

AMENDMENTS TO STANDING ORDERS – PUBLIC PARTICIPATION IN MEETINGS OF THE PARISH COUNCIL

1. Following recent incidents at meetings of the Parish Council I was asked at the meeting on 10th May 2018 to consider what changes needed to be made to Standing Orders to better regulate public participation in meetings in the future and to deal with unacceptable behaviour.

Current position

2. Standing Orders provide for meetings of Bishopstone Parish Council to be open for members of the public to attend:

“Para 4. 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.”

3. Standing Orders also provide opportunities for members of the public to speak during meetings:

“Para 5. At the start of each Council meeting there shall be a short period during which any resident of the Council’s area, or anyone who practises any trade or profession or is employed within the area, may raise any matter relevant to the Council, its functions or the parish.

Para 6. Members of the public are permitted, at the discretion of the Chairman, to make representations, answer questions and give evidence in respect of any item of business included in the agenda.

Para 7. Any person speaking at a meeting shall address their comments to the Chairman. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.”

4. Para 30 of Standing Orders sets out the order of business at meetings (“unless the Council otherwise decides on the grounds of urgency”). This includes:

(iii) to consider matters, if any, raised by members of the public, and, later

(xiv) to consider any other matters raised by Councillors or members of the public.

In current practice these two items are referred to as “Public Question Time” and “Questions or statements from Councillors and any further questions from members of the public.”

Consideration

5. It is not proposed to make any changes to Para 4 of Standing Orders regarding the rights of members of the public to attend Council meetings. In addition, whilst members of

the public have no legal right to speak at meetings the Parish Council, as part of its community engagement, has set aside a time (currently “Public Question Time”) in the agenda when members of the public have an opportunity to raise matters of importance to the village (see para 5 of Standing Orders above). However, it is important to recognize that there are limitations on what can be raised, and how it is dealt with.

6. It is a fundamental principle of the transaction of business by Parish Councils (reflected in law) that the matters to be discussed at a meeting shall be set out on an agenda that is published at least three working days before the meeting. This is to enable any member of the public with an interest in an item on the agenda to attend the meeting. It follows that issues raised by members of the public during Public Question Time should only relate to business that is on the agenda. If a member of the public raises a substantive new issue (“relevant to the Council, its functions or the parish” – see Para 5 SO), which is not otherwise on the agenda, it should not be debated by Councillors but deferred either for answer after the meeting (eg if it is a question requiring a factual answer) or for consideration for inclusion on the agenda at a future meeting (if it requires consideration by the council). If an issue raised is relatively trivial it should be at the discretion of the Chairman to decide whether to defer it for future consideration or allow a response.

7. Para 6 of Standing Orders deals with contributions by members of the public to business items on the agenda, which may be allowed at the discretion of the Chairman. It is not proposed to change this arrangement.

8. The provisions in Standing Orders relating to the Order of Business also provide a second opportunity for members of the public to raise issues (see para 4 above). It is considered that this is unnecessary and it is proposed that this be deleted. However, it is probably right to retain the opportunity for Councillors to raise any other matters of concern at the end of the meeting – whilst making it clear that this is not to raise substantive issues for discussion but to propose matters for inclusion on the agenda for future meetings.

9. In the light of comments made by members of the public at recent meetings it is thought desirable to introduce some basic rules in Standing Orders to ensure the orderly conduct of business during meetings. These additions to Standing Orders are set out in Appendix A. It is suggested that Para 7 of Standing Orders (see para 3 above) be subsumed in that section.

Recommendation

10. I recommend that the changes to Standing Orders set out in Appendix A be made. If proposed and seconded these changes will stand for confirmation at the meeting in September 2018.

Mike Ash
Clerk

APPENDIX A

BISHOPSTONE PARISH COUNCIL

STANDING ORDERS

These Standing Orders were adopted by the Council at its Meeting held on [DATE].

