



Civic Affairs Sub-Committee

Date: TUESDAY, 17 MAY 2022

Time: 3.30 pm

Venue: COMMITTEE ROOM, 2ND FLOOR, WEST WING, GUILDHALL

Members:

Deputy Edward Lord (Chair)	Alderman Ian Luder
Deputy Simon Duckworth (Chief Commoner) (Deputy Chairman)	Alderman & Sheriff Nicholas Lyons
Deputy Keith Bottomley	Deputy Brian Mooney
Tijs Broeke	Deputy Sir Michael Snyder
Deputy Henry Colthurst	Alderman Sir David Wootton
Mary Durcan	Alderman Gregory Jones QC
Deputy Christopher Hayward	Vacancies, Court of Common Council

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www.youtube.com/watch?v=Qti688dAfLU

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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. **MEMBERSHIP AND TERMS OF REFERENCE OF CIVIC AFFAIRS SUB-COMMITTEE**

To receive the Civic Affairs Sub-Committee Terms of Reference and Membership, as agreed by Policy and Resources Committee at its meeting on Thursday 5th May 2022.

For Information
(Pages 7 - 10)

Member Facilities and Support

4. **PARENTAL ARRANGEMENTS FOR MEMBERS**

Town Clerk to be heard.

For Discussion

5. **MEMBERS' WORKSPACE REQUIREMENTS AND GUILDHALL MASTERPLAN**

Chair to be heard.

For Decision

6. **MEMBERS' ADMINISTRATIVE SUPPORT**

Chair to be heard.

For Discussion

7. **MEMBERS' TRANSPORTATION ARRANGEMENTS**

Town Clerk to be heard.

For Discussion

8. **NEW MEMBER INDUCTION PROGRAMME AND INITIAL FEEDBACK**

Town Clerk to be heard.

For Information

9. **REVIEW OF THE NEW MEMBERS' FINANCIAL ASSISTANCE SCHEME AND
OPTIONS FOR PHASE 2**

Report of the Town Clerk.

For Information
(Pages 11 - 28)

10. **COURT OF COMMON COUNCIL - ARRANGEMENTS FOR MEMBERS**

Chair to be heard.

For Discussion

Ethical Standards

11. **MEMBERS' CODE OF CONDUCT - COMPLAINTS PROCEDURE AND
ANCILLARY MATTERS FROM THE PANEL OF INDEPENDENT PERSONS.**

Joint report of the the Town Clerk & Chief Executive and the Comptroller & City Solicitor.

For Decision
(Pages 29 - 58)

12. **STANDARDS**

Monitoring Officer to be heard.

For Information

General Business

13. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB-
COMMITTEE**

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

15. **EXCLUSION OF THE PUBLIC**

The following matters relate to functions of the Court of Common Council which are not subject to the provisions of Part VA and Schedule 12a of the Local Government Act 1972, relating to public access to meetings. The matters will, therefore, be considered in non-public session unless the committee determines to the contrary.

For Decision

Part 2 - Non Public Agenda

Benefices

16. **TO NOTE THE MINUTES OF THE BENEFICES SUB-COMMITTEE MEETING ON 7TH FEBRUARY 2022**

For Information
(Pages 59 - 62)

17. **BENEFICES**

Chair to be heard.

- Benefices Sub-Committee Briefing Document attached.

For Decision
(Pages 63 - 68)

Hospitality

18. **TO NOTE THE MINUTES OF THE HOSPITALITY WORKING PARTY MEETING ON 15TH FEBRUARY 2022**

For Information
(Pages 69 - 76)

19. **CITY EVENTS PROGRAMME**

Report of Remembrancer.

For Information
(Pages 77 - 80)

20. **APPLICATIONS FOR HOSPITALITY APPROVED BY UNDER URGENCY PROVISIONS AND DELEGATED AUTHORITY.**

Report of the Town Clerk.

For Information
(Pages 81 - 82)

21. **HOSPITALITY DECISION MAKING DELEGATIONS**

Report of the Remembrancer.

For Decision
(Pages 83 - 84)

22. **APPLICATIONS FOR HOSPITALITY**

For Decision

23. **COMMITTEE HOSPITALITY BUDGET**

Chair to be heard.

For Decision

24. **FORTHCOMING EVENTS**

Report of the Remembrancer.

For Information
(Pages 85 - 88)

25. **FORTHCOMING PUBLIC AFFAIRS EVENTS**

Report of the Director of Innovation and Growth (To Follow).

For Information

26. **APPLICATIONS FOR THE USE OF GUILDHALL**

Report of the Remembrancer.

For Decision
(Pages 89 - 92)

27. **VARIOUS RECEPTIONS - FINAL ACCOUNTS**

Joint report of the Chamberlain and Remembrancer.

For Information
(Pages 93 - 116)

28. **SUMMARY OF COMMITTED HOSPITALITY FUNDING FOR 2021-22, 2022-23 AND 2023-34**

Joint report of the Chamberlain and Remembrancer.

For Information
(Pages 117 - 130)

29. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB-COMMITTEE**

For Information

30. **ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

For Information

Part 3 - Confidential Agenda

31. **APPLICATION FOR HOSPITALITY**

For Decision

Civic Affairs Sub-Committee

Composition

- Chairman and Deputy Chairman or a Vice Chairman of the Policy & Resources Committee
- Chief Commoner
- Immediate past Chief Commoner*
- Chairman of the General Purposes Committee of the Court of Aldermen, or their nominee
- Chairman of the Finance Committee
- Senior Alderman Below the Chair
- Chairman of the Guildhall Club
- Five Members of Policy & Resources Committee elected by Policy & Resources Committee
- Together with Four Members of the Court of Common Council, to be elected by the Court.

**For part of the year and then the Chief Commoner Designate for the remainder of the year (elected in October each year)*

**Alderman Gregory Jones (former Chairman of Benefices-Sub) was appointed to one of the four Court of Common Council places for one year.*

The Chairman to be Chairman of Policy & Resources or their nominee, Deputy Chairman to be the Chief Commoner.

Terms of Reference

To be responsible for:-

Hospitality

- To consider applications for hospitality which are referred to it by the Remembrancer and to make recommendations thereon to the Court of Common Council;
- To review and approve arrangements for hospitality (including Committee allowances, annual functions, invitations and seating);
- To consider the list of eligible caterers; and
- To consider and approve the level of charges for the event spaces within Guildhall.

Ceremonials

- To review the totality of the City Corporation's ceremonial protocols and practices, with the intention of bringing them up to date to reflect current circumstances;
- To examine the principles behind each protocol, particularly where there have been changes in practice over recent years, making recommendations as to the approach to take in future, with a view to an updated and consolidated Ceremonials Book being produced.

Outside Bodies

- Overseeing the City Corporation's Outside Bodies Scheme, to include:-
 - developing the Corporation's policy towards outside body appointments;
 - keeping under review the effectiveness and appropriateness of the organisation's participation in individual bodies;
 - giving initial consideration to new requests from outside bodies for nominations;
 - advising the Court on the needs and requirements of the outside body in respect of any vacancy; and
 - periodically reviewing the City Corporation's Outside Bodies protocol.

Member Privileges

- To consider and make recommendations to the Policy and Resources Committee on:-
 - Members' privileges; and
 - Members' facilities, excluding Guildhall Club as it falls within the locus of the House Committee of Guildhall Club.
- To agree, a programme of Member training and development, to ensure that all Members have access to opportunities

Member Financial Assistance

- To oversee the Members' upport Scheme (and Extended Support Scheme) to ensure that it is fit for purpose and to review periodically whether any further assistance should be established to support Members with the delivery of their duties as elected Members of the City Corporation.

Benefices

- To consider matters relating to the City's obligations for its various Benefices.

Standards

- (i) 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;
- (ii) 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;
- (iii) keeping under review, monitoring and revising as appropriate the City of London Corporation's Guidance to Members on the Code of Conduct;

- (iv) 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 Corporate Services Committee;
- (v) keeping under review and monitoring the Protocol on Member/Officer Relations and, in relation to any revisions, making recommendations to the Corporate Services Committee;
- (vi) advising and training Members and Co-opted Members on matters relating to the City of London Corporation's Code of Conduct.

**The Patronage (Benefices) Measure 1986 and The Patronage (Benefices) Rules 1987, seek to confine the exercise of Church of England Patronage; i.e. the right to present Clergy, to a responsible person who is an actual Communicant Member of the Church of England or of a church in communion with it. On receiving notice of a vacancy, the City of London Corporation, as patron, is required to appoint an individual who is 'willing and able to make the Declaration of Membership and act as its representative to discharge its functions as registered patron'. In practice, the Chairman of the Sub-Committee, being a person able and willing to make the declaration, is usually appointed as the City of London Corporation's representative and this practice has worked well.*

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Committee(s) Civic Affairs Sub (Policy and Resources) Committee	Date: 17 May 2022
Subject: Members Financial Support Policy: Update on Implementation	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	3
Does this proposal require extra revenue and/or capital spending?	N/A
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Town Clerk	For Information
Report author: Greg Moore, Assistant Town Clerk	

Summary

In July 2020, the Policy and Resources Committee gave support, in principle, to the introduction of an annual, flat rate, allowance based on the City Corporation's rate for inner-London Weighting, which would be easy to claim and would only create a potential tax liability for Members who received the payment. It was envisaged that any new scheme would recompense Members for the duties they undertake on behalf of the City Corporation and that it would enable those who chose not to claim from the scheme to also maintain their status as volunteers. This followed on from the Committee's aspirations to enhance the diversity of the Court of Common Council and to ensure that prospective candidates for election to the Court are not deterred from standing for election for any reason, including any prohibitive cost.

Work was subsequently undertaken by the City Corporation's tax adviser, RSM, in consultation with the Members' Financial Assistance Working Party (MFAWP). This, ultimately, resulted in proposals to update the existing Members' Financial Loss Scheme (FLS) and include an element where all Members can claim for the duties they perform if they choose, with only those Members who subsequently benefitted from the scheme being liable for tax.

This new scheme was approved by the Court of Common Council in July 2021 and implemented from October of that year. The scheme is administered by an external third party to validate the applications received and provide the City Corporation with confirmation that a payment should be made.

Two quarters have now passed since the introduction of the Scheme. This report provides an update on take-up so far (57 registrations and a peak of 47 claims), feedback on implementation (both from a Member and administrator perspective, and sets out next steps.

