



STANDING ORDERS

TOTNES TOWN COUNCIL

Adopted 2013

Last updated June 2015

Meetings

Key	Mandatory for full Council meetings	●
	Mandatory for committee meetings	●
	Mandatory for sub-committee meetings	●

- a Meetings shall not take place in premises which, at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.
- b When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.
- c Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- d Subject to standing order 1(c) above, members of the public are permitted to make representations as part of Public Question Time at the start of all Full Council and Committee meetings (excluding Personnel), and may be asked to answer questions and give evidence in respect of any item of business included in the agenda. At all meetings of the Council the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.
- e The period of time which is designated for public participation in accordance with standing order 1(d) above] shall not generally exceed 15 minutes but may be extended to 30 minutes at the discretion of the mayor.
- f Subject to standing order 1(e) above, each member of the public is entitled to speak once only and shall not speak for more than 3 minutes.
- g In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- h In accordance with standing order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- i A record of a public participation session at a meeting shall be included in the minutes of that meeting.

- j A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The Chairman may at any time permit an individual to be seated when speaking.
- k Any person speaking at a meeting shall address his comments to the Chairman.
- l Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- m Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior (written) consent.
- n In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- o Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.
- p The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- q Subject to model standing order 1 (y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- r The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (*See also standing orders 2 (i) and (j) below.*)
- s Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- t The minutes of a meeting shall record the names of councillors present and absent.
- u If, prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- v The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.

- w An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. (*See also standing orders 7 and 8 below.*)
- x No business may be transacted at a Full Council meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.
- y If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- z Meetings shall not exceed a period of 3 hours.

1 Ordinary Council Meetings

See also standing order 1 above

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- e The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council. They will act as the Town's Mayor and Deputy Mayor respectively.
- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- g The Vice-Chairman of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.

- i In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.
- j Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows.
 - i. In an election year, delivery by councillors of their declarations of acceptance of office.
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
 - iii. Review of delegation arrangements to committees, sub-committees, working groups, employees and other local authorities.
 - iv. Review of the terms of references for committees and working groups.
 - v. Receipt of nominations to existing committees, for Lead Councillors, and for representatives on outside bodies.
 - vi. Appointment of any new committees or working groups, or re-appointment of existing working group, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
 - vii. Appointment of Lead Councillors
 - viii. Review and adoption of appropriate standing orders and financial regulations.
 - ix. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
 - x. Review of representation on or work with external bodies and arrangements for reporting back.
 - xi. Appointment of representatives on outside bodies
 - xii. In a year of elections, if a Council's period of eligibility to exercise the General Power of Competence being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
 - xiii. Review of inventory of land and assets including buildings and office equipment.
 - xiv. Review and confirmation of arrangements for insurance cover in respect of all

insured risks.

- xv. Review of the Council's and/or employees' memberships of other bodies.
- xvi. Establishing or reviewing the Council's complaints procedure.
- xvii. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- xviii. Establishing or reviewing the Council's policy for dealing with the press/media
- xix. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

2 Proper Officer

- a The Council's Proper Officer shall be either (i) the Clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following.
 - i. Sign and serve on councillors by delivery or post at their residences, or by email to those councillors who have requested this, a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee at least 3 clear days before the meeting.
 - ii. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
 - iii. Subject to standing orders 4(a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it.
 - iv. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order [3(b)i] OR [3(b)ii] above.
 - v. Make available for inspection the minutes of meetings.
 - vi. Receive and retain copies of byelaws made by other local authorities.
 - vii. Receive and retain declarations of acceptance of office from councillors.

- viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix. Keep proper records required before and after meetings;
- x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal deeds to be signed by 2 councillors and witnessed (*See also model standing orders 14(a) and (b).*)
- xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority;
- xvi. Refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman of the Place Committee within 2 working days of receipt where it is necessary to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Place committee.
- xvii. Retain custody of the seal of the Council which shall not be used without a resolution to that effect.
- xviii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

3 Motions requiring written notice

- a In accordance with standing order 3(b) (iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 7 clear days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.

- c If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 7 clear days before the meeting.
- d If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- e Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- h Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

4 Motions not requiring written notice

- a Motions in respect of the following matters may be moved without written notice.
 - i. To appoint a person to preside at a meeting.
 - ii. To approve the absences of councillors.
 - iii. To approve the accuracy of the minutes of the previous meeting.
 - iv. To correct an inaccuracy in the minutes of the previous meeting.
 - v. To dispose of business, if any, remaining from the last meeting.
 - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
 - vii. To proceed to the next business on the agenda.
 - viii. To close or adjourn debate.
 - ix. To refer by formal delegation a matter to a committee or to a sub-committee or

an employee.

