



Standards Committee

Date: FRIDAY, 2 OCTOBER 2020

Time: 11.00 am

Venue: VIRTUAL PUBLIC MEETING (ACCESSIBLE REMOTELY)
<https://youtu.be/FS3fJxvIIVQ>

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

Enquiries: Gemma Stokley
gemma.stokley@cityoflondon.gov.uk

Accessing the virtual public meeting

Members of the public can observe this virtual public meeting at the below link:
<https://youtu.be/FS3fJxvIIVQ>

This meeting will be a virtual meeting and therefore will not take place in a physical location following regulations made under Section 78 of the Coronavirus Act 2020. A recording of the public meeting will be available via the above link following the end of the public meeting for up to one municipal year. Please note: Online meeting recordings do not constitute the formal minutes of the meeting; minutes are written and are available on the City of London Corporation's website. Recordings may be edited, at the discretion of the proper officer, to remove any inappropriate material.

John Barradell
Town Clerk and Chief Executive

AGENDA

Part 1 - Public Agenda

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **ORDER OF THE COURT OF COMMON COUNCIL**
To receive the Order of the Court of Common Council appointing the Committee dated 16 July 2020.

For Information
(Pages 1 - 2)
4. **ELECTION OF CHAIRMAN**
To elect a Chairman in accordance with Standing Order No. 29.

For Decision
5. **ELECTION OF DEPUTY CHAIRMAN**
To elect a Deputy Chairman in accordance with Standing Order No. 30.

For Decision
6. **MINUTES OF THE PREVIOUS MEETING**
To agree the public minutes and non-public summary of the meeting held virtually on 1 May 2020.

For Decision
(Pages 3 - 8)
7. **PUBLIC MINUTES OF SUB-COMMITTEE MEETINGS**
To receive the public minutes and non-public summary of various Standards Sub Committee meetings that have met since the grand Committee last convened:
 - a) **ASSESSMENT SUB (STANDARDS) COMMITTEE - 31 JULY 2020**

For Information
(Pages 9 - 12)
 - b) **ASSESSMENT SUB (STANDARDS) COMMITTEE - 3 SEPTEMBER 2020**

For Information
(Pages 13 - 14)
 - c) **DISPENSATIONS SUB (STANDARDS) COMMITTEE - 18 SEPTEMBER 2020**

For Information
(Pages 15 - 16)

8. **FIXED TERMS FOR INDEPENDENT PERSONS**

Report of the Comptroller and City Solicitor.

For Decision
(Pages 17 - 22)

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

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

11. **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

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

To agree the non-public minutes of the previous meeting held virtually on 1 May 2020.

For Decision
(Pages 23 - 24)

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

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

Part 3 - Confidential Agenda

15. **NON-PUBLIC SUB-COMMITTEE MINUTES**

To receive the non-public minutes and relating decision letters of Assessment Sub (Standards) Committee meetings that have taken place since the grand Committee last convened:

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

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

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RUSSELL, Mayor	RESOLVED: That the Court of Common Council holden in the Guildhall of the City of London on Thursday 16 th July 2020, doth hereby appoint the following Committee until the first meeting of the Court in April, 2021.
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STANDARDS COMMITTEE

1. **Constitution**

A Non-Ward Committee consisting of,

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

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

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

2. **Quorum**

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

3. **Membership 2020/21**

ALDERMEN

- 2 Susan Langley, O.B.E.
- 3 Professor Michael Raymond Mainelli, Sheriff

COMMONERS

- 3 (2) Jeremy Lewis Simons, *for two years*
- 3 (3) Caroline Kordai Addy
- 5 (2) Jamie Ingham Clark, Deputy, *for three years*
- 2 (2) Randall Keith Anderson
- 2 (2) Henry Nicholas Almroth Colthurst
- 2 (2) Vivienne Littlechild, M.B.E., J.P.
- 2 (1) Mary Durcan
- 1 (1) Helen Lesley Fentimen, O.B.E.

