

STANDING ORDERS

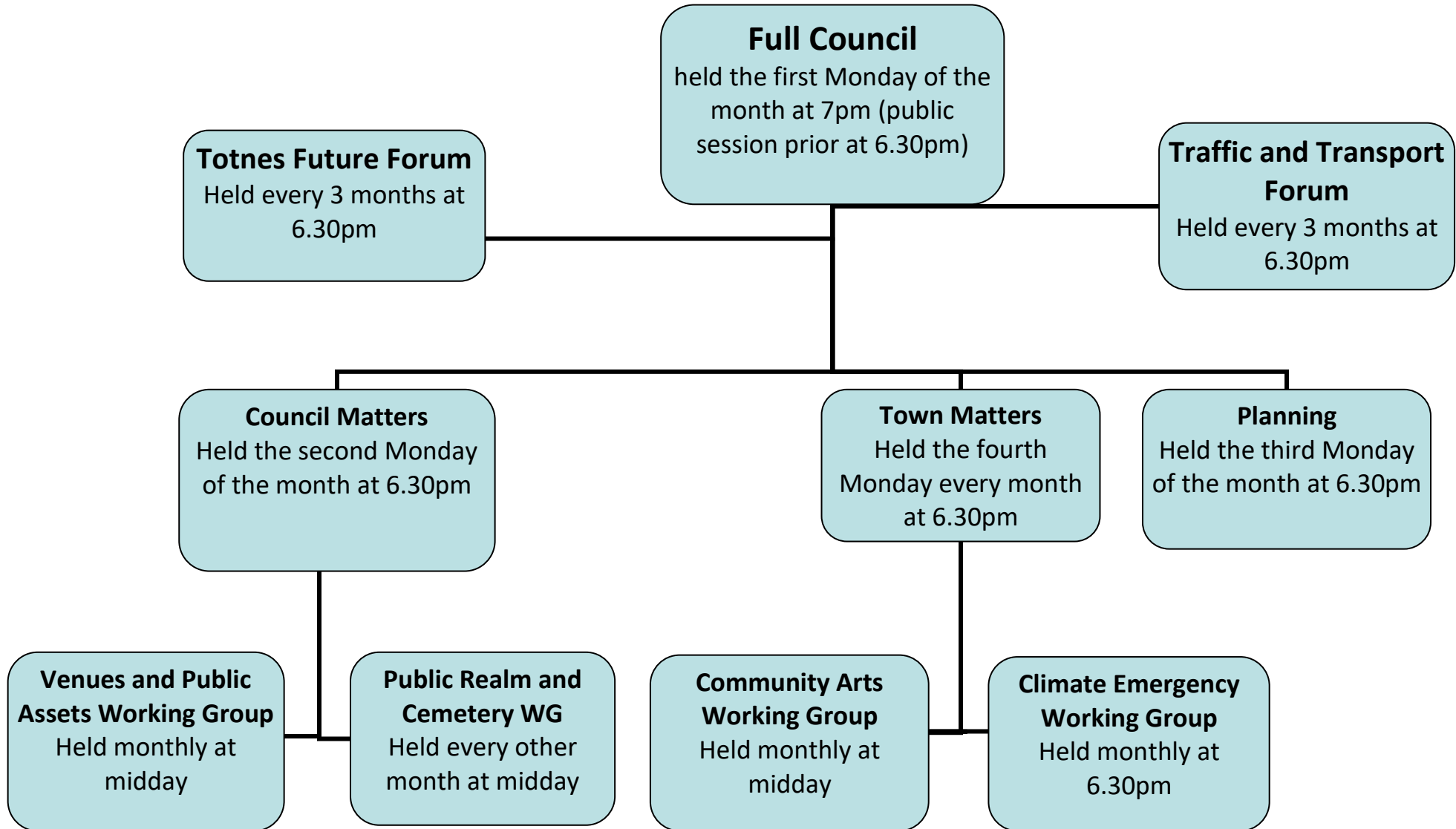
TOTNES TOWN COUNCIL

Last reviewed January 2021

AMENDMENTS

- Reviewed Forum meetings – when they are held
- Terms of Reference for the Future Totnes Forum
- Terms of Reference for the Traffic and Transport Forum
- Reduced minimum number of Councillors on meetings.
- Clarification on motions at meetings.

