

## New Earswick Parish Council – Standing Orders

Based on Model Standing Orders 2018 (National Association of Local Councils)

### **Meetings**

1 (a) Meetings of the Council shall be held at The Folk Hall, New Earswick at 19:00 hours unless the Council otherwise decides at a previous meeting. Meetings should last no longer than 120-150 minutes.

(b) Smoking is not permitted at any meeting of the Council.

2 **The Statutory Annual Meeting (a) in an election year shall be held on the Monday next following the fourth day after the ordinary day of elections to the Council and (b) in a year which is not an election year shall be held on the third Monday in May.**

3 **All other meetings shall be held on the third Monday of the month excluding December.**

### **Chairman of Meeting**

4 **The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**

### **Proper Officer**

5 Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases she/he shall be the Clerk:-

- (a) To receive declarations of acceptance of office.
- (b) To receive and record notices disclosing pecuniary/prejudicial interests (DPI).
- (c) To receive and retain plans and documents
- (d) To sign notices or other documents on behalf of the Council.
- (e) To receive copies of bylaws made by the Local Authority.
- (f) To certify copies of bylaws made by the Council.
- (g) To sign summonses to attend meetings of the Council.
- (h) To keep proper records of all Council meetings.

In any other case the proper officer shall be the person nominated by the Council and, in the default of nomination, the Clerk.

### **Quorum**

6 **Four members shall constitute a quorum.**

7 If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared pecuniary or prejudicial interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

### **Voting**

8 Members shall vote by show of hands, or, if at least two members so request, by signed ballot.

9 **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for, against or abstained.**

10 **(1) Subject to (2) and (3) below, the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he gave no original vote.**

(2) If the person presiding at the Annual Meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he/she may not give an original vote in an election for Chairman.

(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

#### **Order of Business**

(In an election year Councillors should execute Declarations of Acceptance of Office in each other's presence, or in the presence of a proper officer previously authorised by the Council to take such declaration, before the annual meeting commences).

11 **At each Annual Meeting the first business shall be:**

- (a) To elect a Chairman.
- (b) To receive the Chairman's Declaration of Acceptance of Office or, if not then received, to decide when it shall be received.
- (c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
- (d) To decide when any Declarations of Acceptance of Office which have not been received as provided by law shall be received.
- (e) To elect a Vice-Chairman.
- (f) To elect members to special duties inside and outside the Council.
- (g) To appoint committees.
- (h) To consider any deeds and trust instruments in the custody of the Council, and thereafter follow the order set out in Standing Order 14.

**At every meeting other than the Annual meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such Declarations of Acceptance of Office (if any) as are required by law to be made, or if not then received to decide when they shall be received.**

13 In every year not later than the meeting at which the estimates for next year are settled the Council shall review the pay and conditions of service of existing employees (see Standing Order 32).

14 After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows:

- (a) To read and consider the Minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
- (b) **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
- (c) **To deal with business expressly required by statute to be done.**
- (d) To dispose of business, if any, remaining from the last meeting.
- (e) To receive such communications as the person presiding may wish to lay before the Council.
- (f) To answer questions from Councillors.
- (g) To receive and consider reports and minutes of committees.
- (h) To receive and consider reports from officers of the Council.
- (i) To authorise the signing of orders for payment.
- (j) To consider resolutions or recommendations in the order in which they have been notified.
- (k) Any other business specified in the summons.

15 A motion to vary the order of business on the grounds of urgency:

- (a) may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and  
(b) shall be put to the vote without discussion.

**Resolutions Moved on Notice**

- 16 Except as provided by the Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 10 clear days before the next meeting of the Council.
- 17 The Clerk shall date every notice of resolution or recommendation when received by him/her, shall number each notice in the order in which it was received and shall enter it in a book which shall be available for inspection by every member of the Council.
- 18 The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he/she withdraws it.
- 19 If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 20 If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he/she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 21 Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

**Resolutions Moved Without Notice**

- 22 Resolutions dealing with the following matters may be moved without notice:-
- (a) To appoint a Chairman of the meeting.
  - (b) To correct the Minutes.
  - (c) To approve the Minutes.
  - (d) To alter the order of business.
  - (e) To proceed to the next business.
  - (f) To close or adjourn the debate.
  - (g) To refer a matter to a committee.
  - (h) To appoint a committee or any members thereof.
  - (i) To adopt a report.
  - (j) To amend a motion.
  - (k) To give leave to withdraw a resolution or an amendment.
  - (l) To extend the time limit for speeches.
  - (m) To exclude the public (see Order 54).
  - (n) To silence or eject from the meeting a Councillor or member of the public named for misconduct (see Order 27).
  - (o) To give the consent of the Council where such consent is required by these Standing Orders.
  - (p) To suspend any Standing Order except those that are mandatory by law (see Order 63).**
  - (q) To adjourn the meeting.

