



## Standards Committee

**Date:** FRIDAY, 1 MAY 2020  
**Time:** 11.00 am  
**Venue:** VIRTUAL PUBLIC MEETING (ACCESSIBLE REMOTELY)  
[HTTPS://YOUTU.BE/HIOYHPKEPYQ](https://youtu.be/HIOYHPKEPYQ)

**Members:** Ann Holmes (Chair)  
Caroline Addy (Deputy Chairman)  
Randall Anderson  
Judith Barnes  
Henry Colthurst  
Nick Cooke  
Mary Durcan  
Deputy Jamie Ingham Clark  
The Very Revd. Dr. David Ison  
Alderswoman Susan Langley  
Dan Large  
Vivienne Littlechild  
Deputy Edward Lord  
Alderman & Sheriff Professor Michael Mainelli  
Barbara Newman  
Jeremy Simons  
Elizabeth Walters (Co-opted Member)

**Enquiries:** Gemma Stokley  
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### Accessing the virtual public meeting

Members of the public can observe the virtual public meeting at the below link:  
<https://youtu.be/HioyhPkEpyQ>

**John Barradell**  
**Town Clerk and Chief Executive**

# **AGENDA**

## **Part 1 - Public Agenda**

1. **APOLOGIES**

**For Decision**

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

**For Decision**

3. **MINUTES OF THE PREVIOUS MEETING**

To consider the public minutes of the meeting held on 24 January 2020.

**For Decision**  
(Pages 1 - 14)

4. **DRAFT ANNUAL COURT REPORT 2019-20**

Report of the Town Clerk.

**For Decision**  
(Pages 15 - 24)

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

**For Decision**

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

**For Decision**

7. **EXCLUSION OF THE PUBLIC**

MOTION: That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

**For Decision**

## **Part 2 - Non-Public Agenda**

8. **NON-PUBLIC MINUTES OF THE PREVIOUS MEETING**

To consider the non-public minutes of the meeting held on 24 January 2020.

**For Decision**  
(Pages 25 - 26)

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

10. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

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## **STANDARDS COMMITTEE** **Friday, 24 January 2020**

Minutes of the meeting of the Standards Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Friday, 24 January 2020 at 11.00 am

### **Present**

#### **Members:**

Ann Holmes (Chair)  
Caroline Addy (Deputy Chairman)  
Randall Anderson  
Judith Barnes  
Henry Colthurst  
Mary Durcan  
Deputy Jamie Ingham Clark  
Deputy Edward Lord  
Alderman & Sheriff Professor Michael Mainelli  
Barbara Newman  
Jeremy Simons  
Elizabeth Walters

#### **Officers:**

Angela Roach	- Assistant Town Clerk
Gemma Stokley	- Town Clerk's Department
Antoinette Duhaney	- Town Clerk's Department
Michael Cogher	- Comptroller and City Solicitor
Edward Wood	- Comptroller and City Solicitor's Department
Bob Roberts	- Director of Communications
Kristina Drake	- Media Officer
Tracey Jansen	- Human Resources

#### Chair's Welcome

The Chair opened the meeting by welcoming members and also those in the public gallery – both elected Members and members of the public. She gave a special welcome to Elizabeth Walters, one of two new Co-opted Members of the Committee, to her first meeting.

The Chair went on to state that, as the front sheet of all meeting agendas reminds us, public meetings can be the subject of audio or video recording. She added that she had received prior notice of the fact that today's meeting would be video recorded both by a public attendee and by the City Corporation's own Media Team. She made it clear that both were aware of the City's Filming Protocol which entails not disturbing the conduct of the meeting and focusing only on Members and Officers directly involved in today's proceedings.

The Chair concluded by highlighting that there was a weighty agenda today and clarified that she would not, therefore, be taking comments from either

members of the public, or elected Members who are not Members of this Committee.

1. **APOLOGIES**

Apologies for absence were received from Nick Cooke (Co-opted), The Very Revd. Dr. David Ison (Co-opted), Alderwoman Susan Langley, Dan Large (Co-opted) and Vivienne Littlechild.

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

There were no declarations.

3. **MINUTES OF THE PREVIOUS MEETING**

The public minutes of the meeting held on 4 October 2019 were considered and approved as a correct record.

In the light of comments from a member, the Chair asked that their high quality be minuted.

4. **MINUTES OF SUB COMMITTEES**

The Committee received the public minutes of the Assessment Sub (Standards) Committee meeting held on 3 December 2019 and the public minutes of the Dispensations Sub (Standards) Committee meeting held on 18 November 2019.

**RECEIVED.**

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

The Committee considered a report of the Town Clerk relative to the Standards Committee's terms of reference, that of their various sub committees and their frequency of meetings, ahead of the submission of the White Paper to the Court of Common Council on 23 April 2020.

**RESOLVED – That:**

- i) The terms of reference of the Standards Committee be approved for submission to the Court of Common Council, as set out in Appendix 1;
- ii) Members approve the frequency of the Committee's meetings as three per annum;
- iii) Members note the scheduled meeting dates for the remainder of 2020 and for 2021.

