

AGENDA

and

MINUTES of BOARDS and COMMITTEES

to be considered at the meeting of
the Council to be held at

**ATHERSTONE MEMORIAL HALL,
LONG STREET,
ATHERSTONE**

on

28 JULY 2021

at

6.30pm



North Warwickshire Borough Council

Steve Maxey BA (Hons) Dip LG Solicitor
Chief Executive

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Date : 20 July 2021

To: All Members of the Council

Dear Sir / Madam

You are hereby summoned to attend the Full Meeting of the Council, to be held at Atherstone Memorial Hall, Long Street, Atherstone on Wednesday, 28 July 2021 at 6.30pm.

The following business will be transacted:

- 1 Evacuation Procedure.
- 2 Apologies for absence / Members away on official Council business.
- 3 Declarations of Personal or Prejudicial Interest.
- 4 The Mayor to move, in accordance with Standing Order No 6(1):

“That the minutes of the Annual Meeting of the Council held on 24 May 2021 be approved as a correct record”.
- 5 To receive the Mayor’s announcements.
- 6 To answer Questions from members and the Public pursuant to Standing Order No 7.
- 7 To receive and consider minutes, recommendations and note of the following meetings circulated herewith and to make the necessary Orders thereon:
 - a **Resources Board** – 22 March and 14 June 2021 (Pages 4 to 9).
 - b **Planning and Development Board** – 12 April and 23 June 2021 (Pages 10 to 16).

- c **Special Sub-Group** – 8 June 2021 (Pages 17).
 - d **Executive Board** – 21 July 2021 (Page 18) (to be circulated after the meeting is held).
 - e **Community and Environment Board** – 26 July 2021 (Page 19) (to be circulated after the meeting is held).
- 8 **Amendment to Constitution – Urgent Business and Moving Reports at Council Meetings** – Report of the Head of Legal and Monitoring Officer (Pages 20 a – cc).

Summary

This report proposes amendments to the Constitution to make provision for consideration of urgent items of business and for clarifying the procedure to be followed in moving recommendations in reports.

The Contact Officer for this report is Clive Tobin (719251)

9 **Exclusion of the Public and Press**

To consider whether, in accordance with Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

- 10 To receive and consider the confidential extract of the minutes of the Resources Board held on 22 March 2021 (Page No 22).
- 11 To receive and consider the confidential extract of the minutes of the Special Sub-Group held on 8 June 2021 (Page No 23).
- 12 To receive and consider the confidential extract of the minutes of the Community and Environment Board held on 27 July 2021 (Page No 24) (to be circulated after the meeting is held).
- 13 To authorise the Chief Executive, in accordance with Article 13.05 of the Articles of the Constitution, to Sign and Seal, on behalf of the Council, any Orders, Deeds and Documents necessary to give effect to any resolution of the Council.

Yours faithfully



Chief Executive

**MINUTES OF THE ANNUAL MEETING OF THE
NORTH WARWICKSHIRE BOROUGH COUNCIL
HELD AT THERSTONE MEMORIAL HALL, LONG STREET, ATHERSTONE
ON MONDAY 24 MAY 2021**

Present: Councillor R Jarvis in the Chair.

Councillors Bell, Chambers, A Clews, D Clews, Davey, Deakin, Dirveiks, Farrow, Gosling, Hancocks, Hayfield, D Humphreys, M Humphreys, Jarvis, Jenns, Jordan, Lees, Madconald, Moss, Osborne, Parker, Parsons, H Phillips, O Phillips, Reilly, Simpson, Singh, S Smith, Symonds, A Wright and D Wright.

Apologies for absence were received from Councillors McLauchlan, Morson, L Smith and Rose.

1 Election of Mayor

It was proposed by Councillor Wright and seconded by Councillor Bell and

RESOLVED:

That Councillor Jarvis be and is hereby elected Mayor of the Borough of North Warwickshire for the ensuing year.

Councillor Jarvis then made and signed the declaration of acceptance of office and was invested with the Chain and Badge of office.

Councillor Jarvis then thanked Council Members for the honour they had bestowed on him.

2 Disclosable Pecuniary and Non-Pecuniary Interests

None were declared at the meeting.

3 Minutes

The minutes of the meeting of the Council held on 29 March 2021 were approved as a correct record and signed by the Mayor.

4 Appointment of Deputy Mayor

It was proposed by Councillor Symonds and seconded by Councillor Singh and

RESOLVED:

That Councillor T Clews be appointed Deputy Mayor of the Borough of North Warwickshire for the ensuing year.

Councillor T Clews then made and signed the declaration of acceptance of office and was invested with the Chain and Badge of office.

Councillor T Clews then thanked Council Members for the honour they had bestowed on him.

5 **Mayor's Announcements**

Recorded thanks were given for the amount of work undertaken to enable the Annual Meeting to go ahead.

6 **Returning Officer's report upon the 2021 Borough Council Elections**

The Returning Officer gave details of the Councillors elected to North Warwickshire Borough Council in the by-elections held on 6 May 2021 as follows:

Atherstone Central Ward – Mark Jordan
Curdworth Ward – Sandra Smith
Polesworth East Ward – Dan Hancocks

7 **Appointments of Boards, Chairpersons, Vice Chairpersons, Spokespersons, and representatives on outside bodies**

A schedule of numbers and appointments to the Boards, Committees and Sub-Committees and the Chairmen and Vice-Chairmen thereof and representatives to outside bodies was placed before the Council.

It was proposed by Councillor D Wright, seconded by Councillor Deakin and

RESOLVED:

That the Constitution of Boards, Committees and Sub-Committees for 2021/22 and the appointment of Members thereon and the Chairmen and Vice-Chairmen thereof and the representatives on outside bodies, as shown in Appendix A hereto, be approved.

8 **Amended Calendar of Meetings – 2021/22**

The Chief Executive sought approval of an amended Calendar of Meetings for 2021/22.

It was proposed by Councillor D Wright, seconded by Councillor Gosling and

RESOLVED:

That the amended Calendar of Meetings for 2021/22 be approved.

9 **The Levelling Up Fund**

The Chief Executive sought delegated authority to submit a bid to the Levelling Up Fund.

It was proposed by Councillor D Wright, seconded by Councillor Deakin and

RESOLVED:

That the Chief Executive be given delegated authority to submit a bid to the Levelling Up Fund.

10 **Amendment of Constitution – flexibility and safety at Council meetings**

The Head of Legal Services and Monitoring Officer proposed amendments to the Constitution to make further provision for attendance and safety at Council meetings following the expiry of regulations which allowed meetings to be held remotely.

It was proposed by Councillor D Wright, seconded by Councillor T Clews and

RESOLVED:

- a **That Standing Order 45 be amended to allow further flexibility when arranging meetings and ensure that appropriate measures were in place to protect Members, officers and the public; and**
- b **That Standing Order 45 continues to permit electronic signature of certain documents as set out in the report of the Head of Legal Services and Monitoring Officer.**

11 **Common Seal**

It was proposed by Councillor D Wright, seconded by Councillor Simpson and

RESOLVED:

That the Chief Executive be authorised to affix the Common Seal to any document as necessary to give effect to the decisions of the Council, in accordance with Article 13.05 of the Articles of the Constitution.

**Chairman of the next ensuing meeting
of the Council**

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE RESOURCES BOARD

22 March 2021

Present: Councillor Symonds in the Chair

Councillors Davey, Deakin, Dirveiks, Farrow, Hayfield, D Humphreys, M Humphreys and Simpson.

Apologies for absence were received from Councillors Chambers and Singh (substitute M Humphreys).

Councillors D Clews, Bell, Jarvis, Smith and D Wright were also in attendance.

48 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

49 **Minutes of the Resources Board held on 25 January 2021**

The minutes of the Resources Board held on 25 January 2021, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

50 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – December 2020**

The Chief Executive informed Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Board for April to December 2020.

Resolved:

That the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Board for April to December 2020 be noted.

51 **Update of the Financial Regulations**

The Corporate Director – Resources detailed a review of the Financial Regulations and some minor amendments that had been made.

Recommended:

That the updated Financial Regulations, attached at Appendix A to the report of the Corporate Director – Resources, be accepted and the consequent amendments be made to the Constitution.

52 Changes to the Non Domestic Discretionary Retail Rate Relief Scheme 2021/22

The Corporate Director – Resources asked Members to adopt the National Non Domestic Discretionary Retail Discount (NNDR) scheme, attached at Appendix A to her report, which reflected the changes announced in the Budget on 3 March 2021.

Recommended:

- a That the Non Domestic Discretionary Retail Discount Scheme, attached at Appendix A to the report of the Corporate Director – Resources be adopted with effect from 1 April 2021; and**
- b That a further report be brought to the Board in May 2021 to recommend any review of the Non Domestic Discretionary Retail discount for Leisure, Hospitality and Nursery premises for 1 July 2021 to 31 March 2022.**

53 Internal Audit Plan 2021/22 and Counter Fraud Activity

The Corporate Director – Resources set out the proposed Internal Audit Plan for 2021/22 and updated the Board on the work of the Counter Fraud Officer.