Recommendations

The Committee is asked to note the contents of this report and provide any additional feedback or commentary in relation to the operation of the Scheme.

Main Report

Background

1. The Policy and Resources Committee was keen to enhance the diversity of the Court of Common Council and to ensure that prospective candidates for election to the Court are not deterred from standing for election for any reason, including any prohibitive cost.
2. In keeping with this (and in line with recommendations of the Members' Diversity Working Party and the Tackling Racism Taskforce), the Committee gave support, in principle, to the introduction of an annual, flat rate, allowance based on the City Corporation's rate for inner-London Weighting, which would be easy to claim and would only create a potential tax liability for Members who received the payment. It was envisaged that any new scheme would recompense Members for the duties they undertake on behalf of the City Corporation and that it would enable those who chose not to claim from the scheme to also maintain their status as volunteers.
3. Activity was subsequently undertaken by the City Corporation's tax adviser, RSM, to work through potential tax and National Insurance implications of any scheme.
4. Given previous concerns about the narrative and title of the previous Financial Loss scheme, which focussed on hardship rather than having a more positive tone, the revised scheme has been renamed the Members Financial Support Policy (MFSP). The Policy has been separated into two parts. It retains the actual Financial Loss Scheme (FLS) element that has been in place since 2006 and now it includes a completely new section, the Extended Member Support Scheme (EMSS). It is the EMSS, which enables all Members to benefit if they choose, providing they meet the criteria. Entitlement to receive payment is not automatic and only arises once an application has been approved. Consideration was given to whether claims should be made on an annual basis; the Court determined that Members should have the ability to claim on a quarterly basis.
5. The sum of the maximum annual amount claimable has been set at £7,500 (up from £6,710.04, the London Weighting figure envisaged initially). This figure takes into account the cost of clothing required for City Corporation business and, in particular, its civic events. This follows HMRC's view that meeting the cost of clothing would create tax and National Insurance Contribution (NIC) charges.
6. The new MFSP as approved by the Court can be found [here](#).

Current Position and Issues of Note

7. The new Scheme has been in operation now for two full quarters. A total of 57 Members have registered for the Scheme, with 38 claims made in the first quarter (Oct – Dec 2021) and 47 made in the second quarter (Jan – March 2022). Feedback has been almost universally positive, with any negative feedback being limited to tech-related issues in submitting the claim forms.
8. In keeping with the Court's desire for anonymity, claims are processed by a third-party (RSM) which receives and verifies claims forms. Payments are then administered by the City's Payroll team.

9. In order to make a claim, Members need only complete a short form, confirming the quarter they are claiming for and a committee meeting which they have attended as a Member in the period. However, there have been some issues where Members have had difficulties sending forms and so have sent emails instead, which then causes some confusion with the third-party operator. Officers propose to explore with the third-party operator the creation of embedded forms within emails, to make the claim process smoother and more consistent for both parties.
10. There have also been several instances of claims being made well past the deadlines or, in some instances, for preceding quarters. This is understandable as the new system becomes embedded and most Members claim for the first time (particularly given the third-party interaction), so a pragmatic approach to claims is being taken for the current period. Continued communication and reminder emails to mitigate against this will be important; however, the Sub-Committee may need to consider a position in due course as to when cut-offs should be implemented, given the potential budgetary implications should retrospective claims be made across different budget years.

Next Steps and Areas of Exploration

11. As well as the aforementioned work around communications and improving the claims form, it should be noted that support was previously expressed to the potential for Special Responsibility Allowances (SRAs) being introduced in due course, once the City-wide elections had taken place.
12. At Appendix 1 is the latest independent report from London Councils on the Remuneration of Councillors, which may be of interest. Clearly, the position of the Corporation is not directly analogous to a normal Local Authority and so careful consideration will be necessary in respect of identifying which positions, and to what level, remuneration should be applicable. For instance, Bridge House Estates is not able to contribute to costs as this would effectively be a trustee benefit, and the general position in charity law is that trustees may be reimbursed proper expenses incurred in running a charity but may not be remunerated for acting as trustee (unless expressly authorised, which is unusual). This point also applies to the City Corporation's sundry charitable funds. Work will be necessary to understand the legal and tax implications of any potential proposals, and Members may also wish to consider using an independent panel to make recommendations in that context.
13. One other area in which further work is now necessary is in respect of overnight accommodation (i.e., rooms not amounting to *living* accommodation, which are owned by the Corporation), attributable to an employee's or officeholder's (which would include paid Members) attendance at their permanent place of work. This is taxable and liable to NIC as earnings from the employment/office; however, there is an exception to this, where the employee reimburses the marginal cost of its provision. Further work is being undertaken to establish the marginal cost of providing a room to ensure, for example, that the maintenance costs are included in the rates charged.

Financial Implications

14. Payments under the EMSS in recognition of the time spent and the duties performed are subject to Income Tax and NIC as employment income with the rates being

dependent on the Members individual circumstances. Given that payment of an allowance and provision of benefits in kind attracts tax and NIC, Members have a personal responsibility to ensure that they comply with any HMRC requirements and may wish to take advice from them or their own tax adviser on the impact of any payment received.

15. The costs of administering the scheme and payments made to Members are funded from a mixture of City Fund and City's Cash, based on a suitable, allocation criteria, e.g., Committee/Board time, employer's pensions contributions or on the basis on which we split corporate departmental time. Provision is made for this within the annual budget setting process.

Legal Implications

16. The City Corporation is able to use the general power of competence under s.1 of the Localism Act 2011 to fund any proposed payments using City Fund. It can also use its private funds i.e., City's Cash for the same purpose. An assistance scheme provided by the authority itself is not a disclosable pecuniary interest.

Equality Impact Assessment and Public Sector Equality Duty

17. Under the Equality Act 2010, all public bodies have a duty to ensure that when exercising their functions they have due regard to the need to advance equality of opportunity between people who share a protected characteristic and to take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people and encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.
18. An assessment of the people with protected characteristics was undertaken prior to the Scheme's approval (i.e., age, disability, gender transition, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sex orientation). Whilst the impact of changes to the current FLS is unlikely to be great for people in these groups with higher earnings, there is likely to be a more positive impact for those on lower incomes who wish to stand for civic office. It might also enable them to participate more fully once elected.

Conclusion

19. The revised MFSP has now been in place for two quarters and feedback to-date suggests it is working well. Registration and claim numbers have risen each quarter and, as the Scheme becomes embedded and more widely known, it is likely that claim levels will increase and stabilise. Work is now needed in relation to SRAs and queries around tax implications, for Members' further consideration.

Appendices

- Appendix 1 – [Remuneration of Councillors in London 2022](#)

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The Remuneration of Councillors in London 2022

Report of the Independent Panel



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Summary

At the time of writing this report the country is still responding to the shock of the tragic death of Sir David Amess MP. It is a sad reminder of the vital role that all elected representatives play in the life of our country and how your roles are at the heart of our democratic and civic society. It is also a reminder of the risks that are linked to your roles. It is vital that we have a system of support in place that recognises the full scale of the responsibilities of councillors and one that supports residents in both wanting to come forward to undertake these roles and then when they are elected enables them to be effective. Our work as an independent remuneration panel can play a part in that endeavour.

The report below details our position as the output for the 2021 review. In short, we are very conscious about the huge changes that have taken place as a society during the last few years. Our residents, businesses and communities have been dealing with, and continue to deal with, major challenges. The feedback we have received supports our view that this has had a major impact on the demands placed on all councillors and of those councillors charged with special responsibilities. There is now greater than ever demands for time spent on wider partnership working, the situations faced by many residents are ever more challenging and complex, the ease of access afforded by technology has increased expectations for almost constant access and rapid responses. The burden of responsibility for effective government at a local level is extremely significant.

At the same time, many aspects of the current situation are still relatively recent. It remains rather unclear how these recent patterns of demands and increased expectations will play out and settle over time. With this level of uncertainty, we do not believe that at the current time we have the evidence available to recommend any significant changes in the remuneration of councillors.

However, given the wider background, we have concluded that, instead of waiting four years to undertake the next review, it would be preferable to undertake a review commencing in the summer of 2022 with the aim of concluding it in the latter half of 2023. As well as enabling us to re-assess the situation, this timescale would enable us to undertake more detailed consultations and seek wider views as part of the evidence gathering that will be needed.

As well as the substantive recommendations in the report, we therefore recommend that we undertake a further review of the remuneration of councillors during 2022-23.

Background

The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the Regulations') authorise the establishment by the Association of London Government (now London Councils) of an independent remuneration panel to make recommendations in respect of the members' allowances payable by London boroughs. Such a panel ('the Panel') was established and reported in 2001, 2003, 2006, 2010, 2014 and 2018. It now comprises Mike Cooke (Chair), Sir Rodney Brooke CBE DL and Anne Watts CBE.

The Regulations require a review of the scheme every four years as a minimum. The current Panel has therefore completed a review of remuneration for councillors in London. We present our findings and recommendations in this report.

As a preparation for our work, we invited all London boroughs to give their views on the operation of the existing scheme. We are grateful for the feedback, which confirms that the existing London scheme of members' allowances is still fit for purpose. We make recommendations accordingly. However, where issues have arisen from the comments we received, we have addressed them in this report.

The role of elected members

In our previous reports we reflected on the importance of the role of elected members. We repeat at Appendix B the 'job profile' for councillors which we originally included in our 2010 report.

Our last report reflected on research that identified that councillors oversee million-pound budgets, balancing complex financial pressures at a time of severe cutbacks in local authority spending, making decisions which will affect their areas for decades to come. These challenges continue and have been exacerbated by the impact of the Covid-19

Pandemic and the continuing recovery effort from it.

In London, each borough is responsible for services crucial to its residents. Each has a revenue budget of up to £1.4bn as well as a substantial capital programme. The scale of their turnover and other financial activities are in many instances comparable with those of large publicly quoted companies.

Councillors are faced with difficult choices. Demand for local authority services continues to grow. In particular there is rapid growth in the number of old people with a corresponding increase in demand for social care. London itself faces acute housing problems coupled with higher levels of homelessness than other parts of the country. Councillors have an increased responsibility for local and place-based health outcomes. Thus, the strain on and competition for resources increase the demands made on elected members.

