

STANDARDS COMMITTEE
Friday, 2 October 2020

Minutes of the meeting of the Standards Committee held at Committee Rooms on
Friday, 2 October 2020 at 11.00 am

Present

Members:

Caroline Addy
Randall Anderson
Judith Barnes (Co-opted)
Henry Colthurst
Nick Cooke (Co-opted)
Deputy Jamie Ingham Clark
Mary Durcan
Helen Fentimen
The Very Revd. Dr. David Ison (Co-opted)
Alderswoman Susan Langley
Vivienne Littlechild
Alderman & Sheriff Professor Michael Mainelli
Jeremy Simons
Elizabeth Walters (Co-opted)

Officers:

Gemma Stokley	- Town Clerk's Department
Antoinette Duhaney	- Town Clerk's Department
Rhiannon Leary	- Town Clerk's Department
Michael Cogher	- Comptroller and City Solicitor
Edward Wood	- Comptroller and City Solicitor's Department
James Gibson	- IS Services

Introductions

The Town Clerk opened the meeting by introducing herself and stating that the Committee was quorate.

A roll call of Members present was undertaken.

The Town Clerk highlighted that the meeting was being recorded as well as live streamed and would be made available on the City Corporation's YouTube page for a period of time after the meeting had concluded. With this in mind, it was confirmed that participants in the meeting had all individually agreed and given their consent to being recorded and that all personal data would be processed in accordance with the Data Protection Act 2018. The Town Clerk highlighted that, for further information on this, viewers could contact the City Corporation using the details provided on the public webpages.

The Committee's most senior Member present (Vivienne Littlechild) moved that the Committee's most senior Alderman present (Alderman & Sheriff Professor

Michael Mainelli) take the Chair ahead of the election of a Chairman at agenda item 4. This motion was seconded, and Alderman Mainelli took the Chair.

1. **APOLOGIES**

Apologies for absence were received from Dan Large (Co-opted).

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

Judith Barnes (Co-opted) declared a personal interest in agenda item 15.

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

The Committee received the Order of the Court of Common Council of 16 July 2020 appointing the Committee and setting out its terms of reference for the ensuing year.

The Town Clerk highlighted that there were currently two vacancies on the Committee and that they would now be advertised to the full Court until such time as they were filled.

RECEIVED.

4. **ELECTION OF CHAIRMAN**

The Committee proceeded to elect a Chairman in accordance with Standing Order No. 29.

A list of Members who had expressed an interest in and were eligible to stand was read by the Town Clerk and Caroline Addy being the only Member expressing willingness to serve was duly elected Chairman for the ensuing year and took the Chair.

Ms Addy thanked the Committee for their support. The new Chair also went on to record her thanks to those who had now left the Committee – Ann Holmes, Edward Lord and Barbara Newman and to welcome new Member Helen Fentimen.

5. **ELECTION OF DEPUTY CHAIRMAN**

The Committee proceeded to elect a Deputy Chairman in accordance with Standing Order No. 30.

A list of Members who had expressed an interest in and were eligible to stand was read by the Town Clerk and Randall Anderson being the only Member expressing willingness to serve was duly elected Deputy Chairman for the ensuing year.

VOTE OF THANKS

Proposed by Barbara Newman;
Seconded unanimously;

RESOLVED UNANIMOUSLY: That the Members of the Standards Committee wish to place on record their sincere appreciation to

ANN HOLMES

for the courteous, enthusiastic and good-humoured manner in which she has carried out the duties of Chairman of this Committee since May 2019 and the leadership that she has shown in steering it through a significant period of change over the past year.

ANN'S year as Chairman saw much change and began with the appointment of seven new Committee Members. During her Chairmanship, the independent element of the work of the Committee and the wider Standards regime was also strengthened with a move to appoint a total of five as opposed to four Co-opted Members and, more recently, four instead of three Independent Persons – moves supported by the Court of Common Council.

MORE widely reported, was Ann's overseeing of further revisions to the City Corporation's Dispensations Policy and Guidance, with a view to providing an enhanced level of consistency and strengthening rules around dispensations to speak and vote. This was an emotive and complex matter and the new requirements came into effect as of January 2020 following thorough consultation and, ultimately, consideration of the views of Leading Counsel on the matter.

ANOTHER key area of the Committee's work under Ann has been its consideration of the recommendations arising from the Review of Local Government Ethical Standards by the Committee on Standards in Public Life – perhaps the most significant national event regarding Standards since the introduction of the Localism Act 2011. Work around some of these recommendations is still ongoing with a number of them requiring changes to primary legislation. However, Ann has been instrumental in terms of encouraging the progression of those issues where the City Corporation is able to act such as the introduction of legal indemnity to Independent Persons and the consideration of fixed terms of office for Independent Persons going forward

IN taking their leave of their Chairman, her colleagues wish to convey to Ann their thanks for her dedication, resilience and good sense, for the contribution she has made to their deliberations and their best wishes for the future.

