

<b>Committee(s)</b>	<b>Date:</b>
Standards Committee	24/01/2020
<b>Subject:</b> Standards Committee – Terms of Reference and Frequency of meetings	<b>Public</b>
<b>Report of:</b> Town Clerk	<b>For Decision</b>
<b>Report Author:</b> Gemma Stokley, Senior Committee and Member Services Officer	

### **Summary**

The purpose of this report is for the Standards Committee to consider and approve their terms of reference and that of their sub committees and the frequency of meetings, ahead of submission of the White Paper to the Court of Common Council on 23 April 2020. The Committee are also asked to receive meeting dates for the remainder of 2020 and for 2021.

Details of the composition of the Standards Committee and their terms of reference are set out below.

### **Recommendations**

It is recommended that:-

- (a) subject to any comments, the terms of reference of the Standards Committee be approved for submission to the Court of Common Council, as set out at Appendix 1;
- (b) Members consider the frequency of the Committee's meetings; and
- (c) Members note the scheduled meeting dates for the remainder of 2020 and for 2021.

### **Main Report**

This report sets out the terms of reference and composition of the Standards Committee, including details of the Committee's Co-opted Members and the Independent Persons.

The Committee are also asked to comment on the frequency of their meetings and to note the meeting dates scheduled for the remainder of 2020 and for 2021.

### **Standards Committee –Terms of Reference**

1. The Standard's Committee's terms of reference, as last agreed by the Court of Common Council at its meeting on 25 April 2019 are set out at **Appendix 1**.

The terms of reference will be submitted to the Court of Common Council for approval once more on 23 April 2020 ahead of the start of the new municipal year.

### **Standards Committee – Composition**

2. The Standard's Committee's composition, as agreed by the Court of Common Council at its meeting on 25 April 2020 is:-
  - 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.

***N.B. This was subsequently altered by the Court of Common Council on 5 December 2019 when they approved a temporary expansion of the Standards Committee to incorporate a total of five as opposed to four Co-optees for a period of a maximum of 3 years, until December 2022, at which point the terms of office of two of the Committee's existing Co-opted Members will expire and will not be renewable.***
3. None of the appointed shall serve on the Committee for more than eight years.
4. Three independent persons are also appointed pursuant to the Localism Act 2011. In previous years, Independent Persons were invited to attend all future meetings of the Committee (in an observer capacity). These attendance arrangements were, however, part of the review of the Standards Framework carried out by the Standards Regime Working Party in 2017/18 where it was decided that Independent Persons should no longer continue to routinely attend Standards Committee meetings so as to reinforce their independence from that Committee.
5. Whilst the Independent Persons' input is important and valued, the Working Party were of the opinion that in the interest of independence they should instead be invited to attend a separate briefing session with the Chairman, Deputy Chairman and relevant Officers of the Standards Committee every six months in order to be updated on their activities. Under this new approach, the Independent Persons also continue to receive all Standards Committee agendas and minutes.
6. It should be noted that Independent Persons are at liberty to attend open Standards Committee meetings as members of the public should they so wish.
7. The quorum consists of three Members, at least one of whom must be a non-Common Council Member.

### **Standards Committee – 2019/2020 Membership**

8. The Standard's Committee's membership in 2019/2020, as agreed by the Court of Common Council at its meeting on 25 April 2019, was as follows:-

***Alderman***

Susan Langley  
Professor Michael Mainelli

***Common Councilmen***

Mary Durcan, *for one year*  
Ann Holmes, *for three years*  
Barbara Newman, *for one year*  
Deputy Edward Lord, *for two years*  
Jeremy Simons, *for two years*  
Caroline Addy  
Deputy Jamie Ingham Clark, *for three years*  
Randall Anderson  
Henry Colthurst  
Vivienne Littlechild

***Non-Common Council Members***

Judith Barnes (appointed for a four-year term expiring in March 2022)  
Dan Large (appointed for a four-year term expiring in December 2022)  
Nicholas Cook QC (appointed for a two-year term expiring in March 2021)  
*Vacancy*

9. The Corporation's Independent Persons are, at present, Anju Sanehi and Chris Taylor (appointed pursuant to the Localism Act 2011). There is currently one vacancy for an Independent Person which is in the process of being recruited to. It is envisaged that an appointment will be made ahead of the new municipal year.

