

Charter Trustees for the City of Durham

23 October 2019

Variation of Standing Orders – voting procedures - Officers of Dignity Appointments



City of Durham

Report of Bryan Smith, Clerk to the Charter Trustees

Purpose of the Report

1. To consider a recommendation to vary the Standing Orders relating to voting on appointments of Officers of Dignity.

Background

2. At the Special Charter Trustee meeting of 25 July 2019, the Clerk reported that, in relation to a vacancy to the office of Pant Master, there were expressions of interest from two candidates and following a working group consideration of the selection criteria it may be necessary to consider a variation to the voting procedures in the Standing Orders to allow for a paper vote.
3. Charter Trustees agreed a variation to voting procedures would be considered at the next ordinary meeting of 23 October 2019.
4. Whilst one of the candidates has since withdrawn his name from consideration and therefore a paper vote may not be required on this occasion Charter Trustees may still consider it appropriate to consider a variation of voting procedures for future occasions should the need arise.
5. Within the Constitution, the Standing Orders of the Charter Trustees do not specifically refer to voting on honorary appointments. The arrangements for voting on appointments set out section 8 and 9 of the existing standing orders which state:

8. VOTING

The mode of voting at Meetings of the Charter Trustees shall be by show of hands, and on the requisition of any Charter Trustee the voting on any question shall be recorded so as to show whether each Charter Trustee present and voting gave his/her vote for, against or abstained.

9. VOTING ON APPOINTMENTS

Where there are more than two persons nominated for any position to be filled by the Charter Trustees, and of the votes given there is not a majority of the Charter Trustees present in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes of the Charter Trustees present is given in favour of one person.

6. The relevant provision for varying standing orders is set out at paragraph 8 of the Procedure Rules which state:

Any motion to add to, vary or revoke a Standing Order shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Charter Trustees.

7. Should the Trustees wish to vary the Standing Orders in respect of voting on honorary appointments this will require a proposal and second for the variation. The suggested variation to the standing orders is shown in red at appendix 2 of this report.

Recommendation

8. It is recommended that the Charter Trustees:
- (i) consider and approve a variation to Standing Orders in the form attached Appendix 2 for voting by paper ballot for honorary appointments.

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Appendix 1: Implications

Legal Implications

To set criteria for selection of Officers of dignity and to vary existing Standing Orders to allow for a paper ballot when necessary.

Finance

None.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None.

Climate Change

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.

Appendix 2: Standing Orders

THE CHARTER TRUST OF THE CITY OF DURHAM

STANDING ORDERS

1. MEETINGS OF THE CHARTER TRUSTEES

- (a) The Annual Meeting and all other meetings of the Charter Trustees shall be held at the Town Hall in Durham City, subject to availability.
- (b) In addition to the Annual Meeting, meetings for the transaction of general business (ordinary meetings) shall be held on four occasions each year on such dates as may be appointed by the Charter Trustees provided that the Annual Meeting takes place within 21 days following the Annual Meeting of Durham County Council.
- (c) In addition to the Annual Meeting and ordinary meetings, extraordinary meetings may be called by four or more Charter Trustees to discuss items of common interest limited to the discharge of the functions of Mayor, elections thereto, employees, the office bearers, the bodyguard and all property vested in the care of the Trustees.
- (d) Meetings for the transaction of general business shall normally be held at 2.00 pm provided that the Mayor may in special circumstances vary the hour at which any such Meeting shall be convened and held.

2. ELECTION OF MAYOR AND DEPUTY MAYOR

- (a) The Charter Trustees shall, at the Annual Meeting, elect the Mayor for the ensuing Municipal Year.
- (b) The Charter Trustees shall, at the Annual Meeting, elect the Deputy Mayor for the ensuing Municipal Year.

3. CHAIRMAN OF MEETING

Any power or duty of the Mayor in relation to the conduct of a Meeting may be exercised by the person presiding at the Meeting. In these Standing Orders the expression "Mayor", and as appropriate "Chairman" shall mean the person presiding at a meeting of the Charter Trustees.

4. QUORUM

A quorum shall be ten Charter Trustees and if during any Meeting of the Charter Trustees the Chairman after counting the number of Charter Trustees present declares that there is not a quorum present the Meeting shall stand adjourned.

The consideration of any business not transacted shall be adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary Meeting of the Charter Trustees.

