



## **WILMINGTON PARISH COUNCIL**

### **STANDING ORDERS**

### **ADOPTED**

**18<sup>th</sup> May 2022**

**Reviewed January 2026**

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## 1. Meetings Generally

*Reference should be made to standing order 5 with regard to 'Public Participation'*

- (a) 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
- (b) 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
- (c) 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
- (d) Subject to standing order 3(l), 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
- (e) A person present at a meeting may not provide and oral report or oral commentary about a meeting as it takes place without permission
- (f) 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
- (g) 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
- (h) The Chairman of the Council, if present, shall preside at the 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
- (i) Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors present and voting
- (j) 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

*See standing orders 2(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council*

*See standing order 4 for all meetings held under the emergency provisions introduced under The Coronavirus Act 2020*

- (k) 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.
  - (l) The minutes of a meeting shall include an accurate record of the following:
    - (i) the time and place of the meeting
    - (ii) the names of councillors who are present and the names of councillors who are absent
    - (iii) interests that have been declared by councillors
    - (iv) the grant of dispensations (if any) to councillors
    - (v) whether a councillor left the meeting when matters that they held interests in were being considered
    - (vi) if there was a public participation session and
    - (vii) the resolutions made
- (t) A councillor 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
- (u) 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
- (v) 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
- (w) A meeting shall not exceed a period of 1 hour 45 minutes

## **2. Ordinary Council Meetings**

- (a) In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which councillors elected take office
- (b) In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides
- (c) If no other time is fixed, the annual meeting of the Council shall take place at 6.00pm

- (d) In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides
- (e) The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman of the Council
- (f) The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council
- (g) The Vice-Chairman of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council
- (h) In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes
  - (i) In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes
  - (j) Following the election of the Council and Vice-Chairman of the Council at the annual meeting, the business shall include:
    - (i) In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date
    - (ii) Confirmation of the accuracy of the minutes of the last meeting of the Council
    - (iii) Review of delegation arrangements to staff
    - (iv) Review and adoption of appropriate standing orders and financial regulations
    - (v) Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses
    - (vi) Review of representation on or work with external bodies
    - (vii) In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future

- (viii) Review of inventory of land and other assets including buildings and office equipment
- (ix) Confirmation of arrangements for insurance cover in respect of all insurable risks
- (x) Review of the Council's and/or staff subscriptions to other bodies
- (xi) Review of the Council's complaints procedure
- (xii) Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (See also standing orders 10, 19 and 20)
- (xiii) Review of the Council's policy for dealing with the press/media
- (xiv) Review of the Council's employment policies and procedures
- (xv) Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence
- (xvi) Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council

### **3. Extraordinary Meetings of the Council**

- (a) The Chairman of the Council may convene an extraordinary meeting of the Council at any time
- (b) If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors

### **4. Meetings Held Under The Coronavirus Act 2020**

*Note – This standing order stands in place of standing orders 1, 2 & 3 for as long as the emergency measures introduced under The Coronavirus Act 2020 apply*

- (a) The Coronavirus Act 2020 (Section 78(2)) makes provision for 'persons to attend, speak at, vote in, or otherwise participate in, local authority meetings without all of the persons, or without any of the persons, being together in the same place
- (b) This standing order applies to meetings of the Council that are required to be held or held before 7 May 2021, or earlier, in accordance with secondary legislation.
- (c) The Council shall hold its meetings at such hour and on such days, and alter the frequency, move or cancel such meetings as it may determine, without requirement for further notice.

- (d) This standing order shall apply notwithstanding any standing orders or rules to the contrary.
- (e) For the purposes of this standing order:
  - (i) 'remote access' means attendance, participation in or observance of a meeting by electronic means, including by telephone conference, video conference, live webcasts and live interactive streaming;
  - (ii) 'attendance' means both attendance in person and participation in the meeting by councillors and observance of the meeting, by the public and press using one of the methods of remote access, described above, in real time when the meeting is in open session;
  - (iii) 'place' means more than one location, including the Parish Office, an electronic or a digital or virtual location, a web address or a conference call telephone number.
- (f) For a meeting to be quorate the attendance, described above, shall require the participation of three councillors
- (g) A person, whether a councillor or a member of the public or press may attend meeting by remote access
- (h) Meetings shall be held at a place to suit the Council's needs and capacity
  - (i) Remote attendance of members at meetings shall only be permitted where the conditions of Section 5(3) of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 are met. A councillor will be in remote attendance where they are able to hear and, where practical, see and be similarly heard or seen by –
    - (i) other Members whether attending in person or in remote attendance
    - (ii) any members of the public who are attending remotely to exercise a right to speak at the meeting in accordance with constitutionally adopted procedures and
    - (iii) any other members of the public and press attending the meeting remotely to observe.
  - (j) A councillor who has declared an interest in an item shall pause/exit their remote access whilst the item is being considered. The chairman of the meeting shall inform/re-invite the councillor (whether by e-mail or otherwise) when to re-start the remote access and resume their participation in the meeting. Where practicable, discussion in an item in which a councillor has declared an interest, or where they become aware during discussion of an

item that they need to declare an interest, shall be moved to the end of the agenda.

