



Standards Committee

Date: FRIDAY, 23 NOVEMBER 2012
Time: 12.00pm
Venue: COMMITTEE ROOM 1, WEST WING, GUILDHALL

Members: Matthew Richardson (Chairman)
Deputy Edward Lord (Deputy Chairman)
Revd Dr Martin Dudley
Deputy Robin Eve
Alan Graham (External Member)
Howard Lederman (External Member)
Felicity Lusk (External Member)
Julian Malins
Anthony Williams (External Member)
Alderman Fiona Woolf

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Lunch will be served in the Guildhall Club at 1pm

John Barradell
Town Clerk and Chief Executive

AGENDA

1. **APOLOGIES**

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

3. **MINUTES OF THE PREVIOUS MEETING**

To agree the minutes of the last meeting on 21st September 2012.

For Decision
(Pages 1 - 4)

4. **STATUS OF CO-OPTED MEMBERS OF THE STANDARDS COMMITTEE**

A report of the Comptroller & City Solicitor relative to the legal position of the Committee's Co-opted Members, as regards voting rights and entitlement to stand as a Chairman or Deputy Chairman.

For Information
(Pages 5 - 8)

5. **LOCAL DETERMINATION OF COMPLAINTS**

A joint report of the Town Clerk and the Comptroller & City Solicitor relative to the local arrangements for the determination of complaints.

The Committee is asked to approve the local arrangements and the establishment of various sub committees to deal with the different stages of handling a complaint.
(TO FOLLOW)

For Decision

6. **GUIDANCE FOR MEMBERS ON OTHER INTERESTS**

The Committee is asked to consider the creation of guidance for Members in respect of other interests (i.e. other than disclosable pecuniary interests).

For Discussion

7. **FUTURE MEETING DATES**

Members are asked to note the future meeting dates of the Standards Committee in 2013:

- Friday 8th February 2013 at 11:00am
- Tuesday 7th May 2013 at 2:00pm
- Friday 13th September 2013 at 11:00am
- Friday 8th November 2013 at 11:00am

For Information

8. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
9. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

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STANDARDS COMMITTEE

Friday, 21 September 2012

Minutes of the meeting of the Standards Committee held at Guildhall, EC2 on Friday, 21 September 2012 at 11.30 am

Present

Members:

Revd Dr Martin Dudley
Deputy Robin Eve
Alan Graham (External Member)
Howard Lederman (External Member)
Deputy Edward Lord
Felicity Lusk (External Member)
Julian Malins
Matthew Richardson
Alderman Fiona Woolf

In attendance:

Neil Asten (Independent Person)

Officers:

Rakesh Hira	- Committee and Member Services Officer
Michael Cogher	- Comptroller and City Solicitor
Edward Wood	- Comptroller and City Solicitor's Department

Alderman Fiona Woolf took the Chair

1. **APOLOGIES**

Apologies were received from Anthony Williams, Anju Sanehi (Independent Person) and Chris Taylor (Independent Person).

2. **DECLARATIONS BY MEMBERS OF ANY PERSONAL AND PREJUDICIAL INTERESTS**

There were no declarations.

3. **ELECTION OF CHAIRMAN**

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

The Comptroller & City Solicitor clarified that under the previous Standards arrangements the Chairman was required to be an Independent/Co-opted Member however this had now changed and any Member was able to stand for Chairmanship or Deputy Chairmanship. It was noted that the Co-opted

Members and Independent Person did not have any voting rights and only Court of Common Council Members were able to exercise their vote in the event of a ballot.

The Town Clerk read out a list of Members eligible to stand as Chairman. Two Members indicated their willingness to serve and a ballot was taken.

The results were as follows:

Matthew Richardson	3
Julian Malins	3

The Chair took a decision by lot and Matthew Richardson was duly elected Chairman for the ensuing year, and took the Chair.

4. ELECTION OF DEPUTY CHAIRMAN

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

The Town Clerk read out a list of Members eligible to stand as Deputy Chairman and Deputy Edward Lord, being the only Member indicating his willingness to serve, was duly elected Deputy Chairman for the ensuing year.

5. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 7 June 2012 were approved as a correct record.

Matters Arising

Dr Colin Kolbert

Members thanked Dr Colin Kolbert for his work while serving on the Committee.