- x. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
 - xi. To receive nominations to a committee or sub-committee.
 - xii. To dissolve a committee or sub-committee.
 - xiii. To note the minutes of a meeting of a committee or sub-committee.
 - xiv. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
 - xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
 - xvi. To authorise legal deeds signed by two councillors and witnessed.
(See standing orders 14(a) and (b) below.)
 - xvii. To authorise the payment of monies up to £1000.
 - xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
 - xix. To extend the time limit for speeches.
 - xx. To exclude the press and public for all or part of a meeting.
 - xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
 - xxii. To give the consent of the Council if such consent is required by standing orders.
 - xxiii. To suspend any standing order except those which are mandatory by law.
 - xxiv. To adjourn the meeting.
 - xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
 - xxvi. To answer questions from councillors.
- b If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of this motion may be made to such committee or sub-committee or employee provided that the Chairman may also direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

5 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the

- agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
 - c Subject to standing order 3(b) (iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
 - d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
 - e A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
 - f Any amendment to a motion shall be either:
 - i. to leave out words;
 - ii. to add words;
 - iii. to leave out words and add other words.
 - g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
 - h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
 - i Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
 - j Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
 - k If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
 - l If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
 - m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
 - n Where a series of amendments to an original motion are carried, the mover of the

original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.

- o Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- q A point of order or the inadmissibility of a personal explanation shall be decided by the Chairman and his decision shall be final.
- r With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s Subject to standing order 6(o) above, when a councillor's motion is under debate no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be silent or for him to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting;
 - ix. to suspend any standing order, except those which are mandatory.
- t In respect of standing order 6(s) (iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

6 Code of Conduct

See also model standing orders 1(d)–(i) above

- a All councillors shall observe the code of conduct adopted by the Council.
- b All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

7 Questions

- a A councillor may seek an answer to a question concerning any business of the Council provided 7 clear days notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c Every question shall be put and answered without discussion. A person may decline to answer.

8 Minutes

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read. Any amendments to the minutes should be advised to the clerk prior to the meeting.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a) (iv) above.
- c Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chairman of this meeting does not believe that the minutes of the meeting of the

() held on [date] in respect of () were a correct record but his view was not upheld by the majority of the () and the minutes are confirmed as an accurate record of the proceedings.”

- e Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

9 Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

10 Rescission of previous resolutions

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 9 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

11 Voting on appointments

- a Where more than 2 persons have been nominated for a position or positions to be filled by the Council, the appointment(s) will be determined using a transferable vote system. This process shall continue until a majority of votes is given in favour of one person or the places are filled where multiple positions are available. Any tie may be settled by the Chairman's casting vote.

12 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b The Council's financial regulations shall be reviewed once a year.
- c The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.

13 Execution and sealing of legal deeds

See also standing order 5(a) (xvi) above

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b In accordance with a resolution made under standing order 14(a) above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two members of the Council who shall sign the deed as witnesses.

14 Committees

See also standing order 1 above

- a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees or working groups as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. may permit committees or working groups to determine the dates of their meetings;
 - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 5 days before the meeting that they are unable to attend;
 - v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and

- may only speak during any public participation session during the meeting;
- vi. may, in accordance with standing orders, dissolve a committee at any time.
- vii. A Member who has proposed a resolution, which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.
- viii. All councillors are required to sit on at least one of the standing committees.

15 Sub-committees and Working Groups

See also standing order 1 above

- a Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee. Members of the subcommittee will be drawn from the principal committee which sets it up.
- b The Council may create working groups whose name and number of members (and the outside bodies to be invited to nominate members where appropriate) shall be specified.
- c Working Groups will be tasked and structured with specific terms of reference, for an identified task. They will be dissolved on the achievement of the task or at any other time on a resolution of the Council.
- d The Council shall not appoint any Member to a Working Group so as to hold office later than the next Annual Meeting.
- e A Lead Councillor, if appointed, will be a member of the Working Group if the subject is closely aligned to the Lead Councillor role.

All working groups will be reviewed as part of the Annual General Meeting and a decision taken about whether they should continue.

16 Extraordinary meetings

See also standing order 1 above

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory**

public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

- c The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- d If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 3 councillors, those 3 councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 3 councillors.

17 Advisory committees (Forums)

See also standing order 1 above

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b Advisory committees may consist wholly of persons who are non-councillors.
See section 39 for Terms of Reference for the Advisory Committees of the Town Council.

18 Accounts and Financial Statement

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

19 Estimates/precepts

- a The Council shall approve written estimates for the coming financial year at its meeting before the end of January.

- b Any committee or Councillor desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than the December Full Council meeting.

20 Canvassing of and recommendations by councillors

- a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

21 Inspection of documents

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

22 Unauthorised activities

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect;
or
 - ii. issue orders, instructions or directions.

23 Confidential business

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

24 General Power of Competence

- a Before exercising the General Power of Competence, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b The Council's period of eligibility begins on the date that the resolution under standing order 25 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- c After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the General Power of Competence which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.

25 Matters affecting council employees

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council OR the Personnel committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of the Personnel committee] or, in his absence, the Vice-Chairman of the Personnel committee] of any absence occasioned by illness or urgency and that person shall report such absence to the Personnel committee at its next meeting.
- c The Chairman of the Personnel committee or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of the clerk and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Personnel committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman of the Personnel

committee or in his absence, the Vice-Chairman of Personnel committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel committee.

- e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by the clerk or another member of staff relates to the Chairman or Vice-Chairman of the Personnel committee, this shall be communicated to another member of the Personnel committee, which shall be reported back and progressed by resolution of the Personnel committee.
- f Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26(g) and (h) above if so justified.
- j Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26(g) and (h) above shall be provided only to the clerk and/or the Chairman of the Council or of the Personnel Committee.

