

# Frome Town Council Constitution

## Chapter 2 Standing Orders

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**Items in bold are legal requirements**

## **1. Meetings Generally**

- 1 The Chair and vice Chair(s) of the Council will be the Mayor and deputy Mayor(s) respectively.
- 2 The Proper Officer will be the Town Clerk
- 3 Cllrs are expected to attend meetings
- 4 Council meetings will follow the Council's procedural rules set out in these Standing Orders and Financial Regulations (chapter 3) when considering any matter.
- 5 All decisions of the Council will be made in accordance with the following principles:
- 6 Proportionality i.e. the action should proportionate to the desired outcome.
- 7 Due consultation and the taking of advice from staff.
- 8 Respect for human rights.
- 9 Presumption in favour of openness.
- 10 Clarity of aims and desired outcomes.
- 11 Reflecting the balance of evidence, or legal or financial advice.
- 12 The Town Clerk is responsible for preparing the Agendas for all meetings of the Town Council, Committees and Subcommittees, and for circulation of them to meet statutory requirements. However, out of courtesy, the Town Clerk may consult with the appropriate Chair during the course of preparation of Agendas.
- 13 The Chair works in partnerships with the Town Clerk to make sure that the Council is properly informed for making lawful decisions during meetings.
- 14 Matters for inclusion on an Agenda may be considered at the discretion of the appropriate Clerk in consultation with the Chair of Council or Committee.
- 15 The Town Clerk or other appointed officer as delegated by the Town Clerk will be present at all meetings involving Cllrs of the Town Council and will advise on any questions relating to the Standing Orders, Financial Regulations, legal requirements or committee procedures and will supervise the production of formal Minutes of the meeting.
- 16 Where, for whatever reason, a staff member is not able to attend a meeting, the meeting is not invalidated. The Chair presides and a Cllr is elected to take the minutes.

- 17 **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.**
- 18 **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.**
- 19 **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.**
- 20 Members of the public are encouraged to contribute to the discussion.
- 21 A member of the public shall raise their hand when requesting to speak and shall not speak for more than 5 minutes unless the chair permits otherwise.
- 22 In accordance with standing order 1 (20), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
- 23 A person who speaks at a meeting shall direct their comments to the chair of the meeting.
- 24 Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
- 25 **Subject to standing order 1 (21), 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.**
- 26 **To avoid disrupting the meeting, a person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- 27 **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.**

- 28 **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council or Committee may in their absence be done by, to or before the Deputy-Chair of the Council or Committee (if there is one).**
- 29 **The Chair of the Council or Committee, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Deputy-Chair of the Council or a committee (if there is one) 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.**
- 30 **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- 31 **The chair of a meeting 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.**

See standing orders 7 (7) and (8) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.

- 32 **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.** Such a request shall be made before moving on to the next item of business on the agenda.
- 33 The minutes of a meeting shall include an accurate record of 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.
  - viii. which Cllrs voted against the majority or abstained
  - ix. when Cllrs arrived after the start of the meeting and when they left before the end of the meeting
  - x. they were confirmed as an accurate record by resolution and every page signed and dated by the chair.

- 34 **A councillor or a non-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.**
- 35 **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council or Committee are present and in no case shall the quorum of a meeting be less than three.**
- 36 **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- 37 A meeting shall not exceed 2.5 hours without a resolution to continue.

## **2. Rules of Debate at Meetings**

- 1 Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting.
- 2 A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- 3 A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.
- 4 If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- 5 An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- 6 If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- 7 An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chair of the meeting, is expressed in writing to the chair.
- 8 A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- 9 If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair of the meeting.

- 10 Subject to standing order 2 (11), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- 11 One or more amendments may be discussed together if the chair of the meeting considers this expedient, but each amendment shall be voted upon separately.
- 12 A councillor may not move more than one amendment to an original or substantive motion.
- 13 The mover of an amendment has no right of reply at the end of debate on it.
- 14 Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- 15 Unless permitted by the chair of the meeting, a councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since they last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- 16 During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and 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 specify the other irregularity in the proceedings of the meeting they are concerned by.
- 17 A point of order shall be decided by the chair of the meeting and their decision shall be final.
- 18 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 no longer heard or 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; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

- 19 Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
- 20 Excluding motions moved under standing order 2 (18), the contributions or speeches by a councillor shall relate only to the motion under discussion.

