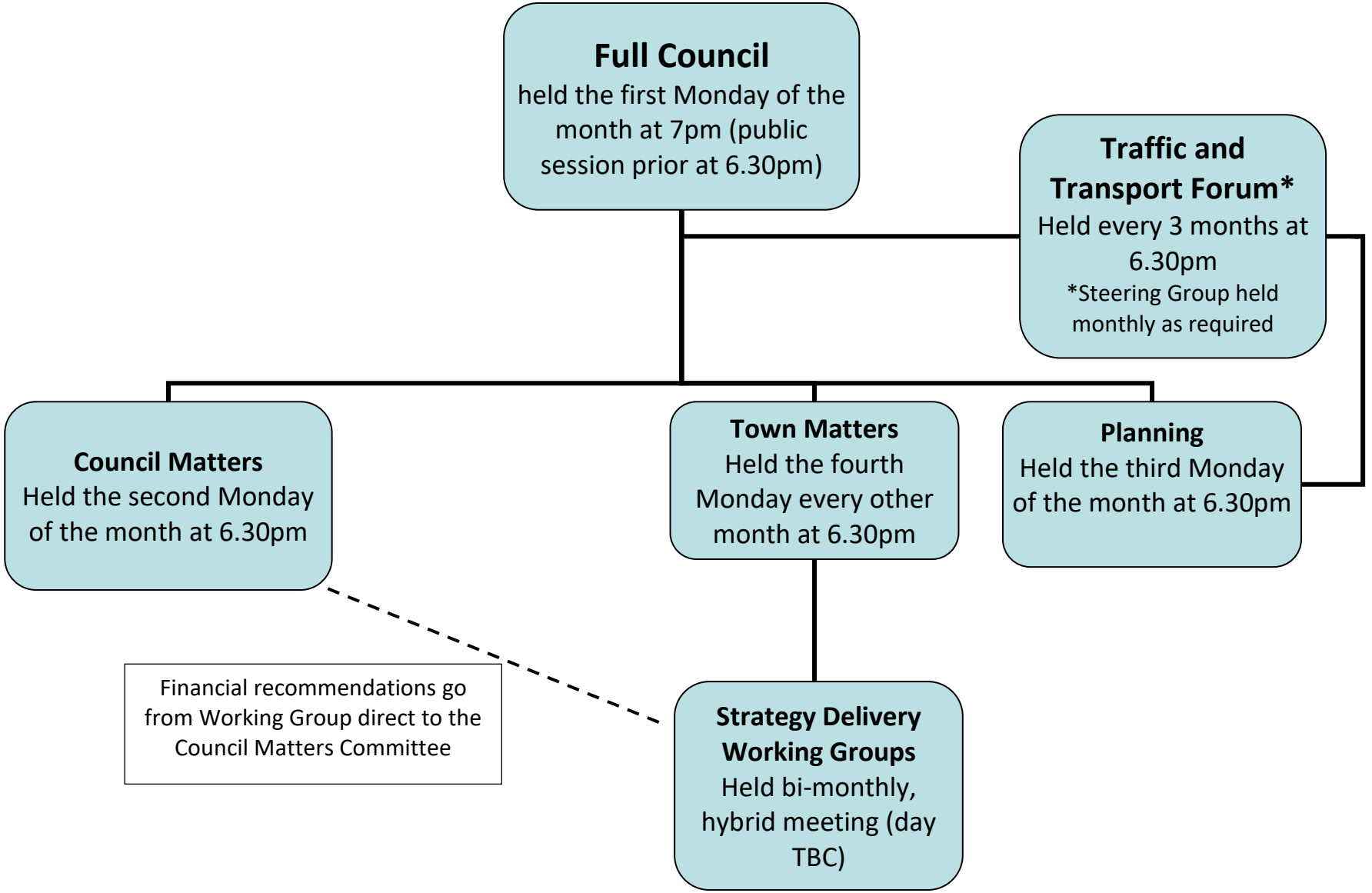
STANDING ORDERS

TOTNES TOWN COUNCIL
Last reviewed May 2025

Amendments May 26

- No NALC updates to the Standing Orders since 2025.
- Section 13(b)xvi updated to reflect the Council's General Power of Competence.
- Annex A new introduction to set out the Council's General Power of Competence and the Clerk's professional qualification in the conduction of Council business.
- Annex A update to section 3.6.f – Clerk authorisation for emergency expenditure is £10000 (not £5000).
- Annex A new section 3.7 to reflect the Clerk's professional qualification and decision taking in in cases of urgency.
- Annex A update to 'Overview' table – deletion of the Communications and Marketing Manager position.