26 Freedom of Information Act 2000

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Operations committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under standing order 3(b) (x) above.
- c

27 Relations with the press/media

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's Communications and Social Media Policy in respect of dealing with the press and/or other media.
- b In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

28 Liaison with District and County or Unitary Councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District and County Council.
- b Unless the Council otherwise orders, a copy of each letter sent to the District or County Council shall be sent to the District or County Council councillor representing its electoral ward.

29 Financial matters

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the accounting records and systems of internal control;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
 - v. procurement policies (subject to standing order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £60,000.
- b Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 30(c) below.
- c Any formal tender process shall comprise the following steps:
 - i. a public notice of intention to place a contract to be placed in a local newspaper;

- ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
 - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
 - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

30 Allegations of breaches of the code of conduct

- a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Personnel committee.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Personnel committee of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Personnel committee) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
 - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.

- ii. Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.
 - iii. Ensure that the public and press are excluded from meetings as appropriate.
 - iv. Ensure that the minutes of meetings preserve confidentiality.
 - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the Personnel committee or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f The Personnel committee shall have the power to:
- i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
 - ii. seek and share information relevant to the complaint;
 - iii. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- g References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

31 Variation, revocation and suspension of standing orders

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of at least 3 councillors.

32 Standing orders to be given to councillors

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office. All Councillors will be asked to sign a declaration that they have read the Standing Orders within a month of taking office.

- b The Chairman's decision as to the application of standing orders at meetings shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

34 Persistent Absence

- a If a Councillor fails, throughout six consecutive months, to attend any qualifying meetings of the Council, he/she ceases automatically to be a member of the Council unless he/she has been granted permission to be absent for a given period. The six-month period begins with the last meeting attended.
- b *Qualifying Meetings*
 - Formal and Informal Meetings of the Council
 - Council Committees and Sub-Committees.
- c If a Councillor knows in advance that he/she will be absent for a period likely to exceed 6 months (i.e. Pregnancy; Training), or is faced with an unexpected absence likely to exceed 6 months (i.e. long-term illness of Councillor or their partner), he must request leave of absence from the Council. All such requests must be submitted in writing to the Clerk. The Council will then consider the request for absence and the decision made will be minuted and forwarded to the Councillor concerned. The Council may, if it chooses, approve a reason for absence in advance.
- d If the Council fails to approve a leave of absence before the end of the six months, the Councillor concerned will be disqualified.
- e The Council will not issue reminders to any Councillor approaching disqualification for persistent absence who is not covered by an approved leave of absence.
- f *Disqualification*

When a Councillor is disqualified, he/she must cease all duties and responsibilities immediately.

The vacancy created must then be advertised and filled in accordance with the relevant legislation.

35 Procedure for the signing of Councillor Acceptance of Office

- a In the case of bi-elections or individual co-options, the individual form of Acceptance would be handed to the Chair of the Council at the first meeting of the new Councillor.

The Chair would then confirm and it is minuted that the Acceptance has been signed.

- b When a new Council has been elected following the four-year cycle election term:-
- At the first meeting of the new Council, each Councillor will be handed the Acceptance of Office, the Councillors will check that the Acceptance they have signed is correct and when this has been completed, the Clerk will collect the form from each Councillor, prior to any business being conducted.

36 Reports, County and District Council

These reports are not part of the Full Council Meetings and will be taken before the Meetings start. The District and County Councillors reports are given as follows:-

- provided in bullet point format on issues affecting Totnes directly.
- There should be specific focus on any changes to the District and County Council policies that would affect Totnes
- Reports are factual and do not give personal opinions or self-promotion of the Councillor.
- It does not include criticism of, or attach blame to, any individual officer actions.
- The written reports are received by the Clerk a week prior to the Council Meeting so that they can be included with the other papers of the agenda.
- A mechanism be allowed for any items that are particularly urgent that come in following that deadline for the Councillor concerned to contact the Town Clerk who will consider the request in consultation with the Mayor.

37 Committee Terms of reference

37.1 Terms of Reference for the Operations Committee

1. Authority

The Operations Committee is a Principal Committee of the Town Council and its membership is appointed by the Town Council annually. The Committee's remit is defined and agreed by the Full Council. These powers will be exercised in accordance with any policy adopted or directions given by the Town Council and subject to the Council's Standing Orders, Standing Orders on Contracts and Financial and Administrative Regulations and Personnel Policies. Meetings of the Operations committee will be held monthly.

2. Membership

The Committee will consist of no fewer than six elected Town Councillors and a maximum of eight, and its membership and the Chair will be elected by the Full Council annually. Both the Chair and Committee members will be re-elected each year in March/April. A Deputy Chair can be elected by the committee to fulfil the role of the Chair in his/her absence (if both are absent then any elected member can take the chair by agreement of the committee).

The *quorum* will be a minimum of four elected committee members.

3. Responsibilities

The Operations committee will act as the Scrutiny Committee of the Council, monitoring the operational, civic, administrative, and financial responsibilities as well as the assets of the Council. The day to day management of Council matters rests with the Town Clerk. However, responsibility specifically for staffing and any matters relating to staff will continue to reside in the separate Personnel Committee. The Operations committee will be responsible for initiating, developing and monitoring any policies required for the Town Council to carry out its functions. It will be responsible for all the administrative and financial issues concerning the operation and management of:

Guildhall, Guildhall Cottage & garages, 5 Ramparts Walk, offices and residential.

