



Notice is hereby given that the Annual and Quadrennial Meeting of the WARWICKSHIRE COUNTY COUNCIL will be held at the SHIRE HALL, WARWICK on TUESDAY 23 MAY 2017 at 10.00 A.M.

Please note that this meeting will be filmed for live broadcast on the internet. Generally, the public gallery is not filmed, but by entering the meeting room and using the public seating area you are consenting to being filmed. All recording will be undertaken in accordance with the Council's protocol on filming and use of social media.

AGENDA

1. Welcome to New Members

The present Chair to welcome new Members to their first meeting of the Council.

2. Election of Chair

To elect a Chair for the ensuing municipal year. The Chair to make a declaration of acceptance of office.

3. Election of Vice Chair

To elect a Vice Chair for the ensuing municipal year. The Vice Chair to make a declaration of acceptance of office.

4. General

(1) Apologies.

(2) Members' Disclosures of Pecuniary and Non-pecuniary Interests

Members are required to register their disclosable pecuniary interests within 28 days of their election of appointment to the Council. A member attending a meeting where a matter arises in which s/he has a disclosable pecuniary interest must (unless s/he has a dispensation):

The public reports referred to are available on the Warwickshire Web
www.warwickshire.gov.uk/cmis

- Declare the interest if s/he has not already registered it
- Not participate in any discussion or vote
- Must leave the meeting room until the matter has been dealt with
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests must still be declared in accordance with the Code of Conduct. These should be declared at the commencement of the meeting.

(3) Minutes

To confirm the minutes of the meeting held on 21 March 2017.

(4) Announcements

To receive any announcements from the Chair of Council or the Joint Managing Director.

5. Election of County Councillors

The Joint Managing Director to submit the return of persons elected as County Councillors at the election on 4 May 2017. (Copy enclosed).

6. Appointment of Leader

To appoint the Leader of the Council.

7 Arrangements for the new Council

Report of the Joint Managing Director enclosed.

The Local Government and Housing Act 1989 sets out requirements for political balance on member bodies unless the Council agrees otherwise. If the Council wishes to adopt arrangements that do not follow the requirements for political balance on member bodies then this will be dependent on no-one voting against such arrangements.

8. Appointment to External Organisations

Report of the Joint Managing Director enclosed.

9. Changes to Standing Orders

Report of the Monitoring Officer enclosed.

10. Monitoring of Decisions under the Urgency and Call-in Procedures

Report of the Joint Managing Director enclosed.

11. Any other items of urgent business

To consider any other items that the Chair considers are urgent.

MEETINGS TO BE HELD FOLLOWING THE COUNCIL MEETING:

Subject to decisions taken by the County Council, the following bodies will meet to the following timetable:

11.00 a.m. *or on the rising of Council, whichever is later*, **Leader Decision Making Session** to include appointment of Cabinet and allocate responsibilities to Cabinet members.

Chair of Council to preside over the election of Chairs, the Chairs to then preside over election of Vice-Chairs to the following bodies where appropriate.

11.10 a.m. *or on the rising of the Leader Decision Making Session, whichever is later*- **Staff and Pensions Committee** to consider election of Chair and Vice Chair and appointments to bodies.

11.15 a.m. *or on the rising of the Staff and Pensions Committee, whichever is later* – **Pension Fund Investment Sub-Committee** to consider election of Chair and Vice Chair.

11.20 a.m or on rising of Pension Fund Investment Sub-Committee, whichever is later, **Regulatory Committee** to consider election of Chair and Vice Chair.

11.25 a.m. or on the rising of Regulatory Committee, whichever is later, the following or their successor bodies to meet to elect Chairs and Vice Chairs.

Adult Social Care and Health Overview and Scrutiny Committee

Children and Young People Overview and Scrutiny Committee

Communities Overview and Scrutiny Committee

Resources and Fire & Rescue Overview and Scrutiny Committee

If the new Overview and Scrutiny Committees have different terms of reference from the previous ones the successor committees will meet at the time allocated to their main predecessor committees.

All of the above meetings will be held in the Council Chamber. Agendas for each meeting will be circulated separately.

David Carter

Joint Managing Director

Shire Hall,
Warwick
May 2017

For further information regarding these agenda papers please contact Janet Purcell, Democratic Services Manager.
Tel: 01926 413716 or Email: janetpurcell@warwickshire.gov.uk

The public reports referred to are available on the Warwickshire Web
www.warwickshire.gov.uk/cmis

**Minutes of the Meeting of Warwickshire County Council
held on 21 March 2017**

Present:
Councillor Bob Hicks (Chair)

Councillors John Appleton, John Beaumont, Sarah Boad, Mike Brain, Peter Butlin, Les Caborn, Richard Chattaway, Jonathan Chilvers, Chris Clark, Jeff Clarke, Alan Cockburn, Jose Compton, Yousef Dahmash, Corinne Davies, Nicola Davies, Neil Dirveiks, Peter Fowler, Jenny Fradgley, Bill Gifford, Mike Gittus, Colin Hayfield, John Holland, John Horner, Julie Jackson, Philip Johnson, Kam Kaur, Danny Kendall, Bernard Kirton, Keith Kondakor, Joan Lea, Keith Lloyd, Jeff Morgan, Phillip Morris-Jones, Peter Morson, Brian Moss, Maggie O'Rourke, Bill Olnor, Dave Parsons, Caroline Phillips, Wallace Redford, Clive Rickhards, Howard Roberts, Kate Rolfe, Jerry Roodhouse, Chris Saint, Izzi Seccombe, Dave Shilton, Jenny St. John, Bob Stevens, June Tandy, Heather Timms, Angela Warner, Alan Webb, Mary Webb, Matt Western, John Whitehouse and Chris Williams.

1. General

(1) Apologies for absence

Apologies for absence were submitted on behalf of Councillors Richard Dodd, Sara Doughty, Brian Hawkes and Mike Perry.

(2) Members' Disclosures of Pecuniary and Non-Pecuniary Interests

Item 3 - Coventry and Warwickshire Sustainability and Transformation Plan

Councillor Angela Warner declared a pecuniary interest as a non- executive director of South Warwickshire NHS Foundation Trust and left the meeting for this item.

Councillor Maggie O'Rourke declared a pecuniary interest as an employee of South Warwickshire NHS Foundation Trust and left the meeting for this item.

Councillor Clive Rickhards declared a non-pecuniary interest as a Council appointee to the Council of Governors of South Warwickshire Foundation NHS Trust.

(3) Minutes

Resolved

That the minutes of the meeting held on 2 February 2017 be approved as a correct record.

(4) Chair's Announcements

(This item was taken after item 1(5) below)

Councillor Bernard Kirton

The Chair thanked those councillors who were not seeking re-election in May 2017 for their hard work and dedication to the Council and to their constituents.

The Chair paid tribute, in particular, to Councillor Bernard Kirton who had served for 36 years as the county councillor for Whitnash Division in addition to his 44 years with Warwick District Council. Councillor Kirton had joined the Council in 1981 and served on many committees, including as chair of the Whitnash Community Forum and also as Chair of Council in 1996-97 but his biggest achievement had been in service to his local community.

The Chair reminded Council of the many improvements that Councillor Kirton had achieved for Whitnash and during his long service as governor of the schools in Whitnash and Myton School. The Group Leaders and other councillors also expressed their appreciation and best wishes to Councillor Kirton.

Councillor Kirton thanked the Chair and expressed his appreciation for his time with the Council and paid tribute to his fellow councillors for the way they work together to make Warwickshire a better place.

The Chair presented Councillor Kirton with a badge in recognition of his service and the Council stood in tribute.

Councillors not seeking re-election

Councillor Izzi Seccombe, Leader of the Council, expressed her appreciation to all members who were not seeking re-election, and thanked them for their contribution to the Council and service of the people of Warwickshire. Councillor Seccombe paid tribute to retiring members in order of appointment as follows, referring to their individual contributions:

2013 - Councillors Danny Kendall, Sara Doughty and Jenny St John

2009 - Councillors Angela Warner and Mike Gittus

2005 – Councillors John Appleton and Mike Perry and also Councillor Richard Dodd, John Whitehouse, Bob Hicks and Brian Moss

2001 – Councillors Chris Saint, Peter Fowler and Jose Compton – whom she added thanks for their work with Cabinet over the years.

Councillor Izzi Seccombe gave her particular thanks to the two longest serving members in her Group - Councillor Joan Lea and Councillor Phillip Morris-Jones both of whom were elected in 1989. Councillor Joan Lea has been a tireless campaigner for her constituents of Water Orton including, more recently, had campaigned against the impact of High Speed 2 Rail. Councillor Phillip Morris-Jones has presented a strong voice for businesses and for the Council and also been a tireless worker for his constituents in the Fosse Division.

Councillor June Tandy, Leader of the Labour Group, advised the Council that Councillor Brian Hawkes had sadly decided to stand down due to ill health. The Council requested that their thanks and best wishes be sent to Councillor Hawkes.

Councillor Tandy paid tribute to those members of her Group who were not standing for re-election: Councillors Sara Doughty, Jenny St John, Brian Moss and Bob Hicks and also thanked the members of the other groups who were retiring, in particular Councillors Mike Perry, Jose Compton, Joan Lea and Phillip Morris-Jones.

Councillor Jerry Roodhouse, Leader of the Liberal Democrat Group, paid tribute to all retiring members, recognising the hard work and commitment they have given to Warwickshire in difficult times. Councillor Roodhouse paid tribute to the members of his Group -Councillor Richard Dodd and Councillor John Whitehouse – both of whom had been elected in 2005. Councillor Roodhouse thanked Councillor Dodd for his hard work, particularly his expertise on health issues and also thanked Councillor John Whitehouse for his exemplary work which will be greatly missed across the Council. Councillor Colin Hayfield (Cabinet Portfolio holder for Education and Learning) added his thanks to Councillor Whitehouse for his championing of education and in particular his work on early years. Councillor Dave Parsons (Chair of the Children and Young People Overview and Scrutiny Committee) added his thanks for Councillor Whitehouse for his support of the Committee.

Councillor Keith Kondakor, Leader of the Green Group, commended members for their support of their communities and also the Chairs of Council for their inclusive approach and effective management of the council meetings.

Councillor Howard Roberts expressed his gratitude to all who were retiring and gave particular thanks to Councillor Bernard Kirton for his advice and experience which had proved invaluable.

Retiring councillors expressed their appreciation to the tributes to them and to the constituents they had served.

Retiring Heads of Service

The Chair referred to the recent retirement of Tonino Cuiffini, Head of Information Assets. Tonino had led ICT innovation in the County with enthusiasm and commitment and had been respected nationally for his leadership of e-Government projects and representation of local government on the Cabinet Office G-Cloud Board.

The Chair also referred to the retirement in April of Sue Evans, Head of Human Resources and Organisational Development. Sue had also been an innovator for Warwickshire with achievements including the development of workforce planning and succession management tools, e-learning for training, recruitment and redeployment. Sue had also been instrumental in the success of the apprenticeship programme and had become President of the Public Sector People Manager's Association.

Councillor Kam Kaur, Cabinet Portfolio Holder for Customers, expressed her appreciation to both officers who were highly regarded and respected by their staff, in their business areas and by members and thanked them for their exceptional support to her and the Council. Councillor Matt Western, Chair of the Resources and Fire and Rescue Overview and Scrutiny Committee, added his appreciation of their professionalism and support.

The Chair announced that Marie Seaton, Interim Head of Professional Practice and Assurance, would be retiring on 31 March after 3 years with Warwickshire. Marie had been greatly valued for her thoughtful and balanced input in steering the transformation and assurance work in People Group and corporately. Councillor Jose Compton, Cabinet Portfolio Holder for Adult Social Care added her thanks to Marie for her timely advice and contribution to the Council's transformation.

The Council thanked the officers for their work with Warwickshire and wished them well for the future.

Sue Harrison

The Chair announced that Sue Harrison, Landscape Architect in the Communities Group, had been selected by the UK team to compete in the Anglo-Celtic Plate 100k race in May.

Open Evening - 11 March 2017

The Chair thanked those members who had attended the open evening on 11 March.

Civic Service - 19 March 2017

The Chair thanked those who attended the Civic Service at the Chilvers Coton Parish Church and also thanked the George Eliot Fellowship for their hospitality on that day.

North of the County Initiative – 9 March 2017

The Chair referred to the North of the County initiative which he had co-hosted with the Lord Lieutenant of Warwickshire. This had been attended by a significant number of representatives across a range of charitable, voluntary and other organisations to consider how to ensure the work of individuals and organisations is given greater national recognition through the honours process.

George Eliot - Quote for the meeting

'Do not let them lure you unto the hustings my dear Mr Brooks. A man always makes a fool of himself speechifying'

Middlemarch

(5) Petition - Trinity Catholic School, Leamington Spa - Sixth Form College

(This item was taken before item 1(4) above)

Oliver Webb, and other students of Trinity Catholic School, presented a petition of over 1000 signatures from residents expressing concern at proposals to close the Sixth Form and requesting the Council's support for retaining the Sixth Form. The following points were made in the presentation:

- The Sixth Form is an integral component in making the School a caring, welcoming and respectful place.
- The proposal has created anxiety amongst the pupils, in particular those in Year 11 who have now to make a decision on where to go for their further education which should have been made months earlier, but also for those who had looked forward to continuing their education.
- There have been many students, former students, families and friends expressing their support for this unique and outstanding establishment.
- It is the only Faith Secondary School and Sixth Form within 33 miles of central Warwickshire.
- It is not a financially viable option for reducing deficits financial pressure on services.

The Chair of Council received the petition on behalf of the Council.

Councillor Colin Hayfield, Cabinet Portfolio Holder for Education and Learning, thanked the petitioners for their presentation and gave his assurance that their views would be taken into account and that the Council would work with the school to seek the best for its future.

(5) Public Speaking

None

2. Coventry and Warwickshire Local Enterprise Partnership Board Membership (CWLEP)

Councillor Izzi Seccombe, Leader of the Council, advised the Council of the changes to the governance arrangements on the CWLEP to enable each district/borough council to have a representative and to reduce the membership from both Coventry City Council and Warwickshire County Council from two to one member each. Councillor Izzi Seccombe thanked Councillor June Tandy for her work on the CWLEP.

Councillor Izzi Seccombe proposed that Councillor Peter Butlin represent the County Council on the CWLEP and was seconded by Councillor Alan Cockburn.

Councillor Jonathan Chilvers proposed that Councillor Keith Kondakor represent the County Council on the CWLEP and was seconded by Councillor Keith Kondakor.

VOTE

The proposal that Councillor Keith Kondakor be the Council's representative on the CWLEP was put to the vote and was LOST.

The proposal that Councillor Peter Butlin be appointed to represent the Council on the CWLEP was put to the vote and was CARRIED.

Resolved

That County Councillor Peter Butlin be appointed to the Coventry and Warwickshire Local Enterprise Board with immediate effect, subject to review by the County Council at its Annual Meeting on 23 May 2017.

3. Coventry and Warwickshire Sustainability and Transformation Plan (STP)

Councillor Alan Webb, Chair of the STP Working Group presented a report from the Working Group established to take forward a review of the STP as agreed by the Council at its meeting on 13th December 2016. Councillor Webb advised that he was disappointed that there remained a lack of detail about the options in the STP which made public engagement difficult. Councillor Webb acknowledged that there is still more work to be done but was encouraged by the very positive working relationship with Coventry City Council who shared the concerns regarding the STP.

Councillor Webb proposed that the Council note the report and was seconded by Councillor Izzi Seccombe. Councillor Izzi Seccombe reported that the recent peer review of the Health and Wellbeing Board had confirmed that the Coventry and Warwickshire footprint is right and that Coventry and Warwickshire was viewed as 'ahead of the curve' in the development of the STP. This meant that the STP was close to being accepted as one of the pilots. Councillor Seccombe welcomed this but recognised that there was still work to do and that Warwickshire involvement needed to be as an equal partner.

Councillor Seccombe advised that she had an invitation to meet the Chair of the STP and that she would update the Council and the working group after that meeting had been held.

During the debate members raised the following issues:

- There is a danger of more routine services being moved to the same building as the acute services.
- There are population centres in the south of the County which border Worcestershire and Oxfordshire and many Warwickshire residents are currently sent by their GPs to hospitals in those counties. If the STPs enforce their boundaries there is concern that Warwickshire residents will no longer have access to these out-county services and may be forced to attend services that are less accessible or involve long journeys. This cross-boundary issue should be considered by the Working Group.
- There is an economic argument for ensuring there are good transport links and local access to services.
- Worcestershire have been communicating with residents and have had

clinicians attend the Arden Community Forum to talk about NHS changes in Worcestershire.

- The target of savings set to be achieved by the STPs means that the NHS focus is on reduction in services. There is an argument that more, not less, funding is needed to meet the increasing demographic pressures on the NHS.
- Prevention of re-admissions is as important an issue as delayed transfer of care and should be part of the transformational approach.
- There is a disconnect between the STP at a strategic level and the STP at the work stream level. The work streams are progressing at a pace but with little scrutiny.
- Although it is claimed that the Coventry and Warwickshire STP is ahead of other STPs, there remains no clear options for public consideration and there is concern that changes will be forced on Warwickshire.

Councillor Les Caborn, Cabinet Portfolio Holder for Health, gave his assurance that officers are engaged in the work streams and added that he believed the STPs would take account of the cross-border issues. Councillor Caborn reminded Council of the concordat with partners in the STP footprint which will be important in ensuring partners work together to get the best outcomes for the people of Warwickshire.

Councillor Alan Webb thanked members for their comments and agreed that these issues need to be taken into account in the development of the STP.

