

Committee: FULL COUNCIL

Date: 17 January 2023

Title: Standing Orders

Purpose of Report

For members to consider a modification in Standing Orders to allow all members to attend and contribute to meetings whether a Voting member or not.

Recommendation:

Members to resolve to approve the Standing orders as per the amendments considered in Draft Version 22-23/2 considered at the meeting.

Background:

1. Standing orders are the rules by which the town council conducts its business. Some of these are laid down in legislation and others are rules which each council can choose to adopt if it so wishes.
2. Ilminster in line with most councils adopts the standing orders on an annual basis at its Annual Council meeting. The current standing orders are based upon the National Association Of Local Councils (NALC) Model Standing Orders. These were based upon the 2013 version that were amended in 2018 and adopted in May 2022 by Ilminster Town Council.
3. NALC introduced an updated version of the Model Standing Orders in 2022 and it had been intended to incorporate any variations in revised Standing Orders to the Annual Council in Meeting in 2023.
4. Where Standing Orders are in **BOLD** it signifies that they contain statutory and legal requirements which the council must adhere to.
5. Currently all papers for all council meetings are provided to all members of the council excepting where staffing matters are under consideration that may require a staff hearing at a later date.
6. During the past year there have been various comments made both at meetings and during general conversations over non-committee members contributing to agenda items during the course of meetings when they are not members of the committee discussing that item.

Report

7. Ilminster Town Council has often adopted an informal approach to the way in which members of the council are able to discuss matters at meetings. If one looks at the standing orders and applies them rigorously then members who are not on that committee would not be allowed to put their points across on behalf of the members of the community they represent. Non-committee members under legislation are expected to be treated as members of the public and not as members of the council when attending a committee or working group meetings that they are not members of.
8. They are entitled to speak as members of the public and under the current standing orders this allows them 3 minutes. The chair of any meeting can suspend certain standing orders and this has informally been done as a matter of local practice in Ilminster for a number of years.
9. This would not normally cause any issues unless someone challenges the validity of a decision in which a member may have spoken for more than three minutes. At this point it might be possible for the decision to be challenged in a Judicial Review although a judge may look at it and comment that by providing additional viewpoints members were being given a more detailed picture of the matter under consideration.
10. At the 22 October “members day” a discussion was held into ways in which it would be possible to legitimise the contributions that members who are not on a committee but who feel that in order to represent the electorate properly there should be formal way to allow them to participate.
11. It has been proposed in the past that all members of the council should be on all committees. This legally causes a problem in that as soon as all members of a council are on a Committee it ceases to be a committee and becomes a Full Council Meeting.
12. Councillor Shepherd has produced a paper in which he covers this matter and this appended to the report **Appendix 16B**.
13. The amended Standing Orders that have been appended to this report (**Appendix 16A**) show a variation to the current standing orders that would ensure that all members could attend all meetings save for where there may be staffing matters under discussion and a member may be involved later on in a staff appeal or hearing process. In this instance if they participated in a staff matter at the meeting, they would render themselves unavailable for any further hearing or appeals on this matter.
14. Members will see that Standing Orders, 4xii, 4xiv, 4xv and 4xvi have been added in order to allow members to legitimately participate in council

AGENDA ITEM 16

meetings if they are not members without any time constraints. They will be expected to adhere to the same rules of debate that all members should be abiding by.

15. Members to resolve to approve the Standing orders as per the amendments considered in Draft Version 22-23/2 considered at the meeting.

Mark Tredwin
Town clerk
January 2023