

STANDING ORDERS: SHADOW CONSEIL MUNICIPAL



Contents

1. Context.....	2
2. Meeting Agendas.....	2
3. Rules of debate at meetings	3
4. Disorderly conduct at meetings.....	5
5. Meetings generally	5
6. Committees and sub-committees	8
7. Members' Portfolios	8
8. Accessing Officer Support.....	9
9. Handling confidential or sensitive information	10
10. Draft minutes	10
11. Code of conduct and dispensations.....	11
12. Complaints.....	12
13. Requests for information.....	12
14. Relations with the press/media and social media.....	12
15. Restrictions on members' activities.....	13
16. Standing orders generally	13

STANDING ORDERS: SHADOW CONSEIL MUNICIPAL



1. Context

1. The Shadow Conseil Municipal has been established by the Parish Assembly as an Advisory Committee for 2020. It has no statutory powers, the purpose of the Shadow Conseil is:
 - a) To advise the Constable and Roads Committee on the exercising of their statutory powers, as required
 - b) To support the development of Parish views / policies on key areas of interest
 - c) To identify areas where Parish aims and objectives could be more effectively delivered through changes in roles and responsibilities (e.g. devolution from government)
 - d) To support the delivery of Parish objectives through the delivery of specific initiatives

2. Meeting Agendas

2. Agendas for all meetings shall be prepared by parish officers and issued to members at least 5 working days in advance of the meeting. The agenda will be accompanied by all associated paperwork to be considered by the meeting.
3. The same agenda and papers will be made publically available (subject to part B agenda restrictions set out in standing orders below) on the same timescale.
4. Meetings may comprise a part A, held in public, and part B, held in private. The agenda shall specific items under each part.
5. Paperwork not issued with the agenda can only be considered with the approval of the meeting.
6. Each item on the agenda shall deemed to be a motion. A motion shall relate to the purpose of the Shadow Conseil and must take one of the following forms:
 - a) The Shadow Conseil is asked to adopt [items for approval, eg minutes]
 - b) The Shadow Conseil is asked to recommend for approval [items for approval by the Constable or Roads Committee, eg policy / strategy]
 - c) The Shadow Conseil is asked to note [items for information, eg government policy]
 - d) The Shadow Conseil is asked to receive [to hear from someone, eg a Minister]
 - e) The Shadow Conseil is asked to discuss [items for discussion, usually prior to a motion to recommend for approval at a subsequent meeting]
 - f) The Shadow Conseil is asked [to consider one of the motions described in Standing Order 11]
7. All motions will be given a motion number in the format SCM[yy][xxx], where [yy] is the year and [xxx] is a sequential number starting at 001.

STANDING ORDERS: SHADOW CONSEIL MUNICIPAL



8. Any member may submit a motion for consideration by the Conseil. All motions must, as a minimum, include a cover sheet, as per Appendix A. All submissions must be with the Parish Secretary at least 10 working days in advance of the relevant meeting.
9. All motions must include a statement explaining any resource implications of the motion if adopted.
10. The Chair is responsible for accepting / rejecting motions and scheduling motions to be considered by the Shadow Conseil at a relevant meeting, subject to existing agenda commitments. The decision of the Chair is final and the reason for rejecting any motion from consideration will be set out in writing by the Chair.
11. All motions, whether accepted or rejected will be recorded in a register of motions.
12. Motions that don't need to comply with Standing Orders 2-9 above are:
 - a) to correct an inaccuracy in the draft minutes of a meeting;
 - b) to move to a vote;
 - c) to defer consideration of a motion;
 - d) to refer a motion to a particular committee or sub-committee;
 - e) to appoint a person to preside at a meeting;
 - f) to change the order of business on the agenda;
 - g) to proceed to the next business on the agenda;
 - h) to require a further report;
 - i) to appoint a committee or sub-committee and their members;
 - j) to extend the time limits for speaking;
 - k) to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
 - l) to not hear further from a councillor or a member of the public;
 - m) to exclude a councillor or member of the public for disorderly conduct;
 - n) to temporarily suspend the meeting;
 - o) to suspend a particular standing order;
 - p) to adjourn the meeting; or
 - q) to close a meeting.

