

# **AGENDA**

for

the **ANNUAL MEETING** of the  
Council to be held at

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

on

**24 MAY 2021**

at

**6.30pm**



## North Warwickshire Borough Council

**Steve Maxey** BA (Hons) Dip LG Solicitor  
**Chief Executive**

The Council House  
South Street  
Atherstone  
Warwickshire  
CV9 1DE

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Date : 14 May 2021

**To: All Members of the Council**

Dear Sir / Madam

You are hereby summoned to attend the Annual Meeting of the Council, to be held at Atherstone Memorial Hall, Long Street, Atherstone on Monday 24 May 2021 at 6.30pm.

The following business will be transacted:

- 1 Evacuation Procedure.
- 2 To elect the Mayor of the Borough for the ensuing year. (The Mayor will then make a declaration of acceptance of office and the Mayor will be invested with the Chain and Badge of Office).
- 3 Apologies for absence / Members away on official Council business.
- 4 Declarations of Personal or Prejudicial Interest.
- 5 The Mayor to move, in accordance with Standing Order No 6(1):

**“That the minutes of the Meeting of the Council held on 29 March 2021 be approved as a correct record”.**

- 6 To appoint the Deputy Mayor of the Borough for the ensuing year. (The Deputy Mayor will then make a declaration of acceptance of office and the Deputy Mayor and Deputy Mayoress will be invested with their Badges of Office by the Mayor).
- 7 To receive the Mayor’s announcements.

- 8 To receive the Returning Officer's report upon the 2021 Borough Council Elections (copy herewith).
- 9 To decide, in accordance with Standing Order No 23(2), the number of Members to Boards for the ensuing year and to appoint Chairmen/Vice-Chairmen as appropriate and to appoint representatives of the Council to serve on outside bodies, in accordance with Standing Order No 40 (as attached).
- 10 To authorise the amended Calendar of Meetings (copy herewith).
- 11 The Levelling Up Fund (copy herewith).
- 12 To propose 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 (copy herewith).
- 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

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above the title 'Chief Executive'.

Chief Executive

**MINUTES OF THE MEETING OF THE  
NORTH WARWICKSHIRE BOROUGH COUNCIL HELD AT THE COUNCIL  
HOUSE, SOUTH STREET, ATHERSTONE ON  
MONDAY 29 MARCH 2021**

Present: Councillor Jarvis in the Chair.

Councillors Bell, Chambers, D Clews, T Clews, Davey, Dirveiks, Farrow, Gosling, Hayfield, D Humphreys, M Humphreys, Jenns, Lees, Macdonald, McLauchlan, Morson, Moss, Osborne, Parker, Parsons, H Phillips, O Phillips, Reilly, Rose, Simpson, Singh, Smith, Symonds, A Wright and D Wright.

An apology for absence was received from Councillor Deakin.

Prior to the commencement of the meeting a minute's silence was held to reflect on the sad passing of Cllr Dawn Downes.

**30 Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

**31 Minutes of the Meeting of the Council held on 24 February 2021**

The minutes of the Meeting of the Council held on 24 February 2021 were approved as a correct record and signed by the Mayor.

**32 Mayor's Announcements**

No announcements to report.

**33 Questions Pursuant to Standing Order No. 7**

No questions had been received.

**34 Minutes of Boards/Committees**

**a) Special Sub-Group – 16 February and 9 March 2021.**

It was proposed by Councillor D Clews, seconded by Councillor Smith and

**Resolved:**

**That the minutes of the meetings of the Special Sub-Group held on 16 February and 9 March 2021, together with the recommendations contained therein, be approved and adopted.**

- b) Planning and Development Board – 16 February and 8 March 2021.**

It was proposed by Councillor Simpson, seconded by Councillor Lees and

**Resolved:**

**That the minutes of the meeting of the Planning and Development Board held on 16 February and 8 March 2021, together with the recommendations contained therein, be approved and adopted.**