Civic Hall

Museum

East Gate Clock Room

Historic East Gate Arch (Clock room only),

Totnes Information Centre,

Cemetery - incorporating the chapel.

Castle Meadow

St Mary's Churchyard; surrounding the Church –responsibility for the maintenance and upkeep.

Historic Monuments:

The War Memorial, St Mary's Church

The Wills Memorial, The Plains

The Victoria Fountain, Dartmouth Inn Square, The Plains.

Miscellaneous:

Parcel of land, Coronation Road

The Leechwells, Leechwell Lane

The North Gate, Castle Street

Various bus shelters and public seats

Responsibility for maintenance of Eastgate, St Mary's & St John's clocks

4. Operating Principals

The Operations Committee will meet monthly to accept reports, raise issues and act as a conduit to the Full Council on all of its responsibilities. The meetings will, on alternative months, lead with financial one month and Operational/Administrative agenda items the next month. Each month's agenda can include other items but only after the relevant items for that month.

The committee will be able to recommend the creation of subcommittees [SO 16] which need to be constituted to aid the work of the committee. Membership of the subcommittee would come from the membership of the Operations committee. However, it is envisaged that most work will be done by the committee itself, as it is from the committee that recommendations to Full Council need to emerge.

The Committee may, of course, ask individual members to undertake any work which needs to be undertaken in relation to the workings of the committee e.g. developing a proposal, implementing tasks, working with the clerk etc

The Operations committee may also recommend establishing Working Groups [SO16] to undertake specific tasks within the responsibilities of the Committee (or across committee responsibilities) as defined within standing orders. Working groups are constituted with fixed terms of reference, and are time limited to the Council year they are constituted in. If they are to continue they will need to be reconstituted. Working groups may include Councillors not on the Operations Committee and members of the public, and their membership will be agreed at Full Council. They may be a task and finish group, or have a broader remit e.g. cemetery.

All committees, subcommittees and working groups are subject to the Town Council standing orders. The quorum for subcommittees and working groups would be 50% of the membership and in no case less than 3.

Prior to the commencement of the committee meeting members of the public will have the opportunity to speak to the committee, as defined within standing orders. With the agreement of the Committee, the chair may suspend standing orders, if appropriate; to enable any interested parties to speak on a particular issue during the meeting.

5. Delegated Powers

The Operations Committee may approve the income and expenditure of the Council on behalf of the Council, within the remit of existing agreed Town Council financial regulations. On all other aspects of its activity, the committee does not have delegated authority, and will be expected to make recommendations to Full Council for consideration.

6. Records of Proceedings

Written minutes will be taken to record the Committee's deliberations and decisions. They will be received at the next Full Council meeting, formally adopted and any matters arising would be brought up at the next Operations Committee meeting.

The minutes of any subcommittee will be included into the Operations Committee minutes to inform Council of the workings of that subcommittee. Working groups are not required to publish minutes, but are expected to prepare a report for consideration by the operations committee on completion of their work, and may choose to prepare interim reports if they wish.

7. Administrative Support

The Town Clerk will be or will nominate an officer to be responsible for the support and administrative duties of that committee.

37.2 Terms of Reference for the People Committee

1. Authority

The People Committee is a Principal Committee of the Town Council and its membership is appointed by the Town Council annually. The Committee's remit is defined and agreed by the Full Council. These powers will be exercised in accordance with any policy adopted or directions given by the Town Council and subject to the Council's Standing Orders, Standing Orders on Contracts and Financial and Administrative Regulations and Personnel Policies.

Meetings of the People committee will be held every 2 months and may be held more frequently if the need arises.

2. Membership

The Committee will consist of no fewer than six elected Town Councillors, and a maximum of eight and its membership and the Chair will be elected by the Full Council annually. Both the Chair and Committee members will be re-elected each year in March/April. A Deputy Chair can be elected by the committee to fulfil the role of the Chair in his/her absence (if both are absent then any elected member can take the chair by agreement of the committee).

The *quorum* will be a minimum of four elected committee members.

3. Remit

The People Committee will consider on behalf of the Town Council any matters, other than the physical nature of the town, concerning the quality of life of people who live, work in or visit the town. This will include

The welfare of the elderly and vulnerable.

Provision for children and young people, including youth services.

Provision of social, leisure, sporting and recreational facilities.

Provision of adult education, cultural and library services.

Employment Strategy

Tourism Development

Crime and anti-social behaviour.

Lead responsibility for the development of the Community Plan, with appropriate input to the Neighbourhood Plan.

n.b. Where these areas overlap with services provided by the Town Council e.g. the Museum, Totnes Information Centre or Civic Hall, the Operations committee will deal with the issue.

4. Operating Principles

The People Committee will meet every two months to consider any significant issues in relation to its remit. The People Committee will consider all matters referred to it by the Full Council. The People Committee may consider any matter referred to it by a member of the public. The People Committee will act as a statutory or non-statutory consultee in respect of any proposed service developments within its remit. The committee will work in partnership with relevant organisations in the town and where necessary will seek to provide leadership or coordination for the activities of individuals or organisations involved in quality of life issues. In issues in conjunction with outside groups and with a Council mandate it can act in an advocacy capacity to support specific issues.

