



Ashbourne Town Council

The Law & Good Practice of Local Council Meetings Policy

Reviewed May 2017

**The Law & good Practice of Local Council Meetings Policy
was reviewed by**

Ashbourne Town Council on

Signed(Mayor)



ASHBORUNE TOWN COUNCIL

Law and Good Practice of Local Council Meetings

Introduction

Contents

Item	Page
Meetings <ul style="list-style-type: none"> • Full Council and Annual Town Meeting • Annual Parish Meeting • Committees • Sub Committees • Joint Committees • Extraordinary Meeting • Working Parties 	2
Minutes – Official record of the procedure of the meeting	3
Public Questions and Comments	4
Declarations of Interest <ul style="list-style-type: none"> • Disclosable Pecuniary Interests • Non Disclosable Pecuniary Interests 	5
Votes and Amendments	6
Publishing Minutes	7
Public Right to Record Meetings	8
The Committee System	9
Duties of the Chair, Clerk and Responsible Financial Officer	10

Law and Good Practice of Local Council Meetings

Meetings

Full Council and The Annual Town Council Meeting (not AGM)

- Notice – 3 clear days excluding Sundays and Bank Holidays
- The Annual Town Council meeting must take place in May – in an election year the meeting must take place within 14 days of the Cllrs taking office which is 4 days after the election.
- Members are “summoned” not “invited” to attend Council meetings

Annual Parish Meeting

- Held on any day between 1st March and 1st June
- Cannot start before 6 pm

Committees

- As specified by the Council or Standing Orders

Sub-Committees

- Sub-committee meetings as specified by committee

Joint Committees

- Usually agreed between the representatives of two parishes or specified in the Standing Orders

Extraordinary Council Meetings

- Requested by the Chair of the Council or two Council Members

ALL THE ABOVE HAVE THE POWER TO MAKE DECISIONS

Task and Finish Groups

- Usually agreed by Members concerned
- Task and finish groups to investigate
- No delegated powers
- **CANNOT MAKE DECISIONS**

Meetings should end at 10:00 pm – standing order update

Minutes – Official record of the procedure of the meeting

Local Government Act 1972, Sch 12, para 41

- Minutes of the proceedings of a meeting of a local authority shall be drawn up and entered in a minute book
- Minutes not recorded in a minute book may be kept on loose pages consecutively numbered and each page initialled at the same meeting or next suitable meeting by the person presiding at the meeting.
- Signed minutes are accepted as evidence in court proceedings and elsewhere

Minutes record a summary of proceedings, record of motions, amendments and resolutions – these give the legal authority to carry out Council decision

It is the duty of the “Proper Officer” (the Clerk) to draft and publish minutes of council and committee meetings, in larger Councils another member of staff (Assistant Clerk) may be assigned this duty but the final responsibility rests with the Clerk.

Tools may be used to assist the Clerk in the minutes such as note taking and recordings, however caution must be exercised as to the length of time that such information is stored as all information could be requested under the Freedom of Information legislation. This also goes for Members taking notes at meetings. Recordings would be available to assist the Clerk with specific points and not for a verbatim recording of the meeting.

Record all proposals including original proposal, amendment and counter proposals, take the last proposal first. Beware of direct negative proposals which is the opposite of the original proposal – disregard it and vote on the original proposal.

Record all resolutions at the bottom of the minute so that it is easily identified.

COUNCILLORS CAN'T ACT WITHOUT THE AUTHORITY OF THE COUNCIL – PAID OFFICERS EXECUTE DECISIONS

County and District Councillors attendance at meetings – ask them for a short, concise informative report so that it can be circulated prior to the meeting. Item – To receive report of DDDC Cllr XXXX.

Approval and Accuracy

- The accuracy of minutes must be approved and signed by the Chair presiding at the meeting at which they are presented
- Confirm accuracy of the decisions
- Chair should prevent any discussion on the minutes other than about their accuracy

If the Chair was not present at the meeting to which the minutes relate he/she can still sign them.

Public Questions and Comments

- Title the item on the agenda as “Public Questions/Comments”
- Allocate time to each individual with a maximum for public speaking to 15 mins
- Directed questions to the Chair or Clerk – other members should remain silent
- If questions require further consideration by the council agenda items for the next meeting or ask the Clerk to respond directly

Declarations of Interest

- Members must declare, before the meeting or as soon as they are aware, any Disclosable Pecuniary Interests (DPI) or non DPI (personal) interests
- DPI – declare and leave the room
- Non DPI can stay in the room and vote
- It is up to the Members to decide if they have an interest

Disclosable Pecuniary Interests

You or your spouse or civic partner have a pecuniary (financial) interest which relates to any business of the council, if:

- One or both of you derives financial gain from any employment, trade, profession or vocations with the council
- You receive financial benefit on carry out your duties as a member other than approved allowances and expenses
- You have financially beneficial contracts with the council
- One or both of you have a beneficial interest in land within the parish council area or lease land for more than one month
- One or both of you hold securities in any land or business in the council's area exceeding £25,000 or 1/100th of its share capital

DPI's should be recorded on the Register of Members Interests kept by the Monitoring Officer and declared at meetings

Non Disclosable Pecuniary Interests (or personal interests)

Non DPI's are not registerable as such but should be declared at meetings and minuted.

