

Report – Policy and Resources Committee

Revision of Standing Orders

To be presented on Thursday, 27th April 2023

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

SUMMARY

In December 2021, the Court of Common Council determined new governance arrangements, arising from a comprehensive Governance Review undertaken by Robert Rodgers, The Lord Lisvane, and following extensive Member consultation as to the implementation of his various recommendations. Arising from the changes approved, a series of consequential amendments to Standing Orders were required, so as to give effect to the decisions made by the Court.

These were partially approved in March 2022, but there were some less time-critical (i.e., changes are not required immediately to give effect to the implementation of the new post-Governance Review arrangements), that were agreed in principle but were subject to drafting and final approval. These amendments (which already received in-principle agreement by the Honourable Court) have since been drafted and reviewed by your Policy & Resources Committee, who recommend the changes to you this day. A summary of these provided within Table A, below. The detail of these changes can be found in the fully marked-up version of the Standing Orders available at Appendix 1.

Further to the changes already considered by the Honourable Court (captured in summary table A), suggested amendments have been recommended by your Policy & Resources Committee in response to feedback received as part of the 'Light Touch Governance Review' (LTGR). These are also summarised in within Table B and are detailed within the marked-up version of the Standing Orders (Appendix 1). Table B also captures any changes that have arisen via recommendation from other Committees as part of the regular Annual Review of Terms of Reference.

These reviews have also provided an opportunity for a further housekeeping exercise to improve the presentational arrangements of the document and to correct some typographic errors from previous iterations.

RECOMMENDATION

That Members:

1. consider and approve the proposed amendments to Standing Orders summarised in Table A and as set out in detail within Appendix 1.
2. consider and approve the proposed amendments to Standing Orders summarised in Table B and as set out in detail within Appendix 1.

3. authorise the Town Clerk to make any such changes as are required following the Court's consideration, so as to facilitate their implementation.

MAIN REPORT

Background

1. In September 2019, the Policy and Resources Committee proposed the undertaking of a comprehensive Governance Review of the City Corporation. Robert Rodgers, The Lord Lisvane, was appointed to conduct 'the Review'. The Committee received the Review in September 2020 and determined that the many proposals should be studied in a structured way in the coming period. To that end, a series of informal Member engagement sessions were arranged to afford all Members opportunities to express their views on the various aspects of the Review.
2. Members considered the Review in sections, which culminated in the considering the wider committee structure and general principles for the operation of processes in December 2021.
3. In March 2022, a series of changes were presented to the Court for consideration. These changes were placed into three categories. The first was items relating to typographical errors, clarification of existing practice, previously agreed Governance Review recommendations, and Bridge House Estates Governance Arrangements. These were approved and are contained within the current Standing Orders.
4. The second featured a number of areas which were raised through debate over the period and which require wider consideration; for instance, whether Members would wish to pursue changes to items such as the procedures concerning the conduct of debate at Court meetings. The Court approved these changes in-principle and instructed the Town Clerk to draft the wording for the Court's approval in a future meeting. These changes have since been presented to your Policy & Resources Committee and are recommended to you this day, summarised in Table A.
5. As the final aspects of the Governance Review were implemented, Members commissioned the LTGR to provide an opportunity to address any significant concerns arising out of the various new structures and processes. Officers were tasked to bring back recommendations in areas that Members feel are clearly not working, where improvements could be made quickly, or where immediate intervention is required. During this exercise, a number of suggestions were made by individuals and Committees, that would require changes to Standing Orders. These are captured within Table B.
6. Also found within Table B, are any and all recommendations arising directly from other Committees as part of their Annual Review of their Terms of Reference.

7. Subject to approval, the Standing Orders will be updated for implementation in the new Civic Year. Authority is, therefore, also sought for the Town Clerk to make any such changes as may be required to give effect to the decisions taken by the Court this day.
8. In due course, further adjustments are likely to be required as a consequence of related reviews concerning certain the Officer Scheme of Delegations and it is considered that this will also provide a helpful opportunity to make any necessary adjustments in response to decisions taken this day.
9. Moving forwards, as the Governance Review draws to an end, Standing Orders shall continue to be the subject (together with the Scheme of Delegations) of more regular, annual review, as it is important for the Corporation to take a more agile and responsive approach to its governance arrangements (as opposed to waiting for larger, set-piece periodic reviews).