The feedback we received is that the workload and responsibilities of councillors continues to increase and that their role has become more complex, and not only in the areas of social care and housing. There has been a growth in other public sector activities including community safety with increasing engagement with the Police, increasing expectations for closer working with health services, and in some boroughs more involvement with joint venture partnerships and local authority trading companies. Since the start of the Pandemic, there has been an important and significant role for councillors in local welfare support and greater liaison with the voluntary sector. This all requires the commitment and time of leaders, cabinet members and front-line councillors. The Pandemic has also heightened the significant role of councillors as a point contact for information, advice and reassurance for communities.

While valuable to democracy, the growth in digital connectivity and the availability and use of social media and other forms of messaging applications adds to the pressure on councillors by increasing demands from their constituents in several different ways. Communication with councillors is not only easier but immediate. The public expects a speedy response, so that it is now more difficult for councillors to deal with concerns as quickly as voters expect. Not only does social media make it easier for their constituents to access councillors, but they also enable an isolated concern to become an organised campaign. The expectations of the public continue to rise.

Recruitment of councillors

We received feedback that it continues to be challenging to recruit candidates generally but also from a diverse background and of a high enough calibre who are prepared to stand for office as councillors. Though financial deterrents were cited amongst a number of reasons for this, a major disincentive is the time commitment required of a councillor. Time pressures (as well as finance) can make it difficult to combine the role with a job and caring responsibilities. As was pointed out in the responses we received, the problem is exacerbated in London, where councillors are on the whole younger than in other parts of the country and often in employment. They also face substantially higher costs of living which are continuing to rise.

Though the time commitment may be the main disincentive to service as a councillor, it is important that, as far as reasonably possible, financial loss does not prevent people from becoming councillors. Allowances are not shown by polls to be something which influences councillors to take on the role, though they are instrumental in making it possible for some people to do so. Allowances should be set at a level that enables people to undertake the role of councillor, while not acting as an incentive to do so. If it is important that there are no financial incentives to being a councillor, it is equally important that there should not be a financial disincentive. It is clearly desirable that service as a councillor is not confined to those who have retired or with independent means.

In 2014 the Government removed the possibility of councillors joining the local government pension scheme. Almost half of the responses we received cited the lack of pension provision as a factor that influences people whether to run for council office. Access to the pension scheme can be an important factor in making service as a councillor financially possible for a wider range of people. It is particularly significant for those who, like elected mayors, leaders and portfolio holders, give most or all of their time to service in local government and lose the opportunity for advancement in their particular profession and to contribute to a pension scheme elsewhere. In view of the importance this could have for recruiting a diverse range of councillors in future and to wider issues for local democracy, the Panel intends to look at lobbying opportunities on this issue as part of its further review in 2022-23.

The current financial climate

Because of the financial climate over the last decade, the local government pay settlement over much of this period has been either frozen or severely limited. Since our last report there have been modest increases from 2% in 2018-19 to 2.75% last year.

Acutely sensitive to the ongoing financial austerity, our recent reports have made no recommendations for increasing the levels of members' allowances other than continuing provision for annual adjustments in accordance with the annual local government pay settlement.

Our recommendations have led to some convergence of members' allowances across London. There is now considerable congruity in the basic allowance made by London boroughs.

However, most London boroughs have not adopted our recommendations in their entirety and there remain substantial differences in the amount of special responsibility allowances.

In reaching our views this year, we have been acutely conscious of the continuing financial challenges to council budgets including the impact from the Covid-19 Pandemic. This adds to the view that now is not the time to contemplate a general increase in councillors' allowances.

Level of Basic Allowance

In our last report we recommended that there should be a Basic Allowance paid to every councillor of £11,045. Updated for the local government staff pay awards since then (and including an indicative 1.75% award for 2021-22 which is still the subject of negotiation), the figure is now £12,014. Given all the circumstances including growth in the volume and complexity of the work of councillors and the limited increase in the Basic Allowance since our last report, we believe that there is a strong case for looking again at the level of the allowance. The basic allowance is now less than the allowances paid by many similar authorities outside London. In our last report we highlighted that in Wales, for example, the government-appointed commission set the basic allowance at £13,400 for members of local authorities with populations which are generally substantially lower than those of London boroughs. In its most recent report, published in February 2021, this had increased to £14,368.

However, the wider context is one of considerable uncertainty including whether trends in demands will be sustained. If they are so, as seems likely, the consequences of the changing patterns of work remains unclear added to which is the current financial climate. All this suggests to us that now is not the right moment to recommend major changes to the current allowances (beyond the annual updating). Linking the allowances to an annual increase to staff pay awards will ensure that councillors can receive annual increases which are in line with those received by staff. We therefore recommend that the Basic Allowance be set at £12,014 pending the outcome of the 2021-22 award. We believe that it remains sensible to frame recommendations which are common across London.

Special Responsibility Allowances

Given the extent of the responsibilities of leaders of London boroughs, the Panel's first report in 2001 recommended that their remuneration should equate to that of a Member of Parliament. [Our recommendations for other special responsibility allowances are related to that recommended for leaders.]

Since then, the increase in the remuneration of Members of Parliament has substantially exceeded the annual local government pay increase to which we tied the special responsibility allowance for the leader of a London borough. At the time of our last report an MP received a salary of £76,011 while our recommendation for a borough leader (increases having been restricted to the local government staff pay increases) was for a total remuneration of £68,130, a difference of £7,881. Updated for the local government pay awards (and indicative 2021-22 award), our recommendation for the current total remuneration of a London borough leader would be £74,106. Meanwhile the salary of MPs has increased to £81,932, a difference of £7,826. Moreover, MPs continue to be entitled to a pension as well as to other benefits (such as termination payments) which are not available to leaders.

In our current consultation we enquired whether the remuneration of an MP remains a sound comparator to fix the remuneration of a borough leader. In general, the responses suggested that the comparator was appropriate with some feedback noting that the Leaders of London boroughs warranted a higher remuneration than an MP, because they had greater financial responsibility and legal burdens, and especially given the differential pension arrangements. Indeed, a couple of respondent authorities suggested that the direct responsibilities of a Leader should command the salary of a junior minister.

We sympathise with the responses. Certainly, the way in which MPs' remuneration has progressed compared to that of leaders could be argued to warrant a review of the Leaders' allowances.

We are also aware of the very significant expectations on leaders and leading members to participate in wider cross borough, pan-London and partnership working, the demands of which (both in terms of time commitments but importantly in terms of responsibility and significance) appear to have increased dramatically over the last 18 months. Our report makes no recommendations in respect of remuneration for these roles at this stage but we propose to return to this issue as part of the further review that is proposed.

However, for the same reasons which prompt us to maintain the current Basic Allowance, (namely a significant uncertainty over the long term implications of the changes we have been witnessing in the last 18 months, combined with the financial challenges faced at this time) we recommend that the special responsibility allowance for a Leader should be in accordance with our former recommendation, plus the subsequent local government staff pay awards (including an indicative uplift of 1.75% for 2021-22 which is still the subject of negotiation), ie £62,092. We recommend the maintenance of its relation to other special responsibility allowances, as set out in the Appendix to this report.

However, we believe that it is important to undertake a more detailed review, along with the Basic Allowances, of the special responsibility allowances having allowed further time for the new patterns of demands and expectations to become even clearer. We envisage beginning this review in the summer of 2022 and concluding the review during the latter half of 2023.

Training and support

The responsibilities of councillors are substantial, extensive and complex. We have mentioned the increased role that councillors have delivered particularly during the Pandemic. The Pandemic has also resulted in an acceleration of more flexible ways of working including greater use of digital technology. While this has provided a range of benefits including less travelling for work it has required councillors to have the necessary digital skills. Additionally, the move to audio-visual conferencing has resulted in a growth in meetings for many contributing to an overall increase in 'screen time'. Training and development is beyond the direct remit of our Panel but is an important part of ensuring that residents can step forward and become successful and effective elected local representatives. Addressing the financial aspects but not the support aspects would be counter-productive. For this reason, we believe that every borough should have an ongoing programme of member training and development and that members should be provided with the logistical and clerical support and the appropriate IT equipment to help them deal with their workload.

Barriers to being a councillor

It is important that obstacles to becoming a councillor should be removed wherever possible. Care costs can be a significant deterrent to service as a councillor. Our strong view is that in appropriate cases when they undertake their council duties, councillors should be entitled to claim an allowance for care of dependents. The dependents' carers' allowance should be set at the London living wage but (on presentation of proof of expense) payment should be made at a higher rate when specialist nursing skills are required.

One respondent authority stressed that member allowances schemes present an opportunity to better support councillors by providing not just remuneration but wider support packages. Our view is that members' allowances schemes should allow the continuance of Special Responsibility Allowances in the case of sickness, maternity and paternity leave in the same terms that the council's employees enjoy such benefits (that is to say, they follow the same policies).

Travel and Subsistence allowances

The Basic Allowance should cover basic out-of-pocket expenses incurred by councillors, including intra-borough travel costs and expenses. The members' allowances scheme should, however, provide for special circumstances, such as travel after late meetings or travel by councillors with disabilities. The scheme should enable councillors to claim travel expenses when their duties take them out of their home borough, including a bicycle allowance.

Allowances for Mayor or Civic Head

Many councils include the allowances for the mayor (or civic head) and deputy in their members' allowance scheme. However, these allowances do serve a rather different purpose from the 'ordinary' members' allowances, since they are intended to enable the civic heads to perform a ceremonial role. There are separate statutory provisions (ss 3 and 5 of the Local Government Act 1972) for such allowances and councils may find it convenient to use those provisions rather than to include the allowances in the members' allowance scheme.

Update for inflation

We continue to recommend that all allowances should be updated annually in accordance with the headline figure in the annual local government pay settlement.

We have been asked whether it is necessary for the annual updating to be formally authorised by the council each year. The Regulations do seem to make this obligatory.

Mike Cooke

Sir Rodney Brooke CBE DL

Anne Watts CBE

London, 6 January 2022

Appendix A

Basic allowance £12,014

Special responsibilities – beyond the basic allowance

The case for special allowances

The reasons for payment of additional special responsibility allowances should be clearly set out in local allowances schemes. Special allowances should come into play only in positions where there are significant differences in the time requirements and levels of responsibility from those generally expected of a councillor.