STRUCTURE



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Text in bold is required by statute

1. 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) The minimum three clear days for notice of a meeting does not include 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.**
- c) Councillors are expected to attend meetings.**
- d) 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.**
- e) Members of the public may make representations, raise questions, give evidence during a 30 minute open and informal session prior to Full Council.**
- f) Any items raised by members of the public that require a decision will be referred by the Chair to the relevant committee for consideration by the usual committee process. Questions requiring a factual answer may be answered by the Chair or be referred by the Chair to the Clerk or a relevant Councillor.**
- g) Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted for non-confidential items.**
- h) The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- i) Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by the Chair of the Council may in their absence be done by the Deputy Chair.**
- j) The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Deputy Chair, if present, shall preside. If both the Chair and the Deputy Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- k) All questions at a meeting shall be decided by a majority of the Councillors present and by voting thereon.**
- n) The Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.**
- l) Unless Standing Orders provide otherwise, voting on a 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 their vote for or against that question.**
- m) The minutes of a meeting shall record the names of the Councillors present.**
- n) The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.**
- o) 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 the meeting shall be recorded in the minutes.**
- p) A Councillor with voting rights who has a disclosable pecuniary interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.**
- q) No business may be transacted at a 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 three.

r) If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned.

s) Full Council meetings will not exceed 120 minutes in length unless there are exceptional circumstances, at which time Members vote by majority to extend the length of the meeting. Committee, Working Group and Forum meetings should not exceed 90 minutes in length unless there are exceptional circumstances, at which time Members vote by majority to extend the length of the meeting.

2. Ordinary Council meetings

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 7.00pm.

d) In addition to the annual Town Council meeting of the Council, at least three other ordinary meetings shall be held on such dates and times as the Council directs.

e) The election of the Chair and appointment of the Deputy Chair of the Council shall be the first business completed at the annual meeting of the Council. The Mayor appoints a Deputy without the need for an election.

f) The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.

g) The Deputy Chair of the Council, if any, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.

h) In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair 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 Chair of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a successor Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.

j) Following the election of the Chair of the Council and Deputy Chair of the Council at the annual meeting of the Council, the order of business will include:

i. In an election year, delivery by Councillors of their declarations of acceptance of office forms and to grant permission for absent Councillors to sign their declarations in the presence of the Clerk outside of the Annual Meeting.

ii. In a non-election year, delivery by the Chair of their acceptance of office form.

i. Review delegation arrangements to committees and sub-committees and make appointments where appropriate;

v. Review terms of reference for committees;

vi. Appointment of members to existing committees;

vii. Approve the Council's Standing Orders;

viii. Set the dates, times and place of ordinary meetings of the Council and any committees and sub-committees agreed for the year ahead.

3. Extraordinary meetings of the Council

- a) **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b) **If the Chair of the Council does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.**

4. Committees, sub-committees and working groups

- a) The Council may appoint standing committees and sub-committees at any meeting.
- b) Terms of reference, membership and Chair of any committee or sub-committee shall be approved by Council and form part of the Standing Orders
- c) The Council will determine whether the public may participate at a meeting of the committee or sub-committee.
- d) The Council may dissolve a committee, sub-committee or Working Group at any meeting.
- e) The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council.
- f) Subject to Standing Order 4 (e) above, **the Council and Standing Committees may appoint working groups without delegated powers comprising between a minimum of three Councillors and a maximum of nine Councillors with powers to co-opt non-Councillors on a nonvoting basis. The quorum of any working party must be at least three Councillors.**
- g) **Working groups do not have any delegated authority in terms of decision making or expenditure but instead are a way of discussing issues and projects informally and including members of the community.**
- h) **All non-Councillor members of a Working Group are allowed on a non-voting basis only and must agree to abide by the Town Council Code of Conduct.**
- i) **A Working Group must appoint a Chair and produce brief action notes to be fed back to the appropriate Council committee for further discussion and decision making.**

5. Motions

- a) No motion may be moved at a meeting unless it falls under an item on the agenda. Best practice states that the mover has given written notice of its wording to the Proper Officer at least three clear working days before the meeting. Clear days do not include the day of the notice or the day of the meeting. Verbal motions will be allowed in exceptional circumstances at the discretion of the Chair.
- b) If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chair of the forthcoming meeting, or the Councillors that have convened the meeting, to consider whether the motion shall be included or rejected.
- c) Subject to Standing Order above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- f) The following motions may be moved at a meeting without written notice to the Proper Officer;
 - 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 dispose of any business remaining from the last meeting;

- v. to alter the order of business on the agenda;
- vi. to proceed to the next business on the agenda;
- vii. to close or adjourn debate;
- viii. to move to a vote;
- ix. to defer consideration of a motion;
- x. to require a written report;
- xi. to extend the time limits for speaking;
- xii. to exclude the press and public for all or part of a meeting;
- xiii. to silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend any Standing Order except those which are mandatory by law;**
- xvi. to appoint representatives to outside bodies and to make arrangements for those representatives to report back;
- xvii. to adjourn the meeting;
- xviii. to close a meeting.