6. **FURTHER REVIEW OF DISPENSATIONS POLICY AND LEADING COUNSEL'S OPINION**

The Committee considered a report of the Comptroller and City Solicitor presenting a further review of the Dispensation's Policy and Leading Counsels Opinion on this.

The Chair stated that she hoped that the Committee could proceed today to endorse its policy on speaking when a Member had an engaged, disclosable

pecuniary interest, with possible additions to delegated items, and would also agree Counsel's recommendations concerning voting when a Member had an engaged, disclosable pecuniary interest.

The Chair called upon the Comptroller and City Solicitor to formally introduce the report.

The Comptroller and City Solicitor referred to the proposal from an elected Member, Graeme Harrower, to grant what he referred to as general dispensations. Advice had been obtained from Leading Counsel on Mr Harrower's proposal and the Dispensations Policy in general. The Comptroller and City Solicitor observed that Members were still being urged by Mr Harrower in the strongest possible terms to adopt a policy that Leading Counsel had concluded was unlawful.

The Comptroller went on to state that if the unlawfulness of the proposed general dispensations were less clear cut then Leading Counsel would doubtless have said so in his opinion. The Comptroller reminded the Committee that they were bound by the statutory scheme with regard to dispensations. Given the strong feelings on both sides, the Comptroller went on to highlight that Standing Order number 9 (4) provided for a decision of a Committee or Sub-Committee to be referred to the Court of Common Council if supported by 20 elected Members. He also underlined that there was a risk of a legal challenge being launched, whatever decision was taken today.

The Comptroller and City Solicitor continued by explaining that it was his role to advise the Committee honestly and clearly on the Policy but that the ultimate decision as to its application was for Members to make. He concluded, however, by making it clear that, should the Committee choose to act in a way that he considered to be unlawful, he would as Monitoring Officer have a statutory duty to report the matter to the Court of Common Council which must then meet to consider his report within 21 days – any decisions around dispensations would be frozen until then. In these circumstances, it would be for the entire Court to reach a decision on the Dispensations Policy.

The Chair thanked the Comptroller and City Solicitor for his useful introduction and drew Members' attention to the three recommendations within the report. The first of these was for the Committee to formally consider and note Leading Counsel's Opinion, particularly with regard to dispensations to vote, in light of the alternative recommendation put forward by Mr Harrower which had been deemed unlawful in Counsel's view. The Chair invited comments on this point.

A Member spoke to state that he had complete faith in the advice from the Comptroller and City Solicitor on this matter and had also read the opinion of Leading Counsel with interest. He had, however, reached the conclusion that the City Corporation were still making too much of the matter and stated that he found it absurd that resident Members elected by their local residents may not be able to speak on matters where they had an engaged DPI without a dispensation. He questioned what the harm in allowing all Members the right to speak on all matters for the duration of their elected terms would be as

opposed to requiring them to apply for this ability on a case by case basis. He referred the Committee to the statement within Leading Counsel's opinion which clearly stated that the prohibition on speaking and voting do not necessarily stand or fall together and that a relevant authority may, on a written request..., grant a dispensation relieving a member from either or both of these restrictions. He suggested that, should his suggested approach be taken with regard to speaking with an engaged DPI, the Standards Committee could then focus, quite properly, on the more 'knotty' issue of voting. He noted that 50 applications for dispensations to date had related to the Barbican Residential Committee and 20 to Housing Governance. He therefore called for a sensible and pragmatic way forward on these matters which were clearly also of particular concern to resident voters. He also referred to three previous applications for dispensations to speak on general housing matters that had been declined.

The Chair responded to state that the starting point on the law around dispensations was that a Member with an engaged DPI may not speak or vote. There was therefore an important balance to strike in terms of measuring statutory requirements with other considerations. She added that the three rejected applications referred to by the speaker had been under the previous regime. She reminded the Committee that the existing dispensations policy had only been in operation since March 2019.

Another Member spoke on what he believed could be a third way forward although he found it difficult to foresee how this matter might be properly resolved today. He stated that, from the opinion of Leading Counsel, it was very clear that the general dispensations requested by some Members to date would not work in such broad terms but he also remained unconvinced that the 'tinkering' suggested within the report would resolve the matter.

The Member went on to agree with the previous speaker, that housing matters were clearly a particular problem. He highlighted that, just because an elected Member might have a DPI in relation to a housing matter, it did not mean to say that that interest was engaged. He stated that the fact that this was recognised within the opinion of Leading Counsel was, in his view, significant progress. He went on to state that, even in the City's four statutory residential Wards, any DPIs engaged on Planning or Licensing matters were likely to be fairly widely scattered but that this was not so on housing matters. Counsel had seemingly provided a way around this by suggesting that a relevant authority may grant wider dispensations, dealing with 'a category of cases over a period of years. The Member recognised that the City were in a unique situation with regard to the governance of housing matters and that this Committee should therefore ask Counsel for his views on automatically granting general dispensations to Members with an engaged DPI to speak on housing matters for the duration of their term of office. He commented that a number of authorities such as Tower Hamlets had already taken this approach.