FURTHER RESOLVED: That the Town Clerk be authorised to make arrangements for the resolution to be presented in a manner agreeable to the past Chairman.

6. **MINUTES OF THE PREVIOUS MEETING**

The public minutes of the meeting held virtually on 1 May 2020 were considered.

MATTERS ARISING

Member v. Member Complaints (page 6) – A Co-opted Member questioned if the Comptroller and City Solicitor had had the opportunity to gather any comparative data from other similar legislative bodies to ascertain whether the number of Member on Member complaints dealt with by the City Corporation was an anomaly. The Comptroller and City Solicitor reported that this work had had to be deprioritised in the face of the current pandemic but that he would make contact with those boroughs that the City Corporation had the most contact with on these matters, with a view to reporting back to the Committee on this at their next meeting in January 2021.

7. PUBLIC MINUTES OF SUB-COMMITTEE MEETINGS:

7a) ASSESSMENT SUB (STANDARDS) COMMITTEE - 31 JULY 2020

The Committee received the minutes of the Assessment Sub (Standards) Committee meeting held virtually on 31 July 2020.

RECEIVED.

7.2 ASSESSMENT SUB (STANDARDS) COMMITTEE - 3 SEPTEMBER 2020

The Committee received the minutes of the Assessment Sub (Standards) Committee meeting held virtually on 3 September 2020.

RECEIVED.

7.3 DISPENSATIONS SUB (STANDARDS) COMMITTEE - 18 SEPTEMBER 2020

The Committee received the minutes of the Dispensations Sub (Standards) Committee meeting held virtually on 18 September 2020.

A Co-opted Member commented that she was assuming that the dispensations granted were in line with the Dispensations Policy but that, if so, that did not seem to be what was recorded here as what the decision appeared to do was to grant a dispensation to speak on general housing matters without saying what they are and cross referencing the definition as set out within the Policy. The decision also did not appear to limit the right to speak in any way whereas the policy limits it to housing matters that affect all of the Corporation's tenants or leaseholders on a particular estate equally. She went on to argue that, without those elements explicitly included, the dispensation granted would appear to be unlawful as per the advice of Leading Counsel and asked that they therefore be included within the decision and public minutes.

The Chair agreed that it was preferable for the decision to be explicit in terms of compliance with the Policy and asked that the amendment be made with the final version of the minutes referred back to the members of the Sub-Committee for approval ahead of publication.

RECEIVED.

8. FIXED TERMS FOR INDEPENDENT PERSONS

The Committee considered a report of the Comptroller and City Solicitor relative to the introduction of fixed terms for Independent Persons.

The Comptroller and City Solicitor clarified that the main decision for the Committee today was around the length of term to be introduced.

The Chair commented that, in her opinion, the argument that there should be fixed terms for Independent Persons was unarguable. She added that independence and the appearance of independence was an important factor in determining length of term as was having sufficient time to know and understand the mechanics. She concluded by stating that her preference would be to not adopt a 4-year term renewable once as she felt that 8 years was a long term and would prefer to see a speedier turnover.

A Member spoke to compare and contrast with other Corporation Committees in terms of the length of terms granted to independent or external appointees. He highlighted that the external appointees played a particularly important role on the Audit and Risk Management Committee where they were appointed for a maximum of 3 periods of 3 years (9 years in total). Likewise, recommendations from the Charity Commission for Trustees sitting on Trusts were around a maximum of 9 years. He suggested that the Committee might therefore reflect on this before deciding that a term of 8 years might be too long.

Another Member spoke to agree with the previous speaker stating that he would be content with two terms of four years and stressing that he felt that there were many benefits to continuity of service. He added that this approach had been adopted by the Education Board which he had formerly chaired and had been successful. In his experience, this also seemed to be the approach taken with corporate appointments.

The Chair recognised that the calibre of candidate appointed was also an important factor and highlighted that there was not an inexhaustible pool of people with relevant experience and willingness to serve.

Another Member spoke to agree that, in the private sector, FCA and Charity Sector, common practice was to appoint for two terms of three years with a further term of three years available by exception. She suggested that a decision around maximum terms of either 8 or 9 years would therefore seem appropriate here.

The Deputy Chairman spoke to state that, whilst he did not feel particularly strongly about this, the prospect that the CSPL recommendations could become law swayed him towards adopting two-year terms.

A Co-opted Member questioned whether views had been sought from the serving Independent Persons on this matter and around how best to balance independence with continuity of service. The Chair commented that she was not aware that they had been formally consulted to date although she believed that they were generally in favour of the introduction of fixed terms.

Another Co-opted Member commented that, in order to acquire adequate experience of things such as Complaints and to make a valuable contribution, he felt that a maximum period of 8 years (two terms of four years) was advisable.