**Meetings of the Standards Committee**

10. In 2013 and every year subsequent to this, the Committee have confirmed that 3 scheduled meetings per annum were sufficient. On that basis, the following meeting dates are scheduled for the remainder of 2020 and for 2021:
- Friday 1 May 2020 (11.00am)
  - Friday 2 October 2020 (11.00am)
  - Friday 29 January 2021 (11.00am)
  - Friday 14 May 2021 (11.00am)
  - Friday 8 October 2021 (11.00am)
11. Where there is no business, and with the Chairman's consent, meetings may be cancelled. Equally, where there is sufficient or urgent business, special, additional meetings of the Committee may be called at the request of the Chairman.

12. Where meetings of the Sub Committees are required, these will be scheduled on an ad hoc basis throughout the year, except in the case of the Dispensations Sub Committee where meetings are currently scheduled in advance and take place every other month if required.

### **Standards Committee – current Sub Committees’ terms of reference**

#### **13. Dispensations Sub (Standards) Committee**

Established on 13<sup>th</sup> September 2013, the principal function of the Dispensations Sub Committee is to consider requests for a dispensation from elected Members and Co-opted Members to speak and/or vote on a specific matter(s), in-line with the City of London Corporation’s criterion. Consequently, the Sub Committee will meet on an ad hoc basis as and when requests for a dispensation are received.

14. The terms of reference of this Sub Committee were recently reviewed and approved by the Standards Committee in October 2018 and are as follows:

Note: The Standards Committee will elect on an annual basis a Chairman and two Deputy Chairmen of the Sub Committee and each meeting of the Sub Committee will be chaired by one of those persons subject to (d) below.

- a) The Dispensations Sub Committee is established to determine written requests for dispensations from Members (including a Co-opted Member) to take part in any discussion and/or vote on a matter in which they have a disclosable pecuniary interest in accordance with section 33 of the Localism Act 2011.
- b) Upon receipt of a written request for a dispensation, the next scheduled meeting of the Sub Committee will meet to consider the details of the request and will then do one of the following:-
  - (i) grant a dispensation (in whole or in part) for a specified period not exceeding four years;
  - (ii) reject the request for a dispensation; or
  - (iii) seek further information regarding the request ahead of further consideration at a newly convened meeting, or in accordance with the City Corporation’s urgency provisions (Standing Order No. 41).
- c) The Town Clerk will advise the Member seeking a dispensation of the Sub Committee’s decision upon the conclusion of the meeting and will retain a list of action taken in respect of all written requests considered by the Sub Committee.
- d) Where possible, the Members of any meeting of the Sub Committee will not be Members of any Committee / Sub Committee that the dispensation request(s) relates to.

- e) The Sub Committee will consist of three elected Members (voting) and one Co-opted Member (non-voting) to be drawn from the membership of the Standards Committee, subject to (d) above and the provisions for each meeting to be chaired by either the Chairman or one of the two Deputy Chairmen elected annually by the Standards Committee also referred to above.
- f) The quorum shall consist of any three Members.

### **Allegations of breaches of the Members' Code of Conduct - Assessment, Hearing and Appeal Sub Committees**

- 16. The outcome of the review of the Standards framework in 2017/18 necessitated some amendments to the previous arrangements. The review outcome approved the appointment of a Standards Appeal Committee (12 members, comprising elected Aldermen and Common Councillors of the Corporation, who are not members of the Standards Committee) to conduct the appeals process of the complaints procedure, and the membership of that committee and its terms of reference is now determined and approved by the Court of Common Council.
- 17. The Localism Act 2011 requires the City of London Corporation to have in place arrangements under which written allegations of a breach of the Members' Code of Conduct can be investigated and decisions on those allegations taken. These arrangements apply to both Members and Co-opted Members.
- 18. In order to carry out its functions efficiently and effectively, and to avoid any conflicts of interest, the Standards Committee had previously established three separate Sub-Committees for the different stages of the complaints process, being Assessment, Hearing and Appeal Sub-Committees. As stated above, a revised complaints procedure is now in operation with the appeals process under the control of the Standards Appeal Committee.
- 19. The current terms of reference for each of the Standard's Committee's complaints procedure sub committees are set out at **Appendix 2**.

### **Background Papers:-**

- Appointment of Members on Committees Court report (White Paper), April 2019
- Review of Standards Regime – Court of Common Council, January 2018
- Standards Committee – Amendments to Terms of References – Court of Common Council July 2018

### **Appendices:-**

- **Appendix 1** – Standards Committee's Terms of Reference, as approved by the Court of Common Council in April 2019.

- **Appendix 2** - The terms of reference for the Standards Committee's current sub committees.

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