

Chrishall Parish Council Meeting Protocol

Participation in the Open Forum

The Chrishall Parish Council meets and makes its decisions in public and is committed to community engagement and therefore warmly invites members of the public, the press, the police, district councillor and county councillor to attend meetings and contribute within the open forum. A council meeting is not a public meeting; it is a meeting held in public and there is no requirement in law to provide an opportunity for the public to question the council. However, constructive comment is welcomed.

Members of the public are asked to respect the fact that this is a meeting to conduct council business and interruptions during council business are not permitted. If, in the opinion of the Chair, the business of the meeting is disrupted in any way, the Chair will ask the person/s causing the disruption to be quiet and if they refuse then ask them to leave, or if being conducted by Zoom the host will remove them from participating in the Zoom meeting. Mobile phones must be switched off during the meeting. If the meeting is on Zoom then attendees will be asked to mute themselves until they are asked to speak.

Public participation is permitted regarding items on any topic within the remit of the Parish Council. The Council will not enter into any substantive discussion of a question raised if it is unable to answer a question directly. Members of the public are invited to put their queries in writing to the Clerk to enable the Council to give a definitive answer. If members of the public are unsure whether a question is within the remit of the Parish Council, then the clerk will be able to answer this.

Public participation will be for a maximum period of 10 minutes, in accordance with Standing Order 3 and will take place early on in the agenda so that councillors may take into account views expressed when reaching decisions. Members of the public present at the meeting are permitted to make representations and give evidence in respect of any item included in the agenda. Each person may speak once only for no longer than two minutes. All comments must be directed to the Chair. If a question relates to a topic on the agenda then the Chair may decide to address it immediately or carry it forward for a response at a later date.

Members of the public should note that the council is only allowed to take decisions on topics that are publicised on the agenda, excepting items delegated to the clerk. Agenda items may be suggested no later than 1 week before each parish council meeting.

All communication at meetings shall be through the Chair. Councillors may not address questions raised by members of the public except through and with the permission of the Chair. Members of the public may not address individual councillors except through, and with the permission of the Chair and may be asked to leave if in the opinion of the Chair they breach the protocol in a way that disrupts the orderly conduct of the meeting.

This Council will provide an opportunity via the agenda for the police and district and country councillor to attend and report to meetings and respond to any questions or queries from the Council.

The Chair may, at his or her discretion, invite a member of the public to speak on an agenda item during the parish council meeting, if, in the opinion of the Chair, that individual has relevant information not available to the Parish Council which will help in its deliberations.

Recording and Filming of Council Meetings

The right to record, film and to broadcast meetings of the council, committees and sub committees is established following the Local Government Audit and Accountability Act 2014. This is in addition to the rights of the press and public to attend such meetings.

Meetings or parts of meeting from which the press and public are excluded may not be filmed or recorded.

Members of the public are permitted to film or record meetings to which they are permitted access in a non-disruptive manner. The use of digital and social media recording tools, for example Twitter, blogging or audio recording shall be allowed as long as it is carried out in a non-disruptive way and only to the extent that it does not interfere with any person's ability, even when he or she has a disability, to flow the debate.

While those attending meetings are deemed to have consented to the filming, recording or broadcasting of meetings, those exercising the rights to film, record and broadcast must respect the rights of other people attending under the Data Protection Act 1998.

The Chair of the meeting has the authority to stop a meeting and take appropriate action if any person contravenes these principles or is deemed to be recording in a disruptive manner.

Any person or organisation choosing to film, record or broadcast any meeting of the Council is responsible for any claims or other liability from them so doing.

The Council asks those recording proceedings not to edit the film or record in a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show lack of respect towards those being filmed or recorded. Individuals will need to inform the Council that they intend to film, record and broadcast its meeting and those undertaking these activities will be deemed to have accepted them whether they have read them on the Chrishall Parish website or not.

The Council may itself photograph, film, record or broadcast meetings and can retain, use or dispose of such materials as it deems necessary.

Code of Conduct

Members of the Parish Council are bound by a Code of Conduct which sets out the standards of conduct that are expected when they are acting in that capacity, and in so doing providing the openness and accountability necessary to reinforce public confidence in the way in which members perform those activities.

The rules of conduct include:

Do treat others with respect and courtesy

Do not do anything which may cause the Authority to breach any of its equality duties (in particular as set out in the Equality Act 2010)

Do not bully any person

Do not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority

Do not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage

Do not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

Members are required to register their interests and, where it is required or appropriate to do so, should always declare any relevant interest in any proceeding of the Council and follow the relevant procedure, dependent upon the nature of the interest. The full Code of Conduct is available on the website.

Disclosable pecuniary Interests

The following list indicates those interest which members should declare as “Disclosable Pecuniary interests”, for themselves and for any “relevant person” other than themselves, namely: a spouse or civil partner, any person with whom living as husband and wife, any person with whom living as if we were civil partners:

Employment

Office, trade, profession or vocation

Sponsorship

Contracts

Land

Licences

Corporate tenancies and Securities.