Another Member raised a point of order and challenged the previous speakers reference to statutory residential Wards within the City, highlighting that there was no reference to such Wards within the relevant legislation.



The Chair interjected to state that the amount of development in the City in recent years had led to some Wards, not traditionally considered as residential, being home to more residents than some that were. She also spoke to clarify that dispensations on general housing matters were already available to Members as detailed within the report. She stated that, in her opinion, it was hard to conceive of anything relating to general housing that was not already covered by this with the exception of the provision of parking spaces and private storage spaces separate from a dwelling which it was proposed should be added at today's meeting. She added that these types of dispensation need only be applied for once for the entirety of a Members' four-year term of office and that the City Corporation were also now already in the process of seeking to repeal section 618 of the Housing Act 1985.

The Member responded to the points raised to state that he believed that the residential Wards within the City were referenced in legislation. He also highlighted that some resident Members did not have a lease from the City and that this was an important differential issue. The Member added that he recognised that dispensations on general housing matters were available but was arguing that these might be granted automatically to offer certainty to Members of residential Wards where engaged DPI's tended to be concentrated.

The Comptroller and City Solicitor suggested that, administratively, application forms for general housing dispensations could be handed to Members upon election. This was agreed. He also agreed with the point made by the Chair that further guidance from Members' as to what else might usefully be added to the current general housing dispensation provisions would be welcomed.

Another Member spoke to state that they did not believe that the issue here was with the Standards regime but was, instead, around how the City Corporation governed housing, particularly on the Barbican Estate. They added that no other local authorities faced the same issues or ran their housing estates in this way. The particular problem was with the Barbican Residential Committee which was comprised of elected Members who were residents of the Barbican Estate as well as non-resident Members, meaning that issues would inevitably arise at this Committee where DPIs would be engaged for many. They added that a Governance Review would be taking place this year and hoped that this might offer some potential solutions to this particular problem.

Another Member interjected to say that he had seen this problem arise more frequently in meetings of the Community and Children's Services Committee than at the Barbican Residential Committee.

The Member continued to speak by stating that they agreed that Community and Children's Services Committee was equally problematic here. They went on to state the Committee had been asked for their preference between the opinion of Leading Counsel in relation to dispensations and that of [Mr Harrower]\*. They added that Counsel was one of the most eminent

practitioners in the whole country with particular expertise in local government [whereas Mr Harrower had previously practised as a tax lawyer]\*. They were therefore of the view that the advice of Counsel should be preferred. They commented that Leading Counsel had previously advised the City Corporation on its Sexual Entertainment Venue policy and had been engaged again on this matter at the suggestion of a former Chairman of the Licensing Committee. She was no supporter of the Committee's approach to dispensations and so there could be no suggestion of partiality in Leading Counsel's selection. The Member concluded by stating that they felt that the Committee should adopt Counsel's suggestions as to how the current Dispensations Policy ought to be improved and was clear that the alternative proposals put forward by [Mr Harrower]\*<sup>1</sup> were simply unlawful.

A Co-opted Member spoke to state that she too was in agreement with Counsel's opinion but that, more than that, she was in agreement with the current law on dispensations and was thankful for absolute clarity now on this matter. The Co-opted Member continued by expressing her surprise at the fact that some Members who had addressed the meeting earlier in the debate were seemingly unaware that dispensations to speak on general housing matters were already available to elected Members for the duration of their term of office. She suggested that it may therefore be useful for the Chair, on behalf of the Committee, to make it clear to both elected Members and concerned residents that this was the case, particularly in light of the petition that had been received on this matter in mid-2019.

The Co-opted Member went on to suggest that the way in which applications for dispensation were currently dealt with should be reviewed periodically going forward to ensure that these were being dealt with as efficiently as possible.

The Chair responded by stating that she would be very happy to write, on the back of today's meeting, to all interested parties, making it clear precisely what the policy on dispensations was. She also reminded Members that Dispensations Sub Committees were now set in advance with pre-appointed panels but that the most recent of these had had to be cancelled due to lack of business.

A Member spoke to state that he had been considering this matter more strategically and that, looking at this from a bigger picture, the rejection of Counsel's opinion by the City Corporation could carry huge reputational risks given that the organisation promoted the quality of UK legal and professional services around the world. He added that he was very sympathetic to the suggestion that carparking and storage should now be added to the definition of general housing matters.

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\* Following the publication of these draft minutes, Mr Harrower has objected to the words in square brackets, on the ground he considered that they convey a named and unwarranted slur on his professional competence. The Standards Committee decided at its meeting on 1 May 2020 that those words be modified or deleted in the final version of these minutes.

Another Member spoke to state that he had considered both the opinion of Counsel and the emails in response to this opinion very carefully. He concluded by stating that he was very supportive of the opinion of Counsel and was also very clear in terms of which way the decision of this Committee should now fall on this matter.

