

Holywell-cum-Needingworth Parish Council

CHAIRMANSHIP

In this policy, the word "Chairman" means the person actually presiding at a meeting and "Council" includes "committee" where any function has been delegated.

BASIC PRINCIPLES

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.
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.
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 the Chairman 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.

THE AUTHORITY OF THE CHAIRMAN

Origin

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

Nature and Limitations

5. Whether or not the Council has passed any standing orders, the Chairman's procedural authority is derived from the Council as a whole and their rulings must be obeyed by an individual Councillor because they are the rulings of the Council itself. It follows from this, however, that the Chairman cannot overrule the Council and that a Councillor who is dissatisfied by the Chairman's ruling may invite the Council to disagree with it. Such appeals against the Chairman ought to be very rare.
6. The authority of the Chairman as such is limited to matters of procedure and neither increases nor decreases their right (in comparison with other members) to discuss the merits of a particular case. It is one of their most difficult tasks to remember that while the Chair gives the Chairman authority on matters of

procedure, it confers no rights (other than the casting vote) on matters of policy, which are not possessed by other members.

PRELIMINARY

7. Before any meeting the Chairman should study the subjects for the agenda with the Clerk or any other officers and should in effect 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 prejudicial interest?

OUTSIDE INTERFERENCE

Public Disturbances

8. 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; and though the Chairman will naturally not wish to be rude, the Chairman should cut an interrupter short, and if good humour and conciliation fail to produce silence the Chairman may have to warn the interrupter that they will be turned out if they persist. If the warning is ignored it should be resolved, without discussion, that the interrupter be excluded, and if the interrupter fails to leave, the interrupter 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.

9. 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, however, illegal to decide to exclude the public from any future meeting. The press is in a privileged position in as much as its representatives must so far as possible be given facilities for taking their reports.

Pecuniary and Non-Pecuniary Interests

10. The law requires that where a Councillor has a disclosable pecuniary interest in any matter, the Councillor must disclose the existence and nature of that interest. The member must not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation.

If the item relates to an "other registrable interest" a Councillor may only speak if members of the public are permitted to speak at the meeting. Otherwise, the Councillor must not take part in any discussion or vote on the matter and must not remain in the room unless a dispensation has been granted.

The Chairman should before a meeting consider whether any member (including themselves) may have any such interest and may draw the individual member's attention to the possibility before it starts. However, ultimately it is for the member to decide whether or not to disclose any relevant interest.

Rulings on notices

11. The Chairman must be satisfied that the meeting is lawful. The Chairman does not need to have personal knowledge that the proper notices and summonses have been issued, but if complaints are made, the Chairman 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 they are entitled, but where an irregularity appears to be intentional or important the meeting should be adjourned until it has been corrected.

Quorum

12. No business can be transacted if no quorum is present. This rule applies not only to cases of physical absence but to cases of disqualification by interest. A situation may, therefore, 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 (England) should consider making an application for dispensation to the Parish Clerk where appropriate.

Ultra Vires Proposals

13. The Chairman should be satisfied 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. The section 137 power (contained in the Local Government Act 1972) is not a "long stop" in case of a mistake; expenditure under this heading requires a special resolution, related to the provisions of that section.

A CLEAR ISSUE

14. 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 follows 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

15. 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 £5000 a year.'*

The motion is that this resolution be agreed to."

(Note: 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

16. 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.

17. 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."

A vote on an amendment does not end the matter: it merely decides what shall be discussed next. Thus, 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*. (See also paragraph 35 below.)

METHOD OF VOTING

19. 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 employments must be decided in the same way as other questions.

COMPLETENESS OF INFORMATION

20. 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 likely to be made available, and at the meeting they should make a point of asking a member with special knowledge to give their opinion. If it appears at the meeting that information is still insufficient, the Chairman should move to adjourn consideration until more is known, and sometimes it may be desirable to frame questions and to instruct the Clerk to obtain the answers by a specified date.

IMPARTIALITY

21. When differences of opinion develop in discussion it is the duty of the Chairman to give it a fair hearing to all points of view including their own. It is not his duty as Chairman to suppress their own convictions nor their privilege to impose their 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 themselves to avoid speaking first or last.

22. 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.

RELEVANCE

General Rule

23. A speech must be directed to the point under discussion and nothing else. The rule is easy to state but not always easy to apply fairly because the relevance of what is being said may not be (and often is) understood by the speaker before it is grasped by the listener; while the rule should not be made a cover for "barracking from the chair" it is probably true if Chairman enforced it more strictly, business would be much more quickly and efficiently conducted than is often the case, and many unnecessary arguments and even some quarrels would 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

24. The Chairman should do their best to prevent observations in discussion; the custom whereby speeches are in a form addressed to the Chairman only 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

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

Revival of Decided Issues

26. The Chairman should not allow a matter which has been decided to be reported at the same meeting. An attempt to "hark back" to a previous agenda item should be firmly 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

27. One of the commonest irrelevances is the practice of attempting to discuss the merits of what is contained in the minutes on a motion for their signature as a correct record. On such a motion the only issue is whether the words of the minutes accurately record the events at the meeting of which they are a record.

