



Standards Committee

Date: FRIDAY, 25 JANUARY 2019
Time: 11.00 am
Venue: COMMITTEE ROOMS - COMMITTEE ROOMS

Members: Oliver Lodge (Chairman)
Ann Holmes (Deputy Chairman)
Caroline Addy
Judith Barnes (Co-opted)
Chris Boden
Deputy Kevin Everett
Alderman David Graves
Mark Greenburgh (Co-opted)
Michael Hudson
Deputy Jamie Ingham Clark
Dan Large (Co-opted)
Deputy Edward Lord
Alderman Professor Michael Mainelli
Oliver Sells QC
Jeremy Simons
Vacancy (Co-opted)

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Lunch will be served in the Guildhall Club at 1pm
NB: Part of this meeting could be the subject of audio or video recording

John Barradell
Town Clerk and Chief Executive

AGENDA

Part 1 - Public Agenda

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **MINUTES OF PREVIOUS MEETINGS**
 - a) **5 OCTOBER 2018**
To agree the public minutes of the meeting held on 5 October 2018.
For Decision
(Pages 1 - 10)
 - b) **15 NOVEMBER 2018**
To agree the public minutes of the meeting held on 15 November 2018.
For Decision
(Pages 11 - 22)
4. **MINUTES OF SUB COMMITTEE MEETINGS**
To receive the public minutes of any Hearing, Dispensation, Appeal and Assessments Sub Committee meetings that have taken place since the last meeting of the Standards Committee.
For Information
(Pages 23 - 24)
5. **OUTSTANDING ACTIONS**
Report of the Town Clerk.
For Information
(Pages 25 - 28)
6. **TERMS OF REFERENCE AND FREQUENCY OF MEETINGS**
Report of the Town Clerk.
For Decision
(Pages 29 - 40)
7. **APPOINTMENT OF CO-OPTED MEMBER OF THE STANDARDS COMMITTEE**
Report of the Town Clerk.
For Decision
(Pages 41 - 44)

8. **DISPENSATIONS - DRAFT POLICY AND GUIDANCE**
 Joint report of the Town Clerk and the Comptroller and City Solicitor (TO FOLLOW)
- For Decision**
9. **ELECTION OF CHAIRMAN OF DISPENSATIONS SUB COMMITTEE**
 The annual election of a Chairman of the Dispensations Sub (Standards) Committee.
- For Decision**
10. **ELECTION OF DEPUTY CHAIRMEN OF DISPENSATIONS SUB COMMITTEE**
 The annual election of TWO Deputy Chairmen of the Dispensations Sub (Standards) Committee.
- For Decision**
11. **ANNUAL REVIEW OF PROTOCOL ON MEMBER/OFFICER RELATIONS**
 Joint report of the Comptroller and City Solicitor and the Director of Human Resources.
- For Decision**
 (Pages 45 - 70)
12. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
13. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
14. **EXCLUSION OF THE PUBLIC**
 MOTION – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.
- For Decision**

Part 2 - Non-Public Agenda

15. **NON-PUBLIC MINUTES OF SUB COMMITTEE MEETINGS**
 To receive the non-public minutes of the Hearing, Dispensation, Appeal and Assessments Sub Committee meetings that have taken place since the last meeting of the Standards Committee.
- For Information**
 (Pages 71 - 74)
16. **ACTION TAKEN BETWEEN MEETINGS**
 Report of the Town Clerk.
- For Information**
 (Pages 75 - 76)

17. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
18. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

STANDARDS COMMITTEE

Friday, 5 October 2018

Minutes of the meeting of the Standards Committee held at Committee Rooms -
Committee Rooms 2nd Floor, West Wing, Guildhall on Friday, 5 October 2018 at
11.00 am

Present

Members:

Oliver Lodge (Chairman)
Ann Holmes (Deputy Chairman)
Caroline Addy
Judith Barnes
Chris Boden
Deputy Kevin Everett
Alderman David Graves
Mark Greenburgh
Michael Hudson
Deputy Jamie Ingham Clark
Dan Large
Deputy Edward Lord
Alderman Professor Michael Mainelli
Jeremy Simons

Officers:

Michael Cogher	- Comptroller and City Solicitor
Edward Wood	- Comptroller and City Solicitor's Department
Martin Newton	- Town Clerk's Department
Gemma Stokley	- Town Clerk's Department

1. APOLOGIES

Apologies for lateness were received from Caroline Addy and Deputy Edward Lord and the Committee noted that Alderman Michael Mainelli would be leaving the meeting at 11.15am.

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

The Chairman declared a non-pecuniary interest in declarations of gifts in item 9 as a Member of the Worshipful Company of Pewterers.

3. MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 18 May 2018 be approved as a correct record.

4. **MINUTES OF SUB COMMITTEE MEETINGS**

The Committee received the public minutes of the Hearing Sub (Standards) Committee, Dispensations Sub (Standards) Committee, Appeal Sub (Standards) Committee and Assessment Sub (Standard) recent meetings.

The following matters were raised:-

- Noted that the minutes of the Hearing Sub (Standards) Committee should list Deputy Jamie Ingham Clark as chairing the meetings.
- The Town Clerk confirmed that the meeting of the Appeal Sub (Standards) Committee on 28 September had been held almost entirely in public session, that the decision of the Sub Committee was that a breach of the code of conduct had taken place, and that these minutes when finalised would be publicly available.
- The Town Clerk undertook to number complaint cases going forward under the new complaints procedure for ease of reference.
- The Committee asked to receive copies of the non-public minutes of the Sub Committee meetings in future.

RECEIVED.

5. **DISPENSATIONS POLICY AND GUIDANCE, ETC**

With the agreement of the Chairman, the Committee considered a late, separately circulated joint report of the Town Clerk and the Comptroller and City Solicitor setting out a draft future policy and guidance on dispensations under the Localism Act 2011, revisions to the dispensation request form and proposed alterations to the terms of reference of the Dispensations Sub (Standards) Committee.

The Chairman outlined the detailed work undertaken by the Dispensations Working Party that had met regularly during the summer and the Comptroller and City Solicitor then provided further comment on the statutory background to disclosable pecuniary interests (dpis) and dispensations. The Chairman reminded Members that the discussion was to relate to the drafts of the policy and guidance and dispensation request application form, the Dispensation Sub Committee's terms of reference and the process for gaining acceptance on the policy and guidance from Members of the Court.

Detailed discussion then took place on the draft policy and guidance and associated other documentation, during which there were a number of comments by Committee members, including consistency on dispensation requests, particularly relating to Barbican Residential Committee and other committees commenting on the housing governance review, and the proposed future arrangements before the Committee and whether these adequately addressed concerns. Matters raised by Members included procedures to ensure consideration of dispensation requests where business has been added late to an agenda (the Committee were informed that late business had been

referred to at the recent Appeal Sub (Standards) Committee and that the Chairman of that meeting would be writing to the Chairman of Standards Committee about it); problems arising from ward members that had undertaken to raise matters at meetings on a colleagues behalf then being unable to attend that meeting and the need for dispensation flexibility because of this; issues that may arise from rejecting dispensation requests where one ward member may already have been granted a dispensation; whether the Court's approval of a committee's membership may be frustrated by too rigid a policy; whether 'blanket' dispensations should be considered covering appropriate issues (licensing matters in a particular ward for example); the requirement for the list of dispensations granted / refused to be available to members online if possible; if opportunity existed for an appeal mechanism or whether a new or revised application should be made; and whether the policy and guidance would result in a larger number of dispensations going forward

The above issues raised were debated in detail, during which a number of members spoke in favour of the proposals. In summary, those Members put forward the view that the proposals aimed to provide an enhanced level of requisite information about disclosable pecuniary interests, a better level of understanding of associated regulations around dpis and dispensations, including confirmation of other options available to members to communicate their views when conflicted, and increased clarity and confidence for both members and the general public that the Corporation is taking decisions on them in a consistent way. It was also noted that the intention was to consult Counsel on the content of the policy and guidance prior to implementation.

Arising from the detailed discussions on this matter, it was agreed that the following comments be referred to the Dispensations Working Party for its consideration as part of the finalisation of the draft documents.

Consideration of the addition of words in bold

- '**may take into account**' (par.20 of guidance)
- '**planning, licensing and housing matters**' (par.20 (c))
- '**able and willing to attend**' (par.20 (e))

Consideration of rewording of paragraphs

- *Public perception (par.8)*
- *Manifesto promise does not mean can deliver on it (par.20 (j))*
- *Par. 23 and 24 wording to be enhanced to make clear dispensation does not release member from other legislative prohibitions*
- *Par.8 amend – line 1 (delete 'they have a' and insert '**any**'); line 2 (delete 'in relation' and insert '**relates**'); line 4 (delete 'affect' and insert '**relate to**'); delete last sentence of paragraph.*

Other matters

- *Schedule of previous dispensation decisions to be readily available (possibly on website)*

During the above debate, Alderman Michael Mainelli left the meeting at 11.15am, Deputy Edward Lord joined the meeting at 12.12pm, Ann Holmes left the meeting at 12.25pm and Caroline Addy joined the meeting at 12.37pm.

Consideration then turned to how best to ensure that all Members had the opportunity to consider and comment on the documentation prior to implementation and, after discussion, it was agreed that a public meeting of the Standards Committee should be convened with all members of the Court invited to attend.

The Committee then considered the proposed amendments to the terms of reference of the Dispensations Sub (Standards) Committee and after discussion it was

RESOLVED – That

- (a) the above comments on draft policy and guidance and the dispensation request form be approved for the further consideration of the Dispensations Working Party;
- (b) the Working Party finalises the draft policy and guidance and dispensation request form and that these then be submitted for consideration to a specially convened meeting of the Standards Committee with all members of the Court invited to attend that meeting;
- (c) the terms of reference of the Dispensations Sub (Standards) Committee be revised, to come into effect from the implementation of the dispensations policy and guidance referred to above, in the following terms:-

Dispensations Sub (Standards) Committee

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, a meeting of the Sub Committee will be convened 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) 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 two Deputy Chairmen elected annually by the Standards Committee also referred to above.
- f) The quorum shall consist of any three Members.

6. CO-OPTED MEMBERS AND DECLARATIONS OF INTERESTS

The Committee considered a report of the Town Clerk setting out details of outstanding declaration of interests forms by Committee.

Discussion ensued and concern was raised at declaration of interest form non-compliance and it was noted that in some cases, depending on the committee, this would be a breach of the Code of Conduct and in some other cases it would also amount to a criminal offence. The Comptroller and City Solicitor undertook to confirm those committees / sub committees subject to the Code of Conduct and the Committee asked that a letter be sent to those relevant co-optees from the Town Clerk / Chairman of Standards Committee informing them that they are in breach of the Corporation's Code of Conduct and that non-submission of an interests form in 28 days from the date of the letter may result in further action from the Assessments Sub Committee. The Town Clerk was instructed to report back to the Committee at its January 2019 meeting on the outcome. The Committee asked that Chairmen of relevant committees / sub committees also be contacted with a request to raise this matter with the co-optees concerned.

RESOLVED – That

- (a) the Comptroller and City Solicitor confirms those committees / sub committees subject to the Code of Conduct;
- (b) subject to (a) above a letter be sent to those relevant co-optees from the Town Clerk / Chairman of Standards Committee informing them that the Committee is concerned to note that they appear to be in breach of the Corporation's Code of Conduct and that non-submission of a declaration of interests form in 28 days from the date of the letter may result in steps being taken in relation to any such breach;
- (c) Chairmen of relevant committees / sub committees also be contacted with a request to raise this matter with the co-optees concerned; and
- (d) the Town Clerk be instructed to report back to the Committee at its January 2019 meeting on the outcome.