Summary of Changes

10. While the consequential amendments referred to are marked in the appended Standing Orders document (Appendix 1), for ease of reference and comprehension the tables within the report provide a list summarising all changes made. This list also provides the accompanying rationale for any change.
11. As Members will note, some changes simply give effect to the decisions already taken by the Court. Members are asked to endorse the changes made as giving effect to the Court's previous decisions.
12. In addition, there are a number of areas which were raised through debate over the past year and which require specific, wider consideration; for instance, whether Members would wish to pursue changes to items such as the procedures concerning the conduct of debate at Court meetings.
13. Your Policy & Resources Committee has given consideration to these items and, where it believes that changes would be sensible and in the interests of the running of the Court, has made various proposals. The views of your Policy & Resources Committee, and their recommendations thereon, are set out in Table B below and are also captured within Appendix 1.
14. The Court's determinations are sought in respect of the various items, together with such authority to the Town Clerk as may be required to allow for the Court's decisions to be reflected in the final Standing Orders document.

TABLE A: Amendments agreed in principle by the Court of Common Council in March 2022

2 (Suspension of SOs)	Your Policy & Resources Committee was minded that a higher threshold than a simple majority should be required to suspend specific Standing Orders, and proposes that an amendment be made to require a two-thirds majority of those present and voting.
9(4)(b) (Referral of Reports – urgency referrals)	Members have expressed disquiet at the late circulation of information prior to meetings, particularly where there is insufficient time to digest documents. Your Policy & Resources Committee, therefore, proposes a modest amendment to bring the deadline for urgent referrals forward to 12noon the day before the Court (i.e., 24 hours earlier). This is in view of the fact that the current deadline of 12noon on the day of Court itself would render it impractical for the report to be circulated and read by Members in advance of considering the item.
10(5) (Ballots – Term Allocation)	Your Policy & Resources Committee proposes an amendment so that, in circumstances where varying terms are being allocated on the basis of seniority / votes received, discretion should be provided to allow for the allocations to be re-arranged if all successful candidates are in agreement. It was noted that this could be beneficial in situations where someone anticipating standing down from the Court in the next year or two would otherwise be awarded the longer term.
11(3) (Motions – time limits)	<p>The Policy & Resources Committee noted that the Mover of a Motion is currently afforded 10 minutes to open and another 10 to close debate, which they reflected felt somewhat excessive, particularly given the overall time allocation for Motions is 60 minutes.</p> <p>Therefore, a reduction is proposed to a maximum of 7 minutes each to open and close would provide greater opportunity for wider debate by the Court whilst still representing a sufficiently lengthy period for the Mover to make their points.</p>

11(4) (Motions - Amendments)	<p>Your Policy & Resources Committee recommended that a subsection should be inserted to provide for detail of any amendments intended to be moved. This would be intended to allow for wording to be made available and inform debate (other than those which are consequential upon matters arising from the debate and so flow naturally from it / could not have been pre-empted).</p> <p>In the event that Amendments are proposed within the meeting (arising from debate), there should be a pause to allow for these to be handed to the Town Clerk in writing, so that they can be read out and / or shown on a screen (or otherwise made clear), in order to provide absolute clarity to both Members and the public what is being debated and voted on.</p>
11(11) (Adjournment)	<p>Your Policy & Resources Committee considered that it would be prudent to include provision for the Lord Mayor to adjourn the Court immediately, for a specified period, so as to avoid unnecessary delay (for instance, where the Fire Alarm is sounded and a swift evacuation is necessary, such as in March 2016).</p>
12(4) (Motions – urgency)	<p>As with urgent referrals, your Policy & Resources Committee considers that an earlier deadline would be beneficial in ensuring that there is time for the Lord Mayor to consider properly the grounds for urgency and the Motion's validity, as well as to ensure the Motion can be circulated and made known to Members and the public in advance of the meeting.</p> <p>It is, therefore, proposed to bringing the deadline forward to 9.00am on the day of Court (i.e., three hours earlier than the current 12noon), which would provide a short additional window within which to facilitate this greater transparency of process.</p>
12(5) (Motions – withdrawal)	<p>Lord Lisvane proposed that the ability of the Mover and Seconder to withdraw a Motion should be removed without the consent of the Court. Another suggestion that arose through the Governance Review process was that Standing Order should be amended to reflect that the Mover and Seconder have the ability to make amendments to the Motion at the outset, with the Court's consent.</p> <p>Your Policy & Resources Committee endorsed both these proposals and recommended them accordingly.</p>