Other Problems

28. (a) If any substantial issue arises on a matter dealt with in the Minutes it must have a separate agenda item.

(b) Letters received by the Council should not be read out verbatim: this provokes irrelevant discussion on wording and is liable to lead to misunderstanding by the public. On the very rare occasions that the exact text is needed by every Councillor the Clerk should issue copies. Normally it is sufficient to report the main issue in the letter: for example, "Mrs Smith of ... has written asking the Council to get the pile of rubbish removed from outside 48... Lane".

REASONABLE DESPATCH

Intervals

29. It is important that business should be transacted with reasonable speed. Long meetings bore the members and so reduce the level of attentiveness and public spirit, and long intervals between meetings lead to missed opportunities and lack of continuity. A Local Council cannot expect to be consulted regularly by other bodies such as the County or District Council if it does not answer letters reasonably promptly. For this reason, it should meet at least once a month, and the Chairman ought not to hesitate to call special meetings in necessary cases; the greater the interval between regular meetings the more ready the Chairman should be to call them. The right of Local Councils to be notified of planning applications makes this especially important.

Obstruction at Meetings

30. 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, and therefore 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 33 below.*)

Repetition

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

References

32. All deliberative bodies have a natural tendency to refer questions to someone else (e.g., an officer or a committee) for consideration or report. These are frequently unnecessary because they are often used only when a Council is unwilling to make a final decision.

SOME PROCEDURAL POINTS

Points of Order

33. Points of Order relate to procedure only and take precedence of 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 their 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 because this is not a procedural question. It is part of the merits of the business and must therefore be decided by discussion. The person interrupted may of course answer the point when they continue their speech or ignore it as they think appropriate. If, however, 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, because if the answer is "No", the Council has no power to act as proposed and the business ought not to be under discussion. (See standing Order 1 (q).)

Procedural Resolutions

34. 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

35. 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 they think 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; therefore, the discussion may later be resumed at the point where it was interrupted.

Amendments

36.

(a) An amendment, which in substance negates the principle resolution, should not be allowed because it is confusing and unnecessary.

(b) An amendment should always be put to the vote before the resolution, which it seeks to amend. (See also paragraph 18 above.)

"Any Other Business"

37. The summons to a meeting of Local Council must by law specify the business to be transacted; Local Council cannot legally decide 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. There is no practical objection to exchanges of information under "AOB" or the giving of a preliminary notification of important business for next time.

"Urgent" Business

38. 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 to the next meeting. If 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. It is contrary to local government law for the Chairman or any other single member to take a decision binding the Council.

USE OF CHAIRMAN'S VOTES

39. Save on one occasion, the Chairman has both an ordinary and a casting vote. There is no rule which requires the Chairman to give their ordinary vote at the same time as the other members are voting, but it is obviously 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."

40. Where there is an equality of votes a Chairman may be faced with an embarrassing problem. A resolution requires a majority and therefore, since equality is not majority, the Chairman may declare the resolution not carried. This course is, however, 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.

PRESENCE OF THE PUBLIC AND PRESS

41. In principle, the public (which includes the press) is entitled to be present at all meetings of the Council and its committees, and ought to be admitted to sub-committees. The Council or a committee, however, may exclude the public for a particular item of business, if it is reasonably of the opinion that such exclusion is in the public interest. Where the press and public have been excluded, the decisions made in the closed sessions must be minuted: a record should be kept of who was present at the session: the press should be

told of any decision, Business is 'confidential' if its discussion must be kept secret: it is 'special' and the reason for secrecy should be stated in any case where the need for secrecy is not obvious.

MALADMINISTRATION

42. Local Councils are not subject to the jurisdiction of the Local Ombudsman. There is therefore no outside body, which can adjudicate on complaints about the procedures of Local Council if the law has not been broken. It is, however, important for the good name of the Council that complaints be handled properly and fairly. In light of the Local Government Act 2000, Councils are recommended to agree a form of complaints procedure.

PUBLIC PARTICIPATION

43 The public cannot, of course, take part on proceedings of the Council, but an increasing number of Councils have created and sustained public interest in their work by arranging for a short period in meetings (10 minutes) when members of the public are permitted to put questions to the Council or to make observations relating to an agenda item.

LENGTH OF MEETINGS

44. In line with standing orders 3 (x) a meeting should not exceed two hours and a half hours.

Adopted at meeting of Holywell-cum-Needingworth Parish Council held on 12th June 2012.

Last Reviewed 19th May 2026

Signed.....

Miss J Bowd

Parish Clerk