

57. Second Report of the Conference Business Committee

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Electronic meeting

The Committee received the following advice from Law and Polity regarding the electronic meeting of the Conference:

1. Under clause 33 of the Deed of Union “every ordinary meeting of the Conference shall be held at such place as the last preceding Conference ... shall determine”. The Conference of 2019 determined that the Conference of 2020 should be held at Telford. The starting point for this Conference is therefore that we are constitutionally obliged to meet at Telford and we are currently legally prohibited from doing so. This is not something which the Council has power to change.
2. The legal prohibition of a physical meeting does not answer the question whether or not we are constitutionally able to hold an electronic meeting. There is no overriding general principle that electronic meetings can replace physical ones; the answer depends on their constitutional documents. So we have to consider what our constitutional documents say. Clause 33, looked at more generally, is a strong pointer to the conclusion that the Deed of Union requires a physical meeting and of course, since electronic meeting was not envisaged in 1932, the language of the Deed of Union and Standing Orders is throughout consistent with a physical meeting. Other provisions which point to the exclusion of a meeting other than a physical one are the processes for Presidential and Vice-Presidential nominations in SO 110A, the provisions relating to the Daily Record in SO 123, elements of the rules of debate in SO 131, the procedure for notices of motion in SO 132, the expenses provisions in SO 141 and the provisions relating to the distribution of communications in SO 145 (which expressly refers to the Conference hall). This is not an exhaustive list, but may illustrate how deeply embedded the concept of a physical Conference is.
3. It is easy to see how many of those provisions could be adapted for the purpose of a electronic meeting to achieve almost the same result in practice. For the future that could certainly be done. The immediate question is whether our governing documentation is to be understood as permitting an electronic meeting. The conclusion reached is that it does not.
4. It is nevertheless clear that, in addition to the legal duty to hold an annual Conference, there is essential business to be done. For both reasons we need to find a way to address the situation. The Charity Commission has offered guidance to charities which, like the Methodist Church, do not have power under their governing documentation to act electronically. The effect of the guidance is that although the body in question may be acting unconstitutionally, the Charity Commission will be understanding of the position. It is therefore reasonable to proceed with an electronic meeting of the Conference in the assurance that to do so will not place us in difficulty with the Charity Commission. The guidance does not, however, and could not, give us a power we do not have and, incidentally, it presupposes that many charities without an express power to hold electronic meetings will be unable constitutionally to hold meetings, or at least some meetings, electronically. The Committee’s view is therefore entirely consistent with what the Charity Commission’s understanding of the legal position appears to be.
5. It follows that the Conference would be wise for this year to keep the business done limited to essential business, as the Business Committee reported to the Council. This minimises the risk of challenge from any quarter.

6. As to future changes, the Law and Polity Committee has on its agenda for the next connexional year the question of changes to permit electronic meetings, both of the Conference and of other Methodist bodies. Whether or not such bodies have power to meet electronically now, it may well be that it would be helpful to introduce generally applicable provisions for such meetings, although whether that is in fact done is a policy matter which is not part of the Committee's business. The Committee does not advise that this year's Conference should attempt to introduce such provisions, given not only the previous advice as to doing only essential business but also the fact that a change of such a nature should be made by a Conference which is unquestionably constitutional under the terms of our existing governing documentation.

7. We draw attention in this context to a very recent decision of the High Court made on 3 April 2020 in the context of the coronavirus pandemic, *Re Castle Trust Direct plc* [[2020] EWHC 969 (Ch). The court there concluded that a company operating under the provisions of the Companies Act 2006 could hold an electronic meeting if the "coming together required for the ordinary meaning" of the word meeting could be achieved by technology:

"where those who are participating are able to hear and ask questions and express opinions in circumstances in which everybody else who is present at the meeting is also able to hear, ask questions and express opinions. Those seem to me to be the essential requirements of a meeting [in the context under consideration.]"

The meeting was required to be held as part of agreeing arrangements which would ultimately come back to the court for approval and the judge went on to say that when the matter did return, the court would consider whether what had occurred was really the necessary coming together, and so was likely to require evidence of how the technology worked, whether there were in fact difficulties in participating by seeing, hearing, asking questions and expressing opinions and whether the ability to contribute was otherwise impaired.