12(6) (Motions – expiring time)	<p>At present, the wording of this Standing Order means that a warning that the time limit for the consideration of Motions is being neared is only provided when moving to another Motion.</p> <p>In practice, Members have found it helpful to be informed of remaining time limits as a matter of course and so your Policy & Resources Committee recommended altering the Standing Order such that notice is provided of remaining time automatically, as this would be beneficial in helping to manage debate.</p>
13(5) (Questions – number)	<p>Lord Lisvane suggested that the current facility for a Member to submit up to three questions is unduly generous and should be reduced to one per Member (down from the current three).</p> <p>Your Policy & Resources Committee felt that a reduction to two per Member would be reasonable, but that there should be greater opportunity to ask supplementary questions. Therefore, it is proposed to change the number of questions a Member may submit from three down to two, whilst also increasing the number of Members who may ask supplementaries under each question from three up to four.</p>
13(11) (Questions – Policy Statement)	<p>Your Policy & Resources Committee proposes that this sub-section to sit under SO6 instead, as it relates to a separate item to the formal “Questions” item to which the rest of Standing Order 13 refers, and so has the potential to cause confusion.</p>
13 (Questions – Written submissions)	<p>Lord Lisvane proposed the requirement for the wording of questions to be circulated, so as to avoid lengthy preambles or a situation where the question asked on the day varies from the original posed. He also proposed changes in respect of the facilitation of written questions and responses in between meetings.</p> <p>Your Policy & Resources Committee endorsed these proposals and recommended them to the Court with the addition of a 250 word limit.</p>
18(6)(b) (Chief Commoner – Civic Affairs Sub-Committee)	<p>In view of the changes made in respect of committees considering hospitality and Members’ privileges, your Committee sees no cause to continue with the practice of barring the Chief Commoner from chairing sub-committees. Instead, it is felt that the chief should be eligible and that it be up to individual committees and sub-committees to determine in the usual way. The amendment of (c) is, therefore, proposed.</p>

18 (Chief Commoner – casual vacancy)	<p>Your Policy & Resources Committee proposes that a new sub-section should be added, to reflect arrangements for any vacancy which might arise (for instance, through a resignation from the Court or death in service). In such circumstances, it has been the convention that the Immediate Past Chief steps into the role for the interim period, until such time as a new Chief Commoner (or Chief Commoner designate) is elected by the Court. With the Court's support, this will be incorporated moving forwards.</p>
20 (Petitions)	<p>Your Policy & Resources Committee has observed that current wording is unhelpfully ambiguous and would benefit from a summary of the process being set out (i.e., that petitions are referred by the Court on to the relevant Committee(s) for further consideration). This is recommended, accordingly.</p> <p>As a longer-term consideration, your Committee was invited to consider whether a process for electronic petitions, with a considered threshold to require a debate, might be explored (similar to what is in place for the House of Commons), so as to facilitate greater public engagement.</p>
25(2) (Vacancies – Process)	<p>Your Policy & Resources Committee was minded that changes to formalise the process of notification and appointment would be beneficial, to provide clarity around process as well as to facilitate the Court's recommendations around "making best use of talent" agreed in December 2021.</p> <p>If the Court is supportive, it is proposed that an amendment be inserted to regularise the time periods for notice and nominations.</p>
26 (Terms of Reference)	<p>Lord Lisvane identified this Standing Order as unnecessary / superfluous and recommended its removal. Your Policy & Resources Committee endorsed this view. Subject to the Court's consent it will, therefore, be deleted.</p>
28 (Joint Committees)	<p>As identified by Lord Lisvane, the current SO is confused and refers to Joint Meetings of Committees rather than Joint Committees in the more generally understood local authority sense.</p> <p>As suggested by Lord Lisvane, given the intent of the SO is almost certainly to refer to Joint Meetings (as are used from time-to-time at the Corporation), it is proposed by your Policy & Resources Committee that this be re-worded to reflect an accurate position.</p>