6. UPDATE - INDUCTION FOR INDEPENDENT PERSONS

The Comptroller & City Solicitor provided Members with a verbal update relative to the induction arrangements for the Independent Persons. He explained that an induction session had recently taken place for the newly appointed Independent Persons and that their role would include being consulted when an investigation was required.

RECEIVED

7. NEW MEMBER CODE OF CONDUCT AND INTEREST PROVISIONS UNDER THE LOCALISM ACT 2011

A joint report of the Town Clerk and the Comptroller & City Solicitor explained that a report was presented to the Police Committee, Standards Committee, Policy & Resources Committee and the Court of Common Council in June 2012 concerning the new standards regime under the Localism Act 2011. It was

intended to bring back another report once the regulations defining a disclosable pecuniary interest had been made. Those regulations were attached to the report (Appendix 2), together with new guidance from the Department for Communities and Local Government (Appendix 3). Disclosable pecuniary interests may arise in relation to employment, sponsorship, contracts, land, licences, corporate tenancies and securities, and pertaining to a Member or their partner. Technically, Members are required to notify the monitoring officer of all current disclosable pecuniary interests within 28 days of being elected or co-opted, or re-elected or re-appointed. However, once the new standards arrangements have been approved by the Court of Common Council, the Town Clerk will be writing to all Members asking for information about their current disclosable pecuniary interests.

Members views were requested on what other interests (if any) should be notified and disclosed, and in what manner, with the most likely additional category of interest being gifts and hospitality. Members also needed to adopt a new Code of Conduct, and it was recommended that this should be in the form suggested by DCLG (Appendix 1).

Members agreed that a note produced by the Chairman of Policy & Resources, which had been tabled, be disregarded.

A detailed discussion took place on gifts and hospitality, which are not classed as disclosable pecuniary interests. Members were generally supportive of not including specific additional provisions in relation to the registration and disclosure of gifts and hospitality. In part, Members considered that this was covered by the criminal law. It was also noted that under the new regime Members had to have regard to the Nolan principles, and that there were general provisions in the proposed Code of Conduct that imposed obligations on Members in relation to gifts and hospitality. Members felt that a common sense approach should be adopted that took account of individual circumstances.

It was agreed that further guidance in relation to what level of gifts and hospitality might give rise to a concern or impression of going contrary to the Code of Conduct would be a good item of work for the Committee for the next meeting.

RESOLVED – That Members:

(i) note the statutory definition of a disclosable pecuniary interest; and

Recommend to the Court of Common Council:

(ii) that no arrangements are considered appropriate for the notification and disclosure of interests other than disclosable pecuniary interests; and

(iii) that a Code of Conduct in the form set out at Appendix 1 be adopted as the City's Code of Conduct with effect from 26 October 2012.

8. **FUTURE MEETING ARRANGEMENTS**

The Comptroller & City Solicitor provided a verbal update on the future meeting arrangements. A discussion took place on the work of the Committee and what future pieces of work should be undertaken. It was agreed that the Comptroller & City Solicitor would bring a report to the next meeting setting out a procedure for dealing with complaints of a breach of the Code of Conduct.

RESOLVED – Members agreed that:

- (a) Four meetings be scheduled each year (subject to the business of the meeting a meeting may be cancelled) and;
- (b) A special meeting be convened if required.

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

Co-opted Members

In response to a question by a Member, it was requested that the Comptroller & City Solicitor investigate if there was any scope for the Co-opted Members to have voting rights on this Committee. It was agreed that a report would be submitted to the next meeting on this issue.

10. **ANY OTHER BUSINESS**

There were no urgent items.

Next Meeting: 23 November 2012 at 12noon.

The meeting ended at 12.20 pm

Chairman

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Committee(s):	Date:	
Standards Committee	23 November 2012	
Subject: Status of Co-opted Members of the Standards Committee		
Report of: Comptroller & City Solicitor		
Summary		
<p>This Committee requested a report confirming the legal position of its Co-opted Members, as regards voting rights and entitlement to stand as Chairman or Deputy Chairman. Under section 13 of the Local Government and Housing Act 1989 Co-opted Members of this Committee shall for all purposes be treated as non-voting Members. However it would be permissible to adopt a system of informal voting as set out in this report. There is nothing to prevent a Co-opted Member being elected as Chairman or Deputy Chairman.</p>		
Recommendation:		
(i) To note the report.		