A Member commented that this matter was about striking an appropriate balance between turnover and experience. In terms of service of two terms of three years versus two terms of four years, on balance, he would prefer to see two terms of three years introduced going forward. He also remarked that he was of the view that the CSPL recommendations could take a long while to be acted upon.

A Member commented that this conversation seemed to highlight that there ought to be a baseline position on this matter across the Corporation and that each Committee worked from this unless there was a specific reason to differentiate from it. The Chair agreed that a standardised position would be helpful going forward.

Another Member commented that she would also be in favour of introducing terms of three years, renewable twice given that the Court tended to operate on appointments to Committees on a three-year basis. She also highlighted the importance of advertising positions and seeking interest in good time to manage turnover as effectively as possible and not necessarily awaiting the departure of one Independent Person before considering their replacement.

Another Member stated that, whilst she did not feel strongly either way, she would prefer to see the introduction of two terms of three years with a further three years available by exception. She also agreed with the point made by the previous speaker and stated that the Committee should always be actively seeking expressions of interest/canvassing for any upcoming vacancies.

A Co-opted Member questioned whether consideration might also be given to introducing two-year terms, renewable three times (6 years in total) in reference to what might be proposed by the CSPL and eventually be enshrined in law. Two-year terms would also provide the opportunity for the Committee to assess any concerns around genuine independence and the like fairly regularly. The Chair commented that she would support this approach and felt that it was a good compromise between all of the various factors being discussed.

A Member spoke to refer to recommendations made by Lord Lisvane under the Governance Review and the possibility that this may lead to the Court introducing standard terms across the board for all external appointees. He added that, if this were to happen, this Committee should comply with any corporate standards introduced. The Chair agreed with this point, although she highlighted that her view was that this Committee should take a view on this matter now given that there was currently no certainty around the timeframe for the consideration and possible implementation of the Lisvane recommendations. It was, however, recognised that the matter may need to be revisited should a wider, corporate, standard be introduced.

The Deputy Chairman spoke again to clarify that he was concerned that, should the Committee decide to adopt anything longer than two-year terms, it risked having all of its Independent Persons on longer terms than may eventually become legislation. This could lead to all of the appointees having to be replaced at the same time when staggered end terms were clearly preferable. He felt that two-year terms renewable three times therefore struck him as the best possible approach at this stage. He added that, even if this Committee were to cease to exist in line with Lord Lisvane's recommendations, the appointment of Independent Persons would still be necessary and a statutory requirement.

The Chair summarised by commenting that the introduction of much shorter maximum terms of, for example, 4 years would be totally out of step with the approach adopted by other City Corporation Committees with external/independent members. A too frequent turnover would also cause potential problems around attracting the right calibre of candidate each time. With this in mind, it was felt that the suggestion around introducing two-year terms, renewable three times and allowing for a maximum of six years' service on the Committee was the most effective means of balancing all of the considerations raised. It would also mean that the Committee would be in line with what the statutory recommendations were anticipated to be and minimise disruption when these came into force.

RESOLVED – That the Standards Committee consider that a fixed term of office should be introduced for Independent Persons and that they should be appointed for two year terms, renewable twice after the initial appointment, resulting in a maximum period of 6 years' service overall and to make a recommendation to the Establishment Committee and Court of Common Council on this basis.

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

Governance Review – Lord Lisvane's Recommendations

A Member referred to the recently published Lisvane recommendations, particularly those pertaining to this Committee and questioned whether it might be appropriate for Members here to be seen to accept these and to agree with the Committee's abolition and replacement with an independent body – something that he would personally like to see acted upon by no later than April 2021. He accepted that, ultimately, the recommendations would need to be considered by the Policy and Resources Committee and the Court of Common Council.

The Chair commented that she had wanted to place this matter on the agenda today for proper discussion but had been advised that the recommendations would now be considered by the Resource Allocation Sub Committee (RASC) and that it was not appropriate for individual committees to discuss the adoption or rejection of any recommendations in an ad hoc way. She would, however, expect this Committee to have an appropriate opportunity to discuss the matter

at their next meeting in January 2021 and to make their views heard. She added that she would be very happy, at this stage, to record the Committee's willingness to work constructively with RASC and all other relevant bodies on the adoption of a new or amended standards regime.

A Member questioned whether it might be possible for the Committee to give some further thought to this matter after next week's Court of Common Council meeting with a view to influencing outcomes around any new arrangements.

The Deputy Chair commented that he was fairly confident that RASC would look to prioritise addressing recommendations pertaining to Standards. He added that members of this Committee were best versed in its work and role and that he therefore thought it was incumbent upon them to assist this process in any way that were able to. He suggested that an informal working party might be the best way to achieve this. The Chair added that it might also be possible to submit written representations that, in so far as possible, encapsulated an agreed position of the Standards Committee on certain matters and to submit these to RASC for their consideration at the appropriate time.