29(1)(e) (Chairs – meeting cancellation / rescheduling)	<p>Throughout the Governance Review process, several Members reflected on the need to move away from cancelling or changing the date or time of scheduled meetings due to changes to the Chair's availability, citing the role of the Deputy Chair in filling in on such occasions.</p> <p>Your Committee supports the addition of some advisory wording to help emphasise this point.</p>
31(7) (Ward Reception Committees)	<p>The Policy & Resources Committee proposes a minor adjustment should be made to the current Standing Order (which prohibits an individual from chairing more than one Ward Reception Committee), to provide for the possibility for an exception where there is a specific reason - for instance, a Member with exceedingly close connections with the country or Head of State in question. This should be reserved for the Ward Reception Committee itself to determine democratically.</p>
35(3) (Attendance)	<p>Your Policy & Resources Committee noted the particular sensitivities associated with the discussion of certain confidential items, such as those where a committee is considering staffing matters relating to named or identifiable members of staff, or where information has been provided in confidence by the Royal Household or His Majesty's Government.</p> <p>Your Committee recommended that attendance by non-members of relevant committees during the consideration of such items should be at the Chair's discretion, consistent with the principles in respect of access to information set out at Standing Order 45.</p> <p>Clarification should also be provided in respect of inability to attend the private deliberations of Licensing Sub-Committees when they are coming to their determinations.</p>

38 (Decisions)	<p>Lord Lisvane proposed providing the option for Members to call for a recorded vote on decision items in Committee meetings (akin to a Division at the Court).</p> <p>Your Policy & Resources Committee supports this proposal, with it recommended that provision should be made within Standing Orders and the “division” to be subject to the support of 20% of Committee Members present.</p>
42 (Conferences)	<p>Your Policy & Resources Committee noted that this reference is somewhat outdated and the requirements are all captured within the Business Travel Scheme and Financial Regulations, so the existing entry is superfluous.</p> <p>It is, therefore, recommended that this entry be revised to simply refer to the relevant documents.</p>

TABLE B: Amendments proposed in response to the Light Touch Governance Review and Annual Review of Terms of Reference

22(2) (Committee Limit)	<p>Due to the nature of the following committees (which provide an explicit scrutiny function), it is suggested that they are exempt from the Committee Limit which dictates that Members cannot serve on more than six grand committees:</p> <p>Crime and Disorder Scrutiny Committee Health and Social Care Scrutiny Committee Local Government Pensions Board Fraud and Cyber Crime Reporting and Analysis Service Procurement Committee</p> <p>This will hopefully also begin to address issues of long standing vacancies, particularly on HSCSC.</p> <p>In addition, the FCCRASP Committee has been added on the basis that it is comprised of other Committee Chairmen and it would unfairly impact their ability to stand for other committees.</p> <p>Furthermore, the Open Spaces and City Gardens Committee has petitioned to have its name changed to the Natural Environment Board. This amendment is proposed in anticipation of the revised Terms of Reference being approved under the separate item on the agenda.</p>
27(2-3) (Sub-Committees)	<p>Changes under SO27 have been brought forward on the basis that Members requested a greater consistency of approach across all Sub-Committees.</p> <p>(2) This includes a consistent approach for the appointment of Chair and Deputy Chair of the Sub. It is proposed that these roles, by default, fall to the Chairman and Deputy Chairman of the appointing Committee, or their nominee(s), subject to wider support of the Committee. This is, in practice, a procedure already largely exercised across committees.</p> <p>(3) It is also proposed that Committees be dissuaded from increasing the size of a sub-committee, purely to avoid a ballot. This recommendation is made on the basis that a number of sub-committees have a delicate balance of representation from various committees and that changing numbers at short notice without wider consultation is not in the best interest of the Sub-Committee.</p>

