

<b>Committee:</b> Policy and Resources Committee	<b>Dated:</b> 11 July 2024
<b>Subject:</b> Standing Order Review 2024	<b>Public</b>
<b>Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?</b>	<b>Statutory Function Brilliant Basics</b>
<b>Does this proposal require extra revenue and/or capital spending?</b>	<b>No</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> Town Clerk & Chief Executive	<b>For Decision</b>
<b>Report author:</b> Polly Dunn Interim Assistant Town Clerk and Executive Director of Governance and Member Services	

### Summary

The Court of Common Council last reviewed its Standing Orders in March 2022. Following considerable feedback from Members and Officers, and a commitment made by the Policy Chairman (in consultation with the Town Clerk) at the April 2024 Court of Common Council meeting, this report seeks to confirm the scope of a regular review of the Standing Orders.

Given that many aspects of the Standing Orders have recently been reviewed in isolation, and to ensure that the limited staffing resource is focus on areas that Members have indicated are a priority, this report suggests the areas that officers have identified as requiring further consideration.

### Recommendation

That Members are invited to:

- i) Consider and approve the scope of the Standing Order Review, set out within the report;
- ii) authorise the Town Clerk to make any additions to the scope that may be necessitated during the course of the consultation exercises; and
- iii) note the proposed timeline for consultation and delivery.

### Main Report

#### Background

1. The Court of Common Council last reviewed and approved its Standing Orders in March 2022.
2. In the following two years, in response to feedback from Members and Officers there are several matters of governance that have already been considered by the Court

of Common Council and progressed (projects governance, Member-led recruitment etc.) and may other reviews currently underway (Procurement Review, Charities Review).

3. There has, however, been increased commentary from Members on the Standing Orders, particularly on the conduct of business.
4. As set out in Section 2.22 of *Knowles on Local Authority Meetings* (Eighth Edition): *“Each Local Authority should undertake a regular review of its discretionary standing orders, annually or at some other predetermined interval of time... it may be necessary to take into account changes in the law and organisational structure during the past year, and any practical procedural difficulties that have arisen that could be helped by amending or modifying standing orders.”*
5. Following consultation with the Town Clerk, Deputy Town Clerk and the Governance and Member Services Team, the Chairman of Policy and Resources, it was agreed that such a review was required and committed to the Court of Common Council in April 2024, that this work will be undertaken and delivered ahead of the 2025 all-out Common Councillor elections.

## **Current Position**

6. The current Standing Orders are set out at Appendix 1.

## **Proposals**

7. It is proposed that, following recent and ongoing reviews into specific aspects of the Court's governance procedures, that the scope of this review be limited to avoid unnecessary and unhelpful duplication of effort in revisiting matters already reviewed by this Court. A limited scope is also proposed with the intention of ensuring that the outcomes of the review can, realistically, be delivered ahead of the 2025 elections, within existing staffing resource.
8. It is, of course, a matter for Members to agree this scope and Members may wish to make amends to the proposals. Should certain items be revised and deemed 'in scope', it may be necessary to seek additional resource and/or to pause other areas of ongoing work both within the Governance Team but also, crucially, across the organisation as the Team represents a key enabling function for the delivery of outcomes across the organisation,
9. The justification for deeming certain Standing Orders out of scope, broadly falls into one of more of the following categories:
  - i) The Standing Order relates to ongoing reviews, or reviews that have only recently been concluded.
  - ii) The Standing Order relates to an area that does not, as far as officers are currently aware, present an area of immediate concern or otherwise relate to broadly administrative matters.
  - iii) The Standing Order relates to a subject that would require considerable resource to review and may, in some way, be subject to outcomes of reviews

(as noted in i)) and is otherwise not considered critical for delivery ahead of March 2025.

- iv) The Standing Order has been drafted in line with current legislative requirements and/or associated guidance such as (but not limited to) provisions under the Local Government Act 1972, Localism Act 2011, Freedom of Information Act 2000, Environmental Information Regulations 2004, and/or is in line with best practice as set out in “Knowles on Local Authority Meetings”, taking into account of any requirements specific City Corporation.

10. Noting those that are currently proposed to sit ‘out of scope’, it is acknowledged that during the course of this exercise, it may become clear that it is necessary to bring something into consideration. Authorisation is, therefore, sought so that the Town Clerk can add items to the scope, to ensure we are able to progress in an efficient manner over the summer recess period and beyond. It is not proposed that the Town Clerk be authorised to remove items from the scope.

