

Frome Town Council Constitution

Chapter 2 - Standing Orders

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Date Adopted: 25 May 2016

Review Date: 24 May 2017

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

Text in bold is required by statute. The chair and vice chair(s) of the Council will be the Mayor and deputy Mayor(s) respectively. The Proper Officer will be the Town Clerk.

- a Meetings will 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 (Cllrs) 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 will not count**
- c Cllrs are expected to attend meetings**
- d Meetings will 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 will be by a resolution which will give reasons for the public's exclusion**
- e Wherever possible, meeting venues will enable people with disabilities to participate fully in meetings
- f Subject to Standing Order 1(d) above, members of the public are welcome to make representations and a part of the agenda will 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 Mayor
- h A summary record of public participation at a meeting will 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 will 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, will preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, will preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Cllrs present at the meeting will preside at the meeting**
- m All questions at a meeting will be decided by a majority of the Cllrs 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 will be by a show of hands. At the request of a Councillor, the voting on any question will 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 will record the names of Cllrs 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 will apply to Cllrs 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 will 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 will the quorum of a meeting be less than 3**
- t If a meeting is or becomes inquorate no business will be transacted**
- 2. Ordinary Council Meetings**
 - a In an election year, the annual meeting of the Council will be held on or within 14 days following the day on which the new Cllrs elected take office**
 - b In a year which is not an election year, the annual meeting of a Council will 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 will take place at 7pm**

- d **In addition to the annual meeting of the Council, at least three other ordinary meetings will be held in each year on such dates and times as the Council directs**
- e **The election of the Mayor and deputy Mayor(s) will be the first business completed at the annual meeting of the Council**
- f **The Mayor, unless they have resigned or become disqualified, will 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 Mayor(s), if any, unless they resign or become disqualified, will hold office until immediately after the election of the Mayor at the next annual meeting of the Council**
- h **In an election year, if the current Mayor has not been re-elected as a member of the Council, they will preside at the meeting until a successor Mayor has been elected. The current Mayor will not have an original vote in respect of the election of the new Mayor but must give a casting vote in the case of an equality of votes**
- i **In an election year, if the current Mayor has been re-elected as a member of the Council, they will preside at the meeting until a new Mayor has been elected. They may exercise an original vote in respect of the election of the new Mayor and must give a casting vote in the case of an equality of votes**
- j Following the election of the Mayor and deputy Mayor(s) of the Council at the annual meeting of the Council, the order of business will be as follows:
 - i. in an election year, delivery by Cllrs 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 panels and/or committees)
 - iv. resolve whether to appoint a Leader of the Council, committees and sub-committees
 - v. receive nominations for and appoint Cllrs 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, panels, committees and sub-committees for the year ahead

3. Extraordinary Meetings

- a **The Mayor 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 Mayor or Chair of a 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 Cllrs, those two Cllrs 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 Cllrs**

4. Matters that must be resolved only by Council

These include:

- a Agreeing the Strategic Plan, the annual work programme, organisation chart showing staff position and the budget
- b Setting the precept demand
- 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 Town Clerk provisions
- g Determining the number of Committees, and the names and number of Cllrs appointed to each Committee
- h Determining the remit of the Leader, Committees and Advisory Groups
- 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
- 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 Town Clerk
- n Prosecution or defense in a court of law
- o All matters affecting the appointment, promotion, discipline, salary and conditions of service of the Town Clerk
- p Appointment of the RFO
- q Annually review the Council's Constitution and Strategic Plan
- r Acquiring land and other significant assets and commissioning services of significant value
- s The Mayor will manage Council meetings in a way that encourages engagement of the public as well as Cllrs

5. 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

6. Committees and sub committees

- a Each committee will consist of nine Cllrs, proportional to the political strength of the Council
- b Each committee will meet on at least five occasions each year
- c The chairs of all committees, the Mayor and the Leader will be members of every committee
- d The chairs of committees will manage meetings in a way that maximises engagement of the public as well as Cllrs, without compromising the decision making process.
- e Cllrs who are not members of a committee may participate in debate but will not be permitted to vote on business at that meeting
- f The Council may establish or dissolve a committee at any Council meeting

7. Terms of Reference of the Council Co-ordination Committee

The committee will:

- a Incur expenditure where it has an allocated budget provision
- b Be responsible for financial administration, including investments, monitoring income and expenditure against the budget and make recommendations to Council accordingly
- c Be responsible for any projects related to participatory budgeting
- d Be responsible for all aspects of risk management and insurance
- e Be responsible for all aspects of reviewing Health and Safety policy and monitoring health and safety incidents, such as staff accidents at work or accidents to the public on the estate
- f Be responsible for the Frome Town Hall and the Council estate
- g Be responsible for the work of the Environment Team in line with the Strategic Plan, including events on the Council estate
- h Be responsible for all processes related to communications and marketing and for monitoring implementation of, and reviewing, the Communications Strategy, including the adoption of the Annual Report
- i Be responsible for all ICT planning and delivery (including websites)
- j Be responsible for day to day aspects related to human resources, while Council retains

responsibility for any changes to staff organisation chart and staff grades

- k Establish a group, as and when needed, comprising three Cllrs including the Chair to address staff disciplinary issues and disputes beyond the authority of the Town Clerk
- l Be responsible for all multi-year funding arrangements that support third party organisations
- m Oversee civic and twinning matters

8. Terms of reference of the Town Matters Committee

The committee will:

- a Incur expenditure where it has an allocated budget provision
- b Be responsible for promoting prosperity in the town in line with the Strategic Plan 2015-20
- c Be responsible for promoting the regeneration of the town centre in line with the Strategic Plan 2015-20
- d Be responsible for promoting the wellbeing and resilience of the community in line with the Strategic Plan 2015-20
- e Oversee the Community Grants process

9. Panels

- a The Council may appoint a Panels in order to utilise skills and experience within the community to inform good decision making. Panels may include any mix of Cllrs and non-Cllrs
- b Each Panel will include a member of staff to provide advice and an administrative function
- c The remit, timescale and membership will be determined by the Council or a committee
- d Panels make recommendations but cannot decide on matters

10. Advisory Groups

- a Council and committees may establish Advisory Groups comprising only Cllrs
- b Each Advisory Group will include a member of staff to provide advice and administrative support
- c The remit, timescale and membership will be determined by Council or committee

11. Planning Advisory Group

- a Consist of seven Cllrs proportional to the political strength of the Council and meet on at least six occasions each year

- b Include a member of staff to provide advice and administrative support
- c Undertake all duties of the Council under Town and Country Planning Acts, Orders and Regulations and all matters relating to roads and highways including Road Closure Notices, road signs, traffic management, traffic regulations and bus shelters
- d Within the context of the Neighbourhood Plan, campaign for the best development and, where possible, identify and work with prospective developers in advance of any planning application
- e Make recommendations to Council on matters that, in its opinion, are significant (occasionally, responses to urgent significant consultations will need to be ratified by Council)
- f Delegate authority to the Town Clerk, in consultation with the chair, to respond to minor planning or highways issues on behalf of the Council
- g Promote to the community the role of district Cllrs, district staff and the Planning Board on minor planning applications
- h Provide straightforward written advice on how to make & respond to planning applications.

12. Cllrs as Sponsors of projects or discrete areas of work

- a The role of a Sponsor is to advise, support, be a critical friend to the member of staff responsible for an area of work or a project and to inform other Cllrs of progress
- b Sponsors are not decision makers
- c Cllrs are appointed as sponsors by the Council

13. 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 Town Clerk
- b If the wording or nature of a proposed motion is considered unlawful or improper, the Town Clerk will consult with the Mayor of the forthcoming meeting or, as the case may be, the Cllrs who have convened the meeting, to consider whether the motion will be included or rejected in the agenda
- c Having consulted the Mayor or Cllrs, the decision of the Town Clerk as to whether or not to include the motion in the agenda will be final
- d Every motion rejected in accordance with the Council's standing orders will be duly recorded by the Town Clerk giving reasons for its rejection which will be open to inspection by all Cllrs
- 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 Cllrs

- 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 Town Clerk and witnessed by two Cllrs
- XII. to amend a motion relevant to the original or substantive motion under consideration which will 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

14. Rules of Debate

- a The Chair will abide by the rules of debate and their decision is final
- b A motion will 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 will decide the order in which amendments are considered and dealt with
- e Only one amendment will be moved at a time
- f The mover of a motion or the mover of an amendment will 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 will stop speaking. A Councillor raising a point of order will identify the Standing Order which they consider has been breached or identify any irregularity
- h A point of order will be decided by the Chair and their decision will be final
- i When a motion is under debate no other motion will 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

