

BRACEBRIDGE HEATH PARISH COUNCIL

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Chairmanship Guidance

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Introduction

This document is intended as a guide for those presiding at meetings of Local Councils and as a source to which to refer when there is a procedural difficulty during a meeting.

It should also be referred to by Councillors who are or who may be appointed chairman of a committee or sub-committee.

It should be read in conjunction with other Parish Council policies and documents including

- Bracebridge Heath Parish Council Committee Structure
- Bracebridge Heath Parish Council Member Role Profiles
- Bracebridge Heath Parish Council Standing Orders

Policies and documents can be viewed at

<https://bracebridge-heath.parish.lincolnshire.gov.uk/homepage/7/policies>

If the words “Local Councils” are used, it means Parish and Town Councils in England and Community and Town Councils in Wales.

It is recognised that local Councillors can be male or female. Wherever the masculine gender is used this should be interpreted as also meaning the feminine gender, where appropriate.

The Chairman of a Town Council is entitled to use the title “Town Mayor”. The title confers no additional powers on the Chairman, and, in particular, has no implications for his conduct in meetings.

Notes:

- The word “Chairman” includes “Town Mayor” and means the person actually presiding at a meeting
- The word “Vice-Chairman” includes “Deputy Town Mayor”
- Where appropriate use of the word “he” is to include the meaning “she”
- The word “Council” includes “committee,” where any function has been delegated.

Acknowledgement is made to the following documents:

- Chairmanship, Houghton Regis Town Council
- Standing Orders and Chairmanship (NALC) September 2002
- Standing Orders for Local Councils (NALC)
- Local Councils Explained, Meera Tharmarajah, (NALC) 2013

1. Basic principles

- 1.1. The officers and agents of the Council must act as the Council's executive and carry out its decisions. They cannot do this properly unless they have instructions which they can understand.
- 1.2. It is the primary, if not the only, function of the Council to frame instructions upon which people can act. Even a decision to take no action is such an instruction.
- 1.3. The Council's instructions are conveyed by resolutions and it is the purpose of the Council's proceedings to reach, without unreasonable delay, an intelligible and lawful decision for the right reasons. The whole duty of a Chairman is to ensure that this purpose is achieved and to this end he must:
 - (a) protect the Council against outside interference;
 - (b) ensure that everything to be discussed is lawful;
 - (c) ensure that the Council is invited to deal with clear issues;
 - (d) ensure that as far as possible information is complete;
 - (e) permit every point of view to have a fair hearing;
 - (f) ensure that opinions expressed are relevant to the matter in hand;
 - (g) ensure that business is transacted with reasonable speed;
 - (h) ensure as far as possible that proceedings are friendly and free from personalities;
 - (i) co-operate with the officers and councillors.

2. The authority of the Chairman

Origin

- 2.1. The office of Chairman of a local authority is created by statute. This has conferred upon the occupant of the chair a second or casting vote on all occasions but one. The scope of this authority depends upon ancient customs which are perfectly logical and arise from the necessities of the case.

Nature and Limitations

- 2.2. Whether or not the Council has passed any standing orders, the Chairman's procedural authority is derived from the Council as a whole and an individual councillor must obey his rulings because they are the rulings of the Council itself. It follows from this that the Chairman cannot overrule the Council. A Councillor who is dissatisfied by the Chairman's ruling may invite the Council to disagree with it. Such appeals against the chair ought to be very rare.
- 2.3. The authority of the Chairman is limited to matters of procedure and neither increases nor decreases his right in comparison with other members to discuss the merits of a particular case. While the chair gives him authority on matters of procedure, it confers no rights other than the casting vote on matters of policy above those possessed by other members.

3. Preliminary

- 3.1. Before any meeting, the Chairman should study the items on the agenda with the Clerk or any other officers and should in ask in respect of each item the following questions:
 - What does it mean?
 - Is it lawful?
 - Do we know enough about it?
 - Has any member special knowledge of this problem?
 - Is there any member who may have a pecuniary or non-pecuniary interest?

4. Outside interference

Public Disturbances

- 4.1. No one is entitled to interrupt or obstruct the proceedings of the Council or its committees. In general it is best to stop an interruption at once before the habit spreads to the rest of the audience. Though he will naturally not wish to be rude, the Chairman should cut an interrupter short. If good humour and conciliation fail to produce silence he may have to warn him that he will be turned out if he does it again. If the warning is ignored it should be resolved, without discussion, that the interrupter be excluded. If he fails to leave he should be removed by force. Care should be taken to use no more force than necessary. It is not essential to call the police, but may be necessary.
- 4.2. The Chairman should never argue or allow argument with an interrupter. If the public becomes disorderly it may eventually be necessary to close the meeting or to adjourn to a more private place. It is illegal to exclude the public from any future meeting. The press is in a privileged position as its representatives must so far as possible be given facilities for taking their reports.