- (k) Where the public and press are excluded (either for the whole or part of the meeting in accordance with standing orders before members can participate in the consideration of any confidential and/or exempt item of business, they shall confirm to the chairman of the meeting, that they are in a secure and private location, and that no-one else is able to hear or view the proceedings from their device.
- (l) The chairman of the meeting may call for a short adjournment of the meeting to enable the rectification of any failure in technological provision or the loss of a quorum arising from technical failure, or loss of a quorum for any other reason.
- (m) The failure of any technological provision, including lack of network coverage for the public and the press, whether that leads to a partial or complete loss of contact between the remote attendees shall not invalidate any part of the deliberations or any vote taken at the meeting, providing a quorum is maintained. If a quorum is lost, the matters in question shall be reaffirmed once a quorum has been restored.
- (n) Votes shall be taken by affirmation (e.g. 'Is that agreed?' providing that this is clear and apparent
- (o) Votes may be recorded in accordance with standing orders
- (p) If there is an equality of votes (whether or not the voting includes a vote by the chairman of the meeting) the chairman of the meeting shall have a casting vote
- (q) Minutes shall be drawn up and recorded in accordance with standing orders and shall be submitted for confirmation to the next succeeding meeting of the Council, whether this is held remotely or in a physical location. Where Minutes are agreed at a remote meeting, they shall be retrospectively signed by the chairman of the meeting at the next physical meeting of the Council
- (r) For the purposes of this standing order, notices, agendas, reports, background papers, Minutes etc shall be deemed to be 'open to inspection' and supplied by publication on the Council's website only

## 5. Public Participation

- (a) Meetings of Wilmington Parish Council are not public meetings, but members of the public have a statutory right to attend meetings of the council as observers.
- (b) Members of the public have no legal right to speak unless the chairman of the meeting authorises them to do so.

- (c) As part of its community engagement, Wilmington Parish Council holds a Public Forum during each meeting to allow for public participation, when members of the public are invited to address the Council.
- (d) Items raised in the Public Forum, that do not appear on the agenda, may be deferred to a future meeting at the discretion of the Council.
- (e) Members of the public are welcome to stay for the Council meeting after the Public Forum as observers but will not be able to join in discussions unless invited to do so by the chairman of the meeting.
- (f) Members of the public may be excluded by a resolution of the meeting for specific items which need to be discussed in confidence (e.g. staffing matters, tenders for contracts, legal issues etc).
- (g) Members of the public cannot be involved in the decision-making of the Council.
- (h) The Public Forum is limited to 15 minutes.
  - (i) Each member of the public may speak for a maximum of 5 minutes.
  - (j) If several members of the public wish to speak on the same topic, then the group should nominate one person to speak on their behalf.
- (k) Written statements to be read on behalf of a member of the public must be received by the Proper Officer at least 3 clear working days prior to the meeting.
- (l) The chairman of the meeting has the right to determine if any question or statement is inappropriate and to dismiss it.
- (m) Neither councillors nor the Clerk shall be pressurised to respond immediately to comments made in the Public Forum.
- (n) A question raised during the Public Forum will not require an immediate response and there should be no debate or discussion between the Council and the public.
- (o) Topics raised in the Public Forum will be included in the minutes of the meeting.
- (p) Libellous, offensive and discriminatory comments will not be minuted.

(a) Voting will be by a secret ballot.

(b) Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. The process shall continue until a majority of votes is given in favour of one

#### 8. Voting on Appointments

(a) A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 2 councilors to be given to the Proper Officer in accordance with standing order 9

(b) When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months

## 7. Previous Solutions

(b) If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

(c) If a resolution made under standing order 5(b) is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting.

(d) This may include temporarily suspending or closing the meeting.

## 6. Disorderly Conduct at Meeting

(s) All statements, questions and responses, challenges to statements, complaints or criticisms must be made politely.

(t) Only one person is permitted to speak at a time and the chairman of the meeting shall direct the order of speaking.

(b) If an issue raised is on the agenda, then it will be discussed under the appropriate item and councillors may resolve to move that item up the agenda.

(c) All attendees will act respectfully towards every other person present and will not act in a manner that demeans, insults, threatens or intimidates another person.