

Report – Policy and Resources Committee

Report of Urgent Action Taken: Amendment to Standing Order No.30 – Election of Deputy Chairmen of the Policy and resources Committee

To be presented on Thursday, 23rd June 2016

*To the Right Honourable The Lord Mayor, Aldermen and Commons
of the City of London in Common Council.*

SUMMARY OF ACTION TAKEN

1. On 6 December 2012, as part of the post-implementation review of the introduction of the new governance arrangements, the Court of Common Council agreed to the election of three Deputy Chairmen of the Policy and Resources Committee from 2013, and to a process for one of the Deputy Chairmen to be elected as the “Chairman in-waiting” in the last year of the Chairman’s term of office (thereby reducing the lead-in time for the ‘Chairman in-waiting’ of that Committee to one year). The Court of Common Council resolved that this should be achieved by the Policy and Resources Committee establishing a protocol.
2. Consequently, on 24 January 2013 the Policy and Resources Committee considered and approved a protocol for the election of its Deputy Chairmen as requested by the Court. It was agreed that for the final year of the Chairman’s term of office, a two stage election process should be implemented i.e. with the “Chairman in-waiting” being elected at one meeting and the remaining two Deputy Chairmen being elected at the next meeting. The full content of the approved Protocol is attached as Appendix B for your information.
3. Since then an ambiguity was noted in the wording of Standing Order No. 30 as it was currently drafted, in that it could be read as requiring the contemporaneous election of all three Deputy Chairmen, including in the final year of the Chairman’s term of office. In respect of that final year, such an interpretation would not be consistent with the protocol approved by the Policy and Resources Committee on 24 January 2013, under the authority of the Court of Common Council decision of 6 December 2012. Standing Order No. 30 therefore required clarification and amendment to ensure there was no ambiguity regarding the application of the protocol.
4. The Policy and Resources Committee was due to elect its Deputy Chairman in accordance with the agreed Protocol on 19 May 2016, and, in the absence of an amendment to standing orders the process adopted by the Committee for election of its Deputy Chairmen in the final year of the Chairman’s term of office would have been subject to ambiguity and could have given rise to uncertainty regarding adherence to the agreed protocol.

5. Steps were therefore taken to rectify this ahead of the May meeting. The approval of the Court was sought under urgency procedures to amend Standing Order No. 30 as set out in Appendix A to ensure that it was clear and in line with the agreed process.
6. We therefore report that on 16 May 2016 approval was given, in accordance with Standing Order No. 19, to the amendment of Standing Order No. 30 as set out in Appendix A so as to ensure that there was no ambiguity regarding the application of the agreed protocol. The opportunity was also taken to amend the Standing Order to reflect the fact that the Guildhall Improvement Committee no longer existed.

RECOMMENDATION

7. We **recommend** that the urgent action taken be noted.

All of which we submit to the judgment of this Honorable Court.

DATED this 16th day of May, 2016.

SIGNED on behalf of the Committee.

Mark John Boleat
Chairman, Policy and Resources Committee

Standing Order No. 30

The approved additions to the text are underlined and the deletions are ~~struck through~~.

30. Deputy Chairman

1. Each Committee, with the exception of the Policy and Resources Committee, shall have a Deputy Chairman who will, in the absence of the Chairman, have the powers, duties and rights of the Chairman.
2. The Policy and Resources Committee shall have three Deputy Chairmen, one of whom in the absence of the Chairman would have the “statutory Deputy Chairman” role, i.e. to approve decisions under the delegated authority procedures, the urgency procedures and to act in place of the Chairman.
3. In the case of all Committees:-
 - a. the immediate past Chairmen, if in Common Council and if willing to serve, will be Deputy Chairman for the first year upon the election of a new Chairman;
 - b. if the immediate past Chairman is not in Common Council or is not willing to serve in the office, the Deputy Chairman (or Deputy Chairmen in the case of the Policy and Resources Committee) will be elected in accordance with Standing Order Number 30 (5);
 - c. when the immediate past Chairman has completed his year of office as Deputy Chairman, all the Members of the Committee with the exception of the said Deputy Chairman and those who are ineligible by virtue of Standing Order Number 30 (4), are eligible to seek election as Deputy Chairman.
4. A Member is ineligible to seek election as Deputy Chairman of a Ward or Non-Ward Committee (other than a specially appointed Reception Committee) in the following circumstances:-
 - a. no Member who is resident in, or a tenant of, any property owned by the City of London Corporation is eligible to be Deputy Chairman of the Committee or Sub-Committee having control of such property;
 - b. no ex-officio Member of a Committee is eligible to be Deputy Chairman of that Committee except in the case of,
 - the immediate past Chairman for the first year upon election of a new Chairman.
 - ~~the Guildhall Improvement Committee.~~