- c) Community and Environment Board – 15 March 2021**

It was proposed by Councillor Bell, seconded by Councillor Smith and

**Resolved:**

**That the minutes of the meeting of the Community and Environment Board held on 15 March 2021, together with the recommendations contained therein, be approved and adopted.**

- d) Executive Board 29 March 2021**

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

**Resolved:**

**That the minutes of the meeting of Executive Board held on 29 March 2021, together with the recommendations contained therein, be approved and adopted.**

- 35 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.**

- 36 Confidential Extract of the Special Sub-Group held on 9 March 2021**

It was proposed by Councillor D Clews and seconded by Councillor Smith and

**Resolved:**

**That the confidential extract of the minutes of the Special Sub-Group held on 9 March 2021, together with the recommendations therein, be approved and adopted.**

**37 Confidential Extract of the Executive Board held on 29 March 2021**

It was proposed by Councillor D Wright and seconded by Councillor D Humphreys and

**Resolved:**

**That the confidential extract of the minutes of the Executive Board held on 29 March 2021, together with the recommendations therein, be approved and adopted.**

**38 The Common Seal**

It was proposed by Councillor Morson, 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**

**Election of Councillors**

**Result of Poll – 6<sup>th</sup> May 2021**

**Set out below are the Councillors elected to North Warwickshire Borough Council in the by-elections held on 6<sup>th</sup> May 2021**

**Atherstone Central Ward**

Mark Jordan

**Curdworth Ward**

Sandra Smith

**Polesworth East Ward**

Dan Hancocks

**Agenda Item No 9**

**Council**

**24 May 2021**

**Report of the Head of Legal Services and  
Monitoring Officer**

**Appointment of Boards,  
Chairpersons / Vice Chairpersons,  
Spokespersons, and  
representatives on outside bodies**

**1 Summary**

- 1.1 This report sets out the requirements for the Council to appoint Boards, and Committees and for deciding the number of members on those bodies in accordance with rules on political balance; along with the appointment of Chairpersons and Chairpersons for each body, spokespersons and for representatives on outside bodies.

<p><b>Recommendation to the Council</b></p> <p><b>a That Council notes the requirements which apply to making such appointments; and</b></p> <p><b>b That Council appoints such bodies and allocates seats to members having regard to the wishes of each political group.</b></p>
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**2 Consultation**

- 2.1 Councillors D Wright and Gosling have been sent an advanced copy of this report for comment and for the purpose of nominating specific members for each of the appointments set out below. Those nominations and any comments received will be circulated and reported verbally at the meeting.

**3 Report**

**Background**

- 3.1 Members will be aware that each year at Annual Council various appointments are made to Boards and other bodies, along with the Chairpersons and Vice Chairpersons of those bodies. Similarly, a Leader of the Council and Deputy Leader of the Council are appointed, together with the Leader and Deputy Leader of the opposition groups and members are also appointed as representatives on certain outside bodies.

3.2 Boards, Committees and Sub-Committees are appointed under the Local Government Act 1972. Details of these appointments, together with those to be made to outside bodies, are set out on Appendix A to this report.  
...

3.3 Standing Orders set out when and how these appointments are made. There are also certain legal requirements which apply to the appointment of Boards, Committees and Sub-committees and of representatives to certain outside bodies (but not to Working Parties). These requirements can be summarised as follows:

- (a) Seats on these bodies must be allocated in proportion to the number of seats which each political group holds on the Council overall; and
- (b) When appointing those bodies, the Council must take account of the wishes of each political group when deciding which Members to appoint.

3.4 Regulations state that the wishes of a political group can be expressed:

- (a) Orally in writing by the Leader or Deputy Leader of the political group; or
- (b) In a written statement signed by the majority of the members of the political group.

For that reason, a copy of Appendix A has been sent to each of the current group Leaders so that they may indicate the wishes of their groups when Council considers this report.