7. DISPENSATIONS - RESOLUTIONS TO STANDARDS COMMITTEE

The Committee received resolutions from a) Barbican Residential Committee; b) Community and Children's Services Committee; and c) Housing Management and Almshouses Sub Committee.

With reference to the resolutions, one of which related to a meeting that had taken place in June, the Chairman made the point that discussions firstly at the Dispensations Working Party and during the last item had now gone some way to dealing with concerns raised and that the dispensations policy and guidance would now come before a special Standards Committee meeting open to all Court members. The Chairman expressed concern however at the timescale for communicating resolutions to him and asked that this be communicated to the Town Clerk to ensure this did not happen again in future.

The Committee therefore agreed to note the resolutions received. It was also noted that the Chairman of the most recent Dispensations Sub (Standards) Committee meeting had written to the Chairman of the Barbican Estate Residents' Consultative Committee to respond to concerns raised regarding dispensation requests that had come before that Sub Committee.

RECEIVED.

8. STANDING ORDER NO. 40

The Committee agreed to consider the remaining business after the usual 2-hour meeting deadline.

9. OUTSTANDING ACTIONS

The Committee received a report of the Town Clerk setting out updates on a number of outstanding actions.

RECEIVED.

10. LORD MAYOR AND SHRIEVAL GIFTS AND HOSPITALITY

The Committee received a report of the Executive Director, Mansion House and Central Criminal Court updating Members on the Lord Mayor and Shrieval declaration of gifts and hospitality for the year 2017/18.

The Chairman confirmed that the Executive Director had been unable to attend the meeting due to an important prior commitment.

During discussion, a Member asked that further information be included in future reports on who named individuals are to ensure greater transparency.

RECEIVED.

11. DISPENSATIONS REQUESTS

The Committee had before them a report by the Town Clerk on applications for dispensations and, with the agreement of the Chairman, a late application from Deborah Oliver was considered (external member of Police Committee).

Deborah Oliver

The Committee considered that a decision should be deferred in order to allow the applicant to complete the section of the dispensation request form that relates to criteria met for the granting of a dispensation.

Deputy Robert Merrett

The application from Deputy Merrett (a Common Council appointed member of the Board of Governors of the City of London School for Girls (CLSG)) was to speak and or vote on all CLSG matters, but not vote on any matter that has a direct financial impact to himself as a parent of a pupil, such as school fees. Deputy Merrett's daughter has recently become a pupil at the school in September 2018.

The Committee noted that, at its meeting in August 2018, the Dispensations Sub (Standards) Committee considered a request from another Common Councilman for a dispensation to speak and vote as a member of the Board of Governors of the City of London Freeman's School, and the parent of two children at that School, on all business before the Board except the setting of school fees, and the award of bursaries from the City of London Freeman's School Bursary Fund.

In considering that application, the Sub Committee noted that as a Common Council appointment, the applicant's role as a Governor was different to that of a parent governor and therefore his disclosable pecuniary interest was such that a dispensation could only be granted if it met with the criteria set out under the Localism Act 2011. The Sub-Committee acknowledged the request to participate only in core strategic business and where no direct pecuniary interest arose. However, Members felt that it was not possible to determine what business before the Board was or was not relevant to the disclosable pecuniary interest and on that basis, the request should be refused as it was

not appropriate for the applicant, in light of his disclosable pecuniary interest, to serve on the Board of Governors as a City Corporation Member.

With regard to the application from Deputy Merrett, the Committee considered that, whilst being sympathetic to the parent governor role and the content of the request, they were again not satisfied that it was possible to determine what business before the Board was or was not relevant to the disclosable pecuniary interest and on that basis, the request should be refused in line with the similar decision made by the Dispensations Sub (Standards) Committee.

The Committee asked that a resolution be sent to the Policy and Resources Committee, in view of that committee's overall governance role, on the issue of interests affecting the ability of a member with children at a CoL school to serve on that school's governing body, in order to allow that committee to consider the matter further and possibly seek a solution to it.

RESOLVED – That

- (a) a decision be deferred on the dispensation request from Deborah Oliver to allow the applicant to complete the section of the dispensation request form that relates to criteria met for the granting of a dispensation;
- (b) the dispensation request from Deputy Robert Merrett be refused on the grounds that the Committee is not satisfied that it is possible to determine what business before the Board was or was not relevant to the disclosable pecuniary interest; and
- (c) with regard to the decision on (b) above, and at an earlier meeting of the Dispensations Sub (Standards) Committee on a similar dispensation request from another Common Councilman, a resolution be sent to the Policy and Resources Committee, in view of that committee's overall governance role, on the issue of interests affecting the ability of a member with children at a CoL school to serve on that school's governing body, in order to allow that committee to consider the matter further and possibly seek a solution to it.

12. 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 last meeting in May 2018.

RECEIVED.

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

There were no questions on matters relating to the work of the Committee.

14. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

On urgent matters, the Chairman accepted a further matter for consideration.

- A Member raised the issue of pastoral care and counselling available for a person suffering stress as a result of accusations made relating to the work of the Corporation and it was noted that this matter had been raised at the recent Policy and Resources Committee where the matter of occupational health and employee welfare was referenced. The issue would be considered at the next Members' Privileges Sub Committee.

The meeting ended at 1.37 pm

Chairman

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STANDARDS COMMITTEE Thursday, 15 November 2018

Minutes of the meeting of the Standards Committee held at Livery Hall - Guildhall on
Thursday, 15 November 2018 at 11.00 am

Present

Members:

Oliver Lodge (Chairman)
Ann Holmes (Deputy Chairman)
Caroline Addy
Judith Barnes
Chris Boden
Alderman David Graves
Mark Greenburgh (Co-opted)
Michael Hudson
Deputy Jamie Ingham Clark
Deputy Edward Lord
Alderman Professor Michael Mainelli
Jeremy Simons

Officers:

John Barradell	- Town Clerk and Chief Executive
Angela Roach	- Assistant Town Clerk
Gemma Stokley	- Town Clerk's Department
Lorraine Brook	- Committee and Member Services Manager
Martin Newton	- Town Clerk's Department
Chloe Rew	- Town Clerk's Department
Rebecca Muscat	- Town Clerk's Department
Michael Cogher	- Comptroller and City Solicitor
Edward Wood	- Comptroller and City Solicitor's Department

In Attendance:

John Scott (Chief Commoner)
Randall Anderson
Alderman Nicholas Anstee
Alexander Barr
Peter Bennett
Nicholas Bensted-Smith
Mark Bostock
Deputy David Bradshaw
Tijs Broeke
Simon Duckworth
Mary Durcan
John Fletcher

Marianne Fredericks
Alderman Prem Goyal OBE
Graeme Harrower
Christopher Hayward
Christopher Hill
Deputy Tom Hoffman, MBE
Shravan Joshi
Gregory Lawrence
Vivienne Littlechild , MBE
Alderman Ian Luder
Deputy Catherine McGuinness
Wendy Mead, OBE
Deputy Brian Mooney
Sylvia Moys, MBE
Barbara Newman, CBE
Graham Packham
Susan Pearson
Jason Pritchard
Ruby Sayed
Ian Seaton
Steve Stevenson (Co-opted)
Deputy John Tomlinson,
Deputy Philip Woodhouse
Alderman Sir David Wootton

1. **APOLOGIES**

Apologies for absence were received from Deputy Kevin Everett and Dan Large (Co-opted Member).

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

There were no declarations.

3. **POLICY AND GUIDANCE ON DISPENSATIONS UNDER THE LOCALISM ACT 2011**

The Committee received a joint report of the Town Clerk and the Comptroller and City Solicitor setting out the details of the Standards Committee Working Party's draft future policy and guidance on dispensations, revisions to the dispensation request application form and proposed decision notices.

The Chairman gave a presentation on the background to the Working Party and highlighted some key areas to help focus discussion as follows:

Consistency

The Chairman highlighted that this was a theme throughout and that the Working Party itself had been formed after the Standards Committee had been

made aware of concerns amongst Members regarding consistency in the granting of dispensations.

He stated that the production of a policy around dispensations was, in itself, a consistency measure which it was hoped would give a clear structure to what would hopefully be a clear and detailed process.

The Chairman reported that, whilst the Dispensations Sub Committee had always been in existence, in the past, some applications for dispensation had been considered under urgency procedures and some by the Standards Committee as a whole. It was intended that, going forward, this would be revised with the role of the Dispensations Sub Committee maximised. He added, however, that the timeliness of applications would be key to achieving this.

Another consistency measure proposed was the election of three members of the Standards Committee, one or another of whom would always chair the Dispensations Sub-Committee.

Application Form

The Chairman continued by stating that the application form was also designed with consistency in mind. Relevant prior decisions could be cited and considered in the new form and Officers would also seek to identify and cite these in their covering reports to the Dispensations Sub Committee.

The new form was designed to directly correspond with the new Guidance and Policy. The Chairman explained that the design of the existing application form often led to inadequate information being provided by applicants. It was hoped that a form calling for a more detailed application would help reduce the number of applications rejected due to inadequate or incomplete information being provided.

The Chairman stated that it was hoped that a clearer understanding of what was needed to secure a dispensation could be achieved and that the redesigned application form could go some way to assisting with this.

The form was also intended to be more user friendly. Whilst electronic and hard copies of the form would be acceptable going forward, there was a preference for electronic applications as these tended to be easier to process.

Submission of Applications

Members were informed that forms should be submitted as soon as the need for dispensation could be foreseen.

The Chairman went on to highlight the fact that there would be scope, under the new arrangements, as there currently was, to enhance and resubmit a request for dispensation.

Policy Measures

The Chairman highlighted that the draft policy reflected legal framework and set out 12 factors that the Committee will take in to account. He added that there were two areas where the ability to grant dispensations was delegated to the Town Clerk.

Members were informed that the new policy also encouraged Ward level coordination.

Consideration Factors

The Chairman presented each of the 12 consideration factors for the future granting of dispensations as follows:

- Maintaining public confidence;
- Application to vote – there would be a higher ‘hurdle’ to clear for applications to vote as opposed to applications to speak given that voting would usually have more of an impact on outcomes;
- Equivalent public rights – it was recognised that an elected Member with a disclosable pecuniary interest (DPI) was sometimes, under the Localism Act, in a less advantageous position than a member of the public wishing to speak on a matter;
- Expectation of ward representation – particularly for Ward Committees;
- Alternative means of ward representation – the policy provided some further guidance around this;
- Widely held interests – issues that were universally experienced such as Council Tax;
- Directly engaged interests – if something will make a substantial difference to the Member in question;
- Personal knowledge – how critical a factor is this?;
- Diversity and Inclusion;
- Manifesto promises;
- Scope and duration – this point was about precision. It was highlighted that broad request were less likely to be granted as they were often too vague or ‘wide open’;
- Previous dispensation decisions.

Delegated Decisions

The Chairman highlighted that the granting of dispensations around Council Tax and Planning and Licensing would be delegated to the Town Clerk given that they were considered to be non-contentious.

- Council Tax – The Chairman highlighted that governmental guidance indicated that there was no need for a dispensation in this area. However, the legislation did not clarify this point. Members were therefore able to apply to the Town Clerk for a dispensation in this area if they were keen to take a ‘belt and braces’ approach;
- Planning & Licensing – The Chairman noted that Members frequently wished to speak as members of the public on these matters. He clarified that such delegated decision applications were not open to Members of the Planning and Transportation or the Licensing Committee; members of those committees could apply for dispensations through the normal route.

It was highlighted that Members seeking dispensations in these areas under the Delegated Decision process were only required to complete a shortened version of the application form. Dispensations in these areas could also be granted until the next round of elections.