5. At the first meeting of each Committee following the annual appointment, the Town Clerk will read out a list of Members eligible for election as Deputy Chairman (or Deputy Chairmen in the case of the Policy and Resources Committee). The names shall be read out alphabetically and each of those Members present will be asked if he is willing to serve. However, in respect of Policy and Resources Committee in the final year of the Chairman's term of office, Standing Order No. 30 (9) will be applied where there is any inconsistency between this Standing Order No. 30 (5) and Standing Order No. 30 (9).
6. A Member unable to be present may previously express in writing to the Town Clerk his willingness to serve.
7. The names of those who are willing to serve will be voted on by Ballot, with the exception of the Policy and Resources Committee. The successful candidate will require a majority of the votes cast.
8. The election of the three Deputy Chairmen of the Policy and Resources Committee shall be undertaken as follows:-
 - Where the number of candidates is less than or matches the number of vacancies (i.e. three) the candidates will automatically be treated as being elected to office.
 - Where there are more candidates than vacancies, a ballot will be undertaken with Members indicating their preferred candidate(s). in the case of multiple vacancies, Members can choose not to vote for the maximum number of candidates.
 - Once votes have been cast and counted, any candidate having 50% or more of the number of votes will be elected.
 - Unless the candidates each secure 50% of the vote, the candidate with the least number of votes will drop-out automatically. If there is more than one candidate securing the least but identical number of votes then a ballot will be held between those candidates to determine which one will drop-out. Other candidates may also elect to withdraw at this stage.
 - A further ballot will be held amongst the remaining candidates and any candidate securing 50% or more of the vote will be elected. This process will be repeated until all vacancies are filled

There may come a point in the process where a candidate or candidates with the least number of votes drops out, leaving a number of candidates that matches the number of vacancies. In those circumstances, no further ballot is necessary as the candidates will automatically be treated as being elected to office (without having to secure 50% of the vote).

However, in respect of Policy and Resources Committee in the final year of the Chairman's term of office, Standing Order No. 30 (9) will be applied where there is

any inconsistency between this Standing Order No. 30 (8) and Standing Order No. 30 (9).

9. In respect of Policy and Resources Committee in the final year of the Chairman's term of office the election of the Deputy Chairmen will be undertaken by way of a two stage process as agreed and set out in the Protocol for the Election of Deputy Chairmen of the Policy and Resources Committee.

109. Ex-officio Members of a Committee are not eligible to vote in the election of Deputy Chairman of that Committee other than in the case of the following Committees:-

~~Guildhall Improvement~~

Policy & Resources

Investment (such right being restricted to the Chairman and Deputy Chairman of the Policy & Resources and Finance Committees who have ex-officio places on the Committee)

Protocol for the Election of Deputy Chairmen

The Committee and the Court have agreed that the processes for electing Deputy Chairmen (and the 'Chairman in waiting') should be dealt with by way of protocol:-

- a) In each year, the Policy and Resources Committee will have three Deputy Chairmen;
- b) In the first year of a new Chairman's term of office:
 - the outgoing Chairman may exercise his or her right under Standing Orders to become one of the Committee's three Deputy Chairmen. For that year, the outgoing Chairman shall exercise the formal responsibilities of Deputy Chairman of the Committee, i.e. dealing with requests for decisions under the urgency procedures or under delegated authority and chairing meetings of the Committee and/or representing the Chairman at the Court if the Chairman is unavailable;
 - the Committee will elect two further Deputy Chairmen;
- c) In the event that the outgoing Chairman decides not to exercise his or her right to become a Deputy Chairman, the Committee will elect three Deputy Chairmen. The Chairman, in consultation with the three Deputy Chairmen, will decide which of them will exercise the formal responsibilities of Deputy Chairman for the coming year, i.e. dealing with requests for decisions under the urgency procedures or under delegated authority, and chairing meetings of the Committee and/or representing the Chairman at the Court if the Chairman is unavailable;
- d) For subsequent years (excluding the final year of the Chairman's term of office), exercising the formal responsibilities will be rotated amongst the office holders, with the rota being settled by the Chairman, in consultation with the Deputy Chairmen;
- e) It will be customary for the Deputy Chairman having the formal responsibilities to sit beside the Chairman in meetings of the Committee;
- f) In the final year of the Chairman's term of office the Committee will undertake a two-stage election process for the three Deputy Chairmen as follows:-
 - a separate election solely for the position of the Deputy Chairman who is most likely (subject to election at the first meeting) to serve as the Committee's future chairman (i.e. the 'chairman in waiting'). For that year, the individual will exercise the formal responsibilities of Deputy Chairman of the Committee, i.e. dealing with requests for decisions under the urgency procedures or under delegated authority and chairing meetings of the Committee and/or representing the Chairman at the Court if the Chairman is unavailable;

- a further election for the remaining two Deputy Chairmen. This will take place at the next meeting of the Committee as clearly the outcome of the first election may influence a decision on whether to stand and such decisions are best taken after a time for reflection;
- g) in the event that the Committee's Chairman leaves before completing the maximum term of 5 years (for example if he or she decides not to stand for re-election), all three Deputy Chairmen will be required to stand-down once the Chairman has announced his or her intention, although they will remain in office until such time as they are re-elected or a successor elected. This would be followed by the two-stage election process set out in f) above.
- h) In the event of the Chairman resigning or dying in office, the Chairman will be elected at the next meeting. If one of the three Deputy Chairmen is elected Chairman, the vacancy created will be filled at the following meeting.