7 November 2016 I attended the Court of Common Council in order to tell members about the review process, share with them any provisional views which I had formed by that time and glean from them any further information or views to which they wished me to have regard. Following that meeting I reconsidered the entire matter afresh.

12. In considering matters of fact, I have proceeded with caution. Some facts are a matter of record e.g. the procedures adopted by the hearing and appeal committees when dealing with the 2015 complaint. But where the facts are subject to opinion or are matters of individual recollection, I have kept an open mind about them. I regard it as relevant that members hold the various views which have been expressed, whether or not those views are well founded. The purpose of this report is to make recommendations for best practice going forwards, not to make findings of fact about past events.
13. The opinions expressed in this report are my own. I have not adopted the opinion of any other individual on any matter. I have therefore not found it necessary to attribute particular views to particular individuals, with the sole exception of the Chief Commoner who can be expected to have a unique insight into his own role.

3. The legislation

14. Section 27 of the Localism Act 2011 provides:

(1) A relevant authority must promote and maintain high standards of conduct by members and co-opted members of the authority.

(2) In discharging its duty under subsection (1), a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

...

(4) In this Chapter “co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority but who—

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

...

(6) In this Chapter “relevant authority” means—

...

(h) the Common Council of the City of London in its capacity as a local authority or police authority,

...

15. Section 27 was part of a re-organisation of the statutory standards regime. It abolished the framework established under the Local Government Act 2000, replacing the Standards Board regime which Government described as having become:

“ ... a system of nuisance complaints and petty, sometimes malicious, allegations of councillor misconduct that sapped public confidence in local democracy.”
16. The Act also abolished the mandatory requirement on local authorities to have standards committees, which are now optional, and the powers of the First Tier Tribunal to hear cases relating to local government standards in England. The original bill had removed entirely the requirement for councils to maintain a code of conduct but this was reinstated by amendment in the House of Lords.
17. The 2011 Act also introduced a new criminal offence of failing to declare or register a pecuniary interest (s.34) and made special provision in relation to allegations of predetermination or bias against local decision-makers (s.25).
18. Section 28 of the Localism Act requires that an authority's code of conduct, viewed as a whole, is consistent with the “Nolan” principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It must also include appropriate provision for registration and disclosure of pecuniary and non-pecuniary interests.
19. The section makes provision about how an authority must deal with written allegations of a breach of the code of conduct. Before the changes the Local Government Act 2000 required local authorities to have standards committees chaired by an independent person. Under section 28 the requirement is now for “arrangements”. The definition of these is left open but they must include the appointment of at least one “independent person” (“IP”):

(4) A failure to comply with a relevant authority's code of conduct is not to be dealt with otherwise than in accordance with arrangements made under subsection (6); in particular, a decision is not invalidated just because something

that occurred in the process of making the decision involved a failure to comply with the code.

...

(6) A relevant authority ... must have in place—

- (a) arrangements under which allegations can be investigated, and
- (b) arrangements under which decisions on allegations can be made.

(7) Arrangements put in place under subsection (6)(b) by a relevant authority must include provision for the appointment by the authority of at least one independent person—

(a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and

(b) whose views may be sought—

(i) by the authority in relation to an allegation in circumstances not within paragraph (a), [and]

(ii) by a member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation ...

(8) For the purposes of subsection (7)—

(a) a person is not independent if the person is—

(i) a member, co-opted member or officer of the authority,

... or

(iii) a relative, or close friend, of a person within sub-paragraph (i) or (ii);

20. A person also may not be appointed as IP if at any time during the 5 years ending with the appointment the person was a member, co-opted member or officer of the authority. An IP must be appointed by application following a public advertisement and the appointment must be approved by a majority of members. The IP may be paid allowances or expenses.
21. Before an IP is appointed the authority must advertise the vacancy, the person must apply and the appointment must be approved by a majority of members.
22. To summarise, the views of the IP must be (1) sought and (2) taken into account before the authority makes its decision on an allegation that it has decided to investigate. The authority may also seek the IP's views in relation to an allegation in any other circumstances. That could mean when deciding whether to investigate an allegation, or in an appeal process.
23. The IP's views also may be sought by the member who is the subject of an allegation.

24. Section 28 further provides:

- (11) If a relevant authority finds that a member or co-opted member of the authority has failed to comply with its code of conduct (whether or not the finding is made following an investigation under arrangements put in place under subsection (6)) it may have regard to the failure in deciding—
- (a) whether to take action in relation to the member or co-opted member, and
 - (b) what action to take.

25. The Localism Act does not state what sanctions may be imposed on a member who is in breach of the code of conduct. It should be noted that there is no power to disqualify or suspend a member (though the new criminal offence of failure to disclose a pecuniary interest may lead to disqualification). In *Heesom v The Public Services Ombudsman for Wales* [2014] EWHC 1504 (Admin) at [28] the High Court stated that sanctions are “limited to (for example) a formal finding of a breach, formal censure, press or other appropriate publicity and removal by the authority from executive and committee roles (and then subject to statutory and constitutional requirements)”.²

26. The CSPL in its 2013 report noted the limited scope of possible sanctions and emphasized the importance of authorities taking steps to promote high standards before any allegations arise e.g. by way of training and induction.

4. The City's present arrangements

27. The Court has so far chosen to retain a Standards Committee (“the SC”). Its constitution, attached as appendix 3, describes it in these terms:

² The 2011 Act has more teeth in relation to the registration of interests. A member or co-opted member of a relevant authority must, within 28 days of taking office, notify the authority's monitoring officer of any disclosable pecuniary interests (s.30). A member may not, in general, participate in any discussion or vote in which he has a pecuniary interest (s.31) (although dispensation to participate may be granted in certain limited circumstances (s.33)). Disclosable pecuniary interests are listed under schedule 2 of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. 19. It is a criminal offence if a member or co-opted member, without reasonable excuse, fails to comply with these requirements (s.34). The offences are punishable by a fine of up to level 5 (currently £5,000) and an order disqualifying the person from being, or becoming, a member or co-opted member of a relevant local authority for up to five years.

A Non-Ward Committee consisting of,

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

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.

28. The SC's quorum is three members, at least one of whom must be a co-opted member.
29. The SC by its Terms of Reference is to be responsible for:
- (i) 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;
 - (ii) 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;
 - (iii) Keeping under review by way of an annual update by the Director of HR, the City of London Corporation's Employee Code of Conduct;
 - (iv) keeping under review and monitoring the Protocol on Member/Officer Relations;
 - (v) advising and training Members and Co-opted Members on matters relating to the City of London Corporation's Code of Conduct;
 - (vi) 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

- (vii) Monitoring all complaints referred to it and to prepare an annual report on its activity for submission to the Court of Common Council.

30. The Code, attached as appendix 4:
- (1) requires members to have regard to the Seven Principles of Public Life³;
 - (2) recites these with commentary based on “illustrative text” suggested by the DCLG;
 - (3) lists ways (lettered from a to m) in which these are to be addressed, in terms suggested by the Local Government Association; and
 - (4) sets out the rules on registering and declaring pecuniary and non-pecuniary interests.
31. There is also a document entitled *Guidance to Members – Members’ Code of Conduct*, attached as appendix 5. It is notable that this is concerned only with declaration of interests, gifts and hospitality.
32. A further document entitled *How complaints submitted to the City of London Corporation’s Standards Committee will be dealt with* is attached as appendix 6. It includes 10 pages of guidance plus a template complaint form. The document recites the outline legal requirements for dealing with written allegations of a breach of the Code. It then states the following:
- (1) When a complaint is received it will be passed to the Assessment Sub-Committee for consideration. If at any time it appears that a criminal offence may have been committed then the relevant allegation will be referred to the police.
 - (2) If a concern is raised orally with the Monitoring Officer, he/she should ask the complainant whether they want to put the matter formally in writing to the SC and, if the answer is no, should consider options for informal resolution such as a meeting with the Chief Commoner or

³ Also known as the Nolan Principles, these were stated in 1995 in the first report of the CSPL. They are Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

Privileges Chairman. But these informal processes should stop if at any time a matter is referred to the SC.

- (3) The Monitoring Officer will normally tell the subject member about the complaint but in exceptional circumstances, after consultation with the Chairman of the SC, has a discretion to defer notification to enable investigation.
- (4) The different stages of the complaints process are dealt with by three sub-committees of the SC namely the Assessment, Hearing and Appeal Sub-Committees. Membership of these is determined case by case but each will normally consist of four members of the SC including three elected City members and one co-opted member. In any one case the same members will normally sit on the Assessment and Hearing Sub-Committees but different members will sit on the Appeal Sub-Committee.
- (5) The Assessment Sub-Committee may (but need not) obtain a summary or report from the Monitoring Officer or another officer. It will conduct an initial assessment and then (i) refer the complaint to the Monitoring Officer for formal investigation, (ii) direct the Monitoring Officer (having sought his/her advice) to arrange training, conciliation or other appropriate steps or (iii) decide to take no further action.
- (6) The complaint must fail at this stage unless (i) it is against a named Member, (ii) the Member was in office and the Code was in force at the time of the alleged conduct and (iii) the complaint if proved would be a breach of the Code applicable at the time of the alleged conduct.
- (7) The currently applicable assessment criteria (which may be changed by the SC) are:
 - 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 about something that happened so long ago that there would be little benefit in taking action now?
 - iv. Is the complaint too trivial to warrant further action?
 - v. Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?
- (8) Initial assessment will normally be completed within “an average of 30 working days”.
 - (9) If there is to be an investigation, the Monitoring Officer may conduct this or determine that someone else will do so. Most investigations will be completed and a report provided within 6 months of assessment. In the report the investigator will “conclude whether or not there had been a failure to observe the code of conduct”.
 - (10) Any hearing will normally be held within 3 months of receipt of the report. It will hear and determine the allegation and find (i) that there has been no failure to comply with the Code or (ii) that there has been a failure to comply but no action is needed or (iii) that there has been a failure to comply and a sanction should be imposed.
 - (11) The available sanctions are censure, withdrawal of Corporation hospitality for an appropriate period and removal from one or more committees or sub-committees. The sanction may be affected by the member’s willingness to apologise, attend training and/or participate in conciliation.
 - (12) The member may appeal against finding and/or sanction, in writing within 20 working days of being informed of the decision of the Hearing Sub-Committee.
 - (13) The Appeal Sub-Committee, usually “within an average of 30 working days” will review the decision and decide whether to substitute an alternative decision.
 - (14) Meetings of these Sub-Committees are subject to the same provisions regarding public access to information as any other City committee.

