

Full Council

Title:	Standing Orders
Date:	16 May 2023
Contact Officer:	Mandy Sturdy, Town Clerk

Purpose of Report

1. To provide background on the annual review and re-adoption of Standing Orders with recommendations to make two amendments.

Background

2. Standing Orders are the written rules of a local council. Thame Town Council last re-adopted theirs in May 2022 and are presented again for review.
3. The Clerk recently completed the CiLCA qualification which included reviewing legislation and best practice for Standing Orders.
4. The National Association of Local Councils (NALC) publishes Model Standing Orders to assist councils.
5. Local councils must have standing orders in respect of contracts and should have standing orders to regulate their business and proceedings.
6. Other than for standing orders required by law, members are welcome to make suggestions for changes to this document.

Proposed Changes – Standing Order 24.1

7. **Standing Order 24.1** States that: *Any council member is entitled to be present as a non-voting member at any committee or subcommittee of which they are not a member even if members of the public have been excluded by means of a resolution.*
8. This standing order could have implications regarding the Data Protection Act 2018 including GDPR. Specifically in relation to Personnel / HR matters.
9. In addition to NALC advice to remove standing order 24.1, Their Legal Topic Note 5E s75 includes the following:

A member of the Council who is not appointed to a committee may attend a committee meeting as a member of the public. They would have no right to participate in the meeting unless a member of the public also has the same right and as explained in Legal Topic Note 1 (Councils' powers to discharge their functions s 25, 26).

10. The public can be excluded from a committee meeting (see section 1(2) of the Public Bodies (Admission to Meetings) Act 1960).

11. The recommendation is to amend standing order 24.1 to read: *Members who are not appointed to a committee may attend a committee meeting with the same rights as a member of the public.*

Proposed Changes – Standing Order 26

12. **Standing Order 26** in Thame Town Council's Standing Orders refer to Expenditure; The proposal is to amend this section to cover Financial Controls and Procurement by inserting the relevant section from the NALC Model Standing Orders. The new sections are shown in blue in the attached Standing Orders.
13. Local Government Act (LGA) 1972 S135 - A local council must make standing orders covering contracts for the supply of goods or materials. Whilst Thame Town Council has comprehensive Financial Regulations the Standing Orders do not specifically refer to contracts as the Law requires.

Proposed Changes – Standing Order 3.0(k) and 34.1

14. The Data Protection Act 1998 has been replaced with the Data Protection Act 2018.

Resource Appraisal

15. The documents reflect what the Town Council does already, so there are no additional resource requirements identified.

Risk Assessment

16. The documents are a legal requirement for the Governance of a Town Council.

Legal Powers:

- Local Government Act 1972 S106
- Local Government Act 1972 S135
- Local Government Act 1972 Sch12 para 42

Recommendation

It is recommended that:

- i) The amendment to Standing Order 24.1 be adopted.***
- ii) The amendment to Standing Order 26 be adopted.***
- iii) Standing Orders are adopted.***