### Rules of Debate

- 23 No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- 24 (a) **A resolution or amendment shall not be discussed unless it has been Proposed and Seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him/her before it is further discussed or put to the meeting.**
- (b) A member when seconding a resolution or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.
- (c) A member shall direct his/her speech to the question under discussion or to a personal explanation or to a question of order.
- (d) No speech by a mover of a resolution shall exceed five minutes, and no other speech shall exceed five minutes except by consent of the Council.
- (e) An amendment shall be either:-
- (i) To leave out words.
  - (ii) To leave out words and insert or add others.
  - (iii) To insert or add words.
- (f) An amendment shall not have the effect of negating the resolution before the Council.
- (g) If an amendment were carried, the resolution as amended shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- (h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- (i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding three minutes.
- (j) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- (k) A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her who may have been misunderstood.
- (l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- (m) When a resolution is under debate no other resolution shall be moved except in the following:-
- (i) To amend the resolution.
  - (ii) To proceed to the next business.
  - (iii) To adjourn the debate.
  - (iv) That the question be now put to a vote.
  - (v) That a member named be not further heard.
  - (vi) That a member named does leave the meeting.
  - (vii) That the resolution be referred to a committee.
  - (viii) To exclude the public and press.

- (ix) To adjourn the meeting.
- 25 (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.  
(b) Members shall address the Chairman.  
(c) If two or more members rise, the Chairman shall call upon one of them to speak and the others shall resume their seats.  
(d) Whenever the Chairman rises during a debate all other members shall be seated and silent.
- Closure**
- 26 At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded the Chairman shall put the motion but, in the case of a motion “to put the question”, only if he/she is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he/she shall call upon the mover to exercise or waive his/her right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.  
*(Note: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present, of the date of the continuation of the meeting.)*
- Disorderly Conduct**
- 27 (a) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.  
(b) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.  
(c) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.
- 28 **Right of Reply**  
The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce new matter. After the right to reply has been exercised or waived, a vote shall be taken without further discussion.
- 29 **Alteration of Resolution**  
A member may, with the consent of his/her Secunder, move amendments to his/her own resolution.
- 30 **Rescission of Previous Resolution**  
(a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least four members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.  
(b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be

moved within a further six months.

**Voting on Appointments**

31 Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

32 **Discussions and Resolutions Affecting Employees of the Council**

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded (see Standing Order 54).

33 **Freedom of Information and Management of Information**

(a) In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.

(b) 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 format. Such arrangements shall include who has access to personal data.

(c) The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data).

(d) 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.

(e) Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

34 **Resolutions on Expenditure**

Any resolution and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon.

**Expenditure**

35 **Orders for the payment of money shall be authorised by resolution of the Council and signed by two members (signatures acceptable to the bank).**

**Committees and Sub-Committees**

The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:

(a) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.

(b) May appoint persons other than members of the Council to any committee; and

(c) May subject to the provisions of Standing Order 30 above at anytime dissolve or alter the membership of a committee.