Additional Measures

The Chairman announced that, going forward, it was proposed that the Town Clerk would announce the use of any dispensation at relevant meetings. Members should also then allude to any dispensation they had been granted when speaking by dispensation.

Another area for consideration that had been highlighted by the Working Party was Ward substitution whereby consideration could be given to another Ward member standing in for a Member with a DPI on a certain issue. It was recognised that this matter could not be determined by the Standards Committee and would probably require a policy decision at the Court of Common Council.

The Chairman concluded by reporting that future training would include dispensations, particularly for any newly elected Members.

The Comptroller and City Solicitor added that he hoped that the Guidance and Policy presented to Members assisted with what had become a vexed issue of late. He reminded Members present that, as a Member led authority, this was ultimately a political issue to be determined by members within the legal framework. He added that it would be important to strike an appropriate balance between effective democratic representation and public perception.

The Comptroller and City Solicitor went on to cover:

Public Law Duties

The Comptroller reported that a Member's first duty was to understand the law and give effect to it. Members must also exercise their powers for a proper purpose – taking into account all relevant matters, ignoring irrelevant matters and ensuring their decisions were reasonable and rational. Finally, Members were also to ensure that discretion was properly exercised.

The Statutory Scheme

The Comptroller highlighted that the statutory scheme was set out within the draft policy. He reported that Parliament had decided that a person with a DPI in a matter shall not speak or vote except where a dispensation has been granted. A local authority MAY grant a dispensation in certain circumstances if it considers that, without a dispensation, the business of the relevant body will be impeded, or it is in the interest of residents/the public or is otherwise appropriate. The Comptroller underlined that it was therefore a broad discretion but not an unlimited one.

Members were reminded that this was not a new position and that Members with pecuniary interests have been prevented from speaking and voting where

their interests are engaged since at least 1972 although the rules on exemptions and dispensations have varied.

The Comptroller underlined that the granting of dispensations was discretionary. There was no right to a dispensation nor any statutory presumption in favour of a dispensation.

Finally, the Comptroller highlighted that the old Code of Conduct contained some exemptions to allow speaking on allowances, council tax, honours and housing provided the matter did not relate to the Member's particular tenancy or lease. These exemptions were not carried forward in the Localism Act Regime but can be dealt with, where deemed appropriate, by a dispensation.

Discretion

The Comptroller stressed that this point was key, and that discretion must be properly exercised in each case. He highlighted that it was legitimate to have a policy in place to ensure consistency, but that it must not be so rigid so as to prevent discretion from being applied in any given case.

The Comptroller reported that, in this context, the draft policy put to Members was a lawful one. That was not to say, however, that it was the only one open to Members. Having taken into account all relevant matters, Members could choose to adopt something either more or less restrictive. He added that it was also legitimate for other local authorities to take a different but equally valid approach.

The Approach of Other Local Authorities

The Comptroller highlighted that the City of London Corporation were not a typical local authority. The City operated a Committee structure versus the Executive model employed elsewhere. He added that there was no obligation for principal authorities in England to publish a Dispensations Policy.

That having been said, some Members had expressed interest in what approach other authorities took. The Comptroller reported that he had contacted 15 authorities that the City of London Corporation were in partnership with on this matter and had received responses from 9. He went on to summarise these. The responses demonstrated that there was no single approach to dispensations and that it was more of an issue for this authority because of its nature.

Having listened to the Comptroller and City Solicitor's presentation of the legal position around dispensations, the Chairman invited questions and comments from those elected Members and Co-opted Members in attendance who were not members of the Standards Committee.

A Member commented that he felt that the starting premise here was fundamentally wrong. He added that the documentation seemed to be as limited as possible despite advice from the Comptroller and City Solicitor emphasising the fact that Members had discretion here. This was also apparent from ground (e) around granting a dispensation (the authority considers it

'otherwise appropriate to grant a dispensation'). He therefore argued strongly in favour of a broader scheme.

The same Member went on to talk about the fact that the City's residential population was primarily across 4 Wards. Unsurprisingly, the residents here tended to elect those who lived within their Ward as their Common Councilmen. To then prevent these Common Councilmen from speaking or voting on certain matters would be perceived as suppressing the residential voice. Substitution in these cases would not be practical given that all resident Members would be faced with the same issues. He added that this also fed the narrative of those keen to abolish the City of London Corporation, that the organisation was undemocratic.

Another Member agreed with the point that the draft policy presented seemed overzealous. He added that a common-sense approach had clearly been applied since 1972 and therefore questioned why this should not continue. He reiterated the point that this new policy would disenfranchise any resident Members or Members of residential Wards.

A Co-opted Member of the Standards Committee questioned what Members wanted to do/achieve that was not permissible under the draft policy. He agreed that the document was prescriptive. He stated that, prior to the 2011 Act, when requests for dispensation had to be submitted to the Secretary of State, no applications had been made.

A Member questioned what had caused this narrowing of interpretation 7 years after the introduction of the 2011 Act. He also questioned whether there was any distinction in the Act between housing estates developed using housing revenue and those not.

The Chairman reiterated that the Policy had been created following Members concerns over consistency around the granting of dispensations. He added that it did not pre-determine anything and had been produced for reasons of transparency and consistency in terms of decision making and to assist in maintaining public confidence.

The Comptroller and City Solicitor reported that the wording around land and licences within the act did not address the nature of a housing development.

A Member commented that residents were important stakeholders in the City and that their voice was equally as important as business voice. He went on to state that resident Members were also often more knowledgeable on certain local issues than non-resident Members and therefore better placed to speak to these issues. He stated that he felt that the draft policy read well but would require sensible interpretation on all fronts.

The Member went on to question whether there would be any feedback provided to Members who submitted a request for dispensation as to how/why a decision was reached on their case. He also questioned the scope of a DPI and whether, for example, a planning application to enhance streetscape

around a Member's property could be considered in this category given that it could, arguably, enhance the value of this.

The Chairman clarified that it was the intention to provide feedback directly to applicants going forward. He added that applicants were also permitted to attend the Dispensations Sub Committee meeting at which their application was considered. Decisions on each application would also be clearly recorded within the Committee minutes and a rationale for each decision would also be provided.

A Member suggested that, if Members were permitted to attend the Dispensations Sub Committee at which their application was considered, it would make sense for that Member to also be able to respond to any questions or points of clarification that the Dispensations Sub Committee may have on the application as opposed to a resubmission being necessary and creating any unnecessary delay.

The Chairman stated that he felt that this could be accommodated at the discretion of whomever was chairing the relevant Dispensations Sub Committee meeting.

A Member commented that she felt it was possible to reach a compromise on this matter whereby it was generally accepted that Members could speak but not vote on certain matters where a DPI was engaged, as was the case in many other local authorities. The limited number of applications for dispensation received elsewhere was perhaps indicative, she suggested, of a more relaxed approach.

A Member of the Standards Committee highlighted that housing matters at other authorities, to give one example, were generally decided by a single executive Member and that decision was then scrutinised by Members as opposed to key decisions being taken by Members on Committees as was the case here.

A Member challenged the statement made by a Co-opted Member of the Standards Committee that there had been no applications for dispensation from Common Councilmen prior to 2011. He stated that he had first been elected in 2004 and had always applied for a broad dispensation on Barbican Residential Committee matters to speak and not vote as a residential Member. He added that this had never been problematic to date and that the dispensation had generally been granted until the next election.

The Chairman of the Standards Committee noted this point but also took the opportunity to refer to alternative mechanisms for representation that should be considered by effected Members.

A Member highlighted that 20% of the 100 elected Common Councilmen were resident Members. She added that non-resident Members were often unaware of the history behind certain issues and lacked the necessary information yet were able to speak and vote on these matters. She stated that she had been

encouraged by other residents to stand for Common Council and was now frustrated to find that she was unable to adequately represent the views of those who had encouraged her to take office.

The Chairman responded by stating that some of the issues referred to by the Member related to primary legislation and that she should therefore seek to contact her local MP.

A Co-opted Member of the Health and Social Care Scrutiny Committee stated that he had been co-opted on to this body as a local user of the service and as a local resident who was leaseholder in the City. He added that, under these proposed rules, he would seemingly have to seek a dispensation every time he wished to speak.

A Member underlined the burden being placed on Members under the proposed regime. He reminded those present that Common Councilmen served as volunteers and that the requirement to complete a ten-page form was tantamount to throttling democracy.

A Member thanked the Town Clerk for circulating additional documentation on the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. She added that she was surprised to see that this did not appear in the report.

The Member went on to report that it was for the City Corporation to comply with the Act as a Local Authority or Police Authority. Section 33 of the Act underlined the statutory right to ask for dispensations to speak and vote on matters where a DPI was engaged. The guidance on this was simple and easy to understand with the grounds for the granting of dispensations also clearly listed. She stated that ground (e) was a clear 'get out clause' and leaned in favour of anything too prescriptive. The Policy now proposed by the Standards Committee was, however, unnecessarily confusing matters and blurring boundaries. A ten-page form was not, for example, necessary when a request for dispensation could simply be put in writing to the relevant Officer.

The Member suggested that there were many mistakes in the draft Policy and that she could not comprehend why the Standards Committee appeared to be trying to confuse this matter. Her concern was that a move like this could be seen to be giving those who wished to abolish the City of London Corporation a 'loaded gun'. She concluded by suggesting that the Policy should be considered externally to seek honest and open legal advice on the proposed way forward.

The Chairman clarified that the document had already been seen by Counsel. The Chairman reiterated that, whilst dispensations were not necessarily required for issues such as Council Tax, they were available to those Members who wished to err on the side of caution and take a 'belt and braces approach'. With reference to the proposed application form, the Chairman clarified that this was an attempt to reduce the risk of the Dispensations Sub Committee rejecting an application due to inadequate information being provided.

A Member of the Standards Committee commented that the widely held perception that this was an attempt at trying to restrict democratic representation was simply untrue. The guidance and policy provided Members with helpful pointers and made it clear that only relevant elements of the form need be completed for each application. She concluded by stating that it was not possible to relax the law on this matter to suit certain Committees.

A Member thanked the Committee for all of its work in trying to clarify and simplify the dispensations process. She did, however, share concerns around this being too restrictive despite the fact that Members clearly had a choice around what measures to apply within the legal framework. There was a clear need to strike a more adequate balance between 'representing persons living in the authority's area' and maintaining public confidence. The current, proposed, response was such that it risked residents and resident Members feeling 'gagged' and unnecessarily restricted in speaking on certain items.

A Co-opted Member of the Standards Committee stated that he understood that many of the issues raised today and previously were particular to the Barbican Residential Committee and therefore suggested that it may be appropriate for the organisation to reconsider the scope/remit of this body going forward. He went on to state that resident Members needed to apply the DPI test as to whether or not they had an engaged DPI relating to a certain matter before a Committee and what it was they wanted to do that engaged this Policy. He stated that he struggled to foresee any issues around this and that it was simply part of a democratic and transparent process.

The Deputy Chairman of the Standards Committee added it was the law that members with an engaged DPI could not speak or vote, without a dispensation to do so. Whether a DPI was engaged was a matter of interpretation, however, and there was discretion as to whether a dispensation be granted. The fact that City Wards are small, and most Members stand as Independents meant, in order to represent their electors, members here would be likely to have a greater need for dispensations, than in most authorities.

A Member questioned how these rules might be applied to Court of Common Council and spontaneous debate where any issues might not be easily foreseen. The Comptroller and City Solicitor stated that, in theory, this should not occur as a question in this forum was not normally a matter for determination.