Calculation of special allowances

The proposed amounts for each band are a percentage of the figure suggested for a council leader depending upon levels of responsibility of the roles undertaken and are explained below. We believe that the SRA, which the previous panel recommended for the leader of a London council (updated), continues to be appropriate.

Categories of special allowances

The regulations specify the following categories of responsibility for which special responsibility allowances may be paid:

- Members of the executive where the authority is operating executive arrangements
- Acting as leader or deputy leader of a political group within the authority
- Presiding at meetings of a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee
- Representing the authority at meetings of, or arranged by, any other body
- Membership of a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods
- Acting as spokesperson of a political group on a committee or sub-committee of the authority
- Membership of an adoption panel
- Membership of a licensing or regulatory committee
- Such other activities in relation to the discharge of the authority's functions as require of the member an amount of time and effort equal to or greater than would be required of him by any one of the activities mentioned above, whether or not that activity is specified in the scheme.

Local discretion

It is for the councils locally to decide how to allocate their councillors between the different bands, having regard to our recommendations and how to set the specific remuneration within the band. They must have regard to our recommendations. We believe these should have the merits of being easy to apply, easy to adapt, easy to explain and understand, and easy to administer.

BAND ONE

The posts we envisage falling within band one, include:

- Vice chair of a service, regulatory or scrutiny committee
- Chair of sub-committee
- Leader of second or smaller opposition group

- Service spokesperson for first opposition group
- Group secretary (or equivalent) of majority group
- First opposition group whip (in respect of council business)
- Vice chair of council business
- Chairs, vice chairs, area committees and forums or community leaders
- Cabinet assistant
- Leadership of a strategic major topic
- Acting as a member of a committee or sub-committee which meets with exceptional frequency or for exceptionally long periods
- Acting as a member of an adoption panel where membership requires attendance with exceptional frequency or for exceptionally long periods
- Leadership of a specific major project.

Remuneration

We propose that band one special responsibility allowances should be on a sliding scale of between 20 – 30 per cent of the remuneration package for a council leader.

This would be made up as follows:

Basic allowance: £12,014

Band One allowance: £2,807 to £10,218

Total: £14,821 to £22,232

BAND TWO

The types of office we contemplate being within band two are:

- Lead member in scrutiny arrangements, such as chair of a scrutiny panel
- Representative on key outside body
- Chair of major regulatory committee e.g planning
- Chair of council business (civic mayor)
- Leader of principal opposition group
- Majority party chief whip (in respect of council business).

Remuneration

We propose that band two allowances should be on a sliding scale between 40 – 60 per cent, pro rata of the remuneration package for a council leader.

This is made up as follows:

Basic allowance £12,014

Band two allowances: £17,628 to £32,450

Total: £29,642 to £44,464

BAND THREE

We see this band as appropriate to the following posts:

- Cabinet member
- Chair of the Health and Wellbeing Board
- Chair of the main overview or scrutiny committee
- Deputy leader of the council

Remuneration:

We propose that band three allowances should be between 70 – 80 per cent pro rata of the remuneration package for a council leader.

This is made up as follows:

Basic allowance: £12,014

Band three allowance: £39,860 to £47,271

Total: £51,874, to £59,285

BAND FOUR

Leader of cabinet

This is a full-time job, involving a high level of responsibility and includes the exercise of executive responsibilities. It is right that it should be remunerated on a basis which compares with similar positions in the public sector, while still retaining a reflection of the voluntary character of public service.

Remuneration:

We propose that the remuneration package for a council leader under band four of our scheme should be £74,106.

This is made up as follows:

Basic allowance: £12,014

Band four allowance: £62,092.

Total: £74,106

BAND FIVE

Directly elected mayor

A directly elected mayor has a full-time job with a high level of responsibility and exercises executive responsibilities over a fixed electoral cycle. It is right that it should be remunerated on a basis which compares with similar positions in the public sector, while still retaining a reflection of the voluntary character of public service. However, we believe this post remains different to that of the strong leader with cabinet model. The directly elected mayor is directly elected by the electorate as a whole. The strong leader holds office at the pleasure of the council and can be removed by the council. We believe that the distinction is paramount and this should be reflected in the salary level.

Remuneration:

We propose that a directly elected mayor should receive a remuneration package of 25 per cent higher than that recommended for a council leader and that it should be a salary set at £92,633.

Appendix B

On behalf of the community – a job profile for councillors

Purposes:

1. To participate constructively in the good governance of the area.
2. To contribute actively to the formation and scrutiny of the authority's policies, budget, strategies and service delivery.
3. To represent effectively the interests of the ward for which the councillor was elected, and deal with constituents' enquiries and representations.
4. To champion the causes which best relate to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community in terms of equity, economy and environment.
5. To represent the council on an outside body, such as a charitable trust or neighbourhood association.

Key Tasks:

1. To fulfil the statutory and local determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full council (for example, setting budgets, overall priorities, strategy).
2. To participate effectively as a member of any committee or panel to which the councillor is appointed, including related responsibilities for the services falling within the committee's (or panel's) terms of reference, human resource issues, staff appointments, fees and charges, and liaison with other public bodies to promote better understanding and partnership working.
3. To participate in the activities of an outside body to which the councillor is appointed, providing two-way communication between the organisations. Also, for the same purpose, to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions.
4. To participate in the scrutiny or performance review of the services of the authority, including where the authority so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the authority.
5. To participate, as appointed, in the area and in service-based consultative processes with the community and with other organisations.
6. To represent the authority to the community, and the community to the authority, through the various forums available.
7. To develop and maintain a working knowledge of the authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the authority.
8. To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the community's well-being and identity.
9. To represent effectively the interests of the ward for which the councillor was elected, and deal with constituents' enquiries and representations including, where required, acting as a liaison between the constituent and the local authority and where appropriate other public service providers.
10. To contribute constructively to open government and democratic renewal through active encouragement of the community to participate generally in the government of the area.
11. To participate in the activities of any political group of which the councillor is a member.
12. To undertake necessary training and development programmes as agreed by the authority.
13. To be accountable for his/her actions and to report regularly on them in accessible and transparent ways.

Appendix C

The independent panel members

Mike Cooke

Mike Cooke was the Chief Executive of the London Borough of Camden for seven years, where he had also been Director of Housing and Adult Social Care and HR Director. He has extensive experience of partnership working across London including as the CELC lead on children and chairing the London Safeguarding Children Board. Mike also has worked for seven years in financial services where he developed an expertise in remuneration.

Until November 2020 Mike had been a Non-Executive Director of the Central and North West London NHS Foundation Trust where he was chair of the HR Committee. Mike's current role is the independent Chair of the North Central London Integrated Health and Care System.

Sir Rodney Brooke CBE, DL

Sir Rodney Brooke has a long career in local government, including as chief executive of West Yorkshire County Council, Westminster City Council and the Association of Metropolitan Authorities.

He was knighted in 2007 for his contribution to public service.

Dr Anne Watts CBE

Anne Watts has an extensive career in governance, diversity and inclusion spanning commercial, public and voluntary sectors. She has held executive roles for HSBC and Business in the Community and was chair of the Appointments Commission. She has carried out reviews of Government departments and the Army. In addition she has been a member of Government Pay review bodies and Deputy Chair, University of Surrey where she chaired Remuneration Committee and the new Vet School.

She is a non-exec of Newable (previously Greater London Enterprise) where she chairs ESG Committee and is a non-exec of Newflex subsidiary. In addition she continues to sit on the Race and Gender Equality Leadership teams for Business in the Community.

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Committee: Policy & Resources Committee – for decision Civic Affairs Sub-Committee Court of Common Council – for decision	Dated: 05/05/2022 17/05/2022 16/06/2022
Subject: Members' Code of Conduct – Complaints Procedure and ancillary matters from the Panel of Independent Persons.	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1, 5, 8, 10
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: The Town Clerk & Chief Executive and the Comptroller & City Solicitor	For Decision
Report author: Gemma Stokley, Principal Governance and Member Services Officer	

Summary

Following the submission of Lord Lisvane's Review of the City Corporation's Governance in September 2020, a resolution of the Court of Common Council (8 October 2020) had the effect that consideration of aspects of the Review relating to the Standards Regime would need to be taken first and, as such, following extensive engagement with Members, the Court were able to consider and approve a number of proposals in relation to Standards made by Lord Lisvane at its 14 January 2021 meeting and authorised the Town Clerk to take such actions as were required to give effect to the decisions taken and facilitate their implementation.

Members will recall that nine Members of a new Independent Panel were appointed by the Court in Summer 2021 on the recommendation of the Independent Persons Appointment Panel (consisting of the Chair of Policy & Resources, the Chief Commoner, and the Chair of the General Purposes Committee of Aldermen). Since that time, the Panel have met on several occasions, focusing primarily on the production of a revised Complaints Procedure which has been in force since the beginning of February and is formally presented today. Alongside this, the Panel have submitted a letter to the City Corporation asking that consideration now also be given to a number of ancillary matters that have emerged as they have worked through the process. These include matters such as Panel size and terms of office for Panel Members

Recommendations

Members are asked to:

1. Note the new Complaints Procedure as set out in Appendix One.
2. Note the proposed Terms of Reference for the Panel as set out in Appendix Two.
3. Give consideration to the ancillary matters raised by the Panel in their letter to the City Corporation at Appendix Three and decide how best to proceed on these ahead of making recommendations thereon to the Court of Common Council.
4. Consider how best Common Councillors might be appointed to assist the Panel at the Appeal stage of any complaints by advising on contextual matters and make recommendations thereon to the Court of Common Council.