Main Report

Background

1. This Committee is a Non-Ward Committee consisting of one Alderman, five Common Councilmen and four representatives who must not be Members of the Court of Common Council or employees of the City Corporation – this last category are referred to in this report as “Co-opted Members”.
2. The City Corporation has also appointed three Independent Persons under the provisions of the Localism Act 2011, who have a statutory role under the new standards regime, as set out in previous reports. The Independent Persons are invited to attend meetings of this Committee, but are not Members of this Committee. They cannot vote on any business of the Committee and are not entitled to stand as Chairman or Deputy Chairman.
3. At the last meeting of this Committee, Members were advised that the Co-opted Members were entitled to stand as Chairman or Deputy Chairman, but were not entitled to vote on any business of the Committee. Members requested a report from the Comptroller & City Solicitor confirming this position and exploring whether there was any scope for the Co-opted Members to be given voting rights.

The previous position

4. Until 1 July 2012, section 53 of the Local Government Act 2000 required the City Corporation to establish a Standards Committee, with a membership including at least one person who was not a Member, or an officer, of that or any other relevant authority – in this report referred to as an “Independent Member”.
5. Members will recall that the City Corporation’s Standards Committee had five Independent Members. Section 53 specifically provided that the Standards Committee must be chaired by an Independent Member. It also specifically provided that Independent Members were entitled to vote at meetings of the Standards Committee. These provisions no longer apply to the City Corporation.

The current position

6. In establishing new arrangements to be in force from 1 July 2012, under the provisions of the Localism Act 2011, the Court of Common Council decided to retain a non-statutory Standards Committee. This was done under the general power to discharge functions by Committee contained in section 101 of the Local Government Act 1972.
7. On the recommendation of this Committee, the Court of Common Council decided to include four Co-opted Members within the revised membership of the Standards Committee, drawn from the ranks of the former Independent Members, to preserve a greater degree of independence and objectivity. It was specifically stated in the Court report that any Co-opted Members would not have voting rights. The Court of Common Council must have considered that Co-opted Members could nevertheless carry out a valuable role in influencing the views of this Committee.
8. There is a general power in section 102 of the Local Government Act 1972 to appoint a Committee including persons who are not Members of the City Corporation – this is the power used to appoint the Co-opted Members of this Committee. However, by virtue of section 13 of the Local Government and Housing Act 1989 these Co-opted Members shall for all purposes be treated as non-voting Members. The same provisions apply, for example, to the Co-opted Members of the Audit & Risk Management Committee, who are also non-voting Members. Unfortunately neither this Committee nor the Court of Common Council has the power to override the statutory position and grant Co-opted Members a formal vote. The power of general competence in the Localism Act 2011 is subject to any pre-existing statutory restrictions and is therefore of no assistance here.

9. That having been said, the views of the Co-opted Members are obviously extremely valuable and need to be respected. It would be permissible to adopt a system of informal voting. Where a vote is required the Chairman would first put the matter to an informal vote by all Members of the Committee. This would allow the Co-opted Members to clearly demonstrate their views to all present and the result would be minuted. The matter would then need to be put to a second vote of elected Members only and this vote would stand as the formal decision of the Committee. It would be open to an elected Member to vote differently in each vote should they so wish. In cases where the Committee is making recommendations to the Court then the outcome of the informal and formal votes will be clearly communicated to the Court in the report. Officers are of the view that this is the only lawful method of conferring some form of voting rights upon Co-opted Members.
10. There is nothing to prevent a Co-opted Member being elected as Chairman or Deputy Chairman – although as discussed above they could not exercise a Chairman’s second or casting vote, nor could they represent this Committee at the Court of Common Council.

Conclusion

11. This Committee and the Court of Common Council wished to retain the services of former Independent Members as Co-opted Members under the new regime. Co-opted Members can carry out a valuable role in influencing the views of the Committee, and can be elected as Chairman or Deputy Chairman. It is not possible to grant them formal voting rights, but it would be permissible to adopt a system of informal voting if this Committee wishes to do so.

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