



Members Privileges Sub (Policy and Resources) Committee

Date: THURSDAY, 22 JUNE 2017
Time: 10.30 am
Venue: COMMITTEE ROOMS, 2ND FLOOR, WEST WING, GUILDHALL

Members: Wendy Mead (Chief Commoner) (Chairman)
Simon Duckworth
Ann Holmes
Deputy Jamie Ingham Clark
Deputy Edward Lord
Deputy Catherine McGuinness (Ex-Officio Member)
Deputy Richard Regan
John Scott (Ex-Officio Member)
Jeremy Simons
Michael Welbank

Enquiries: Charlotte Taffel
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Lunch will be served in Guildhall Club at 1PM
NB: Part of this meeting could be the subject of audio or video recording

John Barradell
Town Clerk and Chief Executive

AGENDA

Public Agenda

1. **APOLOGIES**
2. **DECLARATIONS BY MEMBERS OF PERSONAL OR PREJUDICIAL INTERESTS IN RESPECT OF ITEMS TO BE CONSIDERED AT THIS MEETING**
3. **MINUTES**
To agree the public minutes of the meeting held on 19 January 2017.
For Decision
(Pages 1 - 4)
4. **OUTSTANDING REFERENCES**
Report of the Town Clerk.
For Information
(Pages 5 - 6)
5. **APPLICATION OF THE CORPORATE TRANSPORT POLICY TO ALL MEMBERS - UPDATE**
Joint report of the Director of HR and the Director of Transportation & Public Realm.
For Decision
(Pages 7 - 12)
6. **ORDER OF SENIORITY**
Report of the Town Clerk.
For Information
(Pages 13 - 16)
7. **PROVISION OF EVENING WEAR**
The Assistant Town Clerk to be heard.
8. **MEMBER BRIEFINGS**
The Past Chief Commoner, Michael Welbank, to be heard.
9. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
10. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

11. **EXCLUSION OF THE PUBLIC**

MOTION - That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

For Decision

Non-Public Agenda

12. **NON-PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 19 January 2017.

For Decision

(Pages 17 - 20)

13. **GUILDHALL WEST WING - PROVISION OF UPGRADED LAVATORIES AND CLOAKROOM FACILITIES FOR MEMBERS AND GUILDHALL GUESTS**

Report of the City Surveyor.

For Decision

(Pages 21 - 42)

14. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE WHICH THE SUB-COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

15. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE SUB-COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

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MEMBERS PRIVILEGES SUB (POLICY AND RESOURCES) COMMITTEE

Thursday, 19 January 2017

**Minutes of the meeting of the Members Privileges Sub (Policy and Resources)
Committee held at the Guildhall EC2 at 10.00 am**

Present

Members:

Michael Welbank (Chief Commoner)
(Chairman)
Deputy John Barker
Mark Boleat (Ex-Officio Member)
Deputy Jamie Ingham Clark
Edward Lord
Deputy Catherine McGuinness
Wendy Mead
John Scott (Ex-Officio Member)

Officers:

Charlotte Taffel	-	Town Clerk's Department
Fiona Hoban	-	Remembrancer's Office
Dorian Price	-	City Surveyor's Department
Alan Dingley	-	City Surveyor's Department

1. APOLOGIES

Apologies were received from Ann Holmes, Jeremy Mayhew and Ann Pembroke.

2. DECLARATIONS BY MEMBERS OF PERSONAL OR PREJUDICIAL INTERESTS IN RESPECT OF ITEMS TO BE CONSIDERED AT THIS MEETING

There were no declarations.

3. MINUTES

Lady Members' Lockers

It was noted that the use of lockers had increased since the last meeting of the Sub Committee and that lockers were utilised to the maximum capacity by Lady Members.

Outstanding References

The Chairman requested that an Outstanding References schedule be produced to monitor actions arising from the Sub Committee.

RESOLVED – That:

- a) the minutes of the meeting held on 10 December 2015 be approved as an accurate record; and
- b) the Town Clerk produce an Outstanding References schedule to monitor actions arising from the Sub Committee.

4. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB COMMITTEE**

A Member asked that a review be taken into creating additional meeting space for Members due to an increasing pressure on available meeting rooms. The issue would be raised with Members at the next meeting of the Informal Court to decide if the issue needs revisiting.

RESOLVED – That the Chairman would raise the issue of Members' Meeting Rooms at the next meeting of the Informal Court.

5. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

Former Officers as Members

The Sub Committee received a resolution and supporting report of the Establishment Committee on Former Officers as Members. Discussion ensued on the principles and time requirements relating for Former Officers becoming Members of Committees that they previously reported to. It was resolved that the current guidance remain as stated and that Members exercise judgement if the circumstance arises in the future.

RESOLVED – That the report and resolution be noted.

Seniority of Members

A Member queried the level of seniority of an Alderman who had been a Common Councilmen, then an Alderman and returned to being a Common Councilmen. The Sub Committee sought clarification from the Town Clerk on the protocol and process.

RESOLVED – That the Town Clerk report back to the Sub Committee on the protocol and process of Common Councilmen who return to the Court following a period as an Alderman.

6. **EXCLUSION OF THE PUBLIC**

RESOLVED – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

7. **NON-PUBLIC MINUTES**

RESOLVED – That the non-public minutes of the meeting held on 10 December 2015 were approved as an accurate record.

8. **GUILDHALL WEST WING - PROVISION OF UPGRADED LAVATORIES AND CLOAKROOM FACILITIES FOR MEMBERS AND GUILDHALL GUESTS**

The Sub Committee received a report of the City Surveyor on the provision of upgraded lavatories and cloakroom facilities for Members and Guildhall Guests.

RECEIVED.

9. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB COMMITTEE**

There were no questions.

10. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

There was no urgent business.

The meeting closed at 10.55 am

Chairman

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Members Privileges Sub (Policy and Resources) Committee

OUTSTANDING REFERENCES

No.	Meeting Date & Reference	Action	Owner	Status
1.	10/12/2015 Item 4 Corporate Transport Policy	That Officers undertake to investigate comparable transport policies and that the policy be reviewed with the view of reducing its application to Members.	Director of HR and Director of Transportation and the Public Realm	Complete – report enclosed
2.	10/12/2015 Item 9 Questions on matters relating to the work of the Sub Committee	That the Town Clerk undertakes to conduct a review of the Terms of Reference of the Committee	Town Clerk	Complete – the terms of reference for the Sub Committee were set in May 2016 by the Policy and Resources Committee. If Members wish to amend the ToR, this is to be noted in the minutes for P&R's consideration in May 2017 when it sets the Sub Committees.
3.	19/01/2017 Item 3 Minutes	That the Town Clerk produce a schedule of Outstanding References be produced for the Sub Committee	Town Clerk	Complete
4.	19/01/2017 Item 4 Questions	That the Chairman would raise the issue of Members' meeting rooms at the next meeting of the Informal Court	Chairman	This issue was not raised by at the Informal Court.
5.	19/01/2017 Item 5 AOB	That the Town Clerk report back to the Sub Committee on the protocol and process of Common Councilmen who return to the Court following a period as an Alderman.	Town Clerk	Complete – report enclosed
6.	19/01/2017 Item 8 Guildhall West Wing Facilities	That the City Surveyor present Option Three to the next meeting of the Sub Committee.	City Surveyor	Complete – report enclosed

7.	19/01/2017 Item 8 Guildhall West Wing Facilities	That the City Surveyor provides a sample locker to Members for inspection.	City Surveyor	City Surveyor to update.
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Committee: Members Privileges Sub (Policy and Resources) Committee	Date: 22 June 2017
Subject: Application of the Corporate Transport Policy to all Members - Update	Public
Report of: Director of HR and the Director of Transportation & Public Realm	For Decision

Summary

In July 2015 the Establishment Committee approved a Corporate Transport Policy (CTP) for staff. At the Members Privileges Sub (Policy and Resources) Committee in December 2015, consideration was given to the application of the CTP to Members and Officers were asked to review the policy with the view of reducing its application to Members. Officers have completed this review and it is proposed that, having regard to risk, the CTP should not apply to Members but that it would be proportionate to circulate a briefing note to Members regarding the use of personal vehicles in relation to City of London Corporation business.

