

Committee STANDARDS	Date: 2016
Subject: POWERS OF THE CHIEF COMMONER & THE GUILDHALL CLUB	Public
Report of: Comptroller and City Solicitor	For Information

Summary

This report sets out the disciplinary powers of the Chief Commoner (and the Chairman of the General Purposes Committee of the Court of Aldermen) and the Guildhall Club requested by the Committee at an earlier meeting.

Recommendations

The Committee is invited to consider the report and consider what action if any to take in relation to its own procedures and practices and its general role of promoting high standards of conduct generally.

Main Report

The Chief Commoner

The Chief Commoner holds office for one year and acts as a counsellor when required and takes the lead in relation to the scrutiny of training and development opportunities offered to Common Councilmen. He or she actively promotes the aims, values and responsibilities of the City of London Corporation internally - and externally in support of the Lord Mayor and the Policy Chairman and also takes the lead in relation to all matters of City Corporation hospitality.

The office of Chief Commoner, first established in 1444, is unique in that it is the only role now directly elected by the whole Court of Common Council and serves to recognise the contribution the office holder is likely to have made to the City Corporation over a number of years. The Chief Commoner is, therefore, the foremost representative of the elected councillors with regard to their rights and privileges - but equally, seeks to uphold the discipline and integrity of the Court.

The role of the Chief Commoner has traditionally included a concern for the welfare and conduct of Common Councilmen and the Chairman of the Privileges Committee of Aldermen ("the Chairman") has performed a similar function in relation to Aldermen. Their intervention has in the past been a very effective mechanism for resolving problems between members. Since the introduction of standards committees there has been some overlap between this aspect of the Chief's (and the Chairman's) work and the Standards Committee's

responsibility for the assessment, investigation and hearing of complaints of member misconduct.

The Chief is vested by custom and practice with disciplinary powers although these are not formally documented, as far as officers are aware and can ascertain, other than a reference in the Chief's "Job Description" (attached) which states that one of his functions is to "counsel Common Councilmen, as required, with a view to resolving minor problems and in relation to their rights, requirements and privileges"

The Chief is however generally regarded as having the power to hold members to account for their behaviour and where appropriate to suspend their entitlement to hospitality or appropriate facilities. As far as officers are aware use of these powers is not documented or reported. There will be boundaries to these powers and the Chief could not, for example, prevent a member from attending committees or the Court.

One way to analyse the Chief's powers is that they are effectively exercised with the consent of the member concerned. The Committee has therefore inserted in its procedures a provision to allow a member to refer themselves to the Committee if a sanction is imposed by the Chief which they do not accept.

The position of the Chairman is similar except that there is no "job description".

The Committee may wish to consider whether the respective roles and responsibilities of the Committee, the Chief and the Chairman and how they interrelate ought to be set out and, possibly, approved by the Court.

The Guildhall Club

The Guildhall Club is an unincorporated association whose objectives are to provide luncheon for members attending committees and other refreshments and to instil a sense of camaraderie amongst its members. A copy of the Club rules is attached. All elected members (and a number of specified office holders) are entitled to be members. Given the purposes of the Club it is highly likely that any issues arising in relation to member conduct will occur in the course of their office. The Club and the Standards Committee are therefore likely to both have jurisdiction, subject to their powers, in relation to member misconduct at the Club. Again, there are no formal reporting arrangements etc. in place between the Club and the Committee.

The Club rules make the following provisions in relation to conduct:-

"2.11 Members and their guests are expected to conduct themselves at all times whilst within the Club's premises in an exemplary fashion, in particular:

- (i) They must treat other Members, their guests, the Club's staff and other users of the Club's facilities with respect;
- (ii) They must behave in a way which reflects well on both the City of London Corporation and the Club;
- (iii) They must be attired appropriately to a smart London Club. In the case of Gentlemen, this should include a jacket and tie. In exceptional circumstances, such as

abnormally high temperatures, the Chairman or Deputy Chairman shall have the authority to relax these rules.

- 2.12 Any Members violating the Rules of the Club, or whose actions are perceived to bring the Club into disrepute, shall be reported to the Club Committee, which shall, if satisfied that a clear violation has taken place and no adequate explanation from the Member complained of is forthcoming, have power to suspend such Member from membership of the Club for such period as they think fit. In the most extreme cases, and then only by a two thirds majority of those members of the Committee present and voting, the Committee may permanently exclude a member from the Club”.