5. ORDER OF BUSINESS

- (a) Except as otherwise provided by paragraph 1 of this Standing Order, the order of business at every Meeting of the Charter Trustees shall be:-
- (1) To choose a person to preside if the Mayor and the Deputy Mayor is absent.
 - (2) To deal with any business required by statute to be done before any other business.
 - (3) To approve as a correct record and sign the Minutes of the last Meeting of the Charter Trustees.
 - (4) To receive such communications as the Mayor may desire to lay before the Charter Trustees.
 - (5) To dispose of business (if any) remaining from the last Meeting.
 - (6) To receive and consider reports, Minutes and recommendations of committee (if any).
 - (7) To answer questions asked under Standing Order 6, where appropriate.
 - (8) To authorise sealing of documents.
 - (9) To consider motions from one or more Trustees in the order in which notice has been received, in accordance with the Appendix.
 - (10) Other business specified in the summons to the meeting.

Variation of Order of Business

- (b) Business falling under sub paragraphs (1), (2) or (3) of paragraph (a) above shall not be displaced, but subject thereto the foregoing order of business may be varied:-
- (1) by the Mayor at his/her discretion.
 - (2) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

6. QUESTIONS

- (a) A Charter Trustee may ask the Mayor any questions upon an item which is under consideration by the Charter Trustees.
- (b) Every question shall be put and answered without discussion. The person to whom a question has been put may decline to answer but shall give an explanation for declining to do so.
- (c) An answer may take the form of:-
- (1) a direct oral answer; or

- (2) where the desired information is contained in a publication of the Charter Trustees, a reference to that publication; or
- (3) where the reply to the question cannot conveniently be given orally, a written answer circulated to Charter Trustees.

7. MINUTES

- (a) The Mayor shall put the question that the Minutes of the previous Meeting of the Charter Trustees be approved as a correct record.
- (b) No discussion shall take place upon the Minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Mayor shall sign the Minutes.

8. VOTING

- (a) The mode of voting at Meetings of the Charter Trustees shall be by show of hands **unless section 8(b)** applies, and on the requisition of any Charter Trustee the voting on any question shall be recorded so as to show whether each Charter Trustee present and voting gave his/her vote for, against or abstained.
- (b) **The mode of voting at Meetings of the Charter Trustees when considering persons nominated for an honorary/officer of dignity shall be by paper ballot in accordance with standing order 9.**

9. VOTING ON APPOINTMENTS

Where there are more than two persons nominated for any position to be filled by the Charter Trustees, and of the votes given there is not a majority of the Charter Trustees present in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes of the Charter Trustees present is given in favour of one person.

10. RECORD OF ATTENDANCES

Every Charter Trustee attending a Meeting of the Council shall sign his/her name in the attendance book or sheet provided for that purpose, and every Charter Trustee attending some other Meeting, conference or inspection on approved duty shall sign his/her name in the register for the purpose.

11. INTEREST OF OFFICERS IN CONTRACTS

The Clerk to the Charter Trustees shall record in a book to be kept for the purposes particulars of any notice given by an officer of the Charter Trustees of any pecuniary or non-pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any Charter Trustee.

12. CANVASSING OF AND RECOMMENDATIONS BY CHARTER TRUSTEES

- (a) Canvassing of Charter Trustees directly or indirectly for any appointment under them shall disqualify the candidate concerned for that appointment. The purpose of this paragraph and Standing Order 13 shall be notified to all applicants for such appointment.

- (b) A Charter Trustee shall not solicit for any person any appointment under the Charter Trustees, but this shall not preclude a Charter Trustee from giving a written testimonial of a candidate's ability, experience, or character for submission to the Charter Trustees with an application for appointment.

13. RELATIVES OF CHARTER TRUSTEES OR OFFICERS

- (a) A candidate for any appointment under the Charter Trustees who knows that he/she is related to any Charter Trustee or officer of the Charter Trustees shall when making application disclose that relationship to the Clerk to the Charter Trustees. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable for dismissal without notice. Every Charter Trustee and officer of the Charter Trustees shall disclose to the Clerk to the Charter Trustees any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Charter Trustees. The Clerk to the Charter Trustees shall report to the Charter Trustees or to the appropriate Committee any such disclose made to him.
- (b) For the purposes of this Standing Order 13 persons shall be deemed to be related if they are husband and wife and if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

14. CUSTODY OF SEAL

The Common Seal of the Charter Trustees shall be kept by the Clerk to the Charter Trustees in a safe place in the Town Hall.