A Member observed that dispensations granted by the Town Clerk under delegated authority in relation to general housing matters were only available for speaking. Another Member interjected that voting on these matters was not permitted for those Members with an engaged DPI at present under section 618 of the Housing Act 1985. The original speaker added that she took Leading Counsel's opinion very seriously and would be very unhappy if this Committee were to be seen to be doing anything unlawful.

An Alderman commented that he was very clear that the opinion provided by Leading Counsel was a correct statement on what was lawful and what was unlawful with regard to the granting of dispensations and that he was therefore very happy to accept the opinion in full. He was also, therefore, in accordance with the suggestions made by Counsel around how restrictions on voting might be lawfully relaxed as detailed at paragraph 4 of the accompanying report. He equally supported the suggestions from Officers as to how the existing delegations to the Town Clerk could be applied more broadly and include Members of both the Planning and Transportation and Licensing Committees. He concluded by stating that he could, however, see that the introduction of time limits on applications for dispensation might prove problematic.

The Deputy Chairman spoke to praise the clarity of advice provided by both the Comptroller and City Solicitor and now Leading Counsel on this matter. She reminded Members that the Chair had previously questioned what they might wish to do that was not currently permitted under the existing dispensations policy but had received nothing in response to this – she therefore found it difficult to conclude that there was any evidence of real impediment under the existing policy.

The Chair stated that many Members, herself included, were clearly accepting of Counsel's advice as to the lawfulness of the existing policy. She added that the Member who had spoken earlier of the 'bigger picture' in terms of reputational risk for the organisation should it reject Counsel's opinion had made an important, contextual, point that should also be borne in mind.

The Chair thanked Members for their contributions and asked that the Committee now move to a formal vote as to whether they were in favour of accepting the opinion of Leading Counsel on dispensations.

Votes were cast as follows:           IN FAVOUR – 9 votes  
  OPPOSED – 0 Votes  
  There was 1 abstention.

The Chair went on to question whether, having accepted Counsel's general opinion, the Committee were now also content to accept his suggestion as to

how dispensations to vote might, lawfully, be relaxed, as detailed at paragraph 4 of the Comptroller and City Solicitor's report. The Committee unanimously supported this suggestion but, from an administrative point of view, asked that those applying for dispensations to vote be asked to comment on points i) to iv) listed at paragraph 4 within their applications.

The Committee went on to discuss potential changes to the Town Clerk's delegations and how the existing delegations could be applied more broadly to grant dispensations of up to four years to Members of the Planning and Transportation and Licensing Committees to speak in relation to the business of their own committees.

A Member commented that a distinction ought to be made between Planning and Transportation and Licensing here given that Members of all Wards were excluded from sitting on a Licensing Hearing for any premises within their own Ward. The Chair clarified that this wouldn't preclude them from applying for a dispensation to speak as a member of the public at a hearing or for members of Planning and Transportation Committee to speak and/or vote as Committee Members.

In response to questions as to how it was judged that a resident Member might have an engaged DPI in relation to a certain premises, the Chair responded by stating that this centred around vicinity. She also reiterated her previous advice that, should any Member be in any doubt as to whether they had an engaged DPI in relation to any item of business then they should err on the side of caution and, in the first instance, seek the advice of the Comptroller and City Solicitor.

The Committee were also unanimously supportive of the suggestion at paragraph 8 of the report, that parking spaces and private storage spaces should now be added to the definition of general housing matters at paragraph 17(c) of the dispensations policy

The Committee proceeded to discuss time limits. An Alderman spoke to reiterate that he would personally be loath to tighten up on this. The Chair clarified that the key point that she wanted to get across here was that some issues were known to Members well in advance of being considered by a particular Committee meeting. The previously proposed expansion of the City of London School for Girls was a good example of this and, in such cases, Members with engaged DPIs should be applying for dispensations as soon as possible. The Chair went on to state that applications to be considered under urgency procedures should be avoided where possible and must only be progressed in this way for genuine reasons and not simply to compensate for any oversight. She added that any applications considered under urgency were decided upon by the Town Clerk in consultation with the Chair and Deputy Chairman of the Standards Committee which was arguably not as stringent a process as the application going before a Dispensations Sub Committee.

However, Members were reluctant to adopt a stricter approach and agreed that there was no need to tighten existing policy in terms of setting deadlines for applications for dispensations.

**RESOLVED –** That, having considered and noted Leading Counsel's opinion, the Committee:

- Agree to amend the Dispensation Policy in line with Leading Counsel's proposal in paragraph 55 of the Opinion as set out in paragraph 4 of this report; and
- Agree to further amend the Dispensation Policy in line with the matters set out in paragraphs 7 and 8 of this report

**7. REQUESTS FOR A DISPENSATION UNDER THE CORPORATION'S APPROVED DISPENSATIONS POLICY**

The Committee considered a report of the Town Clerk setting out details of three Members who had requested a dispensation to speak and/or vote on any matter which affects their constituents and in which they may have a pecuniary interest with the exception of matters which:

- (a) Affect them uniquely or more so than any of their constituents; and
- (b) Insofar as regards a dispensation to vote only, falls within the restriction imposed by section 618 of the Housing Act 1985 for as long as that provision remains on the statute book.

