

SLEAFORD TOWN COUNCIL

A COUNCILLOR'S GUIDE TO STANDING ORDERS, POLICIES AND PRACTICES

JANUARY 2013

Note: Where appropriate a paragraph is cross-referenced with the relevant Standing Order.

TIMING OF COMMITTEE MEETINGS

- a) The Applications Committee normally begins at 7.00pm, Standing Committees at 7.30pm or earlier. When business remains to be completed, for Applications at 7.30pm, and at 9.30pm for Standing Committees, a motion to continue must be put forward, to be decided by the relevant Committee or Council Members present, to allow particular Agenda business to be completed on the evening. Otherwise, business will be taken forward to the next relevant meeting.
- b) Meetings of other Committees, Working Groups and Working Parties are arranged at times and dates to suit the majority of the Members of these meetings.

PROCEDURES FOR THE APPOINTMENT OF THE MAYOR AND DEPUTY MAYOR – S.O. 2i

It should be remembered that the only statutory role in a Town or Parish Council is that of the Chairman of the Council. In a Town where there is a Mayor, then the Chairman of the Council is also the Mayor.

There is no statutory duty to appoint a Vice Chairman (Deputy Mayor) but many Towns choose to do so to help 'spread the load' and for anticipated succession to the post of Chairman (Mayor) – but this should by no means be considered an automatic right.

- a) In normal circumstances, it is desirable to expect the Deputy Mayor to be nominated as Mayor Elect at the final Council Meeting of the Civic Year, except in a Town Council Election Year when the nomination will take place at the Annual Meeting of the new Civic Year. At the Annual Meeting of the Council to inaugurate the Civic Year, the nominated Mayor Elect is normally proposed by the retiring Mayor to take Mayoral Office for the ensuing Civic Year.
- b) Deputy Mayor - Eligibility – any elected member of the Council
- c) The desirable qualities sought by the Council in appointing a Deputy Mayor are centred around as follows:
 - i) Recognise that the Office of Mayor is agreed to be, primarily, a matter of competence to be the Chairman of the Town Council.
 - ii) A minimum of one year in office, including a year as a Committee Chairman or Vice Chairman of the Full Council

THE ROLE OF ALL CHAIRMAN (AS DEFINED BY LALC).

The role of a chairman is:

- To be fully briefed and prepared on the issues being considered by the Council
- To preside over meetings in a fair and balanced manner that encourages contributions and achieves the objectives of the meeting by maintaining focus, seeking consensus, summarising views and conclusions and resolving conflicts

- To be accountable to the Council/Committee for the efficiency and effectiveness of the meeting, ensuring that business is transacted with reasonable speed
- To ensure that the Council/Committee acts only within its Terms of Reference
- To ensure compliance with standing orders, financial regulations, Council Policies and relevant legislation
- As delegated by the Council/Committee, to act with the Clerk as a spokesperson for the Council on matters within the Council's remit, liaising with the press if appropriate
- To ensure the overall integrity of the decision-making process within the Council, and that the process operates fairly and openly
- To work with the Clerk to enable efficient and effective decision-making
- To work with the Clerk to confirm/set the agendas for meetings, ensuring that information is complete and items requested by other members are included. The Vice-Chairman is to be included at the Chairman's request
- To check the draft notes of meetings prior to circulation
- To ensure that the resolutions are carried out within their own Committees either Full Council or Standing Committee.

STANDING COMMITTEES

For the current Terms of Reference for each Standing Committee, see Appendix 2.

THE ROLE OF STANDING COMMITTEE CHAIRMEN

- a) The election of Chairmen and Vice-Chairmen of Standing Committees takes place at the Annual Meeting of the Council and only the relevant Standing Committee Members are eligible to vote in elections for Chairman or Vice-Chairman.
- b) When urgent business arises, the Clerk shall consult the Chairman of the Committee so that matters may be expedited out of Committee Diary sequence. The Clerk's Emergency Powers could be used if appropriate or an extra meeting called

COMMITTEE PLACES

- a) All Town Councillors can expect to be appointed as Members of the Applications Committee and of the Finance and Strategy Committee. They are also to be appointed to at least one other Standing Committee. Most Councillors will find that there are Sub-Committees, and Working Groups that they will want to participate in if they are nominated to do so by the Council or a Standing Committee. Any Councillor or member of the public may be co-opted to contribute to these Working Groups or Sub-Committees as they tend to work much more informally and not always in an evening.
- b) Councillors will quickly find that the workload increases once they join in these informal meetings, particularly for those who volunteer to write up

records of the meetings (not all these meeting formats have an Officer present).