Members should ensure they comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which they have a disclosable pecuniary interest, ensure that their register of interest is kept up to date and notify the Monitoring Officer in writing 28 days of becoming aware of any change, make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which they are present at which an item of business which affects or relates to the subject matter of that interest is under consideration of the item of business or as soon as the interest becomes apparent.

Where members are present at a meeting of the Council and they are or become aware that they have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, they do not participate, or participate further, in any discussion of the matter at the meeting; and do not participate in any vote, or further vote, taken on the matter at the meeting.

Members may make a written request if they consider it appropriate that the Council grant a dispensation relieving them from either or both of the restrictions above.

In respect of disclosable pecuniary interest, failing to act as required by the Localism Act is a criminal offence.

Personal or other disclosable interests

In addition to the requirements set out above if members attend a meeting in which any item or business is to be considered and they are aware that they have a “personal or other interest” in that item, they must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

A “personal or other disclosable interest” in an item of business of the Council where:

A decision in relation to that business might reasonably be regarded as affecting their well-being or financial standing or of a member of their family or a person with whom they have a close association to a greater extent that it would affect the majority of the Council Tax payers or inhabitants of the electoral area for which they have been elected.

Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate, the councillor must disclose the nature of the interest and may not vote on the matter. The councillor may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a “sensitive interest”, the councillor shall declare the interest, but not the nature of the interest.

What is the Role of the Chairman

The Chairman:

Is a member of the Council and is elected annually usually in May

Has authority at meetings and must be obeyed

Is the interface between the public and the Council

The one to welcome speakers and make them feel “at home”

Is to make sure that any decision is clear for the Clerk to act upon

Presiding at the first Annual Meeting of the Parish Council

The retiring Chairman, or in his or her absence, the Vice Chairman must preside at the meeting for the first item on the agenda ‘To Elect the Chairman’. If it is a meeting after an election then the retiring Chairman or Vice Chairman presides, even if they are no longer councillors. If both are absent then the meeting may appoint another councillor to preside. It is illegal for a Clerk to take the chair at a meeting.

Election of a Chairman

If the presiding chairman is no longer to be a member of the Council then he/she only has a casting vote. If he/she is still going to be a member then he/she has a vote and a casting vote (he/she can vote for himself or herself if he/she wants). The Chairman of the Council should give a report to the Annual Parish meeting on the activity of the Council.

Once voted in, the new Chairman signs his/her declaration of acceptance of office and presides over the meeting immediately.

What does a good Chairman do?

Plan the meeting with the Clerk and ensure that everything on the agenda is legal.

Brief themselves and prepare fully, study all the relevant information and anticipate the needs and interest of the members. The Chairman can then answer questions or deal with requests for information.

Be punctual - the Chairman should set a good example by arriving early to check the arrangements and welcome members, the public and any visiting speakers.

Conduct the meeting -

1. Check there is a quorum (minimum number of members to make the meeting legal)
2. Call the meeting to order and declare it open
3. Welcome members, the public and visiting speakers to the meeting and remind everyone present that under the 2014 Regulations they may be filmed, recorded, photographed or otherwise reported
4. Introduce the standard items on the agenda, unless handed over to the Clerk, apologies, declarations of interest, confirmation of minutes of previous meeting
5. Introduce the agenda items and ensure that all members know what they have to achieve and how they might do it, encourage participation
6. Stimulate an exchange of ideas and experience
7. Ensure that all have a chance to express their views freely
8. Keep the members aware of objectives
9. Maintain focus
10. Guide and progress discussion towards achieving the objectives
11. Manage conflict
12. Be fair and balanced
13. Preserve order
14. Enforce rules of procedure
15. Rule on disputed matters

The Role of the Clerk:

The Clerk is the Proper Officer of the Council and is the interface between the Parish Council and the public, or any other organisation or Authority. The Clerk is the principle executive and adviser to the Parish Council.

The Clerk will:

Provide clear guidance to Councillors, including the Chairman, before decisions are reached, even when that guidance may be unpalatable.

Ensure the Council conducts its business lawfully and in compliance with legislation and its own policies

Administers the Council's paperwork

Ensures the meeting papers are properly prepared and the public is aware of meeting times

Implement the Council's decisions

Oversees the implementation of projects

Supervises any staff

Keeps property registers and other legal documents

Keeps up to date by undertaking training/ qualifications

The Clerk is usually the Responsible Financial Officer, and manages the Parish Council finances from presenting invoices to the Council for payments to providing all documentation to the internal and external auditors for scrutiny.

The Clerk is an independent and objective servant of the Council who takes instructions from the corporate body and must recognize that the Council is responsible for all decisions. All advice provided by the Clerk should be minuted in the meetings, with subsequent direction from the Council likewise minuted.