The Chair spoke to clarify that, in light of the decision that the Committee had just taken on the previous agenda item, indicating that they were accepting of Leading Counsel's opinion on this, the three outstanding applications for dispensations of this sort could not be granted under the Dispensations Policy. She added that the applications were, of course, at liberty to now resubmit their applications on specific matters if required.

**RESOLVED –** That, in light of the Committee's decision to accept the opinion of Leading Counsel on the Dispensations Policy, the three outstanding applications from Mark Bostock, Susan Pearson and Brian Mooney to speak and/or vote on any matter which affects their constituents and in which they may have a pecuniary interest with the exception of matters which:

- (a) Affect them uniquely or more so than any of their constituents; and
  - (b) Insofar as regards a dispensation to vote only, falls within the restriction imposed by section 618 of the housing Act 1985 for as long as that provision remains on the statute book
- are all rejected.

**8. REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE - FOLLOW UP ACTIONS**

The Committee considered a follow up report of the Comptroller and City on the Review of Local Government Ethical Standards by the Committee on Standards in Public Life. At their previous meeting on 3 May 2019 Members had indicated that there were a number of recommendations that they would like to look at again in more detail .

The Chair asked that the Committee consider each of the recommendations set out in further detail.

**RESOLVED:**

- **CPSL Recommendation 1** – The Committee noted the latest position.
- **CSPL Recommendation 2** – The Committee agreed to maintain the status quo with regard to the disclosure of Members' home addresses in the public version of the register of interests.
- **CSPL Recommendation 3** – In response to questions regarding the complaint that had already been dealt with regarding the use of social media, the Comptroller and City Solicitor highlighted that the issue in that particular case had been that the Member in question had listed their official roles prominently at the top of their Twitter account and had therefore made it difficult to separate their personal tweeting from their official capacity. A Co-opted Member questioned whether the City Corporation had a Social Media Policy in place. The Director of Communications reported that there were guidelines available to Members on acceptable social media use. The Committee asked that these be re-circulated to all elected Members and Co-opted Members.
- **CPSL Recommendation 4** – Members noted the position in relation to the recommendation.
- **CPSL Recommendation 6** – Members were of the view that the City Corporation's existing threshold for registering gifts and hospitality was reasonable and should not be altered downwards.
- **CSPL Recommendation 8** – Members agreed with this recommendation and requested that the Comptroller and City Solicitor report back to the Committee with specific proposals around this. The Chair clarified that it would seem sensible to look at applying the same term of office to Independent Persons as was currently given to other elected and Co-opted Members of the Committee (8 years in total and not for any shorter period) and that it would also seem sensible to stagger the terms for which Independent Persons were appointed.
- **CSPL Recommendation 11** – The Committee noted that the arrangements to indemnify and/or insure the Independent Persons were now in place following final approval at the December 2019 Court of Common Council.
- **CSPL Recommendation 15** – The Committee agreed that changes should be made to the format of the annual report to include information about the general nature of the complaints received.
- **CSPL Best Practice Recommendation 1** – Members were of the view that this additional clarification around bullying and harassment should be added as an appendix to the Members' Code of Conduct.
- **CSPL Best Practice Recommendation 3** – Members were of the view that an internal review of the Members' Code of Conduct should be carried out annually, at the January meeting of the Standards Committee, at the same meeting at which it currently reviewed its Terms of Reference. It was agreed that wider reviews of the document seeking, where possible, the views of the public, community organisations and neighbouring authorities, should take place every 3 years.

- **CSPL Best Practice Recommendation 6** – Members were of the view that the wording in the existing Complaints Procedure regarding the initial assessment of complaints should remain unchanged.
- **CSPL Best Practice Recommendation 9** – Members were of the view that the existing Complaints Procedure should remain unchanged. Rather than requiring the publication on the City Corporation's website of a decision notice on every allegation that has formally been investigated, it was agreed that the appropriateness of this action should, instead, continue to be decided on a case by case basis.
- **CSPL Best Practice Recommendation 11** – The Comptroller and City Solicitor reported that, on the two previous occasions that this process had been used, it had been initiated by a decision taken under urgency. The Committee were of the view that it was preferable that, in future, such decisions on referral should be taken by the Standards Committee as a whole, but that all options should remain open. The Deputy Chairman highlighted the fact that there may also be instances where Members wished to self-refer to the Standards Committee for exoneration for example.
- **CSPL Best Practice Recommendation 13** – A Member commented that flexibility would be desirable here so that the City Corporation had the ability to ask either the Monitoring Officer of a different authority to undertake an investigation where appropriate or some other suitably qualified professional. The Comptroller and City Solicitor highlighted that this might be an idea that was better in theory rather than in practice. He commented that, of the three complaint to date that had progressed through all of the various stages of the Complaints Procedure, two had been outsourced and all three had been controversial cases. He thought it unlikely that any investigations would be dealt with in house for the foreseeable future but felt that there was enough flexibility in the current Complaints Procedure. Members were of the view that the existing arrangements should remain unchanged.