Vacancy

Vacancy

together with four Members to be appointed this day and four co-opted non-Common Council Members:-

HH Nicholas Cooke QC (*appointed for a two-year term expiring in March 2021*)
 Judith Barnes (*appointed for a four-year term expiring in March 2022*)
 Elizabeth Walters (*appointed for a term expiring in December 2021*)
 The Very Revd. Dr David Ison (*appointed for a term expiring in December 2022*)
 Dan Large (*appointed for a four-year term expiring in December 2022*)

4. **Terms of Reference**

To be responsible for:-

- (a) promoting and maintaining high standards of conduct by Members and Co-opted Members of the City of London Corporation and to assist Members and Co-opted Members to observe the City of London Corporation's Code of Conduct;
- (b) preparing, keeping under review and monitoring the City of London Corporation's Member Code of Conduct and making recommendations to the Court of Common Council in respect of the adoption or revision, as appropriate, of such Code of Conduct;
- (c) keeping under review, monitoring and revising as appropriate the City of London Corporation's Guidance to Members on the Code of Conduct and the complaints procedure and relevant paperwork, reporting any changes on these documents to the Court of Common Council in the Committee's annual report.
- (d) keeping under review by way of an annual update by the Director of HR, the City of London Corporation's Employee Code of Conduct and, in relation to any revisions, making recommendations to the Establishment Committee;

- (e) keeping under review and monitoring the Protocol on Member/Officer Relations and, in relation to any revisions, making recommendations to the Establishment Committee;
- (f) advising and training Members and Co-opted Members on matters relating to the City of London Corporation's Code of Conduct;
- (g) monitoring all allegations referred to it and dealing with assessment of and any hearing into any allegations of breach of the City of London Corporation's Code of Conduct in respect of Members and Co-opted Members, and in particular:
 - (i) to determine whether any allegation should be investigated by or on behalf of the Town Clerk or the Monitoring Officer and their findings reported to the Committee;
 - (ii) in relation to any allegation that it has decided to investigate, to determine whether there has been a breach of the Code of Conduct, taking into account the views of an Independent Person appointed under the Localism Act 2011;
 - (iii) where there has been a breach of the Code of Conduct, to determine the appropriate sanction, and where this involves removal of a Member or Co-opted Member from any committee or sub-committee, to make an appropriate recommendation to the relevant appointing body;
- (h) dealing with/determining applications for Dispensation
- (i) To prepare an annual report on its activity for submission to the Court of Common Council.

STANDARDS COMMITTEE

Friday, 1 May 2020

Minutes of the meeting of the Standards Committee held at Virtual Public Meeting
(Accessible Remotely) <https://youtu.be/HioyhPkEpyQ> on Friday, 1 May 2020 at
11.00 am

Present

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
Alderman Susan Langley
Vivienne Littlechild
Deputy Edward Lord
Barbara Newman
Jeremy Simons
Elizabeth Walters

Officers:

Gemma Stokley	- Town Clerk's Department
Antoinette Duhaney	- Town Clerk's Department
John Cater	- Town Clerk's Department
Gregory Moore	- Town Clerk's Department
Kristina Drake	- Media Officer
Michael Cogher	- Comptroller and City Solicitor
Edward Wood	- Comptroller and City Solicitor's Department
Kristina Drake	- Media Officer
Danielle Maalouf	- Senior Technology Support Partner

Introduction and Welcomes

The Town Clerk opened the meeting by introducing herself and stating that the Committee were quorate. A roll call of Members present was undertaken by the Town Clerk who also reminded those participating to alert her to any technical issues they might experience as the meeting progressed.

The Chair took the opportunity to formally welcome the new Chief Commoner, Deputy Brian Mooney to the meeting.

Introduction and Welcomes

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Town Clerk who also reminded those participating to alert her to any technical issues they might experience as the meeting progressed.

The Chair took the opportunity to formally welcome the new Chief Commoner, Deputy Brian Mooney to the meeting.

1. **APOLOGIES**

Apologies for absence were received from Dan Large (Co-opted Member) and Alderman and Sheriff Professor Michael Mainelli.

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 24 January 2020 were considered.