- c) No Councillor should serve as Chairman of more than four Committees, Sub-Committees or Working Groups simultaneously.

RIGHTS OF COUNCILLORS TO ATTEND AND VOTE AT STANDING COMMITTEES

A NALC Legal Topic Note explains the rights of Councillors to attend other Committee meetings as follows:

- Sometimes Councillors wish to attend meetings of Committees to which they have not been appointed. This is a perfectly legitimate practice as Councillors have the same rights to attend Committee meetings as members of the public. However, where Councillors attend meetings of Committees to which they have not been appointed, they will not enjoy all the rights and privileges they enjoy as Councillors. In particular, Councillors will NOT have:
 - a) An automatic right to speak in the meeting (unless by permission of the Chairman);
 - b) A right to vote in the meeting;
 - c) A right to obtain confidential information/documentation unless they can demonstrate a 'need to know'. This is explored in more detail below; or
 - d) A right to remain in a "closed session" unless agreed by the Committee
- Councillors do not have a 'need to know' for all Council business, and do not have an automatic right to see all Council documentation and information. The following may prove helpful in establishing whether a Councillor has a 'need to know':
 - a) If a Councillor is a member of a Committee, (s)he has the right to inspect documents or to obtain information relating to the business of that Committee;
 - b) If a Councillor is not a member of a particular Committee, (s)he has to demonstrate why sight of the document(s)/or receipt of the information in question is necessary to enable him or her to perform his or her duties as a Councillor.

DRAFT BUDGETS

- a) The Town Council agrees a Budget for the following financial year before the middle of January annually. This Budget is divided into headings for each Standing Committee in comparison with the existing year's Budget. In the months following the Annual Meeting of the Council, each Standing Committee shall review its activities for the year.
- b) Standing Committees will be provided with an outline Draft Budget in the preceding autumn so that they may comment on priorities and estimates and submit their own budgets for approval.

THE PERSONNEL COMMITTEE AND STAFF DISCIPLINE

Problems about management and staff relations shall normally be reported to the Personnel Committee or dealt with by the appropriate panel. The Personnel Committee shall devise means to deal with emergency matters.

For current Terms of Reference see Appendix 2

DEFINITIONS OF COUNCILLOR'S INTERESTS

As per Code of Conduct, adopted July 2013 - Appendix 3

- a) Councillors must make appropriate declarations in accordance with the currently adopted Code of Conduct.
On each agenda of the Council or Committee, Councillors will be asked to declare any interest under the Localism Act 2011

N.B. The Clerk should not advise members as to the need to declare an interest but, if asked, should refer the member to the Monitoring Officer at District Council.