## 9. **ANNUAL REVIEW OF THE PROTOCOL ON MEMBER/OFFICER RELATIONS 2019**

The Committee received a joint report of the Comptroller and City Solicitor and the Director of Human Resources providing Members with the annual review of the Protocol on Member/Officer Relations and highlighting any related issues that have arisen during 2019. The report also included commentary from the Comptroller and City Solicitor on Employment Tribunal cases in the past year.

A Member underlined the importance of paragraph 3 (3) of the Protocol (stating that it is not the role of Members to involve themselves in the detail of day to day management of the Corporation's services) and suggested that this ought to continue to be emphasised to Members.

A Member referred to paragraph 12 (3) (a) of the Protocol on Member/Officer Relations and suggested that it would be useful for future Chief Commoners to meet with the Comptroller and City Solicitor upon taking office to clarify their disciplinary role in this context.

In response to a question on the number of formal grievances dealt with each year, the Director of Human Resources clarified that these were reported on in greater detail to the Establishment Committee and that that Committee also received information as to how this number compared with previous years.

**RESOLVED** – That, Members note the report.

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

There were no questions.

11. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT  
RESOLUTION OF THE COURT OF COMMON COUNCIL RE:  
INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE (IHRA)  
DEFINITION OF ANTI-SEMITISM**

The Committee considered a resolution of the Court of Common Council dated 5 December 2019, requesting that the definition of anti-Semitism, including the agreed working examples be adopted, with the inclusion of the IHRA definition and working examples, within the Members' and Offices' Code of Conduct.

Members requested that this be added to the Members' Code of Conduct by way of an appendix to the existing document.

The Town Clerk clarified that the resolution of the Court would be taken forward by the Establishment Committee insofar as the Officer Code of Conduct was concerned.

**RESOLVED** – That, the definition of anti-Semitism, including the agreed working examples be adopted, with the inclusion of the IHRA definition and working examples, within the Members' Code of Conduct by way of an appendix to the existing document.

12. **EXCLUSION OF THE PUBLIC**

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

**Item No(s)**

13 & 14

15 & 16

**Paragraph No(s)**

1 & 2

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13. **NON-PUBLIC MINUTES OF THE PREVIOUS MEETING**

The Committee considered and approved the non-public minutes of the meeting held on 4 October 2019.

14. **NON-PUBLIC MINUTES OF SUB COMMITTEE**

The Committee received the non-public minutes of the Assessment Sub Committee meeting of 3 December 2019.



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

There were no questions in the non-public session.

**16. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

The Committee received the decision letter of the Standards Appeal Sub-Committee meeting of the 16 December 2019.

**The meeting ended at 12.50 pm**

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Chairman

**Contact Officer: Gemma Stokley  
tel.no.: 020 7332 3414  
gemma.stokley@cityoflondon.gov.uk**

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<b>Committee</b>	<b>Date:</b>
Standards Committee	1 May 2020
<b>Subject:</b> Draft Annual Report of the Standards Committee 2019-20	<b>Public</b>
<b>Report of:</b> The Town Clerk	<b>For Decision</b>
<b>Report Author:</b> Gemma Stokley, Senior Committee and Member Services Officer	

## Summary

The Standards Committee is required to prepare an annual report on its activity for submission to the Court of Common Council. A copy of the report, covering the period from May 2019 to May 2020, is therefore attached for your approval ahead of submission to the Court in July 2020.

It should be noted that eight alleged breaches of the Code of Conduct were considered by the Committee during 2019/20 and that, in accordance with the recommendations made by the Committee on Standards in Public Life (CSPL) and the Committee's desire to accord with these, each of the cases, together with the nature of the complaint, its source and its current status/outcome are, for the first time, summarised in tabular form within the Annual Report.

## Recommendations

The Committee is recommended to:-

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

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## Report – Standards Committee

### Annual Report

*To be presented on Thursday, 16<sup>th</sup> July 2020*

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

#### **Summary**

The Standards Committee is required to prepare an annual report on its activity for submission to the Court of Common Council. The report covers the May 2019 to May 2020 period. It should be noted that eight alleged breaches of the Code of Conduct were considered by the Committee during 2019/20.

#### **Main Report**

##### **Background**

1. The purpose of this report is to brief Members of the wider Court on the work undertaken over the May 2019 to May 2020 period by the Standards Committee.
2. In accordance with the Committee's terms of reference, it is required to deal with allegations of breaches of the Code of Conduct and to submit an annual report on its activities to the Court of Common Council.

