



AGENDA FOR THE MEETING OF TOTNES TOWN COUNCIL

MONDAY 5TH SEPTEMBER 2022 IN THE GUILDHALL

Please note that public question time will be held prior to Full Council from 6.30pm.

There are stairs to the Council Chamber but if any member of the public has mobility issues the Council can relocate to the lower Guildhall.

You are hereby **SUMMONED** to attend the Annual General Meeting of the Council, on **Monday 5th September 2022** at **7.00pm** for a maximum of 120 minutes the purpose of transacting the following business:

1. WELCOME TO ALL ATTENDING AND OBSERVING

The Chair will read out the following statement:

Welcome to everyone attending and observing the meeting.

A reminder that open proceedings of this meeting will be video recorded. If members of the public make presentations, they will be deemed to have consented to being recorded. By entering the Council Chamber attendees are also consenting to being recorded.

This meeting is limited to 120 minutes and therefore members are asked to raise their points succinctly and not repeat the same view expressed by colleagues if it does not add to the debate.

2. APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS

To receive apologies and to confirm that any absence has the approval of the Council. The Mayor will request confirmation that all Members have completed or made any necessary amendments to their Declaration of Interests.

The Committee will adjourn for the following items:

Reports from County and District Councillors.

- a. County Cllr Hodgson – no document.
- b. District Cllr Birch – document attached.
- c. District Cllr Rose – no document.
- d. District Cllr Sweett – no document.

The Council will convene to consider the following items:

3. CONFIRMATION OF MINUTES

To approve and sign the minutes of the following Meetings:

(Please note confidential minutes can be agreed but any discussion must be held in Part 2)

- a. Full Council 4th July 2022 – document attached.
- b. Full Council 8th August 2022 – document attached.

To note the following minutes:

- c. Council Matters 11th July 2022 – document attached.
- d. Planning Committee 18th July 2022 – document attached.
- e. Town Matters Committee 25th July 2022 – document attached.

4. CONSIDERATION OF ANY MATTERS ARISING REQUIRING A DECISION

To consider any matters arising from the Minutes and to approve any recommendations from Committees (document attached):

(Please note confidential minutes can be agreed but any discussion must be held in Part 2)

- a. Full Council 4th July 2022.
- b. Full Council 8th August 2022.
- c. Council Matters 11th July 2022.
- d. Planning Committee 18th July 2022.
- e. Town Matters Committee 25th July 2022.

5. ELMHIRST SITE

To consider any update on the Elmhirst Site project noting that any commercially sensitive or legal discussions will need to be moved into Part 2 of the meeting. Verbal update.

6. FINANCIAL REGULATIONS

To consider the revised Financial Regulations. Document attached.

7. COMMUNITY CHARTER

To consider the transfer of the draft Community Charter document to the Heritage Trust to take the project forward (there is no budget/funding currently allocated for this work). Document attached.

8. STANDING ORDERS

To consider the revised Standing Orders, to include (document attached):

- a. Section 8 Disorderly Conduct – updated based on the NALC model Standing Orders.
- b. New paragraph 15(f) which covers the management of capital projects as recommended by the Joint Panel on Accountability and Governance.
- c. Paragraph 20(b) updated with date of adoption of the Absence Management policy.
- d. Paragraph 20(i) updated to include the Finance, HR and Lettings Manager.
- e. New Section 26 Terms of Reference for Working Groups (Arts and Events, Council assets and Public Realm, and Climate Emergency).

9. COMMITTEE MEMBERSHIP

To consider (no document):

- a. Cllr Bennett's resignation from the Town Matters Committee and any new member to this Committee; and
- b. Cllr Webberley's request to be one of the Council representatives for Bridgetown Alive!

10. GRANT APPLICATION SUPPORT

To consider the Council's support in principle to an application to be submitted by New Economy Law for a grant up to £25K funded by UK Research Institute in collaboration with Innovate UK. Document attached.

11. LIST OF MEETING DATES

To note a list of upcoming meeting dates. Document attached.

12. NEXT MEETING

To note the next meeting date of Monday 3rd October 2022, 6.30pm public session, 7.00pm formal meeting in the Guildhall.

The Council will be asked to RESOLVE to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960.

13. CONFIDENTIAL ITEMS FROM COMMITTEE (Standing Item)

To consider any recommendations or matters arising that are considered confidential in nature. No document.

14. STAFF APPOINTMENTS

To ratify the appointment of the Town Maintenance Officer and Community Co-ordinator vacancies. Verbal update.

Agenda produced by:

Catherine Marlton

Town Clerk

25th August 2022

USE OF SOUND RECORDINGS AT COUNCIL & COMMITTEE MEETINGS

The open proceedings of this Meeting will be audio and video recorded. If members of the public make a representation, they will be deemed to have consented to being recorded. By entering the Council Chamber or Zoom meeting, attendees are also consenting to being recorded.

Televised, vision and sound recordings or live broadcastings by members of the press or public at Council or Committee debates are permitted and anyone wishing to do so is asked to inform the Chairman of the respective Committee of their intention to record proceedings. 3rd October

John Birch
SHDC Member for Totnes

Report to the Totnes Town Council
meeting to be held on Monday 5 September 2022

I report on the following matters.

Baltic Wharf Development

At the beginning of August I attended a meeting with representatives of TQ9 and Acorn Development at Baltic Wharf along with my fellow SHDC councillor, Cllr John McKay. The purpose of our meeting was to discuss with the landowner and developer's representatives the future of the boatyard and its associated industries based at Baltic Wharf. Our fear is that the long term future of the boatyard and the employment it provides is under threat as a result of the plans to develop the remainder of the site which are likely to be the subject of a planning application to be submitted in the near future.

The planning policy for the site set out in the Joint Local Plan provides a measure of support for the boatyard and the employment it provides but there is a fear that this policy may be challenged on the grounds of viability.

Cllr McKay and I believe that the boatyard and its associated employment should not only be protected but should also be available for opportunities that will secure the future of boatyard and provide ongoing local employment.

Cllr McKay has produced a report setting out the future employment opportunities for the boatyard and a copy has been sent to the Clerk for circulation to Members. I will be happy to attend a meeting together with Cllr McKay to discuss the report and answer any questions. At the meeting we will also report on TQ9 and Acorn's response to the proposals put to it at our meeting.

KEVICC & DVLТ – Too many unanswered questions

Over the past few weeks, I have attended several meetings concerning the sale of the 14 acres of school land by the company/trust known as the Dart Valley Learning Trust (DVLТ). These included a meeting with the Head of KEVICC, Alan Salt, and had a telephone discussion with Mr. Matthew

Shanks, the CEO of Education South West, an academy organisation that KEVICC will become part of from 1 September 2022.

The sale of the 14 acres of school land, the involvement of DVLТ and Education South West along with the Department for Education throw up many questions and issues. Questions are being asked but not answered by the parties.

As mentioned the school land for sale is owned by DVLТ and questions have been raised on its failure to comply with its governance document known as the articles of association. The campaign group "Why This Field " has through its legal representative raised some serious legal challenges as to the way DVLТ's affairs have been run. Why have the trustees of DVLТ failed to respond to the serious legal issues raised with them?

As mentioned from 1 September 2022 KEVICC will be incorporated into the academy organisation known as Education South West. The concerns and issues regarding the running of DVLТ have been brought to its attention. Why has it not responded to these concerns? How does it intend to address the legal issues raised?

The school's purported consultation on the sale of the 14 acres is flawed in many respects as set out in a comprehensive report undertaken by Dr Kevin Burchell an expert in the field of consultation. Why hasn't the school responded to the points raised in the damning report commissioned by Why This Field and which was forwarded to it for comment? In proceeding with the sale of 14 acres of school land it appears to rely on a flawed report. The consultation undertaken by Dr Kevin Burchell, Research Fellow, University of Birmingham, is significantly superior and is based on a far larger audience. This consultation shows overwhelming support for the Town Council's proposals for the purchase of the Lower Field. Why is this important report being ignored by the school, DVLТ and Education South West?

Why did the head and chair of governors make an application to Devon County Council to reduce the size of the school? Was this to allow more space for development?

Why was the school land advertised for sale for commercial development when the local plan policy does not have any provision for such development?

Why are school governors not prepared to meet with local councillors to discuss the school's development plans? It appears they have been instructed to ignore requests for a meeting. Why will they not explain their intentions or discuss the future of the school and the plans put forward by the Town Council?

Why all the unanswered questions?

The community understands the need to raise finance to fund school improvements. The Town Council has come up with a sensible proposal to

achieve the funding and at the same time save the valuable open space known as Lower Field from development. The Town Council's proposal has widespread community support. Why will those who run the school not listen? What have they got to hide?

Longmarsh car park

There have been a few concerns raised over the overnight parking of motorhomes at the Longmarsh car park.

The facility for overnight parking by motorhomes was introduced in June 2021 along with other car parks in South Hams in order to address the staycation demands resulting from the pandemic and to encourage overnight visitors to the town so as to benefit the local economy.

The rules and regulations covering such parking include the following. The car park is provided as parking only. External activity is prohibited and this includes:

- Putting out chairs, tables and other items of furniture
- Discharge of waste/foul water
- No open fires/BBQs/open cooking
- No generators
- No caravans or trailers allowed or vehicles that are not self contained
- Vehicles must not cause an obstruction to any other vehicle
- Maximum stay two consecutive nights. No return within 48 hours
- Vehicle must be self contained with its own toilet facilities
-

The charge is £10 for one overnight park and payment for parking during the day is charged at the rate paid by all other motorists and doubles if a vehicle takes up to two bays,

SHDC officers assure me that payment of parking fees and compliance to the above rules and regulations are enforced by inspectors who make regular visits.

The records show that in the first year of operation there were 934 paid overnight stops at the Longmarsh car park and that, in my opinion, has brought an economic benefit to the town.

The matter of the parking of motorhomes has been confused with the issue of the illegal parking of large vehicles and caravans at the Longmarsh car park especially during the winter months when there were very few visiting motorhomes. Since last Autumn I have had regular contact with SHDC officers in respect of the problems arising from those parking there for indefinite periods, without proper facilities and without making any form of payment during their stay.

SHDC will in the near future consider whether or not to extend the current scheme. I see benefits for the town in continuing with the limited regulated overnight parking on the basis the rules and regulations are enforced. I do not see it purely as an income gathering exercise but as means of providing a popular facility for visitors to our town as well as an economic benefit.

Steamer Quay Caravan site

A tender process was held for the existing site and following an evaluation process, involving local Members and Council officers, the existing tenants, the Caravan Club, won the tender to renew its existing lease agreement, which is due to run out on 5 October 2022.

The Caravan Club has been on the site since 1970, with the current lease last being renewed four years ago. As the District Council is the landowner of the land to the east of Steamer Quay Road, the site was tendered to gain interest from potential operators who commit to invest in the site and improve the facilities for visitors to Totnes.

Investment into the site is hoped to boost the town's visitor economy and will bring tourists to the town extending the season into the off-peak seasons and throughout the year. Visitors would then spend money in the wider South Hams as they explore the area.