STRUCTURE


Full Council
held the first Monday of the month at 7pm (public session prior at 6.30pm)
Traffic and Transport Forum*
Held every 3 months at 6.30pm
*Steering Group held monthly as required
Council Matters
Held the second Monday of the month at 6.30pm
Town Matters
Held the fourth Monday every other month at 6.30pm
Planning
Held the third Monday of the month at 6.30pm
Financial recommendations go from Working Group direct to the Council Matters Committee
Strategy Delivery Working Groups
Held bi-monthly, hybrid meeting (day TBC)

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Text in bold is required by statute

1. Meetings

a) Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.

b) The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.

c) Councillors are expected to attend meetings.

d) Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

e) Members of the public may make representations, raise questions, give evidence during a 30 minute open and informal session prior to Full Council, and 15 minute session at the beginning of Committee meetings. The period of time designated for public participation at a meeting shall not be exceeded unless directed by the chair of the meeting. An individual member of the public shall not speak for more than 3 minutes.

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) Subject to standing order 1(h), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.

h) A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.

i) 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.

j) Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by the Deputy Chair.

k) 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.

l) Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors present and by voting thereon.

m) 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.

n) 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.

o) The minutes of a meeting shall record the following:

i. the time and place of the meeting;

ii. the names of councillors who are present and the names of councillors who are absent;

iii. interests that have been declared by councillors and non-councillors with voting rights;

iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;

v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;

vi. if there was a public participation session; and

vii. the resolutions made.

p) The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.

q) A Councillor with voting rights who has a disclosable pecuniary interest or another 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.

r) 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.

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

t) 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. Review the Council's Standing Orders;

viii. Review of representation on or work with external bodies and arrangements for reporting back;

ix. 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 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 shall be signed by the two Councillors.

4. Committees, sub-committees and working groups

a) Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.

b. Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

c) The Council may appoint standing committees and sub-committees at any meeting.

d) Terms of reference, membership and Chair of any committee or sub-committee shall be approved by Council and form part of the Standing Orders.

e) The Council will determine whether the public may participate at a meeting of the committee or sub-committee.

f) The Council may dissolve a committee, sub-committee or Working Group at any meeting.

g) The members of a committee may include non-Councillors unless it is a committee which regulates and controls the finances of the Council.

h) Subject to Standing Order 4 (g) 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.

i) 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.

j) 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.

k) 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.

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

m) A Scheme of Delegation at Annex A sets out the delegated powers and financial delegations held by the various Committees and Working Groups.

5. Motions

a) A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.

b) 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.

c) 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.

d) 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.

e) 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, public and non-committee Councillors 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, press and non-committee Councillors;

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 and Dispensations

a) All Councillors and non-Councillors with voting rights shall observe the code of conduct adopted by the Council on May 15th 2023. 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.

g) Subject to standing orders 7(d) and (f), a dispensation request shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required].

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 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 ignored, the Chair may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing 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.

c) If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.

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. Management of Information including handling confidential or sensitive information

a) The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.

b) The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).

c) The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.

d) Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

e) Councillors and staff will not disclose information given to them in confidence, or which they believe or ought to be aware, is of a confidential nature. Any confidential papers issued should be returned to the Clerk at the end of each meeting for appropriate disposal.

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. **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper**

Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service 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 and lawful advice on all matters within the statutory powers of the Council, including matters exercised under the General Power of Competence.

14. Financial Matters

The Council shall appoint the Proper Officer to be the Responsible Financial Officer. The Finance and HR 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) 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;

iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and

v. whether contracts with an estimated value below [60,000] due to special circumstances are exempt from a tendering process or procurement exercise.

b) Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

c) 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. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer or electronically by email to the Proper Officer;

iv. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;

v. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.

d) Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

e) Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.

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 process (event/survey) will take place per Council term (i.e. once every four years) 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) Upon notification by the Principal Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.

b) Where that notification relates to a complaint made by the Town Clerk, the Governance and Projects Manager will assume the duties of the Town Clerk in relation to the complaint.

c) Where a notification relates to a complaint made by an employee (not being the Town Clerk), the Town Clerk will ensure that the employee in question does not deal with any aspect of the complaint.

d) The subject matter of notifications will be confidential.