##### **Alleged breaches of the Code of Conduct**

3. During 2019/20, eight alleged breaches of the Members' Code of Conduct have been considered.
4. The breaches considered and their outcome/current status are summarised below:

<b>Matter No.</b>	<b>Source of Complaint</b>	<b>Alleged breaches of the Code</b>	<b>Outcome/Status</b>
01 - 18	Officers v. Member	<i>Failing to act with integrity; failing to comply with the Corporation's policies and procedures; failing to treat Officers with mutual respect; bullying and intimidation, bringing the office or authority into disrepute</i>	<i>Hearing found against the subject Member and sanctions imposed. This was appealed and considered by the Standards Appeal Sub Committee. Appeal Sub Committee upheld the complaint but overturned some sanctions, retained others and added an additional sanction of its own.</i>
01 -19	Member v. Member	<i>Failing to treat others with respect; bullying, harassing, intimidating or attempting to intimidate; bringing the office into disrepute</i>	<i>No further action at assessment stage.</i>
02 – 19	Member v. Member	<i>Not being willing to challenge poor behaviour; bringing the office into disrepute</i>	<i>Other action recommended at assessment stage – action to agree a protocol to ensure that any matter referred to either the Chief Commoner or Chairman of GP Alderman informally be acknowledged and responded to in a reasonable period.</i>
03 – 19	Member of the public v. Member	<i>Failing to deal with representations or enquiries from residents fairly, appropriately and impartially; not being accountable for decisions or co-operating when scrutinised; not treating others with respect;</i>	<i>No further action at assessment stage.</i>

		<i>bringing the office into disrepute</i>	
04 – 19	<i>Member and Officer v. Member</i>	<i>Failing to behave in accordance with the Corporation's legal obligations, including on the use of resources; not valuing colleagues and officers, treating them with mutual respect or engaging with them in an appropriate manner; bullying, harassing, intimidating and attempting to intimidate; bringing the office into disrepute.</i>	<i>Complaint withdrawn at assessment stage.</i>
01 - 20	<i>Member of the public v. Member</i>	<i>Not being accountable to the public for their decisions and actions and submitting themselves to the scrutiny necessary; not acting and taking decisions in an open and transparent way.</i>	<i>No further action at assessment stage.</i>
02 – 20	<i>Member v. Co-opted Member</i>	<i>Failing to treat others with respect; bringing the office into disrepute.</i>	<i>Decision pending at assessment stage – Assessment-Sub Committee still to reconvene.</i>
03 - 20	<i>Member v. Member</i>	<i>Failing to value colleagues, engage with them in an appropriate manner and treat them with respect; bringing the office into disrepute.</i>	<i>Assessment meeting yet to be convened.</i>

### **Activities of the Committee during 2019/20**

- Below is a brief synopsis of the activities undertaken by the Committee in 2019/20.

### **Membership and composition of the Standards Committee**

- At the beginning of the 2019/20 municipal year, the Standards Committee comprised of fifteen Members, three of whom were co-opted and independent from the City Corporation. Whilst Co-opted Members are no longer a statutory requirement and have no formal vote, following the introduction of the Localism Act 2011, the City of London Corporation has agreed to the inclusion of Co-

opted Members on the Committee to maximise the breadth of knowledge and experience available.

7. The Committee were carrying one co-opted member vacancy in the room of Mark Greenburgh following his resignation in March 2019. The appointment process for his replacement was commenced in May 2019 and was overseen by an appointment panel consisting of the Chairman and Deputy Chairman of the Standards Committee, the Chief Commoner and the Chairman of the General Purposes Committee of Aldermen. For the first time, one of the Standards Committee's existing Co-optees also joined the Selection Panel as an observer.
8. Following a shortlisting and subsequent interview process, the appointment panel were of the view that two candidates (The Very Revd. Dr. David Ison and Elizabeth Walters) interviewed well, and that both would be an asset to the Standards Committee in terms of the breadth and relevance of their knowledge and experience. With this in mind, they proposed a temporary expansion of the Standards Committee (from a total of 16 to 17 Members and a total of five as opposed to four Co-optees) to allow for both to be appointed (one for an term of 2 years to complete the balance of Mr Greenburgh's term of office, expiring in December 2021 and the other for an initial term of office of 3 years, expiring in December 2022). This proposal was considered and approved by both the Policy and Resources Committee and, subsequently, this Court.
9. The Committee are of the view that an additional Co-opted Member, even for a defined period of time, has helped to strengthen the independent element of our work whilst also providing a larger pool to draw from in terms of Dispensations, Assessment and Hearing Sub Committees where the views of a Co-opted Member are taken account of.

### **Dispensations Policy and Guidance**

10. A new and extensively consulted upon policy and guidance came into effect on 1 March 2019.
11. However, a petition relating to the Dispensations Policy was received and considered by the Court at its meeting of 25<sup>th</sup> April 2019 and referred to the Standards Committee for its consideration. The petition was considered by the Committee alongside other relevant matters including the Principles of Public life, general public confidence in local government and the Corporation in particular, and non-Localism Act requirements/restrictions in relation to conflicts of interest. Much of this municipal year has therefore been focused on the further refinement and liberalisation of our Dispensations Policy.
12. Following a further review of the Dispensations Policy at our October 2019 meeting, the Standards Committee requested that further consideration be given to the possibility of simplifying the process for granting and broadening dispensations to speak. Subsequent to this, an elected Member also sent an email to all members of the Committee proposing a change to the Dispensations Policy to grant what he termed 'general' (but not 'blanket')



dispensations to speak and vote for members in residential wards. In order to seek to finally resolve the matter after many months of debate, the Comptroller and City Solicitor, in consultation with the Chairman and Deputy Chairman of Standards, obtained leading Counsel's opinion on this proposal and on the wider Policy. The opinion was presented for the Committee's formal consideration in January 2020.