The Caravan Club propose spending in excess of £1m to improve facilities to stay open all year round. They have a timetable of works proposed for this winter, subject to the usual planning approval, so they can reopen next spring. I have been informed that a planning application has been submitted. The Club have requested a 40-year lease, which local Totnes Ward Members have supported.

Final agreement is now subject to approval by the Executive at their meeting on Thursday 15 September and subject to contracts being agreed.

Waste Collection

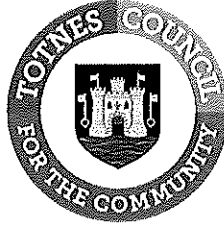
There can be no doubt it is good news FCC, SHDC's waste collection contractor, is being replaced by an in-house service at the beginning of October 2022. Residents will expect a much-improved service from that date. I am concerned that this may not happen as FCC has, to a certain extent, run parts of the service into the ground and it will take a while to recover. I hope I am proved wrong.

However this much-needed change will come with a cost to the Council and its residents. The additional cost to be suffered is as a result of the

administration's failed policy of privatising the waste collection service resulting in the appointment of FCC.

SHDC councillors are currently gagged when it comes to revealing the cost of the change but it looks as though it will run into millions of pounds. The additional costs arising from the failed privatisation policy should be disclosed to council taxpayers and I hope to be in a position to report these to a future meeting of the Town Council in the near future.

Cllr John Birch
SHDC Member for Totnes
31 August 2020



DRAFT MINUTES FOR THE MEETING OF TOTNES TOWN COUNCIL
MONDAY 4TH JULY 2022 IN THE GUILDHALL

Present: Councillors G Allen (Chair), M Adams, T Bennett, S Collinson, J Cummings, J Hannam, J Hodgson, P Paine, B Piper, V Trow and L Webberley.

Apologies: Cllrs Hendriksen, Oliver, and Price, and District Cllrs Birch.

Not present: Cllrs Skinner and Stopp.

In Attendance: District Cllr Sweett, Members of the press and public, C Marlton (Town Clerk).

1. WELCOME TO ALL ATTENDING AND OBSERVING

2. APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS

To receive apologies and to confirm that any absence has the approval of the Council. The Mayor will request confirmation that all Members have completed or made any necessary amendments to their Declaration of Interests.

The apologies were received and accepted.

The Committee will adjourn for the following items:

Reports from County and District Councillors.

- a. County Cllr Hodgson
- b. District Cllr Birch
- c. District Cllr Rose
- d. District Cllr Sweett

It was RESOLVED to suspend standing orders.

- a. County Cllr (C Cllr) Hodgson updated on: XXX
- b. District Cllr Birch was not present and a report had been received.
- c. District Cllr Rose was not present and no report had been received.
- d. District Cllr Sweett was present and had emailed a report to members.

The Council reconvened.

3. CONFIRMATION OF MINUTES

To approve and sign the minutes of the following Meeting:

(Please note confidential minutes can be agreed but any discussion must be held in Part 2)

a. Full Council 6th June 2022.

It was **RESOLVED** to approve and sign the Minutes.

To note the following minutes:

b. Council Matters 13th June 2022.

Noted.

c. Planning Committee 20th June 2022.

Noted.

4. CONSIDERATION OF ANY MATTERS ARISING

To consider any matters arising from the Minutes and to approve any recommendations from Committees:

(Please note confidential minutes can be agreed but any discussion must be held in Part 2)

a. Full Council 6th June 2022.

No matters arising.

b. Council Matters 13th June 2022.

4 – Budget Monitor: insurance Renewal. The Clerk updated that the three-year fixed price contract offer had expired and therefore could not be pursued.

12 – Terms and Conditions of the Green Travel Co-ordinator and Community Co-ordinator positions. To be considered at item 13.

c. Planning Committee 20th June 2022.

No matters arising.

5. TO APPOINT A RECESS COMMITTEE

To consider appointing the Mayor, Deputy and Chairs of Committee as the Recess Committee for August 2022. This group will have delegated authority to make decisions on behalf of the Town Council in the case of an emergency decision being required. This committee will only be convened by the Clerk if necessary.

It was **RESOLVED** to appoint a recess committee consisting of the Mayor, Deputy and Chairs of Committee who would meet if required.

6. ARTS AND EVENTS GRANT

To consider an application from the Elizabethan Society for a grant to cover the road closure costs for the Orange Races in August.

It was **RESOLVED** to allocate up to £1000 as a grant to the Elizabethan Society to facilitate the road closure from the Arts and Events Grant (to be paid directly to the contractor).

7. PLANNING APPLICATIONS

To:

- a. Review the Planning Committee's standing objection to application 1078/22/FUL (Development of a bat house - Land at the former Dairy Crest Site, Totnes) based on information subsequently received.

It was **RESOLVED** to keep the standing objection in place for this application.

b. Consider granting the Clerk delegated authority to respond to non-contentious planning applications in August 2022.

It was **RESOLVED** to grant the Clerk delegated authority to respond to non-contentious planning applications in August based on comments received from members.

8. COMMITTEE MEMBERSHIP

To consider Cllr Allen's resignation from the Council Matters Committee and any new members to this Committee.

It was **RESOLVED** to accept Cllr Allen's resignation and Cllr Hannam's appointment to the Council Matters Committee.

9. LIST OF MEETING DATES

To note a list of upcoming meeting dates.

Noted.

10. NEXT MEETING

To note the next meeting date of Monday 5th September 2022, 6.30pm public session, 7.00pm formal meeting in the Guildhall.

Noted.

The Council will be asked to RESOLVE to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960.

11. CONFIDENTIAL ITEMS FROM COMMITTEE (Standing Item)

To consider any recommendations or matters arising that are considered confidential in nature.

No matters arising.

12. CHRISTMAS FESTIVAL CONTRACT TENDER

To consider the applications received to tender for running the three Christmas Festival nights in December 2022 (commercially sensitive).

The Council shortlisted the tenders down to two. It was **RESOLVED** that the Clerk is given delegated authority to appoint the best provider following interviews conducted with Cllr Piper with the two companies.

13. STAFFING REVIEW

To consider:

a. The Terms and Conditions of the Green Travel Co-ordinator, Community Co-ordinator and TMO positions (personnel).

These were **RESOLVED** by Full Council.

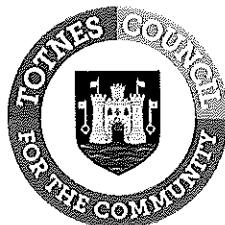
b. A review of the overall staffing structure and pay scales.

It was **RESOLVED** unanimously to support a review of the overall staffing structure and pay scales subject to the Council Matters Committee reviewing the detail under delegated authority before implementation on 20th September 2022.

c. A change to the allocation of hours for opening and closing of the Civic Hall and Council buildings.

It was **RESOLVED** to approve the hours as per the report.

Cllr Georgina Allen
Deputy Mayor



Item 3B + 4B

DRAFT MINUTES FOR THE MEETING OF TOTNES TOWN COUNCIL
MONDAY 8TH AUGUST 2022 IN THE GUILDHALL

Present: Councillors G Allen (Chair), J Cummings, J Hannam, P Paine, B Piper and V Trow.

Apologies: Cllrs M Adams, T Bennett, R Hendriksen, J Hodgson, A Oliver, E Price and L Webberley.

Not present: Cllrs S Collinson, S Skinner and N Stopp.

In Attendance: Members of the public, C Marlton (Town Clerk).

1. WELCOME TO ALL ATTENDING AND OBSERVING

2. APOLOGIES FOR ABSENCE AND DECLARATION OF INTERESTS

To receive apologies and to confirm that any absence has the approval of the Council. The Mayor will request confirmation that all Members have completed or made any necessary amendments to their Declaration of Interests.

The apologies were received and accepted.

3. NEIGHBOURHOOD PLAN HEARING

To note that a hearing for the Neighbourhood Plan has been called for 6th September 2022 and to consider the Town Council representative at this hearing.

It was **RESOLVED** that:

- Cllr Allen would represent the Town Council/Neighbourhood Plan Group at the hearing.
- Cllr Piper would be the reserve representative should Cllr Allen be unable to attend.
- The Town Council asks the Examiner for an additional representative to be present to represent its legal interests (along the same lines as South Hams District Council).
- The Clerk is given delegated authority up to £2,000 to engage legal support for the hearing.

4. NEXT MEETING

To note the next meeting date of Monday 5th September 2022, 6.30pm public session, 7.00pm formal meeting in the Guildhall.

Noted.

The Council will be asked to RESOLVE to exclude the press and public "by reason of the confidential nature of the business" to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960.

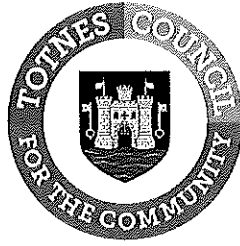
5. ELMHIRST PROJECT

To consider any recommendations or matters arising that are considered confidential in nature. To consider the Council's submitted bid for the KEVICC sites E and F1 and whether the purchase of the sites individually would be considered (commercially sensitive):

It was **RESOLVED** to write back to the TDA requesting a meeting to discuss the context of whether purchasing only one of the two sites might be possible. However, it was noted that at this time the previous decision to bid for both sites together still stands and further scoping work and a Full Council review would be required to change that approach.

Cllr Georgina Allen
Deputy Mayor





DRAFT MINUTES OF THE MEETING OF COUNCIL MATTERS COMMITTEE MONDAY 11TH JULY 2022 AT 6.30PM IN THE GUILDHALL

Present: Councillors B Piper (Chair, joined at 6.35pm), M Adams (chaired until 6.40), J Hannam (joined at 6.33pm), J Hodgson (joined at 6.40pm), P Paine, and E Price.

Apologies: None

In Attendance: C Marlton (Town Clerk) & C Bewley (Finance, HR and Lettings Manager).

1. APOLOGIES FOR ABSENCE

To receive apologies and to confirm that any absence has the approval of the Committee.
Cllr Adams read out a statement about how the meeting would be conducted and recorded.

There were no apologies received.

The Committee will adjourn for the following items:

PUBLIC QUESTION TIME

There were no members of the public present.

The Committee reconvened.

2. CONFIRMATION OF MINUTES

To approve the minutes of 13th June 2022 and update on any matters arising.

The minutes were approved as an accurate record of proceedings. There were no matters arising.

3. BUDGET MONITOR

To consider the Budget Monitor and to vote on revising the budget to the predicted year end figures.

The Clerk updated that the expected year end figure reflects the changes agreed by Full Council. As previously updated, professional fees and the insurance premium is higher than originally budgeted which sees a predicted overspend of approx. £12.8K.

It was **AGREED** to approve the Arts and Culture budget overspend of £6450 which is largely for the Civic Hall pillars arts project, and the Public Realm and Community Assets budget overspend of £2865 to bring the fabrication of wayfinding signage forward.

4. FINANCIAL REGULATIONS

To review the Financial Regulations.

To **RECOMMEND** to Full Council that the revised Financial Regulations are adopted.

5. INVESTMENT ACCOUNTS

To consider:

- a. The criteria for investment accounts for the Council, including the type of account, interest rate, sectors that will/won't be invested in; and
- b. Granting the Clerk delegated authority to select the account based on the best value at the time and the decision in a. (above).

It was **AGREED** to grant the Clerk delegated authority to invest £80K into an instant access account with the best rate of interest and £120K in a 30-40 day access account with a bank with the highest ethical credentials.