Interests

- 4.3. The law requires that where a member has a recorded pecuniary interest he should withdraw from the meeting and take no further part in the relevant proceedings or seek to influence those proceedings. If the interest has not been recorded he must advise the meeting and take no further part in the relevant proceedings or seek to influence those proceedings. The interest must be advised to the monitoring officer within 28 days of the interest becoming apparent.
- 4.4. The Council's Code of Conduct should be adhered to at all times. Other interests may also preclude Members from participating and / or voting on a matter. These are known as 'Other Registerable' or 'Non-Registerable' interests. Members should be aware of their own interests and the relevance to the Code of Conduct prior to any meeting. Should business arise during the meeting in relation to an interest, a member is required to disclose this interest and withdraw from voting or participating in discussion as appropriate.
- 4.5. In accordance with Standing Order 13, Members may request a dispensation to participate in matters in which they have an interest.

Rulings on notices

- 4.6. The Chairman must be satisfied that the meeting is lawful. He does not need to have personal knowledge that the proper notices and summonses have been issued. If complaints are made he must give a ruling based upon the essential justice of the matter. A meeting is not necessarily illegal because someone has not received a notice to which he is entitled. If an irregularity appears to be intentional or important the meeting should be adjourned until it has been corrected.

Quorum

- 4.7. No business can be transacted if a quorum is not present. This rule applies not only to cases of physical absence but to cases of disqualification by interest. A situation may sometimes arise where the Council cannot act because it is impossible to obtain a disinterested quorum. In such a case the Chairman should adjourn the matter until it can be next dealt with. Those members with a pecuniary interest should consider making an application for dispensation to the Council where appropriate.

Ultra Vires Proposals

- 4.8. The Chairman should satisfy himself that any proposal involving expenditure is lawful and should rule any unlawful proposal or amendment out of order. Where there is any doubt, advice should be sought well before the meeting and in time to delete it, if necessary, from the agenda.

5. A clear issue

5.1. Every decision of the Council must be made by an affirmative vote of a majority of those present and voting (including, where necessary, the Chairman's second or casting vote). The members must, therefore, know exactly what they are being asked to decide and each proposition must be put to them in a form which can be answered by a simple "Yes" or "No". From this there follow certain practical consequences:

- (a) All motions should be affirmative in form. It is never necessary to move that a resolution be rejected;
- (b) Where there is more than one solution to a problem each solution must be separately put to the vote.

The Affirmative Form

5.2. The most exact method of putting a question to the vote is by the use of the following formula:

"The resolution is as follows:

(e.g.) 'That the Clerk's salary be raised to £5,000 a year.'

The motion is that this resolution be agreed to."

- A resolution is a proposal of the action intended to be taken. For example, "That the Council buy a mower".
- A motion is the procedural formula by which the Council disposes of business. For example,
"The motion is that the resolution be amended by _____"
or
"The motion is that the Council do now adjourn".

Separating the Issues

5.3. In attempting to reach a decision a Council may from time to time be faced with alternative solutions. Some alternatives may be mutually exclusive. Others may be matters of detail subsidiary to the principal issue.

5.4. Where the alternatives are mutually exclusive it may be desirable in the first instance to discuss the resolutions embodying them together until the general trend of opinion is apparent and then to put one of them in the form of an amendment to the other. For instance, if a Council considers that it can afford either a swimming pool or a new playing field but not both, a decision to provide the one in practice excludes the other. Therefore, the resolution on behalf of each should be discussed together and the issue at this stage may be informally stated thus:

"If the Council is to spend its money would it prefer a swimming pool or a playing field?"

In more formal language the issue is put to the vote by substantive resolution and amendment:

"The resolution is that the swimming pool be provided. To this the following amendment has been moved: leave out the words 'swimming pool' and substitute the words 'new playing field.'

The motion is that this amendment be agreed to."

5.5. A vote on an amendment does not end the matter. It merely decides what shall be discussed next. In the example, if the amendment is carried, all further discussion of the swimming pool becomes out of order, but the Council has yet to decide whether the major operation shall be carried out at all. This is done by putting the resolution as amended to the vote.

6. Method of voting

6.1. The rules on the manner in which decisions are taken are peremptory and admit of no exceptions. Every decision must be reached by a majority of those voting. Appointments to employment must be decided in the same way as other questions.