VOTE

The recommendation to note progress was put to the vote and was AGREED unanimously as set out below.

Resolved

That Council note the progress made by the Working Group since the STP was considered by Council in December 2016.

4. Border to Coast Pensions Partnership

Councillor Bob Stevens presented a report seeking approval to the arrangements for joining the Border to Coast Pensions Partnership as proposed by the Council in May 2016.

Councillor Stevens added that the terms and conditions of the pooling arrangements have been complex and he thanked Jane Pollard, Legal Services Manager, for her thoroughness in which she has vetted the legal aspects and Mathew Dawson for his input on the financial implications.

Councillor Stevens reminded members that the Council would continue to have control over the investment policy agreed by the Investment Sub Committee in March (i.e. the percentage of the total fund which is invested in different categories of investment). The Partnership will decide which specific funds will be invested in which will avoid significant actuarial cost to Warwickshire Pension Fund and ensure the best returns on investments. Councillor Stevens added that the pension fund is

currently in the top quartile of local government pension fund performance figures.

Councillor Stevens proposed that Council agree the recommendations and was seconded by Councillor Alan Cockburn.

Councillor Matt Western, Chair of the Resources and Fire and Rescue Overview and Scrutiny Committee, expressed his opposition, in principle, to the change in legislation and the pooling of pensions fund and the loss of influence, local control and scrutiny. He accepted, however, that the procurement process had been good and that Border to Coast were the right partners to choose. Councillor Bill Gifford, as member of the Pension Fund Investment Sub-Committee, agreed that the Pension Fund had been well run and that he had also had reservations about the reasons for the change in legislation, particularly if the pension funds were to be used to fund national infrastructure projects. Councillor Gifford added that he had been assured that Border to Coast provided the best option and he was confident that their approach was the best fit with Warwickshire's approach.

Councillors Jonathan Chilvers and Keith Kondakor both questioned the public transparency of the partnership and its investments and that the joint committee will be able to scrutinise the Board (which is private) in public. Councillor Alan Cockburn, Cabinet Portfolio Holder for Finance and Property, responded that he did expect the joint committee to meet in public and that discussion would only be in private if there were commercial reasons for this. Councillor Cockburn added that the Investment Sub-Committee would continue to be responsible for the investment strategy and asset allocation.

Councillor Stevens assured the Council that there would be greater transparency than any private pension fund and that those making the final decision would be the elected members on the Board who report back to their own investment boards. The current policy of Border to Coast is that no more than 8% is invested in infrastructure and most of the authorities do not have an appetite to invest more than Warwickshire does now (which is around 1.2%).

VOTE

The proposal was put to the vote and was AGREED with one abstention.

Resolved

That Council:

- 1) Approves the subscription by the Council as administering authority of the Warwickshire Pension Fund in one class A voting share and such number of non-voting class B shares as are equivalent to one twelfth of the agreed regulatory capital requirement in the Border to Coast Pension Partnership (BCPP) Limited;
- 2) Authorises the Strategic Director for Resources to act as the Shareholder representative in BCPP Limited on behalf of the Council as administering authority for the Warwickshire Pension Fund;

- 3) Approves the establishment of the Border to Coast Pension Partnership Joint Committee in accordance with section 102 of the Local Government Act 1972 to carry out the functions set out in the Inter-Authority agreement;
- 4) Nominates the Chair of the Pension Fund Investment Sub-committee (and the Vice Chair of the Pension Fund Investment Sub-committee in his/her absence) to represent the Council as administering authority for the Warwickshire Pension Fund on the Border to Coast Pension Partnership Joint Committee;
- 5) Authorises the Strategic Director for Resources in consultation with the Chair of the Pension Fund Investment Sub-Committee to take any further steps which he considers necessary to enable the Council to participate in BCPP Limited, to agree any further amendments and finalise the approval and execution of the legal documents necessary including the Articles of Association, the Shareholder Agreement, the Inter-Authority Agreement and the terms of reference of the Joint Committee; and
- 6) Authorises the Strategic Director for Resources to make any amendments to the constitution which are necessary to reflect these arrangements.

5. Treasury Management Strategy 2017-18

Councillor Alan Cockburn, Cabinet Portfolio Holder for Finance and Property, proposed that the Treasury Management Strategy 2017-18, as recommended by Cabinet, be approved by Council. Councillor Cockburn reminded that the strategy was similar to previous years but highlighted two areas - that the Council invests short term cash in areas where risks are low and that the Council has sufficient funds to meet its spending plans. Councillor Izzi Seccombe, Leader of the Council, seconded the recommendations.

Councillor Matt Western, Chair of the Resources and Fire and Rescue Overview and Scrutiny Committee, commended Mat Dawson, Treasury and Pension Fund Manager and John Betts, Head of Finance, for the report and their prudent management of the treasury. Councillor Western noted that Appendix C referred to increase in inflation to 2.3% and requested that officers consider the impact of any further increases on interest rates and liquidity of funding. Councillor Keith Kondakor, Leader of the Green Group, added that he welcomed the prudent approach to investment and asked that investments are kept under review in terms of currency fluctuations and to avoid investment in unethical countries.

VOTE

The recommendations were put to the vote and were AGREED unanimously as set out below.

Resolved

- 1) That the County Council approves the Treasury Management Strategy and Investment Strategy for 2017/18 and that its provisions have immediate effect in the current financial year 2016/17;

- 2) That the Prudential Indicators (see Appendix A of the report) are noted;
- 3) That the County Council requires the Head of Finance to ensure that net borrowing does not exceed the prudential level as specified in Appendix A of the report, taking into account current commitments, existing plans, and the proposals in the budget report;
- 4) That the County Council delegates authority to the Head of Finance to undertake all the activities listed in Appendix G of the report, subject to the use of any new financial instruments being approved by Cabinet; and
- 5) That the County Council requires the Head of Finance to implement the Minimum Revenue Provision Policy as specified in Appendix H of the report.

6. Review of Local Governance Arrangements

Councillor Peter Fowler, Chair of the Local Governance Working Group, presented a report setting out the findings of the working group and thanked the members and officers for their work on the review.

Councillor Fowler advised that the working group had gathered evidence on three aspects (area committees and community forums; local member delegated decision making; and community engagement) and had concluded that, should the local community forums continue, they should do so with some improvements and that the geographical basis for the forums should be subject to consultation with partners. Councillor Fowler proposed that the recommendations be agreed and was seconded by Councillor Jeff Clarke.

The following points were made during the debate:

- Warwick District Council has already decided to reduce the number of forum meetings it could support per year which may mean that the forums will lose impetus of having regular meetings.
- There is a need for meetings where the public are able to bring an issue and there are the appropriate officers there to assist in providing an answer/action.
- There are examples of effective community forums where there is public engagement with members and officers but there are also forums where attendance is low, there is not full engagement of partners and issues are not being solved.
- There is general disengagement amongst the public but they will attend if they consider a decision will be made and they have an input early in the process.
- A flexible approach should be taken to local forums according to local circumstances.

- The forums can be of particular value in areas with parish councils.
- Engagement with the police is important but is not successful in all forums.
- Forums need adequate resources to enable pre-planning and keep them vibrant.
- Social media – such as a Facebook forum – could help to engage with the public, particularly between meetings, and provide feedback.
- The forums have not engaged in strategic issues, as originally intended, but these could be considered by a decision making Area Committee which attracted more public attendance.
- There is a role for the county councillor in taking back issues and ensuring action is taken, between meetings.
- The forums provide engagement with district/borough and other partners and the new forum boundaries need to retain this.

Councillor Jeff Clarke, Cabinet Portfolio Holder for Environment, considered that the findings supported the view that ‘one size does not fit all’ and that the diversity of the County is such that there needs to be some flexibility of approach. Councillor Clark added that it is important that issues raised at meetings do receive responses and he was concerned to hear that this was not happening in some areas. He undertook to investigate this and ensure the importance of timely responses was relayed to officers and also to partners on the forums. Councillor Clark thanked the working group for its work and looked forward to further working with partners to ensure effective local engagement.

Councillor Peter Fowler thanked members for their comments which demonstrated that there is no one solution that suits the whole County and that more work was needed to arrive at improved arrangements under the new Council post May.

VOTE

The recommendation was put to the vote and was AGREED unanimously as set out below.

Resolved

That Council note the report and refer the issues raised in the report to the new Council to consider after the County Council elections in May 2017.

7. Addition of three Developer-funded Highway Schemes to the Capital Programme

Councillor Peter Butlin, Cabinet Portfolio Holder for Transport and Planning, proposed the addition of three developer funded schemes to the capital programme and was seconded by Councillor Alan Cockburn, Cabinet Portfolio Holder for Finance and Property.

Councillor Matt Western suggested that the projects mentioned in the report would be good topics for local discussion and engagement in an area meeting. Councillor Western and Councillor Jonathan Chilvers both expressed their concern regarding the Europa Way scheme. Councillor Angela Warner agreed that there is an argument for having a broader look at schemes across more than one division but that the scheme for Europa Way had overwhelming support from local residents who wish to see a solution to the traffic levels in their area.

Councillor Alan Webb sought assurance that the timing of the Butlers Leap Link Road Scheme took account of other road schemes in the area to avoid congestion where possible.

Councillor Peter Butlin explained that the developments referred to in the report had planning permissions and many of the houses had been built. The developer funded road schemes were mitigation measures as part of the planning applications, which had been the subject of full public consultation. Councillor Butlin added that Europa Way was needed to meet the extra traffic generated by the development that has taken place, Butlers Leap Link Road has been debated for many years but the scheme has been brought forward earlier than anticipated and the Shottery Link Road has had involvement from the Stratford residents.

VOTE

The proposal was put to the vote and was AGREED as set out below

Resolved

That Council approves the addition of the following three schemes to the 2017/2018 capital programme subject to the applicable Section 278 Agreements being signed by the Developers which will provide for 100% of the funding:

- A452 Europa Way (Lower Heathcote Farm), Warwick
Developer – Gallagher Estates Ltd.
Approximate cost £2.8m
- Butlers Leap Link Road, Rugby
Developer – Urban and Civic PLC
Approximate cost £2.7m
- Shottery Link Road, Stratford-upon-Avon
Developers – J S Bloor (Tewkesbury) Ltd and Hallam Land Management Ltd.
Approximate cost £1.5m

The meeting adjourned at 1.27 pm

8. Motions to Council

(1) Proposed Revisions to the Schools Funding Formula

Councillor Dave Parsons, Chair of the Children and Young People Overview and Scrutiny Committee, moved the following motion and was seconded by Councillor Julie Jackson:

- A 'This Council wishes to put on record its total opposition to the proposed schools funding formula. A formula which leaves Warwickshire schools 120th out of 150 local authorities in terms of a funding allocation per pupil and where pupils in Rochdale are funded on the basis of £4336 per pupil while Warwickshire pupils receive £3558 is clearly not equitable. The new formula appears to be based primarily on previous spend rather than any realistic appraisal of adequate funding per pupil. We urge the Council to make representations to Warwickshire MPs and the appropriate Minister to request that the formula be amended to a published national base figure which is then added to where necessary on the basis of clear and transparent criteria to remove the inherent unfairness which has been faithfully transposed from the old to the proposed system'.

Councillor Dave Parsons expressed his support for the introduction of a national funding formula for schools but considered the Government's proposed revisions failed to result in a national funding formula. Although Warwickshire will make some small gains in the new formula, most of these will be offset by new commitments, for example the new apprenticeship levy. Councillor Parsons added that the formula is not equitable with an analysis revealing that shire counties have a base funding of £3603 per pupil per year compared to a unitary authorities where the base funding is £3770 per pupil per year. Councillor Parsons proposed that a national funding formula should be a standard base funding across the country with adjustments made according to clear and transparent criteria.

Councillor Julie Jackson, in seconding the motion, stressed the importance of ensuring children are a priority, in line with the Council's vision for education. and stated her total opposition to the funding formula that would mean that £800 less per pupil in Warwickshire compared to Rochdale. Councillor Jackson added that MPs should be supporting this opposition.

Councillor Colin Hayfield, Cabinet Portfolio Holder for Education and Learning, moved the following amendment shown in italics and was seconded by Councillor Jeff Morgan:

- B Amend first sentence to read:

'This Council wishes to put on record its ***concern regarding the government's*** proposed schools funding formula. ...'

Insert the word 'further' in the fourth sentence to read:

'We urge the Council to make ***further*** representations to Warwickshire MPs and the appropriate Minister ...'

Councillor Colin Hayfield explained that he supported the concerns expressed in the original motion (and that these concerns had been the subject of the Council's response to consultation on the formula) but considered the motion should be amended in recognition that Warwickshire is gaining some funding, albeit not at the level required.

DEBATE

The following points were made during the debate:

- The formula does not take account of the Pupil Premium which means there is some double counting.
- It is reported that schools across the country are facing an 8% real terms cut over the next three years under this formula. Warwickshire will get a 0.7% increase in total funding across Warwickshire schools in 2017/18 compared to 2.1% for shire counties as a whole.
- Kenilworth School is one of the two worst effected schools losing £180,000 from its budget in 2017/18 on top of other losses in funding.
- Increasingly the financing of schools in the UK is not meeting that of other countries. This puts UK children at a disadvantage as the world becomes more competitive and this will have a negative impact on the future economy of the country.
- Schools may choose to seek contributions from parents for activities but there are many parents who cannot afford to make contributions.
- More pressure should be put on the government by MPs to force a change in the formula.
- It is hard to understand why a school in the most deprived area is losing funding along with most secondary schools and many academies.
- The proposed funding formula goes no way towards closing the gap on funding.
- Schools have little choice in how to reduce their budgets as most of their budget is taken in staff commitments and they have increasing pressures such as staff pensions and the apprenticeship levy.
- Schools should not be treated as businesses.
- Funding should be directed to our current schools rather than spending on development of grammar schools. There is money but it is a question of government priorities.

Councillor Dave Parsons, accepted the proposed amendment at B, but stressed that he remained totally opposed to the formula and was concerned that if this formula is imposed it will be difficult to change and will lead to serious inequality.

VOTE

The motion as amended and set out at B above was put to the vote and was CARRIED as set out below:

Resolved

This Council wishes to put on record its concern regarding the government's proposed schools funding formula. A formula which leaves Warwickshire

schools 120th out of 150 local Authorities in terms of a funding allocation per pupil and where pupils in Rochdale are funded on the basis of £4336 per pupil while Warwickshire pupils receive £3558 is clearly not equitable. The new formula appears to be based primarily on previous spend rather than any realistic appraisal of adequate funding per pupil. We urge the Council to make further representations to Warwickshire MPs and the appropriate Minister to request that the formula be amended to a published national base figure which is then added to where necessary on the basis of clear and transparent criteria to remove the inherent unfairness which has been faithfully transposed from the old to the proposed system.

(2) Early Years Funding

Councillor John Whitehouse moved the following motion and was seconded by Councillor Clive Rickhards:

'This Council is proud of its current Early Years provision, with its rich mix of maintained nursery schools, nursery classes and private/voluntary (PVI) providers. It is therefore deeply concerned at the detrimental impact of the new Early Years National Funding Formula on Warwickshire Early Years providers from 2017/18 onwards, and the risks this poses to its ability to support the best possible start to their education for all Warwickshire children. Warwickshire is one of 20% of local authorities which will lose under the new national formula, in our case £1.3 million (6%) by 2018/19.

This Council calls on the Leader to write to the Secretary of State for Education and all Warwickshire MPs to express its grave concerns at the threat to the sustainability of good quality Early Years provision across all sectors, especially after the transitional funding arrangements expire, and to seek additional funding to enable the new Early Years National Funding Formula to be implemented in a fair and sustainable way across all providers.'

Councillor John Whitehouse referred to the serious concerns that have been raised regarding the impact of the new Early Years Funding Formula in Warwickshire. These concerns have been expressed across the early years' sectors and were aired at recent Schools Forum meeting. Councillor Whitehouse reminded Council that the funding arrangements for 2017/18 had been implemented for Warwickshire (through a recent Leader Decision) which made the best of the situation in the circumstances.

He added, however, that Warwickshire is one of the 20% of local authorities losing money under the new formula and has been identified by the DfE as 'a high risk local authority' being one of the 35 at greatest risk in implementing the new formula. This is because there is also the impact of the introduction of 30 hours free nursery provision which is undermining the financial viability of provision in the private, voluntary and independent sector (PVI). In addition the funding they will be receiving next year of £3.77 per pupil will be the same as this year and significantly below the level they consider is the minimum required to maintain quality of provision. Councillor Whitehouse added that the maintained nursery classes will, next year, lose all of the additional funding they have had compared to the PVI sector and the only way they will be able to continue this will be if they can cross subsidise from their mainstream budgets.

The nursery schools have secured some interim funding until the end of the parliament but by 2020 all early year providers are to be paid at a single rate with no differentiation between sectors. In addition specialist nursery schools also consider they cannot survive on this formula.

Councillor Whitehouse concluded that, unless something is done there will be a serious decline within the next three years and it will not be possible to meet the objectives of providing all children with the best possible start in life.

Councillor Colin Hayfield, Cabinet Portfolio Holder for Education and Learning, expressed his support for the motion and agreed with the concerns regarding the lack of resources to meet the 30 hours free nursery provision and the danger to the long term viability of both PPI and maintained provision, including the nursery schools which had proved to be beacons of excellence, in some of the most deprived areas. Councillor Hayfield agreed that a firm approach with government should be taken.

Councillor Izzi Seccombe, Leader of the Council, gave her full support for this motion and for ensuring the best deal for Warwickshire's children and families, recognising that early provision is part of ensuring children have the best opportunities to develop their skills for their future and for the future of Warwickshire. Councillor Seccombe added that it is important that all Warwickshire MPs have a clear understanding of the situation.