A Member of the Standards Committee stated that he was very familiar with how the dispensations policy operated elsewhere and that Members elsewhere were generally clear on when they should not speak or vote on a matter with dispensations decisions generally taken by Officers. He added that pecuniary interests were not purely about monetary gain which was frequently misunderstood and that a DPI existed in isolation whether or not a matter that engaged it arose. These matters should be declared and publicly registered by Members within 28 days of their election.

A Member stated that this had created a nervousness for her around her ability to judge whether or not she had a DPI in relation to certain matters. The Chairman clarified that advice could be sought from the Comptroller and City Solicitor at any point on this.

A Member referred to the fact that he had previously been refused a dispensation to speak on a fire safety matter as Chairman of his own Committee (Audit and Risk Management Committee) which had no decision-making powers despite being advised by the Comptroller and City Solicitor that he had no DPI. The Member went on to suggest that a shortened form of 2-3 pages would be adequate with additional information requested only where necessary.

A Member commented that the rules around dispensations were clear as was the need for timely applications, He questioned, however, how this would work in relation to late items put before a Committee. In terms of application forms, he questioned whether a more general form of dispensation might be applied for and granted to resident Members – until the next election perhaps as appeared to have been the case to date.

A Member commented that the law underpinning the Policy was an anti-corruption measure which, it seemed, had been corrupted by the Standards Committee, to become an anti-democratic measure. He agreed that there was a duty to maintain public confidence but also urged the Committee to err on the side of caution and democracy in its consideration of the Policy. He went on to state that it was his intention to put a motion to the Court of Common Council meeting on 6 December calling for an Independent Review of this matter.

The Chairman made it clear that there was no pre-determination or exclusion of anything within the consideration of dispensations.

A Member commented that he had confidence in the Standards Committee's ability to tackle what was, by no means, an easy task. He added that he welcomed the changes in terms of transparency, integrity and openness. He informed those present that he had sat on other local authorities where elected representatives were well aware of any DPI's they may have. If there was any ambiguity the approach had always been to seek guidance from the relevant legal officer – in this case, the Comptroller and City Solicitor. He added that it was entirely reasonable that resident Members would be expected to be able to speak on certain Ward issues where they would undoubtedly have more knowledge than non-resident Members. He stated that, voting, however, was entirely different and a more difficult justification to make. The Member concluded by stating that he felt that the revised form gave Members ample opportunity to express any need they had to speak and/or vote on a matter. He did, however, urge a light touch approach from the Standards Committee as to how the new Policy would be applied and suggested that this was something that could be monitored and judged in time by fellow Members.

A Member stated that his manifesto had been built around his ability and desire to represent his Ward. He therefore now felt very disenfranchised. He

continued to refer to correspondence between the Chairman of the Barbican Association and members of the Standards Committee which had expressed some strong opinions on this matter. He was therefore disappointed to not see these points reflected anywhere.

The Member went on to state that he felt that serious consideration should be given to providing resident Members with a blanket approach on certain Committees subject to there being no direct conflict with any DPIs. The Chairman agreed with this point and highlighted that much of this was addressed within paragraphs 20 (b) and 21 (j) of the draft Policy.

With regard to correspondence with the Chairman of the Barbican Association, a Co-opted Member of the Standards Committee reported that the correspondence had related specifically to the Barbican Residential Committee's consideration of the Housing Governance Review and that they had disagreed on a matter of policy around this. There had therefore been no merit in continuing the correspondence.

A Member of the Standards Committee suggested that the policy guidance might be updated to reflect when a dispensation was required and the fact that any matter before a Committee for information would not necessarily require a dispensation for example.

The Chairman thanked all of those present for their attendance and contribution to the consultation around the draft policy, guidance and application form.

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

There were no additional questions.

5. 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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ASSESSMENT SUB (STANDARDS) COMMITTEE

Tuesday, 27 November 2018

Minutes of the meeting of the Assessment Sub (Standards) Committee held at the Guildhall EC2 at 10.30 am

Present

Members:

Ann Holmes (Chairman)
Caroline Addy
Chris Boden
Mark Greenburgh

Independent Person:

Anju Sanehi

Officers:

Michael Cogher - Comptroller and City Solicitor
Martin Newton - Town Clerk's Department

1. ELECTION OF A CHAIRMAN

Having been duly proposed and seconded, it was

RESOLVED – That Ann Holmes be elected Chairman of the Sub Committee for the duration of the meeting.

2. SUB COMMITTEE TERMS OF REFERENCE

The Sub Committee terms of reference were noted.

RECEIVED.

3. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB COMMITTEE

The complaints process, Code of Conduct and guidance were duly noted.

RECEIVED.

4. ANY OTHER PUBLIC BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There was no other urgent public business.

5. EXCLUSION OF THE PUBLIC

After due consideration of the rationale for excluding the public and press from the Sub Committee's meetings, it was

RESOLVED – That, under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds

that they involve the likely disclosure of exempt information as defined in Part 1 of schedule 12A of the Local Government Act.

6. ALLEGED BREACH OF THE MEMBERS' CODE OF CONDUCT (3/18)

The Sub Committee considered the details of a complaint, made by an elected member against an elected member, under the provisions of the Code of Conduct and associated complaints procedure.

In conclusion, and after taking account of all relevant issues, Members considered that the details of the complaint had not provided sufficient evidence for the Sub Committee to conclude that a breach of the Code of Conduct had taken place, and therefore that no further action be taken in relation to the complaint. However, the Sub Committee was concerned at the relationship between ward members and of the view that these relationships could be improved. It was considered that a request should therefore be made to the Chief Commoner and the relevant Alderman, in consultation with all Ward members, to look into what steps could be taken to improve working relationships between members in the Ward.

7. ALLEGED BREACH OF THE MEMBERS' CODE OF CONDUCT (4/18)

The Sub Committee considered the details of a complaint, made by a resident against two elected members, under the provisions of the Code of Conduct and associated complaints procedure.

In conclusion, and after taking account of all relevant issues, Members considered that the details of the complaint had not provided sufficient evidence for the Sub Committee to conclude that a breach of the Code of Conduct had taken place, and therefore that no further action be taken in relation to the complaint. The Sub Committee noted that as part of its decision on the previous complaint above a request would be made to the Chief Commoner and the relevant Alderman, in consultation with all Ward members, to look into what steps could be taken to improve working relationships between members in the Ward.

The meeting closed at 12.19 pm

Chairman

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Standards Committee – Outstanding Actions

Item	Date	Action	Officer responsible	To be completed/ progressed to next stage	Progress Update
1.	26 January 2018	<p><u>Code of Conduct</u> Ease of access to code / visibility on website</p>	Town Clerk / Comptroller and City Solicitor		<p>Revised copy of Code and guidance on it circulated to all Members of Court of Common Council as part of agenda for Court’s meeting in March and then separately by email on 20 March with confirmation of approval. Revised complaints procedure sent to all Members in July 2018 (see above).</p> <p>Revised Code, guidance and complaints procedure available on website.</p> <p>Resolution from Standards Committee to PRED in June 2018 regarding ease of access to Code, etc on CoL website and that Committee:-</p> <p>RESOLVED, that:</p> <p>The visibility of the Members’ Code of Conduct and associated documents on the City Corporation’s website be improved to make them easy to find and readily accessible; and,</p> <p>Details of how the public make a complaint under the Code also be easy to locate on the website.</p>

Item	Date	Action	Officer responsible	To be completed/ progressed to next stage	Progress Update
2.	April 2018	<u>Annual reminder to Members on updating registered interests</u>	Town Clerk		<p>Annual reminder process on updating interests for Members and Co-optees undertaken in Spring 2018.</p> <p>Co-optees who have not previously submitted a register of interests form advised that a form should be returned in 28 days and details would be published online. Publication of received declarations from co-optees in August 2018.</p> <p>Following an update to Standards Committee in October 2018, C&CS undertook to confirm those Cttees/Sub-Cttees subject to the Code and to then write to those relevant Co-optees informing them they are in breach of the CoL Corporation's Code of Conduct and that outstanding forms should be returned within 28 days from the date of the letter or further action may be taken by the Assessments Sub (Standards) Committee.</p> <p>Chairmen of relevant Cttees/Sub Cttees to also be contacted with a request to raise the matter with the co-optees concerned.</p> <p>December 2018 – C&CS confirmed those captured by the</p>

Item	Date	Action	Officer responsible	To be completed/ progressed to next stage	Progress Update
					<p>code. Letter drafted to relevant Chairmen and to individual Co-opted Members yet to return an RoI.</p> <p>Chairman of Standards approved letters, letters sent January 2019 giving Co-opted Members 28 days from the date of the letter to respond.</p>
3.	May 2018	<u>Recruitment of Co-opted Member of the Committee</u>	Town Clerk		<p>Position advertised and closing date for applications 28 September 2018.</p> <p>Shortlisting took place in October 2018 (8 applications received).</p> <p>Interviews (x 3 candidates) took place in December 2018.</p> <p>Recommendation for appointment is the subject of a report elsewhere on the agenda for onward submission to the Court of Common Council in March 2018.</p>
4.	May 2018	<u>Dispensations Guidance for Chairmen</u>	Comptroller and City Solicitor		Delayed by subsequent work on review of dispensations policy, etc

Committee: Standards Committee	Date: 25 January 2019
Subject: Standards Committee – Terms of Reference and Frequency of meetings	Public
Report of: Town Clerk	For Decision

Summary

1. 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 25 April 2019. The Committee are also asked to receive meeting dates for the remainder of 2019 and for 2020.
2. Details of the composition of the Standards Committee and their terms of reference are set out below.

Recommendations

3. It is recommended that:-
 - (a) subject to any comments, the terms of reference of the 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 20189 and for 2020.

Main Report

4. This report sets out the terms of reference and composition of the Standards Committee, including the Committee's Co-opted Members and the Independent Persons.
5. The Committee are also asked to note the frequency of their meetings and the meeting dates scheduled for the remainder of 20189 and for 2020, as set out in paragraph 13.

Standards Committee –Terms of Reference

6. The Standard's Committee's terms of reference, as agreed by the Court of Common Council at its meeting on 19 April 2018, and subsequently at the Court of Common Council meeting of 19 July 2018 to deal with changes required following the outcome of the review of the Standards framework are

set out at **Appendix 1**. The terms of reference will be submitted to the Court of Common Council for approval on 25 April 2019 ahead of the start of the new municipal year.

Standards Committee – Composition

7. The Standard's Committee's composition, as agreed by the Court of Common Council at its meeting on 19 April 2018 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.
8. None of the appointed shall serve on the Committee for more than eight years.
9. 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 particularly so as to reinforce their independence from that Committee. 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. 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.
10. The quorum consists of three Members, at least one of whom must be a non-Common Council Member.

Standards Committee – 2018/2019 Membership

11. The Standard's Committee's membership in 2018/2019, as agreed by the Court of Common Council at its meeting on 19 April 2018, was as follows:-

Alderman

David Graves

Vacancy

Common Councilmen

Christopher Boden, *for two years*
Kevin Malcolm Everett, Deputy, *for two years*
Charles Edward Lord, OBE, JP, Deputy
Ann Holmes, *for three years*
Jamie Ingham Clark, Deputy
Oliver Arthur Wynlayne Lodge
Oliver Sells, Q.C. , *for three years*
Caroline Kordai Addy
Michael Hudson
Vacancy

Non-Common Council Members

Judith Barnes (appointed for a four-year term expiring in March 2022)
Mark Greenburgh (appointed for a four-year term expiring in December 2018)
Dan Large (appointed for a four-year term expiring in December 2018)
Vacancy

12. The Corporation's Independent Persons are Neil Asten, Anju Sanehi and Chris Taylor (appointed pursuant to the Localism Act 2011).