7. Completeness of information

7.1. Sensible decisions cannot be reached without reasonably complete information, which it is usually the duty of the Clerk to supply. The Chairman should before the meeting consider whether enough information is available or is likely to be made available. At the meeting he should make a point of asking a member with special knowledge to give his opinion. If it appears at the meeting that information is still insufficient he should move to adjourn consideration until more is known. Sometimes it may be desirable to frame questions and to instruct the Clerk to obtain the answers by a specified date.

8. Impartiality

8.1. When differences of opinion develop in discussion it is the duty of the Chairman to give a fair hearing to all points of view including his own. It is not his duty as Chairman to suppress his own convictions nor his privilege to impose his opinions. Experience has shown that the safest and least controversial course is for the Chairman to call upon speakers for and against a proposal to speak alternately and himself to avoid speaking first or last.

8.2. Some people are better at putting a case than others and the Chairman ought to allow reasonable latitude to the less eloquent. For this reason mechanical rules of debate limiting, for instance, the time allowed for a speech or the number of times a member may speak, are undesirable, and the Chairman should have some latitude in applying them, especially in a Council with a small membership.

9. Relevance

General Rule

9.1. A speech must be directed to the point under discussion and nothing else. This rule is easy to state, but not always easy to apply fairly, because the relevance of what is being said may be understood by the speaker before it is grasped by the listener. This rule should not be made a cover for "barracking from the chair", but it may make business quicker and more efficient. Unnecessary arguments may be avoided. Bad feeling originates in irrelevancies more often than in any other way. On the other hand, it is sometimes advantageous to allow irrelevance in order to "clear the air". Too harsh suppression can breed ill will and a sense of grievance.

Personalities

9.2. The Chairman should do his best to prevent observations in discussion. The custom whereby the speeches are in a form addressed to the Chairman should be observed because it forces members to employ an impersonal mode of expression. If a member makes an offensive personal observation, the Chairman should immediately intervene to seek immediate apology to an offended member.

Methods of Enforcement

9.3. Where a speech is obviously irrelevant, the Chairman should stop the speaker and invite him to return to the point or sit down. Where the irrelevance is not quite so obvious the Chairman may often find it convenient to ask the speaker to explain how his remarks relate to the issue.

Revival of Decided Issues

9.4. The Chairman should not allow a matter that has been decided to be reopened at the same meeting. An attempt to “hark back” to a previous agenda item should be ruled out of order as irrelevant to the matter now under discussion, even if the member who raises it was not present when the item was considered.

Minutes

9.5. A motion will request a signature for the minutes. Discussion should be restricted to the accuracy of the minutes recording the meeting to which they refer. Any discussion of the merits of what is contained in the minutes is irrelevant.

Other Problems

9.6. Correspondence received by the Council will be shared in advance with Members. Discussion of such correspondence is not always necessary. Any discussion of such correspondence should be restricted to the main issue within the relevant document.

10. Reasonable dispatch

Intervals

10.1. It is important that business should be transacted with reasonable speed. Long meetings bore members and reduce the level of attentiveness. Long intervals between meetings lead to missed opportunities. A Local Council cannot expect to be consulted regularly by other bodies if it does not respond promptly. The Chairman ought to call special meetings in necessary cases. The right of Local Councils to be notified of planning applications makes this especially important.

Obstruction at Meetings

10.2. Deliberate obstruction is rare, but must be firmly dealt with when it occurs. It is difficult to be directly obstructive for long without being irrelevant. Deliberate obstruction sometimes takes the form of raising a succession of points of order. In dealing with this type of obstruction it is well to remember that a point is not necessarily a point of order because the person who makes it labels it as such. (For points of order see paragraph 11.1 below.)

Repetition

10.3. If it is evident that nothing new can be said on either side in a particular discussion, a Chairman is justified in putting the matter to the vote even though there are still members wishing to speak. Often the state of affairs is not so clear. In such cases the Chairman should ask permission of the Council to put the matter to the vote.

References

10.4. Deliberative bodies may tend to refer questions to someone else (e.g. an officer or a committee) for consideration or report. These may be unnecessary if they are used only when a Council is unwilling to make a final decision.

11. Some procedural points

Points of Order

11.1. Points of Order relate to procedure only and take precedence over all other business. It is the duty of the Chairman to deal with them. If a point relates to the substance of a matter under discussion it is not a point of order and should be ruled out of order by the Chairman. The person raising the matter of substance in this way should be told to save it for his speech on the business. For instance, if the provision of a swimming pool is being discussed and someone interrupts the speaker by saying “On a point of order, can we afford it?” the interruption should

be ruled out of order as this is not a procedural question. It is part of the merits of the business and must be decided by discussion.