Members added their support for the motion, pointing out how crucial the early years provision is to the Council in achieving the objectives in the narrowing the gap strategy. Councillor Clive Rickhards, in seconding the motion, added his concern with regard to ensuring the best opportunities for children in Warwickshire. Councillor Rickhards referred to recent pupil attainment figures that showed that there is currently a widening of the attainment gap in Warwickshire and reminded members that there is evidence that early intervention and ensuring children are 'school ready' is an essential contribution to a child's future educational attainment which in turn is a crucial factor for a child's future employment and income.

Councillor John Whitehouse thanked members for their support and requested that any responses from the MPs be shared with members.

VOTE

The motion was put to the vote and was **AGREED** unanimously as set out below

Resolved

This Council is proud of its current Early Years provision, with its rich mix of maintained nursery schools, nursery classes and private/voluntary (PVI) providers. It is therefore deeply concerned at the detrimental impact of the new Early Years National Funding Formula on Warwickshire Early Years providers from 2017/18 onwards, and the risks this poses to its ability to support the best possible start to their education for all Warwickshire children. Warwickshire is one of 20% of local authorities which will lose under the new national formula, in our case £1.3 million (6%) by 2018/19.

This Council calls on the Leader to write to the Secretary of State for Education and all Warwickshire MPs to express its grave concerns at the threat to the sustainability of good quality Early Years provision across all sectors, especially after the transitional funding arrangements expire, and to seek additional funding to enable the new Early Years National Funding Formula to be implemented in a fair and sustainable way across all providers

9.1 Questions on Notice (Standing Order 7.2)

(1) Partnership Working and Waste Management

Councillor Keith Kondakor referred to the recent successful Warwickshire Waste Partnership Conference held on 1st March and asked the following question of Councillor Jeff Clarke, Portfolio Holder for Environment:

‘How are you going to progress greater partnership working and the possible formation of a joint waste authority for Warwickshire given local tensions?’

Councillor Clarke replied:

‘Most partnerships at some point need to think about how they move forward and our waste partnership is no different. Our officers continue to meet with district and borough council officers to look at the operational implications of changes to the way waste is collected and disposed of. We are also looking at what this means for the household waste recycling centres. The Warwickshire Waste Partnership is interested in exploring further any additional joint service arrangements and this will be taken forward by the Waste Partnership itself. In addition, along with the Deputy Leader, I will shortly be meeting elected members from district and borough councils in order to further discussions.’

(2) Severn Trent Emergency Road works, Nuneaton

Councillor Keith Kondakor referred to Severn Trent’s emergency roadworks at the junction of Higham Lane and Hinckley Road in February which had caused traffic disruption and complaints. Councillor Kondakor asked Councillor Peter Butlin, Cabinet Portfolio Holder for Transport and Planning:

‘There appears to be some confusion over these fines. Can the Portfolio Holder please confirm the extent of the fines?’

Councillor Peter Butlin replied:

‘I am not aware of any confusion. Fines have been issued by the County Council amounting to £830. The total may be subject to change following mitigation meetings. To be clear the fines are for an overrun on the job and are not an indication that the traffic management in this case was unsafe. Our network management team visited the location during the works and can confirm that the site was laid out and operating safely. The works were in place to deal with a significant water mains leak and three way signals were deployed to manage the

traffic including manual signal control during peak times. During the works we received no complaints from members of the public.

On 1st March 2017 we were sent a video by a member of the public after they were involved in a road traffic collision on the site. It transpired that this video was actually taken on the first day of the works where Severn Trent witnessed the accident and changed the traffic management immediately. We are aware that Severn Trent is investigating this.'

Councillor Keith Kondakor asked whether more can be done to ensure that, if this type of congestion occurs in future, there is a notification on the local radio. Councillor Butlin replied that if any more communication with the local radio is needed he will ensure this happens.

(3) Growth Deal for Nuneaton

Councillor Keith Kondakor expressed concern that Growth Deal Funding in Nuneaton is being used on another road project and asked the following question of Councillor Izzi Seccombe, Leader of the Council:

How many jobs are at risk and how much extra traffic is expected to pass though Nuneaton as a result of the Borough Plan and the so called Nuneaton Transformation of the site which currently houses Dunelm and Empire Gym?

Councillor Izzi Seccombe replied:

'The news the Transforming Nuneaton project is to receive multi-million pound local growth deal funding is a tremendous boost for the town. This success is a result of this Council, working in partnership with the Borough and the CWLEP to prioritise regeneration, inward investment and development for Nuneaton. You need not worry that the Growth Deal money will be spent on a road project to the detriment of air quality and jobs, quite the opposite is true. The investments made through this opportunity will be focussed on ensuring that money invested in the town will lever the maximum benefit in terms of economic growth, jobs and complementary private sector investment.

We are not yet able to state specifically how the money will be spent. This is because we need a flexible approach. All investment will be based on market conditions and the appetite for private sector investment to secure growth and jobs. It is likely it will be used in the following ways:

- Public realm improvements to improve the attractiveness of the town to visitors and investors
- Investing in enabling infrastructure to secure inward investment
- Use of local authority land/capital and assets to lever private sector investment into 'catalyst' developments in the town centre.
- Improvements to the bus/rail stations and their links with each other and the town.
- Highways improvements to enhance traffic movement and access.

Nuneaton enjoys some huge advantages making it an attractive investment proposition and I am sure the councillor will agree with me that this is an opportunity that we should seize for the benefit of the town.'

Councillor Kondakor asked whether there is a timescale for when there will be further information on the application of the funding. Councillor Izzi Seccombe replied that this is a major scheme and the council is working with possible investors with Nuneaton and Bedworth Borough Council to find the best investors for the area. There is not a finalised scheme and such a large scheme takes time but there has been progress within the last few months.

Councillor June Tandy asked whether the Leader considered the funding provided for the Coton Arches and Bermuda Connectivity Projects will be helpful in easing the congestion in Nuneaton.

Councillor Izzi Seccombe replied that it is important for the people of Nuneaton and for encouraging investment that the congestion is tackled and that these are very good schemes and would be a great improvement for Nuneaton.

(4) Waste Disposal by Registered Charities at WCC Recycling Centres

Councillor John Whitehouse referred to the advice provided to an operator of a small charity (and to further detailed advice on-line) regarding the disposal of waste from charities and businesses which was both difficult to follow and unclear. Councillor Whitehouse asked the following question of Councillor Jeff Clarke, Portfolio Holder for Environment:

'Can the Portfolio Holder clarify the current policy regarding waste disposal by registered charities at WCC Household Recycling Centres, in particular the distinctions drawn between "business waste" and "household waste?'

Councillor Jeff Clarke replied:

'Under the Controlled Waste Regulations 2012 charities are able to dispose of household waste free of charge. Waste arising from the following are classed as 'household waste': a charity shop selling donated goods originating from a domestic property (not donated by a private company); a place of worship or from premises used wholly or mainly for public meetings.

Any waste that does not arise from these settings is classed as commercial waste and is chargeable. This will include waste arising from office premises.

Subject to the above, charities are provided with an annual permit which allows them to dispose of a maximum of 1 tonne per month at HWRCs. The disposal of plasterboard and inert wastes (soil, brick etc) and any other wastes not defined as household waste are strictly prohibited.'

Councillor John Whitehouse asked whether the Cabinet Portfolio Holder would ensure that there is a clear statement of the policy and have this published on the Council website.

Councillor Clarke agreed that he would ask officers to look into this.

(5) Relocation of Kenilworth School

Councillor John Whitehouse asked the following question of Councillor Colin Hayfield, Portfolio Holder for Education and Learning:

‘Will the Portfolio Holder provide an update of the steps the Council is taking to support Kenilworth School in its plan to relocate to a single site within the town?’

Councillor Colin Hayfield replied:

‘The local authority has a role to ensure sufficient school places are available in terms of growth and new developments. Part of this role includes looking at options for achieving the required number of places. Kenilworth School is a split site school and the school has expressed an interest in moving to a new site, with an increase in size to enable provision of places for future demand.

Officers have been working with the school advising on funding streams and growth projections. As is the case with all new housing developments, the local authority will only be able to secure developer funding to support the amount of growth which the development will generate. The rebuilding of the two existing school buildings on a new single site requires significant additional funds. At the moment there is a shortfall in the funding available and a source of cash flow funding remains to be found.

Officers are working closely with both the school and the Education Funding Agency to identify the best way forward. We are supporting the school in the work to achieve the best sale price for the school’s current sites, whilst also securing new land at an affordable price. At this time we have not achieved a place which meets need, capital costs and rebuild. We are continue to work with the school to achieve such a plan and we also continue to liaise with the EFA regarding possibilities of the relocation.

Councillor John Whitehouse asked what the Portfolio Holder and Administration doing, above what the officers are doing, to close the funding gap.

Councillor Colin Hayfield replied that the Council will work with the DfE as best as it can on this, and a range of issues across the County.

(6) Raising of Social Care Precepts

Councillor John Whitehouse asked the following question of Councillor Josie Compton, Portfolio Holder for Adult Social Care:

‘Can the Portfolio Holder confirm how many of the English local authorities with responsibility for adult social care have decided to raise their social care precepts by 3% in 2017/18, and how many by 2%?’

Councillor Jose Compton replied that there is no published list but officers have researched this and found that half of Shire Counties have raised the precept by 2% and half by 3%. Warwickshire County Council will be spending a total of an extra £13m spent on adult social care in 2017/18.

Councillor Whitehouse asked whether, given that at Council in February it was argued that it would not be possible to spend the funding from a 3% rise, the Council is going to give the extra money back to Government.

Councillor Compton replied that it would not be given back in view of the pressures on adult social care and that she considered the allocation of 2% per year ensures an even amount each year which is better for council tax payers.

Councillor Richard Chattaway asked the Leader whether Warwickshire had been offered the same deal as Surrey County Council.

Councillor Izzi Seccombe replied that she did not think Surrey County Council had received a deal.

(7) CO2 emissions

Councillor Jonathan Chilvers referred to the Council's commitment to 'contribute to the national targets on greenhouse gases, which includes an overall reduction of CO2 emissions of 80% by 2050' and asked the following question of Councillor Peter Butlin, Portfolio Holder for Transport and Planning:

'Please could the Portfolio Holder give an update on the Council's contribution to this target, with particular reference to the impact of road travel in Warwickshire?'

Councillor Peter Butlin replied that Warwickshire has contributed towards reducing CO2 emissions by implementing the sustainable transport policies and schemes within the Warwickshire Local Transport Plan. Whilst we are unable to quantify the overall impact of this on CO2 emissions in Warwickshire, our commitment towards reducing CO2 emissions is demonstrated by our track record in delivering schemes that encourage modal shift and reduction of vehicle miles on the road. Since the adoption of the LTP in 2011 this includes:

- Development of new rail stations (Stratford, Bermuda Park, Coventry Arena, Kenilworth)
- New cycle infrastructure (Long Lawford, North West Warwick, Kenilworth, Cape Road etc)
- Launch of the DfT's 'Propensity to Cycle' tool
- Promoting car sharing
- Real time information for bus users
- Supporting the take up of electric vehicles –with electric vehicle charging points across the County.

This has been driven by reducing congestion and improve by air quality which is of more importance than CO2.

Councillor Chilvers asked whether the Cabinet Portfolio Holder considered the Council should do more to reduce CO2 emissions.

Councillor Butlin replied that if this improves air quality and reduces congestion and also saves money for Warwickshire County Council, then yes.

Councillor Jenny Fradgley asked whether the Portfolio Holder fully supports reducing CO2 emissions on the County roads to combat climate change.

Councillor Butlin replied that the Climate Change Act requires authorities to strive to reduce CO2 emissions and that he abided by the law.

9.2 Questions without Notice to Leader of the Council and Cabinet Portfolio Holders (Standing Orders 7.7 and 7.8)

(i) Climate Change

Councillor Keith Kondakor, Leader of the Green Group, asked Councillor Peter Butlin, Cabinet Portfolio Holder for Transport and Planning whether he believed that something should be done about CO2.

Councillor Peter Butlin replied that he would abide by the law in support of the Climate Change Act.

(ii) Out of County Technical College placements

Councillor Bill Gifford asked Councillor Colin Hayfield, Cabinet Portfolio Holder for Education and Learning, on behalf of Councillor Sarah Boad, whether he was aware that Warwickshire County Council letters had been sent to parents suggesting they send their children to university technical colleges outside of the County and did he approve of this given there were sixth forms that needed to fill their places?

Councillor Colin Hayfield replied that he was not aware of this but that he would investigate it and respond to Councillor Sarah Boad.

(iii) School Redundancy Costs

Councillor Caroline Phillips asked Councillor Colin Hayfield, Cabinet Portfolio Holder for Education and Learning, whether he was aware that Stockingford Early Years Nursery School had received a letter from Warwickshire County Council informing them that from 2017/18 there would be no further help with redundancy costs?

Councillor Colin Hayfield undertook to look into this and provide a written reply

(iv) Leamington Resurfacing Works

Councillor Matt Western asked Councillor Peter Butlin, Cabinet Portfolio Holder for Transport and Planning, to provide information on the cost of recent resurfacing of the roads and pavements in north Leamington and how much had been spent per road mile in north Leamington compared to those in south Leamington over the last four years.

Councillor Butlin replied that resurfacing is undertaken according to need but that he would provide a full written response.

(v) Corporate Policies Supporting the Green Agenda

Councillor Maggie O'Rourke asked Councillor Kam Kaur, Cabinet Portfolio Holder for Customers, whether the Council was leading by example and encouraging staff to car share or cycle to work, and whether the Council used eco-friendly fuel in its vehicles or had other green policies.

Councillor Kam Kaur replied that there are various schemes including cycle schemes and car sharing schemes and she undertook to give a full written response.

(vi) Sutherland Drive, Bedworth

Councillor Richard Chattaway asked Councillor Peter Butlin, Cabinet Portfolio Holder for Transport and Planning, whether he could report on what action is being taken to address the long standing road safety issue at Sutherland Drive in Bedworth.

Councillor Peter Butlin replied that he would obtain an update and forward this to Councillor Chattaway.

(vii) Hill Top Farm, Nuneaton

Councillor Keith Kondakor asked Councillor Alan Cockburn, Cabinet Portfolio Holder for Finance and Property, whether the planning application for Hill Top Farm had been deferred until after the election and if so, why?

Councillor Alan Cockburn replied that the timing is a matter for the planning authority and that it is being progressed.

(viii) CWLEP

Councillor Matt Western asked whether Councillor Peter Butlin could provide information on the political make-up of the LEP (including the non-council representatives) and what criteria is used by the LEP in selecting representatives.

Councillor Butlin replied that he would provide a written reply.

(vix) Member Conduct

Councillor Neil Dirveiks asked Councillor Izzi Seccombe, Leader of the Council, whether she agreed that it is not in order for members to call into question the professionalism of officers, who have no right of reply at meetings, and that this should be made clear to new members on their induction in May.

Councillor Izzi Seccombe replied that she agreed that it was out of order for any member to use the privilege of their office to call into question the professionalism of officers and agreed that this issue be covered in the member induction programme.

10. Any other items of urgent business.

There were no further items of business.

The meeting closed at 4.00 p.m.

.....
Chair

Questions without Notice to Leader of the Council and Cabinet Portfolio Holders (Standing Orders 7.7 and 7.8) written responses provided after the meeting.

(ii) Out of County Technical College placements

The letter was sent following a directive from central government which was sent to all local authorities directing local authorities to send letters to parents of children in Year 9. The expectation is that this will be carried out annually.

(iii) School Redundancy Costs

On 6 March all head teachers received a letter explaining that, in order to achieve the necessary efficiency savings of £67m the local authority was no longer in a position to cover the costs of staff redundancies in schools. The following extract explains how the local authority will continue to support schools as they plan for staffing and budget cuts:

Support will be available via multi-agency task groups (with School Improvement, HR and Finance expertise) to help you make the decisions that are needed but the redundancy costs will need to be supported through your own school budget, if necessary through an approved deficit repayment plan.

(iv) Leamington Resurfacing Works

The cost of works was:

Portland Street footway work - £90K

Dale Street carriageway work - £92K

It is not possible to provide the comparative spend data for North and South Leamington across five years as the information is not held in a form which officers can easily report on without much work.

(v) Corporate Policies Supporting the Green Agenda

1. **Car Share.** We have a well established car-share scheme through which staff can identify people living on their route to work and with whom they could share. This is a popular initiative and one we encourage via induction, the intranet and through specific promotions.
2. **The Green Travel Plan** for Warwickshire County Council (WCC) Staff based in Warwick seeks to ensure that staff use more environmentally friendly alternatives than driving alone. The Plan contains five specific objectives:
 - to set out measures that will enable the organisation to meet the target car/employee ratio as set out by WCC for other businesses in the area
 - to enhance the organisations corporate social responsibility and environmental image
 - to encourage the use of more sustainable modes of transport
 - to reduce unnecessary travel and
 - to ensure that all staff are aware of the Travel Plan.
3. **Cycling.** We have a cycle to work week, cycle purchase through employee benefits and regularly promote the health benefits of walking and cycling to work. Bike storage facilities have been enhanced and improved.
4. Staff can book bikes for use between WCC sites in Warwick.
5. **Virtual Meetings.** We are encouraging the use of video and audio conferencing, google hangouts and virtual meetings to reduce the need for travel.

A clear monitoring strategy has been defined to assess our achievements.

(vi) Sutherland Drive, Bedworth

As part Safer Routes to School programme, we have undertaken to investigate the potential engineering measures that might be possible to assist parents and children to cross Sutherland Drive.