3. Rules of debate at meetings

13. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting.
14. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
15. A motion on the agenda that is not moved by its proposer shall be treated by the Chair of the meeting as withdrawn.

STANDING ORDERS: SHADOW CONSEIL MUNICIPAL



16. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
17. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion or substantively change the motion (as determined by the Chair) to the extent that it is a different motion.
18. A proposed amendment must be notified to the Parish Secretary, in writing, at least two working days before the relevant meeting.
19. The Parish Secretary will circulate proposed amendments at least one working day in advance of the meeting.
20. Proposed amendments not meeting the requirements set out in Standing Orders 16 and/or 17 may be considered at the discretion of the meeting Chair.
21. If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
22. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair.
23. Amendments will normally be considered one at a time. One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
24. Individual members may not move more than one amendment to an original motion.
25. The mover of an amendment has no right of reply at the end of debate on it.
26. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
27. Unless permitted by the Chair of the meeting, a member may speak once in the debate on a motion except:
 - a) to speak on an amendment moved by another member;
 - b) to move or speak on another amendment if the motion has been amended since he last spoke;
 - c) to make a point of order;
 - d) to give a personal explanation; or
 - e) in exercise of a right of reply.
28. A point of order shall be decided by the chairman of the meeting and his decision shall be final.

STANDING ORDERS: SHADOW CONSEIL MUNICIPAL



29. When a motion is under debate, no other motion shall be moved except:
- to amend the motion;
 - to proceed to the next business;
 - to adjourn the debate;
 - to put the motion to a vote;
 - to ask a person to be no longer heard or to leave the meeting;
 - to refer a motion to a committee or sub-committee for consideration;
 - to exclude the public and press;
 - to adjourn the meeting; or
 - to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
30. Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that:
- the motion has been sufficiently debated;
 - appropriate professional advice , from Parish officers or others, has been received and understood;
 - the mover of the motion under debate has exercised or waived his right of reply.
31. Contributions or speeches by a member shall relate only to the motion under discussion and shall not exceed 10 minutes without the consent of the Chair of the meeting.
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4. Disorderly conduct at meetings

32. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.
33. If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any member or the Chair of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
34. If a resolution made under standing orders above is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include suspending or closing the meeting.

5. Meetings generally

35. Meetings shall take place at a facility provided by the Parish, usually the Town Hall.

STANDING ORDERS: SHADOW CONSEIL MUNICIPAL



36. All members shall be entitled to attend all of each meeting subject to any exception set out in these standing orders.
37. The Parish Secretary is responsible for the proper administration of Shadow Conseil meetings and shall have the right to attend all meetings, subject to any exception set out in these standing orders.
38. The Parish Chief Executive shall have the right to attend all Shadow Conseil meetings, subject to any exception set out in these standing orders.
39. The minimum five working days for notice of a meeting does include the day on which notice was issued, unless that day is an official holiday.
40. Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons.
41. Part B of the agenda will not be held in public.
42. The public's exclusion from any item on part A of the agenda shall be by a resolution which shall give reasons for the public's exclusion.
43. The Chair may invite 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.
44. The period of time designated for public participation at a meeting in accordance with standing orders above shall not exceed 20 minutes unless directed by the Chair of the meeting.
45. Subject to the standing order above, a member of the public shall not speak for more than 10 minutes.
46. In accordance with standing order above, a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
47. A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chair of the meeting may at any time permit a person to be seated when speaking.
48. A person who speaks at a meeting shall direct his comments to the Chair of the meeting.
49. Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.

STANDING ORDERS: SHADOW CONSEIL MUNICIPAL



50. The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
51. The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the senior Procureur du Bien Public, if present, shall preside. If both are absent from a meeting, a member as chosen by the members present at the meeting shall preside at the meeting.
52. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.
53. The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.
54. Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a member, the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
55. The minutes of a meeting shall include an accurate record of the following:
 - a) the time and place of the meeting;
 - b) the names of members present and absent;
 - c) interests that have been declared by members;
 - d) whether a member left the meeting when matters that they held interests in were being considered;
 - e) if there was a public participation; and
 - f) the resolutions made.
56. A member who has a disclosable pecuniary interest or another in a matter being considered at a meeting should consider whether it is appropriate for them to participate and vote on that matter. If unsure, members should seek advice from the Parish Secretary or Parish Chief Executive Officer.
57. No business may be transacted at a meeting unless at least one-third of the whole number of members of the shadow conseil are present and in no case shall the quorum of a meeting be less than five.
58. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
59. A meeting shall not exceed a period of 2.5 hours.