Resolved:

That the Internal Audit Plan, as attached at Appendix A to the report of the Corporate Director – Resources, be approved and the work of the Counter Fraud Officer be noted.

54 **Exclusion of the Public and Press**

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

55 **Confidential Extract of the Minutes of the Resources Board held on 25 January 2021**

The confidential extract of the minutes of the Resources Board held on 25 January 2021, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

56 **High Street, Coleshill**

As resolved at the meeting of the Board in January 2021, the Corporate Director – Streetscape gave a further report providing additional information on properties in High Street, Coleshill and highlighted other considerations for which further information was being sought.

Resolved:

That the contents of the report be noted and a further report be brought back to a future meeting of the Board for final determination.

C Symonds
Chairman

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE RESOURCES BOARD

14 JUNE 2021

Present: Councillor Symonds in the Chair

Councillors T Clews, Davey, Dirveiks, D Humphreys, Lees, Morson, Moss and Simpson.

Councillors D Clews and Farrow were also in attendance.

1 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor T Clews declared a Non-Pecuniary interest on Minute Number 8 by reason of being a Member of Atherstone Town Council and took no part in the discussion or voting thereon.

2 **Minutes of the Resources Board held on 22 March 2021**

The minutes of the Resources Board held on 22 March 2021, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

3 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2020 - March 2021 – Report of the Chief Executive**

The Chief Executive informed Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Board for April 2020 to March 2021.

Resolved:

- a **That the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Board for April 2020 - March 2021 be noted.**
- b **That a report be brought back to the next meeting of the Board with information as to how performance items with a red status be improved.**

4 **Members Allowances for 2020/2021 – Report of the Corporate Director – Resources**

The Corporate Director – Resources advised Members of the allowances paid for 2020/21, which the Council had a duty to publish under the Members' Allowance Scheme.

Resolved:

That the report be noted.

5 Risk Management Annual Report 2020/21 - Report of the Corporate Director – Resources

The Corporate Director – Resources informed Members of risk management actions undertaken during 2020/21 and the risks identified for 2021/22.

Resolved:

That the progress be noted.

6 Annual Treasury Report for 2020/21 - Report of the Corporate Director – Resources

The Corporate Director – Resources reported on the out-turn for 2020/21 and highlighted any areas of significance.

Resolved:

- a That the Annual Treasury Report for 2020/21 be noted; and**

Recommended:

- b That the Annual Treasury Report be approved.**

7 Internal Audit Annual Report 2020/21 - Report of the Corporate Director – Resources

The Corporate Director – Resources presented the Head of Internal Audit's Annual Report.

Resolved:

- a That the findings of the assessment of the internal audit function against the PSIAS and quality assurance programme be noted;**
- b That the summary of internal audit work, as set out in Appendix A of the report of the Corporate Director – Resources, which supports the Head of Internal Audit's opinion, be noted; and**
- c That the Head of Internal Audit's overall opinion on the control environment be noted: and**

- d That an action plan be produced for audits that need review and improvement.

8 Atherstone CCTV Scheme – Partnership Agreement – Report of the Director of Housing

The Director of Housing submitted the revised Atherstone CCTV Scheme Partnership Agreement to the Board for comment and approval.

Resolved:

- a That the Partnership Agreement for the CCTV scheme for Atherstone Town be agreed;
- b That the funding for the recruitment of CCTV control officers to operate the system for 12 months be approved; and
- c That the job description for the CCTV control officers be submitted to the Special Sub-Group for approval.

9 Revised Parking Places Order and Schedule – Report of the Corporate Director – Streetscape

The Corporate Director – Streetscape asked Members to approve a revised Parking Places Order and associated Schedule(s) covering all the Borough Council owned and operated off-street car parks.

Resolved:

- a That the Board approved the revised Parking Places Order and associated Schedule(s);
- b That delegated authority be given to the Corporate Director – Streetscape, in consultation with the Chair and the Shadow Chair of Resources Board, to procure such equipment and services (including enforcement) as may be necessary to implement parking charges in line with the proposed Order and Schedule(s); and
- c That delegated authority be given to the Corporate Director – Streetscape to undertake all necessary consultation on the proposed Order and Schedule(s) and reports back to the Board on the outcome of that consultation before they come into force.

C Symonds
Chairman

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

12 April 2021

Present: Councillor Simpson in the Chair

Councillors Bell, T Clews, Dirveiks, Hayfield, D Humphreys, Jarvis, Lees, Macdonald and H Phillips.

Apologies for absence were received from Councillors Deakin and Parsons.

Councillors D Clews, Farrow and M Humphreys were also in attendance.

44 **Disclosable Pecuniary and Non-Pecuniary Interests**

The following Councillors declared a non-pecuniary interest in Minute No 46 (Planning Applications):

Councillors T Clews and Jarvis - Application No PAP/2020/0635 and PAP/20/20/0634 (65-67 Long Street, Atherstone)

Councillor Hayfield – Application No PAP/2019/0648 and PAP/2019/0683 (The Coach Hotel, 150 High Street, Coleshill)

Councillor Dirveiks declared a non-pecuniary interest in Minute No 47 (Warwickshire Highway Design Guide) by reason of being a member of Warwickshire County Council's Regulatory Committee and took no part in the discussion or voting thereon.

Councillor Macdonald declared a non-pecuniary interest in Minute No 48 (Submission of Water Orton Neighbourhood Plan for Public Consultation) by reason of being a member of the governance group and took no part in the discussion or voting thereon.

45 **Minutes**

The minutes of the meetings of the Planning and Development Board held on 16 February and 8 March 2021, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

46 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

- a That Application No PAP/2019/0326 (Priory Farm, Robeys Lane, Alvecote, B78 1AR) be approved, subject to the completion of a Section 106 Agreement as set out in the report, there being no objections to the Proposed Modifications MM87 and 106 and subject to the conditions set out in the report of the Head of Development Control;**

[Speaker: Charles Graham and Will Brearley]

- b That Application No PAP/2021/0034 (125 Tamworth Road, Wood End, CV9 2QQ) be approved, subject to the conditions set out in the report of the Head of Development Control;**

- c (i) That in respect of Application No PAP/2020/0635 (65-67 Long Street, Atherstone, CV9 1AZ) advertisement consent be granted subject to the conditions set out in the report of the Head of Development Control: and**
(ii) That in respect of Application No PAP/2020/0634 (65-67 Long Street, Atherstone, CV9 1AZ) Listed Building consent be granted subject to the conditions set out in the report of the Head of Development Control;

[Speaker: Chris Smith]

- d That Application No PAP/2020/0342 (Land Opposite Baddesley Farm, Lower House, Lane, Baddesley Ensor) be deferred for a site visit;**

- e That Application No PAP/2020/0621 (22 Maypole Road, Warton, B79 0HP) deferred for a site visit;**

- f That Application No PAP/2019/0648 and PAP/2019/0683 (the Coach Hotel, 150 High Street, Coleshill, B46 3BG) be deferred for a site visit and further information be obtained in relation to the use of the car parking spaces at the venue;**

[Speaker: Ms V Broadway]

- g That in respect of Application No PAP/2020/0582 and PAP/2020/0583 (The Stables, Packington Estate, Meriden, CV7 7HF):**
- (i) The Board is minded in principle to approve both planning permission and Listed Building Consent for the applications;**
 - (ii) Conditions for both applications be delegated to the Head of Development Control, in consultation with the Chairman of the Board and the Opposition Spokesperson; and**
 - (iii) If the objection from the Georgian Society cannot be overcome through the submission of amended plans or by planning conditions, the application be referred to the Secretary of State to see if he wishes to intervene;**

47 Warwickshire Highway Design Guide

The Head of Development Control gave details of a draft highway design guide which had been published by Warwickshire County Council for consultation. The Board was invited to forward representations to the County Council.

Resolved:

That the Board expresses its disappointment with the draft guide to Warwickshire County Council

48 Submission of Water Orton Neighbourhood Plan for Public Consultation

The Chief Executive informed Members of the progress of the submitted Water Orton Neighbourhood Plan and sought approval to go out for a formal consultation in accordance with Section 16 of the Neighbourhood Planning (General) Regulations 2012.

Resolved:

That the Water Orton Neighbourhood Plan be circulated for a 6 week public consultation.

49 **Tree Preservation Order Dunn's Lane, Dordon**

The Head of Development Control sought agreement to confirm a Tree Preservation Order at Dunn's Lane, Dordon.

Resolved:

That the Tree Preservation Order at Dunn's Lane, Dordon be confirmed.

50 **Delivery of Strategic Housing Draft Residential Design Guide and Draft Distinctiveness Guide for Dordon and south-east Polesworth**

The Chief Executive brought a refresh and update of the Residential Design Guide and a Draft Distinctiveness Guide for Dordon and south-east Polesworth to Members for approval for consultation.