The committee will be able to recommend the creation of Subcommittees [SO16] which need to be constituted to aid the work of the committee. Membership of the subcommittee would come from the membership of the People committee. However, it is envisaged that most work will be done by

the committee itself, as it is from the committee that recommendations to Full Council need to emerge.

The Committee may, of course, ask individual members to undertake any work which needs to be undertaken in relation to the workings of the committee e.g. developing a proposal, implementing tasks, working with the clerk etc.

The People Committee will also be able to recommend the creation of Working Groups [SO16] to undertake specific tasks within the responsibility of the committee (or across committee responsibilities) as defined within standing orders. Working groups are constituted with fixed terms of reference and are time limited to the Council year they are constituted in. If they are to continue they will need to be reconstituted. Working groups may include Councillors not on the People committee and members of the public, and their membership will be agreed at Full Council.

All committees, subcommittees and working groups are subject to the Town Council standing orders. The quorum for subcommittees and working groups would be 50% of the membership and in no case less than 3.

Prior to the commencement of the Committee meeting members of the public will have the opportunity to speak to the committee, as defined within standing Orders. With the agreement of the Committee, the chair may, during the committee meeting suspend standing orders if appropriate; to enable any interested parties to speak on a particular issue during the meeting.

5. Delegated Powers

The People Committee will not have delegated powers and will make recommendations to the Full Council for consideration.

6. Records of Proceedings

Written minutes will be taken to record the Committee's deliberations and decisions, will be received at the next Full Council meeting, formally adopted and any matters arising would be brought up at the next People Committee meeting.

The minutes of any subcommittee will be included into the People Committee minutes to inform Full Council of the workings of that subcommittee. Working groups are not required to publish minutes, but are expected to prepare a report for consideration by the operations committee on completion of their work, and may choose to prepare interim reports if they wish.

7. Administrative Support

The Town Clerk will be or will nominate an officer to be responsible for the support and administrative duties of that committee.

37.3 Terms of Reference for the Planning and Place Committee

1. Authority

The Place Committee is a Principal Committee of the Town Council its membership is appointed by the Town Council annually. The Committee's remit is defined and agreed by the Full Council. These powers will be exercised in accordance with any policy adopted or directions given by the Town Council and subject to the Council's Standing Orders, Standing Orders on Contracts and Financial and Administrative Regulations and Personnel Policies.

The Meetings will be held every 3 weeks to coincide with SHDC planning cycle.

2. Membership

The Committee will consist of no fewer than six elected Town Councillors and a maximum of eight, and its membership and the Chair will be elected by the Full Council annually. Both the Chair and Committee members will be re-elected each year in March/April. A Deputy Chair can be elected by the committee to fulfil the role of the Chair in his/her absence (if both are absent then any elected member can take the chair by agreement of the committee).

The *quorum* will be a minimum of four elected committee members.

3. Responsibilities

The Place committee will consider on behalf of the Town Council any matters concerning the physical nature of the town. This will include

- Planning applications, tree orders etc
- Any aspects of forward planning e.g. the DPD, and Neighbourhood Plans
- Traffic and Transport
- Public Realm and Open Space (where these areas concern assets and services specifically provided by the Town Council e.g. the cemetery or the Town Council controlled allotments, the Operations committee will deal with the issue).
- Housing

The Place committee will provide the first point of call for developers, in line with the protocols developed by the Town Council, regarding master planning, consultation or other aspects of pre-application activity, including making presentations to the Council. Councillors will consider whether these should be scheduled for Full Council meetings on a case by case basis in line with the protocols.

4. Operating Principals

The Place committee will meet every three weeks to make responses to all routine planning applications and related issues, as a statutory consultee of the Planning Authority. The current delegated powers to the Planning Committee, as set out in Standing Orders, would continue but be invested into the Place Committee.

Other issues within its remit will be dealt with on alternative meetings i.e. every six weeks, unless they are time critical, in which case they will be dealt with at the earliest possible Place committee meeting.

The committee will be able to recommend the creation of subcommittees [SO16] which need to be constituted to aid the work of the Committee. Membership of the sub-committee would come from the membership of the Place committee. However, it is envisaged that most work will be done by the Committee itself, as it is from the Committee that recommendations to Full Council need to emerge.

The Committee may, of course, ask individual members to undertake any work which needs to be undertaken in relation to the workings of the committee e.g. developing a proposal, implementing tasks, working with the clerk etc.

The Place committee may also recommend establishing Working Groups [SO16] to undertake specific tasks within the responsibilities of the committee (or across committee responsibilities) as defined within standing orders. Working groups are constituted with fixed terms of reference, and are time limited to the Council year they are constituted in. If they are to continue they will need to be reconstituted. Working groups may include Councillors not on the Place committee and members of the public, and their membership will be agreed at Full Council. They may be a task and finish group, or have a broader remit.

All committees, sub-committees and working groups are subject to the Town Council standing orders. The quorum for sub-committees and working groups would be 50% of the membership and in no case less than 3.