Meetings of the Standards Committee

13. In 2013 and every year subsequent to this, the Committee confirmed that 3 scheduled meetings of the Committee per annum were sufficient. On that basis the following meeting dates were previously confirmed for 2019 and 2020:
- Friday, 3 May 2019 (11.00am)
 - Friday, 4 October 2019 (11.00am)
 - Friday, 24 January 2020 (11.00am)
 - Friday, 8 May 2020 (11.00am)
 - Friday 2 October 2020 (11.00am)
14. Where there is no business, and with the Chairman's consent, meetings may be cancelled.
15. Where meetings of the Sub Committees are required, these will be scheduled on an ad hoc basis throughout the year.

Standards Committee – current Sub Committees' terms of reference

16. **Dispensations Sub (Standards) Committee**
Established on 13th 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.

17. The terms of reference of this Sub Committee were recently reviewed and approved by the Standards Committee in October 2018.
18. It is intended that the following terms of reference come into effect from the implementation of the new dispensations policy and guidance which is the subject of a separate report on this agenda:

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, a meeting of the Sub Committee will be convened 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) 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

18. 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 Councilmen 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/
19. 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.
20. 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 has now been introduced with the appeals process under the control of the Standards Appeal Committee.
21. The current terms of reference for each of the Standard's Committee's complaints procedure sub are set out at **Appendix 2**.

Background Papers:-

- Appointment of Members on Committees Court report (White Paper), April 2018
- 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 2018/July 2018.
- **Appendix 2** - The terms of reference for the Standards Committee's current sub committees.

Gemma Stokley

Town Clerk's Department

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Standards Committee – Terms of Reference

To be responsible for:-

- (a) promoting and maintaining high standards of conduct by Members and Co-opted Members of the City of London Corporation and to assist Members and Co-opted Members to observe the City of London Corporation's Code of Conduct;
- (b) preparing, keeping under review and monitoring the City of London Corporation's Member Code of Conduct and making recommendations to the Court of Common Council in respect of the adoption or revision, as appropriate, of such Code of Conduct;
- (c) keeping under review, monitoring and revising as appropriate the City of London Corporation's Guidance to Members on the Code of Conduct and the complaints procedure and relevant paperwork, reporting any changes on these documents to the Court of Common Council in the Committee's annual report.
- (d) keeping under review by way of an annual update by the Director of HR, the City of London Corporation's Employee Code of Conduct and, in relation to any revisions, making recommendations to the Establishment Committee;
- (e) keeping under review and monitoring the Protocol on Member/Officer Relations and, in relation to any revisions, making recommendations to the Establishment Committee;
- (f) advising and training Members and Co-opted Members on matters relating to the City of London Corporation's Code of Conduct;
- (g) monitoring all allegations referred to it and dealing with assessment of and any hearing into any allegations of breach of the City of London Corporation's Code of Conduct in respect of Members and Co-opted Members, and in particular:
 - (i) to determine whether any allegation should be investigated by or on behalf of the Town Clerk or the Monitoring Officer and their findings reported to the Committee;
 - (ii) in relation to any allegation that it has decided to investigate, to determine whether there has been a breach of the Code of Conduct, taking into account the views of an Independent Person appointed under the Localism Act 2011;
 - (iii) where there has been a breach of the Code of Conduct, to determine the appropriate sanction, and where this involves removal of a Member or Co-opted Member from any committee or sub-committee, to make an appropriate recommendation to the relevant appointing body;

- (h) to prepare an annual report on its activity for submission to the Court of Common Council.

Standards Committee – Sub-Committees’ Draft Terms of Reference

Assessment Sub Committee

- a) The Assessment Sub-Committee is established to receive and assess allegations that a Member or Co-opted Member of the City has failed, or may have failed, to comply with the Code of Conduct.
- b) Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee will make an initial assessment of the allegation and will then do one of the following:-
 - (i) refer the allegation to the Monitoring Officer, with an instruction that s/he arrange a formal investigation of the allegation; or
 - (ii) direct the Monitoring Officer to arrange training, conciliation or other appropriate alternative steps; or
 - (iii) decide that no action should be taken in respect of the allegation.
- c) The Sub Committee will consist of any three elected Members (voting) and one Co-opted Member (non-voting) to be drawn from the membership of the Standards Committee.
- d) The quorum shall consist of any three elected Members.
- e) The Sub Committee will take into account the views of an Independent Person appointed under the Localism Act 2011.

Hearing Sub Committee

- a) To hear and determine any allegation that a Member has failed, or may have failed, to comply with the Code of Conduct for Members;
- b) Following the hearing, to make one of the following findings:-
 - (i) that the subject Member has not failed to comply with the Code of Conduct;
 - (ii) that the subject Member has failed to comply with the Code of Conduct but that no action needs to be taken in respect of the matters considered at the hearing;
 - (iii) that the subject Member has failed to comply with the Code of Conduct and that a sanction should be imposed.
- c) If the Sub-Committee makes a finding under paragraph b) (iii), it may impose any one of or any combination of sanctions that are available:

If the Hearing Sub-Committee finds that a subject Member has failed to follow the Code of Conduct and that they should be sanctioned, it may impose any one or a combination of the following:-

- censure of that Member;
- withdrawal of City hospitality for an appropriate period;
- removal of that Member from a particular committee or committees.

The option of removal from a particular committee or committees includes sub-committees. The Hearing Sub-Committee will make a recommendation to the relevant appointing body in each case.

The Hearing Sub-Committee has no power to impose any alternative sanctions, although the willingness of a member to co-operate in the matters listed below may have a bearing on any sanction that is imposed:-

- that the Member submits a written apology in a form specified by the Hearing Sub-Committee;
- that the Member undertakes such training as the Hearing Sub-Committee specifies;
- that the Member participates in such conciliation as the Hearing Sub-Committee specifies.

- d) The Sub Committee will consist of any three elected Members (voting) and one Co-opted Member (non-voting) to be drawn from the membership of the Standards Committee, provided that Members should not be selected to sit on the Hearing Sub Committee if they sat on the Assessment Sub Committee in relation to the same complaint.
- e) The quorum shall consist of any three elected Members.
- f) The Sub Committee will take into account the views of an Independent Person appointed under the Localism Act 2011.

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Committee: Standards Committee	Date: 25 January 2019
Subject: Appointment of Co-opted Member of the Standards Committee	Public
Report of: Town Clerk	For Decision

Summary

The purpose of this report is for the Standards Committee to approve the recommendation of the Selection Panel in respect of appointment to the existing vacancy for a Co-opted Member of the Standards Committee. The recommended appointment will be submitted to the Court of Common Council for further approval on 7 March 2019.

Details about the recommended candidate are set out below.

Recommendation

Members are asked to approve the recommended appointment for a Co-opted Member of the Standards Committee for an initial term of office of 2 years in order to better regulate the terms of office of Co-opted Members, and in accordance with views put forward by members of the Standards Committee.

Main Report

1. This report sets out the details of the recommended Co-opted Member appointment to the Standards Committee.
2. The principal function of the Standards Committee is to promote and maintain high standards of conduct by Members and Co-opted Members of the City of London Corporation, to assist Members and Co-opted Members to observe the City of London Corporation's Code of Conduct and to deal with any allegations of breach of the City of London Corporation's Code of Conduct in respect of Members and Co-opted Members.
3. Following the introduction of the Localism Act 2011, this Committee (with the Court of Common Council's subsequent approval), determined that the Committee's composition should continue to include four Co-opted Members (with no voting rights) who must not be Members of the Court of Common Council or employees of the City of London Corporation. This determination remained unchanged following the review of the Standards framework carried out in 2017/18.
4. In line with the agreed process for appointing Co-opted Members, namely that vacancies must be advertised, candidates must submit an application and recommended appointments, submitted by an Selection Panel, must be

approved by a majority of members of the Court of Common Council, an appointment process commenced in late August 2018 and concluded in December 2018.

Background to the current position

5. A vacancy for Co-opted Member of the Standards Committee first arose in July 2016 following the decision of Felicity Lusk to step down with immediate effect due to her departure from the UK to work abroad.
6. The appointment process was then commenced in Autumn 2016. A total of six applications were received and reviewed by the appointment panel consisting of the Chairman and Deputy Chairman of the Standards Committee, the Chief Commoner and the Chairman of the General Purposes Committee of Aldermen.
7. Following assessment by the Panel, three candidates were invited to interview with one candidate subsequently withdrawing from the process before interview due to ongoing ill health. Two candidates were therefore interviewed by the Panel but, unfortunately, neither candidate was considered appropriate for appointment.
8. The Chairman of the Standards Committee therefore sought the Committee's views as to how they now wished to proceed. Members were of the view that the recruitment process should be paused for the time being, particularly given the fact that there was potentially a degree of uncertainty around the future constitution of the Committee whilst the review of the Standards framework was ongoing. The Committee suggested that recruitment should be repeated at the conclusion of this process if appropriate.
9. At the conclusion of the review of Standards framework and confirmation that the constitution of the Standards Committee, in terms of Co-opted Members was to remain unchanged, a second recruitment campaign commenced in late August 2018. Advertisements about the role and the vacant positions were placed on the Guardian Online, Universal Jobmatch, the City AM (on-line) and the City of London Corporation's webpages.
10. The Panel was convened in October to consider the eight valid applications that had been received at the conclusion of the advertising campaign.
11. The applicants were asked to demonstrate:-
 - an understanding of the role and objectives of the City of London Corporation;
 - community or business experience (preferably, you will either have lived or worked in the City for a number of years);
 - an insight into and understanding of the demands and pressures placed on individuals in public service;
 - the ability to think logically and in an impartial manner;
 - an understanding of the Nolan Principles of Public Life: selflessness; integrity;

- objectivity; accountability; openness; honesty and leadership
- good questioning skills;
- the ability to attend any meetings that are necessary for the conduct of business associated with the local Standards regime; and
- experience of assessing people's conduct.

12. Following assessment by the Panel, three candidates were invited to attend interview in December 2018. The recommended appointment and details of the recommended candidate are detailed below and, if approved by this Committee, will be submitted to the Court of Common Council for further approval on 7 March 2019.

Recommended appointments

13. As above, the Selection Panel has recommended the following appointment:

Nicholas Cooke Q.C.

Nicholas Cooke has served as a Judge at the Central Criminal Court where he developed an affection for and interest in the City

He is a Freeman of the City and a Liveryman of the Worshipful Company of Fan Makers.

Mr Cooke has been involved in the law as a student, junior barrister, Queen's Counsel and Judge for 45 years. He has sat as a part time and full time judge for 25 years.

At the bar, Mr Cooke dealt with many cases involving professional standards and standards in local government and other aspects of public life. He has lectured to bar students on professional ethics.

As a deputy High Court Judge, he has dealt with many cases of judicial review of a very wide variety of public bodies. Most recently, this year, he has dealt with cases in the Queen's Bench Division concerned with the disallowance of banker's discretionary bonuses for misconduct and investment fraud. Mr Cooke also sat for 10 years as an additional judge of the Court of Appeal (Criminal Division).

Mr Cooke was a member of the former Lord Mayor's Panel for his annual Gresham Lecture, concerned with restoring trust in business and has also recently delivered a Gresham Lecture on "Bribery and Corruption in the City".

14. It is proposed that, following consideration by the Court of Common Council on 7 March 2019, the newly appointed Co-opted Member will be invited to attend (where necessary) a detailed induction with Comptroller and City Solicitor at the earliest opportunity. They will then be invited to attend all future meetings of the Standards Committee.

Conclusion

15. Members are asked to note the recommended appointment of a Co-opted Member of the Standards Committee for an initial term of office of 2 years in order to better regulate the terms of office of Co-opted Members, and in accordance with views put forward by members of the Standards Committee.