A Member who also sat on RASC, reported that Sheriff Christopher Hayward (one of the Deputy Chairs of the Policy and Resources Committee) had been tasked with leading on various 'themed' conversations around the recommendations at RASC over the next four weeks and that all Members would be given an opportunity to feed into these. He added that RASC was not unaware of the level and depth of work that was required ahead of further consideration by the Policy and Resources Committee and the Court of Common Council. It was expected that this would conclude in the New Year as opposed to this year.

The Chair added that there were many functions to this Committee and that it was perhaps quite easy to assume that establishing entirely non-Member complaint panels was the only matter to resolve. Other Members spoke to agree with and underline this point further.

A Member spoke further to reiterate that he was of the view that this Committee, as a matter of policy, should be seen to be broadly accepting recommendations concerning its proposed abolition whilst recognising that there were, indeed, more complex issues to resolve. This was likely to be supported and welcomed by the wider membership. He called for a further paper in January setting out the ways in which a new, independent, body might be set up and how the various different role performed by this Committee might be undertaken.

The Chair commented that she was personally in favour of the recommendations regarding Standards set out by Lord Lisvane but did have some reservations around suggestions as to where various functions of this Committee might go forward.

Another Member spoke in support of the idea that this Committee ought, at this stage, to come forward in support of the recommendations made on Standards.

She added that she was particularly opposed to the continuation of a complaints system whereby Members were required to sit in judgement of other Members as she felt that this created a lot of ill feeling. She added that she continued to be surprised by the number of Member on Member complaints coming forward.

Another Member spoke in support of the Lisvane recommendations pertaining to Standards. She added that her only concern was that there was a motion going before the Court next week (to which she was a signatory) and that, if passed, that may expedite work on these recommendations.

Having listened to the debate, the Chair suggested that she write to Sheriff Hayward recording the Standards Committee's willingness to embrace change and to work constructively with RASC with regards to what that change may be. It was hoped that this would set in motion a means for members of this Committee to collectively liaise on the detailed recommendations and encourage dialogue between the two bodies. Members were supportive of this approach.

The Comptroller and City Solicitor added that if the Committee would like to see a future report as to how Lord Lisvane's recommendations could be implemented, this would be possible although it was important to also bear in mind the agreed governance process for this. He added that his view was that there was nothing particularly challenging in the recommendations from a legal or governance point of view but that the time it would take to put together an independent panel and for them to then adopt their own procedures would need to be taken into consideration. He commented that the Committee may therefore wish, in due course, to suggest that independent panels continue to use the existing Complaints Procedure until such time as they were able to establish their own system. This would, ultimately, be a matter for Members to decide upon.

Another Member spoke to agree with Lord Lisvane's general thrust and supported the idea that the Chair write to Sheriff Hayward underlining the Committee's broad support for its abolition. He added that the note should, however, also clearly highlight and encapsulate all of the various functions of this Committee that would still need to be performed elsewhere going forward.

Annual Report – proposed amendments at Court of Common Council

A Member raised a question on behalf of another Member not on the Standards Committee as to the accuracy of the Annual Report and whether corrections had been made to this following proposed amendments made at the Court of Common Council in July.

The Chair reminded the Committee that the Annual Report had, for the first time this year, included a table summarising the outcomes of the various complaints dealt with over the past 12 months. The first of the cases listed simply said that a Hearing had found the Member to be in breach of the Code of Conduct and that this decision was upheld at Appeal. What was suggested at Court, however, was that the table should specify those paragraphs of the

Code that the Member had been found to be in breach of rather than, unfairly, giving the impression that there had been breaches across the board. The Chair stated that this proposed amendment was accepted at the time and apologised for the lack of clarity in the report originally submitted to the Court of Common Council. She went on to clarify that this had been amended as suggested and republished immediately after the meeting and apologised for not having made this clear to the Member who had raised this.

10. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no additional, urgent items of business for consideration.

11. 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.

<u>Item No</u>	<u>Paragraph No(s)</u>
12	3
13 – 14	-
15a) – 15b)	1 & 2

12. NON-PUBLIC MINUTES OF THE PREVIOUS MEETING

The Committee considered the non-public minutes of the meeting held virtually on 1 May 2020 and approved them as a correct record.

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

There were no questions raised in the non-public session.

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

There were no additional, urgent, items of business for consideration in the non-public session.

15. NON-PUBLIC SUB-COMMITTEE MINUTES

15.1 **ASSESSMENT SUB (STANDARDS) COMMITTEE - 31 JULY 2020**

15.2 **ASSESSMENT SUB (STANDARDS) COMMITTEE - 3 SEPTEMBER 2020**

The meeting ended at 12.04 pm

Chairman

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Officer:

Gemma

Stokley