11. As with any review of the Standing Orders, it will provide an opportunity for any typographical errors, or updates that have already been agreed, to be identified and addressed. This will be done across all the Standing Orders, including those that are deemed ‘out of scope’. This includes, but will not be limited to, matters already agreed by the Court (such as the renaming of Bridge House Estates and the transfer of responsibility for operational property from Operational Property and Projects Sub-Committee to Resource Allocation Sub-Committee).

12. The proposed Standing Orders to be reviewed are, therefore, captured in the table below.

<b>Standing Order</b>	<b>In scope/out of scope</b>	<b>Comment</b>
<b>1 Application and Interpretation</b> <i>How the SOs apply to the Court of Common Council and its Committees and Sub-Committees.</i> <i>Application of the terms “Lord Mayor”, “Member and Town Clerk”</i>	In Scope	Need to clarify arrangements on the application of Standing Orders to Committees and Sub-Committees
<b>2 Suspension</b> <i>Mechanism by which SOs can be suspended, altered or abrogate, during the course of a formal meeting.</i>	Out of Scope	No changes in legal position warranting a change
<b>3 Amendment</b> Mechanism by which the Standing Orders can be formally amended (on a permanent basis).	Out of Scope	No issues identified with current arrangements
<b>4 Access to Meetings</b>	Out of Scope	No changes in legal position warranting a change

Dictates the access to meetings by Members of the Public.		
<b>5 Notice of Meetings</b> Concerns obligations for the number of days' notice required to call a formal meeting.	Out of Scope	No changes in legal position warranting a change
<b>6 Summons</b> Related to SO 5, this concerns the information to be included when the Court agenda is issued to Members.	Out of Scope	No issues identified with the logistics around the Summons.  Amends may be required as a consequence of changes considered elsewhere as part of the review.
<b>7 Quorum</b> Sets out the requisite number of Common Councillors and Aldermen that must be present at a Court meeting, in order for a decision to be taken.	Out of Scope	No changes in legal position warranting a change
<b>8 Attendance</b> Notes that attendance will be taken at Court meetings. It also sets out how new Members of the Court are introduced at their first meeting.	Out of Scope	No issues identified in the ceremonial arrangements for introducing new Members.
<b>9 Reports</b> Sets out the mechanism by which Committee reports are submitted to the Court for consideration.	In Scope	(See Motions)
<b>10 Ballots</b> How ballots for Committee appointments and also for Chief Officer appointments	In Scope	Whilst no immediate issues identified, feedback is welcome.
<b>11 Conduct of Debate</b> How debate is managed in respect of items before the Court (e.g. number of times a Member can speak; arrangements for "the question be now put"; matters relating to derogatory conduct.)	In Scope	Conduct of Debate has been raised in various forums and so should be included within the review.
<b>12 Motions</b>	In Scope	Clarity needed between the treatment of Motions and

Relates to the procedure by which individual Members can bring forward Motions for consideration by the whole Court, and how any ensuing debate is managed.		Reports. Also observations made in various forums.
<b>13 Questions</b> Exclusively the procedure around the submission formal questions put to Chairs. This does not include questions of Chairs posed as part of a debate on a report or Motion.	In Scope	Court Questions have been raised in various forums and so should be included within the review.
<b>14 Divisions</b> Dictates how Divisions are called and managed at the Court.	Out of Scope	On the basis that electronic voting for Divisions has recently been introduced.
<b>15 Disorder</b> Relates to how disorder is managed if either a Member or public observer, is abusing the Court.	Out of Scope	No feedback received to warrant a review.
<b>16 Duration</b> Concerns the length of time of the Court meetings.	Out of Scope	No feedback received to warrant a review.
<b>17 Minutes</b> Provision for what is to be included within the Court Minutes and how these are then approved.	Out of Scope	No feedback received to warrant a review.
<b>18 Chief Commoner</b> Sets out the appointments process for the Chief Commoner.	Out of Scope	On the basis that a review into the role and appoint of the Chief Commoner would benefit (if needed) a more focused/dedicated review, beyond the Standing Orders.
<b>19 Decisions between Meetings</b> How formal decisions can be taken on behalf of the Court between meetings.	Out of Scope	No feedback received to warrant a review.
<b>20 Petitions</b> How Petitions are facilitated for the Court of Common Council.	Out of Scope	No feedback received to warrant a review.
<b>21 Appointment</b> Notes that Committees will be appointed on an annual	Out of Scope	No requirement to re-consider the civic year cycle.