6. Rules of debate at meetings

- a) A motion shall not be considered unless it has been proposed and seconded.
- b) Motions must be clear and concise.
- c) The Chair shall decide the order in which amendments are considered and dealt with.
- d) Only one amendment shall be moved at a time.
- e) The mover of a motion or the mover of an amendment shall have the right of reply.
- f) During the debate of a motion, a Councillor may interrupt only on a point of order or if the Chair asks for an explanation. The Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the Standing Order which they consider has been breached or identify any irregularity.
- g) A point of order shall be decided by the Chair and their decision shall be final.
- h) The Chair shall be satisfied that a motion has been sufficiently debated before it is put to a vote.
- i) When a 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 them to leave the meeting;
 - vi. To exclude the public and press;
 - vii. To adjourn the meeting;
 - viii. To suspend any Standing Order, except those which are mandatory.
- j) If the Chair stands up during a meeting all discussion and debate shall cease.

7. Code of Conduct

a) All Councillors and non-Councillors with voting rights shall observe the code of conduct adopted by the Council on November 6th 2017. All Councillors and Working Group members will adhere to the 7 Nolan Principles as outlined under section 29.

EXPLANATION OF PECUNIARY INTEREST TAKEN FROM CODE OF CONDUCT

Disclosable Pecuniary Interests

7. *The interests you must register are:*

7.1 *Those disclosable pecuniary interests defined by the Regulations, namely:*

(a) Employment - any employment, office, trade, profession or vocation carried on for profit or gain by you or a relevant person;

(b) Sponsorship - any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your expenses, including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;

(c) Contracts - any contract which is made between you or, so far as you are aware, a relevant person (as defined at Paragraph 2 above) (or a body in which the relevant person has a beneficial interest) and the Council:

(1) under which goods or services are to be provided or works are to be executed; and
(2) which has not been fully discharged

(d) Land - any beneficial interest in land held by you, or so far as you are aware, a relevant person, which is within the area of the Council;

(e) Licence - any licence (alone or jointly with others) to occupy land held by you, or so far as you are aware, a relevant person in the area of the Council which will last for a month or longer

(f) Corporate Tenancies -any tenancy where (to your knowledge):

(1) the landlord is the Council; and

(2) the tenant is a body in which you or, so far as you are aware, a relevant person has a beneficial interest.

(g) Securities - any beneficial interest that you or, so far as you are aware, a relevant person has in securities of a body where:

(1) that body (to your knowledge) has a place of business or land in the area of the Council and

(2) either:

(a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

b) Unless they have been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.

c) Unless they have been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting

when it is considering a matter in which they have another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.

d) **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

e) A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.

f) A dispensation request shall confirm:

- i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
- ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
- iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- iv. an explanation as to why the dispensation is sought.

h) A dispensation may be granted in accordance with Standing Order 7(e) above if having regard to all relevant circumstances the following applies:

- i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business; or**
- ii. granting the dispensation is in the interests of persons living in the Council's area; or**
- iii. it is otherwise appropriate to grant a dispensation.**

8. 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 Chair, there has been a breach of Standing Order 8 (a) above, the Chair shall express that opinion and thereafter any Councillor (including the Chair) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forth with and without discussion.

c) If a resolution made in accordance with Standing Order 8(b) is disobeyed, the Chair may take such further steps as may reasonably be necessary to enforce it and/or they may adjourn the meeting.

9. Minutes

a) Minutes, including any amendment to correct their accuracy shall be confirmed by resolution at the subsequent Council meeting.

b) A motion to correct an inaccuracy can be moved and agreed amendments shall be made to the final minutes.

10. Voting on appointments

a) Where two or more persons have been nominated for a position by the Council and none of those persons has an absolute majority of votes in their favour, the person having the least number of votes shall be struck off the list and a fresh vote taken.

b) This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chair's casting vote.

