



PROCEDURE ON HOW PARISH COUNCIL MEETINGS ARE RUN

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All local authorities are required to conduct their business in an open and transparent way and must comply with statutory requirements in relation to decision making and activities undertaken. Effective governance checks are in place to ensure that the decisions and actions of a local authority are lawful and transparent to the public at large and local council taxpayers who have a vested interest in the activities of their parish council. The following may also offer some assistance to members of the public to understand how a council meeting works.

1. How is the Council Made Up?

The term “local authority” is applicable to parish, district (sometimes known as borough), county and unitary councils, and in London, to London Borough councils. All local authorities are corporate bodies created by statute or by royal charter. Parish councils make up the first tier of local government in England and are the layer of local government closest to the communities they represent. As a corporate body, a parish council has a separate and distinct legal identity to the Councillors who make up the council and the Officers who are employed by the council. Members of a parish council are democratically elected to serve as a body to decide upon and provide local facilities and fulfil requirements.

Bottisham Parish Council is made up of 12 Councillor seats, managed by a Chair. It must be noted that not all Councillor seats will be filled all the time.

2. Legal Requirements

- Public and advance notice of meetings of a parish council;
- Meetings of a parish council being open to the public;
- Regulation of the transaction of the business and the meetings of a parish council by appropriate standing orders;
- Procedures for voting on any decision which need to be made by a parish council;
- Opportunities to delegate functions or powers of a parish council to a committee or sub-committee (with clear and unambiguous terms of reference) or an employee of the council or to another local authority. Arrangements by a parish council to delegate should be formally decided and evidenced;

- Access to minutes of meetings and accounts of a parish council;
- Strict control and regulation of the council's financial affairs;
- Regulation of the individual conduct of councillors who are elected, appointed or co-opted to a parish council;
- Regulation of the conduct of staff who are employed by a parish council.

3. How are Meetings Called and Conducted?

A letter or email to councillors or the agenda itself (depending on how it is expressed) comprises the statutory 'summons' to attend the meeting. The letter can be simply expressed. A parish council meeting is open to the public to attend, but is not a public meeting. Pursuant to the Public Bodies (Admission to Meetings) Act 1960, the public have a statutory right to attend meetings of a parish council and its committees.

This means that the meeting is held for the council to conduct its business, in an atmosphere conducive to working and the public are permitted to attend to watch and listen to proceedings.

4. Agendas

Agenda for meetings of the parish council and its committees should be circulated and made available to the public a minimum of 3 clear days before the day of the meeting. Current best practice is distribution 5 or 7 clear days before the meeting. A clear day does not include the day of the notice or the day of the meeting and excludes weekends and bank holidays. Access is normally through council websites but a hard copy should still be available on request. Only business contained within the agenda can be considered at the meeting.

The content of an agenda must reflect any requirements of the council's Standing Orders which may include specific items and the order in which they are to be considered. The agenda for meetings can often be divided between procedural items and business items. Business items on the agenda will be determined by the activities of the council or the terms of reference of a committee and its functions. Bottisham Parish Council publicises the agenda, and supporting minutes, on the parish council website and the parish council noticeboard in the village.

A draft agenda should be prepared in advance of the publication/dispatch date and discussed with the Chair. The Chair has responsibility for the proper conduct of the meeting and needs to be involved in planning the meeting. The order of business items is important. For example, it might be appropriate to include controversial items, or items for which there is likely to be public interest and attendance, early in the agenda. Items where the press and public are likely to be excluded should be put at the end.

5. Public Participation Session - Are Residents Allowed to Speak or Contribute?

It is not a necessity or requirement in law that the public are allowed to speak at a parish council meeting, but it is often good practice for a parish council to allow a section of time at the beginning, within or at the end of a meeting to hear resident's views. Permitting the public to contribute at council meetings is an effective mechanism for community engagement.