6. ARTS AND EVENTS WORKING GROUP

To consider:

- a. The actions from the Arts and Events Working Group held on 15th June 2022;
Noted.
- b. The Arts and Events budget monitor, including the allocation of funds to the Orange Races; and
Full Council has agreed the allocation of up to £1K for the Orange Races road closure. The highways contractor will be paid directly by the Council.
- c. The allocation of funds for an artist to run workshops to create decorations for the Civic Hall pillars.
The Committee has agreed the funding under item 3.

7. GREEN TRAVEL AND CLIMATE CHANGE BUDGETS

To consider an update on the Green Travel/Climate Change budget, including the timeline for the Totnes Traffic Strategy Stakeholder session.

An email has been circulated to Councillors about the Traffic Strategy Stakeholder session including details of the suggested stakeholders to invite, and Cllrs playing an observer rather than active role in the event. It was **AGREED** that the Clerk would look at the Zoom arrangements for the Climate Emergency Working Group.

8. REMEMBRANCE SUNDAY

To consider the arrangements required for the annual Remembrance Sunday event.

It was **AGREED** that the Council will issue and co-ordinate the invitations for the event on behalf of the Royal British Legion, make a contribution towards the refreshments following the church service but it will not organise a parade. It was noted that the Mayor has a Civic budget which could be used to provide any ancillary arrangements or refreshments. **ACTION:** Cllr Price to liaise with the Mayoral PA.

9. COMMUNITY CO-ORDINATOR RECRUITMENT TIMELINE

To consider the recruitment timeline for the Community Co-ordinator.

The timeline for recruitment was **AGREED**. Cllr Hodgson will be involved in the shortlisting of candidates and Cllrs Price and Piper and the Clerk will conduct the interviews.

10. CHRISTMAS LIGHTS

To note the arrangements for the town's Christmas lights in 2022.

The Clerk updated that the Chamber of Commerce will organise the erection of the Christmas lights this year, including the testing of anchor points and the purchase of new lights for Fore Street. However, this could be the last year that the Chamber is prepared to do so. The Committee requested that someone qualified tests the anchor points but the Clerk said that as this is not a Council project how the work is taken forward is outside of its control.

11. VISIT TOTNES REPORT

To note the Visit Totnes report covering April to June 2022.

Noted with thanks.

12. DATE OF NEXT MEETING

To note the date of the next meeting of the Council Matters Committee – Monday 12th September 2022 at 6.30pm.

Noted.

*The Committee will be asked to **RESOLVE** to exclude the press and public “by reason of the confidential nature of the business” to be discussed and in accordance with the Public Bodies (Admission to Meetings) Act 1960. (CONFIDENTIAL by virtue of relating to legal and/or commercial matters, staffing and/or the financial or business affairs of a person or persons other than the Council)*

13. BANK STATEMENTS AND RECONCILIATIONS (Standing Item)

To consider the bank statements and reconciliations.

It was **AGREED** to defer this item until the September agenda.

14. STAFFING UPDATE

For any general or urgent updates that required confidential sharing with Councillors. No documents.

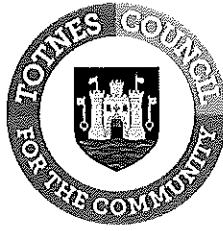
a. To consider the revised salary scales for adoption from 20th September 2022.

(The Clerk and Finance/HR Manager left the meeting) It was unanimously **AGREED** to accept the revised salary scales from 20th September 2022.

15. STAFF APPOINTMENT

To ratify the appointment of the Town Maintenance Officer vacancy.

(The Clerk re-joined the meeting) It was unanimously **AGREED** to ratify the appointment subject to the normal checks and with the usual six-month probationary period.



DRAFT MINUTES FOR THE PLANNING COMMITTEE

MONDAY 18TH JULY 2022 IN THE GUILDHALL

Present: Councillors G Allen (Chair), T Bennett, S Collinson (joined at 6.40pm), J Cummings, J Hodgson and P Paine.

Apologies: None.

In Attendance: Member of the public and S Halliday (Governance and Projects Manager).

1. WELCOME AND APOLOGIES FOR ABSENCE

To receive apologies and to confirm that any absence has the approval of the Council.

Cllr Allen read out a statement about how the meeting would be conducted and recorded.

The Committee will adjourn Standing Orders for the following items:

PUBLIC QUESTION TIME

A member of the public who lives above The Cornish Bakery (item 4b) spoke of her objection to the application which does not go far enough to mitigate the noise and vibration issues that they are exposed to on a daily basis, along with concerns that the additional unit will exacerbate an already tight bin storage area.

The Committee reconvened Standing Orders.

2. CONFIRMATION OF MINUTES

To approve the minutes of 20th June 2022 and update on any matters arising.

The minutes were approved as an accurate record of proceedings.

3. TREE WORKS APPLICATIONS

To make recommendations on the following tree works applications:

3a. 2066/22/TCA – G1: Young/Semi Mature Ash & Sycamore - dismantle and fell smaller front line trees overhanging Moorashes Cottages to ground level. Prune back overhanging limbs to main stems. Excessive shading over neighbour. Totnes County Primary School, The Grove, Totnes, TQ9 5ED.

Support. The Committee would ask that replacement trees are planted in the school grounds.

4. PLANNING APPLICATIONS

To make recommendations on the following planning applications:

4a. 1523/22/FUL - Construction of 39 No. two-storey dwellings with associated landscaping. Proposed development site West Dartington Lane, Dartington.
Object, for the following reasons:

- The impact of the development on Joint Local Plan Spatial Priorities for Development in Totnes (SP6) points 3 (Ensuring that all development, singularly or cumulatively, will not negatively impact on the ability of the relevant authorities to improve air quality within the A385 AQMA) and 6 (Ensuring all new development does not have any negative impact on the greater horseshoe bat species and their flight paths within the protected South Hams SAC).
- Concerns about the flood risk. The Committee supports calls for flood containment modelling for this site based on the 2022 data which is a requirement from September this year, rather than using data from 2013.
- The loss of trees around the proposed entrance to the development.
- S106 funding – it is suggested that this would be better spent on the proposed cycle path through the rear of the plot from Meadowside to the river rather than travel vouchers.
- Concerns on health and safety grounds on the impact on local facilities – there has been no mitigation made for the increase in properties/households in the area to upgrade the water treatment and reduce water pollution, the danger to pedestrians from increased vehicle numbers and the impact on air quality along the A385.
- Concerns about the requested increase in light levels recommended in the Police comments and the impact on the bat foraging area and wildlife at night.
- Concerns about service and emergency vehicles accessing the development via Dartington Lane.

4b. 2095/22/FUL – Retention of existing air conditioning apparatus (amendment to 0573/17/FUL) within single acoustic enclosure and installation of an additional freestanding acoustic enclosure to contain refrigeration apparatus (resubmission of 4719/21/FUL), 44 Fore Street, Totnes, TQ9 5RP.

Object. The Committee's concerns raised under application 4719/21/FUL still stand. The scale of the business continues to cause an issue in terms of the vibration and noise/sound generated and the Committee would wish to see the comments from SHDC Environmental Health who have been involved with this case for some time. The additional air conditioning unit will cause space constraint issues in the existing bin storage area. The Committee has concerns about: the scale of the bakery and the factory grade machinery operating in a listed building; fire safety factors; and would ask whether this possibly goes beyond the scope of the original change of use granted – the heritage statement submitted is dated 2017 isn't very detailed and has no mention of the building's current operation.

4c. 3048/21/FUL – Provision of single dwelling house (resubmission of 1668/20/FUL). Montgo, Maudlin Road, Totnes, TQ9 5TG.
Supportive of the amendments to the original plan.

4d. 1614/22/VAR – Application for variation of condition 2 (approved plans) of planning consent 2560/21/FUL. Brutus Centre, Fore Street, Totnes.
Cllr Allen declared a personal interest.

The Committee would want to ensure that the sub station has adequate acoustic protection, and to confirm that there is no removal of any trees and the tree root protection zone is not affected by the foundations for the proposed sub-station.

4e. 1311/22/FUL – The provision of security shutters to existing open rear porch to church. St Marys and St Georges Church, Station Road, Totnes, TQ9 5HW.
Support.

4f. 1585/22/HHO – Householder application for single storey rear extension. Winterleiten, Jubilee Road, Totnes, TQ9 5BP.
Support.

4g. 1353/22/HHO – Householder application for roof extension. 13 Springhill Road, Totnes, TQ9 5RD.
Support.

5. LICENCING APPLICATION

To consider the following licence application for The Albatross, 105 High Street, Totnes, TQ9 5SN (no document):

- The supply of alcohol for consumption on the premises Monday to Saturday 10:00 to 23:00 and Sunday 10:00-22:00.
- Recorded music indoors Monday to Saturday 10:00 to 23:00 and Sunday 10:00-22:00.
- Activities of a similar description to that falling within (e), (f) or (g) (live music, recorded music, performances of dance) Monday to Saturday 10:00 to 23:00 and Sunday 10:00-22:00.

The Committee is supportive of the application but would not wish to see any street furniture (tables and chairs) put in the Rotherfold public space.

6. DATE OF NEXT MEETING

To note the date of the next meeting of the Planning Committee – Monday 19th September 2022 at 6.30pm in the Guildhall.

Noted. It was confirmed that any non-contentious planning applications will be emailed to Committee members for their comments which will be collated for the Clerk who has delegated responsibility to respond during August. Any urgent applications will be taken to Full Council on 5th September.

Sara Halliday
Governance and Projects Manager



DRAFT MINUTES FOR THE TOWN MATTERS COMMITTEE

MONDAY 25TH JULY 2022 IN THE GUILDHALL

Present: Councillors V Trow (Chair), G Allen, J Cummings, P Paine, B Piper (from 18.40) and L Webberley

Apologies: Cllrs T Bennett, S Collinson and A Oliver.

Not Present: Cllr J Hannam.

In Attendance: L Ferrier (Marketing and Communications Manager) and S Halliday (Governance and Projects Manager).

1. WELCOME AND APOLOGIES FOR ABSENCE

To receive apologies and to confirm that any absence has the approval of the Council.

Cllr Trow read out a statement about how the meeting would be conducted and recorded.

The apologies were received and accepted.

The Committee will adjourn for the following items:

PUBLIC QUESTION TIME

There were no members of the public present.

The Committee reconvened.

2. ELECTION OF CHAIR AND DEPUTY

To elect a Chair and deputy for the committee.

Only two councillors put themselves forward to stand for election - Cllr Trow as Chair and Cllr Cummings as deputy chair - which was **AGREED** unanimously.

3. CONFIRMATION OF MINUTES

To approve the minutes of 30th May 2022 and update on any matters arising.

The minutes were approved as an accurate record of proceedings. Matters arising:

Item 4 - Buskers Code of Practice. It was **RESOLVED** by Full Council that: the buskers code would be amended as proposed; the Council writes to South Hams District Council to request that signage is put up in the Shady Garden; and the Council hands out copies of the Buskers' Code to those who the Office receives complaints about.

Item 5 – Rugby Club meeting. It was **AGREED** to have an informal chat with the Rugby Club to learn more about their plans in the autumn.