### **3. Disorderly Conduct at Meetings**

- 1 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.
- 2 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.
- 3 If a resolution made under standing order 3 (2) is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### **4. Confidential Business**

- 1 Cllrs will not disclose information given to them in confidence, or which they believe or ought to be aware, is of a confidential nature
- 2 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
- 3 A Cllr in breach of this Standing Order may be removed from a committee or a sub-committee by a resolution of the Council

### **5. Motions for a meeting that require written notice to be given to the Proper Officer**

- 1 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.
- 2 No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 3 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

- 3 The Proper Officer may, before including a motion on the agenda received in accordance with standing order 5 (2), correct obvious grammatical or typographical errors in the wording of the motion.
- 4 If the Proper Officer considers the wording of a motion received in accordance with standing order 5 (2) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 3 clear days before the meeting.
- 5 If the wording or subject of a proposed motion is considered 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 in the agenda or rejected.
- 6 The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- 7 Motions received shall be recorded and numbered in the order that they are received.
- 8 Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

## **6. Motions at a Meeting that do not require written notice**

- 1 The following motions may be moved at a meeting without written notice to the Proper Officer:
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
  - x. to not hear further from a councillor or a member of the public;
  - xi. to exclude a councillor or member of the public for disorderly conduct;
  - xii. to temporarily suspend the meeting;
  - xiii. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
  - xiv. to adjourn the meeting; or
  - xv. to close the meeting.

## 7. Ordinary Council Meetings

- 1 In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.
- 2 In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.
- 3 If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- 4 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 decides.
- 5 The first business conducted at the annual meeting of the Council shall be the election of the Chair and Deputy-Chair (if there is one) of the Council.
- 6 The Chair of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.
- 7 The Deputy-Chair of the Council, if there is one, 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.
- 8 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 annual 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 shall give a casting vote in the case of an equality of votes.
- 9 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 annual 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 shall give a casting vote in the case of an equality of votes.
- 10 Following the election of the Chair of the Council and Deputy-Chair (if there is one) of the Council at the annual meeting, the order of business will be as follows:
  - i. In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;

- ii. 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
- iii. In an election year, if the current Mayor has not been re-elected as a Cllr, 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
- iv. In an election year, if the current Mayor has been re-elected as a Cllr, 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
- v. 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 decides
- vi. 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 decides
- vii. The election of the Mayor and deputy Mayor(s) will be the first business conducted at the annual meeting of the Council
- viii. 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
- ix. The deputy Mayor(s), if any, unless they resign or become disqualified, will continue in office until immediately after the election of the Mayor at the next annual meeting of the Council
- x. 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:
- xi. In an election year, delivery by Chair and Cllrs of their acceptance of office forms unless the Council resolves for this to be done at a later date. At other annual Council meetings delivery by the Chair of their acceptance of office form unless the Council resolves for this to be done at a later date
- xii. Confirmation of the accuracy of the minutes of the last meeting of the Council
- xiii. Resolve whether to approve the Council's Standing Orders (including the remits for the Leader, committees, sub-committees and advisory groups) and Financial Regulations
- xiv. Resolve whether to adopt the Power of General Competence
- xv. Resolve whether to appoint a Leader (and a Deputy Leader) of the Council, committees, sub-committees and advisory groups
- xvi. Receive nominations for and appoint Cllrs to committees, sub-committees and advisory groups
- xvii. Receive nominations for and appoint Chairs and deputy Chairs of committees, sub-committees and advisory groups
- xviii. Receive nominations for and appoint the post of Leader and Deputy Leader of the Council
- xix. Receive nominations for and appoint Lead Cllrs for discrete areas of work and projects, if any. In election year this can be postponed to the next Council meeting
- xx. Set the dates, times and place of ordinary meetings of the Council, committees and sub-committees for the year ahead
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

## 8. Extraordinary Meetings of the Council, Committees and Sub-Committees

- 1 **The Chair of the Council** or a Committee **may convene an extraordinary meeting of the Council at any time.**
- 2 **If the Chair of the Council** or a Committee **does not 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 of the Council** or a Committee. **The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- 3 If the Chair of a committee or sub-committee does not call an extraordinary meeting within seven clear days having been requested to do so by two members of that committee or sub-committee, any two members of the committee may convene an extraordinary meeting.

