

# Frome Town Council Constitution

## Chapter 2 - Standing Orders

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Insert contents page

## **1. Formal meetings of the Council, committees and sub-committees.**

**Text in bold is required by statute.** The chair and vice chair of the council will be the Mayor and deputy Mayor respectively.

- a Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
  
- b When calculating the 3 clear days for notice of a meeting to Councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**
  
- c 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** Wherever possible, meeting venues shall enable disabled people to participate fully in meetings.
  
- f** Subject to Standing Order 1(d) above, members of the public are permitted to make representations and a part of the agenda shall be allocated for this purpose. Meetings can be suspended by resolution to involve the public at any time.
  
- g** Detailed questions from the public may be answered at a later date at the discretion of the Chair.
  
- h** A summary record of public participation at a meeting shall be included in the

minutes of the meeting.

- i Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted.**
  
- j In accordance with Standing Order 1(d) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
  
- k Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in their absence be done by, to or before the Vice-Chair (if any).**
  
- l The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
  
- m All questions at a meeting shall be decided by a majority of the Councillors present and 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.**
  
- o Unless Standing Orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave his vote for or against that question.**
  
- p The minutes of a meeting shall record the names of Councillors present at the beginning of the meeting or when they arrive afterwards and/or leave before the**

end.

- q** The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.
- r** An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.
- s** 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 3.
- t** If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business shall be transacted at a following meeting. At the discretion of the Chair public forum may continue.

## **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 7pm.
- d** In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- e** The election of the Chair and Vice-Chair of the Council shall be the first business completed at the annual meeting of the Council.

- 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 Vice-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 new 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 Vice-Chair of the Council at the annual meeting of the Council, the order of business shall be as follows:**

  - i. in an election year, delivery by Councillors of their declarations of acceptance of office;
  - ii. confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes from the most recent standing committee meetings;
  - iii. resolve whether to review or approve the Council’s Standing Orders (including the remits for the Leader and committees);
  - iv. resolve whether to appoint a Leader of the Council, committees and sub-committees;
  - v. receive nominations for and appoint Councillors to committees and sub-

- committees;
- vi. receive nominations for and appoint the post of Leader of the Council;
- vii. set the dates, times and place of ordinary meetings of the Council, committees and sub-committees for the year ahead.

### **3 The role of the Leader of the Council**

- a The Council delegates to the Leader of the Council the authority to:
  - i. work with the Proper Officer and Councillors to develop and propose to Council the strategic direction and policy objectives of the Council;
  - ii. work with the Proper Officer to ensure the strategic direction and operational management of the Council are working effectively;
  - iii. work with the Proper Officer to negotiate on behalf of the Council with other local authorities and organisations in order to deliver the strategic direction and policy objectives;
  - iv. discuss with the relevant Council and Committee Chair the purpose of any negotiation and will report the outcome to Council or the relevant committee.

The Leader shall

- v. make clear that any potential agreement is subject to authorisation by the appropriate committee or Council;
  - vi. be a member of all standing committees make a personal report to Council on his/her activities in advance of every Council meeting.
- b The roles of the Leader and the Chair will remain separate.
  - c The Proper Officer:
    - i. will brief the Leader on a weekly basis on the operational work of the Council;
    - ii. will have their leave or time off in lieu agreed in advance by the Leader;
    - iii. will have their performance appraised at least annually jointly by the Leader and the Chair;
    - iv. will ensure the Leader is aware of any upcoming meetings with external organisations and the Leader will do the same for the Proper Officer;

- d The Leader and Proper Officer will jointly consider the forward plan and strategic documents on a monthly basis and jointly propose changes and additions to Council and/or the relevant committee.
- e The Leader may not alter the strategic direction of the Council or add or remove any project without the authorisation of the Council or relevant committee.

#### 4. Proper Officer

- a The Council shall appoint a Proper Officer and deputy Proper Officer who will undertake the role of the Proper Officer during the Proper Officer's absence.
- b The deputy Proper Officer shall be the Responsible Finance Officer.
- c The Council's Proper Officer shall fulfil the following duties:
  - i. **give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (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 time, date, venue and the agenda of meetings of the Council a committee or a sub-committee at least 3 clear days before the meeting, by delivery, by post or electronically;
  - iii. **convene a meeting of Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office, in accordance with Standing Order [3(b)i] OR [3(b)ii] above;**
  - iv. attend Council meetings;
  - v. make available for inspection by the public the minutes of meetings;
  - vi. **receive and retain copies of byelaws made by other local authorities;**
  - vii. **receive and retain declarations of acceptance of office from Councillors;**
  - viii. retain and make available for inspection by the public a copy of every Councillor's register of interests and any changes to it;
  - ix. process all requests made under the Freedom of Information Act 2000 and Data



Protection Act 1998;

- x. implement decisions of the Council via delegated authority and have overall managerial responsibility for service delivery
- xi. have overall managerial responsibility for staff recruitment (including the drafting of job descriptions) and management while alterations to the corporate staff structure and changes to staff grading shall remain Council responsibility;
- xii. provide objective advice on all matters.

