

STANDARDS COMMITTEE
Friday, 8 July 2016

Minutes of the meeting of the Standards Committee held at Committee Room - 2nd
Floor West Wing, Guildhall on Friday, 8 July 2016 at 11.00 am

Present

Members:

Oliver Lodge (Chairman)
Edward Lord (Deputy Chairman)
Nigel Challis
Mark Greenburgh
Deputy Alastair King
Virginia Rounding

Officers:

John Barradell	-	Town Clerk and Chief Executive
Simon Murrells	-	Assistant Town Clerk
Edward Wood	-	Comptroller and City Solicitor's Department

1. APOLOGIES

Apologies for absence were received from Judith Barnes (Co-opted Member), Deputy Jamie Ingham Clark, Dan Large (Co-opted Member), Tom Sleigh, Chris Taylor (Independent Person) and Alderman Sir Alan Yarrow.

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

There were no declarations.

3. MINUTES

The minutes of the previous meeting held on 13 May 2016 were considered and approved as a correct record.

MATTERS ARISING

Freemasonry (page 8-9) - The Chairman reported that he had made enquiries following the last Standards Committee meeting and reported that, whilst the Ministry had attempted to ban all masonic meetings on their premises approximately 10 years ago, this proposition was withdrawn and no such ban appeared to be in place.

In response to queries raised at the last meeting, the Town Clerk reported that Guildhall Lodge (like certain other lodges) were granted use of the Guildhall Crypts for meetings three times per year at no charge. Members questioned whether lodges were unique in receiving this type of discount. The Town Clerk undertook to report back on this matter.

With regard to Mansion House, the Town Clerk reported that Guildhall Lodge paid the appropriate rate for 'City linked' organisations. This was technically a discount from the standard rate in the same way that the Livery and charities receive a discount.

4. **REPORT OF ACTION TAKEN BETWEEN MEETINGS**

The Committee received a report of the Town Clerk providing Members with the details of decisions taken by the Town Clerk, in consultation with the Chairman and Deputy Chairman of the Standards Committee, since the Committee's meeting in January 2016.

The Town Clerk reported that a full record of all Members currently in receipt of a dispensation was kept on file and updated as necessary by the Committee and Member Services Team.

In response to a question, the Town Clerk clarified that all five of the further dispensations granted related to the Business Rate Premium.

RESOLVED – That the contents of the report be noted.

5. **INTERACTION BETWEEN THE DISCIPLINARY POWERS OF THE CHIEF COMMONER, SENIOR ALDERMAN, GUILDHALL CLUB, ETC. WITH THE WORK OF THE STANDARDS COMMITTEE**

The Committee considered a report of the Comptroller and City Solicitor discussing the disciplinary powers of the Chief Commoner, the Aldermanic Chairmen and the Guildhall Club and sets out options for how these parties might interact with the Standards Committee going forward, particularly in terms of reporting. The report also considered additional reporting by the Monitoring Officer.

The Chairman reported that these wider arrangements were likely to be touched upon as part of a proposed independent review of the Standards Committee. He added that it would therefore be unwise to make any firm decisions on this matter at this stage.

The Deputy Chairman stated that he would expect the Chief Commoner and the Aldermanic Chairmen to be interviewed as part of any review of the City Corporation's existing arrangements for addressing matters connected with the conduct of Members.

RESOLVED - Members noted the report and agreed that the matter should be revisited in the context of a forthcoming, wider Independent Review of Member conduct arrangements.

6. **COMPLAINTS PROCESS REVIEW**

The Committee considered a report of the Town Clerk asking Members to reflect on the recent Hearing and Appeal processes overseen by the Standards Committee and to consider whether, in light of this, any further amendments to the document entitled 'How complaints submitted to the City of London Corporation's Standards Committee will be Dealt with' are now required.

Members suggested that any decisions on this matter should also await the outcome of a forthcoming review of the Standards Committee. Members suggested that advice from the reviewer would be most welcome in this area.

The Deputy Chairman stated that the process around any future hearings should not be left fluid as the report suggested given that this might lead to further criticism.

Members were keen that the complaints procedure should in future include more guidance on the factors that determine whether proceedings are held in public or private session, including the assessment of competing public interests.

RESOLVED - That, Members note the report but await the outcome of a forthcoming Independent Review before considering any further amendments that might now be required in relation to the Standards Committee's written complaints procedure and/or relevant Standing Orders.