37 The Chairman and Vice-Chairman ex officio shall be voting members of every committee.

- 38 Every committee shall at its first meeting before proceeding elect a Chairman and  
may elect a Vice-Chairman who shall hold office until the next Annual Meeting of  
the Council, and shall settle its programme of meetings for the year.
- 39 The Chairman of a committee or the Chairman of the Council may summon an  
additional meeting of that committee at any time. An additional meeting shall also  
be summoned on the requisition in writing of not less than a quarter  
of the members of the committee. The summons shall set out the business to be  
considered at the special meeting and no other business shall be transacted at that  
meeting.
- 40 Every committee may appoint sub-committees for purposes to be specified by the  
Committee.
- 41 The Chairman and Vice-Chairman of the committee shall be members of every  
Sub-committee appointed by it unless they signify that they do not wish to serve.
- 42 Except where ordered by the Council in the case of a committee, or by the Council  
or by the appropriate committee in the case of a sub-committee, the quorum of a  
committee or sub-committee shall be one third of its members (minimum three  
members).
- 43 The Standing Orders on rules of debate (except those parts relating to standing  
and to speaking more than once) and the Standing Order on interests of members  
in contracts and other matters shall apply to committee and sub-committee  
meetings.
- Voting in Committees**
- 44 Members of committees and sub-committees entitled to vote shall vote by show of  
hands or, if at least two members so request, by signed ballot.
- 45 **Chairmen of committees and sub-committees shall in the case of an equality  
of votes have a second or casting vote.**
- Presence of Non-Members of Committees At Committee Meetings**
- 46 A member who has proposed a resolution which has been referred to any  
committee of which he/she is not a member, may explain his/her resolution to the  
committee but shall not vote.
- Interests**
- 47 **The Clerk shall record in a book particulars of any notice given by any  
member or any officer of the Council of a pecuniary interest in a contract,  
and this shall be available during reasonable hours of the day for  
inspection by any member.**
- 48 **Code of Conduct**  
This Council adopted the NALC Code of Conduct on 18.6.2012.
- Canvassing of and Recommendations By Members**
- 49 (a) Canvassing of members of the Council or of any committee, directly or  
indirectly, for any appointment under the Council shall disqualify the candidate for  
such appointment. The Clerk shall make known the purpose of this sub-paragraph  
of this Standing Order to every candidate.
- (b) A member of the Council or of any committee shall not solicit for any person  
any appointment under the Council or recommend any person for such  
appointment or for promotion; but nevertheless, any such member may give a  
written testimonial of a candidate's ability, experience or character for submission  
to the Council with an application for appointment.
- 50 Standing Orders nos. 47 & 49 shall apply to tenders as if the person making the  
tender were a candidate for an appointment.

**Inspection of Documents**

51 A member may for the purpose of his/her duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

52 **All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

**Unauthorised Activities**

53 No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council, unless authorised to do so by the Council or the relevant committee or sub-committee:-

(a) Inspect any lands or premises which the Council has a right or duty to inspect; or

(b) Issue orders, instructions or directions.

**Admission of the Public and Press to Meetings**

54 (a) **The public shall be admitted to all meetings of the Council and its Committees** and sub-committees, **which may, however, temporarily** exclude the public by means of the following resolution:

“That in view of the [special][confidential] nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw.”

(Notes: The special reasons should be stated. If a person’s advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed).

(b) Subject to standing order (54c), 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 a meeting so that the report or commentary is available as the meeting takes place or later to persons not present.

(c) A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.

55 The Clerk shall afford to the Press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. All requests for information from the press or other media for an oral or written statement or comment from the Council shall be referred to the Chairman.

56 If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he/she be removed from the Council meeting.

**Confidential Business**

57 (a) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.

(b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council and may be reported to the Standards Committee.

**Liaison with Principal Authority Ward Councillors**

58 A notice of meeting shall be sent together with an invitation to attend to the Ward Councillor(s) for the principal Authority.

59 Unless the Council otherwise orders, a copy of each letter ordered to be sent to the



Principal Authority shall be transmitted to the Principal Authority Ward Councillor for the Ward as the case may require.

**Planning Applications**

60 (a) The Clerk shall, as soon as it is received, record the following particulars of every planning application notified to the Council:-

- (i) The date on which it was received;
- (ii) The name of the applicant;
- (iii) The place to which it relates;
- (iv) A summary of the nature of the application.

(b) The Clerk shall refer every planning application to the Chairman or in the Chairman's absence to the Vice-Chairman.

**Financial Regulations**

61 Financial Regulations have been adopted by the Council and are reviewed annually. The Council shall publish information in accordance with the requirements of the Transparency Requirements (England) Regulations 2015. Governance and Accountability – A Practitioners Guide.

**Code of Conduct on Complaints**

62 The Council shall deal with complaints of mal-administration allegedly committed by the Council or by any officer or member in the manner recommended in the NALC Code of Conduct adopted by the Council.

**Variation, Revocation and Suspension of Standing Orders**

63 Any or every part of the Standing Orders except those printed in BOLD TYPE may be suspended by resolution in relation to any item of business.

64 A resolution permanently to add, vary, or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

**Standing Orders to be given to Members**

65 (a) A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him/her of the member's Declaration of Acceptance of Office.

(b) The Chairman's decision as to the application of Standing Orders at meetings shall be final.

Signed \_\_\_\_\_ (Sue Glenton) Chair

Date 20 March 2023