If the interruption had been “On a point of order, have we power to do this?” The Chairman, in consultation with the Clerk must give a ruling. The format of this ruling is likely to be “The answer is yes” or “The answer is no.”

Procedural Resolutions

11.2. Procedural resolutions should normally be put without discussion. The usual exceptions are resolutions to (a) correct minutes, (b) alter the order of business, (c) refer to committee.

Closure Motions

11.3. The following are the respective effects of closure resolutions:

- (a) On the passing of a resolution to proceed to next business, proceedings on the business in hand come to a stop and no decision upon it can be taken.
- (b) On the passing of a resolution that the question be now put the mover is usually entitled to reply before the matter is put to the vote. By custom the Chairman may refuse to accept such a resolution until he thinks that the matter has been sufficiently debated.
- (c) A resolution to adjourn a discussion or a meeting stops the discussion at the moment it is passed and no decision is taken on the business. The discussion may later be resumed at the point where it was interrupted.

Amendments

11.4. An amendment which in substance negates the principal resolution should not be allowed. See Standing Order 37.

11.5. An amendment should always be put to the vote before the resolution that it seeks to amend. (See paragraph 5.5 above.)

Any Other Business

11.6. The summons to a meeting of a Local Council must by law specify the business to be transacted. A Local Council cannot legally decide to take any action under the general heading of “any other business” because these words do not specify any item of business. The rule prevents the Council deciding any business which will have either expenditure consequences or lead the Council into a legal situation, for example by making a contract.

Urgent Business

11.7. The law makes no provision for dealing with “urgent” business. If it is “urgent” only because it was not notified in time to appear on the agenda, it should be left till the next meeting. If it is genuinely “urgent”, that is it was too late for the agenda **and** it will be too late for action if left till the next ordinary meeting an additional meeting should be called **or** the Council should have a regular arrangement for the reference of such matters either to a committee or to the clerk for action. The Chairman or any other Member or Members may not take sole decisions binding the Council.

12. Use of Chairman's votes

12.1. Apart from one occasion the Chairman has both an ordinary and a casting vote. There is no rule of law which requires him to give his ordinary vote at the same time as the other members are voting. It is undesirable and undignified for the Chairman to wait and then say “the voting is 5 to 4 against. I therefore vote in favour which makes it even.”

12.2. Where there is an equality of votes, a Chairman may be faced with an embarrassing problem. A resolution requires a majority and therefore, since an equality is not majority, he may declare the resolution not carried. This course is sometimes regarded as irresponsible or lacking in courage. In such circumstances the Chairman ought to give a casting vote, if at all possible, in such a way that the matter can be considered again. For instance, on a motion to accept a particular tender a vote in favour will conclude the matter, but a vote against will leave the way open for further negotiations or reconsideration.

12.3. The sole occasion on which the Chairman does not have both an ordinary and a casting vote is covered in Standing Order 12:

Subject to (a) and (b) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.

- a. If the person presiding at 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.

13. Presence of the public and press

13.1. In principle, the public and press is entitled to be present at all meetings of the Council, committees and sub-committees. The Council or a committee may exclude the public and press for a particular item of business, if in its opinion such exclusion is reasonable and in the public interest. Where the public and press have been excluded, decisions made in the closed session must be minuted and made public. A record should be kept of who was present at the session. Business is 'confidential' if its discussion must be kept secret. It is 'special' and the reasons for secrecy must be stated in any case where the need for secrecy is not obvious.

14. Maladministration

14.1. Parish Councils are not subject to the jurisdiction of the Local Ombudsman. There is no outside body that can adjudicate on complaints about the procedures of a Local Council if the law has not been broken. It is important for the good name of the Council that complaints be handled properly and fairly.

15. Public participation

15.1. The public cannot take part in the proceedings of the Council. It is Council policy to permit members of the public to put questions to the Council or to make observations at the beginning of each meeting of Full Council. See Standing Order 3e.

16. Length of meetings

16.1. In accordance with standing order 3v, meetings will last no longer than 2 hours. Should it be anticipated during the meeting that the business to be transacted will take longer than 2 hours, a motion may be made to suspend the relevant Standing Order to complete business. The motion may determine the length of additional time needed and / or simply to complete business on the published agenda. Those present and voting will determine the appropriateness of such a motion.

17. Version control and amendment history

Date approved	Version Number	Revision / amendments made	Review date
Not known	1.0	New policy	Not stated
October 2021	1.1	Full review, new template	October 2023