

CRAYKE PARISH COUNCIL

Parish Clerk, c/o Knott Lodge, Knott Lane, Easingwold, York YO61 3LX

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STANDING ORDERS

Adopted 17th September 2019

These Orders are based on the model Standing Orders provided by the YLCA in July 2018.

Orders that are in **bold** type contain legal and statutory requirements.

A **turquoise** highlight indicates a quantity chosen by Council.

1. MEETINGS

- a. The Parish Council will normally meet on the THIRD Tuesday of alternate months commencing in May, at 7.30pm.
- b. **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- c. Smoking will not be permitted at any Council meeting.
- d. The dates of the Ordinary Council meetings for the year will be advertised on the village notice board and on the website before the January meeting.
- e. **The Agenda for each meeting will be published 3 clear days before the meeting.** The Agenda will specify where and when the meeting will take place and contain a listing of items of business together with details of proposed financial transactions in sufficient detail to indicate to the public the nature of any transactions to be made.
- f. **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- g. The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- h. **After an election the retiring Chairman of the Council (even if he has not been re-elected) will chair the first meeting of the Council until a new Chairman is elected. In his absence the retiring Vice Chairman should take the chair. If both are absent, councillors will elect a temporary Chairman.**
- i. **At least 3 clear days before a meeting the Clerk will serve on each Councillor a notice of the meeting with the agenda and the draft minutes of the previous meeting.** Consultation documentation will normally be circulated to each Councillor to enable informed comments to be made. This also applies to business which has a large content of documentation. Councillors should read such documentation in a timely manner to ensure a full circulation is achieved before meetings.
- j. **The Annual Meeting of the Council will be held in May.** The Chairman and the Vice-Chairman will be elected annually at this meeting. After election the Chairman must sign a Declaration of Acceptance of Office.
- k. The Clerk will take the minutes of each meeting. In the absence of the Clerk, the person presiding shall appoint someone to record the proceedings.
- l. Minutes will be signed and dated at the earliest possible time. In practise this means that the first substantive item of business at any meeting shall be the agreement of (and any amendments to) the minutes of the previous meeting. The minutes will be signed and dated by

the person presiding at the meeting and any amendments to the minutes must be initialled accordingly. A loose page system may be used but each page must be numbered and be initialled by the person signing the minutes.

- m. Any items of business concerning finance will be dealt with in accordance with the Crayke Parish Council Financial Standing Orders.
- n. Meetings will be conducted in the manner laid out in Appendices 1 (Conduct of Meetings) and 2 (Rules of Debate.)
- o. Motions for a meeting will be handled in the manner laid out in Appendix 3.

2. RESOLUTIONS OF MEETINGS

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least (2) councillors to be given to the Proper Officer in accordance with standing orders regarding motions for meetings.
- b. When a motion moved pursuant to standing order 2.a has been disposed of, no similar motion may be moved for a further six months.

3. COUNCILLOR'S RESPONSIBILITIES

- a. All Councillors will, after appointment and before taking part in Council business, read and sign the Code of Member Conduct and complete the Register of Member Interests.
- b. Where a Councillor has disclosable pecuniary interest in any business of the Council, the Councillor must withdraw from that part of the room where the meeting is considering the business during consideration and voting on the business but may remain in that part of the room which the public are allowed to occupy. But, the Councillor may not take any part in Council's discussions or vote on the business.**
- c. No member of the Council shall divulge to any other person any business declared by the Council to be confidential.
- d. Unless duly authorised by Council no councillor shall:
 - a. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - b. issue orders, instructions or directions
- e. The handling of complaints about a Councillor will be handled as laid out in Appendix 4.

4. PLANNING

- a. The Clerk shall, as soon as notification is received from the Planning Authority, record the following particulars of every planning application notified to the Council:
 - the place to which it relates
 - a summary of the nature of the application
 - the due date for the Council's response
- b. The Clerk shall refer every planning application to the Chairman and then for general circulation within (48) hours of receiving it.
- c. The Clerk, with the Chairman will agree whether the application is of sufficient importance or controversy to require a decision by Council. If it is deemed that a decision by Council is not required, the Clerk will collate comments from Councillors and respond within the deadline.
- d. If the Clerk and Chair agree, or a minimum of (2) Councillors propose, that a meeting is required then, if the deadline is before the next Council meeting, the Clerk will request an extension. If no extension is allowed an extraordinary meeting shall be called.

5. ADMINISTRATION

- a. The Proper Officer of the Council is the Clerk.

