

## GENERAL SYNOD

### STANDING ORDERS COMMITTEE

#### FORTY-FIRST REPORT OF THE COMMITTEE

1. We present to the Synod our forty-first report. Our membership for the current quinquennium is as follows:

##### **Appointed members**

Geoffrey Tattersall QC (Manchester) (Chair)  
Gill Ambrose (Ely)  
Revd Sue Booy (Oxford)  
Ven Adrian Harbidge (Winchester)  
Canon Simon Killwick (Manchester)  
Clive Scowen (London)

##### **Ex-officio members**

Canon Dr Christina Baxter (Chair of the House of Laity)  
Dr Philip Giddings (Vice-chair of the House of Laity)  
Canon Glyn Webster (Prolocutor of the Lower House of the Convocation of York))  
Ven Norman Russell (Prolocutor of the Lower House of the Convocation of Canterbury))

2. This report concerns two matters. First, in accordance with the resolution carried by the Synod at the February 2007 group of sessions, we present changes to Standing Orders 36 and 37 that will enable voting in the Synod to be conducted by electronic means. Secondly, we introduce certain proposals relating to the business conducted by the Legislative, Appointments and, Business Committees and our own Committee.

##### **Electronic Voting**

3. At the July group of sessions 2004, the Synod carried the following motion in response to aspects of the Business Committee's report *Making the Synod's Procedures More Effective* (GS 1542):

“That this Synod invite the Standing Orders Committee, in consultation with the Business Committee, to introduce amendments to the Standing Orders and the Constitution to permit votes to be recorded electronically.

4. As is clear from the motion, legislative provision, by way of an amendment to the Synod's Constitution, was necessary before the matter could be taken further. That, naturally, meant that a period of time must elapse before we

could consider detailed changes to the Standing Orders. However, the necessary change to the Synod's Constitution has now been made, by the Church of England (Miscellaneous Provisions) Measure 2006.

5. At the February 2007 group of sessions, the Synod considered a further report from the Business Committee *Electronic Voting* (GS 1636) detailing certain aspects of the policy that might underpin such a voting system and carried the motion:

‘That this Synod approve the recommendations contained in paragraph 19 of GS 1636’.

The relevant recommendations were as follows:

- a. Standing Orders should be amended to provide for electronic voting to take place in respect of all divisions of the whole Synod and all divisions by Houses (and to remove provisions for counts), except where the technology has broken down;
  - b. Synod should resolve to adopt a fully open system in relation to electronic votes by providing full public access to voting information, by posting voting lists on both the Synod notice boards and the Synod website;
  - c. Standing Orders should be amended to provide for abstentions to be counted; and
  - d. no change should be made to Standing Orders which made it possible for a division of the whole Synod or by Houses to be called following a show of hands (but not for a division by Houses to be called following a division of the whole Synod).
6. Items 40 to 42 (which include consequential amendments to SOs 35(c) and 68(a)(iv)) contained in the First Notice Paper make the necessary changes to the Standing Orders to carry out these recommendations. These items, if approved by the Synod, are to come into effect upon a date to be determined by the Business Committee (because the precise point at which the Synod will be able to introduce an electronic voting system will not be known until later in the year.) We believe that the changes made are relatively straightforward and clearly follow the decisions made by the Synod. However we would wish to point out the following matters.
    - (a) The new SO 37(b) provides for a bell to be rung to warn that a division by Houses is to take place. We did consider whether this should also apply (as it does at present) in the case of a division of the whole Synod. However we noted that, whereas a division of the whole Synod is now an uncommon occurrence it is likely that, under electronic voting, it will become the commonest method of counting votes (a vote by electronic means constituting a ‘division’). Whilst we did not underestimate the importance of

giving warning of such a vote, particularly when the matter was one of public interest, we believed that one of the principal reasons for introducing electronic voting was to improve the flow of Synod's business. Ringing the bell on every occasion an electronic vote was taken would negate this. Accordingly, by a majority, we agreed that the ringing of a bell should be restricted to divisions by Houses.