basis at the first meeting of the municipal year.		
<b>22 Committee Limit</b> Prescribes the limit to the number of Grand Committees that a Member sits on, and exceptions to this rule.	In Scope	Given continued long-term vacancies on some committees, consideration on the committee limit may be useful.
<b>23 Ward Committees</b> Dictates how membership of Ward Committees is determined.	In Scope	Following the decision by the Court in October in relation to pairing arrangements for Ward Committees, a further review into the membership of CCS was sought – this request (and any other observations) could be addressed through this broader review.
<b>24 Non-Ward Committees</b> Dictates how terms on Non-Ward Committees are determined, and how Members can nominate themselves for any vacancies.	In Scope	Whilst no immediate issues identified, feedback is welcome.
<b>25 Vacancies</b> Determines how casual vacancies on Committees are addressed.	In Scope	Whilst no immediate issues identified, feedback is welcome.
26 [not used]	n/a	n/a
<b>27 Sub-Committees</b> Sets out specific rules relating to how Sub-Committees are constituted. This includes how the Chair and Deputy Chair roles are determined.	In Scope	See comment under Standing Order 1. Also Member feedback received specifically in relation to 27(2) and the process for appointing Sub-Committee Chairs.
<b>28 Joint Committees</b> Sets out how a formal meeting of two or more Committees can be facilitated.	Out of Scope	No feedback received to warrant a review.
<b>29 Chairs/Chairman</b> How the role of Chair/Chairman is determined; who is eligible; what powers the Chair has; how long a term as Chair may last.	In Scope	Several elements have been raised, including those associated with aforementioned Standing Orders.

<p><b>30 Deputy Chairs /Chairmen</b> How the role of Deputy Chair/Chairman is determined; who is eligible; what powers the Chair has. Includes the appointment process for Vice Chairs of Policy &amp; Resources.</p>	<p>In Scope</p>	<p>See above (29 Chairs/Chairmen)</p>
<p><b>31 Ward Reception Committee</b> Sets out the role of a WRC in relation to hospitality for a visiting Head of Govt or State. How the membership is determined, and how the process is managed.</p>	<p>Out of Scope</p>	<p>On the basis that there are no immediate concerns, and that a review into the procedure around WRCs would benefit (if needed) a more focused/dedicated review, beyond the Standing Orders.</p>
<p><b>32 Access to Meetings</b> Sets out the requirements for public access to Committee and Sub-Committee meetings.</p>	<p>Out of Scope</p>	<p>No changes in legal position warranting a change</p>
<p><b>33 Notice of Meetings</b> Sets out the required notice period required to hold a formal meeting.</p>	<p>Out of Scope</p>	<p>No changes in legal position warranting a change</p>
<p><b>34 Summons</b> Sets out how notice of meetings is determined (including special meetings and items of urgent business). It also provides a limit to the number of committees that can consider a single proposal.</p>	<p>Out of Scope</p>	<p>No changes in legal position warranting a change</p>
<p><b>35 Attendance</b> Sets out the permission for Members wishing to attend meetings of Committees that they are not a member of, including any limitations.</p>	<p>Out of Scope</p>	<p>No changes in legal position warranting a change nor concerns raised about the current attendance arrangements for committee meetings.</p>
<p><b>36 Quorum</b> Sets out how Committee quorum should be managed (including when a quorum is not reached or lost).</p>	<p>Out of Scope</p>	<p>No changes in legal position warranting a change</p>
<p><b>37 Conduct of Debate</b> Sets out how conduct of debate is to be managed at Committee/Sub-Committee level.</p>	<p>In Scope</p>	<p>Clarity around conduct of debate (e.g. no procedure here for how an amendment can be put)</p>