Item 6 - A-Boards in Fore Street and High Street. It was **RESOLVED** by Full Council that the Council requests a meeting with Devon County Council (DCC) and that a DCC officer visits and meets with Cllrs Adams and Price and Inclusive Totnes to address the problem areas. This meeting took place on 20th July.

Item 7 – Brown Bin Collection. It was **RESOLVED** by Full Council that it writes to South Hams District Council to express its and residents’ frustrations with the new refuse collection system, particularly brown garden waste bins.

Item 8 – Rural Services Network. It was **RESOLVED** by Full Council that it renews its membership for the coming year.

4. COMMUNITY AWARD 2023

To consider the Community Award process for 2023 (document attached):

- a. **The categories of award presented and nomination process;**
- b. **Invitation process; and**
- c. **Medals.**

It was **AGREED** that the inaugural award had gone well, and that in 2023 there will be a requirement to get the nominations and a Council decision on the winners before the pre-election period for the Council Elections in May 2023.

To **RECOMMEND** to Full Council that:

- a. Two awards are presented in 2023 – an individual and community group award – with the timings as follows:
 - February 2023 - nominations will be invited from the public through the Totnes Directory, Town Council Website and Social Media with a closing date of mid-March;
 - March 2023 - Town Matters Committee will consider the nominations received;
 - April 2023 - Full Council considers Town Matters Committee recommendation.
- b. Depending on the number of nominations received, the top three nominees in each category (as determined by Full Council) will be invited to attend the Annual Town Meeting in May 2023 where the award will be presented.
- c. A new medal is cast based on the Town Council logo (see below) which will cost £100 for the moulding from which pewter medals can then be struck (unit cost £3-5 plus engraving for ‘Community Award 2023’, type of award and the name of the recipient on the reverse).



5. SOUTH HAMS CITIZENS ADVICE REPORT

To note the latest impact report from South Hams Citizens Advice.

Noted. The Committee thanked South Hams Citizens Advice for their good work.

6. CLOSE CIRCUIT TELEVISION (CCTV) UPDATE

To note an update on funding for CCTV at trouble spots in the town.

Noted. The officer updated that applications to the 'Safer Streets Fund' for CCTV grants have to come from a local authority or the police. Work has been done to cost various solutions which could be used for future grant funding rounds, but these will need to be supported by crime statistics.

Cllr Piper updated that as link councillor he has an upcoming meeting with the police about local issues and will press the need for CCTV on The Plains, opposite the Barrel House and in the Market Square.

7. TOTNES PLAY AREA UPDATE

To note an update on upgrades to the play areas in Collapark and Westonfields.

Noted. The officer updated that a contract down-select has taken place with inputs from District Cllrs and officers from South Hams District Council and Totnes Town Council, and a preferred supplier has been identified. The play areas at Collapark and Westonfields will have equipment aimed at both the 1-4 and 5-11 age ranges with work expected to start in Autumn 2022.

8. CLIMATE EMERGENCY WORKING GROUP

To note that the Climate Change Working Groups held workshops on 23rd June and 19th July to complete the Climate and Ecological Emergency Action Plan.

Noted. Cllr Cummings updated that the various themes from earlier workshops is now being drafted into action points for the plan.

9. DATE OF NEXT MEETING

To note the date of the next meeting of the Town Matters Committee – Monday 26th September 2022 at 6.30pm.

Noted.

Sara Halliday
Governance and Projects Manager

ITEM 4 – CONSIDERATION OF RECOMMENDATIONS

Council Matters, 11th July 2022

4. To review the Financial Regulations.

To **RECOMMEND** to Full Council that the revised Financial Regulations are adopted.
[Note: this is item 6 on today's agenda.]

Planning Committee, 18th July 2022

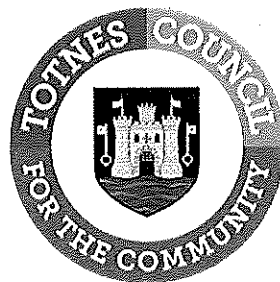
No recommendations.

Town Matters Committee, 25th July 2022

- 4. To consider the Community Award process for 2023:**
- a. The categories of award presented and nomination process;**
 - b. Invitation process; and**
 - c. Medals.**

To **RECOMMEND** to Full Council that:

- a. Two awards are presented in 2023 – an individual and community group award – with the timings as follows:
 - February 2023 - nominations will be invited from the public through the Totnes Directory, Town Council Website and Social Media with a closing date of mid-March;
 - March 2023 - Town Matters Committee will consider the nominations received;
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- b. Depending on the number of nominations received, the top three nominees in each category (as determined by Full Council) will be invited to attend the Annual Town Meeting in May 2023 where the award will be presented.
- c. A new medal is cast based on the Town Council logo (see below) which will cost £100 for the moulding from which pewter medals can then be struck (unit cost £3-5 plus engraving for 'Community Award 2023', type of award and the name of the recipient on the reverse).



Amendments to the Financial Regulations – July 2022

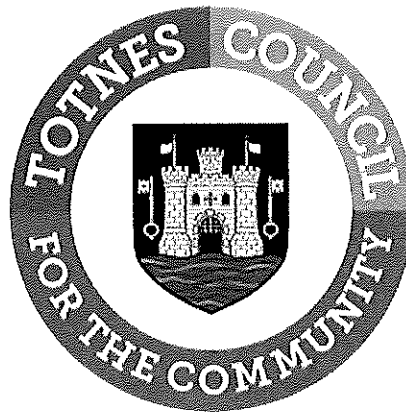
Page	Paragraph	Current	Amendment proposed
7	4.5	In cases of extreme risk to the delivery of Council services, the Clerk may authorise revenue expenditure on behalf of the Council which in the Clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1000 . The Clerk/RFO shall report such action to the chairman as soon as possible and to the Council as soon as practicable thereafter.	In cases of extreme risk to the delivery of Council services, the Clerk may authorise revenue expenditure on behalf of the Council which in the Clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £5000 . The Clerk/RFO shall report such action to the chairman as soon as possible and to the Council as soon as practicable thereafter.
8	5.2	A schedule of the payments required shall be prepared by the RFO and, together with the relevant invoices, be presented to and signed by two Councillors who are bank signatories .	A schedule of the payments required shall be prepared by the RFO and, together with the relevant invoices, be presented to a Councillors who is a bank signatory to sign the schedule confirming the invoices match the schedule and approving them for payment .
8	5.3	All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.	All invoices for payment that do not have a supporting signed requisition form shall be examined, verified and certified by the RFO or budget holder if less than £1000 , to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.
8	5.5	The Clerk/RFO shall have delegated authority to authorise the payment of items only in the following circumstances: a. If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before two members are able to sign the invoice, where the Clerk/RFO certify that there is no dispute or other reason to delay payment, provided that two members sign the invoice retrospectively; b. An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that two members sign the invoice retrospectively; or	The Clerk/RFO shall have delegated authority to authorise the payment of items only in the following circumstances: a. If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before a member is able to review the invoice, where the Clerk/RFO certify that there is no dispute or other reason to delay payment, provided that a member reviews the invoice retrospectively; b. An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a member reviews the invoice retrospectively; or

ITEM 6

		<p>c. Fund transfers within the Council's banking arrangements up to the sum of £2,500.</p> <p>d. A payment for an online/telephone order that is made by debit card in advance of receiving the invoice provided that a member reviews the invoice retrospectively.</p>	<p>c. Fund transfers within the Council's banking arrangements up to the sum of £2,500.</p> <p>d. A payment for an online/telephone order that is made by debit card in advance of receiving the invoice provided that a member reviews the invoice retrospectively.</p>
9	5.7	<p>A record of regular payments made shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.</p>	<p>A record of regular fixed and variable Direct Debits made shall be drawn up and signed by two members annually or when new DDs are added to authorise the regular payments.</p>
10	6.6	<p>If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members. The approval of the use of a variable direct debit shall be renewed by resolution of the Council at least every two years.</p>	<p>If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided they are included in the record required in Regulation 5.7.</p>
10	6.8	<p>If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to Council as made.</p>	<p>If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to Council as made. As an exception, Payroll payments made by BACS transfer will be authorised by the Clerk/RFO and the Finance Manager.</p>
10	6.9	<p>If thought appropriate by the Council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.</p>	<p>Unless an alternative payment method is required by the supplier, invoices will be paid by internet banking transfer provided the requirements of Regulations 5.2 – 5.5 have been adhered to. The bank transfers will be authorised by two members of the Management team.</p>
10	6.10	<p>No employee or councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or a duly delegated committee.</p>	<p>No employee or councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts. Only the members of the Management Team specified by the Clerk/RFO will be given bank PINs to be able to authorise payments as detailed in Regulation 6.9.</p>

10	6.13	<p>Where internet banking arrangements are made with any bank, the Clerk/RFO shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.</p>	<p>Where internet banking arrangements are made with any bank, the Clerk/RFO shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify a number of councillors who will be authorised to approve transactions on those accounts.</p>
11	6.15	<p>Supplier invoices paid via internet banking facilities will be entered onto the bank payment system by the Finance Manager following signature by two authorised signatories. The Clerk/RFO will then authorise the payments on the internet banking system and carry out a random sample check of the bank account details for suppliers on the internet banking screen against the supplier invoices.</p>	<p>Supplier invoices paid via internet banking facilities will be entered onto the bank payment system by the Finance Manager. The Clerk/RFO or another member of the Management Team will then authorise the payments on the internet banking system and carry out a random sample check of the bank account details for suppliers on the internet banking screen against the supplier invoices.</p>
11	6.16	<p>Any Debit Card issued for use will be in the name of the Clerk/RFO and will be restricted to a single transaction maximum value of £1000 unless authorised by the Full Council or the Council Matters Committee before any order is placed. The card will be securely stored by the Finance Manager. Use of the card shall be restricted to online or telephone purchases and cash withdrawals solely for the purpose of topping up the petty cash balance. Proper VAT invoices must be obtained for all online or telephone purchases. The card can only be used by the Clerk/RFO or Finance Manager. Invoices from all card purchases must be signed retrospectively by two members.</p>	<p>Any Debit Card issued for use will be in the name of the Clerk/RFO and will be restricted to a single transaction maximum value of £1000 unless authorised by the Full Council or the Council Matters Committee before any order is placed. Use of the card for cash withdrawals will be solely for the purpose of topping up the petty cash balance. Proper VAT invoices must be obtained for all purchases made with the debit card. The card will be securely stored by the Finance Manager and will only be provided to staff with the PIN on receipt of a signed requisition form detailing the proposed purchase. The card will be signed out and signed back in and the Finance Manager will, within 24 hrs of the card use, confirm the amount on the requisition form matches the amount paid out of the bank. Invoices from all card purchases must be signed retrospectively by a member.</p>
11	6.18	<p>The Clerk/RFO may provide petty cash to officers for the purpose of defraying operational and other expenses.</p>	<p>The Clerk/RFO may provide petty cash to officers for the purpose of defraying operational and other expenses.</p>

		<p>a. The Finance Manager shall manage the petty cash. Vouchers/receipts for payments made from petty cash shall be kept to substantiate the payment. Petty cash payments will not exceed £25.</p> <p>b. Vouchers/receipts for payments made must be initialled/signed by the Clerk/RFO as authorisation for reimbursement and forwarded to the Finance Manager for reimbursement.</p> <p>c. Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.</p> <p>d. Cash to maintain the petty cash float shall be drawn from the bank using the debit card. The Clerk/RFO will hold the PIN number and the Finance Manager will hold the card. Cash will be collected by both the Clerk/RFO and the Finance Manager who will both sign a cash withdrawal form.</p>	<p>a. The Finance Manager shall manage the petty cash. Vouchers/receipts for payments made from petty cash shall be kept to substantiate the payment. Petty cash payments will not exceed £25.</p> <p>b. Vouchers/receipts for payments made must be initialled/signed by the Clerk/RFO or budget holder as authorisation for reimbursement and forwarded to the Finance Manager for reimbursement.</p> <p>c. Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.</p> <p>d. Cash to maintain the petty cash float shall be drawn from the bank using the debit card. Cash will be collected by Finance Manager using the debit card after the Clerk/RFO has signed a cash withdrawal form.</p>
13	9.1	The collection of all sums due to the Council shall be the responsibility of and under the supervision of the Clerk/RFO.	The collection of all sums due to the Council shall be the responsibility of and under the supervision of the Clerk/RFO who will ensure an effective debt monitoring process is in place.