Prior to the commencement of the Committee meeting members of the public will have the opportunity to speak to the committee, as defined within standing Orders. With the agreement of the Committee, the chair may, during the committee meeting suspend standing orders if appropriate; to enable any interested parties to speak on a particular issue during the meeting.

5. Delegated Powers

1. The Place Committee has full delegated powers to make a Council decision regarding representations to South Hams District Council or other appropriate bodies on all planning applications in the town re Standing Orders, unless the committee decides, following Council guidelines, that the application should be passed to Full Council due to its size, controversial nature or potential effect on local people.

The Committee may also comment on behalf of the Town Council on licenses or street naming if requested to do so.

2. On all other aspects of its activity, the Committee does not have delegated authority, and will be expected to make recommendations to Full Council for consideration.

6. Records of Proceedings

Written minutes will be taken to record the Committee's deliberations and decisions, would be received at the next Full Council meeting, formally adopted and any matters arising would be brought up at the next Place Committee meeting.

The minutes of any sub-committee will be included into the Place Committee minutes to inform Council of the workings of that sub-committee. Working groups are not required to publish minutes, but are expected to prepare a report for consideration by the Place Committee on completion of their work, and may choose to prepare interim reports if they wish.

All Planning Application decisions made under delegated powers will be relayed to SHDC or other relevant authority by the Clerk or the nominated officer.

7. Admin Support

The Town Clerk will be, or will nominate an officer to be, responsible for the support and administrative duties of the Committee.

37.4 Terms of Reference for the Personnel Committee

1. Authority

The Personnel Committee is a Committee of the Town Council and its membership is appointed by the Town Council annually. The Committee's remit is defined and agreed by the Full Council. These powers will be exercised in accordance with any policy adopted or directions given by the Town Council and subject to the Council's Standing Orders, Standing Orders on Contracts and Financial and Administrative Regulations and Personnel Policies.

Meetings of the Personnel Committee will be held at least quarterly but more frequently if required.

2. Membership

The Committee will consist of the Mayor plus four elected Town Councillors and its membership will be elected by the Full Council annually. Committee members will be re-elected each year in April and will elect their chair at the first meeting of the Personnel Committee following the election. A Deputy Chair can be elected by the committee to fulfil the role of the Chair in his/her absence. The mayor is not allowed to stand as chair at any point.

The *quorum* will be a minimum of three committee members.

3. Responsibilities

The Personnel committee will be responsible for initiating, developing and monitoring any policies required for the Town Council to carry out its functions and obligations as an employer.

N.b. Due to the sensitivity of these issues, the Personnel committee must closely adhere to the Terms of Reference as set out in full in Standing Orders.

The committee will be responsible for all staff appointments; annual appraisal; training and development; the setting of staff salaries, hours of work and all matters relating to their individual contracts; sickness and staff welfare issues; and grievance and disciplinary matters.

The committee must ensure that matters relating to the personal matters of staff are not published and that all staff records are held securely.

4. Operating Principals

The Personnel Committee will meet at least quarterly but more frequently if required. Meetings are not open to the public or other councillors except by express invitation for individual agenda items if appropriate.

The Committee is expected to liaise closely with the clerk who has day to day responsibility for all the staff reporting to him/her. The clerk will have the management responsibility for the organisation of the staff in order to implement Council Policy and business

The annual performance appraisal of the clerk will be carried out by the chair of the Personnel committee. Prior to staff appraisals and salary reviews the Personnel Committee and clerk will liaise with the chairs of the other principal committees regarding the quality of service which they have received.

The Personnel committee may also recommend establishing Working Groups to undertake specific tasks within the responsibilities of the committee (or across committee responsibilities) as defined within standing orders. Working groups are constituted with fixed terms of reference, and are time limited to the Council year they are constituted in. If they are to continue they will need to be

reconstituted. Working groups may include Councillors not on the Personnel Committee and members of the public, and their membership will be agreed at Full Council. They may be a task and finish group, or have a broader remit.

All working groups are subject to the Town Council standing orders. The quorum for working groups would be 50% of the membership and in no case less than 3.

5. Delegated Powers

The Personnel Committee has delegated powers to act on behalf of the Council in all matters relating to staff appraisals, staff appointments, staff grievances, the setting of staff salary scales and staff training.

6. Records of Proceedings

The Personnel Committee minutes will be governed by their content and rules re part 2 minutes. The draft minutes [non part 2 minutes] will be taken to record the committee's deliberations and decisions, would be received at the next Full Council meeting, formally adopted and any matters arising would be brought up at the next Personnel Committee meeting.

Working groups are not required to publish minutes, but are expected to prepare a report for consideration by the Personnel committee on completion of their work, and may choose to prepare interim reports if they wish.

7. Administrative Support

The Town Clerk will be the officer to be responsible for the support and administrative duties of that committee.