As you are aware, several pedestrian counts have been carried out, but the location has insufficient pedestrians to qualify for a School Crossing Patrol.

A formal crossing is not recommended as the location would not meet the PV2 criteria.

A site survey was carried out before Christmas and a feasibility design for a road narrowing has been progressed. The initial design has been through the safety audit process, which has resulted in some safety issues being identified. Last week, Graham Stanley and myself reviewed the Safety Audit recommendations and have fed back to the design team some amendments that should satisfy the safety concerns.

We are now at the stage where the design of the road narrowing is being amended. A further safety check will then be carried out. Following the election, we will be at a stage where the design can be shared with the local member, and statutory consultation can take place.

(viii) CWLEP

Response provided by CWLEP:

The Articles include provisions that the LAs, Universities and one private sector board place have directors who are nominated by their organisation. With the LAs and Universities, it is clear who the nominating authorities are, the one private sector nomination is made jointly by the FSB and Chamber of Commerce. Currently their nomination is Sean Farnell.

The other private-sector board directors are recruited in an open and transparent process.

- Private sector directors (except for the nomination from the FSB/Chamber) are appointed by the current private sector cohort as laid down in the Articles of the Company.
- The criteria used in the appointment process are broad and include, skill-set, equality and diversity (the board will be asked to adopt an equality and diversity statement in the near future), large and small business experience, based in Coventry & Warwickshire and ability to give time in the execution of their role.
- Vacancies are advertised on our website for a period and applications encouraged.
- A nominations committee of private sector directors, normally including the Chairman and 2 other directors is formed, who consider applications and draw up a short-list of candidates for interview
- Interviews take place and a preferred candidate is decided upon, and references taken.
- The appointment is made and the board informed.
- In the case of the Chairman, an external search and recruitment agency was used.

Council

23 May 2017

County Returning Officer's Return of Persons Elected on 4th May 2017

Electoral Division	Name of Candidate	Address	Description
Admirals & Cawston	Peter Butlin	149 Lawford Lane Rugby Warwickshire CV22 7QS	The Conservative Party Candidate
Alcester	Mark Cargill	The Bridge House Oversley Green Alcester Warwickshire B49 6LE	The Conservative Party Candidate
Arbury	Clare Golby	43 Bermuda Road Nuneaton Warwickshire CV10 7HP	The Conservative Party Candidate
Arden	John Horner	Austons Down Saddlebow Lane Claverdon Warwickshire CV35 8PQ	The Conservative Party Candidate
Atherstone	Neil Dirveiks	74A Croft Road Atherstone Warwickshire CV9 1HQ	The Labour Party Candidate
Attleborough	Andy Sargeant	4 The Nook Nuneaton Warwickshire CV11 4LG	The Conservative Party Candidate
Baddesley & Dordon	Andy Wright	4 Manor Close Baddesley Ensor Atherstone Warwickshire CV9 2BH	The Conservative Party Candidate
Bedworth Central	Richard Chattaway	23 Ambleside Road Bedworth Warwickshire CV12 8RR	The Labour Party Candidate
Bedworth East	Bhagwant Singh Pandher	29 Mercers Meadow Keresley End Warwickshire CV7 8RF	The Conservative Party Candidate

Electoral Division	Name of Candidate	Address	Description
Bedworth North	Seb Gran	38 Feather Lane Bermuda Nuneaton Warwickshire CV10 7GN	The Conservative Party Candidate
Bedworth West	Pete Gilbert	The Weavers Arms 12 Long Street, Bulkington Bedworth Warwickshire CV12 9JZ	The Conservative Party Candidate
Benn	Alan Webb	4 Webb Drive Rugby Warwickshire CV23 0UP	The Labour Party Candidate
Bidford & Welford	Mike Brain	Marston Edge, Campden Road Lower Quinton Stratford-upon-Avon Warwickshire CV37 8LJ	The Conservative Party Candidate
Bilton & Hillside	Kam Kaur	Springfield Farm Fosse Way Princethorpe Warwickshire CV23 5PQ	The Conservative Party Candidate
Brownsover & Coton Park	Jill Simpson-Vince	Chapel Lodge Gilmorton Road Walcote Leicestershire LE17 4LD	The Conservative Party Candidate
Budbrooke & Bishop's Tachbrook	Les Caborn	33 Lodge Crescent Warwick Warwickshire CV34 6BB	The Conservative Party Candidate
Bulkington & Whitestone	Jeff Morgan	1 The Nook Nuneaton Warwickshire CV11 4LG	The Conservative Party Candidate
Camp Hill	Corinne Davies	69 Hinckley Road Nuneaton Warwickshire CV11 6LH	The Labour Party Candidate
Coleshill North & Water Orton	Dave Reilly	4 School Lane Lea Marston Sutton Coldfield B76 0BW	The Conservative Party Candidate

Electoral Division	Name of Candidate	Address	Description
Coleshill South & Arley	Colin Hayfield	Church Farm Shawbury Lane, Shustoke Coleshill Birmingham B46 2LA	The Conservative Party Candidate
Cubbington & Leek Wootton	Wallace Redford	The Cottage Eathorpe Warwickshire CV33 9DE	The Conservative Party Candidate
Dunsmore & Leam Valley	Howard Roberts	7 Catesby House Guys Common Dunchurch Warwickshire CV22 6NQ	The Conservative Party Candidate
Earl Craven	Heather Timms	Spinney Close Speedway Lane, Brandon Coventry Warwickshire CV8 3GL	The Conservative Party Candidate
Eastlands	Jerry Roodhouse	41 Bracken Drive Rugby Warwickshire CV22 6SL	The Liberal Democrats Candidate
Feldon	Bob Stevens	2 Greaves Cottages Stockton Road, Stockton Southam Warwickshire CV47 8LD	The Conservative Party Candidate
Fosse	Adrian Warwick	11 Bracken Drive Wolvey Leicestershire LE10 3LS	The Conservative Party Candidate
Galley Common	Daniel Gissane	80 Orford Rise Galley Common Nuneaton Warwickshire CV10 9SA	The Conservative Party Candidate
Hartshill & Mancetter	Margaret Bell	Abbey Field Castle Road Hartshill Warwickshire CV10 0SE	The Conservative Party Candidate

Electoral Division	Name of Candidate	Address	Description
Hillmorton	Yousef Dahmash	37 Vernon Avenue Hillmorton Rugby Warwickshire CV22 5HL	The Conservative Party Candidate
Kenilworth Park Hill	Dave Shilton	9 Redfern Avenue Kenilworth Warwickshire CV8 2NA	The Conservative Party Candidate
Kenilworth St. John's	Alan Cockburn	Fernhill Farm Rouncil Lane Kenilworth Warwickshire CV8 1NN	The Conservative Party Candidate
Kineton & Red Horse	Chris Williams	23 Meadow Way Fenny Compton Southam Warwickshire CV47 2WD	The Conservative Party Candidate
Kingsbury	Andy Jenns	23 Mill Crescent Kingsbury Tamworth Staffordshire B78 2LX	The Conservative Party Candidate
Lapworth & West Kenilworth	John Cooke	20 Amherst Road Kenilworth Warwickshire CV8 1AH	The Conservative Party Candidate
Leamington Brunswick	Jonathan Chilvers	12 The Close Leamington Spa Warwickshire CV31 2BL	The Green Party Candidate
Leamington Clarendon	Nicola Davies	1 Manor Farmhouse Lime Avenue Leamington Spa Warwickshire CV32 7DB	The Liberal Democrats Candidate
Leamington Milverton	Bill Gifford	22 Augusta Place Leamington Spa Warwickshire CV32 5EL	The Liberal Democrats Candidate
Leamington North	Sarah Boad	33 Parklands Avenue Leamington Spa Warwickshire CV32 7BH	The Liberal Democrats Candidate

Electoral Division	Name of Candidate	Address	Description
Leamington Willes	Matt Western	19 Plymouth Place Leamington Spa Warwickshire CV31 1HN	The Labour Party Candidate
New Bilton & Overslade	Maggie O'rourke	43 Catesby Road Rugby Warwickshire CV22 5JJ	The Labour Party Candidate
Nuneaton Abbey	Bill Olnor	6 Cotswold Crescent Nuneaton Warwickshire CV10 8PL	The Labour Party Candidate
Nuneaton East	Jeff Clarke	30 Wakehurst Close Nuneaton Warwickshire CV11 4YF	The Conservative Party Candidate
Polesworth	Dave Parsons	12 Goodere Drive Polesworth Tamworth Staffordshire B78 1BZ	The Labour Party Candidate
Shipston	Jo Barker	Greystones Stratford Road Shipston on Stour Warwickshire CV36 4HU	The Conservative Party Candidate
Southam, Stockton & Napton	Andy Crump	1 Hurst Road Southam Warwickshire CV47 1HY	The Conservative Party Candidate
Stafford South	Kate Rolfe	57 Avon Crescent Stratford-upon-Avon Warwickshire CV37 7EZ	The Liberal Democrats Candidate
Stockingford	Caroline Phillips	47 Clarence Street Nuneaton Warwickshire CV11 5PU	The Labour Party Candidate
Stour & the Vale	Izzi Seccombe	Sundial Cottage Lower Tysoe Warwick Warwickshire CV35 0BZ	The Conservative Party Candidate

Electoral Division	Name of Candidate	Address	Description
Stratford North	Keith Lloyd	27 Percy Street Stratford-upon-Avon Warwickshire CV37 6SL	Stratford First Independent
Stratford West	Jenny Fradgley	92 Banbury Road Stratford-upon-Avon Warwickshire CV37 7HY	The Liberal Democrats Candidate
Studley	Clive Rickhards	9 Albury Road Studley Warwickshire B80 7LW	The Liberal Democrats Candidate
Warwick North	Pam Williams	38 Nightingale Avenue Warwick Warwickshire CV34 6WN	The Conservative Party Candidate
Warwick South	Parminder Singh Birdi	2 Harrow Road Whitnash Warwickshire CV31 2JD	The Conservative Party Candidate
Warwick West	John Holland	55 West Street Warwick Warwickshire CV34 6AB	The Labour Party Candidate
Weddington	Keith Kondakor	19 Gloucester Close Nuneaton Warwickshire CV11 6FU	The Green Party Candidate
Wellesbourne	Anne Parry	19 John Taylor Way Moreton Morrell Warwickshire CV35 9DH	The Conservative Party Candidate
Whitnash	Judy Falp	39 Henley Road Leamington Spa Warwickshire CV31 2NZ	Whitnash Residents Association

Council

23 May 2017

Arrangements for the new Council

Recommendations

- (1) That the Council confirms the Committee Structure and delegations to member bodies and officers as set out in the Council's Constitution, including the permanent appointment of the Joint Managing Directors and the appointment of the Head of Law and Governance as Monitoring Officer, and the delegations to them as agreed by Council on 13 December 2016.
- (2) That the Council authorises the Joint Managing Director (Resources) to make such amendments to the Council's Constitution as may be required as a consequence of any changes agreed by the Council.
- (3) That an Independent Remuneration Panel to review the Member Allowances Scheme be convened to report to Council in September.

(A proposed framework of recommendations is appended to this report).l

1.0 Outcome of Election

The Council elections on 4 May resulted in a Council comprising:

Political Party	No of Members
Conservative	36
Labour	10
Liberal Democrats	7
Green	2
Stratford First Independent	1
Whitnash Residents Association	1
Total	57

2.0 Status of Existing Committees and Members

In an election year those members of committees who are re-elected to the Council (plus co-opted members where appropriate) discharge the duties of the committee until the appointment of their successors. The present Chair of the Council, Councillor Bob Hicks, and Vice Chair of Council, Councillor Peter

Fowler) continue in office until the appointment of the new Chair. Councillor Hicks will preside over the election of the new Chair.

3.0 Leader and Cabinet Model

The Council has adopted Leader and Cabinet model of executive arrangements under the Local Government Act 2000. The Leader is automatically a member of the Cabinet and also chairs the Cabinet.

A maximum of nine other members may be appointed to the Cabinet. The appointment of Cabinet members and their portfolios is a matter for the Leader. The Leader must also appoint a Deputy Leader from the Cabinet members. All executive powers must be delegated to the Leader. It is for the Leader to decide how those powers should be further delegated. The Leader will decide this at the Leader Decision Making session after this Council meeting. The agenda for the session sets out the current delegations to portfolio holders but the Leader may choose to change these. The Leader's proposals will be circulated to all members for information.

4.0 Current Member Bodies

- 4.1 Article 5 of the Constitution requires, as a minimum, the establishment of the following bodies:

Cabinet
Overview and Scrutiny Committee (at least one)
Audit and Standards Committee
Regulatory Committee
Staff and Pensions Committee

- 4.2 The Council must have at least one Overview and Scrutiny Committee and it is a statutory requirement to make arrangements for overview and scrutiny in relation to health, flood risk management and crime and disorder. The Council currently has four Overview and Scrutiny Committees. A full explanation of the responsibilities of the committees is set out at Part 2 Section 8 and Part 4 Section 3 of the Council's Constitution but the terms of reference of each is set out below:

Adult Social Care and Health

To review and/or scrutinise the provision of public services in Warwickshire relating to adult social care services including social care to older people and people with disabilities, policies and services for safeguarding adults and any matter relating to the planning, provision and operation of health services for adults and children serving Warwickshire.

Membership: 10 County Councillors (plus one co-opted member from an overview and scrutiny committee of each district/borough council who can vote on health matters only).

Children and Young People

To review and/or scrutinise the provision of public services in Warwickshire relating to education and skills, services for children and young people including schools, 16-19 years education, pre-school children, child protection, family support and social care, children with specific needs and the youth service.

Membership: 10 County Councillors (plus 2 parent governors and 2 church governors who can only vote on matters relating to education).

Communities

To review and/or scrutinise the provision of public services in Warwickshire relating to community safety, trading standards, transport and highways, economic development and environment, adult learning, heritage, tourism, flood risk management and emergency planning.

Membership: 10 County Councillors

Resources and Fire & Rescue

To review and/or scrutinise the functions of the council relating to the fire and rescue service, budget, medium term financial plan, corporate business plan, planning and performance arrangements, finance, property, information technology, facilities management, workforce strategy and development, law and governance, libraries, customer service and communications.

Membership: 10 County Councillors

4.3 Audit and Standards Committee

This Committee has oversight of internal and external matters, the council's arrangements for corporate governance and risk management and any other arrangements for the maintenance of probity. Currently one of the independent members chairs the Committee.

Membership: 6 County Councillors and 2 independent members

4.4 Regulatory Committee

This Committee has a range of responsibilities including determination of planning applications and powers in relation to highways and rights of way and certain enforcements.

Membership: 12 County Councillors

4.5 Staff and Pensions Committee

This Committee considers staff terms and conditions and establishes the Pension Fund Investment Sub-Committee.

Membership: 6 County Councillors

5.0 Requirement for political balance

5.1 The Local Government and Housing Act 1989 requires that appointments to committees and sub-committees must achieve political balance in their membership. Where one party has an overall majority of seats on the Council then the majority of seats on a body should be allocated to that party.

5.2 The other ground rules are:

Committees: the aggregate allocation of all committee seats must be proportional to the party groups' overall membership on the Council. Within those allocations each individual committee must be split as close to the overall proportions as possible.

Sub-committees: the sub-committee is split proportionally – there is no aggregation.

Panels, Working Parties: the national rules do not apply but the Council has applied the proportionality rule as a matter of good practice.

5.3 The political balance rules do not apply to the Cabinet or any Committees established by the Cabinet. Except in very limited circumstances only Cabinet members may be appointed to Cabinet Committees.

5.4 The overall rules can be set aside in favour of local arrangements provided this is agreed by the Council with no-one voting against it.

The Council needs to consider whether it wishes to make any changes to these arrangements.

6.0 Chairs and Vice Chairs of Committees

The Council will appoint the members to the committees and then each will meet on the rising of Council in order to appoint their Chairs and Vice-Chairs (and some additional appointments to bodies that come within the remit of those committees).

The exception is the Audit and Standards Committee which currently has an independent chair (John Bridgeman). The independent chair has been appointed by the Council but there is no longer a formal requirement to have independent members of Standards Committees and it is therefore possible for the Committee to choose a councillor to chair should the Council decide to change the membership arrangements on this Committee.

7.0 Dispensations Sub-Committee

The Council has adopted a Code of Conduct as required by the Localism Act 2011 and agreed the arrangements for member registration and disclosure of interests. The Council has a Dispensations Sub-Committee to deal with requests from members for dispensation from the restrictions on participation and voting in relation to matters in which a member has a disclosable pecuniary interest. Arrangements are being made for a Dispensations Sub-Committee to meet on 1 June 2017..

8.0 Health and Wellbeing Board

The Health and Wellbeing Board's core functions include 'to advance the health and wellbeing of the people in its area, and encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner'.

The Health and Wellbeing Board is a committee of the Council. The rules regarding proportionality do not apply to the Board which has a mixed membership of councillor and non-councillor (including officer) appointments. Normally to be a voting member of a committee a person must be an elected member but the legislation allows all members of Health and Wellbeing Boards to be voting members unless the Council directs otherwise.

Membership – 4 County Councillors

The County Councillor membership to date has included the Cabinet Portfolio Holders for Health and for Adult Social Care plus the Leader of the Council who Chairs the Board.

The Director of Public Health and Director of People Group (Director of Childrens and Adults Services) are required by statute to be members.

Other membership includes portfolios for health from each of the district/borough councils, Chair of Healthwatch, the Clinical Commissioning Groups, NHS England, representatives from the four NHS trusts, the Warwickshire Police and Crime Commissioner.

9.0 Corporate Parenting Panel

The Corporate Parenting Panel purpose is to secure elected member and cross-organisation support and commitment for delivering improved services and better outcomes for looked after children, young people and care leavers.

