

Item 11b - Summary of Proposed Standing Order Amendments

Members requested a number of amendments to the Council's Standing Orders.

The below sets out officer comments and advice in relation to those proposed changes, including where amendments have been made and where changes are not advised for governance or legislative reasons.

Standing Order 1g

- The word "early" has been removed. This wording was originally taken from the SLCC template provided to the Council.

Standing Orders 1o(iv) and 1p

- Request to change 'personal clarification' to factual clarification' in 1o(iv) and 1P.

External advice was sought from the Yorkshire Local Councils Associations (YLCA), who confirmed that a personal explanation and a factual clarification are not necessarily the same.

To maintain robustness while accommodating the request, the words "factual clarification" have been added alongside "personal explanation" and "point of order".

As this is a non-legislative provision, the amendment is permissible provided it remains reasonable.

Standing Order 1u

- "Is able to be transacted" has been amended to "can be transacted" for clarity (wording originally from the SLCC template).
- Changing "requested" to "determined" in relation to emergency items is not advised:
 - "Requested" allows the Chair to ask for an item to be added, subject to proper process.
 - "Determined" implies unilateral authority and weakens the Proper Officer's statutory role and governance safeguards.

Standing Order 3s

- The wording remains:
"Such a request shall be made before moving to the vote on the agenda item."

This is necessary because once a vote has commenced or concluded, the decision cannot be revisited without formally rescinding it.

- The wording regarding abstentions reflects YLCA guidance. Recording abstentions is not a legal requirement and must not contradict the legal position that abstaining does not constitute casting a vote.

Standing Order 3x

The wording remains:

“A meeting shall not exceed two hours in duration unless this Standing Order is formally suspended.”

This ensures that any extension of the meeting is made by formal resolution.

Standing Order 4d

- The reference to “available in electronic format” has been removed as requested. The original wording reflected the Council’s aim to reduce paper usage.

Standing Order 5c

- “Annual Meeting” cannot be replaced with “Town Meeting” as these are two distinct meetings defined in legislation.
- The default time of 6pm reflects legislative provision and applies only where no alternative time has been agreed.

Standing Order 5j(ii)

- The wording confirms that the Council approves the accuracy of the minutes. Clarification is requested from members as to the specific amendment being proposed.

Standing Order 9b

- The period was previously 10 clear days calculated from the meeting date, rather than from the legally required issuing of the summons (which must be issued 3 clear days before the meeting).

This was extended to ensure sufficient administrative time to prepare and issue lawful agenda papers, supporting the practical and lawful administration of meetings.

Standing Orders 11d and 11f – Agenda Control

The wording:

“The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final”

has been removed.

The Clerk is appointed as Proper Officer under the Local Government Act 1972 and is legally responsible for:

- Issuing the summons (agenda),
- Ensuring statutory compliance,
- Ensuring items are lawful and properly described,
- Recording decisions.

Members determine the business they wish to consider; the Clerk ensures that such business is lawful and correctly structured.

The Proper Officer must ensure that items included on the agenda are lawful, within the Council's powers, and sufficiently clear to enable valid decision-making. This reflects statutory responsibility rather than hierarchical control.

The Clerk cannot:

- Arbitrarily refuse legitimate business,
- Block lawful motions,
- Override properly requested items.

However, the Clerk must ensure compliance with legislation before issuing the summons.

Standing Orders 14a and 14d

- The word "district" has been removed as requested.

Calderdale Council is a metropolitan borough council operating as a unitary authority. It is not a district council and provides both district and county-level services.

Standing Order 15b(ix)

- The wording "(if there is one)" has been removed.
TTC requires a Data Protection Officer; therefore, the qualification is not necessary.

Standing Order 18

- Updated in line with current advised wording.