

MEETING ETIQUETTE AND PREDERTMINATION EXPLANATION

This note is to inform you of Haydon Wick Council's meeting etiquette and the concept of pre-determination. You will also find attached NALC's legal briefing relating to Section 25 of the Localism Act 2011.

Mobile phones are not permissible as a viewing device. If the Member has no other device for viewing documents, then paper versions will be made available. Telephony and messaging functions on mobile phones should be disabled during meetings. The meeting Chair and/or the Clerk must be notified if a phone is on for emergencies or being on call.

Meeting Etiquette

- **Be familiar** with the Council's Standing Orders about the formalities, order and duration of contributions during the debate of a motion. A copy of the Council's current Standing Orders is available on the Councillor partition so there should be no uncertainty.
- **Be polite** and turn off your phone. Take turns in speaking, raise your hand to speak, and speak when invited by the Chair. Do not hold side discussions at any time whilst the meeting is in progress.
- **Be precise** and keep to the agenda item being discussed. Remain on topic; the agenda item being discussed will be determined by the Chair. Unless expressly allowed by the chair, on moving to the next agenda item there is no opportunity to revisit earlier items which are considered completed business.
- **Be prepared** to make a meaningful contribution to the discussion. Thoroughly review all materials provided in advance of the meeting, including the agenda and supplementary background materials. If this means referring to previous minutes then please do the necessary research.
- **Be punctual** and please make a concerted effort to be on time and to stay for the duration of the meeting. Aim to arrive at meetings 10 to 15 minutes prior to the start time. If you are going to arrive late; please advise the Clerk. If you must leave before the anticipated finish time; please make this known to the meeting in advance.

Pre-determination

It is very likely that a Councillor(s) will be predisposed to a particular view on an issue or question which needs to be formally decided at a meeting. The views of Councillors on a particular topic or a certain issue might even be known by others.

As a Councillor operating within a political environment you should not be afraid to express views on issues. Indeed it is entirely acceptable in law for a Councillor to be predisposed to a certain viewpoint that he/she would like to be agreed at a meeting. However in doing so it is important that you avoid giving the impression that you have already made up your mind and that your part in the decision is a foregone conclusion.

This is because the decision made at a meeting (council, committee or sub-committee) is at risk of being deemed invalid or quashed if it can be demonstrated the Councillor(s) had appeared to exercise bias or had a closed mind when they voted.

A Councillor must be open to a fair consideration of the information and argument that is presented at the meeting. In a legal action challenging the validity of a resolution because of the apparent bias or predetermination of a matter by Councillor(s), the court would assess from the perspective of a fair-minded and well-informed observer whether the Councillor(s) had refused to consider relevant information or views at a meeting before they voted on the issue.

Guidance

- It is always advisable to avoid giving the impression that you have made up your mind prior to the decision making meeting and hearing the officer's presentation
- Try to avoid doing or saying something before the proper decision-making meeting takes place that shows you have already – and finally – made up your mind on the issue.
- Any further uncertainty or concerns please speak to the Clerk.

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