

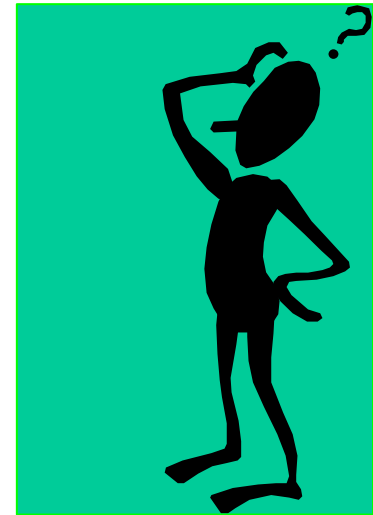


# Standing orders

*By Meera Tharmarajah  
Head of Legal Services*

# The purpose of standing orders

Q - What are they?



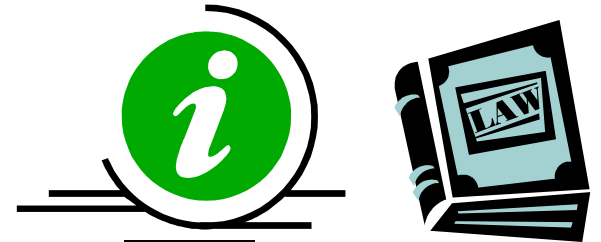
A - a set of rules to HELP your council.

Except in exceptional situations e.g. under s. 135 Local Government Act 1972 re entering into contracts, standing orders are not mandatory, so why have them?

# The purpose of standing orders (cont)

Standing orders that confirm statutory requirements which parish councils, committee and sub-committee meetings, councillors and proper officers are subject to have BENEFITS! They...

- ✓ save time in checking/understanding the law! See also NALC's publication 'Standing orders for Local Councils,' p.55, para (e).
- ✓ clarify relevant statutory requirements
- ✓ should, if observed, prevent legal challenges e.g. re the lawfulness of notice of meetings, conduct at meetings, decision making.



# The purpose of standing orders (cont)

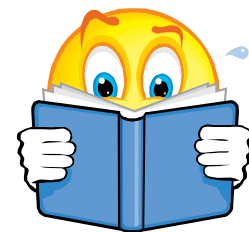
Additional standing orders (which do not confirm statutory requirements) are also important because:-

- ✓ they structure and organise how your council works (e.g. who does what, when and how, the proceedings of meetings (e.g. the order of debate, when and how the public participate, the duration of contributions and the meeting itself)).
- ✓ they establish a consistency of approach.
- ✓ they help your council and meetings execute business with order and efficiency.



# How to get the best out of your council's standing orders

- Do your current standing orders work for your council ? Do you understand their rationale/purpose?
- Are they specific to your council's structure and workings (in relation to the work of your committees, sub-committees, staff).
- Your council must decide why it needs certain standing orders and draft/adopt them accordingly . Read NALC's publication 'Standing orders for Local Councils' in its entirety!
- Pay attention to NALC model standing orders in bold type as drafted because these translate statutory and common law requirements into plain English.



# How to get the best out of standing orders (cont)

- Standing orders are a tool for effective internal governance for the body corporate of a parish council – don't expect the clerk to draft/recommend them in isolation.
- Councillors (and clerks) should attend training if they don't understand the basic law and procedure which councils are subject to, and upon which most standing orders and NALC model standing orders are based.
- Take time to review them (annually is a bit onerous) – LCAs will advise when changes are needed. Check relevance to your council from time to time. If not, amend or revoke them.





# How to get the best out of standing orders (cont)

- ensure they are consistent with your council's financial regulations (i.e. standing orders specific to a council's regulation of its financial affairs and accounting procedures).
- ensure all committees and sub-committees have written terms of reference, confirming what statutory functions and or responsibilities have been conferred on them.
- don't use them to duplicate internal policies (if these are in place) e.g. dealing with Freedom of Information and Data Protection Acts requests, handling communications with the media/press.

# How to get the best out of standing orders (cont)


- ✓ councillors should each have a copy of their council's standing orders as soon as they take office (NALC model standing order 33 (a)).
- ✓ councillors and clerks should make time to read and understand them !
- ✓ observe your standing orders.
- ✓ have a copy of your council's standings orders on your website – so the public better understand the rules which confirm law, procedure and internal governance.





# Important NALC model standing orders

- Up to your council to decide this!
- If using NALC's model standing orders, then all the model standing orders in bold type are important/useful.
- BUT standing orders used by one council or all NALC model standing orders (as drafted) may not be appropriate for your council.
- Non bold type NALC model standing orders for matters/ areas which are likely helpful include:
  - 1(d) – (i) (public participation at meetings). See also p.47-48 and NALC Legal Topic Note(LTN) 5, para 29 – 30.
  - 3 (clearly defining the proper officer's/ clerks role). See also p.35-42, 66 para (j) and LTN 5, para 17.



# Important NALC model standing orders (cont)

- 4,5 and 6 (submitting and debating motions). See also p.62-72.
- 9 (minutes). See also p.33 para (n) and 76 para (l).
- 11 (rescission of previous resolutions)
- 15 (regulation and working of committees/ appointment and role of substitute members). See also p.30 and 44 para (v)
- 25 (power of well-being). See also p. 23 ,58, 63.
- 27(Freedom of Information Act). See also p.45 para (c) and page 51 para (g)
- 28 (relations with the press/ media). See also p.46 para (d)
- 26 (handling staff matters). See also p.42- 44



Any questions