General

1. Meetings shall take place in Bishopstone Village Hall or suitable alternative premises, if the Village Hall is not available, not being premises which are used for the supply of alcohol.
2. At least 3 clear days shall be given for the notice of a meeting (excluding Sundays and Bank Holidays).
3. Public notices will be posted in conspicuous places and on the village website informing members of the public of the venue, time, date and business to be transacted at the meeting. The notice will be posted at least three clear working days before the meeting.
4. 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.
5. At the start of each Council meeting there shall be a short period during which any resident of the Council's area, or anyone who practises any trade or profession or is employed within the area, may raise any matter relevant to the Council, its functions or the parish.
6. Members of the public are permitted, at the discretion of the Chairman, to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
7. Any person speaking at a meeting shall address their comments to the Chairman. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking. Proposed – delete and replace with:

Public participation in meetings shall be in accordance with the requirements set out in para 31 below.

8. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior (written) consent.

Councillors

9. Following election or co-option to the Council, each Councillor will be issued with a copy of the Code of Conduct and Standing Orders of the Council. They will sign the form of Declaration of Acceptance of Office in the presence of the Clerk of the Council.
10. All Councillors will observe the Code of Conduct at all times when on Council business and no member will act in such a way that will bring the Council into disrepute, behave offensively in meetings or obstruct the Council's business.
11. The Code of Conduct adopted by the Council will define when a Councillor will declare a personal or prejudicial interest in an item for discussion at a Council meeting. The Councillor will declare that interest and the nature of the interest at the earliest opportunity and it shall be recorded in the minutes.
12. No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.
13. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.

Meetings of the Council

14. In an election year the ANNUAL meeting of the Council shall be held within 14 days of the election, normally on the second Thursday in May. In any other year the meeting will be held on the second Thursday in May.
15. The ORDINARY meetings of the Council shall be held on the second Thursday of January, March, July, September and November of each year.
16. The start time of meetings shall be agreed at the immediately preceding meeting and publicised in the minutes of that meeting and on the notice of meetings and the relevant agenda.

Extraordinary Meetings of the Council

17. The Chairman of the Council may at any time call an extraordinary meeting of the Council.
18. If the office of Chairman is vacant, or if the Chairman is unable to act for any reason, the Vice-Chairman of the Council may at any time call an extraordinary meeting of the Council.
19. Any two members of the Council may call an extraordinary meeting of the Council if a requisition for such a meeting signed by those members has been presented to the Clerk.

20. Where any person or persons decide to call an extraordinary meeting of the Council, that decision shall be signified to the Clerk together with the business to be transacted by the person or persons concerned. The Clerk shall thereupon ensure that the notices and summonses giving three clear days' notice of the extraordinary meeting are published and sent as soon as practicable.

Chairman of Meeting

21. The election of the Chairman and Vice-Chairman (if any) of the Council shall be the first business completed at the annual meeting of the Council.
22. The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected. The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the annual meeting of the Council.
23. In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
24. If it is necessary to choose a member of the Council to preside in the absence of the Chairman and Vice-Chairman the Clerk shall call for a nominee from the floor to take the chair.
25. The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.

Proper Officer

25. Where a statute, regulation or order confers functions or duties on the proper officer of the Council, that person shall be the Clerk. Amongst other things the Council's Proper Officer shall do the following:
 - i. Serve on Councillors a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.
 - ii. Give public notice of the time, date, venue and agenda.
 - iii. Keep minutes of the meeting (or by other nominated person in the Clerk's absence). The minutes which are circulated will be draft minutes until they are approved by the Parish Council at their next meeting and signed by the person presiding at that meeting.
 - iv. Make available the minutes of meetings for public inspection, including posting on the village website.
 - v. Receive and retain copies of byelaws made by other local authorities.
 - vi. Receive and retain declarations of acceptance of office from councillors.

