

## Report – Policy & Resources Committee

### Annual Appointment of Committee

*To be presented on Thursday, 18<sup>th</sup> June 2020*

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

#### SUMMARY

When the COVID-19 outbreak first became significant in the UK and following related directives from HM Government, the City of London Corporation undertook to suspend the vast majority of formal decision-making meetings, with decisions being taken in the meantime in accordance with the City Corporation's urgency procedures. This suspension included the April meeting of the Court of Common Council, which is when the constitution of committees and election or appointment to those committees is made for the ensuing municipal year. This accorded with the wider national approach in respect of the deferral of local government and Mayoral elections for the forthcoming year. It also aligned with *The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020* ("the Regulations") governing meetings, which came into force on 4 April 2020.

As part of the consequential considerations arising from that cancellation, it was determined that the membership of committees should be held over unchanged until April 2021. This decision (and attendant implications, such as arrangements for Chair / Deputy Chair elections, appointment of sub-committees, and so on) was taken in view of the uncertainty at that time concerning the impact of the pandemic and the possible limitations in returning to a normal meeting cycle.

However, since that time, the introduction of virtual meetings, using technology such as Microsoft Teams and Zoom, has enabled both Committees and the Court of Common Council to resume scheduled meetings. Consequently (and further to questions at the May meeting of the Court of Common Council), your Policy and Resources Committee now **recommends** that the annual appointment of Committees for 2020/21 take place at the July 2020 meeting of the Court, thereby undoing the previous resolution (referred to as "the April resolution" for ease, hereafter) determining that committee membership be rolled forward and maintained for the current year. The report also sets out the implications of this decision on the other aspects of the April resolution, such as term limits and the election of committee chairmen and deputy chairmen, as well as how the election process will be managed.

#### RECOMMENDATION

That:

1. It be confirmed that the annual appointment of committees for 2020/21 take place at the 16 July 2020 meeting of the Court of Common Council and the provisions of

sections 2-9 of the resolution previously approved by the Court, set out at Appendix 1, be revoked effective 12.59pm on 16 July 2020.

2. It be confirmed that the annual elections of Chairs and Deputy Chairs and the appointment of sub-committees will take place at the first meeting of each Committee following the July Court.
3. The proposed arrangements for ballots to be conducted at the July Court meeting be endorsed.
4. No change be made in respect of the provisions pertaining to the Chief Commoner.

## **Main Report**

### **Background**

1. In March 2020, in response to the emerging COVID-19 pandemic, Her Majesty's Government took the decision to encourage (and subsequently enforce) restrictions around travel and association in relation to individuals not identified as "key workers" playing a role in the immediate response to the crisis.
2. One of the many consequences of this was that City Corporation committees were physically unable to meet. Due to the existing provisions of Local Government legislation at that time, a physical presence was required at meetings in order for a quorum to be constituted and decisions made.
3. Whilst it was anticipated that forthcoming emergency legislation was likely to incorporate provisions to facilitate virtual meetings, a swift decision was necessary in respect of the immediate course of action, with it immediately apparent that it would not be feasible within the confines of existing movement restrictions and legislation for the Court of Common Council to meet in April.
4. The April meeting of the Court, as specified by Standing Orders, is when the constitution of committees and election or appointment to those committees is made for the ensuing year. Therefore, the Court would be unable to appoint its Committees, nor elect and appoint to them for the 2020/21 municipal year.
5. A contingency was, therefore, required to ensure that business could continue effectively beyond the scheduled date of the April 2020 Court of Common Council meeting. Given uncertainty about the length of time during which restrictions and effects on normal activities may be in place, together with limited resource with which to work through immediate implications, the Policy and Resources Committee was minded that the pragmatic response in the circumstances would be to roll forward existing arrangements in respect of committee memberships for a twelve-month period. This approach aligned with that being taken elsewhere and which is now set out in new Regulations issued by Government.
6. It was recognised that this was an unprecedented step, caused by unforeseen circumstances, which would have many implications. It was also noted, however, that the present extraordinary conditions may subside during the year, to the extent that the Court and Committees may be able to resume normal practice.

7. Since then, a number of committees have met virtually – using either Microsoft Teams or Zoom technology – including the Court of Common Council on 21 May 2020. With virtual committee meetings have become well-established, an undertaking was made to explore how the annual meeting of the Court of Common Council might be brought forward to July 2020, with the relevant implications also clarified.
8. Appendix 1 sets out the resolution passed by the Court which dealt with the suspension of the April meeting and the attendant consequential matters. Holding the annual appointment of committees in July will require the undoing of several of these resolutions and the report sets these out for the sake of clarity.