Membership – 6 County Councillors

10 Standing Advisory Council on Religious Education (SACRE)

This body is required by statute. It advises the Cabinet on religious worship and religious education within schools and determines applications by individual schools for exemptions from the requirements of Christian worship. Membership includes representatives of religious denominations, teacher representatives and any co-optees.

Membership – 5 County Councillors

Membership includes representatives of religious denominations, six teacher representatives and other persons co-opted by the body. It meets at least twice a year. The next meeting is Wednesday 14 June 2017 6.30 pm at Saltisford Officers, Warwick.

11. Schemes of Delegation

The Council is required to set out in its Constitution its General Scheme of Delegation, the delegations (allocation of responsibilities) made to member bodies and officers. It is suggested that the Council confirms the delegations made by the previous Council - except in so far as they may be inconsistent with any changes to the arrangements made for the member bodies set out above.

12 Independent Remuneration Panel

The last review of the Member Allowances Scheme took place in 2013. The scheme includes an annual increase linked to the average increase in staff salary (although the council has specifically chosen to not take increases in some years). The index link cannot apply for more than four years, which is the normal period of time between reviews. It is therefore recommended that the scheme be reviewed, regardless of whether or not there are changes to the political management structure and responsibilities.

Background Papers

None. The information in this report is drawn from the Council's current published Constitution.

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Joint Managing Director	David Carter	davidcarter@warwickshire.gov.uk

Draft Recommendations

- (1) That the Council confirms the Committee Structure and delegations to member bodies and officers as set out in the Constitution, including the permanent appointment of the Joint Managing Directors and the appointment of the Head of Law and Governance as Monitoring Officer, and the delegations to them as agreed by Council on 13 December 2016.

(subject to any amendments proposed and agreed at this meeting-list any changes required to terms of reference/size/membership of committees}

- (2) That the number of places on Council Committees be as follows

Committees	Con	Lab	LD	Green	Ind SF	WRA	Total
Audit & Standards Committee (6)							6
Regulatory Committee (12)							12
Staff & Pensions Committee (6)							6
<i>Such Overview and Scrutiny Committees as may be appointed each to be listed separately 4 x 10 places as below:</i>							
Adult SC & Health							10
Children							10
Communities							10
Resources							10
Total (to be politically proportionate)	40.420 (41)	11.227 (11)	7.859 (8)	2.245 (2)	1.122 (1)	1.122 (1)	64

- (3). That the Council appoints the committees and membership:
Groups to nominate members

Committees	Con	Lab	LD	Green	Ind	Total
Audit & Standards Committee						
Regulatory Committee						
Staff and Pensions Committee						
<i>Such Overview and Scrutiny Committees as may be appointed each to be listed separately</i>						
Total (to be politically proportionate)						

(4) That John Bridgeman be confirmed as the Chair of the Audit and Standards Committee.

(5) That the Council appoints members to the following bodies:

Groups to nominate members.

	Conservative	Labour	Liberal Democrat
Health and Wellbeing Board (4)	3	1	
Corporate Parenting Panel (6)	4	1	1
Standing Advisory Council on Religious Education (SACRE) (5)	3	1	1

(6) That the Leader of the Council be confirmed as the Chair of the Health and Wellbeing Board

(7) That all other committees, sub-committees, working groups and panels other than statutory bodies cease to operate.

(8) That the Council authorises the Joint Managing Director (Resources) to make such amendments to the Council's Constitution as may be required as a consequence of any changes agreed by the Council.

(9) That an Independent Remuneration Panel to review the Member Allowances Scheme be convened to report to Council in September.

Council

23 May 2017

Appointment to External Bodies

Recommendation

That the Council appoints to the bodies listed at section 2 of this report

(A proposed framework of recommendations is set out at the appendix)

1.0 Background

- 1.1 The current Constitution sets out how appointments are made. Appointments to some key strategic bodies are reserved for Council and some appointments are made by the Leader/Cabinet. The majority of appointments are made by Regulatory Committee.
- 1.2 A fundamental survey of the organisations to which the County Council appoints representatives was undertaken in 2013 to ensure appointments remained appropriate and of value to the Council and/or the organisation. A light touch review has been undertaken this year to ensure the bodies still exist and require County Council representation. This report seeks agreement to appointments to the key strategic bodies that are reserved for Council. The Leader will be invited to approve appointment to ESPO (see Leader Decision agenda) and it is proposed that a report is presented to a future meeting of the Regulatory Committee to agree appointments to the remaining bodies within their remit.

2.0 Appointments

2.1 Warwickshire Police and Crime Panel

The Police Reform and Social Responsibility Act 2011 established the arrangements for Police and Crime Commissioners and for Police and Crime Panels.

Remit

The Panel's overall objective is to support the effective exercise of the functions of the Police and Crime Commissioner for Warwickshire (the Commissioner). The Panel has a formal role in considering the PCC's proposed precept and his Police and Crime Plan. It also has formal powers in

relation to the appointment of chief constables and senior staff of the Police and Crime Commissioner i.e. any deputy commissioner, chief executive or chief financial officer.

Membership

The Police and Crime Panels are joint committees of the principal authorities in a police area, which in Warwickshire means the County Council and the five district borough councils.

The composition of the panel has to meet the principle of 'fair representation'. This means that each council within the police area must have at least one member. The composition should also take account of, as far as practical, both political and geographical proportionality, which means:

Councillor members when taken together should

- Represent all parts of the police area,
- Represent the political make-up of the relevant authorities when taken together
- Have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively

Warwickshire has a panel of 10 elected members and two independent members (non-councillors).

Each Council is allocated a seat on the Panel (taking the first six places) and the County Council then appoints to the remaining four places so that it can ensure that the fair representation principle and the balanced appointment objective can be met and to seek to ensure that each district/borough administrative area has a county councillor from that area.

The appointments need to be reviewed annually to ensure the fair representation principle and balanced appointment objective continue to be met in the light of ordinary elections in any of the constituent authorities.

The allocation of seats (taking into account the number of seats held by each group across the Districts, Boroughs and the County Council) should be in total: 6 Conservative, 3 Labour and 1 Liberal Democrat.

The current district/borough representation is as follows:

North Warwickshire Borough Council	- Cllr David Reilly (Cons)
Nuneaton and Bedworth Borough Council	- Cllr Gwynne Pomfrett (Lab)
Rugby Borough Council	- Cllr Derek Poole (Cons)
Stratford District Council	- Cllr Stephen Gray (Cons)
Warwick District Council	- Cllr Andrew Thompson (Cons)*

* *new appointee from 11 May*

The County Council has five places to fill (one from each administrative area of the County). The Council is invited to appoint 2 Conservatives, 2 Labour and 1 Liberal Democrat. If this follows the allocation in 2016/17 this will be:

North Warwickshire Labour.....
Nuneaton and BedworthLabour.....
RugbyConservative.....
StratfordConservative.....
WarwickLiberal Democrat.....

2.2 Coventry and Warwickshire Local Enterprise Partnership Company (CWLEP)

The CWLEP is a company limited by guarantee. It is an alliance of private and public sector organisations with the key objective being ‘to grow the local economy, attract new jobs and investment and increase prosperity’.

Membership 1 County Councillor

The CWLEP has recently revised its Constitution so that each local authority in Coventry and Warwickshire has one seat. The County Council appointed the Deputy Leader of the Council on 21 March 2017 subject to review at this meeting.

2.3 Local Pension Board

The Local Pension Board was established under the Public Services Pensions Act 2013 and its key role is to assist the scheme manager ‘to secure the effective and efficient governance and administration of the Local Government Pension Scheme (LGPS) for the Warwickshire Pension Fund’ The Board does not have decision making powers in relation to the Fund but may refer issues to the Pensions Regulator and has the ability to hear disputes employers may have with the fund.

Membership: 2 County Councillors – one as an employer representative and one a scheme member representative.

The total membership is 7 (3 pension scheme member representatives, 3 employer representatives to include one elected member acting for the county council, one precepting employer and one non-precepting employer). An independent representative is also appointed following a recruitment process and chairs the Board.

No substitutions are allowed.

There is also a Fire Local Pension Board that does not include councillor representatives but does have an independent chair.

The Council is invited to appoint two county councillors to the Local Pension

Board and to confirm the appointment of Keith Bray as independent Chair of both the Local Pension Board and the Warwickshire Fire and Rescue Local Pension Board

2.4 Warwickshire Waste Partnership

This Partnership with the districts and boroughs is responsible for development of the Warwickshire Waste Strategy.

Membership – 5 County Councillors

Plus a representative from each of the Warwickshire District and Borough Councils.

2.5 Local Government Association (LGA), County Councils Network and associated bodies

The LGA is the membership organisation of local authorities in England and Wales. Its purpose is to support authorities who can at any time seek advice or raise any matter of concern (and where appropriate matters go to the relevant board). The LGA has a role in promoting and sharing good practise but its key function is to lobby on behalf of local government.

LGA General Assembly

The Assembly meets annually and '*acts as the parliament for local government*'.

Membership

Four County Councillors reflecting the political balance of the groups on the Council. The four members carry five votes between them (i.e. equal to the number of districts/boroughs in the county area).

The Council is invited to appoint **four members** carrying a total **of five votes** and to allocate votes to each member. The LGA require notification of membership by 7 June 2017

The members will be invited to the **LGA Annual General Assembly Meeting on Tuesday 4 July, 11.45 am at the International Convention Centre, Birmingham** (named substitutes are allowed as are up to additional councillors/members as observers). The four members appointed to the Assembly plus others may choose to stay for the whole Annual Conference (4- 6 July). (Group Leaders should confirm with the Democratic Services Manager whom they consider should attend the conference as soon as possible so that bookings can be made.)

The allocation of votes should be proportionate to the size of group as follows:

2 Conservatives with 3 votes
1 Labour with 1 vote
1 Liberal Democrat with 1 vote

County Councils Network

This is a special interest group of the LGA representing the interests of County Councils in membership.

The Council can appoint four members.

2 Conservatives
1 Labour
1 Liberal Democrat

Fire Commission

The Fire Commission provides a focus for the needs and concerns of fire authorities. The Commission meets next on 13 October 2017

The Council is invited to appoint one member.

Background Papers

None.

	Name	Contact Information
Report Author	Janet Purcell	Tel.01926 413716 janetpurcell@warwickshire.gov.uk
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Joint Managing Director	David Carter	davidcarter@warwickshire.gov.uk

Appointment to External Bodies

Item 8 Appendix

(1) That the Council appoints to the following external/partnership bodies:

	Conservative	Labour	Liberal Democrat
Police and Crime Panel (5)	2	2	1
LEP	1		
Local Pension Board	1	1	
Waste Partnership	3	1	1
LGA (votes)	2 (3)	1 (1)	1 (1)
CCN	2	1	1
LGA Fire	1		

(2) That Council confirms the appointment of Keith Bray as independent Chair of the Local Pension Board and Chair of the Warwickshire Fire and Rescue Local Pension Board.

Council

23 May 2017

Changes to Standing Orders

Report of the Monitoring Officer

Recommendations

1. That the Council considers whether to approve the revised Standing Orders set out in the Appendix.
2. That the Council authorises the Joint Managing Director (Resources) to make the changes to the Constitution that are necessary to reflect the Council's decision.

1.0 Introduction

- 1.1 The Council's constitution contains procedural rules (Standing Orders) which regulate the conduct of Council business. These are contained in Part 3 of the Constitution. The Appendix shows the Standing Orders as they would be if the changes set out in this report are agreed.
- 1.2 The Leader has asked the Monitoring Officer to report to Council on a number of changes to Standing Orders. In particular, the Leader has asked for a proposal to restrict call in to full Council to items which are contrary to the budget or policy framework. The basis for this request is that the current call in to full Council is not a legal requirement and is considered to be confusing. The Leader has also asked for the rules regarding question time to be merged so there is one procedure for questions with an allocation of up to 30 minutes.

Other changes proposed include:-

- A reduction in the notice period for substitutions
 - Raising of thresholds for key decision and fully funded additions to the Capital Programme.
 - Clarifying the rules for public speaking
 - Streamlining the arrangements for the management of the Cabinet agenda
- 1.3 We have also taken the opportunity to carry out some general tidying up by the proposed deletion of some redundant provisions either because legislation has changed or provisions have never been used in practice, for example

references to suspended councillors under the previous standards regime and public interest debates. A track changes version of the current standing orders showing all the proposed changes has been made available in each of the Group Rooms. Further detail on the proposed changes is set out below.

2.0 Leaders Proposed Changes to Standing Orders

- 2.1 Part 3 of the Constitution contains Standing Orders which govern the way the Council conducts its business. In relation to these rules, the key changes which are put forward for Council's consideration are set out in the following paragraphs.
- 2.2 **Current Standing Orders 13.7 and 13.9** – It is proposed to remove the standing orders which allow a second stage referral to Council by O&S committee or by 6 elected members. Referrals of called-in decisions to Council has caused much confusion amongst both members and the public over the circumstances in which the Council could override a decision of the Cabinet. The statutory scheme is quite clear that the Council may only override a decision of Cabinet if Cabinet is proposing to make a decision which is contrary to the policy framework or budget. It is therefore proposed that the Council's call-in arrangements should align with the statutory scheme so that in future the only called-in decisions to Council are decisions which are potentially contrary to the budget and policy framework. The Monitoring Officer would be the arbiter of whether or not a proposed decision was potentially contrary to the budget or policy framework. In the interests of efficiency it is proposed that in these circumstances the called-in decision should be referred direct to Council without being considered by an Overview and Scrutiny Committee in the first instance.
- 2.3 **Current Standing Order 2.4** – It is proposed to reduce the period of notice required for political groups to make changes to their committee membership from 3 clear days to two clear days. This gives a little more time for potential conflicts of interests to be identified and appropriate arrangements to be made for another member to attend the relevant committee.
- 2.4 **Current Standing Order 5.1 and 6.1** – this proposed amendment provides that written notices of motion should be signed not only by proposer but also the seconder and that motions/amendments moved at a meeting should both be proposed and seconded before being debated. This reflects current practice.
- 2.5 **Current Standing Order 7** – Member Question Time. There are currently two separate sets of complex rules governing member question time, one requiring written notice in advance of questions and the other not. The

proposed standing orders streamline and simplify these arrangements making them easier to understand with only one set of rules. There is no limit on the number of questions which can be asked and advance notice of questions would no longer be required. However if members wished to be assured of an answer at the meeting they are encouraged to send the question 3 working days in advance. However there would be an overall maximum of 30 minutes allocated at each ordinary meeting of the Council to ensure the Council can efficiently transact its other business.

- 2.6 **Current Standing Order 9.4** – The proposal is that the Chair of the Cabinet should have the same discretion as any other Chair of a Committee to manage the Cabinet agenda subject to any statutory rights. The statutory rights in the case of Cabinet are the rights of the Council’s statutory officers to require Cabinet to consider a particular issue in the performance of their statutory obligations. Other elected members would still be able to ask for items to be included on the Cabinet agenda but the final decision on inclusion of those items would be with the Chair of Cabinet.
- 2.7 **Current Standing Order 12** –Key decisions. The Council has had in place a financial threshold for key decisions of £500,000 since 2000. It is considered appropriate to review that threshold in view of the time that has elapsed and the impact of inflation over the last 17 years. It is therefore proposed that the thresholds should rise to £1,000,000 and that the tolerances for contracts where the bids are higher than expected should rise accordingly to i.e. by no more than 10% for contracts with a value of £1M to £1.5M or 5% for contracts of over £1.5M.
- 2.8 **Current Standing Order 24.2** – Additions to the Capital Programme. Similarly it is proposed that the current threshold of £1.5M for fully funded additions to the Capital programme by the Leader or persons or bodies nominated by her should increase to £2M to recognise the impact of inflation since the threshold was first set.
- 2.9 **Current Standing Orders 37 and 38** – Public Speaking. Over the last 4 years public speaking arrangements at various bodies has increased with ad hoc additions to standing orders reflecting different arrangements for public questions and public speaking depending on the member body. The proposed standing orders consolidate these provisions to simplify and streamline the arrangements. There are no substantive changes to provisions in terms of public rights. We have however retained within those proposals the separate arrangements for public speaking on planning matters at Regulatory Committee. However rather than those arrangements being placed in another part of the Constitution (as an Appendix to the Planning code of Practice) they have been incorporated into Standing Orders so that all the provisions relating to public speaking are in one place.

3. Other Changes

- 3.1 **Legislative changes:** There have been a number of legislative changes since standing orders in their current form were drafted. The opportunity has been taken to update standing orders to reflect those changes i.e.

Current Standing order 2.7: References to ‘suspended members’ under the previous standards regime has been removed. There is no longer any power to suspend members so these references are of no practical effect.

Current Standing Order 2.10 – we have included the reference to the Vice-chair of Council continuing to be a member of the Council until a new Chair of Council has been elected in an election year even though they have not been re-elected. This reflects the legislation and is a fall-back position to ensure there is someone available to oversee the annual council meeting in an election year should something unforeseen happen to the former Chair of Council.

Current Standing Order 19 Reporting Urgent decisions: The statutory arrangements have changed to only an annual reporting requirement and the new standing orders reflect this reality. In practice all members are notified of urgent decisions when they are made and removing this would reduce the administrative burden on staff to produce reports. If there are queries other mechanisms can be used such as notices of motions or member question time.

Current Standing Order 47 - Background papers: We have changed the wording from ‘make available’ to ‘retain’ as it is now a statutory requirement to publish background papers on the council’s website so they are already ‘available’.

New Standing Order 44 – Filming and Media Protocol: New statutory provisions required the Council to put in place a filming and media protocol. We have now incorporated that into the proposed new standing orders. There is no change of substance in the provisions.