Decisions will be set out, with reasons, in a written summary which is sent to the parties and, after being sent to the subject member, made available to the public at the City's offices for 6 years.

33. When considering the 2015 complaint, the Hearing Sub-Committee set out its proposed procedure in writing. This is attached as appendix 7. In particular:
- (1) It proposed to sit in public session, then determining whether to move into private under the provisions of schedule 12A to the Local Government Act 1972.
 - (2) The parties were invited to be present throughout and could be accompanied but would answer questions personally.
 - (3) The Monitoring Officer in a neutral capacity would present his report. Each party could then make a short opening statement. The Chairman would then call witnesses, with the subject member going last. Statements would be taken as read, followed by questions from the committee. Questions from the parties or the Monitoring Officer would be passed to and put by the Chairman. The parties could then make short closing statements, the subject member going last.
 - (4) In the event of a decision of a breach, the Sub-Committee "may invite" representations on sanction.
 - (5) A decision would be confirmed in writing within 5 working days and published, with full reasons published at the Sub-Committee's discretion.
 - (6) The Sub-Committee would have a discretion to vary the procedure as appropriate "to dispose of the matter in a fair and efficient manner".
34. When considering the 2015 complaint the Appeal Sub-Committee also set out its proposed procedure in writing. This is attached as appendix 8. In particular:
- (1) It would consider whether to consider the appeal in public, having regard to the fact that the Hearing Sub-Committee had largely proceeded in public.

- (2) Documents would be dealt with in the same way as other Committee documents.
- (3) A short introductory report by the Town Clerk would be circulated at least 5 clear working days before the meeting.
- (4) The Sub-Committee would consider the appeal on the papers and not call witnesses, subject to its discretion under Standing Orders to request or permit attendance. It would decide whether there had been a breach of the Code and, if so, whether the sanctions should be those imposed by the Hearing Sub-Committee, substituting its own decision as necessary.
- (5) A decision would be confirmed in writing within 5 working days and published, with full reasons published at the Sub-Committee's discretion, having regard to whether the matter had been considered as a public or non-public item.
- (6) The Sub-Committee would have the same discretion to vary the procedure as the Hearing Sub-Committee.

35. I have also been shown the Protocol on Member/Officer Relations, attached as appendix 9. It recites key principles including the need for mutual trust, respect and an understanding of respective roles and responsibilities, the requirement for Members and Committee Chairmen not to do anything which does or may compromise the impartiality of officers and the need to avoid situations which could give an appearance of improper conduct. The Protocol explains the respective roles of Members and Officers and the expectations that each have of the other. A section entitled "Limitations on Behaviour" states that personal relationships between Members and Officers can be problematic, "not least in creating the perception in others that a particular Member or Officer may secure advantageous treatment". Under "Dispute Procedures" the Protocol explains that a complaint by a Member against an Officer will go through a Chief Officer or Town Clerk and may go to the Corporation's Disciplinary Procedure, and that an Officer who is dissatisfied with a Member may raise the matter with the appropriate Chief Officer or the Town Clerk.

36. In terms of structure, the Protocol states that responsibility for upholding it:
... rests with the Chief Commoner and, when necessary, the Standards Committee in relation to Members, and with the Town Clerk in relation to Officers”.
37. One Member asked me to clarify the relationship between the Protocol and the Code. As the Protocol states at paragraph 1(2), it is not part of the Code but should be viewed in conjunction with it. The Protocol is a guide to the way in which the Court has decided that Members and Officers should work together. If a problem is caused by a Member departing from the Protocol, the primary responsibility for correcting this is given to the Chief Commoner. Responsibility is also given to the SC “where necessary”, which in my view is a reference to cases where there may have been a breach of the Code, and this may require revision if initial assessment of Code complaints becomes the responsibility of the Monitoring Officer rather than the SC (see paragraphs 83-87 below).
38. An Officer who is dissatisfied with a Member’s conduct or behaviour in relation to the Protocol should use the Dispute Procedure as per paragraph 35 above. In my view, having regard to paragraph 1(3), the Chief Officer or Town Clerk in such a case should raise the matter with the Chief Commoner if it does not appear to involve a possible breach of the Code, but should raise it with the Standards Committee (or the Monitoring Officer, if he takes over the initial assessment of Code complaints) if it does.
39. If a Member’s conduct is thought to be in breach of the Code, this should effectively take precedence over the Protocol. To give a practical example, a Member might exceed his or her role by asking an Officer to prepare a report when such a request ought to come from a committee Chairman. This would be a breach of paragraph 9(1) of the Protocol, who ought to raise it with a Chief Officer or the Town Clerk, who in turn could speak to the Member or ask the Chief Commoner to do so, but on the face of it this would probably not breach the Code. But if the Member were to be abusive or threatening to the Officer, that would appear to be a breach of paragraph 2j of the Code and a complaint

ought to proceed under the Code arrangements, regardless of the fact that the behaviour also infringes paragraph 5(2)(d) of the Protocol.

40. At this point it is necessary to say more about the functions of the Chief Commoner. The Chief Commoner is elected by the Court for a single non-renewable term of one year. Typically this will be a Member who has made a distinguished contribution to the City over a period of years. A job description published by the City defines the overall responsibilities of the office:

- The foremost representative of the Commoners in the Court of Common Council with regards to their rights, requirements and privileges, responsible for championing the interests of Common Councilmen on such matters.
- Chairmanship of Sub Committees and Working Parties responsible for the provision of City Corporation hospitality and consideration of the Commoners' privileges and related issues.

A list of the Chief Commoner's main tasks and responsibilities includes:

- To counsel Common Councilmen, as required, with a view to resolving minor problems and in relation to their rights, requirements and privileges.

41. The pastoral aspect of this role can involve what could be described as a disciplinary element. It has been emphasized to me that a difference between the City and other local authorities is that Members are not organised into party political groupings. In authorities where such groupings exist, a party whip may take responsibility for informal disciplinary matters. In the City the nearest analogue is the Chief Commoner.
42. What does this involve in practice? I have been greatly assisted by discussion with the present incumbent, Michael Welbank MBE. He described the relevant part of his role in these terms:
- to be available to give advice, listen to concerns, give guidance, provide a shoulder to cry on, issue reproofs, – a role in part taken by a whip in a party political assembly.
43. Mr Welbank made it clear that the Chief Commoner does not deal with complaints of a breach of the Code, describing his role as “below the complaint radar”. He would use his judgment to decide whether anything mentioned to

him could involve a breach of the Code, and would “*remit anything with a hint of breach of the Code to the Standards Committee*”.

44. I am instructed that in relation to Aldermen a comparable role to that of the Chief Commoner is played by the Chairman of the Privileges Committee of the Court of Aldermen (“the Privileges Chairman”).
45. I have considered the relationship between this pastoral/disciplinary role and the City’s arrangements for dealing with conduct and standards. The essential point is that they are different. When there is a written allegation of a breach of the Code, the conduct arrangements take effect (and a person who makes an oral allegation of that kind should be advised to put it in writing). In those circumstances the Chief Commoner and the Privileges Chairman play no part, unless at assessment stage the case is judged suitable for informal resolution and one of them is asked and agrees to assist.
46. Conversely, when the Chief Commoner or the Privileges Chairman discharges his role as described above, he is not enforcing the Code. If he receives an allegation of a breach of the Code he should refer the matter to be dealt with under the conduct arrangements described above, as I have said. But if a matter is within his competence and does not engage the Code e.g. in a mundane case where one Member complains that another has offended them in some way, it is for him to deal with the matter if he can.
47. My inquiries have revealed that this distinction is clearly understood by those who presently discharge those roles. It would be appropriate for Members and office-holders to be reminded of it in the course of training from time to time. I return to this subject below in relation to the SC’s terms of reference.
48. I have been told about one other arrangement of conceivable relevance. The Guildhall Club is, as I understand it, a Members’ Dining Room. It has certain rules such as dress codes. Violation of these or misbehaviour on the premises may result in a Club sanction such as a temporary ban on the use of its

facilities. As described to me, this is a private or internal system and is not strictly relevant to the City's conduct and standards arrangements which I have been asked to review. I have no doubt that if a breach of the Code occurred on Club premises, the City would deal with it under its conduct and standards arrangements and it would be right to do so. For the avoidance of doubt, I do not think that the Standards Committee (or any other body which might assume its functions) need concern itself with the Club's own disciplinary arrangements. But if there were any lack of clarity among Members over the relationship (or lack of it) between Club rules and the Code of Conduct, this could be addressed in training.