MATTERS ARISING

Further Review of Dispensations Policy and Leading Counsel's Opinion (Pages 2-8) – The Chair referred to an email of 29 April sent by an elected Member to all members of the Standards Committee, asking that the draft minutes of the meeting on 24 January be amended to remove a phrase within an elected Members reported remarks that, in his opinion, retained a defamatory innuendo about him. The Chair reported that she had taken legal advice on this matter and that the City Corporation's position is that the remarks in question are not defamatory. This matter was also, she highlighted, the subject of a separate complaint. However, she went on to propose that, subject to agreement from the Committee, the amendments as set out within the email of 29 April be accepted and reflected in the final, agreed and published version of the minutes of 24 January 2020.

The Committee concurred that the minutes be amended as suggested.

The Member who had made the remarks in question at the 24 January meeting requested the permission of the Chair to make a brief statement to the meeting to address the matter. They stated that it was now clear, having reviewed the matter, that they had misspoken at that meeting. They added that they accepted entirely that the Member they had referred to does remain on the solicitors' roll as a non-practising solicitor, and that he had not held himself out as practising. They therefore wished to apologise for that error.

A Co-opted Member spoke to provide additional clarity to her remarks reflected at page 6, paragraph 2 and asked that these be amended to read that she was "in agreement with the current law on dispensations as it related to the applications for dispensations that were being discussed as it offered protection for the public at large".

The Town Clerk undertook to make the necessary amendments.

Review of Local Government Ethical Standards by the Committee on Standards in Public Life – CSPL Recommendation 3 – page 10 – In response to a question, the Town Clerk clarified that the City Corporation's guidelines on acceptable Social Media Use had been circulated to all as requested. She undertook to re-circulate this for the avoidance of any doubt.

RESOLVED – That, subject to the amendments agreed and detailed above, the public minutes of the meeting of 24 January 2020 be approved as a correct record.

4. DRAFT ANNUAL COURT REPORT 2019-20

The Committee considered a report of the Town Clerk asking that Members approve the contents of the Annual Report prior to its submission to the Court of Common Council for information in July 2020, in accordance with their terms of reference.

The Chair explained that the Standards Committee were not scheduled to meet again until October 2020 and that the primary purpose of today's meeting was therefore to formally approve the Annual Report in the expectation that the Court of Common Council would convene again in the coming months. She invited Members comments on the document.

A Co-opted Member referred to paragraph 14 of the draft report and questioned whether the sentence suggesting that Members were able to request general dispensations to speak on all general housing matters for their entire term of office might be misleading. The Comptroller and City Solicitor highlighted that the general housing matters covered by this were clearly defined within the Dispensations Policy and suggested that reference to this or a footnote to detail those matters might usefully be added here for further clarity. The Co-opted Member welcomed this suggestion.

The Chair requested that any other comments that Members might subsequently have on the document be sent to her and the Town Clerk in writing prior to its submission to the Court of Common Council in July and that the Town Clerk be granted delegated authority to finalise the wording of the document accordingly in consultation with the Chair and Deputy Chair.

RESOLVED – That:

- Delegated Authority be granted to the Town Clerk in consultation with the Chair and Deputy Chairman of the Standards Committee to finalise the wording of the document ahead of its referral to the Court of Common Council for information.

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

Section 618

A Member questioned what progress had been made since the last meeting around repealing section 618 of the Housing Act 1985. The Comptroller and City Solicitor reported that the Remembrancer had been tasked with progressing this on behalf of the City Corporation given that it was a parliamentary matter.

The Policy and Resources Committee had received a report on the matter and were also supportive of the repeal of section 618.

The Chair added that she felt it was highly unlikely, in the current climate, that this matter would be given parliamentary attention any time soon but asked that

Officers seek to update Members on progress if there were any between now and the next meeting of this Committee.

Member v. Member Complaints

The Chief Commoner remarked that the number of Members involved in some way in internal complaints would appear to be a fairly significant proportion of the Court based on the summary table within the draft Annual Court Report. He asked whether any comparative data was available from other similar legislative bodies as he would be interested to know if this was an anomaly.