13. At the January 2020 meeting of the Standards Committee, Members considered the opinion of Counsel. The Committee voted nine in favour with one abstention, to accept his opinion that the approach suggested by the elected Member regarding the granting of 'general' dispensations was unlawful. We then continued to agree ways in which we are able to further liberalise our policy.
14. In accordance with the wishes of the Court, since March 2019, our policy on granting dispensations to speak to those who have an engaged DPI has sought to be as liberal as possible. Since that time, in addition to a dispensation to speak and vote on council tax, general dispensations to speak have been allowed for a member's entire term of office on general housing matters and, for those who are not members of those committees, to speak, as a member of the public, on planning and licensing matters. At our meeting in January, we agreed to extend such dispensations further still to include storage and car parking within general housing matters, and also to allow members of the Planning and Transportation and Licensing Committees to speak as members of the public. Members can still apply for dispensations to speak as a member, and members of Planning and Transportation, of course, remain free to seek a dispensation to speak and/or vote as a member of that committee. Such a right would be unlikely to come into force for members of licensing panels, as the committee's own rules do not allow members to sit on panels, which are dealing with applications in the ward they represent. It was also agreed that, upon election, members will routinely be invited to make an application for these dispensations. Officers will put in place arrangements for this.
15. Since March 2019, all specific applications to speak have been granted. Following a meeting of the Standards Committee in May 2019, in order to make the process easier, the application form was significantly shortened. Since the meeting of the Standards Committee in October 2019, panels have been set up at bi-monthly intervals and we will continue to monitor and, if necessary, arrange these to take place at shorter intervals. Since March 2019, members have been advised to seek dispensations as early as possible and not to wait for a matter to appear as an agenda item. If an application needs to be decided before an arranged panel is to meet, every attempt will be made to assemble one. Urgency arrangements will continue to be in place, to deal with situations where the unforeseeable occurs, and a dispensation is required at short notice.
16. Those with an engaged DPI on housing matters will usually be resident in City owned properties. Section 618 of the 1985 Housing Act prohibits such members from voting on housing matters and has no facility for dispensation. At its meeting, in October 2019, the Standards Committee set in progress seeking the repeal of s 618.

17. Most other applications for dispensations to vote relate to planning matters and applications will continue to be considered on their merits. At its meeting in January, however, the committee decided that in these cases it would apply the tests recommended by Counsel, rather than state that such dispensations would only be granted in exceptional circumstances. It was further agreed that members applying should be directed to address these test matters in their application forms.
18. In conclusion, there has been considerable further liberalisation of our dispensations policy over the last municipal year and we hope that the Court will now feel confident that the Committee are operating as liberal a dispensations policy as the law will allow.

### **Review of Local Government Ethical Standards by the Committee on Standards in Public Life**

19. The Committee on Standards in Public Life advises the Prime Minister on ethical standards across the whole of public life in England. They undertook a detailed review of the arrangements in place to promote and maintain high standards of conduct by public office holders in local government during 2018, seeking evidence from all interested stakeholders. The review was considered at the Standards Committee's meeting in May 2019 where Members reviewed how well the City Corporation's current arrangements matched these recommendations as well as considering any changes to existing process that may be desirable in light of these.
20. Having reviewed the totality of the recommendations and focused on those directly applicable to the City Corporation, the Committee noted that many of the recommendations in the Review of Local Government Ethical Standards must await the Government's response and would require legislative changes to implement. However, they were pleased to note that, where the City Corporation had the power to act unilaterally, existing arrangements were in most cases considered to be in line, or broadly in line, with the recommendations of the CSPL. Notwithstanding this, Members also indicated a number of recommendations that they would like to look at in more detail as well as some that could be implemented immediately.
21. It was felt that one recommendation that could be taken forward without delay was for the City Corporation to provide legal indemnity for its Independent Persons, given that their views/advice were often disclosed in relation to decisions on which they were consulted. With the concurrence of the Finance and Establishment Committees and this honourable Court, we were able to act on this recommendation and put the necessary arrangements in place as of December 2019.
22. Further commentary was provided on recommendations focusing on matters such as use of Social Media, the threshold for registering gifts and hospitality, changes to the format of the annual report to include information around the general nature of complaints received and matters concerning the review and

wording of the Members Code of Conduct was provided to the Committee at its January 2020 meeting. Whilst the Committee decided, on reflection, to maintain the status quo in relation to some of these matters, some changes were agreed (such as the point around greater transparency on Complaints within the annual report as you will see from this report) and other matters such as the introduction of defined terms of office for Independent Persons and what these may look like are to be given further thought in the new municipal year.

### **Recommendation**

23 We submit this report for information.

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

DATED this 1st May 2020.

SIGNED on behalf of the Committee.

**ANN HOLMES**  
Chairman

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By virtue of paragraph(s) 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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