Financial Regulations

TOTNES TOWN COUNCIL

AGREED JULY 2022

NEXT REVIEW MARCH 2023

These Financial Regulations are produced in accordance with Governance and Accountability for Local Councils and were adopted by the Council at its meeting of 11th July 2022.

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1. GENERAL

- 1.1. These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the Council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the Council's Standing Orders and any individual financial regulations relating to contracts.
- 1.2. The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
- 1.3. The Council's accounting control systems must include measures:
 - for the timely production of accounts;
 - that provide for the safe and efficient safeguarding of public money;
 - to prevent and detect inaccuracy and fraud; and
 - identifying the duties of officers.
- 1.4. These financial regulations demonstrate how the Council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.
- 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. The Clerk has been appointed as RFO for this Council and these regulations will apply accordingly.
- 1.9. The RFO;
 - acts under the policy direction of the Council;
 - administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;
 - determines on behalf of the Council its accounting records and accounting control systems;
 - ensures the accounting control systems are observed;

- maintains the accounting records of the Council up to date in accordance with proper practices;
 - assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
 - produces financial management information as required by the Council.
- 1.10. The accounting records determined by the Clerk/RFO shall be sufficient to show and explain the Council's transactions and to enable the Clerk/RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the Council from time to time comply with the Accounts and Audit Regulations.
- 1.11. The accounting records determined by the Clerk/RFO shall in particular contain:
- entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure or receipts and payments account relate;
 - a record of the assets and liabilities of the Council; and
 - wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12. The accounting control systems determined by the Clerk/RFO shall include:
- procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
 - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
 - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
 - procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the Council for approval to be written off except with the approval of the Clerk/RFO and that the approvals are shown in the accounting records; and
 - measures to ensure that risk is properly managed.
- 1.13. The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:
- setting the final budget or the precept (council tax requirement);
 - approving accounting statements;
 - approving an annual governance statement;
 - borrowing;
 - writing off bad debts;
 - declaring eligibility for the General Power of Competence; and
 - addressing recommendations in any report from the internal or external auditors,

shall be a matter for the Full Council only.

1.14. In addition the Council must:

- determine and keep under regular review the bank mandate for all Council bank accounts;
- approve any grant or a single commitment in excess of £5,000; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils - a Practitioners' Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

- 2.1. All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.
- 2.2. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chairman shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Council Matters Committee.
- 2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the Council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit Regulations.
- 2.4. The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the Council shall make available such documents and records as appear to the Council to be necessary for the purpose of the audit and shall, as directed by the Council, supply the RFO, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.

- 2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices.
- 2.6. The internal auditor shall:
- be competent and independent of the financial operations of the Council;
 - report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
 - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - has no involvement in the financial decision making, management or control of the Council.
- 2.7. Internal or external auditors may not under any circumstances:
- perform any operational duties for the Council;
 - initiate or approve accounting transactions; or
 - direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
- 2.10. The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from internal or external auditors.

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

- 3.1. The RFO must each year, by no later than December, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered first by the Council Matters Committee and then approved by the Full Council.
- 3.2. The Council shall consider the annual budget proposals in relation to the Council's three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.3. The Council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of

January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.

- 3.4. The approved annual budget shall form the basis of financial control for the ensuing year.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

- 4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
- the Council for all items over £10,000;
 - the Council Matters Committee for items over £5,000; or
 - the RFO for any items below £5,000.
 - members of the management team for specific budget lines as decided by the RFP for any items below £1000.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the RFO or member of the management team, and where necessary also by the appropriate Chairman.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

- 4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. The salary budgets are to be reviewed at least annually in October for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform the Council of any changes impacting on the budget requirements for the coming year in good time.
- 4.5. In cases of extreme risk to the delivery of Council services, the Clerk may authorise revenue expenditure on behalf of the Council which in the Clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £5000. The Clerk/RFO shall report such action to the chairman as soon as possible and to the Council as soon as practicable thereafter.
- 4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is

satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.

- 4.7. All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- 4.8. The RFO shall regularly provide the Council Matters Committee with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared for each Council Matters Committee meeting, at least at the end of each financial quarter, and shall show explanations of material variances. For this purpose "material" shall be in excess of £250 on overspends of the budget.
- 4.9. Changes in earmarked reserves shall be considered by the Council Matters Committee and approved by Full Council as part of the budgetary control process.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 5.1. The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2. A schedule of the payments required shall be prepared by the RFO and, together with the relevant invoices, be presented to a Councillors who is a bank signatory to sign the schedule confirming the invoices match the schedule and approving them for payment.
- 5.3. All invoices for payment that do not have a supporting signed requisition form shall be examined, verified and certified by the RFO or budget holder if under £1000, to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading.
- 5.5. The Clerk/RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
 - a. If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before a member is able to review the invoice, where the Clerk/RFO certify that there is no dispute or other reason to delay payment, provided that a member reviews the invoice retrospectively;
 - b. An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a member reviews the invoice retrospectively; or

- c. Fund transfers within the Council's banking arrangements up to the sum of £2,500.
 - d. A payment for an online/telephone order that is made by debit card in advance of receiving the invoice provided that a member reviews the invoice retrospectively.
- 5.6. For each financial year the Clerk/RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation such as but not exclusively Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which Council may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next meeting of the Council Matters Committee.
- 5.7. A record of regular fixed and variable Direct Debits made shall be drawn up and signed by two members annually or when new DDs are added to authorise the regular payments.
- 5.8. In respect of grants the Council Matters Committee shall approve expenditure within any limits set by Council and in accordance with any policy statement approved by Council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the Council.
- 5.9. Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 5.10. The Council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 6.1. The Council will make safe and efficient arrangements for the making of its payments.
- 6.2. Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Clerk/RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be effected by bank payment or debit card.
- 6.4. Cheques for payment drawn on the bank account shall be signed by two members of Council. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.

- 6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided they are included in the record required in Regulation 5.7.
- 6.7. If thought appropriate by the Council, payment for certain items may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to Council as made.
- 6.8. If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to Council as made. As an exception, Payroll payments made by BACS transfer will be authorised by the Clerk/RFO and the Finance Manager.
- 6.9. Unless an alternative payment method is required by the supplier, invoices will be paid by internet banking transfer provided the requirements of Regulations 5.2 – 5.5 have been adhered to. The bank transfers will be authorised by two members of the Management team.
- 6.10. No employee or councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts. Only the members of the Management Team specified by the Clerk/RFO will be given bank PINs to be able to authorise payments as detailed in Regulation 6.9.
- 6.11. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.12. The Council, and any members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.
- 6.13. Where internet banking arrangements are made with any bank, the Clerk/RFO shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify a number of councillors who will be authorised to approve transactions on those accounts.
- 6.14. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for Council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

- 6.15. Supplier invoices paid via internet banking facilities will be entered onto the bank payment system by the Finance Manager. The Clerk/RFO or another member of the Management Team will then authorise the payments on the internet banking system and carry out a random sample check of the bank account details for suppliers on the internet banking screen against the supplier invoices.
- 6.16. Any Debit Card issued for use will be in the name of the Clerk/RFO and will be restricted to a single transaction maximum value of £1000 unless authorised by the Full Council or the Council Matters Committee before any order is placed. Use of the card for cash withdrawals will be solely for the purpose of topping up the petty cash balance. Proper VAT invoices must be obtained for all purchases made with the debit card. The card will be securely stored by the Finance Manager and will only be provided to staff with the PIN on receipt of a signed requisition form detailing the proposed purchase. The card will be signed out and signed back in and the Finance Manager will, within 24 hrs of the card use, confirm the amount on the requisition form matches the amount paid out of the bank. Invoices from all card purchases must be signed retrospectively by a member.
- 6.17. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Council's Council Matters Committee. Transactions and purchases made will be reported to the Council Matters Committee and authority for topping-up shall be at the discretion of the Council Matters Committee.
- 6.18. The Clerk/RFO may provide petty cash to officers for the purpose of defraying operational and other expenses.
- a. The Finance Manager shall manage the petty cash. Vouchers/receipts for payments made from petty cash shall be kept to substantiate the payment. Petty cash payments will not exceed £25.
 - b. Vouchers/receipts for payments made must be initialled/signed by the Clerk/RFO or budget holder as authorisation for reimbursement and forwarded to the Finance Manager for reimbursement.
 - c. Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - d. Cash to maintain the petty cash float shall be drawn from the bank using the debit card. Cash will be collected by Finance Manager using the debit card after the Clerk/RFO has signed a cash withdrawal form.

7. PAYMENT OF SALARIES

- 7.1. As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council, or duly delegated committee.

- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts.
- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council.
- 7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (Wages file). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
 - a. by any councillor who can demonstrate a need to know;
 - b. by the internal auditor;
 - c. by the external auditor; or
 - d. by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 7.6. An effective system of personal performance management should be maintained for the senior officers.
- 7.7. Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 7.8. Before employing interim staff the Council must consider a full business case.

8. LOANS AND INVESTMENTS

- 8.1. All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by Full Council.
- 8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the Full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.
- 8.3. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.

- 8.4. The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.
- 8.5. All investments of money under the control of the Council shall be in the name of the Council.
- 8.6. All investment certificates and other documents relating thereto shall be retained in the custody of the Clerk/RFO.
- 8.7. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. INCOME

- 9.1. The collection of all sums due to the Council shall be the responsibility of and under the supervision of the Clerk/RFO who will ensure an effective debt monitoring process is in place.
- 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the Clerk/RFO and the Clerk/RFO shall be responsible for the collection of all accounts due to the Council.
- 9.3. The Council will review all fees and charges at least biennially, following a report of the Clerk/RFO.
- 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- 9.5. All sums received on behalf of the Council shall be banked intact as directed by the Clerk/RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the Clerk/RFO considers necessary.
- 9.6. The origin of each receipt shall be entered on the paying-in slip.
- 9.7. Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8. The Clerk/RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9. Where any significant sums of cash are regularly received by the Council, the Clerk/RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there

is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

- 9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the Council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any Council meeting (see also Regulation 16 below).