The Chair reported that this information could be provided to all outside of the meeting but added that it would always be difficult to compare the City Corporation with other organisations for a number of reasons. She also highlighted that some Members were involved in more than one complaint detailed within the Annual Report.

The Comptroller and City Solicitor undertook to gather the relevant information from colleagues working in other boroughs. He underlined that, in his experience both at the City Corporation and elsewhere, the majority of complaints tended to be Member v. Member.

Another Member added that direct comparison would be difficult, not least because the City Corporation had no party political system and therefore matters that might be dealt with a party level elsewhere were emerging as formal complaints here.

6. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
Action to agree a protocol to ensure that any matter referred to either the Chief Commoner or Chairman of GP Aldermen informally be acknowledged and responded to in a reasonable period

The Chair referred to an email sent by an elected Member to all Members of the Standards Committee questioning what progress had been made on agreeing a protocol to ensure that any matter referred to either the Chief Commoner or Chairman of GP Aldermen informally be acknowledged and responded to in a reasonable period, as recommended by an Assessment Sub-Committee on 3 December 2019 by way of other action. She went on to report that, as far as the Protocol is concerned, it had been agreed at a meeting attended by her, the Chief Commoner, Chairman of GP Aldermen and a Co-optee and was already in operation. She clarified that the approach agreed did not need formal approval but that she had, nevertheless asked for it to be circulated to Committee.

Members were informed that this was going to be the subject of a formal report, but uncertainty about whether this meeting was to take place and Officers prioritising Covid-19 response work meant there was not time sufficient time to prepare such a report.

7. **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).

8

9 – 10

Paragraph No(s)

2 & 3

-

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

The Committee considered and approved the non-public minutes of the meeting held on 24 January 2020.

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

There were no questions in the non-public session.

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

A Co-opted Member raised a question on the non-public minutes of Assessment Sub Committee meetings provided to the Standards Committee.

The meeting ended at 11.28 am

Chairman

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

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ASSESSMENT SUB (STANDARDS) COMMITTEE

Friday, 31 July 2020

**Draft Public Minutes of the meeting of the Assessment Sub (Standards)
Committee held virtually.**

Present

Members:

Elizabeth Walters

Jeremy Simons

Vivienne Littlechild

Alderman & Sheriff Prof. Michael Mainelli

Independent Person:

Anju Sanehi

Officers:

Edward Wood

- Comptroller and City Solicitor's Department

John Cater

- Committee Clerk

Tim Fletcher

- Town Clerk's Department

Polly Dunn

- Town Clerk's Department

Sadaf Anwar

- Comptroller and City Solicitor's Department

1. APOLOGIES

There were no apologies.

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

There were no declarations.

3. ELECTION OF CHAIRMAN

Jeremy Simons indicated his willingness to stand for Chairman. With no other Panel member expressing a willingness to serve, Jeremy Simons was duly appointed Chairman.

4. SUB-COMMITTEE TERMS OF REFERENCE

Members received the Sub-Committee's Terms of Reference.

RESOLVED – that Members noted the Terms of Reference.

5. MEMBERS' CODE OF CONDUCT (IN FORCE AT THE TIME THE COMPLAINTS WERE RECEIVED)

Members received the Members' Code of Conduct (in force at the time the complaints were received)

RESOLVED – that Members noted the Code of Conduct

6. GUIDANCE TO MEMBERS - MEMBERS' CODE OF CONDUCT

Members received the Guidance to Members in relation to the Members' Code of Conduct.

RESOLVED – that Members noted the Guidance.

7. **COMPLAINTS PROCEDURE**

Members received the Complaints Procedure.

RESOLVED – that Members noted the Complaints Procedure.

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

Members received the Sub-Committee's Protocol on Member/Officer Relations.

RESOLVED – that Members noted the Protocol on Member/Officer Relations.

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

There were no questions.

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

There was no other urgent public business.

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 1 of Schedule 12A of the Local Government Act.

12. **ALLEGED BREACH OF THE MEMBERS CODE OF CONDUCT (03/20)**

The Sub Committee considered a report of the Comptroller and City Solicitor.

13. **ALLEGED BREACH OF THE MEMBERS CODE OF CONDUCT (04/20)**

The Sub Committee considered a report of the Comptroller and City Solicitor.