- 3.2 **Redundant or unused provisions:** When standing orders were first drafted certain provisions were included as no one was entirely sure how the new council arrangements would work in practice. However over time certain provisions have not been used in practice therefore they serve little purpose other than to increase the length of standing orders. These are not statutory requirements i.e.

Current Standing Order 11.3 – Members have yet to make decisions about delegated local member decision-making but given the frequency of community forum meetings it was felt impractical to expect members to consult community forums before making decisions. So this requirement has been deleted.

Current Standing order 36 - Public Interest Debates: This was included when standing orders for new council arrangement were first developed. It has not been used in practice.

Current Standing Orders 24 to 27 - Budget and Policy Framework
Development: Originally these standing orders dealt with both the statutory requirements in relation to the budget and also a suggestion about how policy framework development should be managed. We have retained the statutory elements related to the budget (See new Standing Order 25) but deleted the arrangements regarding the policy framework which envisaged the whole framework being developed as one and the publication of a timetable. In practice individual policy framework plans and strategies are now notified in the forward plan and follow their own particular timeframes with bespoke arrangements for consultations. We have retained the statutory rights of Cabinet to amend a policy framework strategy or plan (See new Standing Order 24). We have made more explicit the powers of Council when approving any policy framework plan or strategy to delegate to the Leader powers to make changes in particular around updating and maintaining action plans and other supporting plans.

Current Standing Order 9.5 References to ‘en bloc’ decisions have been deleted as the Council no longer divides its business in this manner. These were basically decisions which were grouped together for approval without any discussion. Nowadays most items coming before a member body merit some form of discussion through more efficient agenda management.

Current standing order 6.4 – the time limit for speeches at Council remains at 5 minutes. However in practice for the budget debate specific time limits have always been issued and the amendment reflects current practice.

3.3 **Changes in terminology.** We have made some changes in terminology either to make standing orders clearer or to reflect current arrangements. For example

Resolutions are now referred to as motions as this is what is used in day to day language and reflects that a motion is a proposal whereas a resolution is the agreed outcome once the motion has been voted on.

Chief executive is replaced by head of paid service to reflect the new management structure.

Email is replaced by electronic means to reflect changes in technology.

- 3.4 The remaining changes do not include any changes of substance, they are updating numbering and cross-references, removing tautological statements such as 'The Cabinet shall meet at Shire Hall Warwick or such other location as agreed by the Leader' or just simplifying the language.

4. Conclusion

The changes proposed within this report would be lawful changes to Standing Orders. Some of the changes will require other parts of the Constitution to be updated to reflect these changes if approved by Council.

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1. DEFINITIONS

1.1 Definitions

In these Standing orders the following definitions will apply:

'Cabinet Members' means those elected members appointed to the cabinet.

'Chair of the Council' means the elected member elected by the council annually to preside over meetings of the council.

'Committees' shall include sub-committees.

'Council' means any formal meeting to which all elected members are summoned to attend.

'Head of Paid Service' means the person designated as such under Section 4 of the Local Government and Housing Act 1989.

'Leader' means the elected member appointed by the council to lead the cabinet.

'Leader and Portfolio Holder Sessions' shall mean sessions convened to enable individual cabinet members to take decisions under delegated powers.

'Local Member' shall mean an elected member who takes decisions under delegated powers in respect of his/her electoral division.

'Meeting' means any formal meeting of the council, cabinet, any committee or sub-committee, any joint committee or joint sub-committee.

'Monitoring Officer' means the person designated as such under Section 5 of the Local Government and Housing Act 1989 or his/her deputy.

'Municipal year' means the period between annual meetings of the council which are usually held in May.

'Vice-Chair' means the elected member elected by the council annually to preside in the chair's absence.

'Written Notice' unless otherwise stated shall mean notice given in writing, by hand, by fax or electronically. Electronic signatures are acceptable.

2. APPOINTMENTS

2.1 Duration - Leader of the Council

The appointment of the leader continues until:

- (i) the person appointed is replaced or removed by the council; or
- (ii) the person appointed ceases to be an elected member; or
- (iii) the person appointed resigns.

Where at a meeting the council has replaced or removed the leader it must appoint a new leader at the same meeting.

2.2 Duration - Cabinet and Deputy Leader

Appointments to the cabinet continue until:

- (i) the person appointed is replaced or removed by the leader; or
- (ii) the leader is replaced or removed by the council; or
- (iii) the person appointed ceases to be an elected member; or
- (iv) the person appointed resigns.

The leader must appoint one of the cabinet members to be the deputy leader. The deputy leader will hold office until:

- (i) the person appointed is replaced or removed by the leader; or
- (ii) the leader is removed or replaced by the council; or
- (iii) the person appointed ceases to be an elected member; or
- (iv) the person appointed resigns.

Should both the leader or deputy leader be unable to act or their offices be vacant then the cabinet as a collective body must act in the leader's place or arrange for a member of the cabinet to act in his/her place.

2.3 Duration - Committees

Appointments to committees continue until:

- (i) the person appointed is replaced or removed by the council or the appropriate body; or
- (ii) the appointment is changed by the relevant political group; or
- (iii) the person appointed ceases to be an elected member; or
- (iv) the person appointed resigns.

2.4 Changes by Political Groups - Committees

If the appointment of an elected member to any committee is changed by their political group, the change is effective two clear days after written notice is received from the secretary or leader of that group by the head of paid service.

2.5 Continuity

After a four-yearly election those elected members who are re-elected shall continue to carry out the tasks of the relevant body until successors are appointed.

2.6 Outside Bodies

Appointments to outside bodies continue until they are:

- (i) terminated or replaced by the council or the appropriate body; or
- (ii) in the case of an elected member he/she is disqualified from membership of the council; or
- (iii) in the case of another appointee there is a legal requirement to remove him/her; or
- (iv) the appointee resigns.

2.8 Vacancies

A vacancy on the council or any committee or other body cannot invalidate its powers to make decisions or discuss appropriate items.

2.9 Appointment of Chairs

The council must elect a chair of the council and appoint a vice-chair at each annual meeting and when there is any vacancy. The leader shall be the chair of the cabinet. The council may

also appoint the chair of the audit and standards committee. Other bodies must elect a chair at their first meeting after each annual council meeting and when there is any vacancy. Overview and scrutiny committee(s) and the regulatory committee may also appoint a vice-chair.

2.10 Duration - Chairs and Vice-Chairs

Every chair and any vice-chair shall remain in office until he/she resigns, ceases to be an elected member or until a successor is appointed. In an election year the chair and vice-chair of the council, even if he/she has not been re-elected, shall remain in office until a new chair of council is appointed.

3. SPECIAL RULES FOR MEETINGS OF THE COUNCIL

3.1 Annual Meeting

The council shall hold an 'annual meeting' once a year. All elected members are summoned to the annual council meeting, which takes place at Shire Hall, Warwick at 10am or such other time or place as fixed. The dates on which the annual meeting can be held are fixed by statute.

At the annual meeting the council will:

- (i) elect a person to preside if the chair of the council is not present;
- (ii) elect the chair of the council;
- (iii) elect the vice-chair of the council;
- (iv) approve the minutes of the last meeting;
- (v) receive any declarations of interest from members;
- (vi) receive any announcements from the chair of the council and/or the head of paid service;
- (vii) appoint the leader (if the leader's four year term of office has ended or come to an end under Standing order 2.1);
- (viii) appoint at least one overview and scrutiny committee, an audit and standards committee and such other committees as the council considers appropriate to deal with matters which are neither reserved to the council nor are executive functions; and
- (ix) consider any other business set out in the summons to the meeting.

3.2 Ordinary Meetings

Ordinary meetings of the council will take place in accordance with a programme decided by the council. Ordinary meetings will:

- (i) elect a person to preside if the chair of the council and vice-chair are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the chair of the council, leader, cabinet members or the head of paid service;
- (v) receive and consider any petitions in accordance with the council's petitions scheme;
- (vi) receive any addresses from the public in accordance with the Public Speaking provision under Standing order 34;
- (vii) receive any addresses from external speakers invited to address the council;
- (viii) receive periodic updates including a 'State of Warwickshire' address from the leader, reports from cabinet portfolio holders, member feedback from external bodies to which they are appointed by the county council;
- (ix) consider any reports on policy development areas brought forward for discussion by the leader;
- (x) deal with any business from the last council meeting;
- (xi) consider any reports from the cabinet, committees, the head of paid service, the joint managing directors or strategic directors;
- (xii) consider any reports about joint arrangements and external organisations;
- (xiii) consider motions; and

(xiv) consider any other business specified in the summons to the meeting.

3.3 Extraordinary Meetings

The chair of the council may call an extraordinary meeting at any time. The following may also require the head of paid service to call such a meeting:

- (i) the council by resolution
- (ii) the monitoring officer; or
- (iii) any five elected members who have presented a signed written request for an additional meeting to the chair of the council and he/she has either refused to call the meeting or has failed to call the meeting within 7 days.

3.4 Business

The only business that can be conducted at an extraordinary meeting shall be as specified in the summons to the meeting. Extraordinary meetings shall not consider previous minutes.

4. QUORUM AT COUNCIL

The quorum for a meeting of the council will be one quarter of the total number of members. In the unlikely event of more than one third of elected members being disqualified the quorum for the council shall be determined by reference to the number of elected members remaining.

5. MOTIONS ON NOTICE

5.1 Motions on Notice

At meetings of the council, except for motions which can be moved without notice under Standing order 32, written notice of each full motion, signed by at least one elected member and seconded by another elected member, must be delivered to the head of paid service not later than 10 clear working days before the date of the meeting.

5.2 Motions Set Out on the Agenda

Motions on notice will be listed on the agenda and taken in the order first received, unless the member giving notice states, in writing, that they propose to defer it to a later meeting or withdraw it.

5.3 Powers of the Chair of the Council

The chair of the council, in consultation with the head of paid service, may refer a motion to another body before being debated at council.

If the chair, after consultation with the head of paid service, considers it inappropriate to take a motion to council, he/she acting reasonably may provide written reasons for the refusal or take the issue to council for a decision as to whether or not it should be taken.

The proposed mover of the motion and the proposed seconder will normally be notified before the agenda is printed.

6. SPEECHES AND RULES OF DEBATE AT COUNCIL

6.1 Speeches Generally

Any motion must be moved at the meeting. Before a proposed motion can be considered by a meeting of full council, it must first be seconded by another elected member of full council. No elected member may speak in support of a motion until it has been seconded.

When seconding a motion, an elected member may reserve their speech until later in the

debate. An elected member proposing a motion has the right to reply at the end of the debate before the motion is put to the vote. (See Standing order 32.4 for the order in which rights of reply may be exercised.)

6.2 Standing to Speak

No one shall speak or stand whilst the chair of the council is either speaking or standing. When the chair stands during a debate the meeting, including any elected member speaking at the time, must be silent.

When speaking at council elected members must stand (unless unable) and address the meeting through the chair of the council. Other elected members must remain seated during speeches unless they wish to make a point of order or a point of personal explanation. The chair has the final say where two elected members stand to speak at the same time.

6.3 Speaking More Than Once Upon an Issue

Elected members will normally only be allowed to speak once upon any issue under consideration. Exceptions to this are to exercise a right of reply, to make a point of order, to provide a personal explanation, to speak on a proposed amendment or after proposing or seconding a motion. This list is not exhaustive and other occasions shall be at the discretion of the chair of the council.

6.4 Length of Speeches and Relevancy

Speeches will be limited to five minutes except when specific time limits are issued with the papers for the meeting or with the consent of the chair of the council. Speeches must at all times be relevant to the council business under consideration.

6.5 Length of Debates

With the exception of debates on the annual budget, the chair of the council has discretion to limit debate but not to less than one hour. Any motion to curtail debate shall not be moved less than one hour into any debate.

6.6 Motions that may be Moved During Debate

When a motion is under debate, only the following procedural motions may be moved:

- (i) to withdraw the motion;
- (ii) to amend the motion;
- (iii) to proceed to next business in accordance with Standing order 32.3;
- (iv) that the question now be put in accordance with Standing order 32.3;
- (v) to adjourn the debate in accordance with Standing order 32.3;
- (vi) to adjourn the meeting in accordance with Standing order 32.3;
- (vii) that the meeting continue beyond 6 hours in duration;
- (viii) to exclude the public and press in accordance with Standing order 36; and
- (ix) to not hear further a member named under Standing order 37.1 or to exclude them from the meeting under Standing order 37.2.

6.7 Amendments to Motions

The chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the council's business.

Amendments must be relevant to the motion and *must not negate* the motion. The ruling of the chair on the admissibility of an amendment is not open to challenge.

Amendments will either be:

- to leave out words; and/or
- to insert or add words; and/or
- to refer the matter to another body or person.

Amendments shall be voted on in the order in which they have been seconded.

If an amendment is carried the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

6.8 Point of Order

An elected member may raise a point of order at any time. A point of order may only relate to an alleged breach of these Standing orders or the law. The elected member must cite the rule or law and the way in which he/she considers it has been broken. The ruling of the chair on the matter will be final.

6.9 Personal Explanation

An elected member may at any time make a personal explanation, on a matter relating to some material part of his/her earlier speech, which appears to have been misunderstood in the present debate. The ruling of the chair on the admissibility of a personal explanation will be final.

7. ELECTED MEMBER QUESTION TIME

- 7.1** At each ordinary council meeting a maximum of thirty minutes will be allocated for questions to the Leader, Cabinet Portfolio Holders, and Chairs of Overview and Scrutiny Committees. This is in addition to the normal rights of any elected member to ask a question without notice about an item in any report which is under consideration at the meeting.

Any member may ask one or more questions provided it relates to Warwickshire. No prior notice of any question is required. However, members are encouraged to provide at least three working days' notice of questions to the head of paid service, in order that an informed answer may be given.

Answers may take the form of either a direct oral answer or reference to a publication. Where an oral answer cannot immediately be given, a written answer may be given to the questioner as soon as practicable following the meeting.

All written answers given following the meeting will be circulated to all elected members and, unless the contents would involve disclosure of exempt or confidential information, shall normally be made public.

Questions will normally be taken in the order that they were received but the chair may at his/her discretion group the questions by subject matter.

At the meeting, the questioner will be invited to put the question and the relevant member will be invited to reply. The Chair may impose a time limit subject to a maximum time of five minutes for each question.

A copy of any written answers will be attached as an appendix to the minutes unless the answer would involve the disclosure of exempt or confidential information.

7.2 Power to Reject Questions

The chair, after consultation with the head of paid service and acting reasonably, has the power to exclude any question which:

- (i) has already been answered; or

- (ii) is not relevant to council business; or
- (iii) he/she considers unsuitable

8. SUSPENSION / AMENDMENT OF STANDING ORDERS

8.1 Suspension

All or any part of these Standing orders, subject to any statutory constraints, may only be suspended by the council if at least one half of the whole number of councillors are present and on a majority of two thirds of those voting and then only for such time as is specified in the resolution. The extent and duration of suspension shall be proportionate to the result to be achieved.

8.2 Amendment

Any motion to add to, vary or revoke these Standing orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the council unless the motion conforms in all material respects with the recommendation in a report of the monitoring officer that is under consideration at the meeting. The decision of the monitoring officer on the conformity of the motion with the recommendation shall be final.

The motion may only be carried on a majority of two thirds of those voting.

9. SPECIAL RULES FOR MEETINGS OF THE CABINET

9.1 Frequency of Meetings

The cabinet will meet at least five times per municipal year at times to be agreed by the leader.

9.2 Calling of Meetings

A cabinet meeting may be called by the leader or by the head of paid service if he/she considers it necessary or appropriate and must be called if required under Standing order 9.4 below.

9.3 Business

At each meeting of the cabinet the following business will be conducted:

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest;
- (iii) receive and consider any petitions in accordance with the council's petitions scheme;
- (iv) receive any addresses from the public in accordance with the Public Speaking Standing Order 34;
- (v) matters referred to the cabinet for their reconsideration in accordance with these Standing orders;
- (vi) consideration of reports from overview and scrutiny committees;
- (vii) consideration of officer reports; and
- (viii) any other business specified in the agenda for the meeting.

9.4 Agendas for Meetings of the Cabinet

The leader, in consultation with the head of paid service, sets the agenda for meetings of the cabinet and may add any agenda item he/she wishes.

The following may also require the head of paid service to include an item on the agenda of the next available meeting of the cabinet:

- (i) the monitoring officer;
- (ii) the chief finance officer; or
- (iii) the head of paid service.

At the request of any elected member the leader can agree to add up to two additional items to the agenda of the next available meeting of the cabinet. Notice of the meeting will give the name of the member making the request and he/she may be invited by the leader to attend for that item.

If an item requires a decision before the next scheduled meeting of the cabinet any person(s) entitled to include an item on the agenda may require that a meeting be convened at which the item will be considered.

9.5 Organising the Agenda of Cabinet Meetings

The cabinet will organise its agenda according to the following rules:

- (i) any public petitions submitted in accordance with the council's petitions scheme;
- (ii) any matters for consideration at the meeting;
- (iii) any decisions which need to have immediate effect; or
- (iv) other decisions subject to the call-in procedures and/or referral to the council.

9.6 Officers' Attendance at Cabinet Meetings

The head of paid service, the chief finance officer and the monitoring officer, and their nominees are entitled to attend any meeting of the cabinet, its committees or sub-committees. The cabinet, its committees or sub-committees may not meet unless these officers have been given reasonable notice that a meeting is to take place.

