

Membership of the Methodist Council

1. From time to time it is wise to reflect on the composition of the Methodist Council in the light of the development of the particular responsibilities of the officers of the Conference and the obligations placed upon the Council. Following changes to the role and responsibilities of the Secretary of the Conference this is one such time to consider the relationship of the officers of the Conference (that is the Secretary, the Assistant Secretary and the Conference Officer for Legal and Constitutional Practice) to the Council.
2. At present all three officers are appointed by the Conference and are also members of the Conference. (The posts of Secretary and Assistant Secretary being open only to Presbyters, whereas the post of Conference Officer for Legal and Constitutional Practice is open to both Ministers and Members of the Methodist Church.) However, only the Secretary and the Assistant Secretary are presently members of the Council while the Conference Officer for Legal and Constitutional Practice has, under SO 210(7) the right to attend and speak at the Council, but does not have a vote.
3. The most obvious consequence of this is that whenever the Council goes into closed session (which it not infrequently does in order to consider legal cases) the Officer is present only by permission of the Council. Somewhat ironically the Officer is not in any way holding Trustee responsibility when the Council acts as Managing Trustee or acts on behalf of the Conference even though it is the Officer who is, under the terms of the role, often carrying considerable responsibilities. Whilst there is a clear and very appropriate line of accountability to the Conference there is a break in the logic of such a line of accountability at the point of the Council. This is significant in light of the duties of the post.
4. Over the last two years, and in particular since 1 September 2015, the Conference Officer for Legal and Constitutional Practice has been required to undertake a number of representative roles in respect of complex and long running legal cases. It is increasingly the case that the Officer is required to both offer advice to the Council while it is in session and then to act on behalf of the Council, the Conference and the Secretary. These responsibilities are reflected in the main (but not exclusive) responsibilities of the Conference Officer for Legal and Constitutional Practice:
 - ensuring that the responsibilities of the Secretary of the Conference, as set out in the Standing Orders for the complaints and discipline processes, are fulfilled
 - facilitating the provision of legal and constitutional advice
 - with the Secretary of the Conference playing a major part in ensuring the legal and constitutional compliance of governance bodies and the Team
 - assisting the Assistant Secretary of the Conference in executive action in respect of ministers, in particular through the resignation, reinstatement and senior appointment processes
 - overseeing the annual production of *The Constitutional Practice and Discipline of the Methodist Church*
 - responsibility for contracting legal advice as required and for the legal services budget

- ensuring that the Methodist Council's responsibilities under Part 9 of the Constitutional Practice and Discipline of the Methodist Church detailing property matters are properly fulfilled.
 - offering guidance on the interpretation of Standing Orders and the Model Trust to governance bodies and Managing Trustees.
 - fulfilling, as appropriate, and under the authority of the Conference, such duties assigned to the Property Secretary in the Act and the Model Trusts
 - liaising with the Charity Commission on behalf of The Methodist Church
5. Whilst it is sometimes the case that the Officer acts under a clear delegation either by a minute of the Council or the SRC, or by a direction of the Secretary of the Conference acting under SO 114(1E) the Officer is invariably required to take decisions on a day to day basis that reflect the developing nature of legal cases. In practice, it is the Officer who is called upon to make not insignificant decisions in respect of legal cases.
6. To ensure that the anomalies present in the current arrangement are addressed and to ensure that the three officers of the Conference relate to the Council in similar ways it would be more appropriate for the Conference Officer for Legal and Constitutional Practice to be a member of the Methodist Council.

*****RESOLUTIONS**

66/1. The Council receives the report.

66/2. The Council recommends to the Conference that the Conference Officer for Legal and Constitutional Practice be a member of the Methodist Council and directs the Secretary of the Conference to bring the necessary standing order changes to the Conference of 2016.