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

There were no non-public questions.

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

There was no other urgent business.

The meeting closed at 12.00 pm

Chairman

Contact Officer: Gemma Stokley
gemma.stokley@cityoflondon.gov.uk

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ASSESSMENT SUB (STANDARDS) COMMITTEE

Thursday, 3 September 2020

Minutes of the meeting of the Assessment Sub (Standards) Committee held at the Guildhall EC2 at 10.30 am

Present

Members:

Henry Colthurst (Chairman)
The Very Revd. Dr. David Ison (Co-optee)
Vivienne Littlechild
Alderman & Sheriff Professor Michael Mainelli

In attendance

Chris Taylor (independent Person)

Officers:

Deborah Cluett - Comptroller and City Solicitor's Department
Antoinette Duhaney - Town Clerk's Department
Gemma Stokley - Town Clerk's Department

1. APOLOGIES

There were no apologies.

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

There were no declarations.

3. MINUTES

RESOLVED – That the public minutes of the previous meeting held on 14.02.20 be approved as a correct record.

4. SUB COMMITTEE TERMS OF REFERENCE

The Sub Committee formally received their Terms of Reference.

5. COMPLAINTS PROCEDURE

The Sub Committee formally received the document entitled 'How Complaints Submitted to the City of London Corporation relating to the Member Code of Conduct will be Dealt With.'

6. MEMBERS' CODE OF CONDUCT AND GUIDANCE

The Sub Committee received the document entitled 'Code of Conduct for Members in respect of the City of London Corporation's Local Authority, Police Authority and Non-Local Authority Functions' and the accompanying guidance to this.

7. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB COMMITTEE**

There were no questions.

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

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

9. **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 1 of Schedule 12A of the Local Government Act.

Items.

10-13

Paragraph No(s).

2

10. **NON-PUBLIC MINUTES**

RESOLVED – That the non-public minutes of the previous meeting held on 14.02.20 be approved as a correct record.

11. **ALLEGED BREACH OF THE MEMBERS' CODE OF CONDUCT**

The Sub Committee considered a report of the Comptroller and City Solicitor presenting for assessment a complaint alleging a breach of the Members' Code of Conduct.

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

There were no non -public questions.

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

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

The meeting closed at 11.22 am

Chairman

**Contact Officer: Antoinette Duhaney, 020 7332 1408
antoinette.duhaney@cityoflondon.gov.uk**

DISPENSATIONS SUB (STANDARDS) COMMITTEE

Friday, 18 September 2020

Minutes of the meeting of the Dispensations Sub (Standards) Committee held at the Guildhall EC2 at 11.15 am

Present

Members:

Henry Colthurst (Chairman)
Mary Durcan
Dan Large (Co-optee)
Alderman & Sheriff Professor Michael Mainelli

Officers:

Edward Wood	- Comptroller and City Solicitor's Department
Gemma Stokley	- Town Clerk's Department
Antoinette Duhaney	- Town Clerk's Department

1. APOLOGIES

There were no apologies.

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

There were no declarations.

3. DISPENSATION REQUESTS

The Sub Committee considered a report of the Town Clerk concerning two applications for a dispensation, the decisions on which are set out below.

Deputy John Tomlinson

The Sub-Committee granted a dispensation until the Ward elections in March 2021:

- to speak and vote on the setting of council tax
- to speak as a member of the public on planning applications
- to speak as a member of the public on licensing applications
- to speak on general housing matters (including car parking spaces and private storage spaces)
- to speak on fire safety matters affecting the Barbican Estate post Grenfell including those relating specifically to the Towers.

Reasons

The Sub Committee noted that matters 1-4 above could be granted by the Town Clerk under delegated authority and were only coming to Members for decision because of the request to speak on fire safety issues. Members were satisfied on all points that the granting of a dispensation was in the interests of

persons living in the authority's area and in accordance with the published policy.

Mark Bostock

The Sub Committee granted a dispensation until the proposed rescheduled Ward elections in March 2022 to speak (but not vote) on fire safety in general and specifically on fire safety improvement works at Frobisher Crescent.