3.5 As stated above, it is necessary to allocate seats in proportion to the number of seats which each political group holds on the Council. The legal principles which must be applied are as follows:

- (a) not all seats on the body are allocated to the same political group;
- (b) the majority of seats on the body is allocated to a political group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) subject to (a) and (b) above, the number of seats on the ordinary committees of the authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
- (d) subject to (a) to (c) above, the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

... The membership of each body referred to in Appendix A takes account of these principles. Details of the allocations to each body as a proportion of the Council's membership are set out in Appendix B. Council is asked to note that due to the number of members of each group and the rules applying to allocation of seats, there is always a degree of tolerance to these calculations.

- 3.6 For completeness, Council is asked to note that the Alcohol and Gambling Licensing Committee is established under the Licensing Act 2003 rather than under the 1972 Act. The rules on political balance do not apply to Committees established under the 2003 Act, however, it is still a function of the Council to decide which members sit on that Committee. As suggested in a previous report relating to Licensing Committees, it makes practical sense for the same members to sit on both the Alcohol and Gambling Licensing Committee and the Taxi and General Licensing Committee due to the similarity to their roles.

### **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 set out in the body of this report. The proposed allocation of seats on each body takes account of the principles set out at paragraph 3.5 above.

#### **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 (719251)

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

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>

**NORTH WARWICKSHIRE BOROUGH COUNCIL****CONSTITUTION OF BOARDS/COMMITTEES FOR 2021/2022 AND THE APPOINTMENT OF MEMBERS AND THE CHAIRMAN AND VICE-CHAIRMAN THERETO****Executive Board (11)**

1	(C)	Leader –	
2	(C)		(Vice-Chair)
3	(C)		
4	(C)		
5	(C)		
6	(C)		
7	(C)		
8	(L)		(Spokesperson)
9	(L)		
10	(L)		
11	(L)		

**Community & Environment Board (12)**

1	(C)	Deputy Leader -	
2	(C)		(Vice-Chair)
3	(C)		
4	(C)		
5	(C)		
6	(C)		
7	(C)		
8	(C)		
9	(L)		(Spokesperson)
10	(L)		
11	(L)		
12	(L)		

**Resources Board (11)**

1	(C)	Deputy Leader –	
2	(C)		(Vice-Chair)
3	(C)		
4	(C)		
5	(C)		
6	(C)		
7	(C)		
8	(L)		(Spokesperson)
9	(L)		
10	(L)		
11	(L)		

**Planning and Development Board (15)**

1	(C)	Deputy Leader –	
2	(C)		(Vice-Chair)
3	(C)		
4	(C)		
5	(C)		
6	(C)		
7	(C)		
8	(C)		
9	(C)		
10	(C)		
11	(L)		(Spokesperson)
12	(L)		
13	(L)		
14	(L)		
15	(L)		

**Alcohol & Gambling Licensing Committee (15)**

1	(C)	Chairman –	
2	(C)		(Vice-Chair)
3	(C)		
4	(C)		
5	(C)		
6	(C)		
7	(C)		
8	(C)		
9	(C)		
10	(C)		
11	(L)		(Spokesperson)
12	(L)		
13	(L)		
14	(L)		
15	(L)		

Taxi and General Licensing Committee (15)

1	(C) Chairman –	11	(L)	(Spokesperson)
2	(C) (Vice-Chair)	12	(L)	
3	(C)	13	(L)	
4	(C)	14	(L)	
5	(C)	15	(L)	
6	(C)			
7	(C)			
8	(C)			
9	(C)			
10	(C)			

Special Sub-Group (6)

1	(C) Chairman –			
2	(C) (Vice Chairman)			
3	(C)			
4	(C)			
5	(L) (Spokesperson)			
6	(L)			

Safer Communities Sub-Committee (11)