11. Previous resolutions

a) A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 Councillors to be given to the Proper Officer.

b) When a motion moved pursuant to Standing Order 11(a) above has been disposed of, no similar motion may be moved within a further six months.

12. Handling confidential or sensitive information

a) Councillors and staff should not disclose confidential information.

13. Proper Officer

a) The Council shall appoint a Proper Officer who shall be the Town Clerk. **The management team will undertake the work of the Proper Officer when the Proper Officer is absent.**

b) The Proper Officer shall:

- i. give public notice of the time, date, venue and agenda at least three working clear days before a meeting of the Council or a meeting of a committee or subcommittee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);**
- ii. send to Councillors the date, time, venue and agenda of the meetings of the Council at least three clear days before the meeting by email;
- iii. convene a meeting of Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;**
- iv. attend Council meetings OR delegate to the **a member of the management team;**
- v. make the minutes of meetings available for inspection by the public;
- vi. receive and retain copies of byelaws made by other local authorities;**
- vii. receive and retain declarations of acceptance of office forms from Councillors;**
- viii. process all requests made under the Freedom of Information Act 2000 and General Data Protection Regulation;
- ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- x. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
- xi. arrange for legal deeds to be executed;
- xii. arrange authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
- xiv. have overall managerial responsibility for the organisation, including staff;
- xv. implement the decisions of the Council via delegated authority;
- xvi. provide objective, professional advice on all matters.

14. Financial Matters

The Council shall appoint the Proper Officer to be the Responsible Financial Officer. The **Finance, HR and Lettings Manager** shall undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

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 keeping of accounting records and systems of internal controls;
- ii. the assessment and management of financial risks faced by the Council;
- iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually; and
- iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments.

b) Financial regulations shall be reviewed regularly and at least every 2 years for fitness of purpose (Appendix B).

15. Financial controls and procurement

- a) a) Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised in standing order 15(b) below.
- b) Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised on the Town Council website and Facebook page and must consider whether the Public Contracts Regulations A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 15(c) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).
- c) A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.
- d) A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.
- e) The Council or committees are not bound to accept the lowest value tender.

16. Accounts and accounting statements

- a) "Proper practices" in Standing Orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).
- b) All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c) As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
- i. The Council Matters Committee with a budget spreadsheet summarising the Council's receipts and payments for the last year to date for information; and
 - ii. to the Full Council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e) The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March.
- f) The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be

presented to Council for consideration and formal approval before 30 June.

17. Annual budget and precept

- a) At least one community participatory budget event will take place prior to the annual budget setting by the Council.
- b) **The Council shall approve a budget for the coming financial year before the end of January** and instruct the Responsible Financial Officer to submit the precept demand to the District Council.

18. Execution and sealing of legal deeds

- a) A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b) Subject to standing order 18(a) above, any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

19. Allegations of Breaches of the Code of Conduct

- a) On receipt of an alleged breach of the code of conduct by a Councillor, the Proper Officer shall report this to the Council.
- b) Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council and they shall nominate another staff member to assume the duties of the Proper Officer set out in the remainder of this Standing Order.
- c) The Council may:
 - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint as required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
- d) Upon notification by the District Council that a Councillor has breached the Council's code of conduct, the Council shall consider what, if any, action to take. Such action excludes disqualification or suspension from office.

20. Handling staff matters

- a) A matter personal to a member of staff that is being considered by a meeting of Council OR the Council Matters Committee is subject to Standing Order 12 above.
- b) In relation to matters of staff absence and sickness all staff will confirm to the Absence Management Policy adopted in April 2019. In the case of the Town Clerk (Proper Officer) being absent the Chair of the Council Matters Committee and a Councillor of the Proper Officers preference will undertake the management role and report back to the Council Matters Personnel Sub Committee.
- c) The Chair of the Council Matters Committee and a Councillor of the Proper Officers preference shall conduct a review of the performance and annual appraisal of the work of the Proper Officer.
- d) Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee shall contact the Chair of the Council or in their absence, the Deputy Chair of the Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by the Council Matters Committee.
- e) Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Proper Officer relates to the Chair or Deputy Chair of the Town Council, this shall be communicated to another member of the Council Matters Committee which shall be reported back and progressed by resolution of the Council Matters committee OR the Town Council.
- f) Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g) The Council shall keep all written records relating to employees secure.

h) Only persons with line management responsibilities shall have access to staff records referred to in Standing Orders 19(f) and (g) above if so justified.

i) Access and means of access to records of employment referred to in Standing Orders 20(f) and (g) above shall be provided only to the Clerk (Finance, HR and Lettings Manager in their absence).

