

Committee(s) General Purposes Committee of Aldermen	Date: 5 December 2023
Subject: Revisions to the Magistracy and Livery Sub (General Purposes Committee of Aldermen) Committee's Terms of Reference	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	N/A
Does this proposal require extra revenue and/or capital spending?	No
Report of: Town Clerk and Chief Executive	For Decision
Report author: Rhiannon Leary, Executive Officer to the Court of Aldermen	

Summary

It is proposed that the terms of reference of the Magistracy & Livery Sub-Committee be amended to bring the practice of electing the Chair and Deputy Chair into line with the same process used to elect Chairs and Deputy Chairs of Court of Common Council committees.

Background

At the meeting of the Court of Common Council held on 27 April 2023, in seeking to formalise the practice of seeking expressions of interest in standing as Chair or Deputy Chairs of Committees, amendments were proposed to the Court of Common Council's Standing Order 29 which governs the appointment of Chairs of Committees.

Those amendments included a requirement for the Town Clerk to seek written expressions of interest from members who were willing and eligible to take the Chair ahead of the first meeting of each Committee. Also included was a requirement to ensure such expressions of interest were received by the Town Clerk not later than one full working day prior to the scheduled date of the meeting.

Similar amendments were also proposed for Standing Order 30, which relates to the appointment of the Deputy Chair. All the proposed amendments for Standing Orders 29 and 30 were subsequently agreed at the meeting.

Considering those changes, which apply only to the Court of Common Council and not to the Court of Aldermen, it is the view of the Chair of the Magistracy & Livery Sub-Committee, in consultation with the Chairman of the General Purposes Committee,

that it would be reasonable to apply the same changes to the appointments of the Chair and Deputy Chair of the Magistracy & Livery Sub-Committee.

It is therefore proposed to incorporate similar changes into the Magistracy and Livery Sub-Committee's terms of reference. An updated version of those terms of reference is before the Committee for approval. The revisions are set out as tracked changes in Appendix 1, paragraphs 6b) and c).

Recommendation

Members are asked to:

- Agree the proposed changes to the Magistracy and Livery Sub-Committee's terms of reference.

Conclusion

1. The General Purposes Committee of Aldermen is recommended to agree the proposed changes to the Magistracy and Livery Sub-Committee's terms of reference as set out in Appendix 1, 6b) and 6c).
- **Appendix 1** – Proposed revisions to the Magistracy and Livery Sub-Committee's terms of reference.

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Proposed revisions to the Magistracy and Livery Sub-Committee's terms of reference

**Magistracy and Livery Sub-Committee
(General Purposes Committee of Aldermen)**

1. Terms of Reference

The Sub-Committee will ensure that there is a formal, transparent and informed mechanism for managing supervision of Livery matters and all other such issues related to the Court of Aldermen's judicial functions with the key responsibilities as follows:

- (a) to maintain a regular channel of communication with the magistrates operating within the City Courthouse at 1 Queen Victoria Street and make recommendations to the General Purposes Committee of Aldermen in respect of the City Corporation's obligations with regard to the magistracy's on-going use of the Courthouse;
- (b) to maintain a regular channel of communication with the magistrates of the Central London Bench;
- (c) to liaise with the Central London Bench in relation to the Magistrates Dinner at Mansion House;
- (d) to make recommendations to the General Purposes Committee of Aldermen in respect of any Livery or Royal Charter applications;
- (e) to make recommendations to the General Purposes Committee of Aldermen in respect of any other such matters that relate to the judicial functions of the Court of Aldermen; and
- (f) to report annually to the General Purposes Committee of Aldermen about those matters that have been considered by the Sub-Committee over the preceding twelve months.

