

Committee	Dated:
Policy and Resources Committee	14 April 2016
Subject: Amendment to Standing Orders – Chairman and Deputy Chairman of Community and Children’s Services.	Public
Report of: Town Clerk	For Decision
Report Author: Natasha Dogra	

Summary

This report on behalf of the Community and Children’s Services Committee sets out the case to amend both Standing Orders and the Terms of Reference of the Committee such that Standing Orders 29(3) and 30(4a), which currently prohibits a resident or tenant of any property owned or managed by the City of London Corporation to serve as Chairman or Deputy Chairman of the Community and Children’s Services Committee, be amended along with the accompanying references in the Committee’s Terms of Reference. This will enable a resident or a tenant of a property owned or managed by the City of London Corporation to serve as the Chairman and Deputy Chairman of the Grand Committee.

Recommendation

The Community and Children’s Services Committee is recommending that the Policy and Resources Committee and Court of Common Council approve the amendment of Standing Orders 29(3) and 30(4a) and the Community and Children’s Services Committee’s Terms of Reference accordingly.

Main Report

Background

1. At its meeting on 8th April 2016, the Community and Children’s Services Committee were advised by the Town Clerk that the Deputy Chairman of the Committee had stepped down from the position, having become aware of the provisions of Standing Order 29(3). This Standing Order requires that no resident or tenant of a property owned by the City of London Corporation should serve as Chairman of the service Committee (with Standing Order 30(4a) specifying the same restriction in respect of the Deputy Chairman).
2. Members of the Committee discussed the relevance of applying these Standing Orders to the position of Deputy Chairman of the Grand Committee. Members of the Community and Children’s Services Committee agreed that they were relevant only in relation to the positions of Chairman and Deputy Chairman of the Housing

Management and Almshouses Sub Committee, as this Sub Committee was responsible for the regular operational administration of housing matters. For the purposes of clarity the Community and Children's Services Committee delegate the responsibility for discharging the City of London Corporation's function in respect of the management of its existing social housing stock to the Housing Management and Almshouses Sub Committee, with the Grand Committee retaining responsibility over policies affecting the City's Strategic Housing responsibilities.

3. Members of the Committee agreed that there were sufficient safeguards in place to ensure that Members made decisions in the interest of the public by declaring any interests that they had under the Code of Conduct, and not participating where so required, which applied to all elected Members of the Court of Common Council. The Committee also agreed that the current provisions meant that Members with relevant knowledge were currently being precluded from a position which could potentially benefit from their experience and understanding.
4. The Community and Children's Services Committee was therefore in agreement that these Standing Orders should not apply to the position of Chairman or Deputy Chairman of the Community and Children's Services Committee, where the views of residents and tenants of properties owned by the City Corporation are very relevant and as important as the views of non-resident Members.
5. Members of the Committee unanimously agreed that a report should be submitted to the Policy and Resources Committee and subsequently the Court of Common Council requesting the amendment of Standing Orders 29(3) and 30(4a) in respect of the Community and Children's Services Committee.

Options

- i. Approval the proposal to amend Standing Orders 29(3) and 30(4a) to not apply to the Community and Children's Services Committee and therefore amending the Terms of Reference of the Committee, thereby allowing residents and tenants of properties to serve as Chairman or Deputy Chairman of the Community and Children's Services Committee; or
- ii. Reject the proposal and therefore continue to prohibit residents and tenants of properties to serve as Chairman or Deputy Chairman of the Community and Children's Services Committee.

Legal Implications

6. Although there is no express statutory provision which imposes such a prohibition, the Court of Common Council may have been influenced by the provisions of Section 618 Housing Act 1985 when it decided during the 2007 Governance Review to introduce the prohibition contained in Standing Orders 29 and 30. Section 618 provides:-

“(i) The Common Council of the City of London may appoint a committee, consisting of so many persons as they think fit, for any purposes of this Act or

the Housing Associations Act 1985 which in their opinion may be better regulated and managed by means of a committee.

(ii) A committee so appointed —

(a) shall consist as to a majority of its members of the Common Council, and

(b) shall not be authorised to borrow money or to make a rate, and shall be subject to any regulations and restrictions which may be imposed by the Common Council.

(iii) A person is not, by reason only of the fact that he occupies a house at a rental from the Common Council, disqualified from being elected or being a member of that Council or any committee of that Council; but no person shall vote as a member of that Council, or any such committee, on a resolution or question which is proposed or arises in pursuance of this Act or the Housing Associations Act 1985 and relates to land in which he is beneficially interested.

7. In addition all members have an obligation not to participate (i.e. not speak or vote) in a committee decision in which they have a disclosable pecuniary interest as defined by regulations made under the Localism Act 2011 without a dispensation from the Standards Committee. Failure to comply with this obligation is a criminal offence. Furthermore, members with non-pecuniary interests in a decision are required under the Corporation's Code of Conduct to refrain from participation where the Principles of Public life would so require.
8. Finally, it should be noted that Corporation Chairman are accorded status and respect and may be considered to have "soft power". However, from a strictly legal perspective they do not wield executive power and their principle legal powers are the ordering and conduct of meetings and exercising of a casting vote in the event of a tied vote.
9. Therefore, there is no legal requirement for such a provision to be applied in respect of the Community & Children's Services Committee.

Appendices

- None

Natasha Dogra

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Town Clerk's Department