

CTC 8/3/22 9)

CLERK'S COMMENTS ON PROPOSED CHANGES TO STANDING ORDERS

The Chairman has produced the attached proposals at short notice based on the NALC model.

Points for discussion

The Clerk has concerns about proposals for Sections 9 & 19, but does not wish to criticise the effort the Chairman has put into producing these at short notice:

9b) To the Clerk this appears to mean that each agenda item should have a motion attached to it which could be construed as predetermination, though the Chairman has pointed out that many local Councils use this model Standing Order to run meetings effectively

Also 9g) appears to be too much of a straightjacket – The Clerk needs the freedom to be able to group motions according to their subject – eg Finance or Property Maintenance etc, not necessarily in chronological order of receipt

9 h) seems to be making more work for the Clerk, as keeping a list of the motions not included is an additional task, which may not be really necessary

Also, it leaves the way open for much discussion on why a motion submitted was refused, which could be time consuming, and the Clerk wouldn't want to encourage that discussion in a meeting, especially if a member whose motion hadn't been included wanted to discuss the reasons why, rather than the actual items on the agenda.

The Clerk suggests that perhaps 9g) & 9h) could be omitted, but this should be decided by full Council

The Clerk does like the sections in italics though!

19 All references to the F,B&S in regard to appraisals should surely be the Staffing Committee, not the Finance Committee!

Full Council and the Staffing Committee have already passed motions as to who should conduct the appraisals as below:

288/19: *Min: F083/19: Staff Appraisals:*

RESOLVED that the Council Chairman and the F,B&S Committee Chairman conduct the Clerk's Appraisal

289/19: *Min: F084/19: Staff Appraisals:*

RESOLVED that the Council Chairman and the Clerk conduct the appraisal for the office staff

290/19: *Min: F085/19: Staff Appraisals:*

RESOLVED that the P&E Committee Chairman and the Clerk, with the addition of the Council Chairman if the grounds staff agree, should conduct the Grounds Staff appraisals

To consider staff appraisals

S102/21: *The appraisals for the Office Staff had been completed. It was agreed that they should be done in reverse order in future.*

S104/21: **RESOLVED** *that in future the Grounds Staff's appraisals should be conducted by the Chair of the P&E Committee and the Town Clerk*

19d) & 19e) are governed by what the Finance, Budgets & Staffing Committee agreed on 13/11/20:

F153/20: Min: SSC060/20: Updated Grievance Procedure / Policy:

RESOLVED *to approve the new Grievance Procedure / Policy*

F154/20: Min: SSC061/20: Disciplinary Procedure / Policy

RESOLVED *to approve the new Disciplinary Procedure / Policy*

Therefore, rather than give detail which might contradict the new Grievance and Disciplinary Policies which were approved by the HR consultant, the Clerk suggests that the Standing Orders simply refer to the appropriate policies in force at the time.

Of course, the new Town Clerk might have different views from the current Clerk on these points!

Hilary Elias 01.03.22

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Proposed Changes to Standing Orders

The Council stopped its previous practice of routinely suspending Standing Orders in December 2019, in order for the council to conduct its business, particularly meetings, in a more effective manner. A new set of Standing Orders, based largely on the NALC model Standing Orders 2018 (England) revised 2020, was written by a working group of the Council. Since that time, it has become apparent that whilst generally fit for purpose, there are a number of items that could be changed in order to further improve the effectiveness of the Council, as well as several others that require change in order to accurately reflect changes in the committee structure and scheme of delegation since they were adopted. For each of the sections that require changes to be made below, the current wording and the proposed new wording are given, followed by a short explanation of why the change is desirable. In the body text, bold text indicates a statutory or legal requirement, which may not be changed by the Council.

Current

1. **s Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

Proposed

1. **s Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before the vote is taken. A recorded vote shall be taken by roll-call, with each member replying 'for', 'against', or 'abstain', as appropriate. The name of the councillor requesting a recorded vote shall also be recorded.

Rationale

Whilst it is accepted that a single councillor has the right to ask for a vote to be recorded, doing this takes significantly more time than a normal vote. This is further increased if the request for a recorded vote is made after the vote has taken place. Requiring the request before the vote has been taken will streamline the process as far as possible. A roll-call is specified in order to ensure that the recording of votes is as accurate as possible. If a recorded vote is requested, it would seem logical that the name of the councillor making that request shall also be recorded.