2. Delegated Powers.

The Sub-Committee's delegated powers are as follows:

To oversee the exercise of the delegated powers (*de minimis*) given to the Clerk to Chamberlain's Court (as agreed in June 2017);

- a) To recommend the names of the Aldermen to take up the role of Sponsoring Alderman for a progressing entity towards Livery (either initially or by way of replacement) for final decision by the General Purposes Committee of Aldermen;

- b) To request and review annual reports of the Sponsoring Aldermen on their respective progressing entities;
- c) To review the procedures for the approval and progression of a Guild, a Company without Livery and Livery Company for recommendation to the General Purposes Committee of Aldermen and the Court of Aldermen for formal approval of the same;
- d) To oversee the process of the progression of individual organisations towards becoming a Guild and a Company without Livery and then towards becoming a Livery Company and provide advice and assistance in consultation with the Clerk to the Chamberlain's Court. To recommend any progress in status for approval to the General Purposes Committee of Aldermen and the Court of Aldermen.
- e) To review any change of name of a Guild, Company without Livery or Livery Company and make recommendation to the General Purposes Committee of Aldermen and the Court of Aldermen for approval of the same;
- f) To agree the basis upon which a Liveryman might translate his or her mother company and to oversee and agree any such application and report the decision to the General purposes Committee of Aldermen and the Court of Aldermen (to be noted); and
- g) To review all documentation relating to Livery matters (including approval of bylaws and ordinances) and to agree the final terms of such documents, except where they relate to any petition for Royal Charter, amendment to a Royal Charter or application for a Royal Charter, which are subject to the concurrence of the General Purposes Committee of Aldermen, or where it appears to the Sub-Committee that the matters under consideration raise issues of general procedure or policy on which it is appropriate for the General Purposes Committee of Aldermen to adjudicate.

3. Composition of the Sub-Committee

The Sub-Committee's composition shall be limited to between 6 and 8 members of the Court of Aldermen who are magistrates, serving or on the supplemental list; or where they are appointed as a Recorder or a Deputy High Court Judge, or otherwise have an appropriate legal background. That is *those Aldermen that are serving in a judicial capacity in Courts operating within a criminal jurisdiction (and not at large) either as an active magistrate or on the supplemental list; or appointed as a Recorder or Deputy High Court Judge; or those with an appropriate legal background are eligible to serve on the Sub-Committee.*

4. Quorum

The quorum shall consist of no less than three Aldermen appointed to serve on the Sub-Committee.

5. Frequency of meetings

The Sub-Committee shall meet whenever necessary at the suggestion of the City Remembrancer, the Town Clerk or the Chamberlain but not less than four times per year. The scheduled meetings shall normally take place as follows:

- a) the first meeting to take place once the General Purposes Committee has elected its Chairman for the ensuing year (usually in December);
- b) the second meeting to take place in March;
- c) the third meeting to take place in June;
- d) the fourth meeting to take place in September.

6. Chairman and Deputy Chairman

- a) At the first meeting of the Sub-Committee each year (usually in December), the Sub-Committee shall elect a Chair/Chairman and Deputy Chair/Chairman for the ensuing year. In the event of their absence at meetings, a member of the Sub-Committee shall be elected for the purposes of chairing the meeting in the Chair/Chairman and Deputy Chair/Chairman's absence.
- b) Ahead of the first meeting of the Sub-Committee each year, the Town Clerk will seek written expressions of interest from members eligible for election as Chair and who are willing to serve. Such expressions of interest must be received by the Town Clerk not later than one full working day prior to the scheduled date of the meeting.
- c) Ahead of the first meeting of the Sub-Committee each year, the Town Clerk will seek written expressions of interest from members eligible for election as Deputy Chair and who are willing to serve. Such expressions of interest must be received by the Town Clerk not later than one full working day prior to the scheduled date of the meeting.
- d) In the event that no expressions of interest have been received by the deadline stated under 6a), the Town Clerk will seek expressions of interest under the relevant agenda item at the meeting of the Sub-Committee.
- e) In the event no expressions of interest have been received by the deadline stated under 6b), the Town Clerk will seek expressions of interest under the relevant agenda item at the meeting of the Sub-Committee
- f) Neither the Chair/Chairman nor the Deputy Chair/Chairman shall serve more than five years in each role, with effect from December 2018.

7. Access to Information

The Court of Aldermen is not covered by the access to information regime (Part VA of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985) as it is a separate executive body of the City Corporation and does not exercise local authority functions. As the Nominations

Committee of the Court of Aldermen meets in private, as a matter of long-standing custom, the same arrangements shall apply to the Magistracy and Livery Sub-Committee.