STANDING ORDERS: SHADOW CONSEIL MUNICIPAL



60. Following the UK's Openness of Local Government Bodies Regulations 2014 a person may not orally report or comment about a meeting as it takes place if he/she is present at the meeting of a the shadow conseil or its committees but otherwise may:
- a) film, photograph or make an audio recording of a meeting;
 - b) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
 - c) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.

6. Committees and sub-committees

61. Unless the Shadow Conseil determines otherwise, the Conseil may appoint a committee whose terms of reference and members shall be determined by the Shadow Conseil.
62. The members of a committee may include people other than members.
63. Unless the Conseil determines otherwise, all the members of a committee may be non-members.
64. For any Committee, the Conseil:
- a) shall determine their terms of reference;
 - b) shall permit a committee to determine the number and time of its meetings;
 - c) shall appoint and determine the terms of office of members of such a committee;
 - d) shall, after it has appointed the members of a standing committee, appoint the chairman of the committee;
 - e) shall determine the place, notice requirements and quorum for a meeting of a committee which shall be no less than three;
 - f) shall determine if the public may participate at a meeting of a committee;
 - g) shall determine if the public and press are permitted to attend the meetings of a committee and also the advance public notice requirements, if any, required for the meetings of a committee;
 - h) may dissolve a committee.

7. Portfolios

65. The Shadow Conseil may establish portfolios. A portfolio being a subject or group of subjects that the Shadow Conseil wish a Committee to lead on behalf of the Shadow Conseil.
66. Portfolio areas will be established by a motion of the Shadow Conseil.
67. Members will be appointed to a Portfolio Committee by a motion of the Conseil.
68. Portfolio Committees will comprise a maximum of five members. Where more members wish to join a Committee than there are spaces; members with the most

STANDING ORDERS: SHADOW CONSEIL MUNICIPAL



votes will form the Committee. A tie in votes may be settled by a casting vote exercisable by the Chair of the meeting.

69. A Portfolio Committee shall choose a chair from amongst their members. If the Chair is absent from any Committee meeting, those members present shall choose a chair for that meeting.
70. A Portfolio Committee responsible for presenting their "Portfolio Plan" (ie priorities and objectives for the year) to the Shadow Conseil within the following two meetings.
71. A Portfolio Plan must be presented to the Shadow Conseil by the Committee in a format prescribed by the Parish Chief Executive Officer and include identification of timescales and resource requirements, including costing and funding source, identified by the Parish Director of Resources.
72. A Portfolio Plan must consider future working arrangements with government that are relevant to the portfolio area and specifically, how the Conseil will establish its view on any changes in process and/or responsibility that it want to propose or consider.
73. When considering Portfolio plans presented to the Shadow Conseil, before adopting a plan the Shadow Conseil must satisfy itself:
 - a) It is in line with the Constable's, Roads Committee's and Shadow Conseil's existing policies, plans and strategies
 - b) That the plan can be resourced
 - c) That the plan is achievable and deliverable
 - d) That the plan will appropriately enable the delivery of the Shadow Conseil's purpose as set out in Standing Order 1b, 1c, 1d
74. A Committee must report progress against their Portfolio Plan, in a format prescribed by the Parish Chief Executive Officer, to the Shadow Conseil in the final quarter of the year.

8. Accessing Officer Support

During the Parish Assembly that approved the establishment of the Shadow Conseil, the Constable stated that establishing the Shadow Conseil would not require any additional resource. Members should bear this in mind when preparing portfolio plans and seeking officer time.

75. Portfolio Plans should set out the resource required from Parish Officers.
76. Once Portfolio Plans are adopted, the Committee Chair will liaise with the relevant senior Parish Officer. Committees' requests for Officer support must be kept within the resource requirements approved in their Portfolio Plan and lead by the Chair.