8. It follows that whether or not a meeting can be held electronically is not only a question whether the technology is available in theory. The body seeking to hold such a meeting has to be satisfied that the arrangements which can be made will be such as enable the purpose of the meeting to be achieved. This is a particularly difficult hurdle for the Conference, and adds to the reasons why the business this year should be confined to essential business despite the strenuous efforts which are being made to enable participation and debate. For the future, it will be necessary to look not only at the changes to our constitutional documents which might be required to include a power to hold meetings electronically but also at the policy question of which connexional activities, up to and including the Conference, can be carried on electronically in a way which ensures that the purpose of the meeting is able to be achieved and at the technological issues related to that question.

9. In terms of future legal drafting, the sort of general provisions which might be appropriate for many meetings are illustrated by the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) Regulations 2020, S.I. 2020 No. 392, made under section 78 of the Coronavirus Act 2020. (We note in passing that clearly the view was taken that statutory provision should be made, whatever the terms of the existing applicable legislation.) They allow provision to be made for remote attendance and underline the need to think about enabling participation, voting and public and press access to documents and the meeting. They do not, however, prescribe the detailed provisions themselves and those are matters which would require careful consideration.

Necessary resolutions to suspend Standing Orders in the light of the advice above will be brought by the Law and Polity Committee.

President's power to adjourn

In recognising the limitations of the method of conferring being used at this Conference, the Committee recommends that the President or Vice-President be advised to adjourn the debate if that should prove necessary. The President or Vice-President would, at that point, move that the debate so far be noted and be referred either to the Council or to the 2021 Conference as appropriate.

Notices of Motion deadline

The Committee proposes that notices of motion on matters unrelated to items of business in the Conference Agenda are not brought to this Conference. Where members of the Conference wish to bring notices of motion to amend reports or resolutions under debate, the Committee proposes that all such notices of motion are submitted by 1pm on Sunday 28 June. This will enable the Committee to schedule them appropriately and to enable the necessary arrangements to be made for them to be presented to the Conference.

En bloc business

The Committee proposes that the following items of business be voted *en bloc*. Under the terms of SO 134A, if Notices of Motion are received about items in the *en bloc* list those items will automatically be removed from the list. In addition, by giving notice to the Assistant Secretary of the Conference, any six members of the Conference may, without proposing an amendment, require that an item be removed from the list and debated. Such notice must be given before the close of business on Monday 29 June (SO 134A(1)(c)).

2. Methodist Council, part 1, Sections C, D
7. Connexional Allowances Committee
8. The Trustees for the Bailiwick of Guernsey Methodist Church Purposes
9. Trustees for Jersey Methodist Church Purposes
10. Methodist Forces Board
14. Methodist Schools appointments
15. Committee on Methodist Law and Polity (1)
16. Safeguarding Committee
17. Managing Trustees of John Wesley's Chapel, the New Room Bristol and 4-5 Charles Street Bristol
18. Fernley Hartley Trust
19. Methodist Independent Schools Trust – Revision to Articles of Association
22. Methodist Council, part 2, Sections E, F, G, H, I, J, L
24. Ecumenical Report
26. Action for Children
28. Joint Advisory Committee on the Ethics of Investment – summary report
29. Joint Covenant Advocacy and Monitoring Group
30. World Methodist Council
36. Methodist Ministers' Pension Scheme
37. Stationing Committee
38. Trustees for Methodist Church Purposes
39. Managing Trustees of Central Hall Westminster
40. Central Finance Board
41. Committee on Methodist Law and Polity (2)
43. Referred Memorials and Notices of Motion
48. Committee Appointments
50. Methodist Diaconal Order General Report
53. Methodist Council, part 3, Sections Q, T, U
54. Wesley House, Cambridge
56. Memorials to the Conference (see below)
58. Methodist Centenary Hall Trust
59. Relief and Extension Fund for Methodism in Scotland

Elections

As set out in paragraph 7 of that report (page 165-166), the Conference is required to elect four members of the Business Committee, two ministers and two lay persons, to serve on the Committee for three years (the Conferences of 2021, 2022 and 2023). Nomination forms will be circulated to Conference representatives and should be returned by 17:30 on Monday 29 June, with voting taking place on Tuesday 30 June. Please note that, due to the timetable for the Conference, these deadlines have been amended from those published in the first report of the Business Committee.

