

Appendix 2

TERMS OF REFERENCE

Functions and Authority of the Panel

The Independent Persons Panel (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 in 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 Assessment, Hearing and Appeal 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 issues the deciding determination 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 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 City Corporation's Library webpages 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.

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 annually 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 weeks' notice of the time, date and venue of each Panel meeting shall be provided to all members. All relating paperwork will be issued to all no later than five clear working days before each meeting wherever possible.

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 Panel is also responsible for considering applications for dispensations submitted by Members.

The complaints process and any guidance will be available to all who want to make a complaint. The Dispensations form and related guidance will be available to all who wish to submit an application for consideration.

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

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.

Sub-Panels

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

Appointments to Sub-panels 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 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).

Last reviewed 29 February 2024.