

MEMBER DEVELOPMENT AND STANDARDS SUB COMMITTEE
Friday, 15 December 2023

Minutes of the meeting of the Member Development and Standards Sub Committee
held at on Friday, 15 December 2023 at 11.00 am

Present

Members

Deputy Ann Holmes (Chief Commoner) (Chairman)
Helen Fentimen (Deputy Chairman)
Munsur Ali (observing virtually only)
Deputy Peter Dunphy
Alderman Alison Gowman
John Griffiths
Deputy Charles Edward Lord
Eamonn Mullally
Nighat Quereshi (observing virtually only)
Naresh Hari Sonpar

Officers:

Gregory Moore	- Deputy Town Clerk
Polly Dunn	- Assistant Town Clerk and Executive Director, Governance & Member Services
Gemma Stokley	- Town Clerk's Department
Zoe Lewis	- Town Clerk's Department
Michael Cogher	- Comptroller and City Solicitor
Edward Wood	- Comptroller and City Solicitor's Department
Deborah Bell	- Community & Children's Services Department

1. APOLOGIES

Apologies for absence were received from Deputy Keith Bottomley and Deputy Christopher Hayward.

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

There were no declarations.

3. PUBLIC MINUTES

The Sub-Committee considered the public minutes and non-public summary of their last meeting held on 15 September 2023 and approved them as a correct record.

4. **DRAFT CODE OF CONDUCT**

The Sub-Committee considered a joint report of the Town Clerk and the Comptroller and City Solicitor presenting a draft Members' Code of Conduct for further consideration and review ahead of any wider consultation.

The Comptroller and City Solicitor introduced the report highlighting that the City Corporation were obligated to promote and maintain high standards of conduct amongst its elected and Co-opted Members in its capacity as a Local Authority and Police Authority. Under the Localism Act 2011, it was also necessary for it to adopt a Code of Conduct, consistent with the seven principles of public life and containing appropriate arrangements as to the registration and disclosure of pecuniary and other interests. It was underlined that there was no prescribed form of wording for such a Code which could be agreed locally. It was highlighted that there was nothing defective about the City Corporation's current Code of Conduct but it was best practice to review this on a regular basis. It was reported that the Committee on Standards in Public Life recommended that the Local Government Association (LGA) create an updated model Code of Conduct following a consultation exercise. This had now been adopted by a number of local authorities but by no means universally.

The Civic Affairs Sub-Committee who had previously held responsibility for oversight of this area of work had agreed upon a hybrid Code for the City Corporation – adopting much of the model Code whilst also retaining some elements of the Corporation's current Code around certain City-specific elements. The culmination of this was as set out within Appendix 1 of the report and was now presented for this Sub-Committee to comment on and approve ahead of any wider consultation involving all elected and Co-opted Members (including Independent Persons) prior to adoption. The Sub-Committee could also consider public consultation at this juncture. It was reported that, ultimately, the final Code would require approval by the Policy and Resources Committee and, subsequently, the Court of Common Council.

A Member queried what might happen to any outstanding complaint against a Member who went on to resign from the Court of Common Council. They added that they were pleased to see reference to charity work within the draft Code but underlined that there were different areas in which Members were involved with charities – one being where they sat on a Committee and the Corporation was corporate trustee and the other where they were individual trustees – they therefore queried whether the Code should clarify this. The Comptroller responded that, were there to be an existing complaint against someone who subsequently ceased to be a Member, the process could continue if felt appropriate/worthwhile although the subject person could not be compelled to attend any Panel meetings. He added that the available sanctions in these circumstances would be further limited with censure probably being the main option. In relation to charities, it was highlighted that paragraph C6.2 would apply to both scenarios, including situations where Members were individual trustees by virtue of their position on the Court of Common Council, and allow for action to be taken under the Code. He added that further changes to the wording could be considered if helpful.

Another Member stated that as well as being charity trustees, some Members also held company directorships by virtue of being an elected Member and cited the Finance Committee Chair as a specific example of this. They queried whether this might also be usefully reflected within the Code. The Comptroller and City Solicitor stated that this wording could be added for absolute clarity.