Similarly, the elections for Conference-elected representatives will take place on Tuesday 30 June. This year, of the three Conference-elected representatives to serve from 2021-2023, two will be presbyteral and one will be lay, thus fulfilling SO 103(2A). Nominations must be submitted by 17:30 on Monday 29 June, with voting taking place on Tuesday 30 June.

Schedule of business

The schedule of business has been available on the Conference website and regularly updated. It now shows the current situation.

Memorials

All Memorials will either be taken with existing business to which they relate or placed in *en bloc* as shown in the table below. The Committee asks the Conference to note that the replies to M6, M7, M8 and M9 all ask that the matter be referred to the Council in anticipation that there will be a full discussion of the matter there.

Number	Title	Connection to other business
M1	Leaders of Worship and Preachers Homes and Leaders of Worship and Preachers Trust	<i>En bloc</i>
M2	Internet banking	<i>En bloc</i>
M3	Local Preachers and Worship Leaders training support	Methodist Council, Part 2, Section M
M4	Ethical concerns with pension funds	<i>En bloc</i>
M5	Listed buildings	<i>En bloc</i>
M6	Global climate emergency	<i>En bloc</i>
M7	Israel and Palestine	<i>En bloc</i>
M8	Israel and Palestine	<i>En bloc</i>
M9	Israel Palestine	<i>En bloc</i>
M10	Investment	<i>En bloc</i>

Any recommended reply to a Memorial which is the subject of an amending notice of motion will automatically be removed from the *en bloc* list.

***RESOLUTION

57/1. The Conference adopted the Report.

Third Report of the Conference Business Committee

Voting in the Conference

1. The Conference Business Committee recommends to the Conference that all voting will take place either through the means of electronic 'raised hands' or by the use of the poll function in Zoom. It will be made clear to the Conference how voting is to be undertaken whenever a vote is taken. The Chief Scrutineer and the Chair of the Business Committee (as returning officer) will oversee all voting, and ensure that proper processes are followed. Where a standing vote is required, the Conference will be asked to use the raise hands function, and also to mark the significance of the vote by standing up if they are able to do so.

Elections

2. The Business Committee has considered how best to conduct the elections for the President and Vice-President of 2021/2022, Conference-elected members of the Conference, and members of the Business Committee. It has determined to follow a process as close as possible to that which would be followed if the Conference was meeting in the usual way.
3. Nomination forms were circulated electronically to all voting members of the Conference, and role descriptions for the offices of President and Vice-President of the Conference were placed on the website to assist in the prayerful discernment of individuals eligible for such designation.
4. It is proposed that all signatories to nominations send an email confirming their wish to nominate a particular candidate in lieu of a physical signature. The details of the email addresses to which this should be sent are included on the relevant nomination form.
5. Ballot papers will be circulated on Monday evening, with the elections taking place during the day on Tuesday. Voting members of the Conference should send their completed ballot paper to the designated email addresses which will be indicated on the ballot paper.
6. When ballot papers are received, all identifying information will be removed before the vote is read and the Committee therefore assures the Conference that all voting will be recorded anonymously (as they would be if we were using ballot boxes).
7. The single transferable vote system will then be used in the usual way.

Notices of Motion

8. Subject to the Conference adopting Resolution LP/10, the Business Committee requests that all notices of motion are submitted using the standard form (which has been sent to members of the Conference) by the deadline of 1 pm on Sunday 28 June.
9. Members of the Conference who wish to 'sign' a notice of motion should confirm this by sending an email to conferenceoffice@methodistchurch.org.uk

Advance indication of a request to be called to speak

10. The Committee encourages members of the Conference to indicate in advance where there are items of business on which they wish to speak. This will enable the Committee to advise the President and Vice-President with regard to a range of points and a diversity of representation (see resolution LP/8). A form is available for download and has also been sent to representatives.

*****RESOLUTION**

B/1. The Conference adopted the Report.

