

<b>Committee(s):</b> Policy & Resources Committee	<b>Dated:</b> 04 October 2022
<b>Subject:</b> Freedom Applications Sub-Committee Composition and Access	<b>Public</b>
<b>Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?</b>	3, 10
<b>Does this proposal require extra revenue and/or capital spending?</b>	<b>N</b>
<b>If so, how much?</b>	<b>£NA</b>
<b>What is the source of Funding?</b>	<b>NA</b>
<b>Has this Funding Source been agreed with the Chamberlain's Department?</b>	<b>NA</b>
<b>Report of:</b> The Town Clerk & Chief Executive	<b>For Decision</b>
<b>Report author:</b> Polly Dunn, Governance and Member Services Manager	

### Summary

This report seeks clarification on two areas of governance concerning the Freedom Applications Sub-Committee (FASC). The first relates to its composition of the Freedom Applications Sub-Committee and the eligibility of those who may stand for vacancies. The second seeks the Committee's approval to hold future FASC meetings entirely in non-public session.

### Recommendation(s)

Members are asked to:

- confirm the Freedom Application Sub-Committee's Terms of Reference and composition;
- approve any consequent changes to the terms of reference; and
- agree that, as a private function of the City of London Corporation not subject to subject to the provisions of Part VA and Schedule 12A of the Local Government Act 1972, future meetings of the FASC be held exclusively in private session.

### Main Report

#### Background

1. In December 2021, the Court of Common Council received and approved the final recommendations made in response to The Lord Lisvane's Governance Review.
2. One of the recommendations related to the Freedom Applications Committee (FAC), a Grand Committee that is responsible for examining and reporting back on any applications for the Freedom referred to it by the Court of Common

Council. Given this specific and focussed remit, it was suggested that FAC cease to be a Grand Committee and become a Sub-Committee of Policy & Resources.

3. Whilst Members considered including the responsibilities of FAC into the new Civic Affairs Sub-Committee, the Court agreed that it should be its own distinct sub of Policy & Resources. At its meeting on 5 May 2022, the Policy & Resources Committee then agreed to delegate this responsibility by establishing the Freedom-Applications Sub-Committee (FASC) in almost identical terms as its previous form (FAC).
4. As seen in Appendix 1, the existing composition of FASC includes
  - two Members elected by the Court of Common Council, at least one of whom shall have fewer than five years' service on the Court at the time of their appointment
5. The vacancy in question relates to this fourth bullet. When first constituting FASC Policy & Resources agreed that (for one year only) it would directly appoint the current serving Court Members, to provide continuity from the previous year. The positions were therefore offered to Tijs Broeke and Dominic Christian. Tijs Broeke then subsequently stepped down and created the vacancy in question.
6. This vacancy was advertised to the whole of the Court of Common Council, for appointment at July Court. We received one nomination but on the day, this nominee withdrew, and a point of order was raised to seek clarification from Policy & Resources Committee on the eligibility of nominees. The vacancy was consequently deferred until such a time that this Committee made clear its view. This report seeks that steer.
7. In conjunction with the above, a further matter involving the FASC has come to light, and also relates to a separate recommendation of the Governance Review: the disapplication of inappropriately treating its non-local authority business under the provisions of local government legislation. This was agreed by Court at its meeting in March 2022, with Standing Order 32 now reading:

### **32. Access to Meetings**

*1. All meetings of Committees and Sub-Committees are open to the public unless:-*

*(a) confidential information as defined in Section 100A(3) of the Local Government Act 1972 is to be discussed; or,*

*(b) a resolution has been passed to exclude the public as there is likely to be disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act 1972;*

*In respect of non-local authority and non-police authority functions this Standing Order is not applied unless a Committee or Sub-Committee determines otherwise.*

8. It has been brought to our attention that in practice, due to the nature of decisions being made, the FASC is conducted entirely in Non-Public session save for the

opening of the meeting and the agreement to exclude the public. It has therefore been suggested that, in order to streamline the conduct of the meeting and, pursuant to the Governance Review recommendations, it would be beneficial for Policy & Resources to agree that FASC may be conducted exclusively in private session.