Another Member queried whether the Code could be more prescriptive as to appropriate use of resources/technology provided to Members. The Comptroller and City Solicitor responded to say that this was as set out within the Corporation's separate IT Use Policy with which all Members were expected to comply. Whilst the Code was an overall behavioural framework tool there were clearly a number of other relevant policies sitting behind this such as the Planning Protocol for example which set out how those who were members of the Planning Committee were expected to behave. The Member responded to query whether there was therefore a definitive list of all other policies with which Members were expected to comply. The Comptroller and City Solicitor commented that the Code of Conduct may not be the best place to hold such a list given that policies often changed and that the Code itself was only reviewed approximately every 3 years. The point was made that each relevant policy should have a date by which it required review and that it was therefore reasonable to inform Members when the situation changed. One Member felt that it was also reasonable that all relevant policies should be referenced or linked within the Code. Another Member cautioned against this, stating that purporting to include a definitive list of policies, which subsequently became out of date, could lead to further problems. They therefore suggested simply highlighting that such other documents existed. Officers were supportive of this approach but understood the request from Members to be updated when any changes were made to relevant policy documents going forward. It was suggested that the Members' Portal would be the most obvious place to link all relevant documents. The Comptroller and City Solicitor stated that the current drafting had been adopted from the LGA's model Code, drawing attention to specific policies where it was felt that these were most relevant, but commented that a paragraph could be added to the beginning of the draft Code making it clear that there were other documents that needed to be read in conjunction with this, and listing the most important ones.

Subject to the inclusion of the points made above, the Sub-Committee were agreed that the draft Code should be shared with all elected and Co-opted Members as well as the Panel of Independent Persons by way of consultation. It was noted that it may necessitate further consideration by this Sub-Committee were any substantive comments to be received and that it would then be referred on to the Policy and Resources Committee and Court of Common Council for final approval ahead of adoption.

RESOLVED: - That Members:

- Approve the latest version of the draft Code of Conduct subject to the inclusion of the additional comments made;

- Confirm that they are then content for the draft document to be shared with all existing elected Members, Co-opted Members and the Panel of Independent Persons for further consultation.

5. **MANDATORY TRAINING**

The Sub-Committee considered a report of the Town Clerk around various options in terms of mandatory Code of Conduct training implementation and delivery.

The Town Clerk introduced the report stating that the draft Code of Conduct that the Sub-Committee had just approved for wider consultation at the previous item contained a statement which read 'I undertake Code of Conduct training provided by the Corporation' – in practice, this would mean that, when the Code was formally adopted, any Member failing to undertake such training would be in breach of it. By implication, Code of Conduct training would therefore become mandatory with the introduction of this new Code. Given this, this report therefore asked Members to consider how best such training could be implemented and delivered as well as any other additional measures that they might wish to consider introducing such as a dedicated Standing Order reinforcing this requirement within the Code and setting out that those failing to undertake the training would not be eligible for appointment to any Committee.

A Member queried to whom the new Code would apply and therefore for whom the mandatory training would apply. They also stated that they were of the view that a public record of Code of Conduct training completed and the date on which it was last completed should be introduced for full transparency.

Officers clarified that the Corporation's Code of Conduct was already applied to any member of the Corporation and any member of a committee or sub-committee of the Corporation (voting or non-voting), it was proposed that this continue and so the proposed mandatory training element would therefore apply to all.

The Chair commented that her view was that existing Members should continue to be offered training and be encouraged to view the recordings of the Code of Conduct training sessions already provided and that it should become mandatory for all as of March 2025 with the next all-out elections. It was highlighted that communications on this new requirement would need to be sent to all in good time. Officers stated that Code of Conduct training would be offered to all very early on in the new Member Induction programme and that the dates for this and its importance could be communicated to all candidates well in advance such that Committee appointments at the April 2025 Court were not unnecessarily hindered.

With regard to the frequency with which all should be encouraged to undertake the training, the Sub-Committee were of the view that it should be mandated once per term of office unless there were to be any major changes to the Localism Act, under a new Government for example, which would necessitate that happening any sooner.

RESOLVED: - That Members support the introduction of mandatory Code of Conduct training for all as of March 2025, at which juncture all will be required to sign up to the new Code, this training to be repeated once per electoral term for all.

6. **STANDARDS UPDATE**

The Town Clerk reported that the three new Independent Persons successfully appointed in the Autumn had now attended an initial induction with the Deputy Town Clerk, Comptroller and City Solicitor, Chief Commoner and Principal Governance and Member Services Officer.

It was reported that there were currently no live complaints. The Chief Commoner reported that she was hopeful that the recently introduced Pre-Complaints Protocol was working well.

It was also hoped that all twelve Independent Persons would meet at the Guildhall in early 2024 for a training and introduction session allowing the full Panel to meet for the first time.

RECEIVED.