<p><b>38 Decisions</b> How decisions are made by Committees/Sub-Committees (i.e. by majority). Including how recorded votes can be requested.</p>	Out of Scope	No feedback received to warrant a review.
<p><b>39 Disorder</b> Relates to how disorder is managed if either a Member or public observer, is abusing the Committee.</p>	Out of Scope	No feedback received to warrant a review.
<p><b>40 Duration</b> Concerns the length of time of the Committees meetings.</p>	Out of Scope	No feedback received to warrant a review.
<p><b>41 Decisions between Meetings</b> Determines how formal decisions can be taken on behalf of the Committee, in between meetings.</p>	Out of Scope	No feedback received to warrant a review.
<p><b>42 Conferences</b> Notes the permissions around the attendance of events on behalf of the City Corporation.</p>	Out of Scope	The Business Travel Scheme and Financial Regulations are reviewed separately.
<p><b>43 Outside Bodies</b> Features a limit on the number of outside bodies on which a Member may serve.</p>	Out of Scope	There is additional work required to engage better with our various outside bodies and this will be subject to a further review.
<p><b>44 Interests</b> Remarks on how Members' Interests should be managed.</p>	Out of Scope	Subject to an ongoing review into revisions to the Code of Conduct.
<p><b>45 Access to Documents</b> Sets out the rights of access that Members have in relation to documentation held by the City of London Corporation.</p>	Out of Scope	No changes in legal position warranting a change
<p><b>46 Bills and Acts (Common Council)</b> Sets out how Bills and Acts of CoCo are processed.</p>	Out of Scope	No changes in legal position warranting a change
<p><b>47 Bill and Acts (Parliamentary Legislation)</b> Sets out how active proceedings may be taken</p>	Out of Scope	No changes in legal position warranting a change



for or against any Bill in Parliament.		
<b>48 Budgets</b> Sets out the budget setting process for the City Corporation.	Out of Scope	Matters relating to the budget arrangements for the Court of Common Council are complex and would require a dedicated review. In that vein, it is also relevant to highlight that the ongoing Charities Review may affect these Standing Orders.
<b>49 Financial Regulations</b> Notes the role of the Financial Regulations; and oversight of these Regulations is a matter for the Finance Committee.	Out of Scope	Financial Regulations are Reviewed regularly by the Finance Committee.
<b>50 Projects</b> Explains how City Corporation projects are to be managed; any exceptions to the Projects Procedure.	Out of Scope	Subject to an ongoing review and updated Projects Procedure.
<b>51 Procurement and Contract Letting</b> References the need for all contract activity to be undertaken in accordance with the Procurement Code; how regularly these regulations are reviewed.	Out of Scope	Subject to an ongoing review into the Procurement Code
<b>52 Writing-off Debts</b> The mechanism by which debts may be written off.	Out of Scope	As with budgets (SO 48) this would warrant a separate and dedicated review.
<b>53 – 60 (Property)</b> Including: How Corporate Plans and Strategies will be developed for Corporate Asset Management and Investment; role of the Capital Buildings Board; Acquisitions; surplus assets; freehold disposals; Leasehold disposals; Disposals subject to Planning Agreements.	Out of Scope	Changes may be required as part of the Charities Review and operational property review.  A review into the role of the Capital Buildings Board was undertaken and agreed by the Court in July 2023.  It is suggested that, if necessary, a distinct review into the Property Standing Orders be commissioned.

<p><b>61 Employee Handbook</b> Notes that employment terms and conditions for officers are captured in the Handbook, which is maintained by Corporate Services Committee.</p>	Out of Scope	No feedback received to warrant a review.
<p><b>62 Officers</b> Sets out restrictions of employment if you are/have been an elected Member of the Court. It also notes the requirement for Court approval of the creation of posts with a salary Grade I and above.</p>	Out of Scope	No changes in legal position warranting a change
<p><b>63 Appointments</b> Sets out appointment procedures for Officers, and the limitations on Member involvement with officer appointments.</p>	Out of Scope	No changes in legal position warranting a change and a recent decision taken with regard to Member-Led recruitment.
<p><b>64 Disciplinary Action</b> Explicitly relates to how disciplinary action can be taken against the Town Clerk; Comptroller &amp; City Solicitor; and Chamberlain.</p>	Out of Scope	No changes in legal position warranting a change
<p><b>65 Affixing the Seal</b> Sets out the process by which the City Seal may be affixed to any relevant document.</p>	Out of Scope	No changes in legal position warranting a change
<p><b>66 Register of Document Sealed</b> Requires the Town Clerk to retain a register of documents processed under Standing Order 65.</p>	Out of Scope	No changes in legal position warranting a change

13. I think it is important to flag that, in undertaking this work, it is also an opportunity to address issues where the Standing Orders are otherwise silent, to help provide clarification on longstanding practice. For example, with Committee Questions. Identifying where such lacunas exist, will form part of the initial feedback exercise.