Recommendations

Members are asked to:

- Approve the draft briefing note at Appendix A for circulation to Members.

Main Report

Background

1. On 16 July 2015 the Establishment Committee approved the implementation of the CTP to City Corporation employees, casuals, agency workers, consultants, volunteers and contractors who undertake work-related driving. In response to a query at that meeting, Officers confirmed that the CTP would not be applied to Members at that time but that a further report would be brought before the Members Privileges Sub (Policy and Resources) Committee to consider this matter.
2. At its meeting on 10 December 2015, this Sub-Committee considered a report proposing the application of the CTP to Members. Members discussed whether aspects of the report were unnecessarily cautious and asked Officers to investigate comparable policies and review the policy with the view of reducing its application to Members.

Current Position

3. Officers have completed this review and received guidance from the Comptroller and City Solicitor's Department regarding the City Corporation's obligations and

liabilities in respect of Members' City Corporation related driving using their personal vehicles.

4. There is no legal requirement to apply the CTP to Members for the purposes of the Health and Safety at Work Act etc 1974 and related obligations. However, there is scope for the City Corporation to be held vicariously liable for accidents linked to Members' City Corporation related driving using their personal vehicles. Vicarious liability only arises in certain circumstances. A risk assessment has therefore been undertaken to evaluate the risk of vicarious liability arising and to inform a proportionate response to this risk.
5. The risk assessment (Appendix B) considers the journeys Members are likely to make in the course of undertaking their City Corporation duties and concludes that the risk of the City Corporation being held vicariously liable for an accident linked to Members' City Corporation related driving using their personal vehicle is low. Through the Association of London Transport Officers (ALTO) we have asked other Local Authorities if they include members/councillors in their transport policies and the majority of these officers responded that Members/councillors are not included in their transport policy.
6. It is noted that if Members drive a City Corporation vehicle, they would need to comply with all elements of the CTP when driving that vehicle.

Proposals

7. The risk of the City Corporation being held vicariously liable for an accident linked to a Member's City Corporation related driving using their own vehicle is considered low. It is therefore proposed that this risk can be adequately addressed by putting Members on notice, by way of a briefing note, that when they use their own vehicle in relation to City Corporation business they should ensure that they hold a valid driving licence, their insurance policy is endorsed for such use and that they possess a valid MOT certificate where appropriate.
8. A draft briefing note is attached (Appendix A) and it is proposed to circulate this document to all Members via email and make copies available in the Members' Reading Room.

Corporate & Strategic Implications

9. The proposal is in line with the City Together Strategy and the theme within the Strategy's vision to support our communities and in particular the goal "to improve people's health, safety and welfare within the City's environment through proactive and reactive measures and policies." It also supports the safer and stronger theme to the strategy and in particular the goals "to continue to ensure the City is a safe place".

Implications

10. Were the City Corporation to be found vicariously liable for an accident linked to a Member's City Corporation related driving using their own vehicle, there may

be serious reputational and financial implications. However, having regard to the low risk of vicarious liability, it is considered that the proposal detailed above is proportionate.

Conclusion

11. As the risk of vicarious liability is low it is considered appropriate that the CTP should not apply to Members. However, it is considered proportionate to circulate a briefing note to Members regarding the use of personal vehicles in relation to City of London Corporation business.

Appendices

Appendix A	Draft Members Briefing Note
Appendix B	HST - 01 General Risk Assessment Form

Contact:

Justin Tyas, Health, Safety & Wellbeing Manager (People)

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Appendix A

Members Briefing

Corporate Transport Policy

In July 2015 the Establishment Committee approved the implementation of the Corporate Transport Policy to City Corporation employees, casuals, agency workers, consultants, volunteers and contractors who undertake work-related driving. The Corporate Transport Policy ensures that everyone who drives on City business does so safely and in full compliance of all relevant legislation. The policy is managed by the Corporate Transport Management Team.

