



Report of Town Clerk

Standing Orders – Reference of a concern to Northumberland Association of Local Councils

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Background

1. One of the sources used by the Town Clerk as part of their continuous professional development is a review of public interest (PI) reports issued by external auditors of councils in our sector. This includes PI reports issued in Wales, since their system of governance is sufficiently similar to that in England for there to be opportunities for learning.
2. In October 2021 Audit Wales issued a public interest concerning Magor with Undy Community Council in Monmouthshire, drawing the public's attention to significant failures in decision making and inadequacies in financial management and internal control at Magor with Undy Community Council that resulted in the Council incurring expenditure that the auditor considered to be unlawful.
3. The facts of the individual case are not especially relevant, but, in the course of the report, the auditor, Ann-Marie Harkins, commented at paras 43-45, on the practice, enshrined in Magor and Undy's Standing Orders, of the chair of a meeting being allowed to add a paragraph, after the minutes had been approved at a subsequent meeting, dissenting from the approval of the minutes.
4. This practice is not unique to Magor with Undy; the relevant source is 12(d) of the Model Standing Orders issued by NALC nationally, and appears in your standing orders as Standing Order 12(d).
5. At para 45 of their report Ms Harkins says "Notwithstanding the provision made in the Standing Orders, in my view, it is not appropriate for the Chair of the meeting to record such disagreement as this facility is not available to any other member. Where there is disagreement, individual members should request that the vote be recorded."
6. Whilst Ms Harkins observation is not so much binding, as merely a remark made 'obiter dicta', it is nevertheless strongly persuasive. It may well be argued that the provision is anachronistic, and needs to be updated, and it seems hard to identify a relevant principle that justifies such a provision.
7. It is useful to note here that Ms Harkins is not referring to the completeness of minutes as such; para 47 of their report touches on this.
8. Were this a matter for the clerk alone, their advice to council would be that it should choose between either removing the relevant standing order entirely, or, alternatively, providing an opportunity for any member to add a dissenting note to the record of a decision within a set period of time of any relevant meeting. Given, however, that the standing order appears in the national model standing orders, the question is raised as to whether:

- a. Councils should move away from the national model without discussing any issues of principle with their peers, and
- b. Whether there is a process by which individual councils can flag up to county and national associations general issues of law such as this.

Recommendations

- 1. That council note the update from the Town Clerk, and
- 2. That council forward this report to the county association for consideration at their next committee meeting.

Author	GD	Town Clerk sign off (if required)	GD
Checked by	SC	Finance Officer sign off (if required)	N/A