15. SEALING OF DOCUMENTS

The Common Seal of the Charter Trustees shall not be affixed to any document unless the sealing has been authorised by a resolution of the Charter Trustees, but a resolution of the Charter Trustees authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address the making of any contract, or the doing of any other thing, shall be sufficient authority for sealing any document necessary to give effect to the resolution.

16. AUTHENTICATION OF DOCUMENTS

Where any document will be a necessary step in legal proceedings on behalf of the Charter Trustees it shall, unless any enactment otherwise requires or authorises, or the Charter Trustees give the necessary authority to some person for the purpose of such proceedings, be signed by the (Honorary) Legal Advisor to the Charter Trustees.

17. INSPECTION OF DOCUMENTS

- (a) A Charter Trustee may, for the purposes of his/her duty as such Charter Trustee but not otherwise, on application to the Clerk to the Charter Trustees inspect any document which has been considered by the Charter Trustees

and if copies are available shall on request be supplied for the like purposes with a copy of such document.

- (b) Provided that a Charter Trustee shall not knowingly inspect and shall not call for a copy relating to a matter in which he/she has directly or indirectly any pecuniary interest and that this Standing Order 17 shall not preclude the Clerk to the Charter Trustees from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client.
- (c) All reports made or minutes kept by any committee shall, as soon as the committee has concluded action of the matter to which such reports or minutes relate, be open for the inspection of any Charter Trustee.
- (d) The rights of the public under the Freedom of Information Act will apply to the Charter Trustees of the City of Durham.

18. ISSUING OF ORDERS ETC

Unless specifically authorised to do so by the Charter Trustees or by a Committee, a Charter Trustee shall not issue any order respecting any works which are being carried out or on behalf of the Charter Trustees or claim by virtue of his/her position any right to inspect or to enter upon any lands, offices or premises which the Charter Trustees have the power or duty to inspect or enter.

19. APPOINTMENT OF AD HOC-COMMITTEES

The Charter Trustees may at any time appoint such committees as they may deem necessary to carry out the work of the Charter Trustees but, subject to any statutory provision in that behalf:-

- (a) shall not appoint any member of a committee so as to hold office later than the Annual Meeting of the Charter Trustees;
- (b) may at any time dissolve a committee or alter its membership.
- (c) all committees shall be proportionally representative of the recognised political groups of the Charter Trustees, unless any such group wishes to forgo places on these committees.

20. ELECTION OF CHAIRMAN OF AN AD HOC-COMMITTEE

Every committee shall, at its first meeting before proceeding to any other business, elect a Chairman for the year, and a Vice-Chairman. In the absence from a meeting of a committee of the Chairman (and the Vice-Chairman) a Chairman for that Meeting shall be appointed.

21. QUORUM OF AD HOC-COMMITTEES

- (a) Except where authorised by a statute or ordered by the Charter Trustees business shall not be transacted at a Meeting of any committee unless at least one third of the whole number of the committee is present.
- (b) Provided that in no case shall the quorum of a committee be less than three Members.

22. VOTING IN AD HOC-COMMITTEES

Voting at a Meeting of a committee shall be by a show of hands.

23. STANDING ORDERS TO APPLY TO AD HOC-COMMITTEES

Standing Order 3 (Appendix) headed "Rules of Debate" (except those parts which relate to speaking more than once) and Standing Order 11 headed "Interest of Charter Trustees in Contracts and Other Matters" shall, with any necessary modification, apply to committee Meetings.

24. MOVER OF MOTION MAY ATTEND AD HOC-COMMITTEE

A Charter Trustee who has moved a motion which has been referred to any committee shall have notice of the meeting of the committee at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and if he/she attends shall have the opportunity of explaining the motion.

25. ATTENDANCE OF CHARTER TRUSTEES AT MEETINGS OF AN AD HOC-COMMITTEE

Any Charter Trustee may be present and take part in any meeting of a committee notwithstanding that he/she is not a member of such committee, but he/she shall not be permitted to vote.