Current

1. x AFTER A PERIOD OF TWO HOURS, the Chairman shall take a vote and the Council / Committee shall resolve whether to continue the meeting or defer the remaining business to another meeting.

Proposed

1. x AFTER A PERIOD OF TWO HOURS, or at 9pm (whichever occurs first), the Chairman shall take a vote and the Council / Committee shall resolve whether to continue the meeting or defer the remaining business to another meeting.

Rationale

When this section was first introduced, Council customarily met at 7pm, and considered all planning applications. Since then, the customary time of full council meetings has been put back to 7:30pm, with a separate Planning Committee meeting starting at 6:30pm. If the current wording were maintained, then full Council meetings could routinely go on until 9:30pm, and later with a vote to that effect. Approximately 1/3 of members would have spent three hours in meetings by 9:30pm, and holding meetings late into the night is not conducive to good decision-making, or to effective public engagement. This change restores the intent of this section to what was originally envisaged.

Proposed

1. y Legislation currently requires that council or committees and sub-committees meet in person if they are to take legal decisions. In the event that legislation changes temporarily or permanently to allow virtual or hybrid meetings, then the decision on whether a meeting shall be virtual or hybrid shall be taken by the proper officer, in consultation with the chairman of the council or the relevant committee. If legislation allows hybrid or virtual meetings, then no meeting of the council or a committee or sub-committee shall be conducted solely in person, unless bona fide technical difficulties prevent a hybrid meeting from taking place.

1. z Working groups do not have delegated powers, and therefore are able to hold virtual or hybrid meetings. The decision on whether such a meeting shall be virtual or hybrid shall be taken by the proper officer, in consultation with the chair of that working group. No working group meeting shall be conducted solely in person, unless all participants agree to do so, or bona fide technical difficulties prevent a hybrid meeting from taking place.

Rationale

Since the temporary changes due to the COVID pandemic imposed a rapid change to remote working, many issues have been debated and decisions taken by this council and others, in virtual or hybrid meetings. Despite the lapse of legislation allowing decision making in remote meetings, the COVID pandemic is still a serious risk to the health of officers, councillors, and the public. Virtual and hybrid meetings make it easier for councillors and members of the public to attend and engage with the council. Overall, the flexibility of allowing virtual and hybrid meetings to continue where possible, will enable this council to work as efficiently and effectively as possible for the benefit of residents.

Current

6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUBCOMMITTEES

[...]

d If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee [or the sub-committee], any 2 members of the committee [or the subcommittee] may convene an extraordinary meeting of the committee [or a subcommittee]

Proposed

6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUBCOMMITTEES

[...]

d If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee [or the sub-committee], any 2 members of the committee [or the subcommittee] may convene an extraordinary meeting of the committee [or a subcommittee]

e *Section 6. d does not apply to the Executive Committee, or to any other committee or subcommittee with similar delegated powers.*

Rationale

All councillors are members of the Executive Committee, and its delegated powers are all of those of the Council that may be delegated by law. The main difference between the Executive Committee and Council is that the quorum is three members rather than seven. This change will ensure that if councillors wish to call an extraordinary meeting to discuss a matter where powers have not been explicitly delegated to a committee or subcommittee, then that meeting must be of the Council, and the quorum for that meeting will be seven members.

Current

9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

(This section not recommended for inclusion)

10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

[...]

b. All other motions

[...]

15. PROPER OFFICER

[...]