- vii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- viii. Keep proper records required before and after meetings;
- ix. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- x. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xi. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xii. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's 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. Refer a planning application to members of the Council in accordance with standing order [] if the planning application requires consideration before the next ordinary meeting of the Council.
- xv. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

Voting

- 26. Voting at the meeting shall be by a show of hands unless a majority of Councillors wants a ballot. Only the proposer and seconder will be recorded in the minutes unless a Councillor requests that their vote is noted. A Councillor may also request that the Clerk records how each Councillor has voted, including abstentions. Any request of this nature will be made before moving on to the next business.
- 27. Subject to (a) and (b) below, the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he gave no original vote.
 - (a) If the person presiding over the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of Office he may not give an original vote in an election for Chairman.
 - (b) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.
- 28. When an existing Chairman is put forward for re-election to that position, he must vacate the Chair prior to the election taking place and a Councillor – not put up for election – must take over the Chair until after the election.

Order of Business

29. At each ANNUAL meeting the first business shall be:
- (i) to elect a Chairman.
 - (ii) to receive the Chairman's declaration of acceptance of office.
 - (iii) to fill by co-option any vacancies left unfilled at the election by reason of insufficient nominations.
 - (iv) to decide when any declarations of acceptance of office which have not been received as provided by law shall be received.
 - (v) to elect a Vice-Chairman.
 - (vi) to appoint committees.
 - (vii) to appoint representatives.
30. At ORDINARY meetings the first business shall be to appoint a Chairman for the meeting if the Chairman and Vice-Chairman be absent. After the first business has been completed (if required), the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:
- (i) to receive apologies for absence.
 - (ii) to receive declarations of personal and prejudicial interests.
 - (iii) to consider matters, if any, raised by members of the public.
 - (iv) to read and approve the minutes of the previous meeting(s) as a correct record, provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the minutes may be taken as read. After consideration to approve the minutes as a correct record which is signified by the person presiding signing a copy of the minutes.
 - (v) to discuss matters arising, if any, from the last meeting.
 - (vi) to receive any report from the Wiltshire Councillor, Local Police Representative or representative of other public bodies present.
 - (vii) to consider any matters raised by the Chairman.
 - (viii) to receive any reports from the Clerk.
 - (ix) to progress business items.
 - (x) to authorise the signing of orders for payments.

- (xi) to receive petitions, notice of which has been given under standing order [].
- (xii) to consider motions, notice of which has been given under standing order [].
- (xiii) to consider any planning applications.
- (xiv) to consider any other matters raised by Councillors [or members of the public] – delete.
- (xv) any other business specified in the summons.

A motion to vary the order of business on the ground or urgency:

- i. may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- ii. shall be put to the vote without discussion.

Add:

Public Participation at Meetings

31. As part of its community engagement, Bishopstone Parish Council will set aside a time in the agenda for meetings when members of the public are invited to speak (the “Public Forum”). The following rules will apply:

- The Public Forum is an opportunity for members of the public to (a) make representations, (b) ask questions or (c) give evidence relating to the business to be transacted in the meeting.
- The Public Forum may be limited to a maximum time as set by the Council.
- The time for each member of the public to speak is limited to 3 minutes.
- Any person speaking at a meeting shall address their comments to the Chairman. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- If more than one member of the public wishes to make the same, or similar, points on the same topic then they should nominate one person to speak on their behalf. This will avoid duplication and make the best use of the public participation period.
- The Chairman has the right to say that any question or statement is inappropriate and will not be accepted.
- Neither Councillors nor the Clerk should be put under pressure to respond immediately to comments made in the Public Forum. Members of the public do not have a right to force items onto the council agenda nor to insist on how matters are recorded in the minutes.
- A question raised by a member of the public during a Public Forum session shall not require an immediate response, though one can be given at the discretion of the Chairman.
- If an issue raised in the Public Forum relates to a matter on the agenda for later in the meeting then it will be discussed under the appropriate item. If it

is not on the agenda, a response may be provided after the meeting or the matter may be placed on the agenda for discussion at a later meeting, at the discretion of the Council.