Main Report

Background

Creation of an Independent Panel

1. Lord Lisvane's recommendations pertaining to Standards included a recommendation *"that the Corporation should set up an Independent Panel composed only of independent persons, and charge that Panel with:*
 - *receiving allegations of misconduct referred to it by the Monitoring Officer;*
 - *deciding whether any allegation should be investigated;*
 - *on the basis of the allegation, determining whether there has been a breach of the code of Conduct;*
 - *reporting that determination, together with a full report of the facts, to the Court for endorsement;*
 - *hearing any appeal (the appeal function will of course need to be separated rigorously from the assessment and determination function)*
 - *after determination, and appeal if necessary, recommending an appropriate sanction, giving reasons, as necessary."*

Process

2. The Court of Common Council, at its 14 January 2021 meeting, endorsed this proposal as well as the adoption of Lisvane's recommendations in the form of a three-stage process, to be operated by the Independent Panel:
 - The first stage to be a more informal / conciliatory nature, seeking to resolve swiftly those issues which might be addressed through dispute resolution or a conversation and apology (with external dispute resolution advice to be made available to the Panel as it deems appropriate and a suitable protocol produced for such stage to be produced).
 - The second stage to then be the formal Hearing process, utilising the Independent Panel, as outlined by Lisvane (i.e. determination of investigation and breach and reporting to the Court of Common Council for endorsement).

- The third stage to be the Appeal stage, the Panel for which should also include a minority of Members of the Court of Common Council, to help provide any relevant internal context.

It was decided that the Panel should be supported by the Comptroller & City Solicitor, as the Monitoring Officer, including in respect of the production of rules and procedures as time progresses, with clerking or administrative support also provided by the Town Clerk's department in the usual way.

Composition

3. The Court also agreed with Lisvane's comments in relation to the need for a membership of sufficient size, to ensure that the sub-panels at the hearing and appeal stages could be comprised of entirely different Panel Members, although drawn from the same overall pool and directed that a panel of nine individuals, ought to be secured, utilising staggered terms to provide for both continuity and turnover.

Progress

4. Nine Independent Persons were appointed by the Court of Common Council in Summer 2021. Since this time, the Panel have met on several occasions, supported by the Town Clerk and the Comptroller and City Solicitor as Monitoring Officer, to work up a new, fit for purpose, Complaints Procedure that is presented today ahead of its formal submission to the Court of Common Council. Alongside this process, several matters such as the size of the Panel and Terms of Office for Panel Members have arisen. These are set out within a letter to the Assistant Town Clerk (see Appendix Two) and your views on these matters are now therefore also sought.

Complaints Procedure and Independent Panel Terms of Reference

The Members' Code of Conduct Complaints Procedure now in operation is presented attached at Appendix One, alongside the proposed Terms of Reference for the Panel of Independent Persons (Appendix Two). The Terms of Reference stipulate that the Panel will commit to the publication of an Annual Report – it is proposed that this be produced at the end of each municipal year beginning in 2023 and its purpose will be to summarise the number and type of complaints heard in that period. We can report that, to date, the Panel have held two Assessment Sub-Panel meetings, each of these considering two separate complaints (so four complaints in total) and that the first Hearing Sub-Panel meeting is scheduled for mid-May.

The Panel have already elected their Chair for the ensuing year – Amanda Orchard, and their Deputy Chair Gary Rogers.

Ancillary Matters

As the Panel have worked through the process of producing a new Complaints Procedure, a number of issues have arisen, it was therefore considered opportune to ask Members to now consider these alongside the new Procedure which helps to contextualise these. These matters are detailed in a letter from

the Panel to the City Corporation (attached at Appendix Three) and your views on each of these are now sought.

Panel Size

Given that the Panel are proposing a three-tier process for dealing with complaints, as advised by Lord Lisvane and supported by the Court of Common Council, they are of the view that the size of the Panel should be increased from nine to twelve in total. The reasoning behind this is explained in more detail within their letter to the Town Clerk at Appendix Three. However, to summarise, the Complaints Procedure stipulates that no Independent Person may sit on more than one sub-panel in relation to the same complaint and, essentially, a larger Panel is therefore felt necessary in order to allow for illness or other non-availability of a panel member or for instances where a panel member may need to recuse themselves for any other reason. A Subject Member is also entitled to consult with one of the Independent Persons, taking the total required on the Panel to at least ten. ***Should Members be supportive of this proposal, a recommendation thereon would need to be put to the Court of Common Council with the Town Clerk instructed to re-constitute the Independent Persons Appointment Panel (consisting of the Chair of Policy & Resources, the Chief Commoner, and the Chair of the General Purposes Committee of Aldermen) to progress a further round of recruitment to appoint additional Panel Members. The Panel ask that consideration also be given to one of their number joining the Appointment Panel on this occasion so that they might feed into the advertisement and recruitment process, helping to identify any current gaps in terms of skills sets.***

Panel Terms of Office

Given that a large part of their first year in office has been dedicated to working up a new Complaints Procedure and that their first experience of considering complaints under this new procedure only came in February 2022, the Panel are requesting that terms of Office for the nine Independent Persons already in post be extended by one year to allow them to begin to oversee the operation of this and have adequate time to reflect upon and share any lessons learned. Thereafter, it is recognised that Panel members will be appointed on staggered terms and with a fixed term of office of two years, renewable twice, as approved by the Court and in order to ensure a regular turnover of Panel membership. ***Members views are now also sought on this proposal so that a recommendation thereon may be presented to the Court of Common Council.***

Panel Member Training

The Panel noted that the Lisvane Report recommended that Members appointed to a Committee should, as a matter of best practice, undertake certain professional training in diversity. The recommendation was essentially for Members to undertake the same mandatory learning as Officers.

The Panel have indicated that they would also welcome the opportunity to support the Corporation in role modelling best practice in respect of undertaking professional training in matters such as diversity. In keeping with the spirit of the Lisvane Report, the Panel consider it would therefore be appropriate for all Independent Persons to at least have the opportunity to undertake such training and for this to be periodically refreshed.

It is hoped that Members will be supportive of this request and that the necessary arrangements for such training can be actioned by the Town Clerk in consultation with Corporate HR thereafter.

Former Panel Members as Consultees

Whilst not an immediate priority, the Panel are of the view that it may, in due course, be advisable to have a secondary “panel” of former Independent Persons who would be available for consultation by the subject Member of any complaint as to the working, procedures and processes of the panel. ***We are hopeful that Members will be supportive of the introduction of this process and agree that this would be valuable so that a system whereby those standing down from the Panel may still be called upon for this purpose.***

Appeal Procedure

When initially considering the Lord Lisvane recommendations pertaining to Standards, the Court directed that the Panel for Appeal should also include ‘a minority of Members of the Court of Common Council, to help provide any relevant internal context’. However, no further direction was provided as to how many elected Members should be called upon and how they were to be selected for this purpose.

You will note that paragraph 6 of the new Complaints Procedure recognises the need for the Appeal Panel to be assisted by an elected member, appointed by the Town Clerk, to advise on contextual matters. ***However, further consideration should now be given by Members as to how they wish to operate a process for the appointment of Members to the Appeal stage of any complaint.*** One option would be to delegate the appointment of Members to the Town Clerk, in consultation with the Chair of the Independent Panel, another would be for the Court to elect a body of Members for this purpose annually and for a number of these to be selected by rota whenever an Appeal arises.

Again, any recommendation on this matter will need to be put to the Court of Common Council for formal adoption.

Conclusion

Members are asked to note the new Members’ Code of Conduct Complaints Procedure now in operation as set out in Appendix One and the Panel’s Terms of Reference. They are also requested to now provide some direction as to the

appointment of Common Councillors to the Appeals Procedure as well as a number of other ancillary matters raised by the Panel as set out in Appendix Three and discussed further within this report. The Policy and Resources Committee is asked to make any recommendations thereon to the Court of Common Council.

Appendices

- Appendix 1: Members' Code of Conduct – Complaints Procedure
- Appendix 2: Panel of Independent Persons – Terms of Reference
- Appendix 3: Letter from Panel of Independent Persons

Contact

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Principal Governance and Member Services Manager

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In force from 2 February 2022.



HOW COMPLAINTS SUBMITTED TO THE CITY OF LONDON CORPORATION RELATING TO THE MEMBER CODE OF CONDUCT WILL BE DEALT WITH

INTRODUCTION

1. The Localism Act 2011 requires the City of London Corporation (“the Corporation”) to have in place arrangements under which written allegations of a breach of the member code of conduct can be investigated and decisions on those allegations taken. These arrangements apply to both elected members and co-opted members.
2. The Localism Act 2011 only applies to the Corporation in its capacity as a local authority or police authority. The Corporation has, however, chosen to apply the member code of conduct and these arrangements to all of its functions.

THE PANEL OF INDEPENDENT PERSONS

3. The Corporation must appoint at least one Independent Person under the Localism Act 2011 whose views:
 - (i) must be sought, and taken into account, by the Corporation before it makes its decision on an allegation that it has decided to investigate;
 - (ii) may be sought by the Corporation in relation to an allegation in other circumstances;
 - (iii) may be sought by a member against whom an allegation has been made (“the subject member”).
4. The Corporation has decided to appoint a panel of Independent Persons (“the Independent Panel”) and to give them an enhanced and expanded role in overseeing the complaints process. Whilst the Independent Persons cannot be formal decision-makers under the relevant legislation, the Town Clerk and the Monitoring Officer have delegated authority to implement certain recommendations of the Independent Panel, where indicated in this procedure. If they disagree with a recommendation of the Independent Panel then they must refer the matter to the Court of Common Council. Any recommendation following a hearing or appeal, that concerns a breach of the code of conduct and an appropriate sanction, will automatically be referred to the Court of Common Council for decision, as set out in this procedure. All of the Independent Persons will be of equal stature but they will select a chair from time to time to liaise on their behalf with the Corporation. The Independent Panel will provide an annual report to the Court of Common Council on all of the complaints that it has considered during the year.

SUB-PANELS

5. In the interests of fairness and efficiency, the Independent Panel will operate through a different sub-panel for each stage of the process as follows:
 - (i) Assessment Panel;
 - (ii) Hearing Panel;

(iii) Appeal Panel.

6. Each sub-panel will consist of three Independent Persons, appointed by the Town Clerk in consultation with the Independent Panel. They may meet physically or virtually, or in a hybrid fashion. Each sub-panel will elect a chair and make recommendations based on a simple majority vote. No Independent Person may sit on more than one sub-panel in relation to the same complaint. Each sub-panel will receive administrative support from the Town Clerk and legal advice from the Monitoring Officer. In addition, the Appeal Panel will be assisted by an elected member, appointed by the Town Clerk, to advise on contextual matters.