Reasons

The Sub Committee was satisfied that the granting of a dispensation to speak was in the interests of persons living in the authority's area and in accordance with the published policy. However, Members considered that Mr Bostock would in any case be prevented from voting where his disclosable pecuniary interest was engaged by the application of section 618 of the Housing Act 1985 and Standing Order 44(2). It could not therefore be established that the granting of a dispensation to vote would be in the interests of persons living in the authority's area or otherwise appropriate under the statutory grounds.

Members agreed that the somewhat unsatisfactory situation provided another example to support an approach to repeal section 618 of the Housing Act 1985.

4. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB-COMMITTEE

There were no questions.

5. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

The Chairman noted that a number of existing dispensations were granted until March 2021 when the next elections of Common Councillors had originally been scheduled. Given the Court of Common Council's recent agreement in principle to defer such elections until 2022, he wondered whether it would make sense to notify all affected members and suggest that they apply for a further extension to such dispensations to align with the new election timetable. Following support from other Members the Town Clerk agreed to take the suggestion forward once the new election date had been confirmed.

The meeting closed at 11.33 am

Chairman

**Contact Officer: Antoinette Duhaney, Committee & Member Services Officer
020 7332 1408, antoinette.duhaney@cityoflondon.gov.uk**

Committee: Standards Committee	Date: 2 October 2020
Subject: Fixed terms for Independent Persons	Public
Report of: Comptroller & City Solicitor	For Decision
Report author: Edward Wood, Chief Solicitor	

Summary

The Committee on Standards in Public Life has recommended that Independent Persons are appointed for a fixed term of two years, renewable once. Your Committee has previously considered the matter on two separate occasions and has agreed in principle to introduce fixed terms and to stagger appointments. Members now need to make a decision on an appropriate term of office for the City Corporation's Independent Persons and the necessary transitional arrangements.

Recommendations:

Members are asked to decide on an appropriate fixed term of office for the Independent Persons, the timetable for new appointments and any transitional arrangements, and to make a recommendation to the Establishment Committee and the Court of Common Council on this basis.

Main Report

Background

1. The Committee on Standards in Public Life ("CSPL") advises the Prime Minister on ethical standards across the whole of public life in England. The CSPL published its report on Local Government Ethical Standards in January 2019 and made a number of recommendations. One of these recommendations was that the Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.
2. The findings of the CSPL review were reported to your meeting on 3 May 2019. Your Committee agreed in principle at that stage to introduce a fixed term of office for the City Corporation's Independent Persons,

without waiting for any legislative change. As stated in the CSPL review, this was perceived to have benefits for both the Independent Persons and the City Corporation. However, Members expressed the view that the term proposed was potentially too short, and requested a further report outlining the advantages and disadvantages of introducing fixed terms of differing lengths.

3. A more detailed report on the issues was duly presented to your meeting on 24 January 2020. Your Committee again expressed support in principle for establishing fixed terms for the Independent Persons, but deferred any decision and requested a supplementary report containing specific proposals. Members did indicate a preference for adopting the same term of office as applied to elected and co-opted Members of the Committee (eight years in total) and not any shorter period. Members also supported a proposal to stagger the terms for which the Independent Persons were appointed.

Fixed terms

4. The CSPL make the point that security of tenure is important in order to protect Independent Persons from being removed from their role for unpopular advice or recommendations. Equally, however, restricted tenure can ensure that the Independent Person's judgment and independence is not compromised by a long period of involvement in a single authority. They therefore recommend a fixed term of two years, with the option of a single re-appointment. They also recommend that the terms of multiple Independent Persons should ideally overlap, to ensure a level of continuity and institutional memory.
5. If your Committee's main motivation for introducing a fixed term of office for the Independent Persons is to guarantee their continued objectivity, then the CSPL recommendation should be adopted in full. Opting for a shorter fixed term of two years, renewable once, would ensure a regular turnover of Independent Persons, with a constantly changing perspective and no opportunity for any bias, or apparent bias, towards the City Corporation or any of its Members to emerge.
6. The flipside to this is that, notwithstanding any staggering of appointments, a shorter fixed term could lead to a lack of continuity that might prove disruptive to the work of your Committee. It has not always been easy to recruit Independent Persons with the necessary skills and experience to carry out the role effectively. The City Corporation is also a unique organisation and it inevitably takes some time for new Independent Persons to learn about the full range of functions and services provided and to fully familiarise themselves with the constitution and relevant procedures.