26. ITEMS FROM THE PUBLIC

- (a) Public Involvement. The Charter Trustees, as a public body will adopt an 'open government' approach to the conduct of its business. It values the views of the public, community groups and local organisations. At the beginning of each full meeting of the Charter Trustees (except the Annual Meeting) time will be made available for submissions from the public.
- (b) Types of Submission.
- (1) A member of the public may present a petition (minimum 25 signatures from residents of the area within which the Charter Trust operates);
 - (2) A member of the public may ask a question of the Chairman of the Charter Trust, and after the reply may ask one supplementary question;
 - (3) A member of the public may make a statement;
 - (4) A community group, a local organisation or members of the public may make a deputation (of not more than 4 persons – but only one will be allowed to speak).
- (c) Deadlines. Anyone wishing to have something included on the agenda for a meeting of the Charter Trust must give the following notice to the Clerk to the Charter Trustees 7 working days prior to the Meeting.
- (e) Meeting of the Charter Trust. The Clerk to the Charter Trustees will announce whether any members of the public have given notice that they wish to address the Charter Trustees on a matter for which the Trust has responsibility.

(f) Petitions.

- (1) Petitions must be about a matter for which the Trust has a responsibility.
- (2) The person named in the written notice to the Clerk to the Charter Trustees will be invited by the Mayor to speak on the petition for no longer than 5 minutes unless at the discretion of the Mayor more time is allowed.
- (3) When the speaker has finished, the Mayor will invite Charter Trustees and the Clerk to the Charter Trustees to question the petitioner. Only one question each will be allowed.
- (4) Questions will only be allowed if they seek to clarify a factual point made by the petitioner, or stated in the petition itself.
- (5) Questions will not be allowed if they are of a technical nature or address issues not mentioned in the petition or by the speaker.
- (6) Charter Trustees must not make speeches when asking questions.
- (7) After questions, the petitioner will hand the petition to the Clerk to the Charter Trustees.

Action by the Charter Trustees.

- (8) The Charter Trustees will ask the Standing Committee to consider the petition.
- (9) If the petition is about an item that is already on the agenda for the meeting, the Charter Trustees will consider it when that item is reached.

(g) Questions.

- (1) Questions must be about a matter for which the Trust has a responsibility.
- (2) The person named in the written notice to the Clerk to the Charter Trustees will be invited by the Mayor to ask the question. No further comment from the questioner will be allowed.
- (3) When the question has been asked, the Mayor will invite the Chairman of the Standing Committee to answer. The Chairman may:
 - i. Answer the question;
 - ii. Ask the Clerk to the Charter Trustees to answer the question;
 - iii. Inform the questioner that a written answer will be sent;
 - iv. Decline to answer and may give reasons.
- (4) The questioner may then ask a follow-up question on the same matter. The Chairman may deal with the follow-up question in any of the ways described above.

(h) Statements.

- (1) The person named in the written notice to the Clerk to the Charter Trustees will be invited by the Mayor to speak to the Charter Trustees on the matter(s) for which they have responsibility, for not more than 5 minutes.
- (2) When the speaker has finished, the Mayor will ask the Charter Trustees to decide what action, if any, it wishes to take on the statement made.

Action by the Charter Trustees. The only action allowed will be:

- (3) To ask the Trustees to consider a report from the Clerk to the Charter Trust on the issues raised in the statement; or
- (4) To note the content of the statement; or
- (5) (If the statement is about an item already on the agenda for the meeting) to consider the points raised in the statement when that agenda item is reached.

(i) Deputations.

- (1) The person named in the written notice to the Clerk to the Charter Trustees will be invited by the Mayor to speak to the Charter Trustees on the matter(s) for which they have responsibility, for not more than 5 minutes.
- (2) When the speaker has finished, the Mayor will ask the Charter Trustees to decide what action, if any, it wishes to take on the deputation presented.

Action by the Charter Trustees. The only action allowed will be:

- (3) To ask the Standing Committee to consider a report from the Clerk to the Charter Trustees on the issues raised by the deputation; or
- (4) To note the content of the deputation; or
- (5) (If the deputation is about an item already on the agenda for the meeting) to consider the points raised by the deputation when that agenda item is reached.

27. STANDING ORDERS TO BE GIVEN TO CHARTER TRUSTEES

A printed copy of these Standing Orders, and of such statutory provisions as regulate the proceedings and business of Charter Trustees, shall be given to each Charter Trustee by the Clerk to the Charter Trustees.

28. INTERPRETATION OF STANDING ORDERS

The ruling of the Chairman as to the constructions or application of any of these Standing Orders, or as to any proceedings of the Charter Trustees, shall not be challenged at any meeting of the Charter Trustees. Provided always that nothing herein shall prejudice the provisions of the Charter Trustees Regulations 2009 and other applicable legislation.