INSTRUCTIONS TO STAFF – S.O. 26

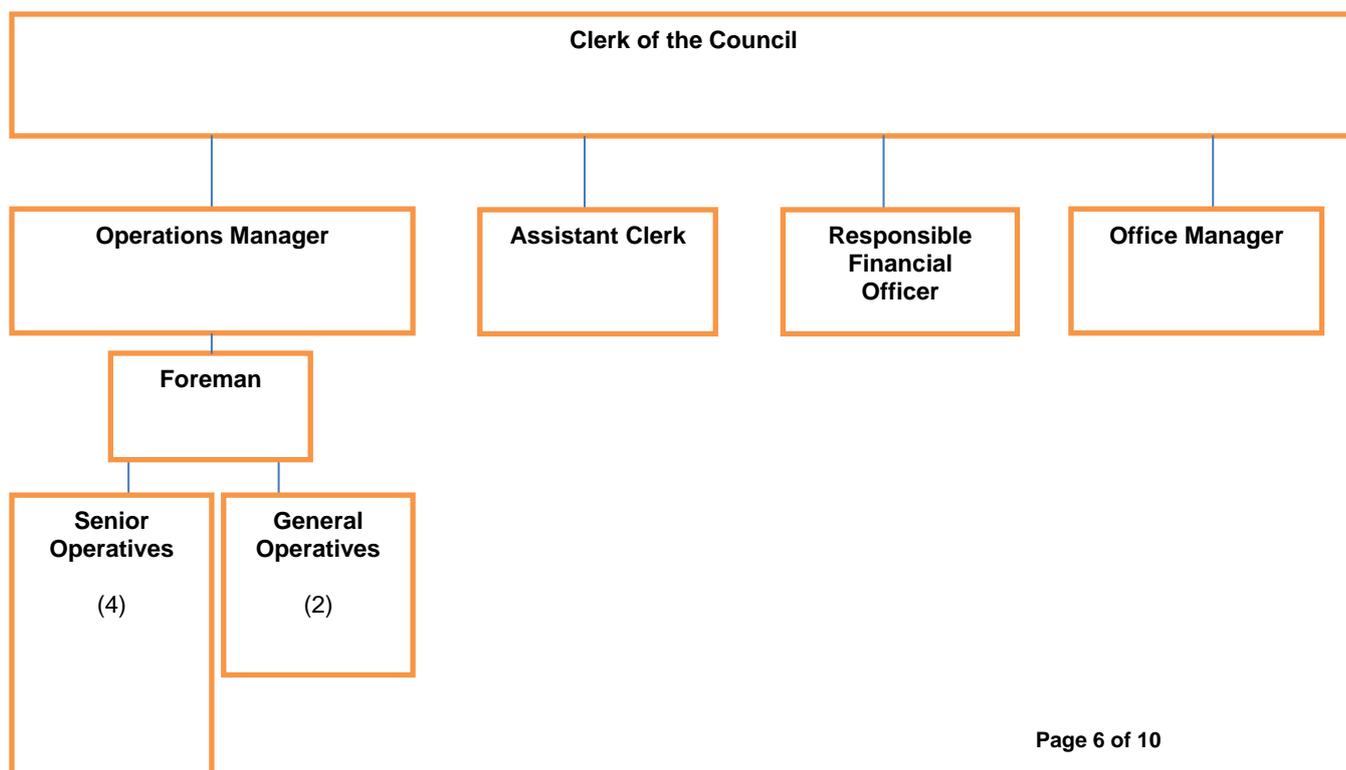
- a) Councillor and Town Clerk Roles: The Town Clerk is appointed by the Councillors who represent the residents. The Town Clerk should not participate in Town Council meetings unless asked to clarify a legal point by the Chairman, or to give updates/progress reports as required. The Council may decline to take advice offered by the Clerk. It is the Council that is liable if illegal decisions or actions are taken irrespective of the advice given.
- b) The Clerk or Operations Manager has the final responsibility for issuing instructions to all staff and employees. This will normally operate through the designated management appointments relevant to each task the Council undertakes. In the Clerk's absence the Assistant Clerk assumes the Clerk's responsibilities.
- c) Matters, which may involve the disciplining of any employee, shall be reported through the proper management channels via the Clerk. Published procedures shall be utilised for issuing all instructions and for reports from staff and all other employees. These standard procedures shall be reported to the Personnel Committee who may recommend to the Council that amendments be made. Other Standing Committees should be consulted about tasks undertaken within their Terms of Reference.
- d) Councillors and Officers shall guard against giving the impression to any employee that an individual Councillor is giving instructions about items or practices at work. Councillors with observations about work or employment matters shall report them to the Clerk or Operations Manager and/or the relevant Standing Committee.
- e) It is a disciplinary offence for employees to take instructions from individual Councillors without the confirmation of the Line Manager.