PUBLIC ACCESS TO MEETINGS AND PAPERS

7. Meetings of the sub-panels will apply the same provisions regarding public access to meetings as the Corporation's committees. Under section 100A of the Local Government Act 1972, meetings shall be open to the public except to the extent that they are excluded. The public may be excluded from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information. For more information on exempt information see Appendix 1.
8. Meetings of the sub-panels will also be treated as subject to the same provisions regarding public inspection of agendas, reports, background papers and minutes as the Corporation's committees, under sections 100B-100D of the Local Government Act 1972. However, the Corporation is not required to disclose to the public any document or part of a document that contains exempt information.

SUBJECT MEMBER CONSULTING WITH INDEPENDENT PERSON

9. A subject member is entitled to consult confidentially with an Independent Person at any stage in the complaints process. The Town Clerk will appoint one of the Independent Persons for this purpose on request, in consultation with the Independent Panel. This will be an Independent Person who has not been and will not be involved in the determination of the complaint, at any stage, and they will be available to support the subject member throughout the complaints process.

CONFLICTS OF INTEREST

10. It is envisaged that the enhanced use of the Independent Panel will limit the possibility for conflicts of interest to arise. No individual (whether an Independent Person, elected member or officer) shall participate in the consideration of a complaint where there is a real or perceived risk of bias, or if they have, or might be reasonably perceived to have, a conflict of interest. This will include declared interests, personal involvement or the involvement of a family member or close associate. A conflict would not normally arise from mere acquaintance, or the sort of relationship that usually exists between members and/or officers of the Corporation.

COMPLAINTS

11. This complaints process is publicised on the complaints and corporate governance pages of the Corporation website and explains where code of conduct complaints should be sent. A copy of the complaint form can be accessed via the Corporation's website or can be requested from the Principal Committee & Member Services Manager, Town Clerk's Office (telephone 020 7332 1409). Formal complaints must be submitted in writing although this includes fax and electronic submissions. Help is available from the Town Clerk for people who might be disadvantaged by this requirement.
12. The form covers the following matters:-
 - (i) Complainant's name, address and contact details;
 - (ii) Complainant's status i.e. fellow member, member of the public or officer;
 - (iii) Who the complaint is about;
 - (iv) Details of the alleged misconduct including, where possible, the paragraphs of the code of conduct that have been breached, dates, witness details and other supporting information;
 - (v) A warning that the complainant's identity and a copy of the complaint will normally be disclosed to the subject member, unless there are exceptional circumstances.
13. Once a complaint relating to the code of conduct is received, it will be passed to the Assessment Panel for initial assessment. A complainant may, at any stage, withdraw their complaint with the consent of the Monitoring Officer, acting in consultation with the relevant sub-panel. Consent will only be withheld where there is a genuine public interest in continuing to consider the complaint in accordance with this procedure.

CONFIDENTIALITY

14. Members who are complained about generally have a right to know who the complainant is and to be provided with a copy of the complaint. A complainant's identity or any details of their complaint are unlikely to be withheld unless there are exceptional circumstances, for example if the complainant has reasonable grounds for believing that they will be at risk of physical or other harm or detriment if their identity is disclosed. If the nature of the allegations warrant it, then anonymous complaints may also be considered in exceptional circumstances.
15. Requests for confidentiality or for suppression of complaint details should be included in the complaint form. The Assessment Panel will consider the request as a preliminary matter. Where it is not appropriate to give the subject member a full copy of the complaint, the Assessment Panel will consider whether it is possible to give them a summary or a redacted version of the complaint.

16. The Town Clerk will confirm any decision regarding confidentiality to the complainant. If the request for confidentiality is not granted, the complainant will usually be allowed the option of withdrawing their complaint. However, it is important that in certain exceptional circumstances, where the matter complained about is very serious, the Corporation can proceed with an investigation or other action and disclose a complainant's name even if they have expressly asked us not to. It may also be necessary in those circumstances to make a referral to another agency.
17. Where there is a reasonable suspicion that informing the subject member of a complaint may lead to an attempt to interfere with evidence or intimidate witnesses, the Town Clerk may defer notification to enable a proper investigation to take place.
18. Where issues around confidentiality do arise, the procedures as set out in this document shall be modified accordingly.

ACTION FOLLOWING RECEIPT OF A COMPLAINT

19. The Monitoring Officer will acknowledge receipt of a complaint within 10 working days. They may ask the complainant for clarification of their complaint if they are unable to understand the document submitted. They may also obtain further information to assist the Assessment Panel. This might include: copies of a declaration of acceptance of office form; minutes of meetings; a copy of a member's entry in the register of interests; information from Companies House or the Land Registry; and any other relevant and readily obtainable documents.
20. Subject to any issues of confidentiality, the Monitoring Officer will also provide the subject member with a copy of the complaint within the same timescale and invite them to provide any written response within a further 10 working days. The letter to the subject member will make it clear that they may seek the views of an Independent Person, should they so wish.

INITIAL ASSESSMENT OF COMPLAINTS

21. The Town Clerk will aim to convene the Assessment Panel within 30 working days from receipt of the complaint to consider the papers.

ADMISSIBILITY OF COMPLAINTS – CAN ACTION BE TAKEN?

22. The Assessment Panel will firstly satisfy itself that the complaint meets the following tests:-
 - (i) It is a complaint against one or more named members of the Corporation;
 - (ii) The named member was in office at the time of the alleged conduct and the code of conduct was in force at the time;

- (iii) The complaint, if proven, would be a breach of the code of conduct under which the member was operating at the time of the alleged misconduct;
 - (iv) The complaint is about something that happened or came to light within the last three months, or is connected to alleged misconduct within the last three months, unless there are reasonable grounds for the complaint not having been made within that time period.
23. If the complaint fails one or more of these tests, it cannot be investigated as a breach of the code and the complainant will be informed by the Town Clerk that no further action will be taken in respect of the complaint.

ASSESSMENT CRITERIA – SHOULD ACTION BE TAKEN?

24. The Assessment Panel will then consider the following criteria when assessing admissible complaints and deciding what action, if any, should be taken:-
- (i) Has the complainant submitted enough information to satisfy the Assessment Panel that the complaint should be referred for investigation?
 - (ii) Is the complaint insufficiently serious to warrant further action – i.e. is it too minor a matter to warrant further investigation?
 - (iii) Does the complaint appear to be either malicious, politically motivated or vexatious? The Assessment Panel will consider whether the allegation is genuine and serious despite the motivation, or whether in fact it is reasonable to assume that it is not the expression in good faith of a genuine concern.
 - (iv) Has the complaint already been the subject of an investigation or other action relating to the code of conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities? If so, what was the outcome of these processes and is the consideration of a new complaint appropriate?
 - (v) Is the complaint suitable for informal resolution or mediation?
25. These assessment criteria are intended to ensure that complaints are taken seriously and dealt with appropriately, whilst acknowledging that a decision to investigate a complaint or to take other action will expend public resources – an important consideration where the matter is relatively minor.

INITIAL ASSESSMENT DECISION

26. Once the Assessment Panel has applied the assessment criteria it will then do one of the following:-
- (i) recommend that no action should be taken in respect of the complaint; or

- (ii) recommend training, conciliation, mediation or other appropriate alternative action (which, if unsuccessful, does not preclude a subsequent hearing); or
- (iii) request a formal investigation of the complaint in preparation for a hearing;
or
- (iv) refer the matter directly to the Hearing Panel, if all of the facts are known and an investigation would not assist in determining the complaint.

NOTIFICATION OF INITIAL ASSESSMENT DECISIONS

27. After the Assessment Panel has made its recommendation, the Town Clerk will write to the complainant and the subject member to confirm the decision and to advise them of the outcome within 10 working days. The decision letter will include the main points of the matter considered, the decision reached and the reasons for that decision.

ALTERNATIVE ACTION

28. If alternative action is proposed, the Town Clerk will additionally seek written confirmation from all involved parties that they consent and will co-operate with the process. In this case, the letter to the parties should outline what is being proposed, why it is being proposed, why they should consent and what it is hoped to achieve. The Town Clerk will then make the necessary arrangements in consultation with the Assessment Panel.

INVESTIGATIONS

29. Where the Assessment Panel has requested that an allegation should be formally investigated, the Monitoring Officer will appoint an investigator in consultation with the Assessment Panel. This may be an officer of the Corporation but will normally be an external investigator. The Monitoring Officer will write to the complainant and the subject member to advise them of the person who will be responsible for conducting the investigation.

INVESTIGATION PROCEDURE

30. Investigations will be conducted in accordance with the relevant protocol, which is included at Appendix 2. They will be conducted in a timely fashion and should normally be concluded within 30 working days. The investigator will produce a report for the Hearing Panel, stating whether there is evidence of a breach of the code of conduct. The report will include all of the relevant evidence that the investigator has relied upon in coming to this conclusion.

HEARINGS

31. The Town Clerk will aim to convene the Hearing Panel within 30 working days from receipt of the investigator's report, or within 30 working days of the referral from the Assessment Panel, if there is no investigation.

HEARING PROCEDURE

32. It is important to remember that the hearing is not being held in a courtroom setting. Whilst the complainant and the subject member may be legally represented and they, or their representatives, will normally be allowed to put questions to any witnesses, this is at all times subject to the chair's discretion to manage the hearing in an inquisitorial rather than an adversarial manner. A copy of the hearing procedure is included at Appendix 3.

FINDINGS

33. Following the hearing, the Hearing Panel will make a finding, on the balance of probabilities, whether the subject member has failed to comply with the code of conduct. If so, the Hearing Panel will also consider what sanctions, if any, ought to be imposed. This may be any one of or any combination of sanctions that are available, as set out below.

SANCTIONS

34. Any sanctions imposed must be reasonable and proportionate in all of the circumstances. The available sanctions for a breach of the code of conduct are:-
- (i) censure;
 - (ii) withdrawal of Corporation hospitality for an appropriate period;
 - (iii) removal from one or more committees;
 - (iv) other action.

CENSURE

35. Censure means a formal expression of severe disapproval, and is distinct from a simple finding that there has been a breach of the code of conduct.

WITHDRAWAL OF CORPORATION HOSPITALITY

36. Corporation hospitality includes committee lunches and dinners, drinks receptions, state banquets, etc. This sanction will normally only be considered where relevant to the nature of the complaint.

REMOVAL FROM COMMITTEE

37. The option of removal from a particular committee or committees includes sub-committees. This sanction will normally only be considered where relevant to the nature of the complaint.