Resolved:

That consideration of the Residential Design Guide and Draft Distinctiveness Guide for Dordon and south-east Polesworth be deferred to enable officers to give a presentation to Members on both Guides and so that any details suggested by the Climate Change Member Group can be incorporated.

51 **Minutes of the Local Development Framework Sub-Committee held on 22 February 2021**

The Minutes of the Local Development Framework Sub-Committee held on 22 February 2021 were received and noted.

52 **Exclusion of the Public and Press**

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

53 **Land at Hartshill**

The Head of Development Control sought approval for the withdrawal of one Enforcement Notice and the issue of an alternative Notice for land at Kirby Glebe Farm.

Resolved:

- a That the Enforcement Notice dated 4/11/20 in respect of Plot One at the Kirby Glebe Farm site and the subject of appeal reference APP/R3705/C/20/3264552 be withdrawn;**
- b That the Planning Inspectorate and the appellant be notified of the withdrawal of the Enforcement Notice detailed in (a) above;**
- c That the service of a Breach of Conditions Notice in respect of condition number 1 attached to planning permission referenced PAP/2011/0273 dated 19/7/11 be approved; and**
- d That the minute of this decision should not remain private, but should be published in full in public, since the Notices referred to must appear on a Statutory register and are therefore open to public inspection.**

Councillor Simpson
Chairman

**Planning and Development Board
12 April 2021**

Additional Background Papers

Agenda Item	Application Number	Author	Nature	Date
4/a	PAP/2019/0326	Daytona Karting	Objection	12/4/21
4/c	PAP/2020/0634 & 0635	Applicant	Supporting Letter	6/4/21
4/f	PAP/2019/0648 & 0683	Coleshill Civic Society	Objection	8/4/21
		Coleshill Town Council	Objection	7/4/21
		Resident of Lyon Court	Support	27/3/21
		Resident of Lyon Court	Representation	27/3/21
		Coleshill Resident	Representation	7/4/21
		Parkfield Road Resident	Representations	29/3/21
		Parkfield Road Resident	Objection	8/4/21
4/g	PAP/2020/0582 & 0583	WCC as Highway Authority	No objection	8/4/21

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

23 June 2021

Present: Councillor T Clews in the Chair

Councillors Dirveiks, Jarvis and Parsons

Apologies for absence were received from Councillors Bell, Deakin, Hancocks, Hayfield, D Humphreys, Lees, Macdonald, H Phillips, Rose, Simpson and A Wright.

Councillor Moss was also in attendance.

Disclosable Pecuniary and Non-Pecuniary Interests

None were declared.

Motion under Standing Order 9(13)

Councillor Clews proposed the following motion:

The Board has been informed that the Head of Planning, has been contacted by Test and Trace and advised to self-isolate. This means he will not be able to present the reports and answer questions from members and there is no other Officer available with the relevant knowledge of those applications who can provide cover for him. This will make it difficult for members to properly consider and determine the applications on the Agenda.

In accordance with Standing Order no 9(13), as Vice Chair presiding at this meeting, I move that the meeting is adjourned so that all items of business can be considered at the next meeting on 14 July 2021.

Councillor Jarvis seconded the motion.

On a vote being taken it was **resolved** that the meeting be adjourned until 14 July at which time all items of business from the agenda will be considered.

Councillor Simpson
Chairman

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE SPECIAL SUB-GROUP

8 JUNE 2021

Present: Councillor D Clews in the Chair

Councillors T Clews, Deakin, Jenns, Parsons, Symonds.

Apologies for absence were received from Councillors Hayfield (substitute Symonds) and L Smith (substitute T Clews)

1 Disclosable Pecuniary and Non-Pecuniary Interests

None were declared at the meeting.

2 Exclusion of the Public and Press

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

3 Environmental Health

The Chief Executive sought approval for a restructure of the Environmental Health team.

Resolved:

That the restructure of the Environmental Health team, as set out in the report of the Chief Executive, be approved.

D Clews
CHAIRMAN

Agenda Item No 8

Council

28 July 2021

Report of the Head of Legal Services and
Monitoring Officer

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Amendment of Constitution –
urgent business and moving
reports at Council meetings

1 Summary

- 1.1 This report proposes amendments to the Constitution to make provision for consideration of urgent items of business and for clarifying the procedure to be followed in moving recommendations in reports.

Recommendation to the Council

- a That Standing Orders are amended to incorporate the provision set out in paragraph 3.3 below in relation urgent items of business; and
- b That Standing Orders are amended to incorporate the provisions set out in paragraph 3.6 below in relation to moving recommendations in reports.

2 Consultation

- 2.1 Councillors Wright and Gosling have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 Report

Urgent Business

- 3.1 Members will be aware that they receive summonses, agendas and reports in advance of meetings of Council, Boards and other bodies appointed by the Council. These must be sent at least five clear days in advance of the meeting concerned and copies of the agendas and reports must also be published for the public at that time.
- 3.2 Members may also be aware that only items of business specified in the summons for a meeting may usually be considered at a meeting. Legislation does however, allow additional items of business to be considered as a matter of urgency in accordance with the Council's Standing Orders. It is now

proposed that Standing Orders are amended to expressly refer to this provision to avoid any doubt that such items are being considered 'in accordance with Standing Orders'.

3.3 Specifically, it is advised that Standing Order number 5, which sets out the order of business for Ordinary Council meetings, is amended by adding the following:

'(o) to deal with any item of business not specified in the summons which, by reason of special circumstances*, in the opinion of the Mayor should be considered at the meeting as a matter of urgency'.

(* these circumstances must be specified in the minutes of the meeting)'.

3.4 Since Standing Order number 5 applies to meetings of Annual Council and Boards and Committees, this would allow items of business to be considered in urgent circumstances by any Council body.

Motions

3.5 Further, it has become apparent that there is no specific provision in Standing orders for moving a recommendation in a report without notice. It is likely that this is an oversight since it clearly cannot have been intended that members would have to give written notice of their intention to do so one week before the meeting in accordance with Standing Order number 10. It is therefore recommended that Standing Orders expressly allow this.

3.6 Members will be aware that Standing Order number 9 sets out those motions and amendments which can be moved without notice. Similarly, members will be aware that Standing Orders numbers 15 and 17 allow amendments to motions during debates. It is therefore advised that Standing Order number 9 should be amended to expressly allow a recommendation in a report, or from Boards or other bodies, to be moved by a Member. Specifically, it is suggested that the following words are added:

'(20) To move a recommendation in a report or from a Board or other body with or without amendments'.

3.7 If this recommendation is agreed by Council then the existing provisions of Standing Orders 15 and 17 will continue to apply and, once a recommendation has been moved, it may be amended and voted on. The process would therefore be:

3.7.1 *A member moves the recommendation in accordance with Standing Order 9 (20) which then becomes a motion and can be debated in accordance with all existing provisions of Standing Orders;*

3.7.2 *If, after any debate, members are satisfied with the wording of the motion, they may move to put the question to an immediate vote in accordance with Standing Order 9 (11);*

- 3.7.3 *Alternatively, if a member wishes after moving the recommendation, they may alter the motion under Standing Order 14(3)(b) with the consent of the Council and the seconder of the motion;*
- 3.7.4 Further, a member may move to amend the motion, for example by adding words, under Standing Orders 9 (9) and 17, and each suggested amendment should be voted on in turn;
- 3.7.5 Once the final wording of the motion is agreed under either process, a member may then move to put the question to an immediate vote in accordance with SO 9 (11); and
- 3.7.6 Members may withdraw a motion under Standing Order 9 (7) if they wish to do so.
- ... 3.8 A draft of the proposed amended Standing Orders appears at Appendix A to this report, which also incorporates the amendments made at Annual Council in May 2021.

Report Implications

- 4.1 There are the following implications to the recommendations in this report.

Finance and Value for Money Implications

- 4.2 There are no resources implications in relation to the proposals in this report.

Safer Communities Implications

- 4.3 There are no Safer Communities implication in relation to the proposals in this report.

Legal and Human Rights Implications

- 4.4. The legal implications are mainly set out in the body of this report. The proposals will ensure that the Council remains compliant with the legislation concerned and continue to transact business efficiently and effectively.

Environment and Sustainability Implications

- 4.5 There are no Environmental and Sustainability implications to the proposals in this report.

Human Resources Implications

- 4.6 There are no Human Resources implications to the proposals in this report.

Risk Management Implications

- 4.7 There are no Risk Management implications to the proposals in this report.

Equalities Implications

4.8 There are no Equalities implications to the proposals in this report.

Links to Council's Priorities

4.9 Good governance in decision making supports the Council's Priority of Responsible Financial and Resource Management.

The Contact Officer for this report is Clive Tobin, Head of Legal Services and Monitoring Officer

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

PROCEDURAL STANDING ORDERS

COUNCIL MEETINGS

**STANDING ORDER No.1
Meetings**

1. (1) At the Annual Meeting, the Council will decide the dates for its ordinary meetings during the year, unless this has been dealt with at an earlier meeting of the Council.
- (2) The Annual Meeting and Ordinary Meetings will be held at 6.30 p.m. and any Extraordinary Meetings will be held at a time to be fixed by the Chief Executive, after consultation with the Mayor.
- (3) All Council Meetings will be summoned by the Chief Executive and will be held in the Council Chamber at The Council House, South Street, Atherstone, but the Chief Executive may (if the Chamber is not available for a particular meeting) arrange an alternative venue within the Borough.