## 9. Matters that must be resolved only by Council

- 1 These include:
  - i. Agreeing the Strategic Plan, the annual work programme, organisation chart showing staff titles and grade range, 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
  - v. Incurring capital or revenue expenditure which is over and above the Council's approved budget
  - vi. Adopting, amending or revoking Standing Orders, Financial Regulations and all parts of the Council's Constitution except those parts that fall under the remit of the Council Matters Committee
  - vii. Agreeing the dates of meetings of the Council, Committees and sub-committees
  - viii. Filling of Cllr vacancies occurring on any outside bodies
  - ix. Making, amending or revoking byelaws
  - x. Making of Orders under any statutory powers
  - xi. Important matters of principle or policy which have been referred directly by Committees or the Town Clerk
  - xii. Prosecution or defence in a court of law
  - xiii. All matters affecting the appointment, promotion, discipline, salary and conditions of service of the Town Clerk
  - xiv. Appointment of the RFO
  - xv. Annually review the Strategic Plan and the annual work programme

- xvi. Acquiring land and other significant assets and commissioning services of significant value
- xvii. The Mayor will manage Council meetings in a way that encourages engagement of the public as well as Cllrs

## 10. Chairing the Council (role of the Mayor)

- 1 The Mayor, who will also be the Chair of the Council, will be elected by the Council annually and will receive regular briefings by the Town Clerk on current issues. While the title confers no additional powers on the Mayor, as Chair they will have the following responsibilities:
  - i. to uphold and promote the purposes of the Standing Orders and Financial Regulations,
  - ii. to preside over meetings of the Council so that its business can be carried out efficiently and regarding the rights of Cllrs and the interests of the community;
  - iii. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Cllrs who do not hold committee Chairs are able to hold the Mayor and committee Chairs to account;
  - iv. to promote public involvement in the Council's activities;
  - v. to be the conscience of the Council; and
  - vi. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

## 11. Voting on Appointments

Where more than two persons have been nominated for a position to be filled by the Council or a committee 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. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting.

## 12. Draft minutes

- 1 If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- 2 There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 6 (1)(i).
- 3 The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.

- 4 If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:

*“The chair of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his/her/their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”*

- 5 **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.**

## 13. Code of Conduct and Dispensations

See also standing order 1 (34).

- 1 All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- 2 No individual Cllr (including the committee Chairs and the Mayor) or informal groups of Cllrs can decide on behalf of the Council.
- 3 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.
- 4 Unless they has 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.
- 5 **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.
- 6 A decision as to whether to grant a dispensation shall be made by a meeting for which the dispensation is required, and that decision is final.
- 7 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.
- 8 Subject to standing orders 13 (5) and (7), a dispensation request shall be considered at the start of the meeting for which the dispensation is required.
- 9 **A dispensation may be granted in accordance with standing order 13 (6) if having regard to all relevant circumstances any of the following apply:**
- 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;**
  - 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.**

## 14. Code of Conduct Complaints

- 1 Alleged breaches of the Code of Conduct by a Cllr must be referred to the Monitoring Officer at the Unitary Council
- 2 Upon notification by the Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 23, report this to the Council at its next meeting.
- 3 Where the notification in standing order 14 (2) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Deputy Town Clerk shall assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14 (5).
- 4 The Council may:
- i. provide information or evidence to the Monitoring Officer where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- 5 **Upon notification by the Unitary 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 him. Such action excludes disqualification or suspension from office.**

## 15. Committees and Sub – Committees

- 1 The Council may appoint and dissolve committees, sub-committees and advisory groups.
- 2 Each committee will consist of at least eight Cllrs, proportional to the political strength of the Council. The exception being the Planning Committee which will consist of at least six Cllrs.
- 3 Cllrs who are not members of a committee may participate in debate but will not be permitted to vote on business at that meeting
- 5 Each committee will meet on at least five occasions each year
- 6 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
- 7 **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- 8 **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- 9 **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- 10 When appointing a committee the Council:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a committee up until the date of the next annual meeting of the Council;
  - iii. shall, after it has appointed the members of a standing committee, appoint the chair of the committee.
  - iv. may dissolve a committee.

## 16. Terms of reference of the Oversight Committee

- 1 The committee will be responsible for and review of:
  - i. Policies in the Council's constitution (excluding Standing Orders, Finance Regulations, Cllrs code of conduct that must be reviewed by Council);
  - ii. Financial administration, including savings and investments, monitoring income and expenditure against the budget and making recommendations to Council accordingly.

- iii. All aspects of risk management and insurance
- iv. All aspects of Health and Safety policy and monitoring of health and safety incidents, such as staff accidents at work or accidents to the public on the Council's estate
- v. The Frome Town Hall and the Council estate
- vi. Policies and processes related to communications and marketing, including FTC events and those events that FTC supports.
- vii. ICT planning and delivery (including websites and CRM) and matters relating to data protection.
- viii. All aspects related to human resources (both paid staff and volunteers) beyond the remit of the Council and the Town Clerk, and establishing a group comprising three Cllrs including the Chair of the committee to address staff grievance, complaints, and disciplinary issues beyond the authority of the Town Clerk
- ix. Civic and twinning matters