14. For ease of reference, the changes can be grouped into the following key themes (in no particular order) which all, broadly, relate to how the Court conducts itself and its meetings:

**Conduct of debate at Court**

- Application and Interpretation (SO 1)

- Reports (SO 9)
- Conduct of debate (SO 11)
- Motions (SO12)

#### **Court (and Committee) Questions**

- Application and Interpretation (SO 1)
- Questions (SO 13)

#### **Conduct of debate at Committee**

- Application and Interpretation (SO 1)
- Conduct of debate (SO 37)

#### **Appointment processes (Committees)**

- Application and Interpretation (SO 1)
- Ward Committees (SO 23)
- Non-Ward Committees (SO 24)

#### **Appointment processes (Chairs/Deputy Chairs)**

- Application and Interpretation (SO 1)
- Chairs/Chairmen (SO 29)
- Deputy Chairs/Chairmen (SO 30)

15. It is suggested that the below timeline proposes a framework that is ambitious, but feasible and will provide the best results – ensuring that all Members have had an opportunity to contribute before the matter is formally put to the Court of Common Council for final approval.

- July-August: Communications to be issued to all Members, with written feedback to be sought over the remainder of July and throughout Recess.
- September: thematic briefing sessions, based on the above categories, be held, to allow Members to provide further feedback and comment on initial responses proposed by officers.
- October: a report to be taken to Policy & Resources with proposals and to seek a steer on draft amendments.
- November: draft revised Standing Orders to be taken to Informal Court for final comment/feedback.
- December: a final report to be provided to Policy & Resources Committee responding to feedback received at informal Court.
- January: a final report to be taken to the Court of Common Council (upon the recommendation of the Policy & Resources Committee).

16. Subject to approval in January, the Governance and Member Services Team can use the pre-election period (with reduced committee meetings) to develop and roll out internal communications on the changes and to help develop and roll out improved resources for the City's complex governance arrangements. Training for all Members will then, hopefully, be able to dovetail with induction arrangements for New and Returning Members in March/April 2025.

17. Comments from all Chief Officers (including Heads of Institutions) will be sought during the process, as their observations on specific service areas and indeed general conduct, is considered particularly valuable.

18. Whilst not a matter for the Committee, it is worth referencing the fact that the Court of Aldermen have also indicated an interest in reviewing their own Standing Orders (which are distinct from the Court of Common Council's) and that officers will be working closely to ensure that any relevant feedback received during the process, is shared in a constructive manner.

### **Corporate & Strategic Implications**

19. It is a statutory requirement for Local Authorities to have This report relates to statutory functions and aligning our Brilliant Basics service provision across the Corporation, thus supporting the delivery of all the 2024-29 Corporate Plan Outcomes.

### **Financial Implications**

20. There are no financial implications beyond the resource requirements set out.

### **Resource Implications**

21. There is currently a large volume of work commissioned by Members and/or work that the City Corporation is statutorily obliged to undertake, that the Governance and Member Services Team are either leading on delivery, or fundamental to supporting delivery. Whilst efforts will be made to mitigate the impact of this review on other reviews/workstreams, it is possible that there may be delays.

22. This review does, however, mark an opportunity to implement revised processes that may allow a more efficient way of working for officers. Consequently, in later reports, there will be clear implications of how changes to the Standing Orders may add, or alleviate, resource pressures.

### **Risk Implications**

23. If the scope of the review is widened significantly, it may not be delivered before the all-out elections of common councillors in March 2025. Noting the significant turnover of membership at the last elections (March 2022) there will be added complexities to bringing forward final recommendations to a group that are unfamiliar with the constitution and have not been privy to the consultation.

24. If there are matters of particular controversy that are not resolved in time for a final position to be agreed by the Court in January 2025, the same risk as set out above will apply. If this comes to pass, mitigations will be considered, such as removing one of the recommendations for further consideration. This will, however, need to be considered

### **Equality Impact Assessment and Public Sector Equality Duty**

25. Proposals within this report do not directly impact those with protected characteristics as defined under the Equality Act 2010. There is, however, a commitment to ensure that any proposed changes have a positive impact, where possible, on the inclusive culture and conduct of the Court.

### **Climate Implications**

26. None.

### **Security Implications**

27. None.

### **Conclusion**

28. Members are invited to consider and approve the proposed scope of the review, and note the projected delivery timeline.

### **Appendices**

Appendix 1 – Current Standing Orders

### **Polly Dunn**

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