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DATE OF MEETING **Wednesday 11th May 2022**
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REVIEW AND ADOPTION OF REVISED STANDING ORDERS, COMMITTEES' TERMS OF REFERENCE AND FINANCIAL REGULATIONS

1 Executive Summary

- 1.1 This report proposes a number of updates and changes to the Standing Orders, Committees' Terms of Reference and Financial Regulations.
- 1.2 The revisions are designed to ensure these key documents reflect better how the Council operates and its legal obligations, and introduces a number of changes to improve its accuracy.

2 Recommendation

- a) That the Council **AGREE** the proposed changes to the Standing Orders (Annex A) and **ADOPTS** the document as amended.
- b) That the Council **AGREE** the proposed changes to the Committees' Terms of Reference (Annex B) and **ADOPTS** the document as amended.
- c) That the Council **AGREE** the proposed changes to the Financial Regulations (Annex C) and **ADOPTS** the document as amended.

3 Background and Explanation

Standing Orders

- 3.1 Parish and Town Councils are encouraged to adopt Standing Orders and Financial Regulations in order to ensure the smooth exercise of their powers. Some of the provisions will be linked to statutory requirements, whilst others allow the Council a level of flexibility to design procedures to suite how they wish to work.
- 3.2 The proposed changes to the Standing Orders include:
 - Changing the language to be more inclusive and reflect that the fact that councillors are not necessarily male.
 - Standing Order 2 – refine the definition of improper behaviour.

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- Standing Order 3m – clarify who would give permission for oral reporting or oral commentary to take place
- Standing Order 3x – limit the duration of council meetings to 2 hours, unless councillors vote to suspend this particular standing order.
- Standing Order 4dxiii (NEW) – introduce provisions for the creation of task and finish groups to allow issues to be progressed outside of formal Committee meetings.
- Standing Order 5 – change annual meeting timing to align with current practice of 7.30pm start time for Council meeting.
- Standing Order 15bviii and Standing Order 20– include reference to the Council’s obligation under the Environmental Information Regulations 2004. These obligations are very similar in nature to the Freedom of Information provision, but there are important differences.
- Standing Order 15bxv - change when planning applications are circulated to reflect current practice of sending out weekly emails on a Wednesday with full list of planning applications received for our consideration.
- Standing Order 19 – Return to original name of Establishment Sub Committee to avoid misunderstanding of the nature and purpose of the Committee; and update with reference to the new Resources, Operations and Estate Management.
- Standing Order 25 – clarify what is prohibited
- Standing Order 26 – reflect the reality that there is often no majority party, but in fact one largest party whose Leader assumes the position of Leader of the Council. Furthermore, in recent years the Deputy Leader of the Council has been a councillor from a different political group. The changes proposed allows for a degree of flexibility in agreeing the Council’s leadership group depending on the electoral results, and also allow for political groups to be formed which may not be along national party lines.
- Standing Order 28 – Current legislation requires formal decision making meetings of the Council to take place in person (i.e. physically). Therefore this Standing Order is contrary to current legislation and needs to be removed. Should Parliament change the relevant legislation to permit local authorities to hold virtual meetings again, the Council can reintroduce this Standing Order.

Committees Terms of Reference

- 3.3 To help to manage the Council’s business, the Council is able to establish committees and sub committees to carry out delegated functions and make recommendations to Full Council. On arrival the new Town Clerk undertook a review of the current structure and assessed that the Council business could be more effectively delivered through a number of changes.
- 3.4 Much of the remit covered by the Sport and Leisure Committee was dependent and intrinsically linked to the work of either the Resources Committee (as any

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major changes to the leisure or recreational facility would require investment or changes to the current budget) or the Planning Committee (as the key policies being considered by the Council impact planning and development). It is therefore proposed that the Committee be disbanded and that its work is split between a reformed Resources, Operation and Estate Management Committee and a revised Planning and Policy Committee.

- 3.5 To ensure the proposed new Resources, Operations and Estate Management Committee is able to focus on strategic financial and operational decisions it is proposed that its current remit to oversee stakeholder engagement, civic matters and governance issues are retained for Full Council or move to the reformed Planning and Policy Committee. The Resource Committee's list of duties to consider and recommend to Council has also expanded to include investment and major changes of use for Council recreational facilities, as well as making explicit its responsibilities to advise on the Council's annual accounts and governance statements.
- 3.6 The proposed new Planning and Policy Committee will need to take on the consultation response/stakeholder engagement activities previously undertaken by the Resource Committee and Sport and Leisure Committee.
- 3.7 The new Town Clerk is also keen to utilise councillor's expertise through the use of flexible task and finish groups, which can focus on specific outcomes and respond quickly to new developments. However full Council and the two standing committees will retain decision making powers. In fact task and finish groups will only be established and their chairs chosen by either full Council or one of the two standing committees. This can be done through either agreeing a motion or a recommendation. Task and finish groups will also be time limited and its meetings must have the Town Clerk, or an appropriately nominated staff member, present.
- 3.8 For this year there is a need to establish a Queen's Platinum Jubilee Grant Sub-Committee to oversee the awarding of small grants and previously agreed by Council.
- 3.9 Upon reflection the previous change to relabel the Establishment Sub-Committee as the Human Resources Sub-Committee created a misunderstanding that the Sub-Committee was able to, and in fact was required to, intervene in individual HR matters. For the avoidance of doubt and ensure the Council does not fall foul of employment laws and regulations, it is proposed that the Council return to using the label Establishment Sub-Committee.
- 3.10 The Capital Projects Sub-Committee, Health and Safety Sub-Committee, and Audit Sub-Committee were viewed to be superfluous and their duties better overseen by full Council or one of the two standing committees. It is therefore proposed

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that they are disbanded. Should a need arise for a particular sub-committee, these can be established, with clear duties and responsibilities as and when required.

Financial Regulations

- 3.11 The Council is required to have Standing Orders which govern how it exercises its financial powers and responsibilities. These are named Financial Regulations. They have been reviewed and no changes are proposed, with the exception of updating relevant dates.

4 Impacts

Legal

- 4.1 Paragraph 42 of Schedule 12 of the Local Government Act 1972 (as amended) provides a provision for “a local authority may make standing orders for the regulation of their proceedings and business and may vary or revoke any such orders”. The Council therefore has the power to amend its standing orders.
- 4.2 Section 135 of the Local Government Act 1972 (as amended) require a local authority to make standing orders with respect to the making of contracts for the supply of goods and materials, and for executing works. The provisions are designed to ensure those contracts are competitively tendered, unless special exemptions apply. These standing orders are contained in the Council’s Financial Regulations.

Finance

- 4.3 No significant financial implications are envisaged with the proposed changes. There may be cost savings achieved by a more effective committee structure, but these are considered negligible.

Risk

- 4.4 Without effective Standing Orders, the business of the Council will be difficult to execute and the Council will be at risk of failing to meet its statutory obligations and obligations to the people and organisations of the Hatfield Town Council area.