- A brief record of topics raised at public participation will be included in the minutes of the meeting. But libellous, offensive and discriminatory comments will not be minuted.
- All persons present will act respectfully towards every other person present and will not act in a manner that demeans, insults, threatens or intimidates him or her. All statements, questions and responses, challenges to statements, complaints or criticisms must be made politely.
- Offensive or threatening behaviour will not be tolerated. If a member of the public behaves inappropriately or interrupts the proceedings of any meeting the Council reserves the right to curtail the contribution of that person and, if necessary, exclude them from the meeting (to be agreed by resolution of the Council).

Planning Applications

32. The Parish Clerk shall retain copies of all consultations on planning applications and of the comments submitted by the Parish Council.
33. The Parish Clerk will circulate details of the planning application to all members for their comments. Any member who intends to make a personal comment direct to the planning authority shall inform the Parish Clerk.
34. Where a meeting of the Council falls within the consultation period a decision as to the views of the Council will be reached at the meeting and subsequently communicated by the Parish Clerk to the Local Planning Authority.
35. Where the consultation period does not coincide with a meeting of the Council the decision as to the views of the Council shall be delegated to the Parish Clerk in consultation with the Chair. In reaching his decision the Clerk shall reflect the members' comments and shall e-mail the decision to the planning authority with a copy to members.
36. Any member disagreeing with the response shall consult the Chairman immediately so that urgent action may be decided.

Disorderly Conduct

37. (a) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such manner as to scandalise the Council or bring it into contempt or ridicule or act in such a manner as to breach the Code of Conduct adopted by the Council.

(b) If, in the opinion of the Chairman, a member has breached the provisions of paragraph (a) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard

or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

(c) If either of the motions mentioned in paragraph (b) is not observed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce the decision.

Discussion and Motions affecting employees of the Council

38 If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service of any person employed by the Council, it shall not be considered until the Council or Committee (as the case may be) has decided whether or not the public shall be excluded.

Expenditure

39. Subject to any provision within the Council's Financial Regulations, orders for the payment of money shall be authorised by resolution of the Council. Cheques shall be signed by the Chairman of the Council plus two other Councillors.

Committees

40. The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:

a. shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.

b. may appoint persons other than members of the Council to any committee.

41. The Chairman and Vice-Chairman ex officio shall be members of every committee.

42. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council.

43. The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee or Council as appropriate at any time by requesting the Clerk to issue a summons for the meeting. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

44. Every committee may appoint sub-committees for purposes to be specified by the committee with the terms of reference specified by the committee.

45. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

46. The Standing Orders regarding the calling and procedures of meetings of the Council shall apply to committee and sub-committee meetings insofar as they can be applicable unless they conflict with more particular standing orders relating to committees.

Voting in Committees

47. Members of committees and sub-committees entitled to vote shall vote by show of hands.
48. The Chairman of any committee or sub-committee shall in the case of an equality of votes have a second or a casting vote whether or not he has exercised his original right to vote.

Inspection of documents

49. A member may for the purpose of his duty as such (but not otherwise), inspect any document in the possession of the Council or any committee.
50. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council. Minutes shall also be open to the inspection of any local government elector of the parish as required by section 228 Local Government Act 1972.

Unauthorised activities

51. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:
- a. inspect any lands or premises which the Council has a right or duty to inspect;
 - or
 - b. issue orders, instruction or directives unless authorised to do so by the Council or the relevant committee or sub-committee.

Voting on appointments

52. Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is no absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

Variation and revocation of Standing Orders

53. A motion to add, vary, or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council. It will then become an agenda item and may be passed by a simple majority of all members present and voting at the meeting.

