

Committee(s) Policy and Resources Committee Court of Common Council	Date: 26 September 2024 10 October 2024
Subject: Members' Code of Conduct	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	
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

The Civic Affairs Sub-Committee first reviewed the Corporation's current Members' Code of Conduct against the Local Government Association ("LGA") Model Councillor Code of Conduct in October 2022. Members expressed a preference to adopt a new hybrid Code combining the more modern drafting of the LGA Code with some of the City specific elements from the Corporation's current Code. A draft document was then considered at further meetings of the Civic Affairs Sub-Committee and the Member Development and Standards Sub-Committee. All Members, Co-opted Members and Independent Persons were consulted on the draft Code earlier this year. Some key issues that were considered following the consultation include the retention of a specific definition of Antisemitism, the registration of individual Masonic lodges and the requirement for Members to co-operate with the complaints process. The latest version of the draft Code is appended for approval. Once your Committee is content with the text it will need to go to the Court of Common Council for formal adoption. It is anticipated that this will be in October 2024, with the new Members' Code of Conduct coming into force at the start of the next municipal year. This is to tie in with the new arrangements for mandatory training on the Code of Conduct, which are also included in the draft Code, and which it is planned to introduce following the 'all out' elections in March 2025.

Recommendation(s)

Members are asked:

- To approve the draft Code of Conduct at Appendix 1, with any further amendments, for onward submission to the Court of Common Council; or
- Delegate authority to the Town Clerk, in consultation with the Comptroller and City Solicitor and the Chair and Deputy Chair, to make any further changes prior to onward submission.

Main Report

Background

1. Under section 27 of the Localism Act 2011 the City Corporation is under a statutory duty to promote and maintain high standards of conduct by Members and Co-opted Members. It must in particular adopt a code dealing with the conduct expected of Members and Co-opted Members when they are acting in that capacity. Under section 28 of the Localism Act 2011 the Code of Conduct must be consistent with the Seven Principles of Public Life. It must also include the provision that the City Corporation considers appropriate in respect of the registration and disclosure of interests, in addition to the statutory requirements in relation to disclosable pecuniary interests.
2. The City Corporation's current Code of Conduct was adopted by the Court of Common Council on 16 July 2020. The terms of reference of your Committee include "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".
3. 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, and by the Member Development and Standards Sub-Committee in December 2023. The detailed discussions are not reproduced here but can be accessed via the background papers.
4. Following this iterative process the draft Code was circulated to all Members, Co-opted Members and Independent Persons for comment. The consultation ran from 15 January 2024 to 19 February 2024. Eight individual responses were received during this period and the proposals were also discussed at the informal Court of Common Council meeting on 15 February 2024. A short verbal update on the outcome of the consultation was provided to the Member Development and Standards Sub-Committee on 8 March 2024. Subsequently a further Member request to amend the Code of Conduct was received. All of the representations were considered together by the Member Development and Standards Sub-Committee on 17 July and the main issues discussed are set out below.

Matters arising from the consultation process

Definition of Antisemitism – paragraph 23 and Appendix C

5. The issue that was raised most frequently during the consultation relates to the inclusion of a specific definition of Antisemitism. This definition, provided by the International Holocaust Remembrance Alliance, appears within an appendix to the current Code. Its inclusion was first approved by the Court of Common Council in December 2019, having been commended for adoption by the UK Government and London Councils. However, several respondents felt that this could be perceived as a greater emphasis on Antisemitism compared to other forms of discrimination. They either wanted more

examples of other types of discrimination to be included in the Code, or else to remove this section entirely and just rely on the general equality provisions. Others at the informal Court meeting felt that it should be retained, given that it had already featured in the existing Code for several years, and that any decision to remove it could be misinterpreted. The Member Development and Standards Sub-Committee voted by a majority of four to one for its retention.

Registration of individual Masonic lodges – Appendix B Table 2

6. The Corporation's current Code, and the draft Code, cite membership of any Fraternal or Sororal Society as a non-pecuniary interest that must be registered. The Corporation's current Guidance on the Code of Conduct confirms that this includes Freemasonry. This is already more prescriptive than the LGA Code. The Member Development and Standards Sub-Committee were concerned that it would be disproportionate to additionally require membership of individual Masonic lodges to be registered, as per the representation received. The one exception to this was membership of Guildhall Lodge, which they considered should be separately registered as a Club or Society active in the City of London. Rather than amend the draft Code itself, their preferred option was to clarify this in the Guidance, when it was next updated.

Requirement to co-operate with any investigation or determination – C8.2

7. Two respondents objected to the requirement in the draft Code to co-operate with any Code of Conduct investigation and/or determination. The Member Development and Standards Sub-Committee acknowledged that some Members had historically chosen not to participate due to their concerns over the process. There were also reservations about a Member being subject to a further complaint for failing to co-operate. However, on balance, this was felt to be a reasonable requirement, given the Corporation's duty to promote and maintain high standards of conduct, and the individual responsibility of Members to comply with the Nolan Principles.

Nolan Principles – paragraph 6 and Appendix A

8. In response to a representation regarding the Seven Principles of Public Life (the Nolan Principles) the Member Development and Standards Sub-Committee opted to include a hyperlink to the relevant Government webpage and to cross-reference Appendix A in the body of the draft Code. They also agreed to insert the requirement to treat others with respect in the section on Leadership in Appendix A that had been omitted from the LGA Code.

Gifts and hospitality – C10.2

9. The Member Development and Standards Sub-Committee also discussed the suggestion to reduce the value of gifts and hospitality that must be registered from £100 to £50, as per the LGA Code. However, it was agreed that this figure should be kept at the same level as in the Corporation's current Code of Conduct, which was more appropriate for local circumstances. It was noted that Members had looked at this issue a number of times over recent years. It was also noted that the Corporation's existing and proposed arrangements also included the registration of gifts and hospitality with a cumulative value of £200, when received from a single donor within a rolling twelve-

month period, which would capture smaller amounts if they formed part of a larger or more significant pattern.

Next steps

10. The draft Code has been updated with the changes relating to the Nolan Principles and the latest version is attached at Appendix 1 for approval. Once your Committee is content with the text of the draft Code it can be presented to the Court of Common Council for formal adoption. It is currently anticipated that this will be at the next meeting in October 2024. However, it is proposed that the new Code of Conduct should not come into force until the start of the next municipal year. This is to tie in with the new arrangements for mandatory training on the Code of Conduct, which it is planned to introduce following the 'all out' elections in March 2025.

Conclusion

11. A new draft Code of Conduct, combining the LGA Code with some elements of the Corporation's current Code, has been considered by the Civic Affairs Sub-Committee and the Member Development and Standards Sub-Committee on a number of occasions. It has also now been the subject of a wider consultation. This report summarises the main matters arising from that consultation and presents the latest version of the draft Code for approval. Once your Committee is content with the text it will need to be considered by the Court of Common Council before it can be formally adopted.

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Appendices

Appendix 1 – Draft Code of Conduct

Background papers

Report to the Civic Affairs Sub-Committee 11 October 2022
Report to the Civic Affairs Sub-Committee 6 December 2022
Report to the Civic Affairs Sub-Committee 31 March 2023
Report to the Member Development and Standards Sub-Committee 15 December 2023
Report to the Member Development and Standards Sub-Committee 17 July 2024