SPECIAL RULES FOR EXECUTIVE DECISIONS

10. Leader and Portfolio Holder Decisions

10.1 Key Decision Procedure and Call-In to Apply

Any leader or portfolio holder decision shall comply with the procedure for taking key decisions set out in Standing orders 16 to 18. This means that advance notice of the proposed decision should be given in the forward plan unless the requirements for a general exception notice or an urgent decision have been met.

Any decision made by the leader or a portfolio holder shall be subject to the call-in procedure under Standing order 13 unless the requirements for an urgent decision have been met under Standing order 18.

10.2 Reports and Process for Leader and Portfolio Holder Decisions

A report in the standard format for reports to member bodies shall be prepared for each proposed decision in accordance with the council's procedures and consultation requirements for reports.

Once the report has received the appropriate clearances, democratic services will submit the report to the leader or portfolio holder as appropriate for decision together with a draft decision record.

The leader or portfolio holder may confirm agreement with the proposed recommendation and draft decision record by electronic means provided the proposed decision is in accordance with the recommendations in the report.

However, where the leader or portfolio holder intends to make a substantive departure from a

recommendation in the report he/she shall meet with a representative of democratic services to ensure that an appropriate decision record is produced. The portfolio holder may, in any circumstance, take the decision at a meeting open to other members and the public (subject to the exclusion of the public for any particular item as set out in Standing order 36).

10.3 Record of Decisions and Publication

A record of any decision made by the leader or a portfolio holder shall comply with Standing order 20.

The decision will normally be published by democratic services within 2 working days of the decision being taken.

No step may be taken to implement the decision until the decision has been published and any relevant call-in period has expired or, if called in, the call-in process has been completed.

11. Local Member Decisions

11.1 The leader or the council may delegate powers to local members to make decisions in relation to their electoral divisions provided they relate to local government matters and affect the electoral division of the member concerned.

11.2 At least 2 weeks' notice of an intention to make a local member decision shall be given in the forward plan.

11.3 Standing orders 13 to 15 shall apply to local member executive decisions.

11.4 If a local member executive decision would fall within the definition of a key decision then the decision-making process also must comply with the requirements for key decisions.

11.5 Standing order 20 (record of decisions) shall apply to all local member decisions and, subject to meeting any requirements set out above, no local member decision may take effect until 5 working days after the record of the decision has been published by democratic services.

12. KEY DECISIONS - Meaning

A key decision means a decision made in the exercise of an executive function by any person (including officers) or body, which meets one or more of the following conditions:

- (i) the decision is likely to result in the local authority incurring expenditure or the making of savings in excess of £1,000,000. Excluded from this are all loans to banks or other financial institutions made in accordance with the treasury management strategy.

Chief officers' delegated powers to make executive decisions are subject to the key decision/call-in regime where it is likely the local authority would incur expenditure or make savings above the threshold of £1,000,000.

In relation to letting contracts the key decision is the proposal to let a contract for a particular type of work. The subsequent decision to award the contract to a specific contractor will not be a key decision provided the value of the contract does not vary above the estimated amount by more than 10% for contracts with a value of £1,000,000 to £1,500,000 or 5% for contracts of over £1,500,000.

OR

- (ii) the decision is likely to be significant in terms of its effects on communities living or working in any electoral division in Warwickshire.

In considering whether a decision is likely to be significant, a decision-maker will need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality affected.

In making this decision consultation should be undertaken with members whose electoral divisions might be affected in accordance with paragraph 13 of the Protocol on Member/Officer Relations in part 4 section 3 of this constitution.

OR

(iii) the consideration by the executive of any matters which involve proposals or decisions:

- to change any plan or strategy included in the policy framework; or
- to develop any major new plan or strategy; or
- for the annual budget; or
- which would otherwise be contrary to and not in accordance with the policy framework or budget.

13. CALL-IN

13.1 Subject to Standing orders 15 and 18 below call-in applies to the following executive decisions i.e. decisions made by:

- the leader or any portfolio holder;
- the cabinet;
- committees of the cabinet;
- local members making executive decisions; or
- officers making key executive decisions.

13.2 Any such decision shall be published electronically, normally within 2 working days of being made. Chairs of all overview and scrutiny committees will be sent copies of the records of all such decisions at the same time.

13.3 The decision will come into force and may then be implemented on the expiry of 5 working days after the date of electronic publication of the decision, unless the monitoring officer receives a written request as set out in 13.4 below.

13.4 During that period if the monitoring officer receives a written request from:
(i) the chair of the relevant overview and scrutiny committee; or
(ii) any four members of the council;

he/she will notify the decision-maker and the chair of the relevant overview and scrutiny committee that the decision has been called in. Any such request must set out the nature of the concern and the reasons for the call-in.

13.5 Where it appears that the decision might reasonably be considered by the monitoring officer to be contrary to the policy framework or budget the monitoring officer may refer the matter for consideration by the full council instead of the overview and scrutiny committee with the agreement of the chair of the relevant overview and scrutiny committee and the chair of the council.

13.6 The relevant overview and scrutiny committee or the council in relation to referrals under Standing order 13.5 shall meet to consider the decision no later than 10 working days after receipt of the call- in request.

13.7 Having considered the decision the relevant overview and scrutiny committee may:

- (i) refer it back to the decision-making person or body for reconsideration setting out in writing the nature of its concern; or
- (ii) decide to take no action.

The outcome of the overview and scrutiny committee consideration will normally be published electronically within 2 working days of the meeting.

13.8 If the overview and scrutiny committee decides to take no action, the decision shall take effect on the date of the overview and scrutiny committee meeting. If the overview and scrutiny committee refers the decision back to the decision-making person or body the decision will take effect on the date the decision-maker determines the matter.

13.9 The council may, after considering a decision referred under Standing order 13.5:

- (i) make the decision with or without amendment, if it falls within the council's power to do so; or
- (ii) decide to take no action.

13.10 If the council decides to take no action or makes the decision itself the decision shall take effect on the date of the council meeting.

13.11 Once the call-in has been considered either by the relevant overview and scrutiny committee or by the Council under Standing order 13.5, no further right of call-in may be exercised.

14. Cabinet Call-in of Local Member Decisions

Any member of the cabinet may call-in an executive decision made by a local member within 5 working days of the publication of the decision.

Where a decision has been called-in under this Standing order the decision made by the local member shall be of no effect.

Any call-in by a cabinet member under this Standing order shall invalidate any call-in of the local member decision under Standing order 13.

The cabinet or leader or portfolio holder shall consider the called-in decision at the next available meeting or session and shall have power to make such decision as it sees fit in respect of the matter provided it falls within its powers to do so.

Nothing in this Standing order prevents the decision once made by the cabinet or the leader or portfolio holder being called-in under Standing order 13.

15. Limitations on Call-in

In order to ensure that call-in does not cause unreasonable delay and is not abused, the following limitations shall apply:

The call-in procedure may only be used once in respect of any particular decision.

Where, as a result of call-in, the matter is referred back to the decision-maker for final decision or the decision is otherwise deemed to take effect no further call-in may be exercised.

Only key executive decisions made by officers shall be subject to call-in. There shall be no right of call-in in relation to operational or day-to-day management decisions.

Call-in shall not apply to urgent decisions that comply with Standing order 18 below.

16. Procedure Before Taking Key Decisions

- 16.1 Subject to Standing orders 17 (general exception) and 18 (urgency), a key decision may not be taken by any person or body unless:
- (a) notice has been given in the published forward plan in connection with the matter in question; and
 - (b) at least 5 clear days have elapsed since the publication of the forward plan; and
 - (c) where the decision is to be taken at a meeting of the cabinet or its committees notice of the meeting has been given in accordance with Standing order 28.2 (notice of meetings).
- 16.2 A copy of any report submitted to an individual decision-taker (member or officer) in connection with a proposal to take a key decision shall be supplied as soon as reasonably practicable to the chair of any relevant overview and scrutiny committee or all members of that committee if there is no chair. Any such report shall be retained for public inspection unless it contains confidential or exempt information and shall include a list of background papers.

17. General Exception

Where a matter which is likely to be a key decision has not been included in the forward plan the decision may still be taken if the following conditions are met or the conditions for taking urgent decisions under Standing order 18 are met:

- (a) it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates; and
- (b) the monitoring officer has given written notice to the chair of a relevant overview and scrutiny committee or, if there is no such person, each member of the relevant overview and scrutiny committee of the matter about which the decision is to be made; and
- (c) the monitoring officer has made copies of that notice available to the public at the designated officer of the council; and
- (d) at least 5 clear days have elapsed since the monitoring officer complied with (b) and (c).

Where such a decision is taken by a member body or by the leader or portfolio holder, it must be taken in public unless it would involve the disclosure of confidential or exempt information.

18. Urgency

This Standing order applies to any key decision and any decisions made by:

- the leader or portfolio holders;
- the cabinet;
- committees of the cabinet;
- local members making executive decisions; or
- officers making key executive decisions.

Where the decision is urgent and it is impracticable to comply with Standing orders 16 and 17 the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision obtains the consent of the chair of a relevant overview and scrutiny committee or, if no chair of an overview and scrutiny committee is able to act, the consent of the chair of the council or in his/her absence the vice-chair, in writing that:

- (i) the decision cannot reasonably be deferred; and
- (ii) the decision should be treated as a matter of urgency; and
- (iii) where the proposed decision is contrary to or not wholly in accordance with the policy framework or budget it is not practicable to convene a quorate meeting of the full council.

The record of the decision and the notice by which it is made public shall state whether or not the decision is an urgent one.

A decision will be urgent if any delay likely to be caused by call-in would seriously prejudice the council or the public interest.

19. REPORTS TO COUNCIL

19.1 General Requirements

The leader will report to council on an annual basis details of urgent decisions taken under Standing order 18 (urgency) containing the details of each decision taken and the reason for the urgency.

The call-in and urgency procedures shall be monitored annually and a report submitted to the council by the monitoring officer with proposals for review if necessary.

19.2 When an Overview and Scrutiny Committee can Require a Report

If the relevant overview and scrutiny committee thinks that a key decision has been taken which was not:

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure (Standing order 17); or
- (c) the subject of an agreement under Standing order 18;

that committee may require the leader to submit a report to the council in accordance with Standing order 19.3 below.

19.3 Leader's Report to Council

Where required under Standing order 19.2 the leader will prepare and submit a report to the next available council meeting. The next available council meeting means the next council meeting falling at least 7 clear days after the relevant overview and scrutiny committee meeting. The report to the council will set out the decision and reasons for the decision, the individual or body making the decision and, if the leader is of the opinion that it was not a key decision, the reasons for that opinion.

20. RECORD OF DECISIONS

20.1 After any meeting of the cabinet or any of its committees or sub-committees or leader and portfolio holder decisions under Standing order 10 or local member decisions under Standing order 11, whether taken in public or private, the monitoring officer will produce a record of every decision taken as soon as practicable. The record will include:

- (i) a record of the decision;
- (ii) the reasons for the decision;
- (iii) any alternative options considered and rejected;
- (iv) any declaration of interest by any member relating to the decision and any dispensation granted by the audit and standards committee;
- (v) a list of any reports considered; and
- (vi) a list of any background papers.

20.2 Where any officer takes a key executive decision he/she shall produce a written statement in accordance with Standing order 20.1.

The officer shall forward a copy of that written statement and any reports considered immediately to the monitoring officer.

- 20.3 The monitoring officer shall make any written record or written statement and any reports considered available for public inspection, unless it would involve the disclosure of confidential or exempt information.

21. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

21.1 Rights to Copies

Subject to Standing order 21.2 below, a member of an overview and scrutiny committee (including its sub-committees if any) will be entitled to copies of any document which is in the possession or control of the leader or portfolio holder, cabinet, its committees or sub-committees, local member or an officer and which contains material relating to:

- (a) any business transacted at a public or private meeting of the cabinet, its committees or sub-committees; or
- (b) a leader or portfolio holder decision under Standing order 10;
- (c) a local member decision under Standing order 11;
- (d) any key decision that has been made by an officer of the authority.

21.2 Limit on Rights

A member of an overview and scrutiny committee will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision he/she is reviewing or scrutinising or relevant to any review contained in any programme of work of such a committee or sub-committee.

22. RIGHTS OF ALL MEMBERS TO INSPECT DOCUMENTS

All members will be entitled to inspect any document which is in the possession or under the control of the cabinet, its committees or sub-committees, the leader or portfolio holder in relation to decisions under Standing order 10 or a local member in relation to decisions under Standing order 11 and contains material relating to any business previously transacted in private or any key decision made by an officer unless it contains confidential or exempt information falling within paragraphs 1 to 7 of the categories of exempt information.

23 THE FORWARD PLAN

23.1 Annual Notice of the Forward Plan

The monitoring officer will publish a notice once a year stating:

- (a) that key decisions are to be taken on behalf of the council;
 - (b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
 - (c) that the plan will contain details of the key decisions to be made for the four month period following its publication;
 - (d) that each plan will be available for inspection at reasonable hours free of charge at the designated office;
 - (e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
 - (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
 - (g) that other documents may be submitted to decision takers;
 - (h) the procedure for requesting details of the documents (if any) as they become available;
- and

- (i) the dates of each month in the following year on which each forward plan will be published and available to the public at the designated office.

23.2 Period of Forward Plan

Forward plans will be prepared by the council to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

23.3 Publication of the Forward Plan

The forward plan must be published at least 14 days before the start of the period covered.

23.4 Contents of the Forward Plan

The forward plan will contain matters which the council has reason to believe are likely to be the subject of a key decision to be taken by the leader, portfolio holder, cabinet or body or person exercising delegated powers during the period covered by the plan. Any outstanding matters contained in the previous forward plan must be included in the latest forward plan.

Exempt information need not be included in a forward plan and confidential information cannot be included.

Subject to the above it will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an officer, his/her name and title, if any and, where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult, where appropriate, before taking the decision;
- (e) the means by which any such consultation (if appropriate) is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

24. DEVELOPING THE BUDGET AND POLICY FRAMEWORK

24.1 The council is responsible for agreeing the budget and policy framework as set out in Article 4. Once the budget or policy framework is agreed, the leader is responsible for implementing the agreed policy framework within the set budget.

The leader is also responsible for leading the development of the policy framework and putting forward proposals for the draft budget, plans and strategies for the council to consider.

24.2 Approved Changes to the Budget or Policy Framework

The leader, or person(s) or body nominated by him/her, are authorised to make changes to the budget by:

- (a) approving virements for revenue and capital monies in accordance with the financial regulations approved by the council;
- (b) agreeing any increases or reductions in capital starts/payments totals as part of the capital review process;
- (c) approving the addition to the capital programme of projects costing less than £2,000,000 which are fully funded from external grants, developer contribution or from revenue; and

(d) approving individual projects within the allocations made by the council.

- 24.3** The strategic director for resources and the head of finance are authorised to exercise those powers set out in the revenue and capital budget resolutions.
- 24.4** The leader or the cabinet shall have power to amend, modify, vary or revoke the policy framework to the extent that:
- (a) it is required for giving effect to the requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy or any part thereof submitted for his/her approval; or
 - (b) it is authorised by the council when approving or adopting a plan or strategy; or
 - (c) it is authorised by the council to update and maintain any action plans supporting a plan or strategy within the policy framework.
- 24.5** The council, when approving or adopting any plan or strategy, shall consider the extent to which the leader or the cabinet may make changes to the plan or strategy.
- 24.6** Any other changes to the policy and budgetary framework are reserved to the council.
- 25. LEADER OR CABINET PROPOSALS FOR THE BUDGET**
- 25.1** The leader or cabinet shall produce an outline budget proposal at the December cabinet meeting in any year. A detailed proposal shall be produced at the January meeting of cabinet. Any opposition proposals shall be produced no later than three clear working days before the council meeting at which the budget is to be considered. These provisions do not restrict any amendments to proposals being made on the day of the budget meeting.
- 25.2** If the leader fails to make proposals for the draft budget by 8th February preceding the commencement of the financial year to which the budget relates, the council may make a decision that has immediate effect and Standing order 25.3 – 25.9 below shall not apply.
- 25.3** In reaching a decision, the council may adopt the leader's or the cabinet's proposals, amend them, refer them back to the leader or the cabinet for further consideration, or substitute its own proposals in their place.
- 25.4** Where the council accepts the recommendation of the leader or the cabinet without amendment, the council may make a decision that has immediate effect. Otherwise, it may only make an in-principle decision.
- 25.5** The council must inform the leader of any objections it has to the proposals and instruct the leader to reconsider any proposal in the light of those objections within the period specified by the council, which shall not be less than 5 working days beginning with the day after the date the leader receives those instructions.
- 25.6** An in-principle decision will automatically take effect after the end of the specified period unless the leader informs the head of paid service in writing within that period that he/she objects to the decision becoming effective and provides reasons why.
- 25.7** Where an objection from the leader is received the head of paid service will call a council meeting within a further 5 working days. The council must meet to re-consider its decision and the leader's written submission within a further 10 working days.
- 25.8** After considering the leader's objection and the reasons for it, the council may:
- (i) approve the leader's or the cabinet's recommendation by a simple majority of votes cast at the meeting; or
 - (ii) approve a different decision that does not accord with the recommendation of the leader or the cabinet by a simple majority.
- 25.9** Any decision made under Standing order 25.6 above has immediate effect.

26. SPECIAL RULES FOR OVERVIEW AND SCRUTINY COMMITTEES

26.1 Frequency of Meetings

There shall be at least four meetings of each overview and scrutiny committee in each municipal year.

26.2 Calling of Meetings

An overview and scrutiny committee meeting may be called by the chair of the relevant overview and scrutiny committee, by any five members of the committee or by the head of paid service if he/she considers it necessary or appropriate.