Additional Report of the Conference Business Committee (Daily Record 4/5)

Notices of Motion

1. The Business Committee reports to the Conference that it has received a notice of motion relating to paragraph 6.2 of the Ecumenical Report (Agenda item 24, p 221) [*as corrected by 5/11 of the Daily Record*]. This report is therefore removed from the list of business to be taken *en bloc* and will be scheduled for Wednesday morning.
2. Two notices of motion were among those received: one on the subject of the implications of Covid-19 and one on climate justice in the light of Covid-19. The Committee advised the President that it did not consider that these related to business before the Conference, and the President after consultation with the Vice-President, concurred (pursuant to resolution LP/10(1)). These have therefore not been circulated.
3. In the light of the concerns raised about the implications of Covid-19 on the Church and on the world, the Committee proposes to enable workshops to take place on that theme. These will take place on Tuesday afternoon (at 4pm) via Zoom and further information will be circulated to members of the Conference. If anyone wishes to offer to facilitate one of these workshops, please indicate to the chair of the Business Committee as soon as possible (chair@methodist-nd.org.uk).

Standing Order 134A(1)

4. Standing Order 134A(1) provides for the Business Committee to table a list of those resolutions in the Conference Agenda which the Business Committee considers suitable for adoption *en bloc* ('the list').
5. Standing Order 134A(1)(c) entitles any six members of the Conference to require any item (except a recommended reply to a memorial) to be removed from the list by giving written notice to the Secretary of the Conference before the close of business on the third day of the Representative Session.
6. Standing Order 134A(1)(d) requires the resolutions remaining in the list to be moved *en bloc* and voted upon without discussion not earlier than the fourth day of the Representative Session.
7. During a physical meeting of the Conference, the third day of the Representative Session is normally the first day on which the main Conference Business commences, namely the Monday, and the fourth day of the Representative Session is normally the second day of the main Conference Business, namely the Tuesday.
8. However, in the case of the Conference of 2020, no Representative Session took place on the Sunday, meaning that, at least arguably, the third day of the Representative Session will be the Tuesday rather than the Monday; and the fourth day will be the Wednesday, rather than the Tuesday. The Business Committee has recommended in its second report that close of business on Monday 29 June 2020 should remain the time by which notice requiring an item to be removed from the *en bloc* business must be given. The following resolution gives effect to that recommendation so far as necessary and consequentially amends Standing Order 134A(1)(d).

*****RESOLUTIONS**

B/2. The Conference adopted the Report.

B/3. The Conference agreed that, for the Conference of 2020 only, the reference to 'the third day' in Standing Order 134A(1)(c) shall be read as a reference to Monday 29 June 2020, and the reference to 'the fourth day' in Standing Order 134A(1)(d) shall be read as a reference to Tuesday 30 June 2020.

Additional Report of the Conference Business Committee (Daily Record 5/2)

1. The Business Committee is grateful for the forbearance of the Conference as its business overran yesterday. This has left a considerable amount of unfinished business so, owing to the pressure on time, the Business Committee recommends that the Conference adjourns no later than 13:30 on Tuesday and Wednesday. The Business Committee further recommends that speeches be reduced to three minutes for presenters and two minutes for speakers. Where it is felt that there is support for notices of motion which have been presented, it is suggested that seconders do not need to speak.
2. Members of the Conference will note the list of business for today, and the Committee suggests that Agenda Item 35: The Ministerial Covenant is not expected to be a major discussion item. The Conference is asked to commend it to the Connexion for study and response, and therefore there will be opportunity for discussion and debate in other contexts and at the Conference of 2022 if the resolutions attached to the report are adopted. The Committee also notes that item 31 will now be presented immediately before item 4 with which there are overlapping themes and therefore might not necessitate much discussion.
3. By way of clarification, the Business Committee confirms that Notice of Motion 2020/109 is now not to be put to the Conference since it seeks to amend a resolution which the Conference has agreed to withdraw.
4. The Business Committee asks the permission of the Conference for Agenda Item 33: Ministry in the Methodist Church to be deferred to the 2021 Conference, as indicated in its First Report (Agenda page 168).
5. Members of the Conference are reminded that the confidential papers which were shared with the closed sessions of both the Presbyteral and Representative Sessions should be shredded or deleted from electronic systems.

*****RESOLUTIONS**

- B/4. The Conference adopted the Report, and thereby gave permission for the withdrawal of Resolutions 33/1 and 33/2.**
- B/5. The Conference suspended Standing Order 110A(6) for the duration of the Conference in so far as it applies to the designation of the Vice-President of the Conference of 2021, and resolves that the designation shall be by majority vote.**