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 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 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 20(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 and HR Manager.

21. Responsibilities to provide information

a) In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.

b) The Council shall publish information in accordance with the requirements of the Local Government (Transparency

Requirements) (England) Regulations 2015.

22. Responsibilities under Data Protection Legislation

a) The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.

b) The Council shall have a written policy in place for responding to and managing a personal data breach.

c) The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.

d) The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.

e) The Council shall maintain a written record of its processing activities.

23. Restrictions on Councillor activities

a) No individual Councillor will, in the name or on behalf of the Council, a committee or a sub-committee:

i. inspect any land and/or premises which the Council has a right or duty to inspect; or

ii. make decision or issue orders, instructions or directions.

24. 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.

25. Matters that must be Resolved only by Council

a) These include:

i. Agreeing the Strategic Plan, the annual work programme, and the annual budget

ii. Setting the precept demand

iii. Borrowing money

iv. Approving the end of year Accounts and approving submission of the Annual Return to the External Auditors

26. Committee Terms of Reference

26.1 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 (not less than three).

3. Remit

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 actions related to expenditure from the notes of the Strategy Delivery Working Groups as required.

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 (not less than 3 Councillors present).

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. Formal adoption of minutes 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.

Full Council minutes will be agreed and signed at the following Full Council meeting, and minutes of committees will be noted.

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.

26.2 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 (not less than three).

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.

The Committee will consider non-expenditure actions from the notes of the Strategy Delivery Working Groups. n.b. where these areas overlap with services provided by the Town Council e.g. 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 Councillors present.

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. Formal adoption of minutes and any matters arising will 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.

<u>26.3 Planning Committee</u>

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 (not less than three).

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:

- Planning applications, tree orders, licensing applications etc
- Traffic and Transport.
- Housing.
- Neighbourhood Plan review and inputs to Joint Local Plan review.

n.b. Where these areas overlap with services provided by the Town Council e.g. 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 Councillors.

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. Formal adoption of minutes 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 Planning 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.

27. 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	• Arts
• Cultural Links	• Traffic and Transport
• Elderly and Vulnerable People	• Environment, Sustainability and Air Quality
• Young People/Youth	• Open Space, Sports Provision and Leisure
• Heritage	• Disability

Links on outside bodies

• TADPOOL	• Caring Town
• Totnes Allotments Association	• Network of Wellbeing
• Vire Twinning Association	• Bridgetown Alive
• Totnes Municipal Charities	• Friends of Totnes Museum
• KEVICC Foundation Governors	• Daisy and Rainbow Childcare
• Parish Paths Partnership	• Inclusive Totnes
• Totnes Hospital League of Friends	• Police and Crime Commissioner Advocate
• Devon Association of Local Councils Committee	• Totnes Community Builders
• Dart Harbour Community Group	• Devon Countryside Forum
• Totnes Chamber of Commerce	• Rural Services Network
• Totnes Fairtrade	• Friends of Salfit
• Museum Trust	• TQ9 Partnership
• Stepping Stones	• Schools Engagement

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.

28. Terms of Reference for the Strategy Delivery Working Groups

Strategy Delivery Working Groups: Community; Devolution; Economy; and Environment and Public Realm

Purpose: Each Working Group's role is to discuss the detail, prioritise and deliver the objectives as set out in the Council's Strategic Plan under the three themes of: community; devolution; economy; and environment and public realm.

There is a budget allocation foreach Working Group to allocate. However, the budget allocation will be held by the Council Matters Committee who will consider recommendations from the Working Group. 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 community, economy and environment and public realm Working Groups will be made up of a minimum of three Councillors and a maximum of eight Councillors with powers to co-opt as required other Councillors and/or named members of the community (with relevant experience) on a non-voting basis who must agree to abide by the Town Council Code of Conduct. A Chair and Deputy will be elected.

The Devolution Working Group will be made up of the Mayor, Deputy Mayor, Chairs of Committee and two members.

Quorum: Three Councillors.

Power: Local Government Act 1972, section 145.

