

## Meetings and Procedures

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This guidance sheet explains meetings held by local councils and the procedures that must be followed. There is a focus on both legal requirements of local council meetings and their procedures as well as best practice.

Many of the procedures, including those which relate to meetings of local councils are **duties**. They are defined in law as something a local council must do.

Many (but not exclusively) of the procedures of a local council are defined in the Local Government Act (LGA) 1972, with the majority of meeting procedures located in Schedule 12 of this Act. There are also many characterised by best practice.

### Standing Orders

The terms of reference for a local council and the procedures which it follows for carrying out its activities are called **Standing Orders**. A local council will have Standing Orders, based on the law but tailored to its individual needs based on its size and activities. Standing Orders reflect the law but they also contain what is considered to be best practice and which the council has committed to follow. Standing Orders must never go against the basic legal requirements, but may enhance them.

### Local Council Meetings

Schedule 12 of the LGA 1972, states that, each year, a local council shall hold an annual meeting. The meeting is held during the month of May. This meeting is the first meeting of the local council and as such, it is the meeting at which the election of chairman is held. This is the first business of the meeting because until a chairman is elected, the council is not properly constituted\*.

In addition to the annual meeting, a local council must hold at least three other meetings. This is a minimum requirement and many councils choose to hold more than four meetings per year.

Meetings of a local council may be held either within, or outside of the council's area. They may not be held in place, which, at the time of the meeting is exercising its right under the Licensing Act 2003 for the supply of alcohol; unless there is no other room available at reasonable cost.

#### Looking Further

\*Section 14 of LGA 1972 and guidance sheet 1 on chairman of the council

Reasons for this are that local council meetings are open to all sections of the community and holding the meeting in a pub could disenfranchise some people.

Under the Public Bodies (Admission to Meetings) Act (PB(AM)A)1960 a local council meeting must be open to the public.

A local council may, by **resolution**, exclude the public from a meeting whenever publicity of that which is to be discussed would be prejudicial to the public interest. This may be because it is a confidential matter, such as the clerk's employment or details of tenders and contracts, which is being discussed.

If this is to happen, the meeting should still be advertised in the usual way. A resolution is passed and the public are excluded for only the agenda items which are confidential.

Under the same Act, the same applies to a meeting of a committee of the council.

When a meeting is held by the council, the LGA 1972 says, three clear days before the meeting:

*"Notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the parish."*

In addition:

*"A summons to attend the meeting specifying the business proposed to be transacted at the meeting [i.e. the agenda] and signed by the proper officer [clerk] to the council, shall be left at or sent by post to the usual place of residence of every member of the council"*.

It is called a **summons** because the council member has a duty to attend.

## **Quorum**

In order for a council to operate and for a meeting to go ahead, there must be a **quorum**. A quorum is the minimum number of members required to allow the council to act legally. Schedule 12 of the LGA 1972 says that either "*one-third of the whole number of members of the council*" or three members, constitutes a quorum. This means that if the full subscription of members of a council is twelve the quorum is four, or if it is eighteen, the quorum is five because this is one third of the whole number of members. If the full subscription of council members is six then the quorum is three because three is greater than one-third (which would be two).

## Extraordinary Meetings

An **extraordinary meeting** of the council (usually outside of the standard calendar of meetings) may be called at any time by the chairman or in some circumstances by two members of the council.

If the meeting is an extraordinary meeting called by members it is signed by those members and contains the agenda but in normal circumstances, for normal meetings, the notice is signed by the clerk to the council.

## Committee Meetings

Under section 101 of the LGA 1972, a local council may delegate its functions to (among others) a **committee** or **sub-committee**.

A committee is a group of a local council with a particular focus. The focus can be anything from recreation to planning to finance. A committee can be delegated powers to act on behalf of the council although there are some things such as deciding the precept which cannot be delegated to a committee. Committees can be delegated full powers or they can be advisory committees where decisions are ratified by full council.