1	(C) Chairman –			
2	(C) (Vice-Chairman)			
3	(C)			
4	(C)			
5	(C)			
6	(C)			
7	(C)			
8	(L) (Spokesperson)			
9	(L)			
10	(L)			
11	(L)			

Local Development Framework Sub-Committee (6)

1	(C) Chairman –			
2	(C) (Vice-Chairman)			
3	(C)			
4	(C)			
5	(L) (Spokesperson)			
6	(L)			

Standards Committee (6)

1	(C) Chairman –			
2	(C) (Vice-Chairman)			
3	(C)			
4	(C)			
5	(L) (Spokesperson)			
6	(L)			

## Working Party and Task and Finish Groups

### Parking Task and Finish Group

1 (C)  
2 (C)  
3 (C)  
4 (C)  
5 (L)  
6 (L)

### Health and Wellbeing Working Party

1 (C)  
2 (C)  
3 (C)  
4 (C)  
5 (L)  
6 (L)

### Housing Task and Finish Group

1 (C)  
2 (C)  
3 (C)  
4 (C)  
5 (L)  
6 (L)

### Climate Change Member Group

1 (C)  
2 (C)  
3 (C)  
4 (C)  
5 (L)  
6 (L)

**\*Spokesperson for Health Wellbeing and Leisure – (C)** (\*Shadow (L) )  
**Lead Councillor on HS2 – (C)** (Shadow (L) )  
**\*Young Persons Champion – (C)** (\*Shadow (L) )  
**Design Champion – (C)** (Shadow (L) )  
**\*Lead Councillor on CCTV – (C)** (\*Shadow (L) )  
**Armed Forces Covenant Member Champions – (C)** (L) )  
**Climate Change Member Champions – (C)** (L) )

**Leader of the Council –**

**Deputy Leader of the Council –**

**Leader of the Opposition –**

**Deputy Leader of the Opposition**

(\* Appointments that require a Disclosure and Barring Service Check (DBS) – in addition the Mayor and Deputy Mayor will also require a DBS check)

## REPRESENTATION ON OUTSIDE BODIES

Appointments made for a period of one year expiring in May 2022

<b>Body</b>	<b>Representation</b>	<b>Name</b>
Age UK – Warwickshire	1 plus substitute	Councillor Substitute: Councillor
Beeline Community Car Service	1 plus substitute	Councillor Substitute: Councillor
Birmingham Airport Consultative Committee	1	Councillor
Coleshill Grammar School Endowment Foundation	2	Councillor
Coventry and Warwickshire Joint Committee	1 plus substitute	Councillor Substitute:
Coventry and Warwickshire Local Enterprise Partnership Board	1	Leader of the Council – Councillor
Executive Group of LEADER Project	1	Councillor
George Eliot Hospital – Board of Governors	1	Councillor
Hartshill Hayes Country Park Advisory Committee	1 plus substitute	Councillor Substitute:
Heart of England Liaison Group	2	Councillor
JLR Baddesley Liaison Group	2	Councillor Councillor
Local Government Association	1	Leader of the Council – Councillor Substitute: Councillor
Local Government Information Unit	1 plus substitute	Councillor Substitute:
Middleton Hall Trust	1	Councillor
MIRA Liaison Group	1	Councillor Substitute:
North Warwickshire Citizens Advice Bureau – Management Committee	1	Mayor
North Warwickshire Community Partnership	3	Councillors
North Warwickshire Community Safety Partnership	2	Chairman of the Safer Communities Sub-Committee (Councillor ) and Opposition Spokesperson for Safer Communities (Councillor )

