

## STANDARDS COMMITTEE

THURSDAY, 7 JUNE 2012

**Minutes of the meeting of the STANDARDS COMMITTEE held at Guildhall, EC2 on THURSDAY, 7 JUNE 2012 at 11.00am.**

### **Present**

#### **Members:**

Deputy Robin Eve  
Dr Colin Kolbert (Independent)  
Howard Lederman (Independent)  
Deputy Edward Lord  
Julian Malins  
Matthew Richardson  
Anthony Williams (Independent)

#### **Officers:**

Rakesh Hira	- Town Clerk's Department
Lorraine Brook	- Town Clerk's Department
Michael Cogher	- Comptroller & City Solicitor
Edward Wood	- Comptroller & City Solicitor's Department

*Deputy Robin Eve took the chair*

### **1. APOLOGIES**

Apologies for absence were received from Alderman Fiona Woolf, Alan Graham (Independent), and Felicity Lusk (Independent).

### **2. DECLARATIONS BY MEMBERS OF PERSONAL OR PREJUDICIAL INTERESTS IN RESPECT OF ITEMS TO BE CONSIDERED AT THIS MEETING**

There were none.

### **3. ORDER OF COMMON COUNCIL**

The Order of the Court of Common Council, dated 19 April 2012, appointing the Committee and approving its Terms of Reference were received.

#### **Election of Chairman**

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

The Town Clerk read out a list of Members eligible to stand as Chairman and Dr Colin Kolbert, being the only Member indicating his willingness to serve, was duly elected Chairman for the ensuing year, and took the Chair.

## **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 Julian Malins, being the only Member indicating his willingness to serve, was duly elected Deputy Chairman for the ensuing year.

### **4. MINUTES**

The minutes of the meeting held on 28 February 2012 were approved as a correct record.

### **5. STANDARDS REGIME UNDER THE LOCALISM ACT 2011**

A joint report of the Town Clerk and the Comptroller & City Solicitor on the Standards regime under the Localism Act 2011 was considered. The report highlighted that as a code of conduct must be adopted by 1 July 2012, as a statutory requirement, it be proposed that the City's existing code of conduct be re-adopted for the time being, until such time as the regulations defining disclosable pecuniary interests had been clarified.

The Comptroller & City Solicitor explained that this was an interim report and that it was the government's desire to move away from the current Standards regime. He pointed out that further regulations/guidance from government was still awaited and that there was an obligation for complaints to be investigated locally when the code of conduct had been breached. It was noted that any new code of conduct would need to be based on the Nolan Principles and that further information on interests was yet to be provided. In relation to the role of the Independent Person it was noted that there was a statutory requirement for an Independent Person to be consulted when making a decision on a complaint that had been investigated. It was noted that shortlisting of Independent Person candidates had been done and interviews would be taking place on 14 June 2012.

The Committee queried why a decrease in the composition of a future Standards Committee had been proposed and some concern was expressed regarding the need to maintain impartiality, particularly if complaints were to be heard and adjudicated solely by elected Members. Following a discussion about the importance of maintaining a level of independent membership on the Committee to preserve the Nolan principles, there was a consensus amongst those present that the proposed composition should be increased to 5 Commoners, 1 Alderman and 4 Co-opted Members (drawn from external representatives), in addition to the three Independent Persons who would fulfil the statutory requirements.

The Comptroller & City Solicitor confirmed that he would explore the arrangements for co-opting "independent" members onto the Committee, and clarify, in due course, on the issue of voting rights.

A discussion took place on the appointment of the Independent Person/s and Members queried whether the appointment of three Independent Persons would complicate proceedings. The Comptroller and City Solicitor explained that only one Independent Person would be appointed on a case-by-case basis to hear a complaint so that multiple persons were not involved in considering an allegation. The Committee endorsed this approach and suggested that there should be a prescribed procedure for how any future complaints would be considered, by whom and when to ensure clarity about the future arrangements.

Members noted that following the introduction of these interim arrangements as of 1 July 2012, they would be asked to give further consideration in due course to the introduction of a new code of conduct, including new provisions in relation to interests. It was agreed that following the introduction of those new standards arrangements a review period should be specified to ensure that the new arrangements were both appropriate and practical.

**RESOLVED** – That Members agree that:-

- (i) the number of Common Council Members on the Standards Committee be increased to five together with one Alderman and four Co-opted Members;

To recommend to the Court of Common Council that:

- (ii) the City's existing code of conduct set out at Appendix 1 in the report be adopted, for the time being, as the code of conduct to be effective once section 27 of the Localism Act 2011 comes into force;
- (iii) the revised constitution and terms of reference for the Standards Committee set out at Appendix 2 be adopted, subject to the amendments above, from the point that section 28 of the Localism Act 2011 comes into force; and
- (iv) three Independent Persons be appointed from the point that section 28 of the Localism Act 2011 comes into force.

## 5. **QUESTIONS**

### **Current Complaint**

It was noted that a current complaint which had been lodged against a Member would be dealt with under the current standards regime and, depending on the outcome of the Assessment Sub Committee and any subsequent hearing, local sanctions may be imposed.

6. **URGENT ITEMS**  
There were none.

**The meeting closed at 11.36am**

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**CHAIRMAN**

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