A sub-committee is an off-shoot of a committee. An example of this may be if there is a Recreation Committee which may have a sub-committee which focuses only on the sports field.

There may be circumstances where there is a need for a local council to have working groups. These are usually developed for certain projects and enable members of the council to meet to do research and talk to various people involved with the project, as well as to flesh out ideas. These groups are not decision making groups and do not have delegated powers, any decisions are still made by the relevant committee or by full council. In these circumstances the procedural rules do not apply.

## Agendas

The LGA 1972 refers to the "business proposed to be transacted" at a meeting. This is otherwise known as the **agenda**.

The way in which an agenda is set out is not prescribed by law but there are elements of best practice which should be considered when compiling the document.

An agenda item considered to be a standing item, present on each meeting agenda, is "apologies for absence". If a council member has not attended a meeting of the council or has not tendered apologies which have been accepted by the council, for six consecutive months, they are disqualified

The council should approve (or not) the reason for apologies for absence given by absent councillors.

## Matters Arising and Any Other Business

There has been, in the past, a propensity for having such standing items as "Matters Arising" and "Any Other Business". These are now considered not to be best practice, as they can be vague.

The law says that the business to be transacted should be notified. Therefore a member should know precisely what is going to be asked of them as the meeting. "Matters Arising" as an agenda item has the potential to lead to a regurgitation of a previous meeting and the possibility of opening up a prior agenda item. "Any Other Business" can lead to new topics being introduced and discussed. No decisions may be made under either of these items as members will not have been notified of the issue.

If the term "Matters Arising" is used, it should be clear that this is for information only and not to open up further discussion.

It is considered best practice to avoid the use of an agenda item such as "Any Other Business". No business should have a decision made about it unless it is on the agenda and if it is something which warrants an agenda item it should have one. If it is urgent, too late to be added to an agenda and cannot be dealt with by the clerk with his/her **delegated powers**, or a committee with the same, an extraordinary meeting may have to be called.

If there are issues which councillors must be notified; these should form part of either a clerk's report or items of "information only".

Agenda items should give as much information as to what is to be discussed and decided upon as is possible.

## Public Question Time

Although not part of the formal agenda it is good practice to have a public session at a meeting. This is often (but doesn't have to be) at the start of a meeting, before business on the agenda commences.

It can be helpful for members of the public if the council makes it clear what is allowed at a meeting. Some councils provide guidance to put out on chairs detailing the time allowance for the total of public questions and for each individual. The council may not make any decision on anything raised by the public unless it is already on the agenda and discussion should not really take place. It may be that it is a question that can be answered easily or it is for the clerk to research or it may be an item for a future agenda.

It is not appropriate for members of the public to join in throughout the meeting, unless invited to do so for a particular reason (e.g. a non member has a particular expertise in something being discussed). It is a meeting of

“the council”. There are **parish or town meetings** at which involvement of residents is invited\*.

## Minutes

Under paragraph 41 of schedule 12 of the LGA 1972, **minutes** of proceedings of council and committee meetings must be kept. Minutes are formal records of actions and decisions and should be as concise as possible. There is no need for minutes to be a literal report of discussion.

Minutes are entered into a **minute book**. Advancing technology determines that nowadays minutes are produced on a computer and therefore printed as loose-leaf documents. This is acceptable in the law but pages should be numbered consecutively and initialled by the person signing the minutes as a true record. This shows that any minutes in a loose-leaf binder are the original signed minutes and have not been replaced. Signed, hard-copy minutes are the only true and legal record of a council meeting and can be used as evidence in a court of law.

Under the same statute, minutes must be signed as a true record by the person presiding at the meeting at which they are due to be signed (the same or the next suitable meeting).

Minutes must be available for public inspection. It is good practice for them to be published on a notice-board or website for residents' information. Draft (unsigned) minutes may be published but it must be clear that they are draft and should not be taken as final by anyone reading them. It is possible that these minutes may be amended before being signed as a true record so they should only be taken as information whilst in draft form.