5. Discussion

(1) The Code of Conduct

49. I have considered the City's Code and have compared it with some of those used elsewhere. I should also record that nobody has expressed any discontent to me about the specific contents of the Code.
50. In my view the Code, based as it is around text suggested by the DCLG and the LGA, is not unusual and is broadly fit for purpose though in need of some updating. It complies with those provisions of section 28 of the 2011 Act which apply to codes of conduct. The length of the Code and the degree of detail contained in it are sensible.
51. In considering whether the Code can be improved, I have noted the views of the CSPL in the 2016 report (referred to at paragraph 10 above), though bearing in mind that the focus of that report was on regulators rather than local authorities or other public bodies. It identified as good practice that Codes should be⁴:

⁴ *Striking the Balance: upholding the seven principles of public life in regulation*, page 33.

- Proportionate, giving enough detail to help guide actions without being so elaborate that people lose sight of the underlying principles;
- Adapted to the needs and context of each organisation;
- Clear about the consequences of not complying with the code, both for the individual and others.
- Framed positively wherever possible;
- Personalised, as active personal commitment can have a big impact on encouraging people to behave in the right way; and
- Reinforced by positive leadership and embedded in the culture of the organisation.

52. In my view the City's Code, or its arrangements in general, would be materially improved by requiring Members to attend such training on conduct and standards matters as the City may provide from time to time. This could be part of a wider training topic with updates on equality and diversity. It would be appropriate to require attendance as a condition for serving on committees (which in most cases would be better than trying to enforce attendance by way of a complaint under the Code). The first objective of such training would be to explain why the training itself should be regarded as essential for all those who serve the public. Standards in public office and attitudes to equality and diversity do not stand still but instead continuously evolve, and those elected to public office should be leaders rather than followers in this process. Giving visibility and emphasis to this requirement would bring the City into line with the professions where such requirements are increasingly a matter of course.
53. There are other respects in which I consider the Code could usefully be updated.
54. The first two paragraphs are built around the Nolan principles. In its 2013 report the CSPL adopted revised descriptions of those principles in light of experience and feedback. These are applied e.g. in the 2016 report. In the case of Honesty, for example, the description has changed radically, switching the

focus from conflicts of interest to the need to be truthful. In my view it would improve the Code to adopt the revised descriptions (other than the Preamble although I have quoted this for completeness) which are as follows⁵:

Principle	Revised description
Preamble	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
Selflessness	Holders of public office should act solely in terms of the public interest.
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.
Objectivity	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
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.

⁵ See *Standards Matter: a review of best practice in promoting good behaviour in public life*, page 24.

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.
Honesty	Holders of public office should be truthful.
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.

55. Another recommended update is a reference to equality and diversity. At present paragraph 2h refers to the need to behave in accordance with the Corporation's legal obligations and paragraph 2k refers to the need to treat all people with respect, and the revised description of Objectivity refers to the need to avoid discrimination, but in my view best practice calls for a more clear and explicit requirement for Members to comply with the Equality Act 2010, avoid discrimination and promote equal treatment.

56. By way of example, Birmingham City Council's Code in a paragraph roughly corresponding with the City's paragraph 2k, provides:

Respect for others — members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

(emphasis added)

57. Birmingham's code also includes a list of "dos and don'ts". Among the nine "don'ts" are:

(a) Bring your authority or office into disrepute.

...

(d) Discriminate against people on the grounds of race, gender, disability, religion or belief, sexual orientation and age.

(e) Bully, intimidate or attempt to intimidate others.

...

- (h) Disclose confidential information, other than in exceptional circumstances – refer to the Monitoring Officer if you are unsure.
- (i) Prevent anyone getting information they are entitled to.

- 58. Item (d) underlines the equality point made above. Other Codes, e.g. in Leicester, also require members to uphold their authorities' obligations relating to the public sector equality duty under section 149 of the Equality Act 2010, although this might be thought an overly technical provision.
- 59. Items (a), bringing the office into disrepute, and (e) bullying and intimidation, do not expressly appear in the City's Code. Items (h) and (i) regarding confidentiality can be extracted from the City's paragraph 2g but could be given greater prominence. These are among provisions which were contained in the model codes of conduct which Government published from time to time under the Local Government Act 2000 (the last one being contained in the schedule to the Local Authorities (Model Code of Conduct) Order 2007, SI 2007/1159). They have survived in most of the current Codes which I have looked at.
- 60. In my view best practice would call for revisions to address these points.
- 61. I also recommend updating of the Guidance to Members on the Code. Obviously this may have to respond to any revisions to the Code itself. But I would also observe that the Guidance presently focuses almost entirely on questions about interests, gifts and hospitality. The City should consider whether there are more general aspects of conduct which the Guidance can be used to emphasize in the light of experience. Some councils use a list of "dos and don'ts" in their Codes, but such lists are also a potentially helpful illustrative tool to use in guidance.
- 62. I have not attempted to draft a revised Code or Guidance. It would be for the City to consider how to go about this, having regard to any necessary variations in the wording (e.g. in the descriptions of the Nolan Principles) to

accommodate its particular circumstances, and with or without any internal or external legal or other advice.

(2) The Standards Committee

63. As I have said, authorities were required to have a Standards Committee under the Local Government Act 2000 but this became optional under the Localism Act 2011. Nevertheless, my experience and research suggests that a majority of local authorities have retained their Standards Committees⁶.
64. In some authorities more than one function is combined e.g. in an Audit and Standards Committee.
65. Since the determination of the 2015 complaint some Members have expressed dissatisfaction with the SC. It is not my role to determine whether that dissatisfaction is well founded, but it is important for the City to address the existence of the dissatisfaction so as to maintain confidence in its standards and conduct arrangements.
66. I would add that dissatisfaction with the current committee does not, by itself, mean that there should not be a Standards Committee. Whilst conduct and standards could be adopted by one of the other committees (Policy and Resources has been suggested by some), there would in my view be disadvantages to taking this course.
67. First, such a move could create a perception of the City being less committed to its standards and conduct arrangements. To have a committee devoted to these matters demonstrates commitment and is a visible part of embedding standards in the organisation. I cannot quantify the reputational risk arising from giving the contrary perception but it should be kept in mind. So should

⁶ A national survey of Monitoring Officers in 2012 suggested two thirds of respondent authorities were keeping their Standards Committees: *Preparing for the new Standards regime in English local government*, Macaulay and others, Teesside University.

any risk of Members themselves perceiving conduct and standards to be insufficiently important to warrant a dedicated committee.

68. Second, if and when dealing with one or more complaints (or other standards and conduct issues) becomes burdensome, it could create a resources issue for another existing committee to have this added to its workload. Any lack of resource in terms of available committee members could in turn contribute to negative perceptions of the kind discussed in the last paragraph.
69. Third, as the history of the 2015 complaint shows, dealing with conduct complaints can be controversial. Dissatisfaction with the Standards Committee is a problem in itself, but to import that dissatisfaction into another existing committee by way of its complaints workload could be an undesired side-effect of the change.
70. The goal should be to get the culture right. On the one hand it is essential for Members to take conduct and standards seriously and, therefore, to accept that breaches of the Code must be dealt with robustly for the good of the City as a whole. On the other hand it is essential for those with an enforcement role to be well informed and to act with judgment and sensitivity, reliably determining the seriousness and the merits of cases when they arise.
71. This Review presents an opportunity to improve the arrangements for dealing with complaints, and this is explored further below. One of my recommendations will be to provide training on complaint handling to all of those responsible for the process. I would hope that an improvement in procedures, together with training which improves the expertise and, just as important, the consistency with which conduct matters are handled, should in time help confidence in the SC to be restored.
72. I will also recommend that the SC should operate fewer stages of the complaint handling process, with appeals decided separately. Again, this is discussed below. The effect would be that the SC will “own” the process in the sense of

having responsibility for it but will administer less of it. This should help to ensure the appearance of impartiality as well as impartiality itself.

- 73. I note also that most members of the SC are elected by the Court and are therefore accountable and, ultimately, replaceable. The City may wish to consider how long an appointment to the SC should last; the current maximum is 8 years.
- 74. Having regard to all of these matters, I recommend that the City retain a Standards Committee which will keep abreast of all of the City's activities relating to conduct and standards, including training.
- 75. The SC's core function should be to keep the Code and related arrangements under review, in respect both of their contents and of their efficacy. This should include having responsibility for and oversight of the arrangements for dealing with complaints of breaches of the Code, but that does not mean that members of the SC should control all parts of the practical process of deciding a complaint of breach.
- 76. Should the SC's remit include oversight of the informal disciplinary role of the Chief Commoner and the Privileges Chairman? At present its terms of reference include responsibility for promoting and maintaining high standards of conduct and not just the observance of the Code of Conduct. So if the Chief Commoner and the Privileges Chairman become aware, in the course of their work, of more general conduct issues, then it would be proper for these to be made known to the Standards Committee.
- 77. However, the Chief Commoner and Privileges Chairman play a sensitive and valuable role. In my view there is a need to ensure that Members continue to feel able to approach them. My recommendation is that the Chief Commoner and Privileges Chairman should have a discretion to share with the SC information which may be useful to it. It should be permissible for the SC to ask them, from time to time, whether there is any such information to be

shared. However I do not recommend that the SC have a formal role of monitoring these activities of the Chief Commoner and Privileges Chairman.

78. By way of caveat to the above, it would be most unfortunate if this informal pastoral channel were misused as a means of disposing quietly of non-trivial conduct issues. Whilst quiet disposal might seem convenient in the short term, it could be very damaging to the City's reputation in the longer term. It is to be hoped that there will be such reasonable and sensible exchange of information as will give confidence to the Standards Committee (or any responsible body which replaces it) in the present arrangements.

79. I also recommend that the City should (1) overhaul the complaints arrangements as discussed below and (2) provide training for those dealing with complaints to ensure that they are dealt with expertly and consistently, in addition to the recommendation of some periodic training on conduct and standards for all Members.