- b. In administering the Council's business the Clerk will follow the proper practices as laid out in the current version of "Governance and Accountability for Local Councils – a Practitioners' Guide."
- c. The Clerk should ensure that all incoming Parish Council correspondence that he considers of relevance to Councillors or Council business is presented at the next meeting.
- d. The Clerk should endeavour to ensure that all actions from the Parish Council Meetings are carried out, and that all responses are made.
- e. The Clerk will be responsible for filing incoming Parish Council correspondence and documents, together with copies of replies.
- f. When Parish Council elections take place the Clerk will be responsible for posting all necessary notices as received from the Returning Officer.
- g. Liaison with County and District Councillors will be achieved by the timely provision to them of agenda and minutes of the meetings of the Council, all of which they will be invited to attend.

6. MANAGEMENT OF INFORMATION

- a. **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b. **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c. **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d. Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.
- e. Council will also have regard to other Regulations concerned with the use and retention of information by Local Councils.
- f. **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

7. PARISH MEETINGS

- a. An Annual Parish Meeting will be held at least once per year between 1st March and 1st June inclusive. This Meeting will normally take place immediately prior to the May Council meeting.
- b. Other Parish Meetings may be held during the year if called for by Councillors or Parishioners.
- c. Parish Meetings will be advertised on the village notice board at least (7) clear days before the meeting, to allow any parishioner the opportunity to consult with the Council.
- d. The Chairman of the Parish Council will chair the Parish Meeting. The Vice-Chairman will preside in the Chairman's absence. If both are absent, the meeting will elect a Chairman for the meeting.
- e. The quorum for a Parish Meeting is THREE. Decisions are taken by a simple majority of those present and voting. The Chairman has an original and a casting vote.
- f. Decisions taken at a Parish Meeting are not binding on the Parish Council.

8. STANDING ORDERS GENERALLY

- a. Once approved any amendment to these standing orders should only be made after the amendment has been advertised as an agenda item for a Council meeting.

- b. All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- c. A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least (2) councillors to be given to the Proper Officer in accordance with standing order Appendix 3.
- d. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

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APPENDIX 1 - CONDUCT OF MEETINGS

1. All business will be conducted through the Chairman of the meeting.
2. Debate at meetings will be conducted according to the rules laid out in Appendix 2.
3. Motions for meetings will be handled in the manner laid out in Appendix 3.
4. Should any member of the meeting persistently disregard the ruling of the Chairman or behave improperly or offensively, the Chairman may move that the member may no longer be heard or be required to leave the meeting.
5. Members of the public wishing to speak on any subject raised by the agenda may do so at the Chairman's discretion. A time limit of (3) minutes will normally be imposed. They must abide by the ruling of the Chairman and if they fail to do so, after a warning, may be required to leave the meeting.
6. **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. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
7. **Subject to standing order Appendix 1.8, a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
8. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
9. **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.**
10. **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
11. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a simple majority of the councillors and non-councillors with voting rights present and voting.**
12. **The chairman 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.**
13. **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor 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.**
14. **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
15. **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

APPENDIX 2 - RULES OF DEBATE AT MEETINGS

1. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
2. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
3. A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
4. 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.
5. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
6. If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
7. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
8. A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
9. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
10. Subject to standing order Appendix 2.11, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
11. One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
12. A councillor may not move more than one amendment to an original or substantive motion.
13. The mover of an amendment has no right of reply at the end of debate on it.
14. 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 on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
15. Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - a. to speak on an amendment moved by another councillor;
 - 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. to exercise a right of reply.
16. During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
17. A point of order shall be decided by the chairman of the meeting and his decision shall be final.
18. When a motion is under debate, no other motion shall be moved except:
 - a. to amend the motion;
 - b. to proceed to the next business;
 - c. to adjourn the debate;
 - d. to put the motion to a vote;
 - e. to ask a person to be no longer heard or to leave the meeting;
 - f. to refer a motion to a committee or sub-committee for consideration;
 - g. to exclude the public and press;
 - h. to adjourn the meeting; or
 - i. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

19. Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
20. Excluding motions moved under standing order Appendix 1.18, 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.

APPENDIX 3 - MOTIONS FOR A MEETING

1. Motions That Require Written Notice To Be Given To The Proper Officer

- a. A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least (7) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c. The Proper Officer may, before including a motion on the agenda received in accordance with standing order Appendix 3.b, correct obvious grammatical or typographical errors in the wording of the motion.
- d. If the Proper Officer considers the wording of a motion received in accordance with standing order Appendix 3.b is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least (7) clear days before the meeting.
- e. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g. Motions received shall be recorded and numbered in the order that they are received.
- h. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

2. Motions That Do Not Require Written Notice

The following motions may be moved at a meeting without written notice to the Proper Officer:

- 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 written 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 other 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 (unless it reflects mandatory statutory or legal requirements);
- p. to adjourn the meeting; or
- q. to close the meeting.

APPENDIX 4 - CODE OF CONDUCT COMPLAINTS

1. Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 6, report this to the Council.
2. The Council may:
 - a. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - b. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
3. **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**