Northern Warwickshire Financial Inclusion Partnership	2	Councillors
Central Building Control Partnership	2	Councillors
Piccadilly Community Association	1	Councillor
Rowan Organisation	1	Councillor
Safer Warwickshire Partnership Board	1	Chairman of the Safer Communities Sub-Committee (Councillor )
Sherbourne Recycling Limited (Shareholder Representative)	1	Councillor
Stanyer's Charity	2	Councillors
Warwickshire County Council – Adult Social Care and Health Overview and Scrutiny Committee	1	Councillor
Warwickshire Health and Wellbeing Board	1	Councillor
Warwickshire Police and Crime Panel	1	Councillor
Warwickshire Waste Partnership	1 plus substitute	Chairman of the Community and Environment Board (Councillor )  Substitute: Vice-Chairman of the Community and Environment Board (Councillor )

## Council membership following May 2021 By-elections

(35 members therefore 1 member = 2.86% of Council)

Group	Percentage of Council
23 Conservatives	65.7% (23x2.86%)
12 Labour	34.3% (12x2.86%)

Body	Number of members 2021/22 (Con / Lab members)	Percentage of groups based on membership a. Con b. Lab
Executive	11 (7/4)	a. 63.64 b. 36.36
Special Sub-Group	6 (4/2)	a. 66.6 b. 33.3
Resources	11 (7/4)	a. 63.64 b. 36.36
Community & Environment	12 (8/4)	a. 66.6 b. 33.3
Planning & Development	15 (10/5)	a. 66.6 b. 33.3
Alcohol & Gambling Licensing *	15 (10/5)	a. 66.6 b. 33.3
Taxi & General Licensing	15 (10/5)	a. 66.6 b. 33.3
Standards	6 (4/2)	a. 66.6 b. 33.3
Safer Communities Sub- committee	11 (7/4)	a. 63.64 b. 36.36
LDF Sub-committee	6 (4/2)	a. 66.6 b. 33.3

\* established under Licensing Act 2003 and not subject to political balance rules

NORTH WARWICKSHIRE BOROUGH COUNCIL

Agenda Item No 10

MEETINGS TIMETABLE – 2021/22

	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22
1								PLAN	COUNCIL					
2	BHOL				PLAN			SSG						BHOL
3		BHOL								BHOL				
4							PLAN							COUNCIL
5	BHOL						SSG							
6		Elections				PLAN			PLAN					
7						RES			SSG		PLAN	PLAN		
8			SSG					RES				SSG		
9														PLAN
10					SSG					PLAN				SSG
11							CEB			SSG			PLAN	
12	PLAN												SSG	
13	SSG													
14			RES	PLAN		SSG					EXB	CEB		
15								SAC			SSG		BHOL	
16														CEB
17										CEB				
18													BHOL	
19														
20							EXB							
21				EXB								SAC		
22								EXB						
23			PLAN								COUNCIL			
24		COUNCIL								RES				
25										LIC				
26				CEB										
27										BHOL				
28			SAC	COUNCIL					BHOL			RES		
29						COUNCIL								
30					BHOL									BHOL
31		BHOL												

EXB - Executive Board  
 RES - Resources Board  
 CEB - Community and Environment Board  
 PLAN - Planning and Development Board

LIC - Licensing Committee  
 SAC - Safer Communities Sub-Committee  
 SSG - Special Sub-Group  
 LDF - Local Development Framework Sub-Committee

## Agenda Item No 11

Council

24 May 2021

Report of the Chief Executive

The Levelling Up Fund

### 1 Summary

- 1.1 This report asks Members to give delegated authority to the Chief Executive to submit a bid to the Levelling Up Fund

#### **Recommendation to the Council**

**That the Chief Executive be given delegated authority to submit a bid to the Levelling Up Fund, in consultation with the Leader of the Council and Leader of the Opposition.**

