

Committee(s) Member Development and Standards Sub-Committee	Date: 21 July 2023
Subject: Standards Update	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	6
Does this proposal require extra revenue and/or capital spending?	No
Report of: Comptroller and City Solicitor and Town Clerk and Chief Executive	For Decision
Report author: Edward Wood, Assistant City Solicitor	

Summary

This report is intended to update the new Member Development and Standards Sub-Committee on various standards matters that are already in train. Members are asked to note the progress that has been made on recruiting three additional Independent Persons and the work that has already been done on developing a new Members' Code of Conduct, which will be presented to a future meeting for further consideration and review. Members are asked to approve a revised Complaints Procedure, which would emphasise the role of the Chief Commoner and the Aldermanic Chairs in resolving disputes between Members, and also to consider the implementation of mandatory Code of Conduct training and the mechanisms surrounding this.

Recommendation(s)

Members are asked:

- To note the latest position on the recruitment of three additional Independent Persons;
- To approve the revised Complaints Procedure at Appendix 1 for onward consideration by the Policy and Resources Committee and the Court of Common Council;
- To note the current position on producing a new Members' Code of Conduct;
- To consider the implementation of mandatory Code of Conduct training.

Main Report

Recruitment of additional Independent Persons

1. Members will recall that nine Independent Persons were appointed by the Court of Common Council in the Summer of 2021 to determine complaints under the Members' Code of Conduct, in accordance with the recommendations of Lord Lisvane. In October 2022 the Court of Common Council instructed the Town Clerk 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 or their representatives) to progress a further round of recruitment to appoint three additional Panel members, bringing the number to twelve in total. It was also proposed that a member of the Panel of Independent Persons join 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 skill sets.
2. The rationale for increasing the size of the Panel was that there is a three-tier process for dealing with complaints (Assessment, Hearing, Appeal) as advised by Lord Lisvane and supported by the Court of Common Council. The Complaints Procedure stipulates that no Independent Person may sit on more than one sub-panel in relation to the same complaint, and a larger pool was therefore felt to be 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. In addition to this, one Independent Person may be required to consult with any Member who is the subject of a complaint, which then takes them out of the available pool for dealing with this same complaint in any other capacity.
3. The membership of the Independent Persons Appointment Panel has now been confirmed and a timetable has been drawn up with a view to advertising the vacancies later this month, shortlisting and interviewing candidates for the positions in September, taking a recommendation on their appointment to the Court of Common Council in October and, ultimately, securing a further three Independent Persons by the end of this calendar year.

Revised Complaints Procedure

4. Your Sub-Committee will be aware that the role of the Chief Commoner has traditionally included a concern for the welfare and conduct of Common Councillors, and the Chair of the General Purposes Committee of Aldermen and the Chair of the Nominations Committee of Aldermen perform a similar function in relation to Aldermen.
5. An amendment to the current Complaints Procedure has been proposed by the Chief Commoner, to incorporate a Pre-Complaint Protocol. This would emphasise the existing alternative avenue for Members to resolve grievances against other Members, through the Chief Commoner and the Aldermanic Chairs, and the need to exhaust that process before a formal complaint is made.

6. As per historic practice, a Member with a grievance against an Alderman would be directed to seek assistance from one of the Aldermanic Chairs in the first instance, and a Member with a grievance against a Common Councillor would be directed to the Chief Commoner. The proposed text envisages that the Chief Commoner may, where appropriate, nominate a former Chief Commoner who is still on the Court to deal with the matter. This is designed to address any potential conflicts of interest, or personality clashes, with a view to achieving the best possible outcome in any given case.
7. This proposal has been prompted by a feeling that there have been too many Member v Member complaints, that tend to escalate and become divisive on the Court of Common Council, and lead to tit for tat complaints. The proposed change would further highlight that the Court is very keen to focus on conflict resolution where possible.
8. It is important to note that any Member will still be able to make a complaint to the Panel of Independent Persons, once they have tried this other route. Members will also still be able to go straight to the Panel with a complaint, if there are exceptional circumstances. This will have no impact on complaints from any other sources i.e. Co-opted Members, Officers, members of the public.
9. A revised Complaints Procedure with the amendments highlighted as tracked changes is attached at Appendix 1. The main additions are at paragraphs 3, 14(iii), 21 and 22. The changes to the complaint form at Appendix 2 are not tracked but are contained in a new section 3 relating to the Pre-Complaint Protocol.
10. The Panel of Independent Persons and other stakeholders, including the Aldermanic Chairs and former Chief Commoners still on the Court, have been consulted on the proposals and are content. If your Sub-Committee is also content then the proposal will progress to the Policy and Resources Committee and the Court of Common Council.
11. It is proposed that, before any changes to the Complaints Procedure are implemented, a separate Pre-Complaint Protocol document will be drawn up by the Chief Commoner and the Aldermanic Chairs, which will provide more detail for Members on how they will manage their part of the process.