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1. All members and officers are responsible for obtaining value for money at all times. An officer contracting services shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.
- 10.2. A member may not make any contract on behalf of the Council.
- 10.3. The Clerk/RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the Clerk/RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

11. CONTRACTS

- 11.1. Procedures as to contracts are laid down as follows:
- a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
 - i. for the supply of gas, electricity, water, sewerage and telephone services;
 - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk/RFO shall act after consultation with the Chairman and Vice Chairman of Council); and
 - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
 - b. Where the Council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts

- Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the Council shall comply with the relevant requirements of the Regulations¹.
- c. The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)².
 - d. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
 - e. Such invitation to tender shall state the general nature of the intended contract and the Clerk/RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk/RFO in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
 - f. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk/RFO in the presence of at least one member of Council.
 - g. Any invitation to tender issued under this regulation shall be subject to current Standing Orders, and shall refer to the terms of the Bribery Act 2010.
 - h. When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk/RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £5,000 and above £1,000 the Clerk/RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.1 above shall apply.
 - i. The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
 - j. Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.

12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS (PUBLIC WORKS CONTRACTS)

- 12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the Clerk/RFO upon authorised certificates of the architect or other

¹ The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

² Thresholds currently applicable are:

- a. For public supply and public service contracts 209,000 Euros (£164,176)
- b. For public works contracts 5,225,000 Euros (£4,104,394)

consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).

- 12.2. Where contracts provide for payment by instalments the Clerk/RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 12.3. Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk/RFO to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

13. ASSETS, PROPERTIES AND ESTATES

- 13.1. The Clerk/RFO shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The Clerk/RFO shall ensure a record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 13.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £250.
- 13.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 13.4. No real property (interests in land) shall be purchased or acquired without the authority of the Full Council. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 13.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the Full Council. In each case a report in writing shall be provided to Council with a full business case.
- 13.6. The Clerk/RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

14. INSURANCE

- 14.1. Following the annual risk assessment (per Regulation 17), the Clerk/RFO shall effect all insurances and negotiate all claims on the Council's insurers.
- 14.2. The Clerk/RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 14.3. The Clerk/RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Council at the next available meeting.
- 14.4. All appropriate employees of the Council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the Council, or duly delegated committee.

15. CHARITIES

- 15.1. Where the Council is sole managing trustee of a charitable body the Clerk/RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk/RFO shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.

16. RISK MANAGEMENT

- 16.1. The Council is responsible for putting in place arrangements for the management of risk. The Clerk/RFO shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council at least annually.
- 16.2. When considering any new activity, the Clerk/RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

17. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 17.1. It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Clerk/RFO shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these Financial Regulations.
- 17.2. The Council may, by resolution of the Council duly notified prior to the relevant meeting of Council, suspend any part of these Financial Regulations provided that

reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of Council.

Totnes Community Charter

First draft, compiled from the total of the community consultations.
, 6 June 2022

To establish the Cultural Heritage of Totnes and to declare our Rights and Responsibilities for its improvement and protection

.....
A Community Charter

To establish the Cultural Heritage of Totnes and to declare our Rights and Responsibilities for its improvement and protection.

Declaration

We the Community and Peoples of Totnes have produced this Charter to set out our "Cultural Heritage" for the purposes of assessment under the EIA directive, and to declare our basic rights and responsibilities for improving and safeguarding it into the future. We welcome other community groups, Councils and residents of our parish [is parish the correct term here?] who may share our Assets to join us in the adoption of this document.

We declare our Cultural Heritage to be the sum total of the local tangible and intangible assets we have collectively agreed to be fundamental to the health and well-being of our present and future generations. These constitute a social and ecological fabric that sustains life and which provides us with the solid foundations for building and celebrating our homes, families, community and legacy within a healthy, diverse, beautiful and safe natural environment. This is the basis of a true economy, one which returns to its root meaning (oikos – home, nomia – management).

This Charter pertains to any development within Totnes parish which impacts on our Cultural Heritage and, as this Charter is a direct expression from the people, it must be a material consideration in the planning process and decision making; is a factor for impact assessment under environmental legislation; and must be given equal weight to other factors in the evaluation of Sustainable Development.

[The Charter has been drawn up to complement Totnes Neighbourhood Development Plan and should be used alongside the Plan as a stronger assertion of the Cultural Heritage of the communities of Totnes] OPTIONAL

.....
Collectively, we have agreed that our Assets are:

[headlines]

If Cultural Heritage is harmed, life is diminished. Thus, we make a commitment to truly sustainable development, which we define as those activities that represent an overall long-term benefit or zero harm to our Assets. We acknowledge that individual opinions may differ on such

matters but believe that, through a dialogue in which all stakeholders are given equal voice, a wise collective assessment can be reached. In turn, this necessitates a process for Participatory Planning in relation to developments relevant to this Charter, the principles for which we propose below under Article 3 of our Basic Rights and Responsibilities.

If a threat to our Cultural Heritage is perceived then we have a fundamental right and responsibility to play an integral role in related decision making and, should activities proceed without out social license, to peaceful and civil representation to prevent harm to the Assets upon which our community depends.

Below we detail our Assets, our Definitions of important terms; our Basic Rights and Responsibilities in relation to our Assets; and the wider framework and context for the Charter.

.....

OUR ASSETS

We the Community and Peoples of Totnes have come together and agreed that the following tangible and intangible Assets constitute our Cultural Heritage and underpin the qualities fundamental to the health, well-being, cohesion and identity of our communities and our natural environment. As custodians of the future of our area, we deem any definition of Cultural Heritage that does not encompass all of these to be a betrayal of our basic rights and responsibilities.

The strong heritage of independence and political tolerance in this market town that shapes the lives of those who live here today: The 1206 Charter granted by King John that gave freedom of self-governance to Totnes and the 1688 Bill of Rights granted by ???? that? We owe much of our sense of freedom and peace of mind to this heritage and this also motivates us to have a say in our future.

Our buildings and homes that for centuries have provided for a wide range of incomes and needs. From the Norman and medieval street pattern that reinforces our close sense of community and neighbourliness to the 20th-century housing estates that value green spaces and affordable living. In particular we value the 316 buildings that have listed heritage status; the Guildhall, St Mary's Church, the Castle, the Brunel building, the Mansion, the Romany Cinema..... Equally we strongly support local, affordable family homes for local people including young adults who wish to stay in the area.

Our public spaces given or bequeathed to us for long-term enjoyment by the community, including young people. Our market square that provides a vital social space for meeting and exchange in the Friday and Saturday markets. Birdwood House and its exhibition space for local artists. NAME THEM

Our health and wellbeing that depend on our friendly High Street and Fore Street that give us a sense of wellbeing and connection; the Totnes Hospital and Minor Injuries Unit, the Leatside and St Catherine's doctors' practices; the dentists [name them?]; the provision for mental and physical health in the community from Totnes Caring and Caring Town Totnes as well as other

NGOs and volunteer groups and the wide range of alternative health care and medicines that enable us to be proactive in taking care of our health.

Our global reputation for learning and innovation in response to local needs, in particular climate change, food security and biodiversity, and the learning centres and practical projects that enable that. These range from our primary and secondary schools to colleges and adult education, training courses (as run at The Mansion) and in-the-community learning programmes such as Transition Streets and the Climate Hub, as well as the Atmos Project and the eco homes at Clay Park.

Our strong small and micro business sector with a range of different livelihoods and maker spaces that gives opportunities to local people to have local jobs. In particular, our High Street and Fore Street with their independent shops and friendly atmosphere, the industrial estate, the Baltic Wharf boat yard that carries on our tradition of a riverside economy. This operates in counterpoint to our strong tourist sector.

The strength and vibrancy of our community that is evidenced in the number of community and faith groups that cater for many of our needs and make it possible for people from all backgrounds, beliefs and income levels to live here. The engagement of a large number of caring citizens in these groups is something distinct to Totnes and is matched by the opportunities for local political engagement and debate.

Healthy food from the surrounding fields and meadows that remain un-built-upon and provide us with local produce, as well as the strong local food networks that supply our needs. This includes a whole range of shops from Morrisons supermarket to corner shops such as the Spar in Bridgetown and the ?? in Follaton, to our food bank, Food in Community and everything in between. We also value the wide range of cafes, pubs and restaurants where we can go out for a meal with family and friends or pick up meals to take away.

The many oases of green and green lanes in our community that provide us with sports and exercise facilities, places to play, to grow food, to gather together and to rest. They are all integral to our wellbeing and the removal of any one of them harms us as individuals and a collective. These include Vire Island; Longmarsh; Leechwell Gardens; Castle Meadow; Colwell community orchard; the Shady Garden; the rugby pitch, tennis courts, skatepark and bowling green; the lower playing fields at KEVICC; Borough Park, Follaton, Baltic Wharf and Bridgetown playgrounds; the Follaton Arboretum; the Lamb Garden; the allotments at Castle Meadow, Copland Lane, off the Western By-Pass ANY MORE?? ; Fishchowers Lane, Copland Lane, Harpers Hill lane and the paths to Sharpham and Dartington MORE??

Our location between sea and moor, the distant views and the transport routes that enable us to access some of the most beautiful and unspoiled environments in the South West. This includes our location on the River Dart where the sea meets freshwater and our situation in the Dart Valley that acts as a corridor for clean air, clean water and wildlife. Also the two big estates to either side of us, Dartington and Sharpham, that allow open access to much of their land as well as the river.

Our good and accessible transport connections that are a legacy of centuries as a transport hub - namely the mainline train service to all parts of the country; the regular and comprehensive local bus services that include Bob the Bus; the Dartmouth river steamers and

the Sustrans cycle path. These are a lifeline to many who live locally without a car, and should be encouraged as alternatives to travelling by car given the dangerous and highly polluting levels of traffic on the roads at peak times of day and in peak seasons.

Our strong commitment to sustainability, including local generation of clean, renewable energy for our town supported by the Totnes Renewable Energy Society, the Hydroelectric plant on Totnes weir, and the many homes and businesses installing solar panels on their roofs as well as heat pumps. Also well-insulated housing with low energy costs either as a new-build or a retro-fit of the old with options for co-housing and communal living.

The many studio spaces and outlets for creativity, craft, art, dance and live music in Totnes – the Bay Horse, the Barrel House, the Dartington Summer School and festivals, the many local choirs, the Civic Hall, New Lion Brewery, St Mary's and St John's churches, Jamming Station, Soundart Radio MORE? The cultural events they organise contribute to the lifeblood of our community, connecting us up and widening our sense of who we are.

These assets were collectively agreed over a series of public meetings. In their descriptions, care has been taken to remain faithful to how they were perceived and expressed by the people, both in their finer detail and in the inclusion of some features which lie beyond the geographical boundaries of our area but which are still deemed to contribute to our shared local Cultural Heritage.

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Basic Rights & Responsibilities

We the Community and Peoples of Totnes declare the following basic rights and responsibilities as fundamental to safeguarding the integrity, stability and beauty of our Cultural Heritage through the improvement and protection of its constituent Assets named above.