15. Disorderly Conduct

- a No person will 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 will 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, will 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

16. Minutes

Minutes, including any amendment to correct their accuracy will be confirmed by resolution and every page will 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 will be numbered

17. The role of the Leader of the Council

Leader of the Council will:

- a Work with the Town Clerk and Cllrs to develop and propose to Council the strategic direction and policy objectives of the Council
- b Not alter the strategic direction of the Council
- c Work with the Town Clerk to ensure the strategic direction and operational management of the Council are working effectively
- d Work with the Town Clerk to negotiate on behalf of the Council with other local authorities and organisations in order to deliver the strategic direction and policy objectives
- e Discuss with the Mayor and relevant Committee Chairs the purpose of any negotiation and report the outcome to Council or the relevant committee
- f Be a member of all standing committees and the Senior Staff Advisory Group.

With regard to the Leader, The Town Clerk will:

- f Brief the Leader on a weekly basis on the operational work of the Council and issues within the town
- g Seek advice from the Leader when making significant decisions concerning council business
- h Have their leave or time off in lieu agreed in advance by the Leader
- i Have their performance appraised at least annually jointly by the Leader and the Mayor
- j Ensure the Leader is aware of any upcoming meetings with external organisations and the Leader will do the same for the Town Clerk
- k Jointly, with the Leader, consider the forward plan and strategic documents on a monthly basis and jointly propose changes and additions to Council and/or the relevant committee

18. Town Clerk

- a The deputy Town Clerk will be the Responsible Finance Officer and the RFO will undertake the role of the Town Clerk during the Town Clerk's absence

Town Clerk will:

- b Implement decisions of the Council via delegated authority and have overall managerial responsibility for service delivery
- c 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
- d Provide objective advice on all matters
- e Liaise with other bodies in order to identify and keep abreast of important issues in the town
- f Act in an emergency without recourse to Council
- g Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a committee
- h Send to all Cllrs 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 hand delivery, by post or electronically
- i Clerk Council meetings
- j Make available for inspection by the public the minutes of meetings
- k Receive and retain copies of byelaws made by other local authorities
- l Receive and retain declarations of acceptance of office from Cllrs
- m Retain and make available for inspection by the public a copy of every Cllr's register of

interests and any changes to it

- n Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998

19. Code of Conduct

All Cllrs will observe the code of conduct adopted by the Council at all times

20. 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 Town Clerk will refer it to Council
- b Where the notification relates to a complaint made by the Town Clerk concerning a Councillor, the deputy Town Clerk will assume the duties of the Town Clerk set out in the remainder of this Standing Order
- 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
- e Council will 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 will preside) and two other Cllrs 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 will 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 will 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

21. 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 will be struck off the list and a fresh vote taken. This process will continue until a majority of votes is given in favour of one person. Any tie will be settled by the Chair's casting vote

22. Execution and Sealing of Legal Deeds

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

23. Financial Matters

The Council will consider and approve financial regulations

- 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 the Responsible Finance Officer a committee, sub-committee or to an employee**
- b The Council's financial regulations will 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 will be 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, the Council must observe relevant contract regulates including EU legislation**

24. Annual Budget and Precept

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

25. Canvassing of and recommendations by Cllrs

- a Canvassing Cllrs or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council will disqualify the candidate from such an appointment. A Councillor or a member of a committee or sub-committee will 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 will apply to tenders as if the person making the tender were a candidate for an appointment**

26. 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

27. Unauthorised Activities

Unless authorised by a resolution, no individual Councillor will, 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

28. Confidential Business

- a Cllrs will not disclose information given to them in confidence, or which they believe or ought to be aware, is of a confidential nature
- b Confidential items can be sent to Cllrs marked “confidential” electronically or on pink paper. Pink paper will be collected by the Town Clerk at the end of the meetings
- c A Councillor in breach of this Standing Order may be removed from a committee or a sub-committee by a resolution of the Council

29. Matters Affecting Council Employees

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

30. Freedom of Information Act 2000

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

31. Liaison with the MP and District and County Councillors

An invitation to attend all meeting of the Council and its committees and sub-committees will be sent, together with the agenda, to the MP and Frome’s County and District Cllrs

32. 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, will be proposed by a special written motion bearing the names of at least two Cllrs

33. Standing Orders to be given to Councillors

- a The Town Clerk will 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