Delegated Authority: no delegated authority, recommendations to the Town Matters Committee, or Council Matters Committee where it concerns a budgetary matter, 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 or as required, in person or as a hybrid meeting as required.

1.6 Meetings shall not be open to the public, but it is the intention of members to liaise and involve relevant members of the community as required.

1.7 The Working Group will be allocated an officer whose role will be to act as a link, particularly with the Chair. The link officer will attend the Working Group meetings on an as required basis.

1.8 Brief bullet points of actions will be required for Committee discussion and forming recommendations/making decisions

2. Responsibilities

2.1 To prioritise the objectives set out in the Strategic Plan which aim to support and improve the social, economic, environment quality, and cultural life of the town for the benefit of its residents, businesses and visitors.

2.2 To deliver the objectives of the Strategic Plan, including providing details on how these objectives will be investigated or taken forward.

2.3 To consider the matter of local government reform and devolution on the Town Council and the impact that such changes may have on its operation, the town and wider community.

29. Terms of Reference for Advisory Bodies (Forums)

Advisory:

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

- The Traffic and Transport Forum, which reports through the Planning Committee

The 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 body 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.

30. 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 themself 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, including through regular one-to-one meetings.

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

31. 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 and 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/or 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.

32. 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.

Annex A

TOTNES TOWN COUNCIL SCHEME OF DELEGATION
Adopted: October 2024
Review date: May 2026

Introduction

This Scheme of Delegation operates within the Council's statutory powers and, where adopted, the General Power of Competence. Delegations to the Town Clerk (Proper Officer) are made recognising the Clerk's professional qualification (CiLCA) and responsibility to act lawfully, proportionately and in the best interests of the Council.

1. THE POWER TO DELEGATE

1.1 The power to delegate function by local councils is set out in the Local Government Act 1972 S.101 as follows:

a. that a council may delegate its powers (except those incapable of delegation) to a committee or an officer (not a working group, forum or individual councillor).
b. a committee may delegate its powers to an officer.
c. the delegating body may exercise Powers that have been delegated (i.e. Full Council).

1.2 Any delegation to a Committee or the Proper Officer shall be exercised in compliance with the Council's Standing Orders, any other policies or conditions imposed by the Council and within the law.

1.3 The Proper Officer may nominate another named Officer to carry out any powers and duties which have been delegated to that Officer.

1.4 Where officers are contemplating any action under delegated powers which is likely to have a significant impact in a particular area, they should also consult the Members and must ensure that they obtain appropriate legal, financial, and other specialist advice before action is taken.

2. FINANCIAL REGULATIONS (EXCERPT)

2.1 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:

a. the Council for all items over £10,000;
b. the Council Matters Committee for items over £5,000; or
c. the Clerk/RFO for any items below £5,000.
d. members of the management team for specific budget lines as decided by the Clerk/RFO for any items below £1000.
e. The Town Maintenance Officer for the TMO Tools & Consumables budget up to £100 excluding VAT.

3. DELEGATION TO OFFICERS

3.1 The following matters are delegated to the Council's Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

3.2 The Council may at any time, following resolution, revoke any delegated authority.

3.3 Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to a Committee or the Council. Similarly, where Officers have no delegated power to make a decision, they report the matter to Committee or the Council for a decision.

Responsible Financial Officer (currently Town Clerk)

3.4 The Responsible Financial Officer to the Council shall be responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

Proper Officer (Town Clerk)

3.5 The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

a. To receive Declarations of Acceptance of Office.
b. To receive and record notices disclosing personal and prejudicial interests.
c. To receive and record notices of requests for dispensations.
d. To receive and retain plans and documents.
e. To sign notices or other documents on behalf of the Council.
f. To receive copies of by-laws made by the local authority.
g. To certify copies of by-laws made by the Council.
h. To sign summonses to attend meetings of the Council.
i. To arrange insurance.

3.6 In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:

a. The day-to-day operation of services, together with routine inspection and control.
b. Day-to-day supervision and control of all staff employed by the Council.
c. The day-to-day administration and oversight for organised events and activities.

d. Authorisation of routine expenditure within the agreed budget (up to £5,000 unless otherwise resolved by Council).
f. Emergency expenditure up to £10,000 outside the agreed budget (see Financial Regulations).
g. Matters and increased expenditure specifically delegated by Council or Committee.
h. Payment of authorised continuing contracts, including but not limited to monthly salary payments.