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Committee(s) Standards Committee	Date(s): 25/01/2019
Subject: Annual review of the Protocol on Member/Officer Relations 2018	Public
Report of: Comptroller & City Solicitor and Director of Human Resources	For Decision
Report author: Tracey Jansen, Assistant Director of Human Resources	

Summary

This report provides the Committee with the annual review of the Protocol on Member/Officer Relations highlighting any related issues that have arisen during 2018. The report also includes commentary from the Comptroller and City Solicitor on Employment Tribunal cases in the past year.

Recommendation

Members are asked to:

- (a) Note the report;
- (b) Review the Protocol on Member/Officer Relations, as modified by this Committee in May 2018, for endorsement by the Establishment Committee and onward approval by the Court of Common Council.

Main Report

Background

1. This annual report has been requested by the Committee to:
 - review the Protocol on Member/Officer Relations highlighting any related issues in the past year
 - keep under review the Employee Code of Conduct
 - include a commentary about the Employment Tribunal cases in the past year
2. Members will recall that at its meeting in May 2018 this Committee approved a slightly revised Protocol on Member/Officer Relations which is attached at Appendix 1. The revised Protocol on Member/Officer Relations was intended to clarify the dispute procedures available to an Officer who is dissatisfied with the conduct or behaviour of a Member. The revised wording also acknowledged that the Aldermanic Chairmen perform a similar role in relation to the welfare and conduct of Aldermen as the Chief Commoner has traditionally had in relation to Common Councilmen.

Current Position

3. Unfortunately, it seems that the revisions to the Protocol on Member/Officer Relations that your Committee made in May 2018 were not subsequently progressed with the Establishment Committee and the Court. Members are therefore asked to review the Protocol on Member/Officer Relations again at this stage, with the previous amendments highlighted. Those changes can then be sent on to the Establishment Committee, together with any new comments.
4. There has been one formal dispute raised under the Disputes Procedures which is set out in the Protocol for the period under review. This is the subject of a complaint to the Standards Committee that is currently under investigation.
5. The Terms of Reference also include keeping under review by way of annual update the Employee Code of Conduct. The Employee Code of Conduct broadly sets out the standards of conduct expected of employees and covers political neutrality, relationships with Members and the wider Nolan Principles. Breaches of the Code of Conduct are dealt with as disciplinary matters although minor breaches are dealt with informally in accordance with the statutory ACAS Code of Practice.
6. Since the last annual report to this Committee, a review of the Declaration of Interest process for officers has taken place having last been reviewed in 2012. The Establishment Committee at its July 2018 meeting approved revisions to the declaration of interest process within the Employee Code of Conduct including a refreshed declaration form. The revised Employee Code of Conduct and revised declaration process is attached as Appendix 2. Further work is underway to appropriately align the Officer Declaration of Interests process with that of Members and will be reported to the Committee in due course.
7. It should be noted that further amendments to the Employee Code of Conduct are planned in relation to other HR policy reviews and development currently underway such as security, use of information technology and recruitment and selection.
8. Formal Disciplinary Cases during this reporting period:
23 cases related to conduct and/or behaviour that fell short of the standards expected under the Code of Conduct
1 case related to attendance
9. Formal Grievances:
1 case related to standards of conduct in relation to bullying and harassment
3 related to management issues
1 related to terms and conditions of employment
10. There were no disciplinary or grievance cases which related to the Protocol on Member/Officer Relations.

11. Members are not of course ordinarily involved in day-to-day employment matters but may be required to hear appeals against dismissal of employees as part of the Staff Appeals Committee. Of the 23 disciplinary cases listed above, 2 resulted in dismissal. Both of these were considered by the Staff Appeals Committee and the appeals were upheld.
12. The Establishment Committee receives regular reports in relation to the progress of Employment Tribunal cases. Two cases were concluded in this reporting period. There are currently two outstanding cases, none of which relate to the Protocol on Member/Officer Relations.

Implications

13. This report provides Members with information needed to monitor and review the Protocol on Member/Officer Relations and to consider whether any amendments or actions arising are appropriate.

Conclusion

14. This report summarises activity over the past year in relation to the Protocol on Member/Officer Relations and the Employee Code of Conduct.

Appendices

- Appendix 1 - Protocol for Member/ Officer Relations
- Appendix 2 - Revised Employee Code of Conduct

Background Papers

Protocol on Member/Officer Relations: Report to Standards Committee May 2018
Declaration of Interests: Reports to Establishment Committee July and October 2018

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PROTOCOL ON MEMBER / OFFICER RELATIONS

1. Introduction

- (1) The purpose of the Protocol, which was approved by the Court of Common Council on 13 April 2006, is to provide a guide to working relationships between Members of the Court (including co-opted Members) and Officers, and is in addition to any statutory requirements governing such relationships. The Protocol applies whether such relationships are in the context of the City's role as a local authority, police authority, port health authority or in any of its other roles.
- (2) Although it does not form part of the Members' or Employees' Codes of Conduct, the Protocol should be viewed in conjunction with those documents.
- (3) Responsibility for upholding the Protocol rests with the Chief Commoner and the Aldermanic Chairmen and, when necessary, the Standards Committee in relation to Members, and with the Town Clerk in relation to Officers.

2. Principles Underlying Member / Officer Relations

- (1) Good administration and effective decision-making are dependent upon the maintenance of successful working relationships between Members and Officers, based on mutual trust, respect and an understanding of respective roles and responsibilities. These relationships, and the trust which underpins them, should not be abused or compromised.
- (2) Whilst it is acceptable for Members, particularly Committee Chairmen as part of their leadership role, to offer guidance to Officers, they must not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority. It is the responsibility of Officers to provide clear, impartial advice upon which Members may make decisions.
- (3) In addition to avoiding actual impropriety, Members and Officers should also seek to avoid situations which might give rise to the suspicion and/or appearance of improper conduct.

3. Role of Members

- (1) Members are subject to:-
 - (a) the Corporation's Code of Conduct; and,
 - (b) Standing Orders of the Court of Common Council.
- (2) Members have four main areas of responsibility:-
 - (a) determining the policy and strategic direction of the Corporation
 - (b) monitoring and reviewing the performance of the Corporation in implementing that policy and delivering services
 - (c) representing the Corporation externally
 - (d) representing their constituents and stakeholders

- (3) It is not the role of Members to involve themselves in the detail of day to day management of the Corporation's services.
- (4) Members are required to take the advice of Officers into account in reaching a decision on a matter and must respect the Officers' responsibility to provide impartial advice, guidance and information.
- (5) The power to make decisions for the discharge of the authority's functions lies with the Court of Common Council and the properly constituted committees and sub-committees. A Member acting in an individual capacity cannot exercise any lawful authority and Members in general must operate through the Court of Common Council and its committees and sub committees. Members acting individually may not legally commit the Corporation.
- (6) Whilst individual Chairmen are in the same constitutional position as all other Members, having no legal authority to make executive decisions, they have certain other powers (e.g. the control and conduct of meetings) as well as a broader leadership role. Chief Officers are required to consult Chairmen (and Deputy Chairmen) before certain delegated powers are exercised.
- (7) Leading Members i.e. the Lord Mayor, the Chairman of the Policy & Resources Committee, the Chief Commoner and other Committee Chairmen (or Deputy Chairmen with the agreement of, or in the absence of, the relevant Chairman) can speak for the Corporation on matters appropriate to their roles and in accordance with the policy of the Corporation. Arrangements for media interviews and the issue of press releases will be made through or in agreement with the Public Relations Office.
- (8) Whilst all other Members have opportunities to promote the work of the Corporation with the people they meet and when entertaining on behalf of the Corporation, they cannot act as spokesmen for the Corporation.

4. Role of Officers

- (1) Officers are subject to:
 - (a) the Corporation's Code of Conduct;
 - (b) Standing Orders of the Court of Common Council;
 - (c) Financial Regulations; and,
 - (d) other instructions and professional guidelines relevant to their duties.
- (2) The primary role of Officers is to provide impartial advice, guidance and information to Members, and to implement promptly and efficiently the policies determined by the Court of Common Council and its various committees. Certain Officers have specific statutory responsibilities.
- (3) Officers must recognise the right of Members, as elected representatives, to determine the policy of the authority and must not act in any way to undermine that right.

- (4) Officers serve the Corporation as a whole and must carry out the work of the Corporation under the direction and control of the Court of Common Council and the properly constituted committees and sub-committees.

5. Expectations

- (1) Members have a right to expect from Officers:-
- (a) commitment to the Corporation as a whole
 - (b) a working partnership
 - (c) an understanding of, and support for, respective roles, workloads and pressures
 - (d) timely response to enquiries and complaints and the efficient execution of decisions
 - (e) impartial, professional advice and guidance
 - (f) regular, up to date information on matters appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions they hold
 - (g) respect, dignity and courtesy
 - (h) integrity, mutual support and appropriate confidentiality
 - (i) not to have personal issues raised with them outside the agreed procedures
 - (k) that they will not use their relationship with Members to advance their personal interests or to influence decisions improperly
 - (l) compliance at all times with the relevant Code of Conduct
 - (m) Commitment to equality, diversity and inclusion in their relationship with Members and colleagues
- (2) Officers have a right to expect from Members:-
- (a) a working partnership
 - (b) an understanding of, and support for, respective roles, workloads and pressures
 - (c) leadership and policy direction
 - (d) respect, dignity and courtesy
 - (e) integrity, mutual support and appropriate confidentiality
 - (f) not to be subject to bullying or to be placed under undue pressure and, in this respect, Members should have regard to the seniority of Officers in their dealings with them ie. they should not engage junior officers in discussions and requests more properly directed at senior officers
 - (g) that they will not use their relationship with Officers to advance their personal interests or to influence decisions improperly
 - (h) compliance at all times with the relevant Code of Conduct
 - (i) Commitment to equality, diversity and inclusion in their relationship with Officers and colleagues

6. Members in the Ward Role

Members will, through their work with their electorate and stakeholders, need to contact Officers to obtain information on behalf of their constituents and others. This is perfectly in order and from time to time it may be appropriate for Officers to reply to constituents etc. on behalf of, or at the request of, Members.

7. Correspondence and Communications

Members may contact (i.e. by letter, e-mail, fax, telephone) Officers to seek advice, guidance or information. Whatever method of communication is used, Members should receive an acknowledgement as soon as possible, but in any event within 2 working days, and a full response as soon as possible thereafter within 10 working days of receipt of the request. If for any reason this is not possible, a holding reply setting out the reasons for the delay should be sent as soon as possible following the acknowledgement, but in any event before the expiry of the 10 working days.

8. Limitations on Behaviour

The separate roles of Members and Officers necessarily impose limitations upon behaviour. By way of illustration:-

- (1) personal relationships between Members and Officers going beyond normal working relationships can confuse/obscure the separate roles and interfere with the proper discharge of the authority's functions, not least in creating the perception in others that a particular Member or Officer may secure advantageous treatment;
- (2) the need to maintain and recognise the separate roles means that there are limits to the matters on which Members may seek the advice of Officers;
- (3) relationships with particular individuals should not be such as to create a suspicion/perception that an Officer favours a particular Member above others.

9. Reports

- (1) Chairmen of committees or sub-committees may, on behalf of the committees or sub-committees concerned, make reasonable requests to Chief Officers or other Officers to prepare written reports on matters relating to the authority for consideration at Member-level. Such requests should not seek confidential information (e.g. relating to case work or personal details of applicants for services).
- (2) Any disagreement relating to such a request (e.g. if the Chief Officer concerned considers that the cost of providing the information or the nature of the request is unreasonable) should be referred to the Town Clerk.