Article 1: Basic Right to Self-Agency

This Charter declares a basic right for the people of our community to have agency over those Assets agreed to be integral to human and environmental well-being, for both present and future generations.

In exercising our basic right to self-agency, we have a right to promote our Cultural Heritage and a right to Sustainable Development.

Article 2: Basic Responsibility

The people of our community also have a basic responsibility to safeguard and improve our Cultural Heritage insofar as our rights under article 1 are not infringed.

Article 3: Principles for Participatory Planning

In fulfilling our responsibility under article 2 in relation to any application for development made within our territory, we:

- (a) declare the Precautionary Principle as the basic test for evaluating the effect of nay proposed activity;

- (b) have a right to Participatory Planning which upholds and does not infringe our rights under article 1;
- (c) have a right, as an outcome of Participatory Planning, to an integral role in stewarding planning agreements and conditions to safeguard our rights under article 1.

In exercising our right to Sustainable Development under article 1, we have a shared responsibility with other stakeholders to:

- (a) ensure all stakeholders, including our councils, developers, wildlife including protected species, and other relevant third parties, are represented and are equally engaged and heard;
- (b) acknowledge a right to life for all species and beings known or reasonably suspected to reside within our territory on the basis of their intrinsic value and contribution to the integrity, stability and beauty of our Assets, upon which the well-being of our present and future generations depend;
- (c) remain mindful of the limitations of human culture, knowledge and perception in decision-making, and the systemic and wider consequences of actions within our territory.

As a direct expression from the people, we declare a right for any decisions emerging from the process under this article to be a material consideration in related decision-making processes on the basis that our people and natural environment bear the burden of any risk.

Article 4: Right to Peaceful and Civil Preventative Representation

In fulfilling our rights and responsibilities under articles 1,2 and 3, we have a right under the principles of lawful necessity and lawful excuse to peaceful and preventative representation if such rights and responsibilities are ignored or abused.

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Framework & Context [WE NEED TO REVIEW THE BELOW BEFORE GOING PUBLIC]

We the Community and Peoples of Totnes have produced this Charter:

1. The communities of Totnes have produced this Charter as an expression of their evolving culture, to align themselves with the prevailing cultural movement for greater autonomy by the peoples of a community away from authority imposed from without, and to foster a culture of autonomy and distributive decision-making to help meet the multiple crises being faced by human civilization.
2. Conscious that the Community and People of Totnes have taken a positive first step towards creating such a different culture through the making of its Neighbourhood Plan which, amongst other matters, provides greater weight to the needs of residents in those communities impacted by town and country planning decisions.
3. Noting that the statutory power granted to communities to make Neighbourhood Plans is generally aligned with the need to foster a general cultural trend towards greater autonomy by communities.

4. Conscious however that Neighbourhood Plans only relate to matters of “development” as defined under the Town and Country Planning Act 1990 (as amended) and that “cultural heritage” under such statutory regime is generally understood to comprise only tangible assets, and not the intangible assets that relate to such wider cultural matters that need to be included in order to foster a regenerative culture that distributes authority to the levels needed to build individual and community identities connected to place.
5. Concerned therefore to ensure that we act to safeguard our Assets and Cultural Heritage, and convinced that effective participation by residents in such governance and decision-making processes as will affect our Assets and Cultural Heritage will enhance principles of sustainability by improving our well-being through supporting such intrinsic values that comprise effective democracy.
6. Conscious therefore of a need to foster a culture that can embrace greater self-autonomy at a level meaningful for residents to help them feel connected to place.
7. Conscious, therefore, of the intention in planning policy to seek a balance between economic, social and environmental considerations, but aware that such policy has placed emphasis on the built environment and tangible facilities and services of a community, with a lack of recognition to the values and intangible assets through which the peoples of a community make meaning and derive their culture and cultural heritage; thereby such local instruments derived from planning policy (such as Neighbourhood Plans) proving inadequate on their own to foster the regenerative culture needed to meet the multiple crises being faced.
8. Noting also that at the heart of the National Planning Policy Framework (NPPF) is the presumption in favour of Sustainable Development. The NPPFs recognition that for Sustainable Development to be achieved involves - seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life; supporting strong, vibrant and healthy communities; helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. As well as the NPPFs statement that planning not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives. This Charter has been prepared particularly in the context of Promoting Healthy Communities (section 8), but also Building a Strong, Competitive Economy (section 1), Ensuring the Vitality of Town Centres (section 2), Supporting a Prosperous Rural Economy (section 3), Promoting Sustainable Transport (section 4), Delivering a Wide Choice of High Quality Homes (section 6), Conserving and Enhancing the Natural Environment (section 11) and Conserving and Enhancing the Historic Environment (section 12).
9. Conscious that the trend towards autonomy is also aligned with the subsidiarity principle enshrined in Article 5(3) and Protocol (No.2) of Treaty on European Union, the purpose of which is to ensure that “decisions are taken as closely as possible to the citizens of the Union”, a principle which is now established in UK case law.
10. Noting the Council of Europe Framework Convention on the Value of Cultural Heritage for Society; and said Convention defining Cultural Heritage as a reflection and expression of constantly evolving values, beliefs, knowledge and traditions, which includes all aspects of the environment resulting from the interaction between people and places through time; and an

obligation on signatory States to promote cultural heritage protection as a central factor in the mutually supporting objectives of, amongst others, sustainable development.

11. Aware of and affirming the emerging consensus for an international crime of Ecocide as an amendment to the Rome Statute of the International Criminal Court¹²; an emerging paradigm that declares that the protection of the environment depends on the recognition of rights for Natural Communities and Ecosystems, including in the constitution of Ecuador in 2008, the constitution of Bolivia in 2011 and local ordinances made in multiple municipalities in the USA¹³; and the movement towards community self-governance through such local ordinances.

12. Noting that international human rights treaties, declarations and agreements provide certain protections by State actors to guarantee certain specified human rights which can also be protected, under the principle of autonomy and subsidiarity, by those communities of people where such rights come into spatial being through everyday enactment. The particular human rights instruments we draw attention to are (i) the International Covenant on Economic, Social and Cultural Rights 1976 (Articles 11 (Standard of Living, Right to Food), 12 (Right to Health), and 15 (right to Cultural Identity)); (ii) Convention on the Rights of the Child 1989 (Articles 12 (right to Participation) and 13 (Freedom of Expression)); (iii) Declaration of UN Conference on the Human Environment 1972 (Stockholm Declaration); and (iv) the Rio Declaration on Environment and Development 1992.

13. Noting also the ecosystems approach in the UN Convention on Biological Diversity which recognises that people with their varied cultural and social needs are an integral part of ecosystems.

14. Conscious that the Aarhus Convention⁽⁴⁾ recognises the responsibility on each person to protect and improve the environment for the benefit of present and future generations, with a right to participate in decision-making as well as a right to access the information needed to do so effectively. Conscious also of the recognition in the Convention that every person has the right to live in an environment adequate to his or her health and well-being.

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Definitions

Assets means those matters, qualities and assets (both tangible and intangible) listed above under "Our Assets", which our communities have agreed to be the factors that we value as fundamental to maintaining the integrity, stability and beauty of our Cultural Heritage for present and future generations.

Cultural Heritage means a group of resources inherited from the past which are identified, independently of ownership, as a reflection and expression of a community's constantly evolving values, beliefs, knowledge, practices and traditions. It includes all experiences of the cultural, social and ecological environment resulting from the interaction between people, places and ecosystems through time; and includes but is not limited to the Assets within that community's territory.

Participatory Planning means collaborative decision-making processes, operating within existing planning law, which are ongoing and dynamic and centred on direct, effective and engaged participation by residents of our communities, in a manner which is fair, non-hierarchical and transparent and which is facilitated by an independent and impartial third party. Principles for these processes are set out at article 3.

Precautionary Principle means that, when an action raises threats of harm to human health or the environment then, in the absence of scientific consensus that it is harmful, those proposing the act must bear the burden of proof in proving that it is not.

Sustainable Development means any development within our territory which, following the process for Participatory Planning, is found to represent an overall long term benefit or zero harm to our Assets; thus recognising and giving equal weight to Cultural Heritage with other social, economic and environmental factors and ensuring we bequeath it to our future generations in a better state than we inherited it, to help meet the 5 guiding principles in the UK Shared Framework for Sustainable Development (2005).

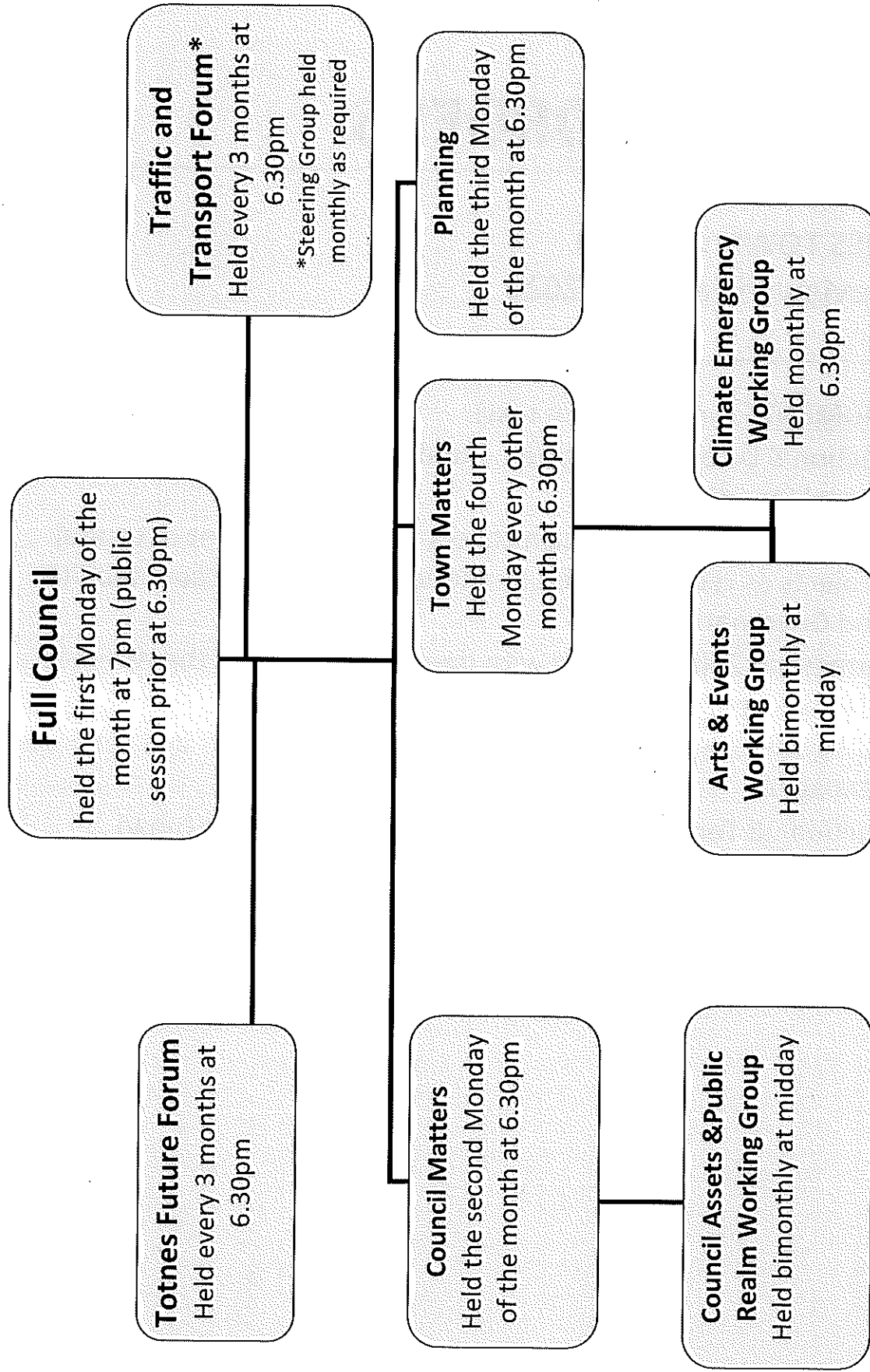
STANDING ORDERS

TOTNES TOWN COUNCIL
Last reviewed February 2022

AMENDMENTS (underlined in text)

- Section 8 Disorderly Conduct – updated based on the NALC model Standing Orders.
- New paragraph 15(f) which covers the management of capital projects as recommended by the Joint Panel on Accountability and Governance.
- Paragraph 20(b) updated with date of adoption of the Absence Management policy.
- Paragraph 20(i) updated to include the Finance, HR and Lettings Manager.
- Section 26 Terms of Reference for Working Groups (new).