## 17. Terms of reference of the Planning Committee

- 1 The committee will be responsible for and review of:
  - i. 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
  - ii. 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
  - iii. Promote to developers FTC guidance on more environmentally sustainable building
  - iv. 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
  - v. Delegate authority to the Town Clerk, in consultation with the Chair, to respond to minor planning issues on behalf of the Council
  - vi. Promote to the community the role of the planning authority
  - vii. Provide straightforward advice to the community and developers on how to make and respond to planning applications

## 18. Advisory Groups

- 1 Council and committees may establish Advisory Groups comprising only Cllrs or Cllrs and members of the public.
- 2 Each Advisory Group will include a member of staff to provide advice and administrative support

- 3 The remit, timescale and membership will be determined by Council or the appointing committee
- 4 Advisory groups make recommendations and are not decision making forums

## 19. Lead Cllrs

- 1 These roles advise, support, are a critical friend to the member of staff responsible for an area of work or a project, and inform other Cllrs of progress.
- 2 A lead Cllr provides a strategic overview.
- 3 These roles are not decision makers and are appointed by Council.

## 20. The role of the Leader of the Council

- 1 Leader of the Council:
  - i. Will work with the Town Clerk and Cllrs to develop and propose to Council the strategic direction and policy objectives of the Council
  - ii. Will not alter the strategic direction of the Council
  - iii. Will work with the Town Clerk to ensure the strategic direction and operational management of the Council are working effectively
  - iv. Will 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
  - v. Will discuss with the Mayor and relevant Committee Chairs the purpose of any negotiation and report the outcome to Council or the relevant committee
  - vi. Will discuss with the Town Clerk, on a fortnightly basis, the operational work of the Council and issues within the town.
  - vii. Will be asked for advice by the Town Clerk when making significant decisions.
  - viii. Will approve the Town Clerk's leave and time off in lieu.
  - ix. Will appraise the Town Clerk's performance at least annually and jointly with the Deputy Leader. If the Leadership is shared by two Cllrs they shall appraise the Town Clerk's performance
  - x. Will be briefed by the Town Clerk of any upcoming meetings with external organisations
  - xi. Will make the Town Clerk aware of any upcoming meetings with external organisations.

## 21. Proper Officer

- 1 The Proper Officer shall be the Town clerk
- 2 The Deputy Town Clerk will undertake the role of the Town Clerk during the Town Clerk's absence

- 3 The Proper Officer shall:
- i. **at least three clear days before a meeting of the council**, or a committee,
    - **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), and**
    - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 1 (18) for the meaning of clear days for a meeting.

- ii. subject to standing order 5, include on the agenda all motions in the order received unless a councillor has given written notice at least 3 days before the meeting confirming their withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her/their office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- x. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xi. arrange for legal deeds to be executed;  
(see also standing order 29);
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiii. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xiv. manage access to information about the Council via the publication scheme; and
- xv. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.  
(see also standing order 29).
- xvi. implement decisions of the Council via delegated authority
- xvii. have overall managerial responsibility for service delivery
- xviii. have overall managerial responsibility for staff recruitment (including the drafting of job descriptions) and management, while alterations to the corporate staff

- structure will be the Council's responsibility and changes to staff grading will be Oversight Committee's responsibility
- ixx. provide objective advice on all matters
  - xx. liaise with other bodies in order to identify and keep abreast of important issues in the town
  - xxi. act in an emergency without recourse to Council
  - xxii. clerk Council and committee meetings

## **22. Responsible Financial Officer (RFO)**

The Council shall appoint the RFO

## **23. Financial Matters**

The Council shall abide by its Financial Regulations which is chapter three of the constitution.

## **24. Communicating with the MP and Unitary Councillors**

An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the MP and ward councillor(s) of the Unitary Council representing the area of the Council.

## **25. Matters affecting Council Employees**

The Council policy regarding staff is contained in the Staff Handbook which is chapter four of the Constitution.

## **26. Management of Information**

See also standing order 27.

- 1 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.**
- 2 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).**

- 3 **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.**
- 4 **Councillors, staff, the Council’s contractors and agents shall not disclose confidential information or personal data without legal justification.**

## **27. Responsibilities to Provide Information**

See also standing order 28.

- 1 **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.**
- 2 **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

## **28. Responsibilities Under Data Protection Legislation**

See also standing order 26.

- 1 **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**
- 2 **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- 3 **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.**
- 4 **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.**
- 5 **The Council shall maintain a written record of its processing activities.**

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

See also standing orders 21 (3)(xi) and (xv).

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

## **30. Standing Orders Generally**

- 1 All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- 2 A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory, statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 5.
- 3 The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.