The 'public participation' section is the opportunity for the public to interact with the council. The Council must 'suspend Standing Orders' to create the necessary gap in the official meeting for the public to contribute. In the absence of such Standing Orders, a public participation session could be unregulated. This could disrupt the meeting from dealing with the business on the agenda and may also cause the meeting to overrun. No member of the public may be allowed to take part and/or comment in any of the remaining part of the meeting. Bottisham Parish Council sets aside time at the start of the meeting for residents to speak. This time set aside should be regarded as the public's time. This time is typically no more than 5 minutes per person.

Parish councils should not and do not make immediate decisions on comments and representations made by the public, but they can be considered when the council formally considers that item of business, debates the matter and then makes a decision on that matter.

No discussion should take place on any question put or comment made. Where practical, the Chair may respond to the question or indicate that a written response will be made. There may be instances when comments made by the public would be better addressed and considered at a later meeting, or at the meeting of a particular committee, as they may not have all the relevant information to make a valid decision.

Debating or disagreeing with points within the public section will eat into this time, and councillors should be mindful that the standing orders have been suspended and any 'Council' debate should be held until the standing orders have been restored or, the item is brought onto a future agenda for debate and decision.

If the item being raised in the public section is of 'personal or prejudicial' interest to a parish council, because maybe they live close, or will be affected etc. that parish councillor must be mindful to consider whether to declare an interest officially and abide by guidance as to 'declaring an interest'.

6. Procedure for A Member of The Public to Speak or Raise Issues at Council Meetings?

If at all possible or feasible, email or make a call prior to the meeting to the Clerk to inform you wish to speak or raise an issue at a forthcoming council meeting. This is because, if there is information the Clerk can bring along to the meeting or research before the meeting which may help with the query or the councillors - the Clerk will be able to do this.

If you wish to raise an issue at a meeting.

1. Try to speak to the Clerk or Chair prior to the meeting start to inform you wish to speak or raise an issue in the public section, or if it is regarding a specific agenda item.
2. When the meeting reaches the agenda item of 'public participation', the Chair will suspend the meeting and members of the public will be allowed to speak. At this point Councillors should not interrupt or debate issues with the public, but sometimes, if it is counter-productive not to, they may respond, but debate or long discussions should not take place between the public and the Council as this is the 'public' section.
3. When all the members of the public have spoken in the public participation section, the Chair will resume the meeting.

4. At this point the council may discuss the item(s) raised by the public, and consider:
 - a) if it is a matter the parish council can legally consider and make any decisions on;
 - b) if it is a matter which can be referred by the Clerk to another authority, or
 - c) if it is an item which will need a council decision or expenditure and so would need to go onto a future agenda. The item will then be referred to a future agenda.

No legal decisions or expenditure can be made on any item raised at a meeting (by public or councillor) because the item would not have been legally notified on an agenda in advance to the electorate or the council.

7. What are Standing Orders?

Parish councils are subject to the basic arrangements relating to the conduct of meetings and making decisions many of which are contained in the Local Government Act 1972

Bottisham Parish Council has adopted Standing Orders and these can be found on the council website. These set of instructions aid the council in dealing with particular situations and provide consistency in respect of necessary procedure.

The term used by the council, 'suspend Standing Orders' means it is suspending the official Council Meeting to allow it to be opened up for the public to offer its contribution before 'restoring Standing Orders' which is when it becomes again the official meeting and the public must not take part.

8. Chairing Meetings

The Chair of the parish council (and in his absence the Deputy Chair, if there is one) shall chair or preside meetings of the council.

The Chair or member presiding over a meeting of a council is required, by common law, to regulate the conduct of a meeting and preserve its order. Orderly conduct and keeping good order is key to ensuring that business is completed. Councillors and members of the public will be keen to have their point heard and sometimes the robust comment or dialogue can become out of hand. In order to control and complete the meeting's business, the Chair will need to check for comments which are irrelevant, repetitious and not addressed to the Chair and regulate the use of rude or disrespectful language and personal insults.