RELATIONS WITH THE DISTRICT AND COUNTY COUNCILS – S.O. 29

- a) Much of the Town Council’s business relates to matters under the jurisdiction of the principal Local Authorities. It is normal for official business with them to be channelled through the Clerk of the Town Council. It is the policy of the Town Council to foster good relationships with both these authorities and this often requires careful diplomacy on the part of the Clerk and Town Councillors.
- b) Individual Councillors should be careful (but not afraid) to specify to District and County Officers that they are approaching them in a personal capacity and not as official representatives of the Town Council.
- c) How individual Town Councillors deal with local District and County Councillors and issues that are their responsibility is entirely a matter for their own judgement. Occasionally, confusion can arise when District and County Councillors are also Members of the Town Council. It is customary for the particular District or County Councillor to acknowledge the “hat” that they are working under in a particular debate or place. The onus is on the “split personality” to make their position clear.
- d) Similar relationships will hold for Members of Parliament and of the European Parliament.
- e) All letters on behalf of the Council should be signed by the Clerk, Assistant Clerk, and Mayor’s Secretary or in exceptional circumstances by the Chairman/Mayor, or in some cases the Chairman of a Standing Committee or the Leader.

THE CLERK AND MANAGEMENT STAFF –

The below shall be kept under review by the Personnel Standing Committee.



PLANNING MATTERS

When each Planning Application is known to be on the Committee's Agenda, Councillors need to distinguish carefully between their role as Ward Representative and the matters that are relevant to the Applications Committee. To carry out both these roles fairly, Councillors can:

- Check that the site, location and environment are familiar.
- Declare an interest whenever the issue arises.
- Visit the site and talk to those concerned.
- Neither solicit nor accept any inducement of substance from the applicants, supporters or opponents of a Planning Application.
- Take a view and explain it to those interested.
- Choose whether to be actively involved in any controversy.
- Listen to the debate in the Committee and explain their current view, particularly if it is being modified.
- Understand that the Committee will make a judgement based on planning, design and environmental values and that this is not a quasi-judicial matter but simply a matter of acting within the planning law.
- Realise that if the Applicant goes to Appeal because the Town Council has supported rejection of the application, the Council may be required to give evidence at the Inspector's Hearing based on planning matters. Councillors may be asked to represent the Town Council's views to a District or County Committee and need to do so in a manner appropriate to the Town Council's known views. As the view of the Councillor should coincide with that of the Town Council, it may be inappropriate for a County or District Councillor to take on this role.

QUESTIONS FROM THE PUBLIC

- a) When members of the public are present at the commencement of Standing Committees or Council Meetings, it is customary for the Chairman of the meeting to invite them, as first business for that occasion, to ask a brief question on any matters relevant to that Committee or Council. Exceptionally, on the request of a Town Councillor, the Chairman may relax Standing Orders and allow a member of the public to ask a brief question at a later stage of the meeting.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

National Guidelines are as follows:

The public and press are to be admitted to all meetings of the Council and its Committees. The meetings may, however, temporarily exclude the public and press by means of a resolution.

The ruling as to whether an item is confidential or not will be taken by the Clerk in consultation with the Chairman or Vice Chairman. The following matters are to be considered confidential, but are not exhaustive:

- a) Discussion could compromise the privacy of identified named employees, Councillors or in certain circumstances, members of the public.
- b) The discussion will involve any development of Council owned property or assets where premature publication would be detrimental to the public interest
- c) It contains matters where the Council is in dispute, or likely to enter into a dispute
- d) Matters of a contractual nature, as yet unresolved. This is especially the case where discussion of a pending contract may provide financial advantage to a competitor.

The Clerk is to afford to the press all reasonable facilities for the taking of their reports of any proceedings at which they are entitled to be present. There is to be no audio or visual recording or photographs of the meeting without the express approval of the Council.

If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he or she be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

TRAINING

- a) Training courses, networking and consultation meetings are available on a whole range of Local Government subjects both in the District, the County and further afield. It is the Town Council's policy to encourage representatives of the Council to attend and report back on their experience at such events. Travelling costs and registration/booking fees can normally be covered by the appropriate budget line.
- b) At the beginning of a new four year Council term, the Clerk and the Chairmen of Committees will arrange an introductory seminar on an evening following the Local Elections so that Members may meet and be introduced to the customs and practice of the Council and its Committees.

DELEGATION OF POWERS

- c) The Council may delegate such powers as it sees fit to an appropriate Standing Committee. The Applications Committee consists of up to all Councillors and looks at all decisions about planning applications (see Terms of Reference in Appendix 2). Equivalent decisions about Tree Preservation, Listed Buildings and Conservation Area Applications are similarly dealt with.
- d) Decisions to spend money may be taken as delegated to all Standing Committees if they are for sums and purposes approved in the Annual Budget.