7. CO-OPTED MEMBER VACANCY

The Town Clerk reported that Felicity Lusk had chosen to step down as a Co-opted Member of the Standards Committee with immediate effect due to her departure from the UK to work abroad. Given the Committee's decision to commission a full review of Member conduct arrangements that would be likely to affect the Standards Committee, the Town Clerk suggested that the appointment of a new Co-opted Member to fill this vacancy be put on hold pending the outcome of this review.

The Chairman agreed with this approach and reported that he had recently written to Ms Lusk on behalf of the Committee to thank her for her service.

Some Members of the Committee disagreed with this approach and suggested that recruitment for a new Co-opted Member should commence as soon as possible. This was generally accepted.

Members of the Committee were asked to encourage any suitable candidates they might know to apply for the position.

8. REFERRAL BACK - STANDARDS COMMITTEE

The Committee considered a report of the Town Clerk, prepared at the request of and in conjunction with the Chairman of the Standards Committee.

The Chairman opened the discussion by referring to the recent Annual Report of the Standards Committee submitted to the Court of Common Council. The report had been referred back to the Standards Committee. Comments made on the report illustrated clear concern from a number of Members and it was now the Chairman's firm view that radical steps needed to be taken in order to re-establish the standing of the Standards Committee in the Court.

The Chairman went on to state that he had made a formal complaint to the Chairman of the General Purposes of Aldermen regarding unacceptable comments made by an Alderman at the Court of Common Council meeting. He added that a full transcript had been provided by the Town Clerk and was currently being considered alongside his complaint. The Chairman undertook to keep the Standards Committee informed of progress on this matter.

Finally, the Chairman proposed that, if Members were minded to commission an Independent Review of Member conduct arrangements, this decision should be reported swiftly to the Court of Common Council with the Annual Report also resubmitted in due course.

A Co-opted Member commented that, whilst he had not been present at the recent Court of Common Council meeting, he had seen the transcript from the meeting and agreed that this clearly illustrated that there was wide disquiet amongst Members. He was, however, unclear on what this disquiet stemmed from - the procedure followed by the Standards Committee in hearing a recent complaint or the decisions taken. The Co-opted Member went on to state that it was right and proper that the process followed regarding the complaint should be reviewed given that this was the first time that Standards Committee had been called upon to take these steps. He was, however, unsure as to why a review of the Standards Committee as a whole might be undertaken.

The Chairman clarified that the recommendation put to Members today suggested a more fundamental review of all the arrangements concerning Member conduct, including those for which the Standards Committee was responsible.

The Deputy Chairman referred to a more fundamental issue amongst members of the Court, a substantial number of whom appeared to believe that the rules which applied to elected members of other Local Authorities did not apply to the City of London Corporation. He referred to the transparency around the recent complaint dealt with by the Committee and stated that the adverse reaction to this was clear. He added that many Members felt that this matter should have been dealt with by the Chief Commoner and should never have reached this stage. He concluded by stating that the Committee had a role to play in terms of underlining that all Members were holders of public office and were therefore bound by the principles of public life.

A Member agreed that there was a fundamental problem in terms of how the Standards Committee was currently viewed by the wider Court. She underlined that, under the Localism Act, it was no longer necessary to have a Standards Committee and that if the current regime was to work, the confidence of the Court was essential. She added that, in light of this, an external, independent review of the Committee was a sensible idea. She continued by stating that as a member of the Appeal Sub (Standards) Committee, she was unhappy with the decision of the Standards Committee (taken in her absence) to name the Member concerned in the Annual Report submitted to the Court of Common Council as she felt that this contravened the Appeal Sub Committee's decision regarding censure.

Another Member spoke to agree with the earlier points made by the Deputy Chairman, suggesting that a culture shift was required to secure the co-operation of those members of the Court who still seemed to feel that many of the rules around public life did not apply to them. He agreed that the commissioning of an Independent Review of the Standards Committee was needed but suggested that this should be commissioned by the Committee itself and not the Court of Common Council.

An Independent Person who had also sat on the Appeal Sub Committee stated that, from his point of view, he was extremely satisfied with how the Appeal had been arranged and conducted throughout. He added that members of the Appeal Panel had been clear on the procedure from the outset. He referred to the obvious problems between the Court of Common Council and this Committee and recognised that these needed addressing without further delay.