<p>29(2 and 3) (Chairmen)</p>	<p>As part of the separate report on the Annual Review of the Terms of reference. The Barbican Centre Board and Bridge House Estates Board has requested that the limit for the length of service as Chair be increased from three to four years.</p> <p>Furthermore, the Open Spaces and City Gardens Committee has petitioned to have its name changed to the Natural Environment Board.</p>
<p>34(5) (Summons)</p>	<p>At the December 2021 Meeting of the Court, and subsequently as part of the LTGR, there is a desire to reduce, where possible, the number of committees any given report must go to. A hard limit on the number of Committees which might consider any single item of business has therefore been proposed.</p> <p>It is, therefore, recommended that – other than in exceptional circumstances – all reports be subject to approval by a maximum of one ‘corporate’ committee, one ‘service’ or ‘institutional’ committee, and one relevant subcommittee (together with the Court of Common Council if the matter is of significance enough to breach the thresholds specified by Standing Orders).</p> <p>As agreed in principle by the Court at its meeting in December 2021, the most appropriate committee in each instance shall be identified by the Town Clerk and the Chairs of the relevant committees notified to provide an opportunity for any objection and reappraisal, in which case the final judgment of the Lord Mayor and Chief Commoner shall be sought.</p> <p>The relevant report shall then be circulated to those affected committees where opinion is sought, with a period provided for responses. These will then be collated and submitted to the decision-making committees, to inform their ultimate deliberations. The Chairs of those committees would also invited to attend the decision-making meeting(s) to represent their committee’s views. This will both require and foster greater discipline in the planning and preparation of cross-cutting reports, which provides a further benefit in raising corporate awareness of emerging strategies and initiatives.</p> <p>The provisions of Standing Order No.9(4) will also remain as a safeguard, thereby providing an opportunity for Members to bring the relevant item before the Court for consideration, should it be felt that the process is insufficient on any occasion.</p>

27(4) (Sub-Committees)	<p>Allowing Committees to appoint to sub-committees for terms greater than a year, allows for a greater consistency of Member representation where higher turnover is perhaps not in the best interests of the City Corporation. Furthermore, the annual appointment process can actually result in a sub-committee not having its full compliment of Members until three to four months into each Civic Year. Discretion remains with the appointing Committee to determine whether a multi-year term is appropriate, or indeed if they wish to stagger these appointments.</p>
29(3) (Chairmen)	<p>The Fraud and Cyber Crime Reporting and Analysis Procurement Committee, and the Crime and Disorder Scrutiny Committee, have been proposed as additional exceptions to this Standing Order, which dictates the ineligibility to seek election as Chair/Chairman of another Ward or Non-Ward Committee.</p> <p>Both of these have been proposed on the basis that their composition is comprised of Chairs and Deputy Chairs of other committees, making it impracticable to enforce this role as almost all Members would be ineligible to stand.</p>

15. Corporate & Strategic Implications

- **Strategic implications** – These changes will facilitate efficiencies in the delivery of the City of London Corporation Strategy.
- **Financial and Resource implications** – the move towards more efficient and clearer processes will inevitably lead towards reduced costs of bureaucracy and resolving any confusion. For instance, expedited processes will lead to a reduction in costs associated with delays to approvals; a lesser volume of time spent by officers in producing reports for low-level items and presenting them to multiple committees will also release capacity within the workforce.
- **Legal implications** – the changes proposed in this report, if agreed by the Court of Common Council, will legally change internal organisational administrative procedures and regulate the conduct of meetings at the City of London Corporation.
- **Risk implications** – As with any process of significant change, there are risks associated with implementation and unforeseen challenges as the new system embeds. Whilst a new system was brought into effect last year, significant organisational turnover across departments, including the Town Clerk's department, inhibited the ability to communicate and embed organisational understanding of some of these changes. This risk is mitigated with the agreed approach that matters be staggered and brought to Members on a priority basis, so that communications and training piece can assist with Corporation-wide implementation.
- **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** - The proposals included in this paper do not carry any significant implications for the Climate Action programme.
- **Security implications** – None

Conclusion

16. It is recommended that the Court endorses the various amendments as summarised in Table A and B of this report, and as set out in detail within Appendix 1, in order that the remaining Governance Review recommendations, and subsequent LTGR recommendations, can be progressed and delivered. The Court is also asked to instruct the Town Clerk to make such change as required to give effect to their implementation.

Appendices

Appendix 1 – Revised Standing Orders with Tracked Changes

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

DATED this 23rd day of March 2023.

SIGNED on behalf of the Committee.

Deputy Christopher Michael Hayward
Chairman, Policy and Resources Committee