- (b) Synod resolved to adopt a fully open system in relation to electronic voting by providing full public access to voting information, achieved by posting voting lists on both the Synod notice boards and the Synod website. The new SO 37(g) deals with this matter by requiring the Business Committee to give instructions to ensure that, where the voting is conducted by electronic means (and not by a show of hands or going through the doors), the names of the members voting for or against the question, or who wish to record an abstention, are made publicly available in such manner as may be determined by the Business Committee. We believe that this is preferable to actually specifying within the Standing Order the precise mechanism for the publication of voting details, as practical experience of the arrangements for that may lead to the need to make changes in the light of that experience.
- (c) The power for the Chair to order a Division by Houses currently conferred by SO 36(d)(iv) has not been perpetuated, because of concerns that it is inconsistent with the requirements of the Synod's Constitution. However, we shall be giving further consideration to whether to propose that the Constitution be amended so as to permit the restoration of such a power.
- (d) Save as described above, the new SOs 36 and 37 generally reproduce the terms of existing SOs 36 and 37. In particular, reflecting the requirements of the Constitution, SO 36 continues to preclude the use of a division by houses where a special majority of the whole Synod is required (except where, under Article 8(1B) of the Constitution, special majorities of each house are also required). However, the opportunity has been taken to reorganise some of the material in the existing Standing Orders, including by transferring the questions of procedure in relation to which a division by houses cannot be used to a new paragraph.

### **The procedures of the Legislative, Appointments, Business and Standing Orders Committees**

7. These proposals (items 43 and 44 in the Notice Paper) are intended to put on a more secure legal footing ways of conducting business that have proved sensible in practice but which – because it was difficult to imply a power in the absence of an express one – were not free from the risk of challenge. In the case of the Legislative Committee, the question concerned the power of the

Committee to transact business otherwise than at a duly convened meeting. This had originally been raised by one of the staff to the Clerk to the Ecclesiastical Committee. However, on occasion, where matters were uncontroversial, it was desirable for the Committee to be able to make decisions otherwise than by meetings of its number, particularly in the case of more formal items of business. The Legislative Committee accordingly asked the Standing Orders Committee to make provision to give it more flexibility in the conduct of its business, subject to appropriate safeguards.

8. The same issue as arose in relation to the Legislative Committee also arose in relation to certain other Committees whose constitution is established pursuant to the Standing Orders and accordingly both the Appointments and the Business Committees had also asked for equivalent provisions to be made in their case. The Standing Orders Committee was also asked whether such provision ought also to be applied to its own proceedings. We agreed that they should.
9. Essentially the provisions envisaged are that, if the chair of the Committee considers it desirable, business may be considered by correspondence. Such business will be deemed to have been approved by the Committee unless any one member of the Committee objects within a fourteen day period. (If, in the case of the Legislative Committee, these proposals consist of or include (i) approval of the Comments and Explanations on a Measure and agreement that they be submitted to the Ecclesiastical Committee of Parliament or (ii) approval of the draft of a report of that Committee and agreement that it be presented to Parliament, those proposals shall require the explicit approval of a majority of the members of the Committee.) Additionally the Appointments, Business and Standing Orders Committees may agree to delegate to their chairs the approval of an urgent matter requiring decision. The Legislative Committee may delegate to its chair the approval of the Comments and Explanations on any particular Measure.
10. There are particular aspects that apply only to the Legislative Committee and accordingly those changes are contained within amendments to SO 114. However, because the provision in relation to the other Committees is the same, that change is made by way of a single addition in a new Standing Order 118A applying to those Committees generally, rather than by making separate provision for each Committee.
11. These proposals will, if approved by the Synod, come into force on 11th July 2007.

#### **Future business of the Committee**

12. Under Standing Order 117 we are required to “keep under review the procedure and Standing Orders of the Synod.” With this in mind we believe it would be right to undertake a modest review of the Standing Orders as a whole, both in relation to their content and to the way in which that content is structured, presented and made available. We would be particularly glad to receive contributions from members of the Synod towards this process. If

therefore you have any suggestions to make please send them to our Secretary at Church House, Westminster by the end of September 2007.

On behalf of the Committee

Geoffrey Tattersall

June 2007