### 2 Report

- 2.1 Members may be aware that the 2021 Budget included a Levelling Up Fund, as part of a range of funding to be competitively bid for as part of the Government's 'Community Investments' initiative. Full details can be found at [Levelling Up Fund: prospectus - GOV.UK \(www.gov.uk\)](https://www.gov.uk/levelling-up-fund-prospectus)
- 2.2 Borough Councils may bid for up to £20m to support regeneration bids in their area on the themes of transport, town centre regeneration or cultural investment. The deadline for the first round of bids is extremely short (18<sup>th</sup> June) and it will not be possible to formally report this back to Members before then.
- 2.3 One of the key criterion is schemes that are ready for immediate start, with some spending of any funding to start in the current financial year. Whilst the final details are being worked up the only suitable scheme the Council has in development is various regeneration projects linked to the Atherstone Masterplan which was unsuccessfully submitted for Government funding previously.
- 2.4 Given the timescales therefore Council is asked to give delegated authority to the Chief Executive to finalise the bid, in consultation with the Leader of the Council and the Leader of the Opposition.

The Contact Officer for this report is Steve Maxey (719438).

## Agenda Item No 12

### Council

24 May 2021

**Report of the Head of Legal Services and  
Monitoring Officer**

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

## 1 Summary

- 1.1 This report proposes 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.

### **Recommendation to the Council**

- a That Standing Order 45 is amended to allow further flexibility when arranging meetings and ensure that appropriate measures are in place to protect Members, officers and the public; and
- b That Standing Order 45 continues to permit electronic signature of certain documents as indicated below.

## 2 Consultation

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

## 3 Report

### **Background**

- 3.1 Members will be aware that at the start of the Coronavirus pandemic last year, new regulations were introduced allowing local authorities to hold meetings remotely. In turn, at the Council's Annual Meeting on 20<sup>th</sup> May, additional Standing Orders were passed to facilitate remote meetings. In September 2020 Council amended those Standing Orders to require voting by roll call and allow certain notices under the Constitution to be given electronically.
- 3.2 The regulations allowing remote meetings expired on 6 May 2021 and were not extended by Parliament. Legal proceedings were commenced against the Government claiming that the Local Government Act 1972 (which applies again after the regulations expired) allows meetings to be held remotely. The High Court has now ruled on that claim as follows:

- (a) meetings under the 1972 Act must be held in a physical place;
- (b) all Members of the local authority concerned must be physically present at that place at the same time and may not participate if they are not present;
- (c) the public should be allowed physical access to those meetings at the time they take place.

3.3 The High Court recognised that a risk still remains from Covid19 and that local authorities have a duty to take appropriate steps, following the current Covid19 regulations and guidance, to ensure that the risk to those participating and attending meetings is kept to a minimum.

3.4 The effect of the Court's ruling is that it is no longer lawful to hold meetings remotely nor for Members to participate in a debate or vote on issues if they are not physically present at a meeting. Further, whilst the Council's Constitution allows substitute Members to attend Board meetings in certain circumstances, case law makes clear that those substitutes must make decisions based on the material before them, reaching their own conclusions, and may not act in the role of a 'proxy voter' for the member they replace.

3.5 Whilst the High Court has made clear that the legislation requires Members to be physically present to participate, there is however, some flexibility in relation to participation by officers and the public. Although the public must be permitted to attend physically to observe a meeting if they wish to do so, the Council's Standing Orders may permit a participant to elect to participate remotely. Similarly, officers are not required by law to physically attend to present a report to Members.

... A draft of the proposed amended Standing Order 45 appears at Appendix A to this report.

### **Arranging Meetings**

3.6 Under Standing Orders Council sets its Calendar of Meetings at its Annual Meeting however, a meeting is not lawfully convened until the formal steps set out in legislation are taken. Standing Orders currently allow the Chief Executive to make limited changes to the Calendar of Meetings in certain circumstances. It is proposed that Standing Orders are amended to allow more flexibility to change the date, time and venue of meetings if necessary to protect attendees from risk of infection from Covid19 (or otherwise). Any change would be made by the Chief Executive in consultation with the Mayor or Chair of the Board concerned.