(3) Arrangements for dealing with allegations of breaches of the Code

80. It is necessary to consider the following stages in the determination of a complaint of breach of the Code:

- (i) Initial assessment
- (ii) Informal resolution
- (iii) Investigation
- (iv) Hearing
- (v) Sanction
- (vi) Appeal.

81. Under the present arrangements summarised at paragraph 32 above, the SC is responsible for stages (i), (iv), (v) and (vi). As for (iii), the investigation is normally carried out by the Monitoring Officer i.e. the Comptroller and City Solicitor. Stage (ii) does not figure in the present arrangements once a complaint has gone to the SC.

82. For all of the other four stages to be carried out by the SC is unusual in my experience. In the 2015 complaint it seems to me that this contributed to a lessening of confidence in the process overall. Some Members felt – rightly or wrongly – that the SC took too strong a line against the Member in question. Their confidence in each stage of the process was therefore undermined by the fact that the same committee was involved, even though there were separate sub-committees.

(i) Initial assessment

83. A complaint could come from any member of the public, another Member, an Officer, the Chief Commoner or anyone else. Upon receipt it should be assessed and a decision made as to whether it should be investigated. The present process, described at paragraph 32(1)-(8) above, involves a decision by a sub-committee of the SC.

84. So far as I have been able to ascertain, most large local authorities give this assessment function to their Monitoring Officers.

85. There are variations. In Manchester, for example, assessment can “in exceptional circumstances” be referred to a sub-committee of the Standards Committee. In Birmingham assessment is by the Chairman of Standards in consultation with the Monitoring Officer. In Westminster assessment is by the Monitoring Officer but with a right of appeal to the Chief Executive.

86. I recommend that the City should follow the most widespread practice by giving the assessment function to the Monitoring Officer, with a limited discretion to assign the function to another officer where necessary e.g. in a case of conflict of interest.

87. In my view this has the advantage of a separation of powers at an early stage of the process. So if in some future case, assessment by the Monitoring Officer

proved to be subject to some bias or other defect, this could be cured later in the process.

88. What is the nature of the initial assessment? The current criteria are set out at paragraph 32(7) above. These are broadly typical of what is seen in other authorities. To proceed, a complaint must be technically valid (i.e. what it alleges must be a breach of the Code, the respondent must have been a Member at the relevant time etc.) and it may not be proceeded with if it appears in some way vexatious, e.g. because it duplicates a previous complaint or is stale or is a “tit for tat” complaint.
89. In my view this decision will require the relevant person(s) (currently a sub-committee, but in my recommendation the Monitoring Officer) to exercise a discretion on a rational basis. If a complaint is invalid e.g. because what it alleges is not a breach of the Code, the only rational exercise of the discretion would be to dismiss the complaint. But if, taking different examples, the complaint is stale because the relevant matters occurred long ago, or it has a “tit for tat” element in that the complainant has been the subject of a complaint by the respondent, a range of options may be open to the decision-maker. In the case of a stale complaint the decision-maker must decide why the delay has occurred, whether it prejudices the respondent’s ability to respond to the complaint and whether it lessens the public interest in having the matter dealt with. In the case of a “tit for tat” complaint, the decision-maker must decide whether it is reasonable to assume that it is not the expression in good faith of a genuine concern, or whether in fact the complaint is genuine and serious despite its “tit for tat” nature.
90. I recommend that an Independent Person take part in this process, at least unless it is obvious that the complaint either should or should not proceed. As I have said, section 28(7)(b) of the Localism Act provides that the IP’s views “may be sought” in circumstances other than the final decision on an allegation. I recommend that the City adopt a rule providing that an IP’s views will be

sought by the Monitoring Officer unless this is considered unnecessary. This should support Members' confidence in initial assessment decisions.

91. I also recommend that the published arrangements refer to the possibility of the IP's views being sought at this stage by the respondent to an allegation. As I interpret section 28(7)(b)(ii), it gives Members the right to seek the IP's views as soon as there is a written allegation that they have breached the Code. I return to this subject at paragraphs 176-187 below.
92. Finally I recommend that decisions on initial assessment be accompanied by concise written reasons which enable the complainant and the respondent to understand (1) whether any of the grounds for not proceeding are present and if so (2) the reasons for the decision on whether and how to proceed.

(ii) Informal resolution

93. At present the options on assessment are (i) refer the complaint to the Monitoring Officer for formal investigation, (ii) direct the Monitoring Officer (having sought his/her advice) to arrange training, conciliation or other appropriate steps or (iii) decide to take no further action. This section of my report concerns option (ii).
94. I am not sure that it is necessary to change the way in which this option is described in the City's published arrangements. The nature of informal resolution may vary infinitely according to the facts of a complaint. Some complaints may be appropriately resolved by an apology or a handshake. Others may call for training or some other practical solution.
95. The other possibility mentioned in the arrangements is conciliation. I have considered whether the City should formulate a written procedure for conciliation which can be used where appropriate but I have come to the conclusion that this is unnecessary. It should be for the skill and judgment of the Monitoring Officer, assisted where appropriate by the views of the parties

and/or by input from the Member(s) concerned, or officers, or other individuals of influence in the City, to decide how two parties can be helped to resolve their differences.

- 96. One obvious possibility is to ask the Chief Commoner (or the Privileges Chairman) to help parties in this way. In my view it would not be constructive to try to write rules for such a process. An attempt to formalise the pastoral role of the Chief Commoner could jeopardise that role which presently depends on personal confidence and respect rather than formal rules.
- 97. The Chief Commoner and the Privileges Chairman are not the only individuals who could assist in conciliation. Committee Chairs and senior Officers or former office-holders could also be appropriate choices.
- 98. I would sound a note of caution about informal resolution. At the initial assessment stage the decision maker should always consider whether the allegation is sufficiently serious to require investigation. If it passes that threshold it may not appropriate for informal resolution. In my view this has reputational importance for the City as an elected body. The City should show the outside world that it is prepared to police its Members. Informal resolution can be a good way of resolving complaints which, in reality, involve personal differences of opinion or matters of personal offence rather than a Member's probity, but it must not be used to cover up matters which the public interest requires to be investigated and aired.

(iii) Investigation

- 99. Not all authorities have a formal investigation stage. In Leeds, for example, if a complaint survives initial assessment and is not locally resolved, it goes to a standards committee to be resolved. However, the great majority provide for a formal investigation of the facts after assessment and before final hearing.

100. In considering this stage and the hearing stage it is necessary to keep in mind the legal structure of decision-making by the Court of Common Council.
101. The City is subject to section 101 of the Local Government Act 1972 which enables its functions to be discharged by committees, sub-committees, officers and/or other local authorities. Although the City also has the “general power of competence” conferred by section 1 of the Localism Act 2011, this does not extend to altering the arrangements for the discharge of functions or contracting out.
102. Section 102 allows ordinary committees to include non-Members but section 13(1) of the Local Government and Housing Act 1989 provides that these must be non-voting. Section 102 also permits the appointment of a purely advisory committee and this may include or indeed consist of non-Members who have voting rights.
103. Under the Court’s Standing Orders and Scheme of Delegations, officers are authorised to implement agreed policies and to act on the City’s behalf in the discharge of its functions. They are authorised to purchase services but cannot delegate their own functions. The Comptroller and City Solicitor has authority (inter alia) to “instruct counsel, witnesses, experts and external solicitors as appropriate” and to “act as Monitoring Officer pursuant to section 5 of the Local Government and Housing Act 1989”.
104. Under the City’s present arrangements, at the conclusion of the assessment phase the assessment sub-committee, if it does not dismiss the complaint or refer it for informal resolution, may refer it to the Monitoring Officer to investigate. The arrangements at paragraph 37 state:
- It is recognised that the Monitoring Officer may not personally conduct a formal investigation but it will be for the Monitoring Officer to determine who to instruct to conduct a formal investigation.
105. I bear in mind that investigation of complaints is a function of the City under the 2011 Act and so care should be taken about delegation. Although it is

commonplace for local authorities' arrangements to offer the alternative of appointing an external investigator, in my view it is nevertheless prudent to specify that an Officer retains responsibility for the investigation.

106. If the City follows my recommendation that the Monitoring Officer have responsibility for the assessment phase, I would then recommend that a different individual should be responsible for the investigation.
107. In many authorities where initial assessment is by the Monitoring Officer, investigation is by "another officer" or "another senior officer". Some authorities specify that it should be a council lawyer. Others give the alternative of an officer or a lawyer from another authority. Manchester, Westminster, Newcastle and Sheffield (among others) give the alternative of an "external investigator" or "external agent". Where the authorities offer a choice, this is usually to be exercised by the Monitoring Officer who is making the reference.
108. On the whole I recommend that the relevant option at the end of the assessment process should be framed in terms (borrowed from City Councils such as Westminster and Manchester but with some changes) such as:
- Refer the allegation for investigation by an Investigating Officer who may be another officer of the Corporation or an officer from another local authority. Where appropriate the Investigating Officer may be assisted by an external investigator.
109. In my view it is sensible to have this flexibility, bearing in mind the range of possible complaints. Sometimes it may be valuable for the investigator to be a lawyer or to receive legal advice. The option of using an officer from another council can be especially valuable in a sensitive case, and I understand that some authorities have reciprocal arrangements for investigating each other's complaints. However the present arrangements whereby "it will be for the Monitoring Officer to determine who to instruct to conduct a formal investigation" are more open-ended than they need to be.