21. Requests for information

a) Councillors and staff must comply with the new General Data Protection Regulations (GDPR) effective from 25th May 2018. The Governance and Projects Manager is the appointed Data Protection Officer for the Town Council.

b) Requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000, the Data Protection Act 1998 to be superseded by the GDPR.

c) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chair of the Council. The Town Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000. An admin fee may be applicable for these requests depending on the complexity, at the discretion of the Town Clerk.

22. Restrictions on Councillor activities

a) Unless authorised by a resolution, no Councillor shall:

- 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. Standing Orders generally

a) All or part of a Standing Order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

b) A motion to add to or vary or revoke one or more of the Council's Standing Orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 3 Councillors to be given to the Proper Officer in accordance with Standing Order 9 above or by recommendation of the Town Clerk in relation to national best practice, to be considered by Full Council.

c) The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor as soon as possible after they have delivered their acceptance of office form.

d) The decision of the Chair of a meeting as to the application of Standing Orders at the meeting shall be final.

24. Committee Terms of Reference

24.1 Council Matters Committee

1. Authority

The Council Matters 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 Council Matters Committee will be held monthly.

A Personnel Sub-Committee will be formed, consisting of the Chair and 3/4 other elected members of the standing committee and will meet only when needed. For example; staffing appeals committee. The quorum of this committee will be a third of the agreed membership.

2. Membership

The Committee will consist of no fewer than 6 elected Town Councillors and a maximum of 8, 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 their 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 a third of the elected committee membership.

3. Responsibilities

The Council Matters Committee will act as the Scrutiny Committee of the Council, monitoring the operational, civic, administrative, staffing and financial responsibilities as well as the assets of the Council. The day to day management of Council matters rests with the Town Clerk. The Council Matters Committee will be responsible for initiating, developing and monitoring any policies required for the Town Council to carry out its functions.

The Committee will be responsible (and have delegated authority) 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.

The Committee will consider action and expenditure from the notes of the Venues and Public Assets AND Public Realm and Cemetery Working Groups.

4. Operating Principles

The Council Matters Committee will meet monthly to accept reports, raise issues and act as a conduit to the Full Council on all of its responsibilities.

The Committee will be able to recommend the creation of subcommittees which need to be constituted to aid the work of the Committee. Membership of the subcommittee would come from the membership of the Council Matters 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 Council Matters 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 Council Matters 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 a third of the agreed membership.

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 Council Matters 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.

The Council Matters 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

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 Council Matters Committee meeting.

The minutes of any subcommittee will be included into the Council Matters 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 Council Matters Committee on completion of their work, and may choose to prepare interim reports if they wish.

Minutes of committees and Full Council will be agreed and signed at the following Full Council meeting.

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.

24.2 Town Matters Committee

1. Authority

The Town Matters 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 Town Matters Committee will be held every month (where possible) on a set date.

2. Membership

The Committee will consist of no fewer than 6 elected Town Councillors, and a maximum of 10 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 their 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 a third of the elected committee membership.

3. Remit

The Town Matters Committee will consider on behalf of the Town Council any matters, excluding the physical nature of the town, and anything 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.
- Enrichment for children and young people
- 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.
- Climate Emergency.
- Community Arts.

n.b. Where these areas overlap with services provided by the Town Council e.g. Totnes Information Point or the Civic Hall, the Council Matters Committee will deal with the issue.

4. Operating Principles

The Town Matters Committee will meet every two months to consider any significant issues in relation to its remit. The Town Matters Committee may consider any matter referred to it by a member of the public. 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 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 Town Matters Committee will also be able to recommend the creation of Working Groups 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 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 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, will be received at the next Full Council meeting, formally adopted and any matters arising would be brought up at the next Town Matters Committee meeting.

The minutes of any subcommittee will be included into the Town Matters 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 Town Matters Committee on completion of their work, and may choose to prepare interim reports if they wish.

7. Administrative Support

The **Governance and Projects Manager** be responsible for the support and administrative duties of that Committee.

24.3 Planning Committee

1. Authority

The Planning 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 Planning Committee will be held every month to allow any urgent planning applications to be considered by Full Council.