Note: (a) The procedure for convening the Annual Meeting and Extraordinary Meetings is specified in paragraphs 1 and 3 respectively of Schedule 12 to the Local Government Act, 1972.

- (b) Please also refer to Standing Order No 13 in relation to Extraordinary Meetings of the Council.

**STANDING ORDER No. 2
Mayor and Deputy Mayor**

2. The Mayor and Deputy Mayor will be elected at the Annual Meeting.

**STANDING ORDER No.3
Chairing the Meeting**

3. (1) The Mayor (or in his/her absence, the Deputy Mayor) will chair meetings of the Council. In their absence, the Council will choose another Member to chair the meeting
- (2) Any of the Mayor's powers or duties for conducting a meeting may be exercised by the Member who chairs the meeting.

COUNCIL MEETINGS

STANDING ORDER No.4 Quorum

4. No business can be dealt with at a Council Meeting unless there is a quorum of 9 Members present. If there is no quorum, the meeting must be adjourned immediately and any remaining business postponed to a date and time fixed by the Mayor at the adjournment or, if no such arrangements are made, to the next ordinary meeting.

STANDING ORDER No.5 Order of Business

5. (1) The order of business at ordinary meetings will be:-
 - (a) to choose a person to chair the meeting if the Mayor and Deputy Mayor are absent.
 - (b) to deal with any business required by law to be done before any other business
 - (c) to receive apologies for absence
 - (d) to receive Declarations of Interest from Members
 - (e) to approve the minutes of the last ordinary (or annual) meeting and any subsequent extraordinary meeting and sign them.
 - (f) to deal with any business specifically required by law.
 - (g) to receive the Mayor's announcements.
 - (h) to deal with any business remaining from the last meeting.
 - (i) to answer questions asked under Standing Order No. 7 (2).
 - (j) to receive and consider minutes and recommendations of Boards, Committees, Panels and other bodies.
 - (k) to consider motions in the order in which notice has been received.
 - (l) to receive the Returning Officer's return of Councillors elected at any recent bye-election or uncontested election.
 - (m) to authorise the sealing or signing of any Orders, Deeds or Documents necessary to give effect to any resolution of the Council.
 - (n) to deal with other business, if any, specified in the summons.
 - (o) to deal with any item of business not specified in the summons which, by reason of special circumstances*, in the opinion the Mayor should be considered at the meeting as a matter of urgency.

(* these circumstances must be specified in the minutes of the meeting).

- (2) The order of business under paragraphs (f) to (n) above may be changed by the Mayor or by a motion passed without discussion. The motion need not be in writing.
- (3) The business to be transacted at the Annual Meeting of the Council shall be as set out in paragraph (1) above but with the addition of items for the election of Mayor and Deputy Mayor and, in a year of ordinary elections, to receive the Returning Officer's return of Councillors elected.

COUNCIL MEETINGS

STANDING ORDER No. 6 Approval of Council Minutes

6. (1) The Mayor will move "That the minutes of the meeting of the Council held on _____ (date) be approved as a correct record".
- (2) THE MINUTES ARE NOT TO BE DISCUSSED, EXCEPT ON A MOTION TO QUESTION THEIR ACCURACY. IF THERE IS NO SUCH MOTION OR WHEN ONE HAS BEEN DEALT WITH, THE MAYOR WILL SIGN THE MINUTES.
- (3) Where an extraordinary meeting of the Council is held, the minutes of the last ordinary (or annual) meeting of the Council shall not be approved at that meeting, but shall be approved, together with the minutes of the extraordinary meeting, at the next ordinary (or annual) meeting.

STANDING ORDER No.7 Questions by Members

7. (1) A Member may ask the Chairman of a body (**or, if appropriate, the relevant Portfolio Holder**) any question about an item in that body's minutes when that item is under consideration by the Council.
- (2) If notice is given under paragraph (3) below, a Member may ask the Mayor, the relevant Chairman **or Portfolio Holder**, a question about any matter directly affecting the borough or for which the Council has responsibilities.
- (3) Written notice of a question under paragraph (2) must be delivered in writing or sent by electronic mail or facsimile transfer to the Chief Executive by 9.30 am two working days before the day of the meeting. However, the Mayor, if satisfied that it is urgent, can allow a question to be put, if written notice is received by the Chief Executive by 10.00 a.m. on the day of the meeting through one of the delivery methods referred to above.
- (4) A question must be asked and answered without discussion. The Member questioned can decline to answer.
- (5) An answer can be:
 - (a) spoken;
 - (b) written and circulated to Members at the meeting,
 - (c) written and circulated to Members within 7 days of the meeting; or

- (d) by reference to a Council publication or other published work that contains the information requested.
- (6) All questions asked under this Standing Order shall be questions of fact only and not of opinion.
- (7) No questions shall be put to an officer of the Council, except with the consent of the Council.
- (8) The Mayor may disallow questions:-
- (a) if in an unsuitable form or if frivolous in character; or
 - (b) where an answer would not, in the Mayor's opinion, be in the interest of the public or of the Council; or
 - (c) which, at an extraordinary meeting, do not relate to the particular business to be transacted

Questions by the Public

General

- (9) At each ordinary meeting of the Council, and every meeting of the Policy Boards, the Special Sub Group and Safer Communities Sub-Committees, 20 minutes shall be set aside for questions from the public gallery by any resident of the Borough concerning the work of the Council or Body.

Notice of Questions

- (10) No such question shall be asked unless it shall have been delivered in writing or sent by electronic mail or facsimile transfer to the Chief Executive no later than 9.30 am two working days before the meeting.

Each question must give the name and address of the questioner.

Scope of Questions

- (11) The Chief Executive may reject a question if, in his opinion, it:
- is not about a matter for which the Council has a responsibility or which affects the Borough;
 - is substantially the same as a question which has been put at a meeting of the Council or Body in the past six months;
 - is defamatory, frivolous, vexatious or offensive;
 - requires the disclosure of confidential or exempt information; or
 - relates to a planning application, licensing application or any matter of a personal nature, or

- where it is a question to a Board, the Special Sub-Group or a Sub-Committee, it is not a matter within the terms of reference of that Body.
- (12) At Council Meetings, the Mayor will invite the relevant Chairman or Portfolio Holder to give the reply. At meetings of other Bodies, the Chairman of that Body shall reply. Such replies shall not exceed 5 minutes. At the discretion of the Mayor or Chairman a supplementary question may be asked if arising directly from the reply, provided that the original allocation of 5 minutes is not exceeded.

COUNCIL MEETINGS

Number of Questions

- (13) At any one meeting except by permission of the Mayor or Chairman of a Body no person may submit more than one question and no more than one question may be asked on behalf of any one organisation.

Order of Questions

- (14) In the event of there being more than one question, the Chief Executive will draw lots to determine the order in which the questions shall be asked. At the expiry of the 20 minute period, or after the reply to the final question, whichever shall first occur, the Council or Body will proceed to the next business.

Record of Questions

- (15) The question put and the answer given shall be minuted.

Reference of Questions to a Board

- (16) At Council Meetings, unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the appropriate Board. Once seconded, such a motion will be voted on without discussion.

STANDING ORDER No. 8 Adoption of Minutes by the Council

8. (1) The minutes of a body will be presented to the Council by the Chairman of the body concerned whether or not present at the relevant meeting (or in his/her absence at the Council meeting by the Vice-Chairman or another Member of that body) who shall move "That the minutes of the meeting of the body held on _____(date) be received and adopted". This motion, when seconded, will have the effect of moving every item in the minutes which requires confirmation. This paragraph and paragraph (3) below shall apply to the Standards Committee, even though the persons proposing and/or seconding the motion may be Independent Members of the Committee and, therefore, not Borough Councillors.

- (2) The Mayor will then call out the number of each page and any Member who wishes to speak on a minute on that page must do so immediately after the page number has been called.
- (3) When all the items in the minutes have been dealt with, the Chairman will immediately move the adoption motion under paragraph (1) without further discussion. On being passed, it will have the effect of adopting the minutes subject to any amendments already made.
- (4) Where a recommendation is made by one body to another, the adoption by the Council of the minute of the body making the recommendation is not to be regarded as approval by the Council of the substance of the recommendation.