3.7 The Town Clerk may, in cases of urgency where delay would be prejudicial to the Council's interests, take decisions and incur expenditure within delegated limits under the General Power of Competence, reporting such action to the next appropriate meeting.

4. FULL COUNCIL

4.1 The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations for the Council's consideration:

a. Approval of the budget.
b. Setting the precept.
c. Approval of the Annual Return and Audit of Accounts.
d. Agreement to write off bad debts.
e. Approval by resolution, before payment, of any grant or single commitment in excess of £10,000.
f. Authorisation as to terms and purpose for any application for Borrowing Approval and subsequent arrangements for the loan.
g. Approval of any financial arrangement which does not require formal borrowing approval from the Secretary of State (eg hire purchase or leasing of tangible assets).
h. Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property £10,000 or over.
i. Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land).
j. Approval of changes in earmarked reserves as part of the budgetary process.
k. Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
l. Making, amending or revoking by-laws.
m. Making of orders under any statutory powers.
n. Matters of principle or policy.
o. Appointment of Standing Committees.
p. Appointing Council Representatives to outside bodies.
q. Confirming the appointment of the Proper Officer (Town Clerk) – all other appointments can be agreed by Council Matters.
r. Elect Chairs of committee.
s. All other matters which must, by law, be reserved to the Full Council.

5. COMMITTEES

5.1 The following matters are delegated to the Council's Committees to make decisions on behalf of the Council. They must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

5.2 The Council may at any time, following resolution, revoke any delegated authority.

5.3 Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly, where a Committee has no delegated power to make a decision it makes a recommendation to Council.

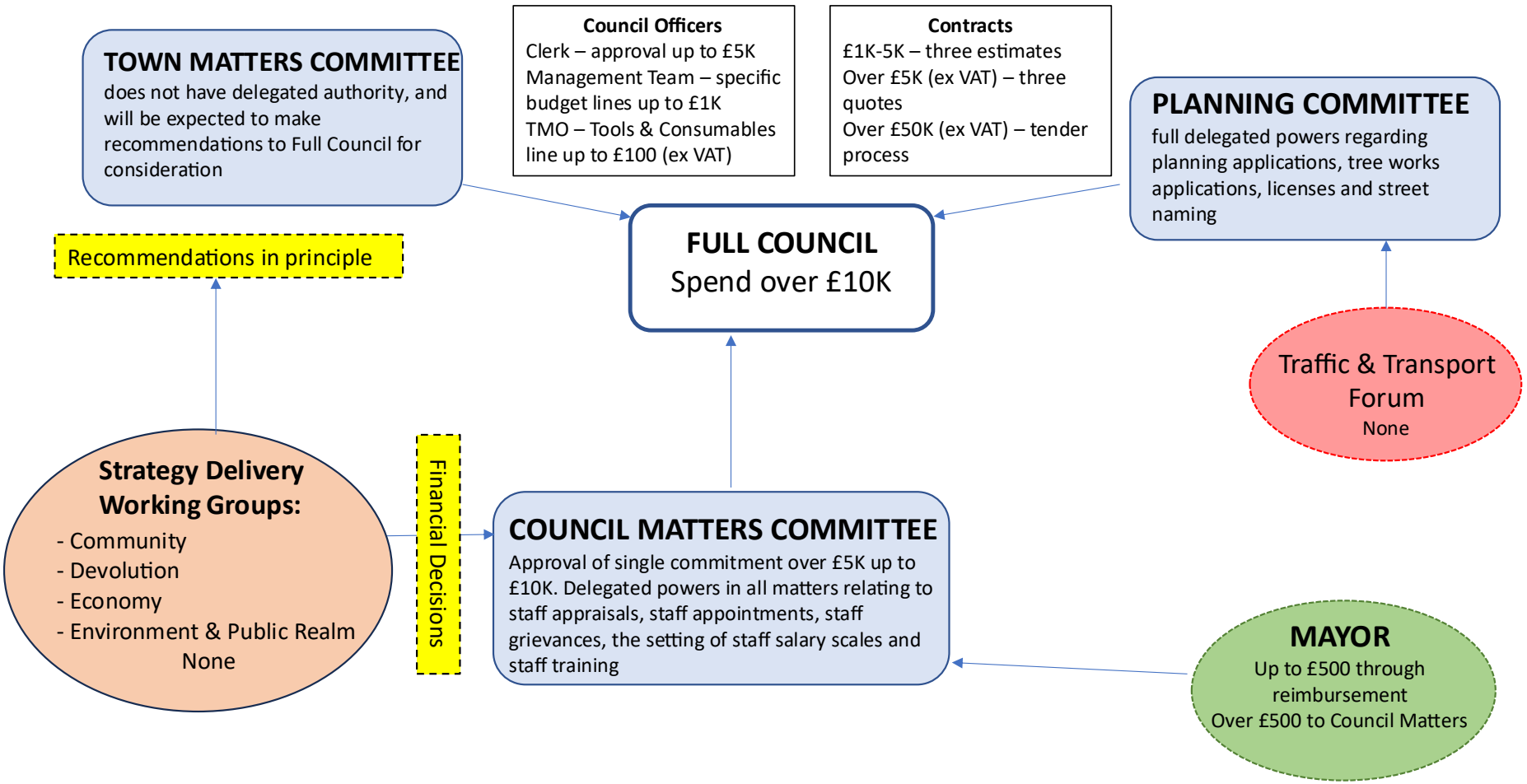
All Committees are authorised to:

a. Elect a deputy Chair from within the membership of that Committee.
b. Approve the Minutes of the last meeting of the Committee.
c. Spend money from budget headings under that Committee's remit up to the limit of the budget and/or named reserve.
d. Make recommendations on the budget requirement for the Committee for the coming Financial Year.
e. Delegate any of their functions to a Sub Committee or Officer of the Council (not a working group, forum or individual Councillor)

Overview

Committee/Working Group	**Delegation**
Full Council	Detail above. **Approval of single expenditure over £10K.**
Council Matters Committee	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 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 (single commitment over £5K up to £10K). 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, staff disciplinaries and dismissals, the setting of staff salary scales and staff training.**
Planning Committee	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: planning applications, tree orders; Neighbourhood Plan; Traffic and Transport; Housing; licensing. **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 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.**
Town Matters Committee	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: 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. **The Committee does not have delegated authority, and will be expected to make recommendations to Full Council for consideration.**
Strategy Delivery Working Groups:	None. Actions/recommendations to the Council Matters Committee or Town Matters Committee for consideration.

- Community - Devolution - Economy - Environment and Public Realm	
Traffic and Transport Forum	None. Advisory group to the Town Council. Any recommendations to the Planning Committee.
Mayor	Civic Budget for: the funding of formal and informal civic events associated with the role of Mayor; civic events supported by the Council; cost of events attended or hosted by the Mayor; supporting the Mayor in raising money for their chosen charity. Appoint a Deputy Mayor. **Civic Budget - Up to £500 (through reimbursement) with authorisation by the Town Clerk. Amounts of £500 and over need to be agreed by the Council Matters Committee in advance of agreement.**
Council Officers	**Delegation**
Clerk/Responsible Financial Officer (RFO)/Proper Officer	As above, management of day-to-day operation of Council services and staff management matters. Approval of payments and expenses up to £5K. Emergency expenditure up to £10,000 in liaison with the Chair (if possible).
Finance and HR Manager	Approval of payments up to £1K on the following budget lines: staff training, travel & expenses; office supplies; Guildhall cleaning; Guildhall marketing & licences; Civic Hall caretaking, cleaning & supplies; Civic Hall Misc and marketing expenditure; Civic events; civic regalia; mayoral travel.
Governance & Projects Manager	Approval of payments up to £1K on the following budget lines: Cllr IT equipment; Cllr training & travel; cemetery grounds maintenance; cemetery maintenance.
Town Maintenance Officer	Approval of payments up to £100 (excluding VAT) on the following budget line: TMO Tools & Consumables.
Contracts	Over £1K and up to £5K – 3 estimates (ideally) Over £5K (ex VAT) – 3 quotations Over £50K (ex VAT) – tender process and award.
Legal Deeds	Authorisation through Council resolution. Signed by 2 x Councillors or the Chair and Clerk as required. Witnessed by the Proper Officer [Clerk]

Chart showing the Council's scheme of delegation including reporting chains for working groups and forums to committees and Full Council.

TTC SCHEME OF DELEGATION & REPORTING CHAINS