38 Terms of Reference for Lead Councillors

1. Lead Councillors

The Town Council seeks to appoint Lead Councillors annually. It is open to any councillor to put themselves forward to be elected to a lead councillor role or to propose new areas of interest. The areas currently proposed are:

- Business and Employment
- Cultural Links
- Elderly and Vulnerable People
- Young People/Youth
- Heritage
- Open Space
- Traffic and Transport
- Environment and Sustainability
- Open Space, Sports Provision and Leisure

2. Aims

The Town Council created these roles in order to provide a nominated Councillor who can:

- a) develop particular knowledge about each key area;
- b) liaise with groups in the town with relevant interests to be aware of current issues and activity;
- c) take up particular cases for individuals with an issue in their remit;
- d) develop relationships with relevant service providers;
- e) take the lead when the Town Council is called upon to express a view or participate in consultation activity;

3. Operating Principles

- Lead councillors are expected to act proactively by initiating or participating in any activity which they believe contributes to this agenda, and developing links with relevant community groups and service providers.
- Any issue arising in the town relevant to the Council's activities will be referred in the first instance to the relevant lead councillor who will be expected to make recommendations to a committee or the Full Council on any action necessary by the Council.
- Lead Councillors should report back on current issues as appropriate, and brief their fellow councillors periodically on their area, via the relevant committee.
- They do not have any delegated powers.
- Each lead councillor will be expected to lead an annual review of their area of responsibility at the relevant committee. The content of reviews will be reported in this way to the Full Council and contribute to the development and ongoing implementation of the Community Plan. It will be at their discretion as to what format a review should take but may include
 - inviting service providers e.g. representatives of DCC, SHDC, etc to make an input
 - inviting local groups e.g. Totnes Caring, users groups etc, to talk about their current concerns
 - a review of the community plan priorities
 - an open discussion
- Lead Councillors are not linked to any particular committee (e.g. the Lead Councillor does not have to sit on the committee at which its topic area would in general be discussed) but they should be invited to attend on relevant agenda items, and liaise with the clerk to bring forward agenda items for discussion as appropriate.
- The Council may choose to appoint two (but not more than two) Lead Councillors where more than one person stands for the position.

- In recognition of the involvement such a role requires, it may be the case that not all Lead Councillor positions will be filled.

39 Terms of Reference for Advisory Bodies (Forums)

There are currently three recognised forums operating as advisory bodies to the Town Council. These are:

- The Traffic and Transport Forum
- The Housing and Built Environment Forum
- The Public Space Forum

Each forum has developed its own terms of reference which indicate why it exists and how it wishes to operate. These Terms of Reference do not wish to cut across those stated aims, and are written solely to clarify the nature of the relationship with the Town Council, to whom each acts as an advisory body.

1. The Town Council will nominate at least one councillor to act as a link point with each forum, and wishes to operate in full partnership with each group.

2. The Council will seek the views of its advisory bodies on all matter of relevance to them.

3. Where an issue needs further consideration, the Town Council could request consideration of the issue by the forum. Or the Council could set up a working group, asking the forum if they would nominate members to join with the Council on the working group to consider the relevant issues.

4. However, it must be noted that ultimately responsibility lies with councillors, and they may not always choose to take the advice of the forum. This will be particularly true where the Council's resources are involved, where councillors may have to take regard of the resources available to deliver a recommendation.

5. The Town Council has neither wish nor power to influence the independent activities of the forum, as determined by its members. It recognises that it is the right of the forum members to choose who will represent it when working with the Town Council.

6. The Town Council values the expertise and commitment shown by forum members. It will encourage people from across the town to join the Forum, as the recognised place for members of the community to air their detailed concerns and become involved on matters of relevance to the forum. In return it expects the Forums to

- regularly promote their meetings and seek to encourage individuals and community groups to join them, in order to make them as representative as possible
- achieve transparency and openness by holding open meetings, publicising the agenda and reporting on their activity
- recognise the right of any individual or organisation to operate unilaterally, and to respect disagreement, recognising that a community perspective can never be fully representative.

7. The Town Council is willing to provide meeting spaces on Council premises for the regular forum meetings.

8. The Council is always willing to consider appointing new advisory bodies if they can show themselves to:

- be able to provide a coordinating capability;
- involve several local community groups; and

- be willing to operate in an open and inclusive way.

40 Terms of Reference for the Mayor and Deputy Mayor

The Mayor should provide a visible and strong presence in the town and, in doing so, be a figurehead for the Town and the Council. S/he should act within their role as a conduit, to ensure that the Town Council engages with the community as agreed by the Council and set out within Town Council policies and procedures. S/he acts as an independent advocate for both Totnes and the Council on all occasions both within and outside of the Town.

The Mayor's role in all Civic events is to act as the senior public face of the Town/Council, representing its continuity and heritage and using the dress and regalia of the Town Mayor when appropriate. S/he is expected to attend at and respond to invitations to preside at events.

In undertaking the role of community leader the Mayor should help to develop partnerships with all sectors of the community for the benefit of Totnes. In achieving this s/he will reflect the agreed policies and recommendations of the Council in an independent manner, so s/he will further the interests of Totnes through the agreed Council priorities during her/his term of office.