**Membership of Committees and Terms of Office (ref: s. 3, 4, 5, 6 & 9, April resolution)**

9. One of the effects of the suspension of the April Court was that membership of all Committees – both Ward and non-Ward – would remain the same for the forthcoming year and that service would not count towards a Member's term limit.
10. Appointments made for the 2019/20 municipal year would continue for the 2020/21 year and until the April 2021 Court, with Standing Order 23(5)(a) not applying to the term of office of Members serving on Ward Committee appointments and service on those non-Ward Committee appointments made under Standing Order 24 being treated as an extension of the current year (i.e. not treated as an additional year of service).
11. This was on the basis that there would be no annual appointment of committees until April 2021. Consequently, should Members agree that the annual appointment process can now take place at the July Court, it follows that this constitutes a "new" year (i.e. not simply a prolonging of 2019/20, as was previously the case) and that service for the coming year shall be treated in the normal fashion, i.e. contributing towards term limits and reckonable service. That is to say that the period of service from the July meeting until the next annual meeting (currently scheduled for 15 April 2021) shall be treated as one year.
12. For the sake of clarity, it should be noted that service that has (or will have) occurred between April and the July Court meeting will not be counted, consistent with the terms of the April resolution (i.e. the three months shall continue to be treated as part of an extended 2019/20 term).
13. Should Members approve the proposals, the annual appointments process for 2020/21 will be undertaken in as close to the usual way as possible. Ward Deputies will be asked to re-confirm previous submissions in respect of Ward Committee appointments, and the usual letter advertising non-Ward Committee vacancies will be circulated with a deadline for expressions of interest, to allow for names to be published on the Summons pursuant to Standing Order 24(2).
14. In view of the virtual nature of the Court meeting, the balloting process will need to be undertaken in a different fashion. This is addressed later in this report.

**Election of Chair/Chairman and Deputy Chair/Chairman (ref: s7 & 8, April resolution)**

15. Following the annual appointment of committees at the July Court, the provisions of Standing Orders shall require the election of Chairs and Deputy Chairs in the normal fashion at the next meetings of the several committees.
16. For the sake of clarity, it should be noted that where a “handover” of Chairs has already taken place through the resignation mechanism established through the April resolution, an election shall still be required and the rights of the outgoing Chair to serve as Deputy Chair for the coming year shall not be affected.
17. As with committee memberships, service between April 2020 and the July Court shall not count towards term limits; however, service from July until the next annual Court shall be treated as one year.

**Appointment of Sub-Committees**

18. As with the election of Chairs and Deputy Chairs, the appointment and membership of Sub-Committees shall also proceed in the usual manner at the first committee meeting following the Court meeting.

**Committee Terms of Reference (ref: s3, April resolution)**

19. The annual meeting is also the occasion on which the Committees are reconstituted formally and their Terms of Reference set, with various amendments considered.
20. In the absence of the opportunity to discuss them at the April meeting and, in keeping with the pragmatic approach taken, it was agreed the Terms of Reference of all Committees should remain as at the date of the last meeting of the Court (i.e. 5 March 2020).
21. However, should the annual meeting proceed in July, then the “White Paper” (the document which presents the various Terms of Reference, including proposed amendments) shall also be considered at that meeting.

**The Chief Commoner (ref: s10, April resolution)**

22. Through the April resolution, a one-year amendment to Standing Order 18(3) was agreed, to allow Deputy Brian Mooney to take office.
23. The holding of the annual Court in July has no impact on this and there is no reason that the usual arrangements (i.e. the election of the next Chief Commoner in October 2020, with them taking office in April 2021) should not continue. It is, therefore, recommended that no change is made to this.

**The Ballot / Election Process**

24. The current provisions of Standing Orders provide that ballots are taken at the relevant Court meeting itself, with the general practice being that hard-copy ballot papers are distributed to Members as they enter the Court. Ballot papers are then completed and collected during the meeting, with the count conducted directly afterwards and the results circulated by e-mail and printed in the Summons for the next meeting.