## **5. Motions**

- a No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer.
- 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, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- c Having consulted the Chair or Councillors, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- d Every motion rejected in accordance with the Council's standing orders shall be duly recorded by the Proper Officer giving reasons for its rejection which shall be open to inspection by all Councillors.
- e Motions in respect of the following matters may be moved without written notice:
  - i. to appoint a person to preside at a meeting;
  - ii. to approve the absences of Councillors;
  - iii. to approve the accuracy of the minutes of the previous meeting;
  - iv. to correct an inaccuracy in the minutes of the previous meeting;
  - v. to dispose of business, if any, remaining from the last meeting;
  - vi. to alter the order of business on the agenda;

- vii. to proceed to the next business on the agenda;
- viii. to close or adjourn debate;
- ix. to refer by formal delegation a matter to a committee or to a sub-committee or an employee;
- x. to appoint a committee or sub-committee to consider a report and/or recommendations made by an employee, professional advisor, expert or consultant;
- xi. to authorise legal deeds to be signed or sealed using the Council's common seal by the Proper Officer and witnessed by two Councillors;
- xii. to amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it;
- xiii. to exclude the press and public for all or part of a meeting;
- xiv. to silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct;
- xv. to give the consent of the Council if such consent is required by Standing Orders;
- xvi. to consider a motion of no confidence in the Chair of the meeting;
- xvii. to consider a motion of no confidence in a Councillor only when that Councillor is present, except when the meeting is a Council meeting;
- xviii. to consider a motion of no confidence in the Leader of the Council only at a meeting of the Council;
- xix. **to suspend any Standing Order except those which are mandatory by law;**
- xx. to adjourn the meeting;
- xxi. to appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.

## 6. Rules of Debate

- a The Chair will abide by the rules of debate and their decision is final.
- b A motion shall not be considered unless it has been proposed and seconded.
- c Subject as above, a motion included in an agenda not moved by the Councillor who tabled it, may be treated as withdrawn.

- d The Chair shall decide the order in which amendments are considered and dealt with.
- e Only one amendment shall be moved at a time.
- f The mover of a motion or the mover of an amendment shall have a right of reply.
- g During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and if so required by the Chair 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.
- h A point of order shall be decided by the Chair and their decision shall be final.
- 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 him to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend any Standing Order, except those which are mandatory.

## **7. Code of Conduct**

All Councillors shall observe the code of conduct adopted by the Council.

## **8. Minutes**

Minutes, including any amendment to correct their accuracy shall be confirmed by

resolution and every page shall be signed and dated by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate. Every page shall be numbered.

## **9. Disorderly Conduct**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the 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 forthwith and without discussion.
- c If a resolution made in accordance with Standing Order 8(b) above, is disobeyed, the Chair may take such further steps as may reasonably be necessary to enforce it and/or they may adjourn the meeting.

## **9. Voting on Appointments**

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

## **10. Execution and Sealing of Legal Deeds**

**The Council's common seal shall alone be used for sealing a deed required by law. It shall be kept in the custody of and applied by the Proper Officer in the presence of two members of the Council who shall sign the deed as witnesses.**

## **11. Committees and sub committees**

- a. Committees and sub committees which shall comprise Councillors only
- b. A committee or sub-committee shall comprise of at least three Councillors and be proportional to the political strength of the Council;
- c. meet on at least four occasions each year;
- d. incur expenditure, without further reference to Council, where a budget has been allocated;
- e. Cllrs who sit on sub-committees do not have to be members of the parent Committee;
- f. The Council may appoint substitute Councillors to a committee or sub committee if an ordinary Councillor of the committee has confirmed to the Proper Officer before the meeting that they are unable to attend. An ordinary member of a committee who has been replaced at a meeting by a substitute member shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting.
- g. Councillors who are not members of a committee or sub-committee may participate in debate but shall not be permitted to vote on business at that meeting.
- h. The Council may dissolve a committee or sub-committee at any meeting.

## **12 Panels**

- a. The Council or a committee may appoint Panels comprised solely of Councillors, of both Councillors and non-Councillors, or entirely of non-Councillors.
- b. Each Panel shall include a member of staff to provide advice and an administrative function
- c. The remit, timescale and membership shall be determined by resolution of the Council or relevant committee or sub-committee.

- a Panels make recommendations to the Council or parent committee but cannot decide on matters.