COUNCIL MEETINGS

STANDING ORDER No.9 Motions and Amendments not requiring Notice

9. Notice is not required to move motions and amendments:-
 - (1) to propose a person to chair a meeting;
 - (2) about the accuracy of the minutes,
 - (3) to change the order of business on the agenda,
 - (4) to refer a matter to an appropriate body or Senior Officer;
 - (5) to constitute bodies and to appoint Members or other persons to other bodies (including outside organisations) where relevant to an item of business mentioned in the summons to the meeting;
 - (6) to adopt minutes and recommendations of bodies and any consequential resolutions;
 - (7) to withdraw an item of business or withdraw a motion;
 - (8) to extend the time limit for speeches;
 - (9) to amend a motion;
 - (10) to go to the next business;
 - (11) to put the question to an immediate vote;
 - (12) to adjourn the debate;
 - (13) to adjourn the meeting;
 - (14) to authorise the sealing of documents;
 - (15) to suspend standing orders
 - (16) to exclude the public and press;

- (17) not to hear a Member further or to require a Member to leave the meeting (Standing Order No. 21);
- (18) to give the consent of the Council where required by these standing orders;
- (19) to record the Council's appreciation or condolence.
- (20) to move a recommendation in a report or from a Board or other body, with or without amendments.

COUNCIL MEETINGS

STANDING ORDER No. 10 Notice of Motion

Procedure

10. (1) Notice of every motion (except those listed in Standing Order No. 9) must be given in writing, signed by the proposer giving the notice and delivered to the Chief Executive not later than noon one week before the meeting of the Council
- (2) The Chief Executive will date and number the motions in the order in which they are received and enter them in a book which is open to inspection by Members.

Details to be set out in Summons

- (3) Motions which are received before publication of the agenda will be printed in the Summons in the order in which notice was received unless the Member who gave the notice states in writing that the motion has been withdrawn or will be moved at a later meeting. Motions which are received after publication of the agenda will be circulated by email to all Members of the Council and printed copies made available at the Council meeting

Motion not Moved

- (4) If a motion is not moved and seconded at the meeting in the form set out in the summons, it will be treated as withdrawn, unless the Council vote to postpone it.

Automatic Reference to a Body

- (5) If the subject matter of a motion comes within the province of any body it will, when moved, be referred for consideration, without discussion, to the relevant body. However, the Mayor may allow the motion to be dealt with at the meeting at which it is moved. A Member who has proposed a motion which has been referred to any body as above, may be present during its consideration by that body and will be able to explain it.

Scope

- (6) Every motion must relate to something for which the Council has responsibilities or which directly affects the Borough.

STANDING ORDER No 11

Voting

11. (1) Voting at Council meetings will be by a show of hands unless 3 Members, before the vote is taken, stand and request a recorded vote to show how each Member voted. In a recorded vote, the name of any Member abstaining from voting must also be recorded. Immediately after any vote is taken at a budget decision meeting (as defined in The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014) there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting
- (2) If the number of votes for and against a proposal are equal, the Mayor has a second or casting vote.

COUNCIL MEETINGS

- (3) Immediately after a vote is taken, a Member may require that there shall be recorded in the minutes of the proceedings of that meeting whether that person voted for or against the proposal or whether he/she abstained from voting.
- (4) If more than two persons are proposed for any position to be filled by the Council, and no-one receives more than half of the votes cast, the person with the least number of votes will cease to be a candidate and a fresh vote will be taken. This procedure will continue until one person obtains more than half the votes, but if at the end of this procedure, there are only two persons remaining and neither of them secures more than half of the votes cast, because of abstentions or for any other reason, the person with the greater number of votes will be appointed to the office.

STANDING ORDER No. 12 Motions on Expenditure

12. (1) Any motion, except a motion under Standing Order 10, which, if carried, will increase the expenditure of or reduce the revenue from a service under the control of any body or will involve capital expenditure must, when proposed and seconded (unless the Council decides otherwise), stand adjourned without discussion to the next ordinary meeting of the Council and any body affected by such a motion shall consider whether it wishes to report on the matter.
- (2) This procedure shall not, however, apply to any motion which arises from any report or recommendation of a body provided that the Resources Board has considered the financial aspects of the proposal.

STANDING ORDER No. 13 Extraordinary Meetings of the Council

13. (1) Those listed below may request the Chief Executive to call Council meetings in addition to Ordinary and Annual meetings.
- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) the Monitoring Officer; and

- (iv) any five Members of the Council if they have signed a requisition presented to the Mayor. If the Mayor refuses to call a meeting or fails to call a meeting within seven days of the presentation of the requisition, the five Members concerned may require the Chief Executive to call the meeting. The requisition must specify the business which it is proposed to transact at the meeting.
- (2) The summons for an Extraordinary Meeting of the Council shall set out the specified business and no other business shall be considered at that meeting.

RULES OF DEBATE
FOR COUNCIL MEETINGS

STANDING ORDER No. 14
Motions Generally

***To be Proposed and seconded**

14. (1) A motion cannot be discussed unless it has been proposed and seconded. At a Council Meeting the Mayor shall require a motion to be written down and handed to the Chief Executive before it is voted on, unless the motion is straightforward

***Secunder's Speech**

- (2) A Member when seconding a motion may reserve his/her speech until later in the debate.

***Alteration of Motion**

- (3) A Member may, with the consent of the Council, signified without discussion : -
- (a) alter a motion of which he/she has given notice, or
 - (b) with the consent also of the seconder alter a motion which he/she has moved,
- if (in either case) the alteration is one which could be made as an amendment.

***Withdrawal of Motion**

- (4) A motion (including an amendment) may be withdrawn by the mover with the consent of the seconder and of the Council. No discussion is allowed after such consent has been requested unless consent is refused

Rescinding of Motion

- (5) A motion to rescind any decision made within the last 6 months cannot be proposed unless the notice given under Standing Order No. 10 is signed by at least 9 Members of the Council. When any such motion has been dealt with no-one can propose a similar motion for a further 6 months. This paragraph does not apply to a recommendation from a body.

- * Also applies to Boards, Committees, Panels and other bodies (see Standing Order No. 32).

**RULES OF DEBATE
FOR COUNCIL MEETINGS**

***STANDING ORDER No. 15
Motions during a Debate**

15. When a motion is being discussed, no other motion can be moved except:-
- (a) an amendment to the motion,
 - (b) to proceed to the next business (Standing Order No. 19(a))
 - (c) the vote be taken (Standing Order No. 19(b))
 - (d) to adjourn the debate or the meeting (Standing Order No. 19 (c))
 - (e) a Member be not further heard or leave the meeting (Standing Order No. 21)
 - (f) to exclude the public and press under Section 100A (2) or Section 100A (4) of the 1972 Act or under the Access to Information Procedure Rules.

***STANDING ORDER No. 16
Speeches**

One Member to stand at a time

16. (1) A Member when speaking must stand and address the Mayor. If two or more Members stand, the Mayor will ask one to speak and the others must sit. Other Members must remain seated while a Member is speaking unless they wish to make a point of order or personal explanation. The Mayor has the right to waive the requirement for a Member to stand to speak where he/she considers it appropriate to do so.

Content of Speeches

- (2) A Member must only speak about the matter under discussion or on a point of order or personal explanation.

Length of Speeches

- (3) Except with the consent of the Mayor or the Council, a Chairman of a body in his/her reply under Standing Order No 18 (1) must not speak longer than 12 minutes and other Members must not speak longer than 8 minutes.

When a Member may Speak again

- (4) A Member CAN ONLY SPEAK ONCE on a motion except.-
- (a) to speak once on an amendment moved by another Member,
 - (b) to move a further amendment if the motion on which he/she last spoke has been amended;

* Also applies to Boards, Committees, Panels and other bodies (see Standing Order No. 32).

**RULES OF DEBATE
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- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main motion, whether or not the amendment on which he/she spoke was carried;
- (d) in exercise of a right of reply under Standing Order No 18;
- (e) on a point of order, or
- (f) on a point of personal explanation.

***STANDING ORDER No. 17
Amendments to Motions**

17. (1) An amendment cannot be discussed until it has been proposed and seconded. At a Council meeting the Mayor shall require an amendment to be written down and handed to the Chief Executive before it is voted on, unless the amendment is straightforward.
- (2) An amendment must be relevant to the motion and must.-
- (a) refer a subject of debate to a body for consideration or reconsideration; or
 - (b) delete words;
 - (c) add words;
 - (d) delete words and insert others, BUT SUCH DELETIONS AND ADDITIONS MUST NOT SIMPLY NULLIFY THE EFFECT OF A MOTION BEFORE THE MEETING.
- (3) Only one amendment may be moved and discussed at a time and no further amendment can be moved until the amendment being discussed has been dealt with. However, the Mayor may permit two or more amendments to be discussed together

if this would help business to be dealt with more efficiently. Similarly and so as also to ensure consistency of approach, the Mayor may also permit two or more amendments to be discussed and voted on together where recommendations are being made to the Council by two or more different bodies on the same or related subjects. The Mayor can decide the order for voting on such amendments and can also refuse to accept an amendment, if he/she believes it to be frivolous or the subject matter has already been substantially discussed earlier in the meeting

- (4) If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the amended motion takes the place of the original motion and becomes the motion on which any further amendment may be moved.