STRUCTURE



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30. Nolan Principles

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.
- j) Chairs of committee are required to undertake DALC training 'Chairing Local Council Meetings' within 2 months of starting the role.

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 June 7th 2021. 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. If this Standing Order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- 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.~~ If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any councillor or the Chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c) If a resolution made in accordance with Standing Order 8(b) is ~~disobeyed~~ ignored, the Chair may take ~~such~~ further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting. 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) 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.
- f) Procedures for the management of capital projects require payments only against certified completions under a planned and approved programme of works governed by a properly negotiated contract supervised by a named Council officer.

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 conform to the Absence Management Policy adopted in July 2021. 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 and the Finance, HR and Lettings Manager.

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 Council Assets and Public Realm Working Group.

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 other 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.

All Planning Committee Councillors will undertake DALC training 'Responding to Planning Applications' within 2 months of joining the Committee.

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
- 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 Fairtrade
- Totnes Community Development Society
- Devon Countryside Forum
- Rural Services Network
- Friends of Salfit

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

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 Working Groups

26.1 Arts and Events Working Group

Purpose: The Working Group's role is to discuss: arts projects that will enhance the public realm within the town; and community events which will support and improve the social, economic and cultural life of residents, businesses and visitors.

A budget allocation for the Working Group will be set annually and updated as part of the monthly budget monitor process. The working group does not have any delegated authority but is a way of discussing issues and projects informally and including members of the community when relevant.

Membership: The Working Group will be made up of a minimum of three Councillors and a maximum of nine Councillors with powers to co-opt as required named members of the public (with relevant experience) on a non-voting basis who must agree to abide by the Town Council Code of Conduct.

Quorum: Three Councillors.

Power: Local Government Act 1972, section 145.

Delegated Authority: no delegated authority, recommendations to the Council Matters Committee for consideration.

1. Terms

- 1.1 The Council's Standing Orders apply to all meetings of the Working Group.
- 1.2 The Working Group shall be appointed on an annual basis at the Annual Meeting of the Town Council.
- 1.3 The first order of business of the first meeting of the Working Group after its annual appointment will be to elect a Chair.
- 1.4 The Mayor and Deputy Mayor of the Council shall be ex-officio, non-voting members of the Working Group.
- 1.5 The Working Group will meet bi-monthly.
- 1.6 Meetings shall not be open to the public and any invites should be issued by Council Officers in advance of the meeting.
- 1.7 Members of the Working Group will receive an agenda and supporting papers in advance of the meeting.
- 1.8 A brief action note will be produced and fed back to the appropriate Council committee(s) for further discussion and decision making. These notes will form part of the committee papers made available to the public.

2. Responsibilities

- 2.1 To promote Totnes as a successful and vibrant town through grant funding and/or organising a range of free, accessible events aimed at supporting and improving the social, economic and cultural life of the town for the benefit of its residents, businesses and visitors.
- 2.2 To deliver: the annual Christmas Lights Switch on and Community Arts evening; and the Christmas Festival Nights in December.

26.2 Climate Emergency Working Group

Purpose: The Working Group's role is to ensure that Totnes Town Council responds appropriately to the climate and ecological emergency that it declared in December 2018 and plays its part in working towards a reduction in carbon dioxide emissions and other environmental threats. The current national target set by the UK Government is to reduce carbon emissions by 100% (compared to 1990 levels) by 2050.

A budget allocation for the Working Group will be set annually and updated as part of the monthly budget monitor process. The working group does not have any delegated authority but is a way of discussing issues and projects informally and including members of the community.

Membership: The Working Group will be made up of a minimum of three Councillors and a maximum of nine Councillors with powers to co-opt named members of the public (with relevant experience) on a non-voting basis who must agree to abide by the Town Council Code of Conduct.

Quorum: Three Councillors.

Power: Climate Change and Sustainable Energy Act 2006, section 20.

Delegated Authority: no delegated authority, recommendations to the Town Matters Committee for consideration.

1. Terms

1.1 The Council's Standing Orders apply to all meetings of the Working Group.

1.2 The Working Group shall be appointed on an annual basis at the Annual Meeting of the Town Council.

1.3 The first order of business of the first meeting of the Working Group after its annual appointment will be to elect a Chair.

1.4 The Mayor and Deputy Mayor of the Council shall be ex-officio, non-voting members of the Working Group.

1.5 The Working Group will meet monthly.

1.6 Meetings are open to the public to participate.

1.7 Members of the Working Group will receive an agenda and supporting papers in advance of the meeting.

1.8 A brief action note will be produced and fed back to the appropriate Council committee(s) for further discussion and decision making. These notes will form part of the committee papers made available to the public.

2. Responsibilities

2.1 Recommend steps to reduce the environmental impact of Totnes Town Council's activities and infrastructure.

2.2 Work with existing Town Council Working Groups and Committees to ensure that recommendations are cognisant of any associated climate and environmental impact and that mitigation, reduction or removal is considered in all decisions and ongoing operations.

2.3 Collaborate with local groups to promote the reduction of carbon dioxide emissions and other environmental threats with a focus on environmental, economic and social benefits and increasing resilience.

2.4 Communicate to people and organisations throughout Totnes that the Town Council and community together need to respond to the climate emergency.

2.5 Provide supporting information to parishioners and businesses to enable individual and group action.

2.6 Work with higher tier local authorities and DALC to deliver this plan through all relevant means.

2.7 Influence external stakeholders locally and nationally to incorporate sustainability into economic and strategic frameworks, strategies, plans and service operations.

26.3 Council Assets and Public Realm Working Group

Purpose: The Working Group's role is to discuss matters associated with the Council's assets (buildings, the cemetery and open spaces) and public realm improvements in the town.

A budget allocation for the Working Group will be set annually and updated as part of the monthly budget monitor process. The working group does not have any delegated authority but is a way of discussing issues and projects informally and including members of the community when relevant.

Membership: The Working Group will be made up of a minimum of three Councillors and a maximum of nine Councillors with powers to co-opt as required named members of the public (with relevant experience) on a non-voting basis who must agree to abide by the Town Council Code of Conduct.

Quorum: Three Councillors.

Power: Local Government Act 1972, part VII and schedule 26.

Delegated Authority: no delegated authority, recommendations to the Council Matters Committee for consideration.

1. Terms

- 1.1 The Council's Standing Orders apply to all meetings of the Working Group.
- 1.2 The Working Group shall be appointed on an annual basis at the Annual Meeting of the Town Council.
- 1.3 The first order of business of the first meeting of the Working Group after its annual appointment will be to elect a Chair.
- 1.4 The Mayor and Deputy Mayor of the Council shall be ex-officio, non-voting members of the Working Group.
- 1.5 The Working Group will meet bi-monthly.
- 1.6 Meetings shall not be open to the public and any invites should be issued by Council Officers in advance of the meeting.
- 1.7 Members of the Working Group will receive an agenda and supporting papers in advance of the meeting.
- 1.8 A brief action note will be produced and fed back to the appropriate Council committee(s) for further discussion and decision making. These notes will form part of the committee papers made available to the public.

2. Responsibilities

- 2.1 To determine use, maintenance and improvements to buildings (Guildhall, Guildhall Cottage and Flat, garage, Civic Hall and annex, Eastgate Clock and museum), open spaces (Castle Meadow, St Mary's Churchyard and areas alongside Coronation Road) and clocks (St Mary's and St John's churches, and Eastgate clock) that the Council owns, leases or has a statutory duty to maintain.
- 2.2 To determine public realm improvements to the town, for example benches/seating, wayfinding, refuse bins.
- 2.3 To consider the cemetery's efficient use of space for interments and a balanced maintenance programme that includes the needs of funerals, those visiting graves and wildlife.

27. 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 (as required) 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.

28. 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.

29. 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 as required by the Clerk. These meetings are not open to the public. The Clerk will also liaise directly on a one to one with the Mayor and Chairs of Committees on individual operational issues if required.

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.

30. 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.

ITEM 10 – GRANT APPLICATION SUPPORT

To consider the Council's support in principle to an application to be submitted by New Economy Law: for a grant of upto £25k funded by UK Research Institute in collaboration with Innovate UK.

If successful, the grant will help fund the development of the working relationships between the Town Council and New Economy Law with community organisations, for what are to be called "Community Research Networks" - to help unlock the potential for community-centred research and engagement. <https://www.ukri.org/opportunity/community-research-networks/>

No time/resources/input from Council officers is needed at this "Expression of Interest" stage.

The New Economy Law (NEL) website states:

In a rapidly changing world, NEL helps people & their organisations face challenges as opportunities to unlock new possibilities in themselves and the communities they work in.

Our Vision: Far too often, those most impacted have the least agency to make change work for them. We recognise lived experience as an engine for change. We give those most impacted access to professional standards of legal expertise so that they are treated not as "beneficiaries" of justice, but as actors and agents for economic and social justice. We use the law to leverage organisational and community objectives that increase meaningful quality of life for all within the ecological boundaries of our planet.

ITEM 11 – LIST OF MEETING DATES

September

Full Council – 5th September at 6.30pm

Council Matters Committee – 12th September at 6.30pm

Planning Committee - 19th September at 6.30pm

Climate Emergency Working Group – 20th September at 6.30pm

Arts and Events Working Group – 21st September at 12.00pm

Town Matters Committee – 26th September at 6.30pm

Traffic and Transport Steering Group – 28th September at 6.30pm *if required*

October

Full Council – 3rd October at 6.30pm

Council Matters Committee – 10th October at 6.30pm

Planning Committee - 17th October at 6.30pm

Council Assets and Public Realm Working Group – 18th October at 12.00pm

Climate Emergency Working Group – 18th October at 6.30pm

Traffic and Transport Forum – 26th October at 6.30pm