Dispensations

Applications for dispensations should be made in writing to the Clerk as soon as possible before the meeting but can be made under a standing agenda item if the interest only becomes known at the meeting. All declarations of interest and dispensations should be minuted.

Votes and Amendments

- Unless otherwise provided for in standing orders voting should be by the show of hands of those members **present and voting** and eligible to vote
- Members not present at the meeting cannot vote
- Once the vote is taken and the decision declared by the Chair a member cannot change their vote or a late arrival insist on being allowed to vote
- A member who has declared a DPI should not be permitted to vote and if they do then the vote shall not be counted
- The Chair and the Clerk should understand and be able to advise the meeting how, and in what order, to dispose amendments.

Minute the original proposal and the amendment, take the last amendment first if this is carried this then becomes the substantive motion and replaces the original proposal. Do not go back and vote on the original.

Occasionally direct negative proposals are put forward – these are the opposite of the original – if this is the case these should be disregarded and the original proposal is voted on.

Example

Propose to employ an in-house catering team, amendment not to appoint an in house catering team.

This is not an amendment but a direct negative and the original proposal “to employ an in house catering team should be voted on.

Counter Proposal would be To purchase a tray of sandwiches for events from the Supermarket

Recorded Votes and Secret Ballots

- Can be demanded by any one or more members prior to the vote being taken
- Minutes should record the names of members voting for and against and abstaining

For : xxxxx against : xxxxx abstain : xxxxx

Exercising Casting Votes

The outgoing chair (if still an elected member) presiding over the election of a new chair may exercise an original vote but **MUST** exercise a casting vote in the event of a tie. If not an elected member of the new council he can (**and MUST**) only exercise a casting vote.

At other times the chair may exercise a casting vote – if they decide not to use the casting vote the proposition is not carried. Some chairs use this to bring the item back for further discussion.

Publishing minutes

- Minutes should be published no later than one month after the Council meeting
- Minutes should be signed at the next meeting

- Agendas should be published 3 clear days before the meeting to which they relate
- Minutes and reports should be published on the Council's website

Confidentiality

Confidential matters relate to a few matters such as personnel issues, grievances and disciplinary matters, legal and professional advice in respect of prosecutions, contracts and property acquisitions.

Excluding the Public and Press

Give reasons for exclusions ie: concerns re Member of staff "in accordance with the confidential report attached to these minutes".

Public Right to Record Meetings

The public have the right to record meetings without asking for permission– this does not extend to Councillors.

If a councillor wants to record meetings this has to be agreed by members.

Facilitating Recording

- Provide a separate seating area for members of the public who do not wish to be filmed
- Recording, filming, texting must not disrupt proceedings ie stay seated or standing (you are not Stephen Spielberg)
- Embrace openness and don't over react – local councils are public bodies, spending money and providing public services.
- Make use rather than resist new communication tools and platforms
- Do not use as a verbatim record for minutes and consider the length of time to keep these as they can be used as FOI request
- It could be a good training aid to video a meeting and play back to members

The Committee System

Functions of a local council may be discharged by an officer of the council

- Committees have powers to make decisions and make recommendations to full council
- Functions are discharged by the Clerk

Certain decisions can only be made by Full Council eg issue of a precept, raising a loan.

Duties of the Chair, the Clerk and the Responsible Financial Officer

Duties of the Chair

- Chairing all council meetings if present
- Regulating proceedings in accordance with the law and standing orders
- Signing approved council minutes and other statutory documents
- Receiving letters of resignation for councillors
- Exercising a casting vote in the event of a tie
- Convening the annual parish meeting

- Chairing annual parish/town meeting and extraordinary meetings if present
- Chairing meetings to appoint new chair following elections and remaining in office until a successor is appointed
- Receiving written requests from councillors for extraordinary council meetings
- Convening extraordinary meetings of the council
- Representing the council within the community

Duties of the Clerk

- Drafting agendas for all council and committee meetings and signing summons to attend
- Ensuring compliance with statutory requirements and best practice
- Receiving declarations of acceptance of office or elected members
- Reporting casual vacancies to the Returning Officer and issuing notices
- Taking custody and keeping safe all council deeds and documents
- Facilitating the public's right to inspect council documents
- Issuing dispensations to speak and vote (if authorised to do so)

If also the Responsible Finance Officer

- Ensuring all income is collected and all payments are paid promptly
- Complying with statutory regulations and guidance in the management of the councils financial affairs
- Determining the form and content of the accounts and financial records
- Completing the annual statement of accounts and issuing the notice of audit

The Law and Good Practice of Local Council Meetings Policy was Reviewed by Ashbourne Town Council on

Dated.....

Signed.....