110. What should the investigation consist of? The present arrangements say almost nothing about this. I recommend that it be made the subject of a concise but sufficiently detailed protocol, albeit one which leaves a discretion for the shape of an investigation to be determined by the nature of the individual case, always having regard to fairness and proportionality. It should cover:
- (1) timescales and communication with the parties during the process;
 - (2) confidentiality;
 - (3) record keeping i.e. preservation of all interview notes and evidence;
 - (4) meeting the complainant to explore the complaint and identify supporting evidence and/or witnesses;
 - (5) interviewing witnesses;
 - (6) interviewing the Member subject to the complaint;
 - (7) provision of a draft report to the parties for comments; and
 - (8) provision of a final report.
111. I recommend that at step (4) the Member have the right to be accompanied by a person of their choice. This could be a lawyer although it may be helpful for the protocol to record that the process is an interview with the Member rather than a hearing involving advocacy.
112. Paragraph 38 of the present arrangements requires the investigator “to conclude whether or not there has been a failure to observe the code of conduct”. This is not unusual. Many authorities similarly require an investigator to reach a firm conclusion. Others (such as Birmingham, Barnet and Oxford) use a template which refers to the investigator finding that there either is or is not evidence of a breach of the Code. Westminster’s arrangements just refer to compiling a report and do not prescribe the question which the report must answer.
113. My recommendation is to follow the Birmingham model and invite the investigator to report on whether there is or is not evidence of a breach. This could equally be framed as whether there is a case to answer (a formulation

used, for example, by the Royal Borough of Greenwich). Whilst many authorities do invite a finding of whether or not there has been a breach, in my view that is unsatisfactory because that is the question to be asked at the hearing stage. If it has already been answered in the affirmative, it may be more difficult for the respondent Member to have confidence in the fairness and efficacy of the subsequent hearing.

114. If the scope of the report is limited in this way, it is probably not necessary to require the Investigating Officer to consult the IP although he/she could be given a power to choose to do so. I have recommended involving the IP at the earlier Assessment stage and the IP must be involved at the hearing stage when the complaint either is or is not upheld. And as I have noted above, a Member when subject to an allegation has a statutory right to seek the IP's views.

(iv) Hearing

115. If the investigation report finds no case to answer or no evidence of a breach, the parties should be informed that the complaint will go no further.
116. Where an investigation report does find a case to answer or evidence of a breach, it is not unusual for arrangements to refer (again) to the possibility of informal resolution. The comments at paragraphs 94-98 above can be applied at this stage too, though I would note that if local resolution has been considered and rejected at the assessment stage it seems less likely that it will be acceptable following the investigation stage.
117. Otherwise in those circumstances it will be necessary to proceed to the hearing stage.
118. At present the hearing is conducted by a sub-committee of the Standards Committee: see paragraph 32(4).

119. In relation to the 2015 complaint an issue has been raised about whether the appointment of the sub-committee complied with the City's Standing Orders. It is not my role to resolve that issue of fact but it is worth emphasizing that if a sub-committee structure is retained, careful and visible compliance with Standing Orders is essential in order to maintain the integrity of the process and confidence in it.
120. My discussions with Members revealed a divergence of views as to who should conduct hearings. There is support for a greater degree of independence and/or for the procedure to bear a closer resemblance to that of a court or tribunal. However, from my "dip sample" of views I cannot predict the view of the majority of the Court.
121. In a majority of the local authorities whose arrangements I have seen, hearings of complaints are by a Standards Committee or a sub-committee of it.
122. In some others, complaints are determined by the Monitoring Officer. An example is Cornwall County Council which has a Standards Committee but where the Monitoring Officer determines the complaint in a process resembling what I describe as the investigation stage but with input from an Independent Person.
123. I have not encountered any model elsewhere which involves an external decision maker. This is no doubt because of the statutory strictures on local authority decision making set out above. The function of making a decision on a complaint must be discharged by the authority itself, a committee or sub-committee, an officer or another authority. See paragraphs 101-103 above.
124. Whilst it might be possible to appoint someone who is neither a committee member nor an officer to chair a hearing panel, they would not be able to vote. This would be unsatisfactory and would not accord with best practice.

125. I therefore do not recommend a solution of that kind. Instead I recommend that hearings continue to be conducted by a committee or sub-committee. My recommendations seek to build safeguards into the assessment, investigation and appeal processes. In my view these, together with the involvement of at least one (non-voting) co-opted member and the mandatory role of the IP, should be sufficient to ensure fairness overall.
126. Should the Standards Committee retain this role? Its handling of the 2015 complaint has been criticised in some quarters. It is for the Court to decide whether it wishes to respond by giving responsibility for complaints to another committee. However, I have not identified any reason of principle why the SC should not retain the role. As I have said, most authorities still use a standards committee for this stage of the process. This is unsurprising given that such a committee can be expected to be closest to, and most up-to-date on, the Code of Conduct. Meanwhile this Review presents an opportunity to update and improve the present procedures. The hope is that this will benefit whichever committee inherits the updated arrangements.
127. To promote confidence in the procedures generally, it is important to avoid surprises when they are applied to a particular case. Therefore, although I would not wish to encumber the City with an overly lengthy and detailed “rule book”, I nevertheless recommend that there be more detailed published guidance on what to expect.
128. Some authorities have a pre-hearing process, designed to identify the issues and decide what (if any) witnesses need to attend the final hearing. This may save much time in a case where most or all of the report of the Investigating Officer can be agreed. It also presents an opportunity for any procedural issues to be aired and resolved. I recommend that such a process be followed save where all parties consider it unnecessary.

129. As at present, the committee should conduct a hearing in public session, subject to its statutory powers to move into confidential session under Part VA of and schedule 12A to the Local Government Act 1972.
130. According to the current “proposed hearing procedure”, the complainant and respondent are entitled to be accompanied but there is no reference to representation. Each is permitted to make a brief opening and closing statement. They are to give their evidence and answer questions personally. If they have questions for witnesses, these are to be put by the Chairman.
131. I recommend that the procedure state expressly that the respondent may be legally represented. Whilst there is a danger of internal processes coming to resemble litigation and thereby becoming more lengthy and expensive, it seems to me that the reputational issues involved in a Code complaint are such as to make representation appropriate if it is desired.
132. Some have expressed the view that there should be provision, in an appropriate case, for the City to fund such representation. I have not seen such a provision anywhere else. It is for the City to decide whether its own circumstances call for such a discretion to exist but I make no specific recommendation.
133. In my view it is proper for respondents or their representatives to be allowed to question witnesses. The alternative practice of having all questions put by the Chairman is nowadays employed in public inquiries which, typically, have to compress a great deal of business into a limited time. Forensically, however, it can be unsatisfactory, for example by not accommodating follow-up questions. However, the right to question should be subject to the Chairman’s discretion to set a timetable which may limit the time for questioning. This is an important aspect of robust chairing which should be covered in training.
134. The most important omission from the “proposed hearing procedure” is the role of the IP. I recommend that this should be set out in writing.

135. More is said about this role at paragraphs 168-188 below, but it is convenient to deal here with the IP's input into a hearing. The practice in other authorities varies considerably. Three London examples can be used to demonstrate this.
136. The arrangements published by Southwark Council state that after opening statements and evidence and before closing statements, the committee will ask for the IP's views, the investigating officer may ask questions of the IP and the respondent or his/her representative may ask questions of the IP. Then the panel retires and its "legal adviser (who will be a different legal officer from the investigating officer) and committee clerk will retire with them to provide legal advice or advice regarding the evidence/submissions".
137. In Camden, on the other hand, after evidence and submissions the panel retires (or adjourns) "to consult the Independent Person and or to seek advice from the Borough Solicitor".
138. In Westminster the committee usually considers a case on the papers only. In exceptional cases the respondent may make oral representations but he or she is not entitled to a legal representative. Then "the Committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code, and dismiss the complaint. If the Committee concludes that the Member did fail to comply with the Code, the Chairman will inform those present at the meeting of this finding and the Committee will then consider what action, if any, the Committee should take ...".
139. I recommend the Southwark model as the best of these three. It seems to me fairer and more appropriate for the IP to answer questions and express views in the presence of all those attending the hearing. This should promote confidence in the IP's role and help to prevent any danger, impression or suspicion of that role being bypassed or used as a rubber stamp. This process also ensures a right of reply where the IP's view is adverse to the respondent.

140. I also recommend that the arrangements emphasize the importance of the IP's role. If the IP disagrees with the views of a hearing panel or disapproves of its procedure, he or she must be prepared to challenge the panel robustly.
141. Provision for the committee to take legal advice is also recommended, and the published arrangements should make clear that this role is separate from that of the IP.
142. It may also be helpful for the arrangements to clarify that the question whether there has been a breach of the Code must be answered on the balance of probabilities.
143. The arrangements should also reiterate that the views of an IP may also be sought by the respondent. See also paragraphs 176-187 below.
144. Finally I recommend that Members should not serve on hearing panels without receiving training on the hearing process.

(v) Sanction

145. The Localism Act 2011 does not identify the available sanctions for a breach of the Code, but case law predating the now-abolished Standards regime sheds some light on the common law powers to apply sanctions.
146. Sanctions cannot interfere with the will of the electorate. That is why disqualification and suspension of councillors are no longer available. In *R v Broadland District Council ex parte Lashley* (2000) 2 LGLR 93, Munby J commented that the council could not restrain a member's right to perform her functions as a councillor. Available sanctions were therefore limited. Removing a member from a committee would be subject to the constitutional provisions for appointing members to committees; this explains why the City's present arrangements explain that "removal" involves making a recommendation to the relevant appointing body. However the council could make a finding of breach

and could criticise, reprimand or censure – “naming and shaming”. The Judge’s decision was upheld by the Court of Appeal: [2001] LGR 264.