* Also applies to Boards, Committees, Panels and other bodies (see Standing Order No. 32).

RULES OF DEBATE **FOR COUNCIL MEETINGS**

***STANDING ORDER No. 18** **Rights of Reply**

18. (1) The mover of a motion under Standing Order No. 8(1) has a right to reply at the end of the discussion:-
 - (a) on any item in the minutes (whether there is to be a vote on that item separately from the other minutes, or not) or
 - (b) on any amendment. (But see paragraph (3) below.)Any vote must be taken immediately after the reply.
- (2) The mover of a Notice of Motion, dealt with at the meeting under Standing Order No. 10, has a right of reply immediately before the vote is taken on the motion or on an amendment.
- (3) The mover of an amendment will have a right of reply immediately before the mover of the motion exercises his/her right of reply under paragraph (1) and (2) above.

***STANDING ORDER No. 19** **Closure Motions**

19. At the end of any speech, any of the following motions may be moved and seconded, without comment:-
 - (a) "That the Council proceeds to the next business" (The Mayor will put this to the vote after giving any right of reply under Standing Order No 18),
 - (b) "That the vote be taken" (This must be voted on immediately - without discussion or right of reply. If it is carried then, after any right of reply has been given under Standing Order No. 18, the amendment or other motion must be voted on immediately.)

- (c) "That the debate be adjourned" or "That the meeting be adjourned". (Either motion must be voted on immediately without discussion or right of reply.)

* Also applies to Boards, Committees, Panels and other bodies (see Standing Order No. 32).

**RULES OF DEBATE
FOR COUNCIL MEETINGS**

***STANDING ORDER No. 20
Interventions**

Points of Order / Personal Explanations

20. (1) A Member may rise on a point of order or in personal explanation, and is entitled to be heard immediately.
- (2) A point of order is a request to the Mayor for a ruling on any claimed irregularity in the constitution or conduct of the meeting. The Member raising the point of order must specify the Standing Order or Act of Parliament concerned and the manner in which he/she claims it has been broken.
- (3) A personal explanation allows a Member briefly to correct or explain an error in, a misunderstanding as to, or a misquotation from, an earlier speech by him/her
- (4) The ruling of the Mayor on a point of order or personal explanation is not open to discussion and shall be final.

Respect for Chair

- (5) WHEN THE MAYOR STANDS DURING A DEBATE, ANY MEMBER SPEAKING MUST STOP TALKING AND SIT DOWN AND THE COUNCIL MUST BE SILENT.

***STANDING ORDER No. 21
Disorderly Conduct by Members**

21. (1) If any Member persistently disregards the ruling of the Mayor, or behaves irregularly, improperly or offensively, or wilfully obstructs Council business, the Mayor or any other Member may move: "That Councillor (*Name*) be not further heard". This motion, if seconded, must be voted on immediately without discussion
- (2) If the Member continues to misbehave after a motion under paragraph (1) has been carried the Mayor can either:-
- (a) move: "That Councillor (*Name*) leave the meeting" (This must be voted on immediately without being seconded or discussed), or
- (b) adjourn the meeting for as long as he/she considers necessary.
- (3) If there is a general disturbance making orderly business impossible, the Mayor has the power to adjourn the meeting for as long as he/she considers necessary.

* Also applies to Boards, Committees, Panels and other bodies (see Standing Order No. 32).

***STANDING ORDER No.22
Discussions Involving Exempt Information**

22. If the Chief Executive expresses the opinion that exempt information could be disclosed at a meeting during consideration of any item, no discussion shall take place until the Council has decided whether or not to exclude the public and press under Section 100A(4) of the 1972 Act.

32). * Also applies to Boards, Committee, Panels and other bodies (see Standing Order No.

**RULES OF DEBATE
FOR COUNCIL MEETINGS**

BOARDS, COMMITTEES, PANELS AND OTHER BODIES

STANDING ORDER No. 23

Appointment of Boards, Committees, Panels, and Portfolio Holders

23. (1) The Council will, at its Annual Meeting, appoint such Boards, Committees, Panels, and Portfolio Holders as it is required to appoint under any statute or by virtue of its Constitution. A political group may utilise one substitute for every Member they have on the Body and for the avoidance of doubt a Member may be appointed to, or be a substitute at, a Sub-Committee even if they are only a nominated substitute for the parent Body.
- (2) The Council will, at the Annual Meeting, decide how many Members will serve on each of the above bodies it appoints for the forthcoming year and will appoint their Chairmen and Vice-Chairmen (with the exception of the Standards Committee which shall appoint its own Chairmen and Vice-Chairmen) together with other Members after considering recommendations from the Leader of the Council and the Leaders of the other political groups on the Council. The Council, on the recommendation of these Members, will also appoint the Portfolio Holders
- (3) The Council can, at any time:-
- (a) appoint other Boards, Committees, Panels, , other bodies or Portfolio Holders; or
 - (b) dissolve or alter the Membership of any Board, Committee, Panel or body it appoints or change a Portfolio Holder appointment.
- (4) A body can appoint, Panels, Sub-Committees or Task and Finish Groups for purposes specified by the appointing body within its terms of reference. When such a Panel, Sub-Committee or Task and Finish Group is appointed, the Chairman and Vice-Chairman of the appointing body are automatically Members of the Panel, Sub-Committee or Task and Finish Group concerned and are, respectively, its Chairman and Vice-Chairman, unless they inform the Chief Executive to the contrary. The membership of the Panel, Sub-committees or task and finish group need not come from within that body.
- (5) The minutes of a Panel, Sub-Committee or Task and Finish Group must be reported to its parent body for approval or, if it has delegated powers, for information.
- (6) No Member's term of office on one of these bodies will extend beyond the date of the next Annual Meeting of the Council, with the exception of the Independent Members of the Standards Committee who may be appointed for periods of longer than one year.
- (7) A resignation of a Member from a Board, Committee, Panel, Sub-Committee or Task and Finish Group will take effect when written notice is received by the Chief Executive.
- (8) Casual vacancies on Boards, Committees, Panels or bodies caused by death, resignation or disqualification will be filled by the Council. Casual vacancies on bodies appointed under Standing Order No. 23(4) will be filled by the parent Body.
- (9) Those Members acting as Substitutes in accordance with this Standing Order may attend any meeting of the Board, Committee, Panel, Sub-Committee or Task and

Finish Group in the absence of any other Member of that Board, Committee, Panel, Forum, Sub-Committee or Task and Finish Group provided that notice has been given to the Chief Executive by 1pm on the day of the meeting. That notice may be given by the Group Leader, the Member or the Substitute. Any Member acting as a Substitute shall have the same powers as, and shall in all other regards be counted

BOARDS, COMMITTEES, PANELS AND OTHER BODIES

as, a Member of the Board, Committee, Panel, Forum, Sub-Committee or Task and Finish Group.

STANDING ORDER No. 24 Meetings

24. (1) The Council will fix the dates for meetings of its bodies, but the Chief Executive can, in consultation with the Chairman, alter the date of a particular meeting. Notice of any alteration must immediately be given to all Members of the body concerned.
- (2) Each body will individually fix the times of its meetings, but the Chief Executive can, in consultation with the Chairman, alter the time of a particular meeting. Notice of any alteration must immediately be given to all Members of the body concerned.
- (3) The dates and times for meetings of those bodies appointed under Standing Order No. 23 (4), will be fixed by the Chief Executive, in consultation with the Chairman concerned.
- (4) All meetings will be summoned by the Chief Executive and will be held in The Council House, South Street, Atherstone, but the Chief Executive (if accommodation is not available for a particular meeting) may arrange an alternative venue within the Borough.
- (5) The Chairman of a body or the Mayor can require the Chief Executive to summon a special meeting at any time. Similarly, three Members of Board, Committee, Panel or Forum and two Members of any other body, by a written request specifying the business to be considered, can also require the Chief Executive to call a special meeting
- (6) Meetings of the Executive Board solely for peacetime or wartime emergencies can be called at any time by the Chief Executive after consultation with the Chairman, if possible. If necessary, telephone notice of the meeting will be sufficient. Lack of notice to one or more Members will not invalidate the proceedings of that meeting.

STANDING ORDER No. 25 Agendas and Reports

25. (1) When the agenda is sent to the Members of a body, it shall at the same time be sent to the other Members of the Council for their information.
- (2) When the reports are sent to the Members of a body, they shall also be sent to other Members of the Council who have requested them. Such requests for reports can be made at any time and should be made through:-
- (i) the Assistant Chief Executive and Solicitor to the Council in cases where all agendas and reports of a specific body are required throughout the municipal year; or

- (ii) the Contact Officer for the report (ie the Report Author) where a particular report is required.