OTHER ACTION

38. There is 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:-

- (i) that the member submits a written apology in a form specified;
- (ii) that the member undertakes specified training;
- (iii) that the member participates in such conciliation as is specified.

NOTIFICATION OF HEARING DECISIONS

39. If the finding of the Hearing Panel is that there has not been a breach of the code of conduct, the Town Clerk will write to the complainant and the subject member to confirm the decision and to advise them of the outcome within 10 working days. The decision letter will include the main points of the matter considered, the decision reached and the reasons for that decision.

40. If the finding of the Hearing Panel is that there has been a breach of the code of conduct, the Town Clerk will draft a report to the next meeting of the Court of Common Council for decision. The report will include the details of the matter considered, the recommendations of the Hearing Panel and the reasons for those recommendations, including any recommendations as to sanction. The Hearing Panel may also make a recommendation as to whether any formal announcement of the decision is called for, such as a statement on the Corporation's website. The Town Clerk will provide a copy of the report to the parties and advise them of the outcome once the Court of Common Council has met.

APPEALS

41. It is possible for either the complainant or the subject member to appeal against the decision at the hearing stage. This may relate either to the finding regarding a breach of the code of conduct and/or in relation to any sanction imposed, but is limited only to: matters concerning new, or undisclosed, evidence; the failure to consider evidence that was available at the hearing stage; or failure to follow due process.

42. Written notice of intention to appeal must be received by the Monitoring Officer within 10 working days from the date that the parties received the decision letter of the Town Clerk, or confirmation of the decision of the Court of Common Council. Full written details of the reasons for the appeal must then be received by the Monitoring Officer within a further 10 working days.

RESPONDING TO AN APPEAL

43. The Monitoring Officer will forward the full written details of any appeal to the respondent and invite them to submit their own written comments in response to

the Appeal Panel. Any written response must be received by the Monitoring Officer within 10 working days from the date that the respondent received the full written details of the appeal.

APPEAL PROCEDURE

44. The Town Clerk will aim to convene the Appeal Panel within 30 working days from receipt of the full written details of the appeal. The Appeal Panel will consider the admissibility of the appeal as a preliminary matter. If it is not considered to satisfy the relevant criteria, then the Town Clerk will write to the parties to confirm the decision and to advise them that the appeal process has come to an end within 10 working days.
45. For admissible appeals, the Appeal Panel may adopt such procedure as it considers appropriate having regard to the nature of the case. The Appeal Panel will normally make its finding on any appeal on the papers and will not hold a completely new hearing of the whole matter. However, the Appeal Panel may decide to hear further oral evidence in a particular case if it deems this necessary. If the Appeal Panel does decide to hear further oral evidence then the procedure will as far as possible follow the hearing procedure included at Appendix 3, with any necessary modifications.

FINDINGS

46. Having due regard to the finding of the Hearing Panel, the Appeal Panel may substitute any alternative recommendation that it considers appropriate, providing it is a recommendation that the Hearing Panel had the power to make. There is no further right of appeal against a decision made following a recommendation of the Appeal Panel.

NOTIFICATION OF APPEAL DECISIONS

47. If the decision at the hearing stage was that there had not been a breach of the code of conduct, and this is also the finding of the Appeal Panel, then the Town Clerk will write to the parties to confirm the decision and to advise them of the outcome within 10 working days. The decision letter will include the main points of the matter considered, the decision reached and the reasons for that decision.
48. If the Appeal Panel makes any other finding (i.e. that there has been a breach of the code of conduct, or that a previous decision of the Court of Common Council should be reconsidered) then the Town Clerk will draft a report to the next meeting of the Court of Common Council for decision. The report will include the details of the matter considered, the recommendations of the Appeal Panel and the reasons for those recommendations, including any recommendations as to sanction. The Appeal Panel may also make a recommendation as to whether any formal announcement of the decision is called for, such as a statement on the Corporation's website. The Town Clerk will provide a copy of the report to the parties and advise them of the outcome once the Court of Common Council has met.

EXEMPT (NON-PUBLIC) INFORMATION

THE DESCRIPTIONS OF EXEMPT INFORMATION

The descriptions of exempt information under Part VA and Schedule 12A to the Local Government Act 1972 are as follows:-

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes-
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Where, in the opinion of the proper officer, the consideration of a complaint at a meeting is likely not to be open to the public, in order to prevent the disclosure of exempt information, any related papers will be treated as non-public pending a formal decision on the matter. This is in accordance with section 100B(2) of the Local Government Act 1972 and so as to avoid pre-judging the matter.

THE PUBLIC INTEREST TEST

The types of information set out above are only exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. If the public interest is equal on both sides, then the information must be disclosed – in this sense there is an assumption in favour of disclosure.

The Corporation must consider the balance of the public interest in each individual case, and therefore it is not possible to have a blanket ruling as to whether information relating to a complaint will be exempt or not.

There is no statutory definition of what constitutes the 'public interest'. The public interest can cover a wide range of values and principles relating to the public good, or what is in the best interests of society, and there are often arguments to be made on both sides. A non-exhaustive list of relevant factors to be considered are set out below:-

GENERAL PUBLIC INTEREST IN TRANSPARENCY

There is a general public interest in promoting transparency, accountability, public understanding and involvement in the democratic process.

SPECIFIC PUBLIC INTEREST IN THE COMPLAINT

As well as the general public interest in transparency, which is always an argument for disclosure, there may also be a legitimate public interest in knowing the details of a particular complaint. For example, if the complaint relates to the misappropriation of public funds, or it is alleged that the subject member's conduct has impacted on public services.

DETERRENT EFFECT

If members know – because the Corporation's policy is to publish in an appropriate case – that improper conduct, if it comes to light, will be exposed to public scrutiny then this, in and of itself, can act as a deterrent to misconduct in the first place.

OF INTEREST TO THE PUBLIC

The public interest is not necessarily the same as what interests the public. The fact that a subject member's actions are being discussed, for example in the media, does not automatically mean that there is a public interest in disclosing the information.

THE VIEWS OF THE PARTIES

The public interest test is concerned only with public interests, not private interests. However, the complainant and the subject member may be invited to make representations regarding the public interest in a particular case. For example, if neither has any concerns about information relating to the complaint being disclosed then it is unlikely that the exemption would be maintained.

INFORMATION ALREADY IN THE PUBLIC DOMAIN

If a complaint relates to the conduct of the subject member at a public meeting, then it is unlikely to be treated as exempt because knowledge of the incident is already in the public domain. However if, for example, the conduct may have been caused by an underlying medical condition, then it is likely that this would be exempt information.

PRESENTING A 'FULL PICTURE'

Similarly, there may be cases where allegations have been thoroughly aired, for example in the press and on social media; the coverage may have been partisan and not always accurate. It may be in the public interest to make the full facts known to the public, rather than having snippets referred to and innuendos drawn from those snippets.

EVIDENCE OF WRONGDOING

It is not in the public interest for baseless accusations against members of the Corporation to be publicised. Therefore in order for information regarding a complaint to be disclosed, the suspicion of wrongdoing must normally amount to more than a mere allegation; there should be a plausible basis for the suspicion, even if it is not actually proven at that stage. It is not wrong or unfair in principle to publish allegations, as opposed to ultimate findings, but we will take into account the nature and depth of any investigations undertaken, and the strength of the case against the subject member.

Consequently, it is less likely that information regarding a complaint will be disclosed at the initial assessment stage, particularly where it has been decided that no action should be taken. It is more likely that information will be disclosed if a subsequent investigation reveals a serious case to answer. It is more likely still that information will be disclosed if, after full consideration of all of the evidence at a hearing, or after any appeal, a subject member is found to have breached the code of conduct and a sanction is imposed.

INVESTIGATIONS PROTOCOL

Meeting with complainant

The investigator will interview the complainant to explore the complaint and identify supporting evidence and/or witnesses.

Meeting with subject member

The investigator will interview the subject member to explore the complaint and identify supporting evidence and/or witnesses. The subject member shall have the right to be accompanied by a person of their choice. This may be a lawyer although the process will be an interview with the subject member rather than a hearing involving advocacy.

Interviewing witnesses

All requests for interviews will be made in writing and will include a summary of the matters that investigator wishes to ask the witness about.

Recording of interviews

All interviews will either be recorded, or a full written transcript taken, and the interviewee will be provided with a copy.

Preparation of statements

The investigator may assist the parties and witnesses in the preparation of statements if they so wish, or they may choose to prepare their own statements.

Confidentiality

All interview records, witness statements and other materials produced in the course of the investigation will only be used and disclosed in accordance with the procedures set out in this document.

Retention of records

All interview records, witness statements and other materials produced in the course of the investigation will be retained by the Monitoring Officer for six years following the determination of the complaint and then destroyed.

Provision of draft report

At least 10 working days prior to submitting a final report to the Hearing Panel on whether there is or is not evidence of a breach of the code of conduct the investigator will provide a copy of their draft report to the parties for comment. The draft report will include all of the material gathered during the investigation that the investigator is intending to present to the Hearing Panel.

HEARING PANEL – HEARING PROCEDURE

1. The Hearing Panel will open in public session. It is a matter for the Hearing Panel to determine whether it moves into confidential session with the press and public excluded, in accordance with the provisions of Part VA and Schedule 12A of the Local Government Act 1972. The views of the complainant and the subject member will be sought, if these have not already been received at any pre-hearing review.
2. The Chair introduces the members of the Hearing Panel and others present, and explains the purpose of the hearing, the procedure to be followed and the nature of the meeting.
3. The complainant and the subject member may be legally represented if they wish, or accompanied by some other person, but will be expected to give evidence and answer any questions put to them personally.
4. The complainant and the subject member (and anyone representing or accompanying them) are invited to be present throughout the hearing; other witnesses will enter to give evidence and then withdraw.
5. If there has been an investigation, the investigator presents their report and then answers any questions from the Hearing Panel, the complainant and the subject member (in that order).
6. The complainant and then the subject member will be invited to make an opening statement. The Chair has a discretion to limit the time for opening statements, in appropriate circumstances.
7. The Chair calls witnesses in the order agreed at any pre-hearing review, or otherwise in the order that their statements appear in the papers. The statements will be taken as read rather than read out. Witnesses will be asked to confirm that their statements are true.
8. Immediately after confirming the contents of their statement each witness will be invited to answer any questions from the Hearing Panel.
9. Each witness may then be invited to answer questions (if any) from the complainant and the subject member (in that order). Alternatively, questions may only be allowed to be put through the Chair, with their permission.
10. The Chair has a discretion to manage the hearing in a non-adversarial, fair and efficient manner and may therefore refuse to allow certain questions, or limit the time for questioning, in appropriate circumstances.
11. There will then be an opportunity for the complainant and the subject member (in that order) to make any closing comments if they so wish. Again, the Chair has a discretion to limit the time for closing comments, in appropriate circumstances.