147. The limited range of powers is set out at paragraph 25 above. The City’s current arrangements are summarised at paragraph 32(11) above.
148. I recommend that the arrangements make clear that, before any decision, the IP’s views must also be sought on the question of sanction.
149. It is also important that a hearing panel give concise but clear reasons for its decision as these may be needed in case of legal challenge.
150. Particular care is needed in cases which affect a Member’s right to freedom of expression under Article 10 of the European Convention on Human Rights, either because the alleged breach of the Code consists of a communication of some kind or because the sanction, e.g. removal from a committee, may interfere with the Member’s ability to exercise the right. Such interference may be justified under Article 10(2):

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

151. In *R (Calver) v The Adjudication Panel for Wales* [2012] EWHC 1172 (Admin) Beatson J held that in applying conduct arrangements, an authority gives effect to the public interest in maintaining confidence in local government whilst at the same time bearing in mind the importance of freedom of political expression or speech in the political sphere. Meanwhile in *Sanders v Kingston* [2005] EWHC 1145 (Admin) Wilkie J set out three questions to be answered when a decision is challenged on the basis of Article 10:

72. In my judgment the questions that I must answer are as follows:

1. Was the Case Tribunal entitled as a matter of fact to conclude that councillor Sanders' conduct was in breach of paragraph 2(b) and/or paragraph 4 of the Code of Conduct ?
2. If so, was the finding in itself or the imposition of a sanction *prima facie* a breach of article 10?
3. If so, was the restriction involved one which was justified by reason of the requirements of article 10(2)?

152. *Sanders* also makes the point that “political expression” or “the expression of a political view” attract a higher degree of protection than expressions of views in personal or abusive terms.
153. The sanction of censure has attracted a certain amount of comment. I do not consider it to be a legal term of art. It is generally understood to mean a formal expression of severe disapproval. So, as suggested in *Heesom*, it is distinct from a mere finding of breach which might or might not attract “severe” disapproval and, conceivably, might or might not call for a formal announcement. I therefore recommend that the list of available sanctions draws a distinction between finding of breach and censure.
154. Meanwhile the question of the timing of any censure or other announcement is considered further below.

(vi) Appeal

155. Under the now abolished Standards regime, there was an appeal to an independent tribunal but this is no longer available.
156. In my survey of the arrangements of local authorities, provisions for appeals against decisions of hearing panels are unusual though not unknown. Many authorities expressly state that there is no such right. Some authorities add that in some cases a complainant could have recourse to the Ombudsman⁷ under

⁷ The briefing paper *Local government standards in England* (see paragraph 10 above) expresses the view that the Local Government Ombudsman does not have a role in respect of councillors' conduct. However the archive of decisions on the Ombudsman's website reveals that complaints are entertained about authorities' decisions on allegations of Code breaches and occasionally some are upheld.

the Local Government Act 1974 whilst either party to a complaint could in theory challenge a decision in Court by way of judicial review.

157. For the City's present arrangements see paragraph 32(12) above.
158. At present the complainant has no right of appeal. In my view there is no strong reason to introduce such a right.
159. I recommend that the respondent Member continue to have a right of appeal against finding of breach and/or sanction, albeit that appeals are somewhat unusual. Whilst appeal procedures bring their own complications, it seems to me that the right of appeal will help to maintain confidence in the overall process. Judicial review will usually not be a realistic alternative for the Member concerned, in view of the burden of legal costs. The right should be subject to a written appeal being delivered within a reasonable time limit, perhaps 14 days.
160. I also recommend that those deciding an appeal should not be part of the Standards Committee. Reaction to the 2015 complaint included some lack of confidence in one committee providing an effective appeal against a decision by its own members. In my view confidence would be increased by separating the hearing and appeal powers.
161. However, this change would entail some further changes. At present the appeal sub-committee can substitute a new decision for that of the hearing sub-committee. In my view it would be unsatisfactory to divide overall decision-making powers between different bodies. It would be better for an appeal panel to receive a written appeal, review the decision and decide whether to remit it to the SC to be re-decided by different members. The review could be rapid, but there would be the disadvantage of delay in a case which has to be re-heard.
162. If the result of a successful appeal is a re-hearing, I recommend that there be no further right of appeal following the re-hearing. Otherwise a final outcome and the announcement of it could be delayed indefinitely.

163. An example of a similar approach can be seen in the arrangements of Newcastle City Council where the Member may seek a review by an Independent Person of another local authority who may send the case for re-hearing.
164. Who should sit on an appeal panel? This could be a sub-committee of another committee, perhaps the Policy and Resources Committee which plays a central role in the City's affairs. But if the function of this panel is to be limited to reviewing, rather than re-deciding, it could be quite differently constituted. For example, it could consist of one or more respected individuals such as senior officers, Committee chairmen and/or ex-holders of offices of Chief Commoner, Privileges Chairman or Lord Mayor. When the Court decides who should be eligible to sit on an appeal panel, it should also consider whether it will be feasible for such individuals to receive training.
165. I do not make a specific recommendation about the constitution of the appeal panel, but would suggest the Court consider these questions:
- (1) Does it wish to retain a right of appeal?
 - (2) If so, does it wish to separate the appeal process from the Standards Committee?
 - (3) If so, does it wish for a different committee to substitute a new decision when it allows an appeal?
 - (4) If not (i.e. if the power will just be to direct a re-hearing), what sort of panel should discharge this role?
 - (5) In view of the answer to question (4), should there be a training requirement for those who discharge this role?
166. I also recommend that any appeal panel should receive the views of an IP before making its decision. The process could be strengthened by requiring this to be, if possible, an IP who was not involved at or before the hearing stage.
167. Finally I recommend that the formal announcement of any findings and/or sanction at the hearing stage should be delayed until either (1) the appeal time

limit passes and no appeal is received or (2) an appeal is dismissed or (3) a new finding is made and/or a sanction is imposed at a re-hearing. This recommendation is discussed further at paragraphs 191-199 below, but is based principally on the fact that the main available sanction – naming and shaming – is difficult if not impossible to reverse once it has happened. I do not suggest that the hearing should go into private session, and therefore those present will know the outcome and it may be reported more widely. In my view it would not be proper or practicable for the outcome actually to be kept secret for what could be an extended period. However, at this stage there should be no formal announcement by the Corporation.

(4) **The role(s) of the Independent Person**

168. Some specific recommendations about the role of IP are made above and are listed at the end of this document. I now consider that role more generally.
169. The Localism Act 2011 does not explain what the role should consist of, save by prescribing its basic components of giving “views” when these are sought (1) by the authority before deciding on an allegation, (2) by the authority “in relation to an allegation” in other circumstances or (3) by the person whose behaviour is the subject of an allegation.
170. Surveys since the statutory changes have revealed uncertainty among local authorities about the purpose of the role and how precisely it should work. Some important questions are not answered by the 2011 Act and so far have not been answered by case law. It should therefore be borne in mind that future legal challenges and court decisions could undermine any arrangements which are made on the basis of my recommendations about the IP.

171. Under the previous statutory regime, standards committees had to be chaired by an independent member⁸. So did the sub-committees which assessed written allegations and decided whether to refer them onwards⁹.
172. Today, by contrast, authorities must appoint at least one IP who cannot have been a member or a co-opted member of the authority within the 5 years before appointment. Co-opted members include those who are not members of an authority but who are members of one of its committees, and thus include those who were independent members under the previous regime.
173. Therefore the creation of the new “Independent Person” is a clear move away from the previous policy of having independence guaranteed by individuals who would be committee members.
174. In light of this change, I recommend that the City’s IPs should not routinely attend meetings of the Standards Committee other than (1) hearings where they have a statutory role and (2) meetings at which the role of IP is under discussion and they may contribute useful information. They should however be supplied with all such agendas, minutes and other documents as will enable them to remain abreast of the SC’s discussions and decisions about the Code and conduct matters generally. The key point of the legislation appears to be that those making decisions on conduct allegations will have input from somebody who is not closely connected with them. This recommendation represents my personal view¹⁰. The published arrangements of many authorities are silent on whether IPs should attend SC meetings.
175. The first two of the activities listed at paragraph 169 above are reasonably straightforward. At the hearing stage, and at other stages of a complaint if it

⁸ Local Government Act 2000 section 53(4).

⁹ Local Government Act 2000 section 57A, Standards Committee (England) Regulations 2008 (SI 2008/1085) reg 6.

¹⁰ My recommendation also bears in mind that, according to *Local government standards in England* (see paragraph 10 above), Baroness Hanham said during the Localism Bill debates in the House of Lords that the IP “will act outside the committee systems” (31 October 2011).

wishes, the City will seek an IP's views on the case. The obvious purpose is to provide a sense check for an authority's approach to a case, giving an opportunity for that approach to be challenged if necessary.

176. However the third activity, expressing views at the request of a Member who is subject to an allegation, raises more questions.
177. First, what is the purpose of this function? The Act gives no clue. The most likely answer in my view is that the Member, when deciding how to respond to an allegation, may be helped by a well informed and disinterested opinion on whether he has in fact breached the Code. That opinion might also give the Member some insight into what views decision makers will be receiving from an IP before they reach their decision. Conceivably an IP might also feel able to express a view on the procedure by which an allegation should be dealt with although it is less clear that this falls within their remit.
178. Second, a question which I was asked by one of the IPs at the meeting with the Court on 7 November 2016. Can the same IP can advise both the respondent and the authority?
179. Under the Localism Act the answer must be yes. Section 28 requires an authority to appoint "at least one" IP. Therefore it is lawful to appoint only one. Since the section gives that person both functions, it must be lawful for one IP to discharge both functions.
180. However, it is not unusual to separate the two functions. Some authorities' arrangements state that they appoint several IPs in order to enable this separation. At the meeting with the Court on 7 November 2016 a Member told me that the City has three IPs for this very reason.
181. In my view the choice is between (1) insisting on separation, (2) insisting on the use of the same IP and (3) allowing the respondent Member to choose.