Our Corporate Transport Policy and procedures convey the City Corporation's commitment to managing the safety of people who drive on City Corporation business, and ensures that as a responsible organisation, we comply with relevant Health and Safety legislation. This legislation includes the Corporate Manslaughter and Corporate Homicide Act 2007 under which companies and organisations can be found guilty of corporate manslaughter as a result of serious management failures, resulting in a gross breach of a duty of care.

The Corporate Transport Policy does not apply to Members if they use their own vehicle in relation to City business (e.g., travelling to a meeting or event). However, Members are asked to note that when using their own vehicles in relation to City business they should ensure that their driving licence, road tax and MOT are all valid, and that their personal insurance policy is endorsed for such use.

The Corporate Transport Policy will apply to Members if they drive a vehicle that is owned or leased by the City of London.


In the case of driving a vehicle owned or leased by the City of the London, Members would have to provide details of their driving licence and provide their consent to have this checked with the DVLA. They would have to have a driving assessment carried out by the Road Safety Team and an Occupational Health Assessment depending on age. They would also need to read the Policy and complete the online training course. Members Services will be able to assist Members with registering for the relevant online training course, licence checking service, driving and occupational health assessments if necessary.

Further information on the Corporate Transport Policy can be obtained by contacting the Corporate Transport Management Team on transport@cityoflondon.gov.uk or 020 7332 4996.

Appendix B

HST - 01 General Risk Assessment Form

Risk Rating Matrix: See Guide to Determining Risk		Severity			
		Minor	Serious	Major	Extreme
Likelihood	Likely	Low	Medium	High	High
	Possible	Low	Medium	Medium	High
	Unlikely	Low	Low	Medium	High
	Rare	Low	Low	Low	Medium

Department: Department of Built Environment		Service: Transport Management				
Assessment number: 002						
Workplace Address: Location or Section (Delete as appropriate) Guildhall				Review Date: 25 April 2017		
Assessment Date: 25 April 2016		What/who is being assessed? Risk of the City of London Corporation being held vicariously liable for an accident caused by a Member driving their own vehicle in relation to City business.				
Name of Assessor: Vince Dignam						
What are the hazards? [Or Issues]	Who might be harmed and how?	What are the existing controls?	Risk Rating (H, M, L)	What further action is necessary? <u>Always</u> when Risk is <u>Medium</u> or <u>High</u>	Action by when / whom?	Action complete (Date)
<p>There are 125 elected members and 177 Co-Opted members who could drive their own vehicle whilst on City business and not have correct driving licence, insurance cover or MOT.</p> <p>If the vehicle doesn't have a valid MOT wouldn't be deemed roadworthy and could cause an accident. The City could be held vicariously liable.</p>	<p>Members may not be covered if they don't have the correct level of insurance cover and driving licence.</p> <p>Members may suffer legal consequences for driving in without accordance to the Road Traffic Act.</p> <p>Other road users or pedestrians may be harmed in any accident that may occur.</p>	<p>The City does not require Members to drive their own vehicles to their City business. Members are free to choose their own method of transport to their City business.</p> <p>Officers have not identified any examples where Members driving their own cars is a City Corporation business activity.</p> <p>There have been no previous incidents.</p>	<p>Low</p> <p>Severity = Major</p> <p>Likely = Rare</p>	<p>A committee report will be sent to Members Privileges Sub (Policy and Resources) Committee recommending a briefing paper is circulated to Members. The briefing note will ask Members to note that when using their own vehicles in relation to City business, they should ensure that they have a valid driving licence, MOT and appropriate vehicle insurance.</p>	<p>September 2016</p> <p>DBE Assistant Director Cleansing and H&S Manager</p>	
NB - Following completion of the risk assessment you should ensure the controls identified are included within your work procedures / method statements / work instructions and safe systems of work HSE Guide - Five steps to risk assessment						

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Committee(s) Members Privileges Sub Committee	Dated: 22 June 2017
Subject: Order of Seniority	Public
Report of: Town Clerk	For Information
Report Author: Charlotte Taffel, Members' Services Officer	

Summary

At the meeting of the Sub Committee on 19 January 2017, a Member queried the seniority of a Member who had been a Common Councilman, served as an Alderman and then returned to being a Common Councilman. The Sub Committee sought clarification from the Town Clerk on the protocol and process by which the Order of Seniority was calculated.