12. All other persons present then withdraw to allow the Hearing Panel to consider the evidence and representations with their clerk and legal adviser and to take legal advice where necessary.
13. Those persons are then invited to return and the Hearing Panel announces its finding as to whether there has been a breach of the code of conduct.
14. If the Hearing Panel considers that there has been a breach of the code it may invite any representations from the complainant and the subject member (in that order) on the appropriate sanction (censure of the member; withdrawal of Corporation hospitality for an appropriate period; or removal of the member from a particular committee or committees). The Hearing Panel may ask all other persons present to withdraw again to allow it to consider the appropriate sanction, then invite them to return to hear the Hearing Panel's recommendation as to any appropriate sanction.
15. The Hearing Panel will endeavour to conclude the hearing in one day but, in exceptional circumstances, may at any stage adjourn the hearing to a different day. This may be necessary, for example, where one of the parties makes a request to introduce additional evidence at the hearing, and more time is needed to consider this. An adjournment may also be necessary where the Hearing Panel, having heard all of the evidence, requires more time to make a recommendation.
16. The final decision of the Town Clerk or the Court of Common Council, together with the reasons for that decision, will be confirmed to the parties in writing following the hearing.
17. This procedure may be varied by the Hearing Panel as it considers appropriate in order to dispose of the matter in a fair and efficient manner.

Independent Person's Panel Letter to the Corporation -by email

To Angela Roach

From – Robert Coyle

Dear Angela,

Independent Person's Panel – Corporation of London

As you are aware, I am writing to you on behalf of the Panel of Independent Persons appointed by the Corporation – this letter has been approved by the Panel.

The panel is making good progress in drafting a proposed process for fulfilling our role, together with supporting papers & policies as appropriate.

As discussions have progressed a small number of issues have become apparent, where it is felt that either amendments need to be made to the scheme by which the panel is appointed &/or where some resources are thought to be desirable. I am writing to formally draw this to your attention so that, hopefully we can enter into a discussion as to how to resolve or otherwise move forward the matters.

Panel Size

The Lisvane Report, at paragraph 431, noted "...it may be necessary to have about eight Members of the Panel, to provide Members to constitute Hearing Panels and Appeals Panels, and to provide a degree of collegiate approach and mutual support.". The current panel is nine persons. We propose that this should be increased.

The panel is likely to propose a three tier process for dealing with complaints. The first two tiers needing three panel members each and the third at least two.

Allowing for illness or other non availability of a panel member – or were a member to need to recuse themselves for any reason, the number of panel members is therefore felt to be too few. (We also need to allow for any vacancies in the panel were a complaint to arise).

In addition, there may be a requirement for a panel member (or former member), to be available, in addition to those above, to be consulted by any person subject to a complaint. (While we make some proposals about this towards the end of this letter, those proposals would not be effective for some time: this adds to the need for a larger panel).

We think as a minimum the panel needs to be twelve strong.

Panel Term

Currently members are appointed for two years with a potential to extend their term twice (i.e. six years in total). Additionally it is envisaged that some members (drawn by lot) will serve a one year first term – so that the whole panel does not need to be replaced in one go.

The panel agree that six years in total is sufficient. However it is becoming increasingly clear that panel matters/workings are complex. We would suggest that the initial membership be extended once only by a year – this would be to allow more time for panel members to “get up to speed” on the workings etc. of the panel and its processes.

Panel Member Training

The panel are grateful to the Officers who have generously given their time to provide background material, induct the panel and convene early meetings over the recent weeks.

The Lisvane Report, at paragraph 140, recommends that Members appointed to a Committee should, as a matter of best practice, undertake certain professional training in diversity. The recommendation was for Members to undertake the same mandatory learning as Officers.

The panel welcomes the opportunity to support the Corporation in role modelling best practice in respect of undertaking professional training in diversity. In keeping with the spirit of the Lisvane Report, the panel consider it would be appropriate for all Independent Persons to at least have the opportunity to undertake professional training in diversity and for this to be periodically refreshed.

As a minimum the Independent Persons should undertake all the mandatory and highly recommended professional training in diversity as required by Corporation of Officers. The panel understands this currently includes modules on:

- Unconscious Bias
- Equality Awareness
- Transgender Awareness
- “Equally Yours”

The panel have a range of skills, experience and knowledge. It might be advantageous for some panel members to have the opportunity to undertake other training periodically – such as in current best practice in employment law and/or complaints handling.

The panel are also aware that it is proposed that there will be voluntary induction sessions for new Members later this year. Some of the panel, particularly those who are less familiar with the workings of the Corporation, would welcome the opportunity to attend any induction sessions for Members should this be permissible.

Former panel Member(s) to be available for consultation by subjects of complaints

As a final point it may, in due course, be advisable to have a secondary “panel” of former Independent Persons. These would be available for consultation by the subject person of any complaint as to the working, procedures and processes of the panel.

Conclusion

It would be useful to discuss these points with you. Clearly you may need to report to the Court or consult with it – however it is difficult for the panel to finalise some matters (such as its Terms of Reference), if these matters are not settled. Accordingly an early discussion would be useful, if only to set matters moving.

Finally and as discussed the panel feel that they will soon be in a position to properly function – subject to any final governance/sign-off by the Corporation.

I trust this is all self explanatory but am happy to discuss any points that need clarification.

Yours,

Robert Coyle

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Panel of Independent Persons

Terms of Reference

Functions and Authority of the Panel

The Panel of Independent Persons (the Panel) was established by the City of London Corporation Court of Common Council (the Corporation) by way of Court of Common Council Resolution on 14 January 2021.

The purpose and powers of the Panel is to establish and administer a Complaints Process and to also deal with the granting of Dispensations (the Scheme).

The Panel is to independently consider complaints made by anyone against an elected or co-opted member of the Corporation.

The Panel will also consider granting Dispensations for Members to participate in a particular item of business at a City Corporation meeting where a disclosable pecuniary interest exists that must be disclosed, relating to any matter that is being considered.

The Panel has authority to develop the Policy on the process for dealing with complaints referring to any Sanctions that may be applied. The Panel is also authorised to consider Dispensations under the Scheme.

The Panel is responsible for providing from its membership, the persons to form Sub-panels, required to investigate and consider complaints, by informal and/or formal process under the Scheme.

The Panel considers all complaints referred to the Scheme and where formal process is followed will recommend to the Corporation the final outcome for approval. The Panel also considers and makes recommendations to the Town Clerk on dispensation applications.

The Panel is responsible for developing a Policy for Publication of the outcomes of complaints, as recommended to the Corporation.

Membership

The Panel is formed of up to nine/twelve* members in total, comprised of all independent members.

All Panel members agree to follow the Nolan Principles and also the Code of Conduct in place for members and co-opted members of the Corporation.

The Panel will maintain a Register of Interests for all independent members which will be published on the Corporation's website and updated regularly.

Independent panel members are selected by the Corporation. All appointments are for terms of up to two years, with a maximum of three terms being served.

*subject to confirmation by the Court of Common Council

Chair and Deputy Chair

The members of the Panel shall elect one of its members as Chair, and another member as Deputy Chair, both for a period of 12 months which can be renewed for a maximum of up to 36 months

Where the Chair is not present at a meeting, or is conflicted, the Deputy Chair will take the Chair for the meeting or for any conflicted item

Quorum, Frequency and Records of Panel Meetings

The Panel quorum is five.

The Panel will as standard meet quarterly each municipal year, but meetings may be cancelled or called more frequently if required.

The Panel shall hold additional meetings as required to deal with any business arising at the request of the Executive of the Corporation or at the request of two members of the Panel.

At least three business days' notice of the time, date and venue of each Panel meeting shall be provided to all members.

It is acceptable for routine business to be conducted electronically.

The Secretariat of the Corporation will prepare minutes and provide each member with a copy. Such minutes will be reviewed at the next meeting and, subject to any amendment, agreed and will be signed by the Chair. The amendment of minutes shall not affect the validity of decisions taken by the panel in the meeting to which the minutes relate.

Duties

The Panel is responsible for establishing and maintaining a Complaints Process and applying the Sanctions Policy, both of which should be reviewed regularly.

The complaints process and any guidance will be available to all who want to make a complaint.

The Panel, and its Sub-panels, are to have regard to the Complaints Process; any Sanctions specified in legislation or in any Sanctions Policy; the Policy and Guidance on the granting of dispensations under the Localism Act 2011; and the Members Code of Conduct when dealing with any complaints or dispensation requests before it.

All formal complaints and/or appeal recommendations will be referred to the Corporation for oversight approval. After the matter has been addressed by the Corporation the outcome will be published where the process requires this.

A recommendation or other outcome at any stage of the complaints process, will be recorded in writing and reported to the next full Panel meeting after the end of the full process for that complaint has concluded.

All determinations made by the Corporation will also be reported back to the Panel.

*subject to confirmation by the Court of Common Council

The Panel will adhere to best practice in terms of managing data and do so in line with the City of London Corporation Data Subject Rights Policy.

The Panel will produce an Annual Report that will be published.

Hearings Sub-Panels

Each Sub-panel will be comprised of up to three persons.

Appointments to Sub-panel will be undertaken on a rota basis. The Panel can select particular members for a complaint to replace any rota allocations, if specific skills are required to deal with a particular complaint. Also allocations should ensure, as far as possible, a mix of persons to each Hearing Sub-panel to reflect the range of diversity within the panel.

A panel member cannot be part of more than one Sub-panel for each individual complaint.

Voting mechanism

The Panel or any Sub-panel, may vote on and determine any matter arising at the meeting and each member present at the meeting shall have one vote.

Decisions of the Panel or any Sub-panel shall be by simple majority of the votes cast (excluding any abstentions).

Approved April 2022

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