Standing Orders to be given to members

54. A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him/her of the member's Declaration of Acceptance of Office.

Appendix – Petitions, Motions and Rules of Debate

Petitions

1. Any member of the Council may present a petition signed by persons other than members of the Council, which is relevant to some matter in relation to which the Council has functions, or which affects the area of the Council or its inhabitants or some of them. A member wishing to present a petition at a meeting shall give two clear days notice of the intention to do so to the Clerk. Presentation of the petition shall be limited to no more than three minutes and shall be confined to reading out or summarising the prayer of the petition indicating the number and description of the signatories and making such supporting remarks as the person presenting it shall see fit. The petition shall either be referred to a committee or sub-committee or given to the Clerk for onward transmission to the appropriate person or body or stand referred to the next meeting of the Council, but shall not be the subject of discussion at the Council meeting to which it is presented.

Motions

2. Except as provided by these Standing Orders, no motion may be moved and no matter discussed unless the business to which it relates has been put on the agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the clerk at least eight clear days prior to the meeting.
3. Motions dealing with the following matters may be moved without notice:
 - (i) to appoint a Chairman of the meeting
 - (ii) to approve the minutes
 - (iii) to correct the minutes
 - (iv) to alter the order of business
 - (v) to proceed to the next business
 - (vi) to close or adjourn the debate
 - (vii) to refer a matter to committee
 - (viii) to appoint a committee or any members thereof
 - (ix) to adopt a report
 - (x) to authorise the sealing of documents
 - (xi) to amend a resolution
 - (xii) to give leave to withdraw a resolution or an amendment
 - (xiii) to exclude the public
 - (xiv) to silence or eject from the meeting a member named for misconduct
 - (xv) to suspend any standing order
 - (xvi) to adjourn the meeting

Rules of Debate

4. No discussion shall take place upon the minutes except upon their accuracy. Corrections to the minutes shall be made by inclusion in the minutes of the meeting which approves the minutes with corrections.

5. a motion shall not be discussed unless it has been proposed and seconded.
6. An amendment shall be either:
 - (a) to leave out words
 - (b) to leave out words and insert or add others
 - (c) to insert or add words.
7. Any amendment shall first be put to the proposer of the original motion for acceptance as part of the motion. If accepted by the proposer it becomes part of the motion without debate. If not accepted by the proposer of the original motion, debate on the amendment takes place. If the amendment is carried, the motion, as amended, shall take the place of the original motion and shall become the motion upon which any further amendment may be moved. If no further amendment is moved, the motion as amended is deemed adopted by the meeting.
8. An amendment shall not have the effect of negating the motion before the Council.
9. A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
10. Discussion on a motion is suspended whilst an amendment is debated and voted on.
11. A motion or amendment may be withdrawn by its proposer.
12. When a motion is under debate no other motion shall be moved except the following:
 - (a) to amend the motion
 - (b) to proceed to the next business
 - (c) to adjourn the debate
 - (d) that the question now be put
 - (e) that a member named be not further heard
 - (f) that a member named do leave the meeting
 - (g) that the motion be referred to a committee
 - (h) to exclude the public and press
 - (i) to adjourn the meeting

13. (a) The ruling of the Chairman on any point of procedure or interpretation of these standing orders is final.

(b) Members shall address the Chairman.

Closure

14. At the end of any speech a member may, without comments, move 'that the question be now put', 'that the debate be now adjourned' or 'that the Council do now adjourn'. If such motion is seconded the Chairman shall put the motion to the vote. If the motion 'that the question be now put' is carried, he shall call upon the mover of the original motion to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

Right of Reply

15. The mover of a motion shall have a right to reply immediately before the motion is put to the vote. If an amendment is proposed the mover of the original motion shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce new matters. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

Alteration of motion

16. A member may, with the consent of his seconder, move amendments to his own motion.

Rescission of previous resolution

17. A decision (whether affirmative or negative) of the Council shall not be reversed within six months except by a special resolution, the written notice whereof, delivered to the Clerk at least eight days before a meeting at which it is to be considered, bears the names of at least half the number of members of the Council.

18. When a special resolution moved following the provisions of paragraph (17) of this Order has been disposed of, no similar resolution may be moved within a further six months.

NOTE: These standing orders are derived from a version originally published by the National Association of Local Councils.