25. Clearly, the virtual nature of the meeting means that this traditional approach is unlikely to be practicable for the July Court meeting, so an alternative arrangement (with accompanying amendments to Standing Orders) needs to be considered.
26. The option that most closely replicates this arrangement would be for electronic voting to take place at the July meeting itself. There is, however, an inherent element of risk in this approach insofar as any ad hoc technical issue (for instance, a network outage for a particular broadband provider) could deprive a number of Members of the ability to vote.
27. Consideration has, therefore, been given as to whether it would be possible to allow for the issuing of ballot papers in advance of the meeting, given that the names of those Members in nomination are known in advance and published with the Summons, with a set date for completion, allowing for the results to be tallied and appointments confirmed at the Court.
28. It is important to note that committee appointments are made by the Court itself and not by individual Members, with the vote acting as a mechanism for the Court to make the decision (and, in that sense, is no different to any other decision, albeit that a secret ballot process has been adopted). The ballot process in advance of the meeting would, therefore, serve as an indicative mechanism to allow for all Members of the Court to have their views taken into account; the Court would then be asked to ratify the appointments arising from the ballot results at the July meeting. This would reserve the actual decision for the Court itself, whilst still allowing for a fully inclusive process.
29. Suitable technology would be used to ensure the secrecy of the ballot, as well as to provide surety that only those eligible to vote (i.e. Members) do so. This would be managed through a link, circulated by email to those in attendance at the appropriate part of the meeting, which would take Members to electronic ballot papers which would be completed and returned.

### **Conclusion**

30. With the April meeting of the Court having been suspended as a consequence of the Coronavirus pandemic, the annual appointment of committees for 2020/21 was also delayed. With the establishment of virtual meetings and an adjustment to new ways of working in place, Members are now asked to consider whether to hold of the annual appointment of committees at the 16 July 2020 meeting of the Court of Common Council, as well as the balloting process to be adopted.

### **Appendices**

- **Appendix 1:** Resolution of the Court of Common Council, April 2020

All of which we submit to the judgement of this Honourable Court.

DATED this 11<sup>th</sup> day of June 2020.

SIGNED on behalf of the Committee.

**Deputy Catherine McGuinness**  
Chair, Policy and Resources Committee

**RESOLUTION: COURT OF COMMON COUNCIL, APRIL 2020**

**POSTPONEMENT OF THE ANNUAL APPOINTMENT OF COMMITTEES AND CONSEQUENTIAL MATTERS**

RESOLVED: That:-

1. In light of the current Coronavirus Pandemic, the meeting of the Court of Common Council scheduled for Thursday 23 April 2020 be abandoned.
2. Notwithstanding the provisions of Standing Order 21, the annual appointment of committees of the City of London Corporation due to take place at the meeting of the Court of Common Council originally scheduled for Thursday 23 April 2020 will instead take place at the meeting of the Court scheduled for Thursday 15 April 2021.
3. The Membership of all Committees and their Terms of Reference will remain as at the date of this resolution.
4. A Member who would otherwise, due to the expiry of their term of office in accordance with Standing Order 24(1)(a), retire from a Committee at the meeting of the Court originally scheduled for 23 April 2020, will instead retire at the meeting of the Court scheduled for 15 April 2021; and the Member's term of office on the relevant Committee is extended accordingly.
5. A Member who would otherwise, due to expiry of their term of office in accordance with Standing Order 24(1)(a), retire from a Committee at the meeting of the Court scheduled for 15 April 2021 will instead retire at the meeting of the Court scheduled for April 2022; and the Member's term of office on the relevant Committee is extended accordingly. The same shall apply *pari passu* for Members due to retire from Committees in 2022 and 2023 respectively.
6. Service on Ward Committees during the 2020/21 municipal year shall not count for the purposes of Standing Order 23(5).
7. In view of there being no appointment of Committees in 2020, the provisions of Standing Orders 29(4) and 30(5) will not apply and Committees will therefore not elect Chairmen and Deputy Chairmen in 2020. The Members holding office as Chairmen and Deputy Chairmen in 2019-2020 will continue to hold those offices until the first meeting of the Committee after the appointment of Committees in 2021.
8. Should a Chairman notify the Town Clerk of their resignation from that office prior to the appointment of Committees in 2021, then the Deputy Chairman will act with full power and authority as Chairman until the next regular election in 2021, and the provisions of Standing Order 29(2) will not apply. The late Chairman will, providing they remain in Common Council and a member of the Committee, become the de-facto Deputy Chairman as would normally be the case under Standing Order 30(3)(a). In the absence of the late Chairman, the most recent past Chairman on the Committee still serving shall act in this fashion; in the absence of any past Chairman, this shall be the most senior Member on the Committee.
9. For the purposes of Standing Order 29(2) the period from the appointment of Committees in 2019 to the appointment of Committees in 2021 shall count as one year.
10. Notwithstanding the provisions of Standing Order 18(3), Deputy Brian Mooney will assume the office of Chief Commoner at one minute past midnight on 23 April 2020 and serve until the meeting of the Court scheduled for 15 April 2021, with that Standing Order suspended for the 2020-21 municipal year.
11. The provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020,

governing meetings which concern local authority meetings, shall be adopted and applied to all City Corporation Committees and Sub-Committees.