## **Current Position**

### Composition

9. The current terms of reference and composition of FASC are found at appendix 1 and the confusion that has arisen is two fold.
10. The first consideration involves aldermanic representation. Given that there are two places on FASC specifically allocated to Alderman, does the Committee feel that Aldermen should also be permitted to stand for the wider Court vacancies? Usual practice across committees typically permits aldermen to nominate themselves for vacancies in the absence of any Common Councillors stepping forward.
11. The second matter involves the criterion that one of the two wider Court positions be reserved for a Member that has served a term on the Court of fewer than five years. Where this requirement exists, should the vacancy be readvertised when no 'new' Members have expressed an interest, but a longer-serving Member has, or should the nomination be accepted?
12. Whilst the Policy & Resources Committee can make a discrete, isolated decision on these matters, that only applies to FASC, Members may wish to consider whether they would like these principles to apply across its other sub committees.
13. The following sub-committees also have distinct places reserved for Aldermen (e.g. Chairman of GP or their nominee) within their composition, but could also have Aldermen appointed by the Court of Common Council: Communications & Corporate Affairs Sub; Civic Affairs Sub; Equality Diversity & Inclusion Sub; and Capital Buildings Board.
14. No other sub-committee of Policy involves a composition that stipulates a maximum term length for one or more of its membership, but other Grand Committees, do.

### Public Access

15. Having sought the advice of the Comptroller & City Solicitor, it has been determined that the work undertaken by FASC constitutes a non-local authority function. Following enquiries from Members, the Committee's views are therefore also sought on the cessation of the public element of formal FASC meetings.
16. Recent FASC meetings have only had the following items of business in public session: Apologies; Declarations; Public Minutes; Outstanding Actions; Questions; Any other Business; Exclusion of the Public. The rest of the substantive meeting takes place in Non-Public Session. As per the recent recordings of meetings, the average time of public session has been c.10

minutes and in terms of content, provides minimal public interest (20-30 views per video).

17. In order to facilitate a livestream, we have to ensure there are two Members of the Governance and Member Services staff present. There is also a need to produce two agendas and two sets of minutes (one public, one non-public). Consequently, a move towards a private meeting would somewhat reduce the demand on Members' time and would facilitate a small saving in staff resource.

## **Options**

18. With respect to the FASC composition, Members have the following options:
- i. to leave the terms of reference unchanged, without further clarification. This course of action (or, rather, inaction) may lead to continued issues of interpretation and is therefore not recommended.
  - ii. to provide a steer as to whether Aldermen and (where applicable) Members with more than five years of service, should be able to stand for the FASC vacancies advertised to the whole Court of Common Council. This clarification can be incorporated into its Terms of Reference.
  - iii. to consider applying the same interpretation of aldermanic eligibility across each of its sub-committees. This would mean that, where Aldermen have reserved places, they may not stand for vacancies arising for the wider Court. This option will have implications to existing memberships.
19. In regard to access to FASC meetings, Members may choose to continue as they do at present, with a public and non-public section. Alternatively, they may support a move toward an entirely non-public meeting arrangement.

## **Corporate & Strategic Implications**

Strategic implications – This report seeks to clarify the Committee's position to changes implemented in response to the Governance Review, which was commissioned to help the City Corporation to better deliver against its Corporate Strategy through its decision-making and Committee systems.

Financial implications – There are no financial implications beyond resourcing (see below).

Resource implications – There will be some small resource savings in staff time if a decision is taken to cease public access to FASC meetings.

Legal implications – It has been confirmed with the Comptroller & City Solicitor that there are no legal implications to ending public access to FASC meetings. There are no legal implications to the decision taken on FASC composition.

Risk implications – there are no implications.

Equalities implications – Under the Equality Act 2010, all public bodies have a duty to ensure that when exercising their functions they have due regard to the need to advance equality of opportunity between people who share a protected characteristic and to take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people and encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately

low. The proposals contained in this report do not have any potential negative impact on a particular group of people based on their protected characteristics.

Climate implications – There are no implications.

Security implications – There are no implications.

## **Conclusion**

20. The Committee's views are sought on the eligibility of Court Members for a position on the Freedom Applications Sub-Committee and on the public accessibility of the same sub-committee.

## **Appendices**

- Appendix 1 – Terms of Reference of the Freedom Applications Sub-Committee

## **Background Papers**

- [Governance Review](#) – Court of Common Council (December 2021)
- [Appointment of Committees](#) – Policy & Resources Committee (May 2022)

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