New Code of Conduct

12. The Civic Affairs Sub-Committee reviewed the Corporation's current Members' Code of Conduct and the LGA Model Councillor Code of Conduct in October 2022. Members expressed a preference to adopt a new hybrid Code combining the more modern and illustrative drafting of the LGA Code with some of the City specific elements from the Corporation's current Code. A draft of a potential Code was then considered at further meetings of the Civic Affairs Sub-Committee in December 2022 and March 2023, together with some particular areas for discussion.

13. Now that the Member Development and Standards Sub-Committee has assumed responsibility for this area of work, the draft Code will be presented to a future meeting for your further consideration and review. Once your Sub-Committee is happy with the draft Code, it will be necessary to consult more widely on the proposals, to include as a minimum all Members and Co-opted Members to whom the Code applies and the Panel of Independent Persons. Once the consultation is complete the proposals can be reported to the Policy and Resources Committee and the Court of Common Council for formal adoption.

Mandatory Code of Conduct Training

14. One of the conclusions of the Civic Affairs Sub-Committee was that the Corporation should adopt the wording from the LGA code which states that, "I undertake Code of Conduct training provided by the Corporation". Once this provision came into force it would mean that any Member failing to undertake Code of Conduct training would be in breach of the Code.
15. Although the Corporation has previously resisted mandatory Code of Conduct training, the Civic Affairs Sub-Committee noted that all Members of the Planning and Transportation Committee were required to complete mandatory training on planning issues. The Town Clerk was also asked to provide some data on the percentage of Members who had previously undertaken voluntary Code of Conduct training. The information received was that the most recent round of training on the Code of Conduct offered to both new and returning Members from April – June 2022 was attended by a total of only 17 Members across the three sessions.
16. If your Sub-Committee is in agreement with the introduction of mandatory training you may wish to supplement or pre-empt any change to the Code of Conduct through other additional measures. This could simply involve publishing data on those Members either attending or not attending Code of Conduct training. At the other end of the spectrum this could involve seeking the introduction of a Standing Order requiring Members to have undertaken Code of Conduct training before they can be appointed to any Committee.
17. Your Sub-Committee may have a view on the mandatory elements of the training, or you may wish to leave this aspect to the Monitoring Officer. Further thought would need to be given to the frequency of the training – whether it would have to be completed every year or only at the beginning of a Member's term of office – and the best time to implement any new requirements. Depending on the additional measures adopted, Members might need to be given a window in which they must complete any mandatory training. Sufficient sessions would also need to be provided to ensure that every Member had the opportunity to attend.

Conclusion

18. The Court of Common Council previously determined that the Panel of Independent Persons ought to be increased in size, through the recruitment of three additional members, and this task is being progressed. The Civic Affairs Sub-Committee formerly developed a new Members' Code of Conduct, combining

elements of the current Code with the LGA Model Code, which will be presented to a future meeting for your consideration and review. Members are asked to consider one aspect of this – the implementation of mandatory standards training – in more detail. Members are also asked to consider a proposal to revise the Complaints Procedure, in order to emphasise the role of the Chief Commoner and the Aldermanic Chairs in resolving disputes between Members.

Contact:

Edward Wood
Assistant City Solicitor
020 7332 1834
edward.wood@cityoflondon.gov.uk

Appendices

Appendix 1 – Draft Complaints Procedure showing tracked changes

Appendix 2 – Draft Complaint Form