10. Members' Access to Documents and Information

- (1) Members' rights of access to documents and information are governed by the common law and statute. Members have such access to documents and information that is reasonably necessary to enable them properly to perform their duties as elected representatives.
- (2) Generally, information should, therefore, be made available to Members on request unless there is a justifiable legal or other reason for declining access.
- (3) Standing Order No. 42 sets out the detail on Members' access to documents.

- (4) If the information is not readily available or will require significant resources to produce, Officers should seek the guidance of their Chief Officer before taking steps to provide information that has been requested.

11. Other Members of Corporation Committees

Co-opted Members of the various committees, the Verderers serving on the Epping Forest & Commons Committee and the Independent Members of the Standards Committee are entitled to receive documents and information relating to their appointments in the same way as if they were elected Members.

12. Dispute Procedures

- (1) The overriding objective in any dispute is to achieve a satisfactory resolution through informal channels. However, it has to be recognised that this might not always be possible.
- (2) Procedure for Members:-
 - (a) If a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Chief Officer.
 - (b) If the employee concerned is a Chief Officer, the matter should be raised with the Town Clerk. (In the case of the Town Clerk there is a separate procedure.)
 - (c) If the matter cannot be resolved informally, it may be necessary to resort to the Corporation's Disciplinary Procedure.
- (3) Procedure for Officers:-
 - (a) If an Officer is dissatisfied with the conduct or behaviour of a Member, they are encouraged to raise the matter should be raised with the appropriate Chief Officer or the Town Clerk with a view to seeking to resolve their concerns informally if possible. This may result in the matter being referred to the Chief Commoner or one of the Aldermanic Chairmen where appropriate.
 - ~~(a)~~(b) An Officer also has the same right as any other person under the Localism Act 2011 to make a complaint to the Standards Committee where they consider that there has been a breach of the Members' Code of Conduct.

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Code of Conduct

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Scope

1. This Code of Conduct (the 'Code') applies to all employees, other workers and volunteers and their conduct both within the organisation and when dealing with other organisations as a representative of the City Corporation (for ease of reference the term "employees" will be used in the Code but applies to all relevant workers. There is a separate Code of Conduct for Councilmen (called Members in this Code). As far as possible, employees must also comply with the Code if they are appointed as a representative of the City Corporation on any organisation, trust or company.
2. The principles detailed below are the basic ones governing all employees, but each Chief Officer may wish to issue further guidance specifically relating to their departmental service requirements which will supplement but not contradict the basic principles contained in this Code. The Code does not affect an employee's rights and responsibilities under the law; its purpose is to provide clear and helpful advice. These principles should be taken in conjunction with requirements set down by any employees' professional body.
3. Any substantive contravention of this Code may result in disciplinary proceedings, and those disciplinary proceedings could end in dismissal. For those individuals not falling within the scope of disciplinary procedures appropriate action will be taken.

Standards

4. City Corporation employees are expected to give the highest possible standard of service to the public, service users, members and fellow employees, and where it is part of their duties, to provide advice to members and fellow employees with impartiality and in good faith.
5. This will be achieved in part through the demonstration of effective and appropriate behaviours defined internally, and adherence to the wider standards (Nolan Principles) of selflessness, objectivity, accountability, openness, leadership, honesty and integrity in which the public, Members, or managers can trust. Employees are expected to conduct themselves in a way that, in the reasonably held belief of the City Corporation, is not likely to fundamentally undermine the required relationship of trust and confidence between themselves and the organisation.
6. Employees are expected to adhere to City Corporation's core values which define the way the organisation works and how it plans to develop and wishes to be regarded by others, namely:
 - The best of the old with the best of the new
 - The right services at the right price
 - Working in Partnership

7. Employees must not conduct themselves in a way that brings the Corporation, Employees, Members, Service Users and Partners into disrepute or causes reputational damage.
8. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management potential deficiencies in the provision of service. Employees must report to the appropriate manager impropriety or any breaches of procedure.
9. Employees shall dress in line with the appropriate standards set by individual departments. Any special clothing, including personal protective equipment or identification provided by the City Corporation must be worn where required.
10. All employees are expected to be accurate in their time at work recording where this is a requirement.
11. **A 'conflict of interest' is a set of circumstances by which a reasonable person would consider that an individual's ability to apply judgement or act, in the context of delivering or commissioning services could be, impaired or influenced by another interest they hold and against the best interests of the City Corporation. Such conflicts may be: a) Actual, if there is a material conflict between one or more interests; or b) Potential, if there is the possibility of a material conflict between one or more interests in the future.**
12. **Employees should note the appropriate method for declarations to be notified by employees under this Code, namely:**

The Hospitality and Gift e-form (available on the intranet under Tools and Apps):

- **To declare the receipt or offer of hospitality and gifts.**

Report to immediate Line Manager, senior manager or HR Business Partner i.e. in person and in writing:

- **Relationships known between employees and candidates for appointments.**
- **Any close personal relationships between a manager/supervisor and an employee.**

A Declaration of Interest Form should be used to declare:

- **Relationships of a direct or indirect pecuniary nature with external contractors, or potential contractors.**
- **Outside work commitments, before they are entered into.**

- Any financial or non-financial interests that could bring about conflict with the City Corporation's interests; for instance, membership of any organisation not open to the public.
- Any benefit derived by an employee, their partners, spouse or relative or anyone else in a close personal relationship where the City Corporation gives support in the community through: sponsorship or an event or service, grant aid, financial or other means.

When to complete and who should complete a Declaration of Interest

13. A Declaration of Interest Form is required to be completed as follows:

- i. On joining the City Corporation (or promotion where applicable) and annually thereafter, for the following categories of staff: Chief Officers; Sourcing, Category Management and Commercial staff within City Procurement; all staff within City Surveyors and Internal Audit.
- ii. At each contract placement by staff involved in the evaluation and recommendation of contractors to Committees; each time they evaluate, recommend or place a contract.
- iii. As required for all other staff and relevant workers working for the City Corporation to declare conflicts or potential conflicts of interests as soon as they become aware of a conflict or potential conflict.
- iv. As required for external consultants. Refer to City Procurement for advice.

Additionally, a new declaration should be made as soon as a change or potential change in circumstances is known.

14. Where a staff member holds interests but cannot see potential conflict, caution is advisable; all interests should be declared where there is a risk of improper conduct. Check with your Line Manager or Chief Officer if you are not sure.

Disclosure of Information

15. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public.

16. Most Committee agendas and most reports and background papers are required by law to be available for public inspection. Detailed guidance is available from the Town Clerk's department. Obstruction of a member of the public who wishes to exercise

their lawful rights to access documents may be a criminal offence. If in doubt, refer to the Town Clerk or Comptroller for advice.

17. The public are specifically excluded from certain proceedings of Committees or meetings associated with the business of any Committee. No employee shall communicate to the public the content of such proceedings or any document relating to the City Corporation, unless required by law or expressly authorised by the Town Clerk to do so.
18. Employees have a responsibility to protect and not disclose commercially sensitive information unless required to effectively perform their duties. Guidance should be sought from the appropriate Chief Officer.
19. Employees have a duty to maintain confidentiality and must not disclose any information obtained in the course of their employment to any third party for any unauthorised reason.
20. Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
21. Employees must not communicate confidential information or documents to others who do not have a legitimate right to know. Furthermore, such information which is stored on computer systems must also only be disclosed in accordance with the requirements of the Data Protection Act. A disclosure which complies with the requirements of the Whistleblowing Policy will be regarded as authorised disclosure.

Political Neutrality

22. Employees serve the City Corporation as a whole and must not allow their own personal or political opinions to interfere with their work. They must serve all Members and fellow employees, and must ensure that the individual rights of all Members and employees are respected. Employees, whether or not politically restricted, must follow every lawfully expressed policy of the City Corporation. Where a City Corporation employee holds a politically restricted post such restriction is deemed to be incorporated in their contract of employment. (See guidance on Politically Restricted Posts).

Relationships

Members

23. Employees are responsible to the City Corporation as an authority through its Chief Officers. The role of some staff is to give advice and information to Members and for

all staff to implement the policies determined by the City Corporation. Mutual respect between employees and Members is essential, and relationships should be conducted on a constructive and professional basis. In this regard, the City Corporation has adopted protocol on Member/Officer relations. Employees must not lobby Members in relation to personal issues affecting either their employment or other matters personal to them.

Public and Service Users

24. Employees should always remember their responsibilities to the public and service users they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals as defined by the policy statements of the City Corporation. All stakeholders (e.g. residents, service users and city workers) have a right to be treated with fairness and equality.

Contractors and Potential Contractors

25. **Officers who are involved in procurement activities should complete the Declaration of Interest Form (Officers) as attached at Appendix 1; then submit this to their Chief Officer (see paragraph 13 above). Procurement activities include: benchmarking activities, specification writing, supplier identification, sourcing, evaluation and selection, decision making and governance forums.**
26. All relationships of a direct or indirect pecuniary nature with external contractors, or potential contractors, should be made known to your Chief Officer. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses operated or controlled by, for example, friends, partners or relatives in the tendering process.
27. Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
28. Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a direct or indirect pecuniary interest with a contractor who is either engaged or proposed to be engaged by the City Corporation, should declare that interest to the Chief Officer as soon as they become aware of a conflict or potential conflict.
28. Where a Chief Officer feels that any relationship is substantive, they will notify the Town Clerk who will then decide if Members need to be informed. The Chief Officer will determine any appropriate safeguards, including removing the officer in the engagement or supervision of the contractor taking advice from the Town Clerk as appropriate.

29. Employees should ensure that no special favour is shown to current or recent former employees, their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

The Press and the Media

30. Employees must not deal directly with the press or the media unless they have been expressly authorised by the Director of Communications or the Head of Media. All media enquiries received by officers must be immediately referred to the Media Team, without engaging with the journalist. Any article, publication, or interview given on aspects of City Corporation policy or activity must be properly authorised by the Director of Communications or the Head of Media.

Other Employees

31. All employees have a responsibility to act in a way that ensures dignity and respect for their colleagues. All employees are expected to adhere to the standards of behaviour as set out in the City Corporation's relevant Policies and Procedures and in particular not to discriminate against colleagues.
32. Staff and managers have a mutual responsibility to ensure good working relationships. As part of this, staff should carry out any reasonable and lawful requests that their manager makes and to do so to the best of their ability; and behave courteously, reasonably and fairly in all dealings with their managers. Managers should endeavour to reasonably support staff in the proper performance of their duties, including assistance, where necessary, in working with other employees; and behave courteously, reasonably and fairly in all dealings with their staff.

Appointments and other Employment Matters

33. Employees involved in appointments should ensure that these are made on the basis of merit. It is unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. These principles and the City Corporation's procedures are detailed in the Recruitment and Selection Policy.
34. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship with him or her. Candidates for any appointment with the City Corporation when making an application must disclose on the job application form whether s/he is related to any member of the City Corporation or to a holder of any

senior officer position. Deliberate omission to make such a disclosure will disqualify the candidate and if the omission is discovered after appointment, they may be liable to dismissal.

35. **All employees need to disclose to either their immediate Line Manager, senior manager or HR Business Partner in person and in writing, as soon as they become aware of any relationship known to exist between themselves and a candidate for an appointment of which they are aware.**
36. The City Corporation recognises that employees who work together may have or form close personal relationships. While it does not wish to interfere with these personal relationships, the City Corporation does expect all such employees to behave in an appropriate and professional manner at work. To ensure that potential problems are avoided, if the relationship is between a manager/supervisor and an employee whom he/she supervises, the relationship should be declared to either their immediate Line Manager, senior manager or HR Business Partner. Similarly any relationship which could potentially involve a conflict of interest in work roles, (e.g. countersigning of invoices or supervisory decisions relating to overtime etc.) should be declared. Any such disclosures will be dealt with sensitively. The City Corporation reserves the right, where such a relationship exists between staff, to ensure that the persons concerned are not employed in a situation where one would be responsible for managing the other. Alternative mitigating measures may be introduced to ensure that appropriate reporting lines are in place.
37. Employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or someone they have a close personal relationship with.