The Town Clerk reported that the remit of an Independent Review was suggested within the report and that this was quite wide ranging. It was also suggested that the Town Clerk be tasked with appointing the individual to undertake the review. The Town Clerk went on to clarify that a considerable number of members at the recent Court of Common Council meeting had been in support of referring the Annual Report back to the Standards Committee.

Members were in favour of a report back to the next Court of Common Council meeting informing the Court that this Committee had taken the decision to commission an Independent Review in light of recent concerns raised by a number of Members and in an attempt to ensure that the City Corporation's standards framework remains fit for purpose and that Members have full confidence in the adopted framework.

With regard to the remit of the review, the Deputy Chairman stated that he felt that the points suggested within the report were too broad. He added that the reference back to this Committee was based on the handling of a recent complaint, the procedure followed and the decision to make the proceedings public. The review ought, therefore, to focus on these points rather than reviewing the decision taken. The Chairman agreed with this point and stated that it was not proposed that the review would revisit or overturn the decisions taken.

A Co-opted Member agreed that the terms of the review suggested within the report were too broad. His concern was that the progress made by this Committee over the past 18 months might be 'undone' if the rules around Declarations of Interest, for example, were revisited. He accepted that the Complaints Procedure would logically form part of the review but questioned the other suggested areas.

A Member disagreed with this point and suggested that a broad review would be beneficial in terms of transparency and 'buy in' from the wider Court. The Chairman agreed that the reviewer should be given full scope in their work to address the on-going disquiet of Members of the Court of Common Council.

In response to questions regarding the type of person the Town Clerk envisaged conducting the review, the Town Clerk and Chief Executive stated that he did not feel that it was appropriate for another Chief Executive to undertake this work and that he was more inclined to appoint someone legally qualified.

The Deputy Chairman suggested that it might be helpful for the Town Clerk to share the names of those shortlisted to conduct the review with the Committee so that they could pinpoint any potential issues/'red flags'. The Town Clerk stated that this would be seen to undermine the independence of the review. The Chairman agreed that no member of the Standards Committee should be seen to influence the appointment in anyway. The Town Clerk clarified that the review would seek to ascertain if the framework in place was competent and that there would possibly be a number of recommendations made for further improvement/consideration. The review would be designed to give confidence in the work that Standards Committee does.

The Deputy Chairman underlined that the City was a Corporation which happens to have some public functions and that the reviewer should have regard to this uniqueness in the terms of reference of the review.

The Committee agreed that the text concerning the terms of reference of the proposed review should be agreed with the Chairman and Deputy Chairman ahead of submitting a report on this matter to the next meeting of the Court of Common Council on 21 July 2016.

Members stated that they would welcome the opportunity to have some sort of dialogue with the reviewer throughout the course of the review.

With regard to the suggestion that the process of review should include a meeting of all members of the Court of Common Council, Members agreed that the findings of the review should be presented to all once the process was complete, ahead of a formal report to the Court at the end of the calendar year.

A Co-opted Member questioned whether the Standard Committee's Annual Report would also be re-submitted to the next meeting of the Court of Common Council. The Chairman suggested that this matter be dealt with separately and re-submitted at a later date, in the context of a wider review. He added that the name of the Member who had been the subject of the complaint heard by the Committee would need to be removed from the re-submitted report.

The Town Clerk stated that he did not envisage that the Annual Report would be re-submitted at this stage and that there might be some merit in the Chairman's preference to re-submit in the Autumn. He added that this was, however, a Committee decision.

A Member suggested that it might be perceived as confrontational to re-submit the report immediately. She stated that she felt there was merit in re-submitting after the Summer recess.

A number of Members disagreed and suggested that the report be amended to remove the name of the Member concerned and that reference also be made to the fact that the Member had no objections to the proceedings being held in public before resubmitted to the 21 July 2016 Court meeting.

RESOLVED - That Members:-

(1) Inform the Court of Common Council that the Standards Committee will commission an independent review of the City Corporation's standards framework to be undertaken by a suitably qualified person identified and appointed by the Town Clerk;

(2) Agree that the terms of reference of the review should be broad and that the details of this should be agreed with the Chairman and Deputy Chairman of the Standards Committee ahead of a report being submitted to the Court of Common Council on 21 July 2016;

(3) Agree that the Standards Committee Annual Report be amended and resubmitted to the Court of Common Council for information on 21 July 2016; and

(4) Formally report back to the Court of Common Council on the findings of the review by December 2016.

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

There were no questions.

10. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

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

The meeting ended at 1.00 pm

Chairman

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