## Parish or Town Meeting

In accordance with the law, the **Parish Meeting** of a Parish shall assemble annually. This law\*, says that this must take place at some point between 01 March and 01 June. In an area that is called a Town, this meeting is known as the Town Meeting. The terms applied in this section will be Parish, Parish Meeting and Annual Parish Meeting but it is a generic term encompassing Towns also.

Where a parish has a separate council (as opposed to where there is only a parish meeting), the parish council fixes the date of the meeting. The local council is also responsible for meeting the costs of a Parish Meeting. For the purposes of this guidance sheet, the reference to Parish Meetings will refer to a parish where there is a Parish Council.

### Looking Further

\*LGA 1972, sch 12, para 14 states the law for (Annual) Parish Meetings

The Annual Parish meeting may not be held earlier than 6pm and like a local council meeting, may not be held in a place that is open for the sale of liquor unless there is no suitable room available at reasonable cost.

The meeting may be called by the chairman of the parish council or two parish council members. Also, any six local government electors for the parish may call a parish meeting. It is a meeting for the residents of the area and the electors (those on the electoral roll) for the parish have the right to a vote at this meeting.

If the chairman of the local council is present s/he presides over a parish meeting, if not then the vice-chairman presides. If, in this instance, there is no vice-chairman or s/he is not present then someone is appointed to take the chair and for that meeting has the authority of the chairman.

In most circumstances a minimum of seven days' notice is required to be given for a parish meeting and this notice contains the business to be transacted (or the agenda) and is signed by whoever calls the meeting. This is different to a meeting of the council which requires three clear days' notice.

If a question is put to a parish meeting, it is decided in the first instance by the majority of those present and voting at the meeting. In the case of an equal number of votes, the person presiding at a parish meeting has a casting vote. If they are not an elector for the parish they have a casting but not an original vote. The person presiding at the meeting gives the result of the vote and this result is final unless a **poll** is demanded.

An Annual Parish Meeting is a good occasion for representatives from community groups to come together. It gives an opportunity for ambassadors for different local bodies to introduce themselves to the community to report on achievements and activities for the year. It also provides a backdrop for the showcasing of new and ongoing community projects. Similarly, the Annual Parish Meeting enables the local council to report on its ventures and the grants that have been distributed throughout the year. With local council and voluntary and community groups coming together it shows mutual co-operation and the local community as a combined focus.

Minutes of an Annual Parish Meeting are entered into a book which is separate to that of local council meetings and the minutes are signed as a record at the next parish meeting (which is often a year later).

## **Parish Polls**

A poll may be demanded before the end of a parish meeting on any question arising at the meeting. The subject matter will need to have featured on the meeting agenda and a debate should have taken place.

A poll may only be taken if:

- a) *“the person presiding at the meeting consents”, or*
- b) *“the poll is demanded by not less than ten, or one-third of the local government electors present at the meeting, whichever is the less”.*

If ten electors request the poll the chairman needs to be sure that the question is clear and can be answered “yes” or “no”. The question will be agreed at the meeting. If the majority of those present are against the question, a motion may be put forward for the wording to be amended. This should only be to make the question more understandable rather than with a different theme.

A **Returning Officer** appointed by the principal authority carries out any poll requested by the meeting. This is done within twenty five working days of the demand. The poll is held in a similar way to a local council election but with more limited hours.

Electors should be aware that parish polls carry a cost implication which will be met by the local council. In addition, any result of a parish poll is not legally binding upon the local council, although of course, a local council should be considering issues which carry weight of public opinion. Before ten electors join together to demand a poll, it is worth considering the feasibility and practicality of the issue in hand.

The system of Parish Polls has been abused in the past; with ten members of a pressure group uniting to put through a question that is specific to them rather than to the community at large. Whilst the law prevails, such individuals should take care to consider the above before embarking on a demand.