### **13 Extraordinary Meetings**

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

### **14 Financial Matters**

**The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer.**

- a **The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**
- b **The Council's financial regulations shall be reviewed once a year.**
- c **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall or procured on the basis of a formal tender in accordance with financial regulations.**

- d **Where the value of a contract is likely to exceed the threshold specified by the Cabinet Office, the Council must observe relevant contract regulates.**

## **15 Annual Budget and Precept**

**The Council shall approve a budget for the coming financial year** before the end of January and instruct the RFO to submit the precept demand.

## **16 Canvassing of and recommendations by Councillors**

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

## **17 Inspection of Documents**

Subject to Standing Orders to the contrary or in respect of matters which are confidential, a Councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council and request a copy for the same purpose.

## **18 Unauthorised Activities**

Unless authorised by a resolution, no individual Councillor shall, in the name or on behalf of the Council, a committee or a sub-committee:

- a inspect any land and/or premises which the Council has a right or duty to inspect; or
- b issue orders, instructions or directions

- c make decisions unless delegated to do so by Council.

## **19 Confidential Business**

- a Councillors shall not disclose information given to them in confidence, or which they believe or ought to be aware, is of a confidential nature.
- b A Councillor in breach of this Standing Order may be removed from a committee or a sub-committee by a resolution of the Council.

## **20 Matters Affecting Council Employees**

- a Council, a committee, or a sub-committee shall discuss matters affecting Council employees in confidence.
- b The Council shall keep written records relating to employees in a secure place.

## **21 Freedom of Information Act 2000**

The Council shall have a policy on how to process requests under the Freedom of Information Act 2000.

## **22 Liaison with the MP and District and County Councillors**

An invitation to attend all meeting of the Council and its committees and sub-committees shall be sent, together with the agenda, to the MP and Frome's County and District Councillors.

## **23 Allegations of Breaches of the Code of Conduct**

- a On receipt of a notification that there has been an alleged breach of the code of conduct by a Councillor, the Proper Officer shall refer it to Council.
- b Where the notification relates to a complaint made by the Proper Officer concerning a



Councillor, the deputy Proper Officer shall assume the duties of the Proper Officer set out in the remainder of this Standing Order.

- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d The subject matter of notifications shall be confidential
- e Council shall have the power to:
  - i. establish a Panel comprising the Chair (unless the Chair is the subject of the alleged breach in which case the Vice-Chair shall preside) and two other Councillors to consider the alleged breach and to make recommendations to Council;
  - ii. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
  - iii. seek and share information relevant to the complaint;
  - iv. grant the Councillor involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the Council;
- f References in this Standing Order to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a Councillor.

## **24 Variation, Revocation and Suspension of Standing Orders**

- a Any or every part of the Standing Orders, except those which are mandatory by law, may be suspended by Council resolution in relation to any specific item of business.
- b A motion to add to or vary or revoke one or more of the Council's Standing Orders, not mandatory by law, shall be proposed by a special written motion bearing the names of

at least two Councillors.

## **25 General Power of Competence**

- a Before exercising the power of general competence Council must resolve that it meets the statutory criteria, and that resolution has to be renewed at the annual meeting of the Council that takes place in a year of ordinary elections.
- b After the expiry of its preceding period of eligibility, the Council continues to be an eligible Council solely for the purpose of completing any activity undertaken in the exercise of the power which was not completed before the expiry of the Council's preceding period of.

## **26 Standing Orders to be given to Councillors**

- a The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor upon delivery of their declaration of acceptance of office.
- b A Councillor's failure to observe Standing Orders may result in them being excluded from the meeting.

## **27 Matters that must be resolved only by Council**

These include:

- a Agreeing a budget.
- b Precepting a rate.
- c Borrowing money.
- d Approving the end of year Accounts and approving submission of the Annual Return to the External Auditors.
- e Incurring capital or revenue expenditure which is over and above the Council's approved budget.
- f Adopting, amending or revoking Standing Orders, Financial Regulations or Duties and Powers and Proper Officer provisions.

- g Fixing the number of Committees, and the names and number of Councillors appointed to each Committee.
- h Determining the remit of the Leader, Committees and Sub Committees.
- i Agreeing the dates of meetings of the Council, its Committees and sub- committees.
- j Filling of Councillor vacancies occurring on any Committee or Council (if required to do so by law).
- k Making, amending or revoking bye-laws.
- l Making of Orders under any statutory powers.
- m Important matters of principle or policy which have been referred directly by Committees or the Proper Officer.
- n Prosecution or defence in a court of law.
- o All matters affecting the appointment, promotion, discipline, salary and conditions of service of the Proper Officer.
- p Appointment of the RFO.
- q Annually review and propose changes to the Council's Constitution, policies and Strategic Plan.
- r Acquiring land and other significant assets and commission of services.