### **Holding Meetings**

3.7 Although the power to hold remote meetings has ended it has been recommended that local authorities continue to broadcast their 'physical meetings' where possible. Although it will not be possible for technical reasons for all Members to have their iPads connected at physical meetings, it is recommended that we continue to broadcast meetings to allow the public to

view these online. This may reduce the number of people who attend and therefore limit the risk of spread of Covid19.

- 3.8 It will now be necessary to ensure that a risk assessment is carried out and appropriate measures taken to protect those who attend meetings. As part of this screens will be used and the number of seats in the Council Chamber reduced to allow social distancing. It is proposed that Standing Orders are amended to allow the person presiding at any meeting to give directions to those present to ensure that such measures are followed. Similarly, removing the need for Members to stand when speaking at meetings may reduce the risk of infection by ensuring members remain behind the screens provided.
- 3.9 As indicated above, although the Court has made clear that Members must physically be present at meetings, those same rules do not apply to officers or members of the public who wish to make representations at meetings. It is therefore suggested that the amended Standing Orders allow officers to present reports using remote means. Again, this may reduce the number of people who attend and therefore limit the risk of spread of Covid19.
- 3.10 It is also suggested that Standing Orders are amended to allow a member of the public to choose not to physically attend a meeting and instead elect to make their representations using remote means or in writing. Once more, this may reduce the number of people who attend and therefore limit the risk of spread of Covid19. It should be noted that there are some specific rules which apply in relation to hearings under the Licensing Act 2003 which may not be disapplied however, given the low number of such hearings, this is unlikely to be a significant issue.
- 3.11 Further, it is suggested that provision is made for those Members who are shielding from Covid19 to send a written statement on an issue to be considered at a meeting. This cannot be used to allow a Member to vote on a matter or participate in a debate however, it will allow them to express a view on a particular issue.
- 3.12 Council is asked to note that further advice has been sought in relation to the proposed changes to the procedure at meetings and, if appropriate as a result of that advice, the content of Appendix A will be updated accordingly and circulated to Members prior to the meeting.

### **Electronic Signatures**

- 3.13 As set out in the amendments made to Standing Order 45 in September 2020, the Council has some discretion in relation to the manner of giving notice under its internal Standing Orders and could allow this to be done electronically in many instances. It is suggested that we continue to allow notices to be given under the Constitution by electronic mail. For example, allowing a member to submit a question to the Chairman of a body under Standing Order 7(3) electronically or for a member of the public to do so.

- 3.13 As stated in the report which recommended those earlier Standing Orders, there are some limitations in the Local Government Act 1972 as to those documents that can be submitted electronically, and this remains the case. Electronic notice cannot be allowed in relation to formal documents which must be served on the Council under the 1972 Act, such as a declaration of office or resignation of office. The proposed amended Standing Order allows electronic notices to continue to be given subject to those statutory exceptions.
- 3.14 It is proposed that the previous amendments remain in place until such time as the risk of infection from Covid19 has passed. At that time a review can be carried out and further provision made if considered necessary.

### **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 can make meetings as safe as possible for those who must physically attend.

#### **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 Adopting the recommended Standing Orders will allow the Council to take reasonable steps to accommodate those who attend meetings and may be at risk of infection.

### **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

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>

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. 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 broadcast its meetings and those of its Boards and Sub-committees by live streaming onto the Council's YouTube channel to allow the public to view proceedings, rather than attend physically, should they wish to do so. This will 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 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 will be in place for the protection of those who attend.

45.5 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 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 chairing the meeting if they consider it appropriate to do so.

45.6 Where a Member is unable to physically attend a meeting due to shielding 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 chairing the meeting if they consider it appropriate to do so. A member may not use this process for the purpose of voting on an item of business. A Member who is unable to physically attend a meeting due to shielding 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 chairing a meeting may give appropriate directions to any Member, officer, or member of the public for the purpose of ensuring safety of those present, including in relation to use of face masks, use of screens, occupation of seats, entering or exiting the venue or otherwise. 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 21<sup>st</sup> September 2020.