~~b. ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least () days before the meeting confirming his withdrawal of it;~~

Proposed

9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

a A motion shall relate to the responsibilities of the meeting for which it is tabled and, in any event, shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.

b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.

d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 7 clear days before the meeting.

e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

g Motions received shall be recorded and numbered in the order that they are received.

h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

i Motions that require revenue or capital expenditure by the Council shall include at the very least a realistic estimate of such expenditure, and differentiate between revenue and capital expenditure. A motion that requires officer time to implement shall include a realistic estimate of the time required. The decision of the Proper Officer regarding whether such estimates are 'realistic' shall be final.

j Whilst members wishing to submit a motion are entitled to ask officers for information held by the Council relevant to their motion, or for estimates of the time required to perform a proposed task, they should bear in mind that such requests are themselves a drain upon officer time. Whilst the timescale for such requests to be acted upon should be reasonable, the definition of that and the allocation of officer time are operational decisions to be taken by the Proper Officer. Their decision shall be final.

k It is the responsibility of the member submitting a motion to obtain all necessary information in support of the motion, and to prepare any supporting documentation to present that information. Such documentation shall be submitted at the same time as the motion, in order to allow sufficient time for it to be distributed with the agenda so all councillors may properly prepare for the meeting. Where information is quoted in this documentation, it's source should be referenced, so that councillors may form an opinion as to its reliability and independently check its accuracy, should they wish to do so.

10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

[...]

b (This section deleted)

[...]

15. PROPER OFFICER

[...]

b. ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it;

Rationale

A number of councillors, particularly those new to the Council, have requested advice on how to submit motions for consideration by the Council. As the NALC model Standing Orders 2018 (England) revised 2020 include a section covering this, that was previously not used by this Council, it would seem logical to use this as the framework on which to build a procedure that works for this Council. All of the body text in Section 9 is taken from this source, except for

those sections in italics. These sections have been added to ensure that motions brought to Council have been properly considered by the member bringing the motion, and that Council has the relevant information in order to make an informed decision.

The deletion of section 10. b is required if section 9. is implemented in order to prevent there being two parallel channels for bringing motions to the Council.

The inclusion of section 15. b. ii. Is required to maintain consistency between sections 9. and 15. now that the Proper Officer has a defined role in the procedure for members to submit a motion for consideration by the Council.

It is potentially the case that implementing this section could result in a large number of motions being brought to council meetings. Councillors concerned about this are directed towards Standing Order 2. r, which lists motions that may be moved during the debate on a motion. It is foreseen that if councillors do not feel it is appropriate to spend time debating a motion, they may wish to make use of items ii. iii. iv. or vi. in order to allow the meeting to progress.

Current

19. HANDLING STAFF MATTERS

[...]

c The Chairman of the Council or the Finance, Budgets & Staffing Committee shall conduct a review of the performance / appraisal of the work of the Clerk. The Clerk and a Councillor shall undertake the review of other members of Staff. The reviews / appraisal shall be reported to full Council in confidence

d Subject to the Council's policy regarding the handling of grievance matters, the Clerk shall contact the Chairman of the Finance, Budgets & Staffing Committee in respect of a formal grievance matter, and this matter shall be investigated and reported back and progressed to the Finance, Budgets & Staffing committee

e Subject to the Council's policy regarding the handling of grievance matters, if a formal grievance matter raised by the Clerk relates to the Chairman or Vice-Chairman of the Council or of the Finance, Budgets & Staffing Committee, this shall be communicated to another member of the Finance, Budgets & Staffing committee; the matter shall be investigated and reported back and progressed by the Finance, Budgets & Staffing Committee

Proposed

19.

[...]

c The Chairman of the Council or the Chairman of the ^{Staffing} Finance Committee shall conduct a review of the performance / appraisal of the work of the Clerk. The Clerk and a Councillor shall undertake the review of other members of Staff. The reviews / appraisal shall be reported to the Staffing Committee in confidence.

d Subject to the Council's policy regarding the handling of grievance matters, the Clerk shall contact the Chairman of the Staffing Committee in respect of a formal grievance matter, and this matter shall be investigated and reported back and progressed to the Staffing committee

e Subject to the Council's policy regarding the handling of grievance matters, if a formal grievance matter raised by the Clerk relates to the Chairman or Vice-Chairman of the Council or of the Staffing Committee, this shall be communicated to another member of the Staffing committee; the matter shall be investigated and reported back and progressed by the Staffing Committee

Rationale

These changes reflect the change in organisation of the Council from having a single Finance, Budgets, & Staffing Committee to separate Finance and Staffing committees, each independent of the other. It also maintains consistency with the scheme of delegation that delegates all staffing matters to the Staffing committee.