The process by which the Order of Seniority is calculated was most recently confirmed by the Members Privileges Sub Committee in January 2012. The principles for calculating the Order of Seniority include clarification on the question of Aldermen who have previously served as a Common Councilman and are set out in their entirety in the appendix to this report.

In summary, Aldermen, whether former Common Councilmen or not, who are elected to serve as Common Councilmen after their service on the Aldermanic Court, would take their seniority according to their total length of service on Common Council, including as an Alderman.

Main Report

At the meeting of the Sub Committee on 19 January 2017, a Member queried the level of seniority of a Member who had been a Common Councilman, served as an Alderman and then returned to being a Common Councilman. The Sub Committee therefore sought clarification from the Town Clerk on the protocol and process on calculating the Order of Seniority.

The Order of Seniority was most recently confirmed by the Members Privileges Sub Committee in January 2012. The principles for calculating the Order of Seniority in the Pocket Book agreed are set out below:-

- i) The Order of Civic Seniority amongst the Commoners is calculated principally according to the date of election and their total period of service.
- ii) The following rules apply:
 - a) Where a number of Members are elected on the same day, seniority amongst them be calculated:
 - alphabetically by Ward (Aldersgate being first, Walbrook being last); and

- if there were more than one new Member elected for the same Ward on the same day, then seniority be alphabetically between those Members.
- b) Where a Member has a period away from the Court and then is re-elected, their seniority is calculated by totalling their number of years' service and deducting it from the year on which they were re-elected to the Court (and then being placed after other Members in that 'year').
- c) Aldermen, whether former Common Councilmen or not, who are elected to serve as Common Councilmen after their service on the Aldermanic Court, would take their seniority according to their total length of service on Common Council, including as an Alderman.

Recommendations

Members are asked to note the contents of this report.

Appendices

Appendix A – Court of Common Council – Seniority – Approved by the Members' Privileges Sub-Committee on 31 January 2012

Contact

Charlotte Taffel

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COURT OF COMMON COUNCIL

SENIORITY

Approved by the Members' Privileges Sub-Committee on 31 January 2012

1. The Order of Civic Seniority amongst the Commoners is calculated principally according to the date of election and their total period of service.
2. The following rules apply:
 - 2.1 Where a number of Members are elected on the same day, seniority amongst them is calculated:
 - (a) alphabetically by Ward (Aldersgate being first, Walbrook being last); and
 - (b) if there are more than one new Members elected for the same Ward on the same day, then seniority is alphabetically between those Members (e.g. Mr Cressey is senior to Ms Regis)
 - 2.2 Where a Member has a period away from the Court and then is re-elected, their seniority is calculated by totalling their number of years' service and deducting it from the year on which they were re-elected to the Court.

For example, Mrs Littlechild was first elected in 1998 and served until 2005. When she was re-elected in 2009, her reckonable service of seven years was deducted to indicate that her seniority fell with those elected in 2002.

Members returning to the Court after a period away are placed at the foot of the list of those in their new seniority.

- 2.3 Aldermen, whether former Common Councilmen or not, who are elected to serve as Common Councilmen after their service on the Aldermanic Court will take their seniority according to their total length of service on Common Council, including as an Alderman.
3. Certain exceptions to strict seniority are applied, particularly in respect of seating arrangements, on appropriate occasions:
 - 3.1 The Chief Commoner will always be pre-eminent amongst the Common Council.
 - 3.2 The Senior Committee Chairmen (i.e. particularly the Chairmen of Policy and Resources, Finance, Planning and Transportation and Police) are normally also taken out of their seniority order.

- 3.3 In addition, the Deputy Chairman of the Policy and Resources Committee and either the Immediate Past Chief Commoner or the Chief Commoner Elect will be accorded appropriate precedence as required.
- 3.4 Other Members may also be seated outside seniority where it is appropriate for them to be with a particular guest or guests such change to be determined by the Lord Mayor, Chief Commoner, or Chairman of the Host Committee on the recommendation of the Town Clerk or Remembrancer.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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