

WICKHAM MARKET PARISH COUNCIL ESSENTIALS

No. 4: Conduct at Meetings



1. Code of Conduct

- 1.1. A council has a duty to uphold high standards of behaviour¹. To do this it must adopt a code of conduct² encompassing the Nolan principles of behaviour in public life³.
- 1.2. Councillors or co-opted members of committees⁴ have a duty to disclose their pecuniary interests, and other interests, in a register maintained by the principal authority⁵. Failure to do so is a criminal offence⁶. A person may not participate in a discussion where they have a disclosable pecuniary interest⁷ unless they have been granted a dispensation⁸.

2. Standing Orders

- 2.1. Standing Orders are based on a model prepared by the National Association of Local Councils (NALC) and tailored to the needs of Wickham Market Parish Council by resolution. Standing orders cover many areas of process and conduct. This brief aims to highlight in simple terms the basic rules of conduct at meetings to enable meetings to run effectively and to time. As some of these orders are written using a precise legal form of language, *explanatory notes have been added in Blue Italics*.

3. Why have Standing Orders for meetings?⁹

- 3.1. A local authority may make standing orders for the regulation of their proceedings and business¹⁰. Standing orders regulate and control meetings¹¹ because some matters are not dictated by legislation. If any councillor so requires, the way in which each councillor voted on a matter at a meeting of the full council must be recorded in the minutes¹². Standing orders may apply this rule to a meeting of a committee¹³. *Any Councillor can require the minutes to show who voted for or against a particular resolution.*

4. Points of order¹⁴

- 4.1. A point of order is an objection addressed to the chair about a procedural irregularity due to non-compliance with a statutory provision or standing orders. To raise a point of order, a Councillor should express this to the chair and give his reason. The councillor who was speaking should stop. The chair of the meeting must rule on the points of order and his decision is final. Examples of Points of Order:
- 4.2. Standing orders are not being complied with.
- 4.3. Inappropriate or offensive language is being used.
- 4.4. The meeting has no authority to consider or decide the original or substantive motion.
- 4.5. The effect of a proposed amendment is to defeat (or negate) an original motion.
- 4.6. The contribution is not relevant to the motion under discussion.
- 4.7. Points of order cannot be used to challenge the views expressed by a councillor.

5. Personal explanations¹⁵

- 5.1. When a motion is debated, a councillor may realise that he has been misunderstood by a councillor speaking after him. Standing orders may permit that councillor to interrupt the current speaker to clarify matters. Personal explanations are not another opportunity for a councillor to speak for or against a motion.

¹ Localism Act 2011 s27 (1)

² Localism Act 2011 s27 (2)

³ Localism Act 2011 s28 (1)

⁴ Localism Act 2011 s27 (4)

⁵ Localism Act 2011 s27 (2)

⁶ Localism Act 2011 s34

⁷ Localism Act 2011 s31 (4)

⁸ Localism Act 2011 s31 (4)

⁹ Local Councils Explained, Meera Tharmarajah Ch 7 p146

¹⁰ Local Government act 1972 s42

¹¹ Local Government Act 1972, s.106

¹² Local Government Act 1972, schedule 12, paragraph 13(2)

¹³ Local Government Act 1972, s.106 and schedule 12, paragraph 42

¹⁴ Local Councils Explained, Meera Tharmarajah Ch 8 p160

¹⁵ Local Councils Explained, Meera Tharmarajah Ch 8 p161

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6. When does a councillor speak?¹⁶

6.1. A councillor who has spoken once on a motion may not speak again while it is being debated except:

- To speak once on an amendment moved by another councillor.
- To move another amendment if the motion has been amended since he last spoke.
- To speak on the main issue if the first time he spoke was on an amendment.
- In exercise of a right of reply.
- On a point of order.
- By way of personal explanation, or
- Where the chairman in his discretion permits him to speak again.
- The contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.¹⁷

7. Extracts from Wickham Market Parish Council adopted Standing Orders

Standing Orders 3:

Public Participation

- e) Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda
- f) The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed (10) minutes unless directed by the chairman of the meeting
- g) Subject to standing order 3(f), a member of the public shall not speak for more than (3) minutes
This is intended to keep public participation clear and concise.

Excluding the public¹⁸

The public may be excluded from all or part of a meeting where discussion in public of the business being considered would be prejudicial to the public interest because of its confidential nature or other special reason¹⁹ *This may include personnel or contract tendering matters.*

- h) In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given. *This is to prevent new questions being raised and debated in a meeting without prior public notification (by agenda)*

Councillor Debate

- i) A person shall raise his hand when requesting to speak
This allows the Chair to bring in Councillors to the debate one at a time, just like an organised Zoom meeting.
- j) A person who speaks at a meeting shall direct his comments to the chairman of the meeting
No Councillor chat around the table which is impossible to minute and is not always heard by the whole meeting.
- k) Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
Again, this allows the Chair to bring in Councillors to the debate one at a time.
- x) A meeting shall not exceed a period of 2 hours.
If everyone follows these rules for debate, the meeting should be able to complete most business in 2 hours.

Standing Order 1:

- t) The contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting
This is intended to keep Councillor participation clear and concise.

¹⁶ Local Councils Explained, Meera Tharmarajah Ch 8 p161

¹⁷ WMPC Standing Orders 1 t

¹⁸ WMPC Standing Orders 3 d

¹⁹ Local Councils Explained, Meera Tharmarajah Ch 7 p151