9. Quorum

Council meetings are only legal if quorate - that is, if at least 4 members are present (1/3 of the total number of council positions allocated for Bottisham). If a meeting is not quorate within 30 minutes of its published start time, it is automatically declared adjourned.

There is no quorum requirement for any vote taken within a meeting - the quorum rule applies only to the meeting itself. Voting is governed per Standing Orders.

10. What about 'bad behaviour' at a Council meeting?

Councillors are bound by the Local Government Code of Conduct for Councillors and the Council's Standing Orders. When speaking a member must address the Chair. All members must behave in a way that is conducive to the efficient conduct of business and respect the role of the Chair in the proper management of the conduct of the meeting.

If a member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructing business, the Chair may move that the member be not further heard. If the motion is seconded, it must be put to the vote immediately without discussion.

Members of the public disturbing a council meeting will be asked by the Chair to desist in any behaviour considered to be disrupting the meeting. If the behaviour continues council can resolve, without discussion, that the person(s) withdraw from the meeting, or be removed.

If there is a general disturbance at the meeting involving any person present, making the orderly conduct of business impractical, the Chair may adjourn the meeting for as long as they consider necessary. This could mean close the meeting for a period of time or have the meeting recalled for another date.

11. Rules of Debate incl. Motions, Resolution and Voting

Discussion or debate at meetings of a parish council is ordinarily permitted on a motion properly put before the meeting. A matter or item of business for consideration before a meeting must be expressed as a **motion** in positive terms. Examples include motions to adopt a certain course of action, to do some act, or to document a particular approach or attitude. The motion must relate to a matter in which a parish council has the statutory power to act or which relates to parish business. When such motion is passed, with or without amendment, by a majority of Members present and voting the motion becomes a **resolution**. Motions are included in full on the agenda in the order they are received by the Clerk. Once a resolution has been passed, a decision by the council has been made; this ends the debate on the matter. Although it is widely accepted, and a matter of common sense, that a resolution cannot be rescinded at a meeting in which it was passed. A resolution passed at one meeting of a Council may be rescinded at a subsequent meeting if there are no practical obstacles or legal consequences (for example which affect or prejudice a third party who has relied on the former resolution).

All questions to be decided by the council shall be decided by a majority of the members present and **voting**. Council members shall vote by a show of hands. A member's vote will only be counted if the member is in the room of the meeting at the time the vote is taken. Immediately before a vote is taken any member may request that a vote is recorded. When a request is made the Chair, or other member presiding, shall call the names of all the members and after each name is called the member shall state whether they are voting for or against the question put or abstaining. The record of voting shall be recorded in the minutes. In the case of an equality of votes the Chair, or other member presiding the meeting, may give a casting vote in addition to their first vote.

12. Minutes

Minutes are taken during the meeting by the Parish Clerk. The minutes of a council or committee meeting are a public record of the decisions of the council and great care should be taken in their format and

production. The minutes can be produced in court and other judicial processes as evidence of decisions of the council, and they form part of the Council archives which must be preserved. It is important that minutes are complete and attention is given to procedures followed at the meeting as well as the decisions reached (for example members declaring interests or a recorded vote – see below). If minutes are silent on a particular matter, the courts may assume that it didn't happen. The order of the minutes will normally follow the order of the agenda. Decisions taken at a meeting take effect immediately and do not depend on the minutes being approved at the next meeting. It is good practice to circulate the draft minutes no later than 10 working days after the meeting, and sooner where possible. It is acceptable for the draft minutes to be published (on the website or notice board, or to provide copies to members of the public), but they do not become valid minutes until they are accepted as a correct record and signed by the Chair at the next meeting. Minutes in draft form should therefore record that fact clearly (at the top and bottom) to the effect: "Minutes subject to approval at the next meeting" and by using a "draft" watermark. Minutes are published on the Bottisham Parish Council website and village noticeboard.

Bottisham Parish Council Website
** www.bottisham-pc.gov.uk **