2. Membership

The Committee will consist of no fewer than **6 elected Town Councillors, and a maximum of 10 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 their 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 a third of the elected committee membership.

3. Remit

The Planning Committee will consider on behalf of the Town Council any matters, including the physical nature of the town, and anything concerning the quality of life of people who live, work in or visit the town. This will include:

- Lead responsibility for the development of the Neighbourhood Plan, with appropriate input to the NP Working Group (please note any financial matters in relation to the Neighbourhood Plan needs to be considered by the Council Matters Committee).
- Planning applications, tree orders etc
- Traffic and Transport.
- Housing.

n.b. Where these areas overlap with services provided by the Town Council e.g. Totnes Information Point or the Civic Hall, the Council Matters Committee will deal with the issue.

4. Operating Principles

The Planning Committee will meet every month to consider any significant issues in relation to its remit e.g. planning. The Planning Committee will consider all but only matters referred to it by the Full Council by letter evidence. The Planning Committee may consider any matter referred to it by a member of the public. 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 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 Planning Committee will also be able to recommend the creation of Working Groups 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 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 one third of the agreed 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 Planning 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.

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, will be received at the next Full Council meeting, formally adopted and any matters arising would be brought up at the next Planning Committee meeting.

The minutes of any subcommittee will be included into the Planning 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 Town Matters Committee on completion of their work, and may choose to prepare interim reports if they wish.

7. Administrative Support

The **Governance and Projects Manager** be responsible for the support and administrative duties of that Committee.

25. Terms of Reference for Link Councillors

1. Link Councillors

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

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

Links on outside bodies

- Daisy and Rainbow Childcare
- Totnes Traffic & Transport Forum
- KEVICC Foundation Governors
- Totnes Chamber of Commerce
- Network of Wellbeing
- Police and Crime Commissioner Advocate
- Totnes Hospital League of Friends
- TADPOOL
- Totnes Allotments Association

- Vire Twinning Association
- Totnes Municipal Charities and Totnes Bounds Charity
- Parish Paths Partnership
- River Dart Non-Beneficiaries Group
- DALC County Committee
- DALC Larger Councils Committee
- Caring Town
- Bridgetown Alive
- Totnes Carnival
- Totnes Fairtrade
- Totnes Community Development Society

2. Aims

The Town Council created these roles in order to provide nominated Councillors 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 information and views from the Town Council back to the groups;
- f) take matters for consideration back to Full Council via a motion or report.

26. Terms of Reference for Advisory Bodies (Forums)

Advisory:

There is currently one group operating as advisory bodies to the Town Council. This is:

- The Traffic and Transport Forum
- Totnes Future 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 only.

1. The Town Council will nominate at least one Councillor to act as a link point with each forum.
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. It must be noted that ultimately responsibility lies with Councillors, and they may not always choose to take the advice of the forum.
5. The Town Council values the 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. A Forum may establish a smaller Steering Group drawn from the community which meets on a monthly basis to progress work, with the wider public Forum meetings held on a quarterly basis. 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, respecting everyone's opinions.

27 Terms of Reference for the Mayor and Deputy Mayor

The Mayor should provide a visible and strong presence in the town representing the Town and the Council. The Mayor should act within their role as a way for the Town Council to engage with the community as agreed by the Council and set out within Town Council policies and procedures. They act 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. They are expected to attend 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 they will reflect policies and recommendations of the Council in an independent manner, to further the interests of Totnes.

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 themselves 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
 - 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, including support for health and wellbeing, infrastructure, heritage and the economy of the town.

In undertaking the role of the Mayor they will receive support in their Civic role and in communications by the Administrator. In their statutory and non-civic role, the Mayor will be supported by the Clerk.

The policy in relation to Mayoral expenditure is attached as Appendix D.

28 Operational Support Group

The **Operational Support Group** (previously Mayors and Chairs) will consist of the Clerk, Chair of the Council, Deputy Chair of the Council, Chairs **and Deputy Chairs** of Town Matters, Council Matters and Planning.

The group will meet monthly. These meetings are not open to the public.

The quorum for this group will be half of the agreed membership and in no case less than 3.

This is an informal meeting to discuss current and upcoming issues within and impacting the Town Council and to review agenda items for consideration. This group is advisory only and does not have delegated authority to make decisions.

29 Nolan Principles

All Councillors will adhere to the 7 principles of public life:

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.