182. My tentative recommendation is for (3), having regard to the advantages and disadvantages of the same IP discharging both functions.
183. The main apparent advantage of using one IP is consistency of approach. Parliament may have intended the respondent Member to benefit from hearing the IP's views before these are shared with a hearing panel, not least because he or she might then have the opportunity to call evidence or make submissions at the hearing which could change those views. But if the panel will be hearing the views of a second IP, there is limited value in knowing the views of the first IP.
184. On the other hand, a disadvantage is that if the respondent consults the same IP who will advise the panel, issues of fairness and confidentiality arise. An IP might be placed in a difficult position if the Member shared information which was damaging to his or her case, not intending this to be shared with the hearing panel.
185. Meanwhile the Act is unhelpfully silent on whether any consultation under section 28(7)(b)(ii) should be confidential.
186. On balance I favour a solution of offering the Member a choice between a non-confidential consultation with the IP who will advise the hearing panel and a confidential consultation with an IP who will not.
187. It should also be made clear that the purpose of either type of consultation is for the respondent to seek the IP's views, not to influence them. It would also be wise for a note to be kept of what is said.
188. Finally I note that when the City selects and appoints IPs, it must keep in mind the demands of all aspects of the role. In saying this, I am neither expressing nor implying any opinion about the current holders of the role or the handling of the 2015 complaint. However some Members believe that the SC should have been robustly challenged in its handling of that case and are not convinced that this occurred. The Localism Act does not prescribe any qualification for an IP

other than independence, and obviously different qualities and qualifications will be valuable in different cases. Local authority experience may be essential in one case; in another, a legal or judicial background may be called for.

However it seems to me that a defining characteristic of the role is the ability to influence decision-makers when expressing views under section 28(7)(a) and (b)(i). It follows that those appointed as IP should have a sufficient degree of experience, seniority and authority to be able to achieve this.

(5) Publicity

189. Publicity given to the 2015 complaint has caused concern among many Members. Some stated that, immediately after the hearing of the complaint and the finding of a breach of the Code, a notice was placed on a notice board in the Guildhall which named the Member and set out the finding, and they thought this was unfair. They point out that the sanction of censure took effect as soon as it was made public and therefore there was limited value to the Member in the appeal panel's later decision to overturn that sanction. Further objections were then made to the SC's annual report to the Court on 23 June 2016 which included details of the complaint and findings, identifying the Member, and the report was referred back to the SC.
190. When a committee conducts a hearing, in my view there is no reason to depart from the normal practices as to admission or exclusion of the public or access to documents. See paragraph 129 above.
191. I have already recommended that a formal announcement of a finding against a Member and any sanction should await the outcome of the appeal stage (paragraph 167 above). One particular reason is that a public announcement has been recognised as, in itself, a sanction: see paragraph 25 above.
192. However, I considered whether that recommendation should give way to a policy of open justice. There is a case for announcing the outcome of a hearing

even if it is subject to appeal. Indeed, there is a case for allowing the public to know that an allegation has been made, even before a hearing. It is commonplace for professional regulators to publish details of upcoming hearings as well as the outcome of hearings which may be subject to appeal. Similarly when a person is accused of a criminal offence, normally they have no entitlement to privacy or anonymity. On the whole and in the longer term, I would expect the City's reputation to be enhanced by a policy which favours openness over privacy.

193. Nonetheless, there are also respectable reasons for placing controls on publicity. Since Members are elected, it is obvious that a complaint, and *a fortiori* a finding, may harm their prospects of re-election. Publicity given to a false complaint or a wrong hearing decision therefore could interfere with the democratic process, although it can also be argued that the electorate has a right to know information bearing on the fitness of candidates.
194. There can also be legal strictures on publicity. Information about a Member's conduct may well be personal data under the Data Protection Act 1998 which imposes an obligation that any processing of the data should be fair. Disclosure of personal information may also engage Members' right to respect for their private life under Article 8 of the European Convention on Human Rights. The City as a public body would infringe the Human Rights Act 1998 if it interfered with those rights without justification.
195. These concerns arose in a very recent decision of the First Tier Tribunal¹¹ in *Thompson v Information Commissioner and Cheshire East Council* (7 November 2016). A conduct allegation was made against a councillor. After receiving his response which, under the local authority's procedure, was sought in confidence, the local authority decided to take no further action. The complainant requested sight of the response under the Freedom of Information Act 2000. This was resisted by the local authority in reliance on the exemptions

¹¹ I do not know whether the case is subject to any further appeal.

under sections 40 and 41 which relate respectively to personal data under the Data Protection Act 1998 and information provided in confidence. The Information Commissioner and the Tribunal found in favour of the local authority, ruling that information relating to the complaint was indeed personal data and its release would be unwarranted. This was because:

- Notwithstanding that the Councillor held a public office and the withheld information related to the Councillor's public function rather than private life, we accept that information relating to complaints against individuals carries a very strong general expectation of privacy. This is due to the likelihood that disclosure could cause the individual distress and potential damage to future prospects and general reputation. Even where the investigation exonerates the individual, the matter can be potentially distressing or stressful if it is thought in time that it might be revealed to the world. Likewise, as the IC states, even if the complaint is unmeritorious, its existence can be potentially damaging to an individual. It is foreseeable for some to conclude "there's no smoke without fire".
- ...
- We accept that the "legitimate interests" in disclosing the requested information included generic interests in accountability and transparency and specific interests in understanding better how the complaint against the Councillor had been handled and due process. We accept that [sic] elected members of local government, councillors should be open to scrutiny and accountability.
- However the collective weight of interest in disclosure is vastly outweighed by the Councillor's rights and freedoms or legitimate interest in not disclosing to the world at large material related to a complaint about his conduct where the Council did not find the complaint to be merited.

196. These considerations would of course be different if the Council did find the complaint to be merited.

197. The practice in other authorities varies. Most include publication in a list of the actions which can be taken when a finding is made. Newcastle City Council has a distinctive provision that if the complaint is rejected at the hearing, the Member may require that no decision notice or summary be published. However, although Newcastle provides a right of appeal, it does not provide for any publicity to be stayed pending appeal. Kent County Council sets a period of 10 days for publication of a hearing outcome, positive or negative. Although the 10 days is a maximum rather than a minimum, it could in practice provide a window in which any challenge to publication could be made.

198. In my view a “one size fits all” policy on publicity is inadvisable. A case by case approach will enable proper regard to be had to the need for open government and transparency and, with advice from the IP and legal advice where necessary, to the legal rights of the parties. However, sufficient guidance should be given so that Members will know broadly what to expect, avoiding some of the discontent which has been voiced about the 2015 complaint.

199. Therefore my recommendations are:

- (1) before any finding of breach there should be a presumption against publication of details of a case;
- (2) where a hearing makes a finding of breach, publication of the finding should be an available sanction and the usual course, but this should be delayed as recommended at paragraph 167 above; and
- (3) in all other circumstances (including dismissal of a complaint after a hearing) the SC should have a discretion as to publication, to be exercised having regard to legal advice where appropriate, to the views of the IP and to all the circumstances including:
 - i. the nature of the allegation(s);
 - ii. the stage the process has reached;
 - iii. any information already in the public domain;
 - iv. where relevant, the proximity of any election;
 - v. the effect of publication on the respondent;
 - vi. the views of the parties; and
 - vii. the public interest.

200. I have no strong view on whether the SC’s annual report should include details such as the name of a Member against whom a finding has been made. However, in light of the controversy over the report of June 2016, it would be sensible for the Court to adopt a clear policy on whether such information should or should not be included.

6. Conclusion

201. Overall I have found that the City's Code and arrangements are lawful and are not unusual but are in need of some updating, and they can be strengthened.
202. In particular the 2015 complaint revealed that the arrangements for dealing with Code complaints were insufficiently detailed. This meant that both the hearing and assessment sub-committees had to adopt their own more detailed procedures. So far as I can ascertain, this contributed to a lack of confidence in some of the procedures and a sense that some of the detailed procedural arrangements came as a surprise to Members.
203. There is therefore an opportunity to update the Code and to draft more detailed arrangements for dealing with complaints. I have made recommendations which the Court will wish to consider adopting in the course of this process. My recommendations reflect my understanding of the law, best practice in authorities around England and the tentative conclusions which it seems to me can be drawn from the experience of the 2015 complaint.
204. In my view this presents an important opportunity to clarify the role of the Independent Person. If there has so far been a lack of clarity about this role, I would be slow to blame the City for it. Instead it reflects a lack of clarity in the legislation which has posed difficult questions for all authorities. My recommendations reflect my interpretation of the law. This will not be shared by everyone and may or may not be upheld by courts in any future litigation.
205. From the controversy over the 2015 complaint I draw two conclusions.
206. The first conclusion is that there is a need to increase Members' confidence in the complaints process, and my recommendations are aimed at achieving this by distributing roles more widely between the Standards Committee, other Members, Officers and (where appropriate) external agents.

207. The second conclusion is that the City's statutory duty to promote and maintain high standards of conduct needs to be emphasized. Members should be encouraged to recognise that it is essential to deal with complaints of breach of the Code of Conduct openly and effectively, notwithstanding the difficulty and sensitivity of cases of this kind.
208. That is the basis for my recommendation that the City should retain a Standards Committee with overall responsibility for conduct matters. Whether or not that recommendation is followed, I consider it important that the City maintain sufficiently visible arrangements to promote high standards of conduct.

