

Committee(s) Member Development and Standards Sub-Committee	Date: 7 February 2025
Subject: Members' Code of Conduct – Guidance to Members	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

It is anticipated that a new Members' Code of Conduct will be formally adopted by the Court of Common Council on 6 March 2025. The Guidance that sits below that Code also needs to be reviewed and updated. Given that the proposed Code is largely based on the Local Government Association Model Councillor Code of Conduct, it would make sense to also adopt their Guidance at this juncture, with any necessary changes. Your Sub-Committee is asked to consider the best means of accomplishing this.

Recommendation(s)

Members are asked:

- To determine the best course of action for updating the Members' Code of Conduct – Guidance to Members by reference to the options (a)-(c) in paragraph 7.

Main Report

Background

1. Your Sub-Committee is aware that the Corporation is in the process of adopting a new Members' Code of Conduct. The proposed text is based on the more modern and illustrative drafting of the Local Government Association ("LGA") Model Councillor Code of Conduct, combined with some of the City specific elements from the Corporation's current Code. The latest draft of the new Code of Conduct, showing all of the amendments to the LGA Code as tracked changes, is attached (Appendix 1). The draft Code was approved by the Policy and Resources Committee on 16 January 2025 and will be considered by the Court of Common Council for formal adoption on 6 March 2025. This timescale is to enable the new Code to come into force following the elections and in time for the start of the new municipal year. However, due to the length of the approval process, this has reduced the available time for follow up actions.

2. The Corporation also has a Guidance document that sits beneath the current Code of Conduct and is intended to provide additional commentary and working examples pertaining to various aspects of the Code. This document accordingly needs to be reviewed and updated as well. Although the Guidance was last approved by the Court of Common Council, on 8 March 2018, it was recommended by the Standards Regime Review Working Party at the time that:

“The Court of Common Council should own the Code of Conduct and be responsible for any changes to it, whilst the Standards Committee should – following the Court’s initial approval of the revised documents – then own the complaints procedure and relevant paperwork, as well as the guidance to Members on the Code of Conduct. The Standards Committee will be required to report any changes to those documents in its Annual Report to the Court of Common Council and be mindful of the will of the Court...”

3. Your Sub-Committee has now taken over the relevant responsibilities of the former Standards Committee and your Terms of Reference include, “keeping under review, monitoring and revising as appropriate the City of London Corporation’s Guidance to Members on the Code of Conduct.” Your Sub-Committee therefore has authority to update the Guidance to reflect the proposed new Code. However, it is also open to you to consult further or to refer any revised Guidance on to the Policy and Resources Committee for further consideration.

Proposals for updating the Guidance

4. The Corporation’s current Guidance is largely concerned with the registration of interests and gifts and hospitality. These elements don’t generally need to be updated, as the existing Corporation provisions are largely being carried through in the proposed new Code, rather than the equivalent LGA arrangements. Some minor amendments, showing as tracked changes, have been included in the draft Guidance (Appendix 2). Out-of-date references to the Standards Committee, the Protocol on Member/Officer Relations and sections of the Code that have moved have been updated. In addition, Guildhall Lodge has been added as another example of a Club or Society active in the City of London, following previous discussions around the new Code.
5. One of the recommendations supported by the Working Party back in 2018 was that, “The Guidance to Members on the Code should be updated to reflect changes to the Code and also to deal with conduct matters generally, rather than only with the declaration of interests.” So, for example, the sections on confidential information and the Protocol on Member/Officer Relations were added at that time, but the Corporation’s current Guidance remains rather limited in scope. By contrast, the LGA have provided extensive Guidance on their own Model Code (Appendix 3). Given that the Corporation’s proposed new Code is largely based on the LGA Code, it would make sense to also adopt their Guidance at this juncture, with any necessary changes.
6. If Members require a single bespoke Guidance document incorporating all of the relevant elements of the LGA Guidance and the Corporation’s current Guidance, then a similar line by line drafting exercise will need to be undertaken as with the Code itself. A simpler and quicker option would simply be to include a link to the LGA Guidance and say that this is also considered to form part of our Guidance to the extent that it is

compatible with our arrangements. Some wording to this effect has already been included in Appendix 2 for illustrative purposes.

Options

7. The next steps are slightly complicated by the imminent proposed adoption of the new Code. It is not strictly necessary for any revised Guidance to come into force at the same time as the new Code, but desirable. The options are as follows:
 - a. If your Sub-Committee is happy with the draft Guidance at Appendix 2 then this document could be approved and, on the proviso that the new Code is adopted as recommended by the Court of Common Council on 6 March 2025, brought into force at the same time.
 - b. If your Sub-Committee desires a further drafting exercise to be undertaken, authority could be delegated to the Town Clerk, in consultation with the Comptroller and City Solicitor and the Chair and Deputy Chair, to finalise the new Guidance. Again, this could be with the intention of the new Guidance coming into force at the same time as the new Code.
 - c. Alternatively, if Members would prefer more time to reflect upon the relevant provisions or consider that the draft Guidance ought to go on to the Policy and Resources Committee, and potentially the Court of Common Council, then further reporting can be undertaken.
8. Once the new Guidance is finalised it will be published with the other governance documents on the Corporation's website. Additional steps will also be taken to bring this to the attention of Members, Co-opted Members and the Independent Panel.

Conclusion

9. If Members are content that the LGA Guidance should be incorporated into our local arrangements, to the extent that it is compatible, then the simplest and quickest option would be to include some wording to this effect and a link in the Corporation's own Guidance, as shown in Appendix 2. If Members require a more bespoke drafting exercise to be undertaken, then this can be progressed, with varying degrees of Member involvement. However, this might result in the revised Guidance coming into force after the new Code.

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Appendices

Appendix 1 – Draft Members' Code of Conduct

Appendix 2 – Draft Members' Code of Conduct – Guidance to Members

Appendix 3 – LGA Guidance on their Model Councillor Code of Conduct