7. As mentioned above, both Members and Co-opted Members of your Committee are currently able to serve for a maximum of eight years, and this is normally achieved through a four year term, renewable once. Introducing equivalent arrangements for the City Corporation's Independent Persons, which was favoured at your January meeting, would provide a level of consistency, whilst still moving away from the undesirable situation of having open-ended appointments. However, Members should satisfy themselves that this gives sufficient emphasis to the need for independence in this particular role.
8. A possible compromise option would be a three year term, renewable once. However, if the Government were to subsequently adopt the CSPL recommendation in full, then opting for any other option now would lead to further disruption in the future, as the terms of office of the Independent Persons would have to be adjusted again at that stage. On this point though, it is worth noting that the CSPL has not yet received the government's formal response to its recommendations and it is not known when this will be forthcoming. The CSPL wrote to the Secretary of State seeking clarification about this on 6 July 2020 and any update will be provided verbally to your Committee.

Phased appointments

9. Whichever option is chosen, your Committee will need to give some further thought to transitional provisions and the timetable for future appointments. The Complaints Procedure states that the City Corporation aims to have three Independent Persons in post at any one time. However, as Members will know, the City Corporation currently has four Independent Persons. Two of those are original appointments dating back to 21 June 2012. Two new appointments were made by the Court of Common Council on 18 June 2020, following the resignation of the third original appointee. This temporary increase in numbers represented an acknowledgement that the two incumbents had already served for an extended period and would be vacating their positions in the near future.
10. Your Committee previously expressed support for the terms of the Independent Persons being staggered, in order to spread recruitment and assist with continuity. Therefore, irrespective of the exact period that is settled upon, it is recommended that the terms of the two newly appointed Independent Persons should differ. Given that we have just carried out a recruitment exercise, it is also recommended that one or both of the longer serving Independent Persons should be asked to continue in post until at least June 2021, when one new Independent Person can be appointed in their stead.

11. If your Committee were to opt for the CSPL recommendation of a two year term, renewable once, then it would be sensible to arrange for the appointment of new Independent Persons to be staggered by at least a year, going forwards. If your Committee were to opt for a four year term, renewable once, then it would be sensible to arrange for those appointments to be staggered by at least two years, going forwards. Your Committee may wish to consult the current Independent Persons regarding the order and timing of their retirement.

Governance review

12. This report was substantially drafted prior to the publication of The Lord Lisvane's review of corporate governance. As Members will know, his review makes wide-ranging recommendations in relation to the current Standards arrangements, which are not the subject of this report. Whichever model is adopted in the future, the involvement of one or more Independent Persons will still be required. It is worth noting that, in relation to his proposed Panel of Independent Persons, The Lord Lisvane writes at paragraph 432 that:

The terms of appointment will need to be staggered to avoid the need for substantial replacement of the Panel, and loss of embodied experience, at any one time. A base term of appointment might be four years, with reappointment for one further term.

Next steps

13. The Establishment Committee will also need to consider any changes, as the Independent Persons fulfil functions that come under that Committee as well. A recommendation will then need to go to the Court of Common Council for approval, as the appointing body.

Conclusion

14. Your Committee has previously agreed in principle to introduce fixed terms of office for the City Corporation's Independent Persons and to stagger their appointments. As two of the incumbents have been in post for more than eight years it has now become pressing for Members to make a decision on an appropriate length for those terms and the necessary transitional arrangements.

Contacts:

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

Background Documents

Report to Standards Committee dated 3 May 2019: Review of Local Government Ethical Standards by the Committee on Standards in Public Life

Report to Standards Committee dated 24 January 2020: Review of Local Government Ethical Standards by the Committee on Standards in Public Life – Follow Up Actions

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