Outside Commitments

38. **Employees are required to obtain prior written consent from their Chief Officer before taking up any outside employment using the Declaration of Interest Form for Officers (Appendix 1), see paragraph 13 above.**
39. Employees' off-duty hours are their personal concern but they should not subordinate their duty to private interests so as to put themselves in a position where duty and private interests conflict. The City Corporation will not preclude employees from undertaking additional employment, but any such employment must not, in the view of the City Corporation:
- conflict with or react detrimentally to the City Corporation's interests, (for example, if their official duties overlap in some way with their proposed work);
 - in any way weaken public confidence in the conduct of the City Corporation's business;

- interfere with the employee's ability to undertake their role, e.g. cause a breach of the Working Time Directive or place demands on the individual such that they cannot perform at their full capacity for the City Corporation;
 - make use of information or material to which the employee has access by virtue of his or her position.
40. No outside work of any sort should be undertaken in the office or in Corporation working hours, and use of City Corporation facilities, equipment or materials e.g. telephones, photocopiers or IS systems for outside work is forbidden.
41. Any work undertaken on behalf of the City Corporation or which contributes to the work of the City Corporation or is requested/delivered on the basis of being an employee of the City Corporation and which attracts a fee / is paid e.g. a presentation or lecture, will need Chief Officer approval and the fees will need to be paid to the City Corporation. In the case of a Chief Officer, approval from the Town Clerk is required.

Intellectual Property

42. Intellectual property is a generic term that includes inventions and patents, creative writings and drawings, photographs and images. If these are created by an employee during the course of employment then as a general rule the property belongs to the City Corporation. Specific arrangements may exist locally.
43. Any matter, or thing capable of being patented under the Patents Act 1977, made, developed or discovered by an employee, either alone or with others, whilst in the performance of their duties should be disclosed to the City Corporation through the appropriate Chief Officer and, subject to the provisions of the Patents Act, it will belong to and be the absolute property of the City Corporation.

Information Technology and Data Security

44. The City Corporation encourages the use of appropriate technology to achieve efficient and effective services. Employees must ensure that they use technology professionally, appropriately and responsibly and follow the City Corporation's procedures in relation to the use of technology and access to/storage of information in relation to the Data Protection Act. This also applies to external facing technology including social media which due to its nature means any comments posted about the City Corporation should be regarded as public, whether made in a work or private capacity and should not damage the reputation of the organisation, Members, staff or service users, or contravene the Equal Opportunities Policy.

Personal Interests

45. **Employees must declare to their Chief Officer, any financial or non-financial interests that could bring about conflict with the City Corporation's interests using the Declaration of Interest Form (Officers) as attached at Appendix 1; then submit this to their Chief Officer (see paragraph 13 above).** This may include membership of outside bodies in a personal capacity. In such cases employees should be mindful not to place themselves in a situation where their involvement or working contribution could compromise their continuing professional duty to the interests of the City Corporation.
46. Employees must declare to their Chief Officer membership of any organisation not open to the public with formal membership and commitment of allegiance and which has secrecy about rules and/or membership and/or conduct e.g. Masonics, a Society, Trust or regular gathering or meeting which is not open to members of the public who are not a member of the organisation. (This does not include membership of Livery Companies).
47. On no account must employees be directly involved in the processing of any matter or application in which they or any close relative (including a child) have a personal interest.

Equality

48. All City Corporation employees should ensure that policies relating to equality issues as agreed by the City Corporation are complied with in addition to the requirements of the law. Such policies would include: Equal Opportunities, Physical and Verbal Abuse Policy and Grievance (Employee Complaints). All members of the local community, customers and other employees have a right to be treated with fairness and equity.

Corruption and Bribery

49. Employees must be aware that it is a serious criminal offence (and an act of gross misconduct) for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained. Such acts may compromise the impartiality of the City Corporation and cause reputational, legal and financial damage.
50. It is important to avoid the perception as well as the fact of corruption or bribery and employees must comply with all applicable bribery and corruption laws.

51. Employees will not offer, promise, give, request, or agree to receive, or accept any bribes:

- in the course of their employment;
- when conducting City Corporation business; or
- when representing the City Corporation in any capacity.

A bribe means a financial payment or other forms of reward or advantage, whether direct or indirect, that is intended to induce or influence, or has the effect of inducing or influencing, an individual, company or public body (whether in the UK or abroad) to perform their functions, including business and public duties, improperly. Improper performance includes:

- not acting in good faith;
- not acting impartially; and
- not acting in accordance with a position of trust.

52. Employees must not act fraudulently, particularly in relation to The City Corporation's resources or assets.

53. Where employees have concerns over the lawfulness of certain action they should express such concerns to the appropriate manager or Chief Officer without delay. The Whistleblowing Policy is also available to staff who feel they need to raise an issue outside of the management chain.

Use of Financial Resources and Property

54. Employees must ensure that they use all City Corporation funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money and to avoid legal challenge to the City Corporation.

55. Employees should be aware of and adhere to the City Corporation's Financial Regulations, Procurement Regulations and the Communication and Information Systems Use Policy.

56. Where employees have concerns over the lawfulness of certain action they should express such concerns to the appropriate manager or Chief Officer without delay. The whistleblowing procedure is also available to staff who feel they need to raise an issue outside of the management chain.

57. Employees must not steal, wilfully damage or take off site without permission, anything that belongs to the City Corporation.

58. Employees must not use City Corporation resources to recognise or reward colleagues without the approval of their Chief Officer.

Hospitality and Gifts

59. There can be little doubt that the acceptance of gifts by employees from persons who have, or may seek to have, dealings with the City Corporation would be viewed by the public with grave suspicion and would make the employee concerned and the City Corporation extremely vulnerable to criticism.
60. An employee should tactfully refuse any personal gift which is offered to him/her or a close relative by, or indirectly attributable to any person or body who has, or may have, dealings of any kind whatsoever with the City Corporation or, who has applied, or may apply, to the City Corporation for any kind of decision.
61. The only exceptions to this rule that have been agreed are:-
- Small gifts of only token value often given by way of trade advertisements to a wide range of people, e.g. calendars, diaries, pens, pencils and similar articles of use in the workplace (up to a maximum value of £20); or
 - Small gifts of only token value given on the conclusion of a courtesy visit or visit by/to dignitaries, (up to maximum value of £20).
 - Working meals which are permissible, provided the employee has the approval of the Chief Officer.
 - Chief Officers or appropriate employee nominated to represent them can attend work related functions as the City Corporation representative.
62. When acting under this dispensation, employees must complete the appropriate declaration (**the Hospitality and Gift e-form is available on the intranet under Tools and Apps**). The completed form will need to be sanctioned by the Line Manager in advance.
63. If there is any doubt about whether a gift may be accepted the gift should be politely and tactfully refused.
64. Employees are reminded that they are forbidden under the terms of their office and employment to accept any fee or reward other than their proper remuneration and any person who contravenes this provision would be liable to Court proceedings.
65. In the event of an employee receiving a gift without warning, which does not fall in any of the exceptions mentioned above, this should immediately be reported to a Chief Officer who will be responsible for deciding whether the gift should be returned.
66. Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the City Corporation in the community, establish or maintain good business relationships, and/or improve the image and reputation of the City Corporation; provided that this is in good faith and not likely to secure advantage or have an intention to induce. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the City Corporation should be seen to be represented.

67. When acting under this dispensation, employees must complete the appropriate declaration (**the Hospitality and Gift e-form is available on the intranet under Tools and Apps**). The completed form will automatically be forwarded to the employee's Line Manager for approval and copied to the Town Clerk's Department for monitoring purposes.
68. When hospitality has to be declined the offer should be courteously but firmly declined and it should be explained to the other party the procedures and standards operating within the City Corporation.
69. When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation, for example, to decisions which the City Corporation may be taking affecting those providing the hospitality.
70. Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the City Corporation gives consent. Where visits to inspect equipment or review services by undertaking site visits etc. are required, employees should ensure that the City Corporation meets the cost of such visits to avoid jeopardising the integrity of subsequent procurement decisions.
71. Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of hospitality.

Sponsorship – Giving and Receiving

72. Where an outside organisation wishes to sponsor or is seeking to sponsor a City Corporation activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
73. **Where the City Corporation wishes to sponsor an event or service neither an employee nor any partner, spouse, relative or other person in a close relationship must benefit from such sponsorship in a direct way without there being full disclosure to a Chief Officer. Any such disclosure should be made using the Declaration of Interest Form for Officers as attached at Appendix 1; then submitted to their Chief Officer (see paragraph 13 above).** Similarly, where the City Corporation through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

Health & Safety

74. Employees are expected to ensure that a safe working environment is maintained and prevent the risk of injury to themselves and others in accordance with the City Corporation's Health & Safety Statement, the Occupational Health and Safety Policies and guidance. This includes the Drug and Alcohol policy and any local arrangements.

Whistleblowing

75. The City Corporation is committed to the highest possible standards of probity. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about the conduct of any aspect of the City Corporation's work to come forward and voice those concerns to us. It is recognised that most cases will have to proceed on a confidential basis.
76. Any suspicion of wrongdoing will be treated seriously and will be reviewed and analysed in accordance with the Whistleblowing or Complaints Policy, considering the Public Interest Disclosure Act, the Human Rights Act and if appropriate the City Corporation's Anti-Fraud and Corruption Strategy.
77. City Corporation staff, agency staff, and contractors should be aware that they have statutory protection against victimisation and dismissal under the Public Interest Disclosure Act 1999, if they speak out genuinely against corruption and malpractice at work. Further information on how to make a disclosure is contained in the Whistleblowing Policy.

Professional Indemnity

78. If an employee, former employee or volunteer, (for the purpose of this paragraph, the term 'employees' refers to the narrow definition of employed staff) is subject to a claim for professional negligence from third parties, in relation to work they carried out as part of their duties for the City Corporation (including voluntary work approved by a Chief Officer carried out in connection with the City Corporation) they will be indemnified in relation to claims for damages and reasonable legal costs (subject as follows) for breaches of professional duty arising from the bona fide execution of their duties in accordance with current policies of the City Corporation. The City Corporation reserves the right to decide whether to defend (or contribute to the costs of defending) a legal action brought against an employee.

Data Protection

79. **The City Corporation processes personal data collected in respect of the processes cited within the Code of Conduct in accordance with its Data Protection Policy (Employees) and Employee Privacy Notice. In particular, data collected is held securely, accessed by and disclosed to individuals only for the purposes of conducting the relevant process (i.e. to ratify declarations, to investigate reported breaches) and related processes (where relevant), and as required by law.**
80. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the corporate Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

List of Appendices

- Appendix 1 – Declaration of Interest Form (Officers)

Links / Other resources

Main policies that should be read in conjunction with the Code of Conduct:

- Communications and Information Systems Use
- Complaints Policy
- Corporate Anti-Fraud & Corruption Strategy
- Data Protection Policy
- Disciplinary Procedure
- Drug and Alcohol Misuse Policy
- Equal Opportunity Policy
- Health and Safety Statement
- The Hospitality and Gift e-form
- [Member / Officer Protocol](#)
- Physical and Verbal Abuse
- Politically Restricted Posts
- Regulation of Investigatory Powers policy statement
- Whistleblowing Policy

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 2, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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