STANDING ORDERS: SHADOW CONSEIL MUNICIPAL



77. The Shadow Conseil may invite senior Parish Officers to attend Shadow Conseil meetings for specific agenda items, to provide advice, explanation or other information.
78. The Shadow Conseil may request further officer support in respect of any of its purposes, as set out in standing order 1. When making such requests, the Parish Chief Executive Officer may speak on the deliverability and impact of fulfilling the request.
79. Any requirement for additional officer resource outside of Shadow Conseil meetings must be made to the Parish Chief Executive Officer.

9. Handling confidential or sensitive information

80. The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
81. Members shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

10. Draft minutes

82. If the draft minutes of a preceding meeting have been served on members with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
83. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing orders above.
84. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
85. If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

STANDING ORDERS: SHADOW CONSEIL MUNICIPAL



"The chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

86. Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

11. Code of conduct and dispensations

See also Code of Conduct.

87. All members shall observe the code of conduct adopted by the Shadow Conseil.

88. Members are responsible for declaring interests in the Parish's Register of Interests and also declaring any actual, possible or perceived conflict at the beginning of each meeting. Where a pecuniary interest exists a member should withdraw from the meeting for that item and not participate in the debate or vote. Where a non-pecuniary interest, conflict, possible conflict or perceived conflict exists, a member should consider and seek advice on whether their participation in any debate and/or vote is appropriate or whether they should withdraw from the meeting for that item.

89. Unless they have been granted a dispensation, a member shall withdraw from a meeting when it is considering a matter in which they have a pecuniary interest. They may return to the meeting after it has considered the matter in which he had the interest.

90. Unless they have been granted a dispensation, a member shall withdraw from a meeting when it is considering a matter in which he has another interest. They may return to the meeting after it has considered the matter in which he had the interest.

91. Dispensation requests shall be in writing and submitted to the Chief Executive Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

92. A decision as to whether to grant a dispensation shall be made Parish Chief Executive Officer and that decision is final.

93. A dispensation request shall confirm:

- a) the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
- b) whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;

STANDING ORDERS: SHADOW CONSEIL MUNICIPAL



- c) the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- d) an explanation as to why the dispensation is sought.

94. Subject to standing orders above, dispensations requests shall be considered by the Parish Chief Executive Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.

95. A dispensation may be granted in accordance with standing order above if having regard to all relevant circumstances the following applies:

- a) without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
- b) granting the dispensation is in the interests of parishioners or
- c) it is otherwise appropriate to grant a dispensation.

12. Complaints

96. A complaint against the conduct of a member should be made in writing to the Constable.

97. Complaints will be investigated and managed by the Parish Chief Executive Officer in line with the principles of the Parish's complaints policy.

98. The outcome of any investigation will be reported to the Constable who will report on the matter to the Shadow Conseil and complainant, as appropriate.

13. Requests for information

99. Requests for information held by the Shadow Conseil shall be handled in accordance with the Parish's policy in respect of handling requests under freedom of information and data protection legislation.

100. All requests should be referred to the Parish Secretary.

14. Relations with the press/media and social media

101. Members shall comply with Standing Orders set out above in respect of reporting or commenting on Shadow Conseil proceedings during any meeting, i.e. comments should not be made in any form during Shadow Conseil meetings.

STANDING ORDERS: SHADOW CONSEIL MUNICIPAL



102. If speaking to the media or posting on social media, unless formally authorised by a meeting, members should not present their comments as representing the Shadow Conseil or Parish.
103. In all other respects, requests from the press or other media for an oral or written comment or statement from the Shadow Conseil, its members or parish staff shall be handled in accordance with the Parish's policy in respect of dealing with the press and/or other media.

15. Restrictions on members' activities

104. Unless authorised by a resolution, no member shall:
- a) inspect any land and/or premises which the Parish has a right or duty to inspect;
or
 - b) issue orders, instructions or directions on behalf of the Shadow Conseil or Parish;
or
 - c) represent themselves as speaking on behalf of the Shadow Conseil or Parish.

16. Standing orders generally

105. All or part of a standing order may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
106. A motion to add to or vary or revoke one or more of standing order shall be proposed by a special motion, that is it must be proposed by at least 1/3rd of the Shadow Conseil and then adopted in accordance with standing orders above.
107. The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.