(To assist Members in relation to (i) above, a questionnaire will be distributed each year at the Annual Council Meeting, so that Members can indicate which reports they would like to receive automatically throughout the municipal year, in addition to the reports of those bodies on which they will sit for that year)

BOARDS, COMMITTEES, PANELS AND OTHER BODIES

- (3) If it is not possible to send a report to Members of the Council before the relevant meeting, it must be circulated as soon as practicable after the meeting.
- (4) A Member who wishes an item to be discussed at the next meeting of the appropriate body (whether or not he/she is a Member of that body), must give a written note of the item to the Chief Executive not later than two working days before the day when the agenda and reports are normally despatched for that meeting. The Chief Executive will then, subject to the agreement of the relevant Chairman, include that item in the agenda and will so far as possible, within the time available, endeavour to obtain the advice and comments of the relevant officers on the subject.
- (5) In relation to paragraphs (2), (3) and (4) above, a report will only be included on an agenda for a meeting where it requires a formal decision to be taken by the Board, Committee, Panel or other body, unless the Chairman, Chief Executive or relevant Director requests its inclusion on the agenda or the report concerns performance monitoring, new legislation or a consultation document. With these exceptions, all other reports will be excluded from the agenda. Details of such items will instead be sent by electronic mail, in a weekly information bulletin, to Members, for their information, and will not form part of the business for consideration at meetings.
- (6) A Portfolio Holder, for the portfolio he or she holds, shall have the right to attend any meeting of a body in order to explain or present a cross-cutting issue, implication or effect in relation to the subject matter in question, but shall not be entitled to vote unless he or she is a Member of that body.

STANDING ORDER No. 26

Quorum for Board, Committee, Panel and other Meetings, excluding meetings of the Standards Committee

- 26. (1) With the exception of the Standards Committee, no business can be dealt with at a Board, Committee, Panel or other meeting unless there is present a quorum of 25% of its total Membership, including any co-opted Members. However, in no case can the quorum be less than two Members.
- (2) If there is no quorum, the meeting must be adjourned immediately and any remaining business postponed to a date and time fixed by the Chairman at the adjournment or, if no such arrangements are made, to the next ordinary meeting.

STANDING ORDER No. 27

Quorum for the Standards Committee

- 27. (1) No business can be dealt with at a Standards Committee meeting unless at least 3 Members are present.

- (2) If there is no quorum, the meeting must be adjourned immediately and any remaining business, postponed to a date and time fixed by the Chairman at the adjournment or, if no such arrangements are made, to the next ordinary meeting.

STANDING ORDER No. 28

Chairing the Meeting

28. (1) The Chairman (or in his/her absence, the Vice-Chairman) of each body will chair the meeting. In their absence, the other Members present will choose one of their number to chair the meeting.

BOARDS, COMMITTEES, PANELS AND OTHER BODIES

- (2) Any of the Chairman's powers or duties for conducting a meeting may be exercised by the Member who chairs the meeting.

STANDING ORDER No. 29

Voting at Board, Committee, Panel and other Meetings

29. (1) Voting at the above meetings must be by show of hands.
- (2) If the number of votes for and against a proposal are equal, the Chairman has a second or casting vote.
- (3) Immediately after a vote is taken, a Member may require that there shall be recorded in the minutes of the proceedings of that meeting whether that person voted for or against the proposal or whether he/she abstained from voting.

STANDING ORDER No. 30

Minority Report (Temporary Removal of Delegation)

30. (1) Where a resolution is passed by a body, acting under delegated powers, that resolution will be reduced to *a recommendation* to the Council if:-
- (a) any Member of the relevant body provisionally notifies the Chief Executive before 4.00 p.m. on the first working day after the resolution was passed that he/she intends to seek support, in accordance with paragraph (b) below; and
- (b) not later than 5:00 p.m. on the third day after the resolution was passed, the Chief Executive receives a formal notice signed by not less than one-third of the Members of the relevant body requesting that the resolution is submitted to the Council for confirmation.
- (2) When a provisional notice is given under paragraph (1)(a) above, no action will be taken on the resolution until the appropriate procedures mentioned in this Standing Order have been dealt with.
- (3) When a valid formal notice is received in accordance with paragraph (1)(b) no action will be taken on the resolution until the Council at its next meeting has had chance to consider the matter. At that stage, the resolution will be reported to the Council for

confirmation with an indication that formal notice under this Standing Order has been given

- (4) If a formal notice under paragraph (1)(b) is not received within the time allowed, the resolution must be put into effect immediately.
- (5) This Standing Order will not apply to any decision of a relevant body on:
 - (a) an application which requires a decision to be made within a specified time which will expire before the date of the next ordinary Council meeting, if the delay would invalidate that decision; and
 - (b) the appointment of an Officer to fill a vacancy in the service of the Council

BOARDS, COMMITTEES, PANELS AND OTHER BODIES

STANDING ORDER No 31 Rules of Debate for Board, Committee, Panel and other Meetings

31. The Rules of Debate at Council Meetings (Standing Orders 14 to 22) apply, with any necessary modification, to meetings of Boards, Committees, Panels and other bodies except. -
 - (i) Standing Order No 14 (5) - Rescinding of Motion; and
 - (ii) the requirements concerning standing and speaking only once.

MEETINGS GENERALLY

STANDING ORDER No.32 Notice of and Summons to Meetings

32. The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least 5 clear days before a meeting, the Chief Executive will send a summons signed by him/her to each Member of the body to which the summons relates, and any other Member who has requested notice of the meeting in accordance with the procedure set out in Standing Order No. 25(2). The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. The summons and the reports to Members may be sent by post, electronic mail, or left at the Members usual place of residence.

STANDING ORDER No.33 Record of Attendances

33. Members attending a meeting must sign their names in the attendance book provided, which will be open to inspection by other Members of the Council.

**STANDING ORDER No.34
Attendance by Councillors at
Meetings of which they are not Members**

34. (1) Any Councillor can attend a meeting of which he/she is not a Member. In addition, that Councillor, provided that he/she obtains the consent of the Chairman concerned before the meeting starts and also specifies the item(s) of business in which he/she is interested, can speak, but not vote, on the item(s) in question.
- (2) The Chairman will advise the Chief Executive of any consents given under this Standing Order before the start of each meeting.

MEETINGS GENERALLY

**STANDING ORDER No. 35
Admission to and Exclusion from Meetings**

35. Members of the public and press may only be excluded from meetings either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Standing Order No. 36 (Disturbance by Members of the Public).

**STANDING ORDER No. 36
Disturbance by Members of the Public**

36. (1) If a Member of the public interrupts proceedings the person chairing the meeting will warn him/her. If he/she continues to interrupt, the person chairing the meeting can order his/her removal from the meeting room.
- (2) If there is a general disturbance in any part of the meeting room which is open to the public, the person chairing the meeting can order that part to be cleared.

**STANDING ORDER No.37
Recordings at Meetings and other apparatus**

37. (1) Any Member of the Council, the public or the press attending Council, Board, Committee, Panel or other meetings may take written notes of the proceedings.
- (2) Any Member of the Council or member of the public may record any meeting in accordance with the Openness of Local Government Bodies Regulations 2014 and the Policy on Recording, Filming, Photographing and Broadcasting North Warwickshire Borough Council Meetings adopted on 1st October 2014.
- (3) A Member of the Council, in exceptional circumstances and with the approval of the person chairing the meeting, may be allowed to leave his/her mobile phone active for

the purpose of receiving an anticipated emergency call, which shall then be answered outside the meeting room.

STANDING ORDER No. 38
Access to Information

38. (1) Where a Member has the right to inspect or copy any document, that right must not be exercised in respect of a document about any matter in which the Member is professionally interested or in which he/she has, directly or indirectly, any pecuniary interest within the meaning of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 or which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.
- (2) Any Member wishing to inspect a document not open to the public must, where practicable, give reasonable notice to the Chief Executive in advance so that the document can be made available.
- (3) All minutes (and other documents that are open to inspection) can be seen by Members during office hours.

MEETINGS GENERALLY

- (4) All agenda, reports and other documents and all proceedings of meetings must be kept confidential unless and until they become public in the ordinary course of the Council's business.

STANDING ORDER No. 39
Adjournments

39. Where a meeting or debate is adjourned under Standing Order No. 19 or 21:-
- (a) the adjournment of an ordinary meeting may not extend beyond the date of the next ordinary meeting;
- (b) the Member who moved the adjournment will be entitled to speak first once the adjourned debate or meeting is resumed;
- (c) the only business which may be discussed at the resumed meeting is that set out in the summons for the adjourned meeting; and
- (d) when a meeting is adjourned for more than 24 hours, the Chief Executive must send notice of the adjourned meeting to each Member of the Council or body concerned. The notice must specify the business to be dealt with.

MISCELLANEOUS MATTERS

STANDING ORDER No.40
Appointment of Representatives
on Outside Bodies

40. The Council will, after considering recommendations from the Leader of the Council and the Leaders of the other political groups on the Council, appoint or nominate representatives of the Council to serve on other Authorities or bodies, unless the functions of the Authority or body concerned relate to a service for which a Board, Committee, Panel or other body is solely responsible.