- e) A Sub-Committee or Working Group may take effective decisions about capital or revenue spending to further projects that the Council has established by resolution, providing that the appropriate Standing Committee receives a report of the action at its next meeting.
- f) Powers are delegated to the appropriate panel when grievance, disciplinary or appeals issues arise. Power to interview and appoint staff, other than the Clerk, will be delegated to a panel appointed by the Personnel Committee, which will report the appointment to the Council, for confirmation
- g) When the Chairman recommends to the Clerk that correspondence should be dealt with, the Chairman should report that correspondence to the appropriate Committee.

WORKING PRACTICES FOR COUNCILLORS AND STAFF

The Clerk is the chief source of advice to Councillors.

The Clerk, assisted by the appropriate staff as necessary, carries out duties assigned by custom or practice alongside actions from the Council or Committees.

- 1 The Chairmen and Vice-Chairmen of Committees are expected to pursue the progress of their Committee's business and to be available for advice about their intentions on new matters.
- 2 In cases of urgency no Councillor may form a Committee of one person. The Clerk will either ask the Chairman and Vice-Chairman of the relevant Committee to convene for a decision – or will take action as Clerk after taking advice from the relevant Chairman or available Vice-Chairman.
- 3 Any Councillor may ask the Clerk to include items on the agenda of the relevant or most convenient Standing Committee. The Councillor will normally expect to speak to such items at the Committee Meeting before a seconder is sought for a particular motion.
- 4 Reports and items of business relevant to the Town Council will be directed by the Clerk to the Standing Committees, Committees or Working Groups most concerned with the identified matters. After introduction and discussion at those first levels they will then pass to the Town Council either as resolutions or recommendations.
- 5 Items that have not been taken to a Standing Committee will not be included in the Clerk's draft agenda for a Council Meeting without consultation with the Council Meeting Chairman.
- 6 From time to time the Clerk may ask any Councillor for advice about items of Council business.

- 7 Chairmen and Vice-Chairmen of Committees should expect to consult with the Clerk, or Acting Clerk, well within a week of completion of a meeting either about decisions that require action or about the accuracy of a record of the meeting.
- 8 The Clerk is normally the sole channel through which the services of the County (Lincolnshire) branch or the National Association of Local Councils (London) or any other advice consultant may be approached for assistance. A duly nominated Councillor may approach these organisations in certain circumstances.
- 9 The Clerk is available for assistance to Councillors in normal office hours and in evening sessions of the Council or most Committees, but not at their private address, in domestic circumstances or through a private telephone number.
- 10 There are circumstances in which Councillors act in a voluntary capacity to progress the work of the Council where the usual assistance of the paid staff is not called upon. It is then the duty of the Councillor to liaise with the Clerk about the business involved as soon as it is convenient within office hours.
- 11 Councillors must not purport to carry out activities on behalf of the Town Council unless a Standing Committee sanctions them (S.O.16)
- 12 Matters of restricted confidentiality will only be sent to the relevant Councillors as agreed by the full Town Council.
- 13 The Clerk and the Chairman and Vice-Chairman of any Committee or Working Group set the agenda and arrangements for such meetings, and the recording of the detail of those meetings and the presence or absence of the Clerk or other appropriate Officer.

A NALC Legal Topic Note defines the responsibility as follows:

The preparation of the agenda is usually the responsibility of the Clerk. Subject to any procedural requirements in SO's, a Councillor is entitled to have placed on an agenda any matter of relevance to the powers, responsibilities and functions of the appropriate forthcoming meeting. If there is any dispute as to the items to be placed on the agenda, the final decision should be made by the Clerk, having first consulted the Chairman, or, if relevant, the Councillor.

The Clerk may return proposed agenda items and request clarification before inclusion on the agenda.

- 14 A Council cannot lawfully transact business which is not on the agenda. In particular, "any other business" should not appear at all. Genuinely urgent items could be raised in certain circumstances, but no decisions should be taken, other than to ensure it is dealt with properly at a forthcoming meeting. No expenditure should be incurred as a result of any issued not specified on the agenda.