7. Summary of Recommendations

209. The recommendations made above are:
- (1) Members should be required to attend such training on conduct and standards matters as the City may provide from time to time. (52)
 - (2) The Code of Conduct should adopt the CSPL's revised descriptions of the Nolan Principles. (54)
 - (3) The Code should contain more express requirements in respect of equality and diversity. (55)
 - (4) The Code should prohibit Members from bringing their office into disrepute, engaging in any bullying and intimidation or breaching obligations of confidentiality to the City. (59-60)
 - (5) The Guidance to Members on the Code should be updated to reflect changes to the Code and also to deal with conduct matters generally, rather than only with the declaration of interests. (61)
 - (6) The City should retain a Standards Committee which will keep abreast of all of the City's activities relating to conduct and standards, including training. (74)
 - (7) The Chief Commoner and Privileges Chairman should have a discretion to share with the Standards Committee information which may be useful

to it. Whilst the Standards Committee may ask them, from time to time, whether there is any such information to be shared, the Standards Committee should not have a formal role of monitoring the pastoral activities of the Chief Commoner and Privileges Chairman. (77)

- (8) There should be more detailed published guidance on the procedure for dealing with complaints, especially at the hearing stage. (127)
- (9) The City should provide training for all Members and Officers who deal with complaints (and appeals) to ensure that they are dealt with expertly and consistently. (79, 144)
- (10) Initial assessment of a complaint should be by the Monitoring Officer, with a limited discretion to assign the function to another officer (or an officer of another authority) where necessary e.g. in a case of conflict of interest. (86)
- (11) A rule should require that an Independent Person's views be sought at the assessment stage unless this is considered unnecessary. (90)
- (12) The published arrangements should refer to the possibility of the Independent Person's views being sought at the assessment stage by the respondent to an allegation. (91)
- (13) Decisions on initial assessment should be accompanied by concise written reasons which enable the complainant and the respondent to understand (1) whether any of the grounds for not proceeding are present and if so (2) the reasons for the decision on whether and how to proceed. (92)
- (14) If assessment is carried out by the Monitoring Officer and if the complaint is not dismissed or resolved informally, it should be referred for investigation by an Investigating Officer who may be another officer of the Corporation or an officer from another local authority, with provision for the Investigating Officer to be assisted by an external investigator where appropriate. (108)
- (15) Investigation should be the subject of a concise but sufficiently detailed protocol covering the matters set out at paragraph 110 above.

- (16) When interviewed by the Investigating Officer, the Member should have the right to be accompanied by a person of their choice. This could be a lawyer although the process should be an interview with the Member rather than a hearing involving advocacy. (111)
- (17) The Investigating Officer should report on whether there is or is not evidence of a breach, or whether the allegation of breach of the Code of Conduct raises a case to answer. (113)
- (18) Hearings should be conducted by a committee or sub-committee including at least one (non-voting) co-opted member. (125)
- (19) A pre-hearing process should be used to identify the issues and decide what (if any) witnesses need to attend the final hearing unless all parties consider it unnecessary. (128)
- (20) The committee should continue to conduct hearings in public session, subject to its statutory powers to move into confidential session under Part VA of and schedule 12A to the Local Government Act 1972. (129)
- (21) The procedure should state that the respondent may be legally represented. Respondents or their representative should be allowed to question witnesses, subject to the Chairman's discretion to set a timetable which may limit the time for questioning. (131, 133)
- (22) The role of the Independent Person at a hearing (and generally) should be set out in writing, emphasizing its importance. The Independent Person should answer questions and express views in the presence of all those attending the hearing. Where a panel finds a breach of the Code of Conduct, the views of the Independent Person should be sought on sanction (134, 139, 148).
- (23) The arrangements should reiterate that an Independent Person's views may also be sought by the respondent at the hearing stage. (143, 176-187)
- (24) The written procedure should also make separate provision for the committee to take legal advice where necessary. (141)
- (25) The arrangements should clarify that the question whether there has been a breach of the Code must be answered on the balance of

probabilities. The panel should give concise but clear reasons for its decisions in relation to breach and sanction. (142, 149)

- (26) The list of available sanctions should draw a distinction between a finding of breach and the sanction of censure. (153)
- (27) A respondent Member should continue to have a right of appeal against finding of breach and/or sanction, subject to a written appeal being delivered within a reasonable time limit such as 14 days. (159)
- (28) Those deciding an appeal should not be part of the body (e.g. the Standards Committee) from which the hearing panel is constituted. (160)
- (29) It may be better for a separate individual or panel to receive a written appeal, review the decision and decide whether to remit it to a differently constituted hearing panel (161). If this course is taken there should be no right of appeal against the outcome of the re-hearing. (162)
- (30) The Court should decide how to design its appeal arrangements by considering the questions set out at paragraph 165 above.
- (31) Any appeal panel should receive the views of an Independent Person before making its decision, preferably one who was not involved at or before the hearing stage. (166)
- (32) The City's Independent Persons should not routinely attend meetings of the Standards Committee 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. They should however be supplied with all such agendas, minutes and other documents as will enable them to remain abreast of the Standards Committee's discussions and decisions about the Code and conduct matters generally. (174)
- (33) A respondent Member exercising the right to seek the views of an Independent Person should be given a choice between a non-confidential consultation with the Independent Person who will advise the hearing panel and a confidential consultation with an Independent Person who will not. Arrangements should state that the purpose of either type of consultation is for the respondent to seek the Independent

Person's views, not to influence them, and a note should be kept of what is said. (181-187)

- (34) Before any finding of breach there should be a presumption against publication of details of a case. (199)
- (35) The announcement of any findings and/or sanction at the hearing stage should be delayed until either (1) the appeal time limit passes and no appeal is received or (2) an appeal is dismissed or (3) a new finding is made and/or a sanction is imposed at a re-hearing. (167)
- (36) After a finding of breach, publication of the finding should be an available sanction and the usual course, subject to recommendation 35 above. Otherwise the Standards Committee should have a discretion as to publication, to be exercised having regard to legal advice where appropriate, the views of the Independent Person and all the circumstances as set out at paragraph 199 above.

CHARLES BOURNE Q.C.

11KBW Chambers

16 December 2016

Appendix 1

	Document	Date
1.	Constitution and terms of reference of the Standards Committee	
2.	Members' Code of Conduct	
3.	Guidance to Members – Members' Code of Conduct	
4.	Procedure for dealing with Complaints to the Standards Committee	October 2015
5.	Protocol on Member/Officer Relations	
6.	Hearing Sub (Standards) Committee – Proposed Hearing Procedure	
7.	Appeals (Standards) Sub-Committee – Proposed Appeal Procedure	
8.	Standing Orders of the Court of Common Council	
9.	Report of Town Clerk and Comptroller and City Solicitor for meetings of Police Committee on 1 June 2012 and Standards Committee and Policy and Resources Committee on 7 June 2012	
10.	Report of Standards Committee on the Standards Regime under the Localism Act 2012	7.6.12
11.	Register of Interests, Mr A.J.N. King	11.2.15
12.	The 2015 complaint and exchange of emails on receipt	18-19.11.15
13.	Emails to/from Committee and Member Services Officer and Standards Committee chairman re convening assessment sub-committee	2.12.15
14.	Covering email from Committee and Member Services Officer with papers for assessment sub-committee	8.12.15
15.	Email from Committee and Member Services Officer to Standards Committee convening hearing sub-committee on 29.1.16	21.12.15
16.	Emails from Principal Committee and Member Services Manager re summons to hearing sub-committee on 29.1.16	21-22.1.16
17.	Email from Committee and Member Services Officer enclosing proposed hearing procedure and information from respondent	27.1.16
18.	Emails from Committee and Member Services Officer enclosing hearing procedure	9 and 15.2.16
19.	Email from Committee and Member Services Officer enclosing additional papers for further hearing meeting on 23.2.16	15.2.16
20.	Emails re convening of further meeting to consider sanction	26.2.16-3.3.16
21.	Register of Interests, Mr E. Lord	10.3.16

22.	Emails re convening appeal sub-committee	30.3.16 and 4.4.16
23.	Notice of Appeal re the 2015 complaint	6.4.16
24.	Emails from Committee and Member Services Officer enclosing papers for appeal hearings on 25.4.16 and 6.5.16	13.4.16-5.5.16
25.	Letter from City Surveyor to Leighton McDonnell	8.4.16
26.	Resolution to appoint Standards Committee from April 2016 to April 2017	21.4.16
27.	Agenda and note of decision, Appeal Sub (Standards) Committee	6.5.16
28.	Annual Report of the Standards Committee to the Court of Common Council on 23 June 2016	13.5.16
29.	Letter from chairman of Staff Appeal Committee to Leighton McDonnell	24.5.16
30.	Letter to members of the Standards Committee from chairman following the Meeting of Common Council on 23 June 2016	
31.	Letter from the Chief Commoner to the Principal Committee and Member Services Manager	27 June 2016
32.	Public document pack for Agenda items 3 and 8, Standards Committee 8 July 2016	
33.	Minutes, Standards Committee meeting on 8 July 2016	
34.	Report of the Standards Committee to the Court of Common Council on 21 July 2016	8.7.16
35.	Annual Report of the Standards Committee to the Court of Common Council on 21 July 2016	8.7.16
36.	Letter before claim to the Town Clerk re the 2015 complaint	20.7.16
37.	Reply from the Comptroller and City Solicitor to letter before claim	3.8.16

Appendix 2

Written representations were received from:

Mark Boleat

John Chapman

Ann Holmes

Catherine McGuinness

John Scott JP

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of the Local Government Act 1972.

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