STANDING ORDER No. 41
Restrictions on Inspections and
Issuing Orders

41. (1) Unless specifically authorised by or on behalf of the Council, a Member must not claim any rights to enter or inspect property where the Council has a right to enter or inspect.
- (2) A Member must not issue any order relating to work being done by or for the Council.

STANDING ORDER No.42
Suspension and Alteration
of Standing Orders

Suspension

42. (1) The Council's Standing Orders (whether relating to procedural or contract matters) may be suspended for any business at the meeting where its suspension is moved, provided that such suspension complies with the principles of Article 15.01(b) of the Constitution.
- (2) At a meeting of the Council, a motion under paragraph (1) cannot be moved without notice (i.e. under Standing Order No. 9) unless at least half the Members of the Council are present.
- (3) In relation to those Standing Orders which, by virtue of Standing Order No. 32, apply to meetings of Boards, Committees, Panels and other bodies, a motion under paragraph (1) cannot be moved without notice unless at least half of the Members of the Board, Committee, Panel or Forum (as the case may be) are present.
- (4) Where a Board, Committee, Panel or other body recommends the suspension of a Standing Order in its minutes to the Council, that Standing Order will become suspended on the adoption of the recommendation.

Alteration

- (5) Any motion to add to, vary or revoke Standing Orders (whether relating to procedural or contract matters) must, when proposed and seconded, be adjourned without discussion to the next ordinary meeting of the Executive Board for consideration and report to the Council.

MISCELLANEOUS MATTERS

STANDING ORDER No.43
Standing Orders to be Given
to Members

43. Each Member will be supplied with a copy of Procedural and Contract Standing Orders.

STANDING ORDER No 44
Interpretation

44. (1) In these Procedural Standing Orders: -

“Body” means a Board, Committee, Panel or decision making body of the Council.

“Chairman” means the person who presides at a meeting of a body (he or she may also, in relevant circumstances, hold another office such as Leader of the Council, a Deputy Leader, a Portfolio Holder etc)

“Chief Executive” means the Chief Executive for the time being of the Council and, where appropriate, includes the Chief Executive’s representative at a meeting.

“Deputy Leader” means the Chairman of the Resources Board, the Chairman of the Community and Environment Board and the Chairman of the Planning and Development Board

“Leader of the Council” means the Chairman of the Executive Board.

“Minutes” in relation to a Board, Committee, Panel or other body include any report made by that body to the Council.

“Policy Board” means the Executive Board, the Resources Board or the Community and Environment Board.

“Political group” means a political group constituted under Schedule 1 to the Local Government and Housing Act 1989 and regulations made under that Act.

“Portfolio Holder” means a Councillor appointed, normally at the Annual Meeting of the Council, to act as the Council’s Lead Member and spokesperson on a key cross-cutting theme or for a specific function, who will also ensure that his/her designated area of responsibility (portfolio) is considered and taken into account during the decision making process at meetings of the various bodies of the Council.

“Senior Officer” means a Deputy Chief Executive, Assistant Director, Assistant Chief Executive or Officer on at least the Principal Officers’ salary grade.

“The 1972 Act” means the Local Government Act, 1972

“Vice-Chairman” means the person who presides at a meeting of a body in the absence of the Chairman

- (2) The ruling of the person chairing a meeting shall not be challenged at the meeting in relation to how these Standing Orders are interpreted or applied, or on Council proceedings

PROCEDURE RULES FOR THE REGULATION OF PROCEEDINGS – ALL MEETINGS

PROCEDURE RULE No. 45

45.1 Following the expiry 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 on 6 May 2021, it is no longer possible to hold remote meetings and the High Court has ruled that Members must be physically present at the same location at the same time, and the public must also have physical access to the meeting at that time. There is however, some flexibility in relation to attendance of officers, press and those members of the public with a right to participate in meetings. It is however, still necessary to ensure the safety of all those attending meetings.

The following Standing Orders have therefore been made under section 106 and paragraph 42 of the Local Government Act 1972 (the 1972 Act) to allow meetings to be arranged and held safely whilst there may still be risks to the public from Covid19.

45.2 Standing Orders number 1 and 24 shall allow the Chief Executive to arrange for meetings to be held at an alternative venue, either inside or outside the borough, if appropriate to safely accommodate Members, officers and the public. The venue of a meeting may not be changed after public notice of the meeting has been given.

45.3 Notwithstanding Standing Order number 1 the Chief Executive may, in consultation with the Mayor, change the date and time of any meeting of the Council. The time and/or date of a meeting may not be changed after public notice of the meeting has been given nor may the annual meeting of the Council be changed to a date which is not permitted by the 1972 Act.

45.4 The Council shall, where practicable, broadcast its meetings and those of its Boards and Sub-committees by live streaming onto the Council's YouTube channel to allow the public and press to view proceedings, rather than attend physically, should they wish to do so. The broadcast shall not include any part of the meeting during which the public are excluded whilst confidential or exempt information is considered. The Council will only admit as many Members of the public and/or press to the public gallery as it is safe to do so having regard to any risk assessment carried out in relation to the venue concerned. Appropriate precautions including screens and provision of hand sanitiser will be in place for the protection of those who attend.

45.5 (a) Any person who has a right to address a meeting of the Council, its Boards or Sub-committees whether under Standing Order 7, arrangements for speaking at Planning Board, or otherwise, may choose not to do so by attending the meeting in person but instead may do so by remote attendance using Microsoft Teams (or other similar facility adopted by the Council) or by submitting their question or speech in writing prior to the applicable deadline for giving notice of their intention to speak. Where the question or speech is submitted in writing a copy shall be forwarded to all Members of the body concerned and the content may be read out by the person presiding the meeting if they consider it appropriate to do so.

(b) Officers are not subject to the same legal requirements as Members to attend meetings, therefore in order to minimise the number of persons who must be present in the venue for the purpose of ensuring the safety of those present, facilities will be made available for officers to present reports and answer questions from Members using remote means such as Microsoft Teams.

(c) The Council will continue to make provision for the attendance of the press to report on meetings however, where having proper regard to the right of freedom of expression in Article 10 it is considered that the press may report accurately and fully on proceedings by viewing a broadcast of

the meeting as it takes place, the person presiding at the meeting may limit their attendance if necessary due to the size and safe capacity of the venue concerned to allow those who have a right to participate to do so safely.

(d) Where it is necessary for:

- (i) a member of the public with a right to participate to physically attend a meeting; or
- (ii) an Officer who is presenting a report to physically attend a meeting to do so; or
- (iii) a member of the press to physically attend a meeting to accurately report on proceedings;

the person presiding at a meeting may limit the number of members of the public who may attend to observe the meeting in order to ensure that there is sufficient space available for those persons to do so.

45.6 (a) Where a Member is unable to physically attend a meeting due to isolating from Covid19 they may submit written comments on any item of business to be considered at that meeting to the Chief Executive no later than 9.30 a.m. two working days before the day of the meeting. Those comments will be forwarded to all Members of the body concerned and the content may be read out by the person presiding at the meeting if they consider it appropriate to do so.

(b) A member may not use the process in paragraph (a) for the purpose of voting on an item of business.

(c) A Member who is unable to physically attend a meeting due to isolating from Covid19 may use this procedure to submit written comments to a body of which they are not a member in place of their right to attend and speak under Standing Order 34, provided that they have sought the permission of the Chair of the body concerned to do so not later than 9.30 a.m. two working days before the day of the meeting.

45.7 The person presiding at a meeting may give appropriate directions to any Member, officer, or member of the public or press (whether or not relating to matters set out in Standing Order 45.5 (a), (b), (c) or (d)) for the purpose of ensuring safety of those present, including in relation to use of face masks or screens, occupation of seats, entering or exiting the venue or as otherwise considered necessary to prevent risk to those present. This may also include allowing Members to remain seated whilst addressing a meeting so that they remain behind any screens that have been provided.

45.8 During the time that these amended Standing Orders are in force for the purpose of restricting the spread of the Coronavirus, any notice which is required to be given by a Member of the Council under Standing Orders may be given electronically. During that time any signature which is required on any such document may also be attached electronically.

45.9 Standing Order 45.8 does not apply in relation to a formal notice which is served under the Local Government Act 1972 or other legislation, such as a declaration of acceptance of office or resignation of office or in relation to nominations for elections.

This Standing Order Procedure Rule Number 45 revokes and replaces the previous Standing Order No 45 which was last amended on 21st September 2020.

Agenda Item No 9

Full Council

28 July 2021

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

To consider whether, in accordance with Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 10

Extract from Resources Board minutes – 22 March 2021

Paragraph 3 - . Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Agenda Item No 11

Extract from Special Sub-Group minutes – 8 June 2021

Paragraph 1 – Information relating to an individual

Agenda Item No 12

Extract from Community and Environment Board – 27 July 2021

Paragraph 2 – Information which is likely to reveal the identity of an individual.

In relation to the item listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

The Contact Officer for this report is Clive Tobin (719251).