7. **MEMBER LEARNING AND DEVELOPMENT UPDATE**

The Sub-Committee considered a report of the Town Clerk reviewing the Member Development offerings from the last quarter in terms of feedback and attendance figures. It also sought endorsement for sessions planned for the next quarter and provided a forward-look at the quarter beyond this. It was hoped that always looking two quarters ahead would help to effectively address recent criticism as to lack of notice around training offerings. It was reported that the Member Portal appeared to be a successful tool to date, however, it was noted that viewing figures of training recordings were not as high as hoped to date. Finally, it was highlighted that this report sought endorsement of the process by which individual Members could submit requests for external training.

The Chair commented that the more recent training events had been advertised in good time with regular reminders also sent to all. Despite this, attendance had still been disappointing. Different timings and formats had also been explored this quarter with little impact upon overall take up. Going forward, it was felt that consideration could therefore be given to mandating certain training around Chairmanship and Safeguarding for example.

A Member commented favourably on the training sessions they had attended to date but queried whether sessions that were shorter – 90 minutes as opposed to two hours - might appear more attractive. In terms of feedback, they added that the current Microsoft Form format used was often difficult to access on certain devices. They therefore queried whether a training session on Microsoft Tools and other relevant IT skills might be of use to all in the next quarter.

Another Member suggested that Outlook calendar invites be sent to all Members for forthcoming sessions with all encouraged to either accept or

decline in order to give those facilitating the sessions a good idea of attendance numbers. It was felt that this should be sent to all in the first instance with Members given the option to opt out in order to try and foster a culture of learning and training across the board.

In terms of the Member Portal and viewing the recordings of recent training sessions, a Member commented that these should be placed more centrally on the site for ease of access. He stated that it would be worth reviewing the page layout and web design as a whole going forward. He commented that it appeared to be relatively text heavy at present. Another Member commented that those viewing recordings of training sessions could also be asked to submit feedback on the offering and queried whether there was a means by which such feedback forms could be sent automatically once a recording had been viewed. In response to further questions, the Town Clerk clarified that whilst the Portal was able to provide viewing figures for each recording it was not possible to discern which individual Members had viewed these. Records of attendees at sessions (both in-person and virtually) were held centrally.

In terms of external training, the Chair commented that this tended to be expensive and that, generally, if a session were to be of maximum benefit, it would be preferable to offer it to more than one member. The Sub-Committee stated that each application should be considered on its merit with funds fairly apportioned but that the default position should be to offer training in-house insofar as possible. A Member commented that it was useful to have external training for certain areas that were statutorily mandated such as Licensing but that this tended to be offered to the full Committee as opposed to individual Members. Another Member commented that external training could also be beneficial in terms of viewing the organisation in a wider local authority/local government context which may go some way to addressing certain behavioural issues and avoid Members from becoming too insular. In this vein, A Member commented that there were various bodies such as the LGA offered training and development opportunities to elected members free of charge. The Chair suggested that all Members be invited to feed in any knowledge of such free courses to the Town Clerk so that these could be shared amongst the Court. It was noted that these were useful in terms of networking as well as learning.

RESOLVED: - That the Sub-Committee:

- note the report and feedback as to Quarter 3 (September to December 2023) offerings, delivery and attendance;
- agree to cancel future sessions with fewer than eight registrants a week ahead of the scheduled offering;
- approve the content and direction proposed in respect of future offerings outlined for Quarter 4 (January to March 2024) and the potential offerings for Quarter 1 (April to June 2024); and
- approve the process by which Members are able to apply to attend non-City learning events

8. **QUESTIONS ON MATTERS RELATED TO THE WORK OF THE SUB-COMMITTEE**

There were no questions.

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

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

10. **EXCLUSION OF THE PUBLIC**

RESOLVED - That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

Item No

11-13

Paragraph No(s).

3

11. **NON-PUBLIC MINUTES**

The Sub-Committee considered the non-public minutes of their last meeting held on 15 September 2023 and approved them as a correct record.

12. **CONFIDENTIALITY AND CODE OF CONDUCT**

The Sub-Committee received a report of the Comptroller and City Solicitor relative to how the Members' Code of Conduct deals with confidential and related information.

13. **INDEPENDENT REVIEW**

The Sub-Committee considered a late, separately circulated report of the Town Clerk presenting the draft findings of a recent Independent Review and asked that they consider these and provide any feedback ahead of proposed wider consultation.

14. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions in the non-public session.

15. **ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED.**

There were no additional, urgent items of business for consideration in the non-public session.

The meeting ended at 12.36 pm

Chairman

Contact Officer: Gemma Stokley
gemma.stokley@cityoflondon.gov.uk