As Chair of the Council the Mayor fulfils both the statutory responsibilities of the Chair of the Council and the specific responsibilities of the role as directed by the Council within its Standing Orders. Their principal role is to preside at meetings of the Town Council:

- a) To determine that the meeting is properly constituted and that a quorum is present;
- b) To inform him/her self as to the business and objects of the meeting;
- c) To preserve order in the conduct of those present;
- d) To confine discussion within the scope of the meeting and reasonable limits to time;
- e) To decide whether proposed motions and amendments are in order;
- f) To formulate for discussion and decision questions which have been moved for the consideration of the meeting;
- g) To decide points of order and other incidental questions which require decision at the time;
- h) To ascertain the sense of the meeting by:
 - putting relevant questions to the meeting and taking the vote thereon (and if so minded giving a casting vote);
 - declaring the result; and
 - causing a ballot to be taken if duly demanded;
- i) To approve the draft of the minutes or other record of proceedings (with the consent of the meeting);
- k) To adjourn the meeting when circumstances justify or require that course; and
- l) To declare the meeting closed when its business has been completed

Additionally, together with the Committee Chairs, all Councillors and the Town Clerk, the Mayor through the Council committee meetings who report to Full Council, will oversee the effective management of all the resources of the Town Council, to deliver services to achieve the greatest benefit for the residents and businesses in order to improve the quality of life of local people. Inherent in this will be support for the health and wellbeing, infrastructure, heritage and economy of

the town. An annual report on the work and achievements of the Town Council should be presented at the Annual Town Meeting, prior to the end of their term of office.

In undertaking the role of the Mayor h/she will receive support in his/her Civic role and in communications by the Mayor's PA. In his/her statutory and non-civic role, the Mayor will be supported by the Clerk.

41 Town Council Planning Cycle

Development of a Town Council Planning Framework

Aims:

- a) to develop a process by which all Councillors can contribute to the formulation of Council priorities each year and ensure progress towards longer term agreed goals.
- b) to produce a brief statement (Business Plan) of our aims each year which can guide workload, the clerk etc, as well as increasingly link into the Community Plan and its implementation
- c) to secure agreement when a new Council is elected on the high level goals of the new Council team.
- d) to identify and allocate funding of agreed priorities of the Town Council

Proposal:

In election years:

- During March/April, each committee will review its own performance over the past year, and what they see as priorities for the coming year.
- In May, the election takes place, and post holders and committee members are elected at a Council meeting prior to the AGM.
- In June, the new council should hold an away day for the new team, comprising both an induction for new members and the opportunity to discuss high level priorities, referred to as the Town Council Goals, for the next four years, using the input from the committees and Community Plan as a starting point.
- In July, the Full Council confirms its priorities both for its four year term and for its inaugural year, and sets up any working parties needed to achieve its aims.

In normal years

- The Mayor and committee chairs will be provisionally elected in March and confirmed in May at the AGM.
- During March/April, each committee will review its own performance over the past year, and what they see as priorities for the coming year. The current chair would lead this discussion in conjunction with the incoming chair.
- In May, the new chairs and Mayor will prepare a paper in whatever way they see fit to determine the Town Council's annual Business Plan. Elections will take place for the committees for the coming year.
- In June, the Town Council will discuss and agree the plan for the forthcoming year, and propose new working groups. Any existing working groups the Council wishes to continue into the new year should also be reconstituted.

Appendix A: Glossary of Terms

Full Council	The formal monthly public meeting of all Councillors at which most decisions are taken.
Principal committees <i>People</i>	Any committee other than Full Council which meets regularly in public. Currently proposed as <i>Operations, Planning and Place, and People Committees</i> . Maximum of 8 and no fewer than six members. Quorum 4. Agendas publicised in advance and minutes taken. The Personnel Committee is also a principal Committee of Council with delegated Powers, with 4 members including the Mayor.
Sub-committees	A formal standing committee which meets regularly in public formed from the members of a principal committee. Agendas publicised in advance and minutes taken. No delegated powers. Quorum 50% of membership, but not less than 3. <i>While retained as an option it is anticipated that it is unlikely that such committees will be set up.</i>
Working Group	Informal groups set up to undertake a specific task with fixed terms of reference. May include Councillors and non Councillors, and be proposed by a committee or Full Council. Confirmed and elected through Full Council. Not required to publicise minutes (until it makes recommendations to the relevant principal committee) but may choose to do so. No delegated powers. Quorum 50% of membership, but not less than 3. May be a task and finish group, or have a broader remit e.g. cemetery. Reconstituted annually at the Annual Meeting.
Annual Meeting (Mayor Choosing)	The Town Council's AGM in May, which undertakes a number of legally required functions (see Standing Order 2(j))
Mayor 'n' Chairs Group	The chairs of the three principal committees plus the Mayor, who meet monthly to help the clerk manage agendas etc.
Proper Officer	Legal name for the person with particular legal and financial responsibilities to act for the Town Council, in our case the Town Clerk.
Advisory Groups	External community groups who are approved by the Full Council and may be asked to undertake specific pieces of work on behalf of, or make recommendations to the Council. Currently Traffic and Transport Forum.
Lead Councillors	Councillors appointed annually by Full Council to take a lead on key policy areas.
Lead Councillor Review	An annual review of key policy areas led by the relevant Lead Councillor.

Community Plan	Wide overview of the aspirations and needs of the town of Totnes to influence wider plans, service providers key agencies etc.
Neighbourhood Plan	Narrower statement of issues relating to Planning.
Town Council Goals	Statement of long term aspirations and priorities drawn up by Councillors following an election for their four year term. Should reflect the Community Plan once created.
Town Council Business Plan	Statement of priorities drawn up by Councillors at the start of each Mayoral year to inform their own workload.