26.3 Business

Overview and scrutiny committees and sub-committees shall consider the following business:

- (i) minutes of the last meeting;
- (ii) declarations of interest;
- (iii) consideration of any matter referred to the committee for a decision in relation to call-in of a decision under Standing order 13 above;
- (iv) responses of the leader, portfolio holder or the cabinet to reports of the overview and scrutiny committee; and
- (v) any other business specified in the agenda for the meeting.

26.4 Agenda Items for Overview and Scrutiny Committee Meetings

Any person appointed to an overview and scrutiny committee or sub-committee, may require the head of paid service to include an item on the agenda of the next available meeting.

Any five members of the council who are not members of the overview and scrutiny committee may give written notice to the chief executive that they wish an item to be included on the agenda of an overview and scrutiny committee or sub-committee. Notice of the meeting will give the name of the member(s) making the request and the first named member may be invited by the chair to attend for that item.

27. COUNCILLOR CALL FOR ACTION

27.1 A member may, in respect of a matter affecting his/her electoral division, refer the matter to the relevant overview and scrutiny committee for consideration (councillor call for action) by giving notice to the monitoring officer.

27.2 The monitoring officer will refer the councillor call for action to the chair of the relevant overview and scrutiny committee unless it relates to an excluded matter.

27.3 The monitoring officer will reject a councillor call for action where it deals with excluded matters. A copy of the decision will be sent to the chair of the relevant overview and scrutiny committee.

27.4 The relevant chair of the overview and scrutiny committee will either refer the matter back to the member on the basis it is premature and specify what steps the member should take towards resolving the matter OR refer the matter to the next available meeting of the overview and scrutiny committee.

27.5 If a councillor call for action is included on the agenda of an overview and scrutiny committee, any further action is entirely within the discretion of the committee.

27.6 Further guidance on the use of the councillor call for action can be found in part 4 section 3 of this constitution.

28. GENERAL RULES FOR ALL MEETINGS

28.1 Time and Place

With the exception of the annual meeting of the council, and meetings of the cabinet, leader and portfolio holder sessions and the overview and scrutiny committees which are dealt with above, the time and place of other meetings will be determined by the relevant body, the chair of the relevant body, or the head of paid service as appropriate.

28.2 Notice of and Summons to Meetings

The head of paid service will give at least 5 clear days' notice to the public of the time and place of any meeting by posting details at Shire Hall, Warwick, which is the designated office and by publication on the council's website. Meeting includes for these purposes any leader or portfolio holder session.

At least 5 clear days before a meeting, a summons signed by the head of paid service must be sent by post to every member of the relevant body or decision-makers or left at their usual place of residence or such other alternative address as notified to the head of paid service in writing or by electronic means. 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.

Lack of proper service of a summons upon any member will not invalidate the meeting.

28.3 Agenda Items

With the exception of the annual meeting of the council, meetings of the cabinet, leader and portfolio holder sessions and the overview and scrutiny committees which are dealt with above, the agendas for other meetings will be fixed by the relevant chair in consultation with the head of paid service subject to any legal requirements.

28.4 Public Access to Agenda and Reports

The monitoring officer will make copies of the agenda and accompanying reports available for inspection by the public at the designated office at least 5 clear days before the meeting.

Where a report is not included with the agenda the head of paid service shall make each such report available to the public for inspection as soon as the report is completed and sent to councillors.

Nothing in this rule requires the disclosure of any report containing confidential or exempt information as defined in Standing order 40.

28.5 Quorum

With the exception of the council, the quorum at meetings of member bodies shall be one fifth of the number on that body or two, whichever is the greater. Any legal requirements which from time to time specify a particular quorum for a body will be observed.

28.6 No Proper Quorum

If the chair declares there is no quorum, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair or, if none, at the next meeting of that body.

28.7 Duration of Meetings

Unless the majority of members present vote for the meeting to continue, any council meeting that has lasted for 6 hours and any other meeting of a member body that has lasted for 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair or, if none, at the next meeting of that body. This rule does not apply to council meetings at which the annual budget is being debated.

28.8 Attendance by Elected Members as Observers

Except at meetings dealing with disciplinary matters or staff appointments any elected member can attend any meeting of an elected member body or leader and portfolio holder session as a non-speaking observer. Such an observer may be invited at the chair's, the leader's or relevant portfolio holder's discretion to speak at that meeting, but may not vote.

28.9 Record of Attendance

Each member present during the whole or any part of any meeting must sign his/her name in the relevant attendance book.

29. MINUTES

29.1 Taking Minutes

Minutes will be taken of every meeting to which these Standing orders apply.

29.2 Form of Minutes

Minutes will contain all motions and amendments moved at the relevant meeting.

29.3 Approving and Signing the Minutes

Every set of minutes must be taken to the next suitable meeting where the chair will move that they be approved as an accurate record. Once approved the minutes shall be signed by the chair.

An extraordinary meeting shall not be treated as a suitable meeting for the purposes of this Standing order.

30. THE CHAIR

30.1 Powers and Duties

It shall be the duty of any chair to conduct the meeting efficiently and effectively and at all times to act reasonably. The chair shall have full power to conduct the meeting in the way that he/she considers most expedient and to decide upon any points of procedure subject only to statutory requirements (if any) and these Standing orders. The decision of the chair shall be final, however, where two or more elected members raise a point about procedure or the conduct of the meeting the chair must seek and take account of the advice of the monitoring officer (or his/her nominee) before giving any decision.

30.2 Power to Adjourn

If at any meeting there is a general disturbance making orderly conduct of business not reasonably possible, the chair may adjourn the meeting for as long as he/she thinks necessary.

30.3 Absent Chair

If at any meeting the relevant chair or vice-chair is not present to preside, another member chosen by those present shall preside for that meeting. In the event that no member is

chosen to preside, the head of paid service (or his/her nominee) may chair the meeting.

30.4 Powers of the Person Presiding

Any person presiding at the meeting has the same powers and duties as the chair with the exception that where the head of paid service presides he/she does not have a power to vote.

31. VOTING

31.1 Majority

All issues will be decided by a majority of those present and voting unless the law or these Standing orders specifically require otherwise. Unless allowed by law co-opted members will not have the power to vote.

31.2 Chair Casting Vote

In the event of equality of votes the chair, if otherwise eligible to vote, will have a casting vote. There will be no restriction on how the chair chooses to exercise a casting vote.

31.3 Show of Hands

Unless a recorded vote is demanded under Standing order 31.4, the chair will take the vote by show of hands or, if there is no dissent, by affirmation of the meeting. Standing order 31.4 applies only to meetings of the council.

31.4 Recorded Vote

There must be a recorded vote at a council meeting when deciding on the annual budget, setting the precept or making requisite calculations. In relation to any other matter at a council meeting before the vote is taken the chair, or three or more elected members present at the meeting, may demand that a poll of the results be recorded in writing and entered into the minutes.

31.5 Right to Require Individual Vote to be Recorded

Immediately after the vote is taken any member at any meeting can require that their individual vote be recorded in the minutes.

31.6 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is no clear majority in favour of one person, the person with the least votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

32. MOTIONS

32.1 Scope of Motions

All motions (which includes any suggested amendments) must be moved at the meeting and must be about matters for which the council has a responsibility or which affect the area.

32.2 Procedural Motions

At meetings procedural motions may be moved without notice. Procedural motions generally, but not exclusively, relate to:

- (a) Procedural matters on the agenda - such as appointing a chair, accuracy of the minutes, changing the order of business, amending or withdrawing a motion, extending the duration of meeting;

- (b) General matters of procedure such as referring an item to an appropriate body or individual, receiving reports or adopting recommendations of the cabinet or committees or officers and any motions or amendments following from them, excluding the public and press in accordance with Standing order 36, not to hear further a member named under Standing order 37.1 or to exclude him/her from the meeting under Standing order 37.2;
- (c) Closure motions - to proceed to the next business, that the question now be put, to adjourn a debate or to adjourn a meeting.

In rare circumstances urgent item motions which the chair of the relevant body considers are genuinely urgent and can be dealt with at the meeting may be moved without notice in accordance with these Standing orders.

32.3 Closure Motions - Procedure

Closure motions shall be moved without comment by a member who has not spoken on the matter, at the conclusion of the speech of another member.

- (i) If a closure motion '**to proceed to the next business**' is seconded the chair, if he/she considers there has been sufficient discussion about the matter shall, without further discussion, give the mover(s) of the original motion and any amendments a right of reply before the closure motion is put to the vote.
- (ii) If a closure motion '**that the question now be put**' is seconded, the chair, if he/she considers there has been sufficient discussion about the matter, will immediately put the closure motion to the vote without debate. If the closure motion is passed, then without further discussion the mover(s) of the original motion and any amendments will be given a right of reply before the original motion is put to the vote.
- (iii) If a closure motion '*to adjourn the debate*' or '*to adjourn the meeting*' is seconded, the chair, if he/she considers there has been sufficient discussion about the matter, will immediately put the closure motion to the vote without discussion.
- (iv) If a closure motion is not carried the same motion shall not be moved within a period of 30 minutes without leave of the chair.

32.4 Rights of Reply - Order

Rights of reply shall be exercised in the following order

- (a) the mover of an amendment;
- (b) where there is more than one amendment the rights of reply shall be exercised in the order the amendments were moved;
- (c) the mover of the original (substantive) motion.

A member exercising a right of reply shall confine his/herself strictly to answering previous observations and shall not introduce any new matter.

32.5 Motion to Rescind a Previous Decision

No motion or amendment which would have the effect of rescinding a decision made at a council meeting within the previous 6 months can be moved unless the written notice of the proposed motion or amendment is signed by at least four members.

32.6 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a council meeting in the previous 6 months cannot be moved unless the written notice of the proposed motion or amendment is signed by at least four members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for 6 months.

33. RULES OF DEBATE

Subject to legal requirements and also to the agreed formats for local authority meetings, it is intended that meetings other than the council have the greatest amount of flexibility to conduct business in the way that they consider most effective.

The conduct of business, including speeches and debates at such meetings, will be at the discretion of the chair acting reasonably. The chair may impose the limits set out in Standing orders 6.1, 6.4, 6.5 and 6.6 above.

34. PUBLIC SPEAKING

34.1 Applicability

This Standing order shall apply to council, cabinet and overview and scrutiny committees.

34.2 General

The chair of a meeting shall have power to manage public speaking in a way that facilitates the proper and timely conduct of the meeting including placing a limit on the time allotted for public speakers. The chair has discretion to reject any statement or question that:

- (i) has already been put to this or a previous meeting;
- (ii) is not relevant to the business of the body; or
- (iii) he/she considers unsuitable.

34.3 Eligibility

Any member of the public who is resident or working in Warwickshire or whom is in receipt of services from the council may speak meetings of the council, cabinet or an overview and scrutiny committee.

Speakers at cabinet and council meetings may only speak on matters that relate the agenda of that meeting. Speakers at overview and scrutiny committee meetings may address any matter relevant to the remit of that committee. Any address must not contain any defamatory, frivolous or offensive statements.

A member of the public for the purposes of this Standing order does not include:

- any employee of the council in relation to any matter connected with his/her employment;
- any representative of an employee of the council or group of such employees;
- any person in a contractual relationship with the council in relation to any matter connected with that contract;
- any member of any local authority on a matter concerning that authority;
- any person who is an applicant for a consent, approval, permission, licence or similar decision given by the council;
- any person intending to refer to any confidential or exempt matter on the agenda; or
- a person who is engaged professionally to speak on behalf of another.

34.4 Procedure

Any member of the public who wishes to speak on an item must give notice in writing or by electronic means to the head of paid service at least 3 working days before the meeting. Any questions should be notified in writing or by electronic means and received by the head of paid service at least 3 working days before the meeting.

Each speaker must give their name and address and the subject upon which they wish to speak.

If more than one person wishes to speak on a subject the first person shall have priority. At the chair's discretion a second person may speak on the subject if it is clear that the area of concern is different and/or it will enable the meeting to receive a balance of views.

Each speaker shall have a maximum of three minutes to speak.

A summary of addresses made by the public will be recorded in the minutes of the meeting.

34.5 Absence of the Speaker

In the absence of a speaker the chair has discretion over how to deal with the matter and may put the question/statement him/herself to the meeting.

34.6 Form of Answers

Answers may take the form of either a direct oral answer or reference to a publication. Where an oral answer cannot immediately be given, a written answer may be given to the questioner as soon as practicable following the meeting.

All written answers given following the meeting will be circulated to all members of the body and, unless the contents would involve disclosure of exempt or confidential information, shall normally be made public.

34.7 Referral of a Matter

The chair has discretion to decide whether discussion will take place on any matter raised by a public speaker, but any member may move that the subject matter be referred to the cabinet or another appropriate committee. Once seconded, such a motion will be voted on without discussion.

34.8 Public Speaking at Regulatory Committee

Standing orders 34.8 and 34.9 apply only to applications for planning permission, and for approvals under planning conditions, decided by the Regulatory Committee.

A councillor of any local authority (including town and parish councils) representing the area in which the application site is situated, and anyone who has made written representations mentioned in the officer report, is eligible to speak to the committee.

If a person speaks against an application, the applicant has a right of reply. Anyone entitled to speak may nominate a representative to speak on their behalf. Speakers may be questioned by officers and members of the committee.

No more than three objectors and three supporters (not counting local councillors with a right to speak) may speak on any one application. If more than three request to speak in either category, they will be asked to agree a smaller number of representatives. If they fail to agree, the chair shall have discretion to select the representatives.

Anyone wishing to speak to the committee must make a request either by letter or electronic means to the development group at least three working days before the committee meets.

The chair may stop a speaker if what they are saying is irrelevant or offensive or if they attempt to introduce substantial new issues or evidence. Speakers cannot circulate new documents other than photographs and no presentation aids may be used.

Speakers will not be permitted to question any other person and will not be allowed to speak more than once. If it is necessary to make a factual correction after speaking, the information

should be supplied to an officer.

If the committee defers an application to obtain further information or to visit the site, speakers will be allowed to speak when the application is next considered only if they spoke at the first meeting and only in order to address any new information which has emerged in the meantime.

34.9 Order of Speaking at Regulatory Committee

Applications on which people have requested to speak will be dealt with before other items on the agenda. Public speaking on each application will take place after the planning officer has introduced the application. Each speaker has a maximum of 3 minutes. The order of speaking will be:

- (i) the county councillor;
- (ii) other councillors;
- (iii) objectors;
- (iv) supporters;
- (v) applicant.

The chair may exercise discretion to depart from the rules of this scheme in exceptional circumstances

35. PETITIONS - Public Rights under the Petition Scheme

- 35.1** Members of the public have a right to petition the council in accordance with the petitions scheme approved by the full council.
- 35.2** On receipt of a petition which meets the requirements of the scheme the democratic services manager will notify the appropriate portfolio holder, strategic director and, if appropriate, the local member of the receipt of the petition and its subject matter.
- 35.3** The democratic services manager will make arrangements for the petition to be included on the agenda of the next available meeting of the body concerned. The petition organiser or a person he/she nominates will have a right to speak for up to five minutes in support of the petition at that meeting. A petition may only be presented once.
- 35.4** Following presentation of the petition to the meeting the petition will normally be referred to the relevant strategic director or chief officer for consideration and response. The strategic director will normally advise the petitions organiser within 10 working days of the meeting of the action proposed to be taken in response to the petition.
- 35.5** Where more than one petition is received in time for a particular meeting, supporting the same outcome on a particular matter (duplicate petitions), each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

36 ACCESS BY THE PUBLIC TO MEETINGS

Members of the public may attend all meetings including leader and portfolio holder sessions subject only to the exceptions in these Standing orders.

36.1 Confidential Information - Requirement to Exclude Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

36.2 Meaning of Confidential Information

Confidential information means information given to the council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by or under any enactment or by court order.

36.3 Exempt Information - Discretion to Exclude Public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

36.4 Meaning of Exempt Information

Subject to (i) and (ii) below exempt information means information falling within the seven categories set out in column 1 of the table at the end of these Standing orders subject to any qualification in column 2 for that category:

- (i) Exempt information is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- (ii) Information is not exempt if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and County Planning General Regulations 1992.

36.5 Removal of a Member of the Public

Any member of the public who interrupts proceedings or acts improperly shall firstly be warned by the chair that, if their conduct continues, the chair will request that they leave or order them to be removed from the meeting.

36.6 Clearance of Part of the Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared.

37. DISORDERLY CONDUCT BY MEMBERS

37.1 Member Not to be Heard Further

If at any meeting a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that the member not be heard further. If seconded, the motion will be voted on without discussion.

37.2 Member to Leave the Meeting

If at any meeting the member continues to behave improperly after such a motion is carried, the chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

38. THE PARTY WHIP

38.1 It will not normally be appropriate for the party whip to operate in relation to overview and scrutiny functions.

38.2 When considering any matter in respect of which a member of an overview and scrutiny committee is subject to a party whip, the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter.

The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

- 38.3** A party whip shall not be applied in any situation where members are considering planning applications, appeals of any sort or acting as a tribunal.

39. PROBITY AND ETHICS

(a) Members will abide by any ethical rules or guidance set out in any of the following:

- (i) as stipulated by law (whether common law, statute, subsidiary legislation, statutory code or guidance);
- (ii) as issued by any other organisation/body if such rules or guidance are adopted by the local authority;
- (iii) as set out in the council's code of conduct for members in part 4 of this constitution;
- (iv) any other rules or guidance issued by the local authority itself.

(b) A member attending a meeting where a matter arises in which he/she has a disclosable pecuniary interest must (unless he/she has a dispensation) leave the meeting room until the matter has been dealt with.

40. ACCESS TO INFORMATION AND CONFIDENTIALITY

Any confidential or exempt information and documentation shall be kept confidential by all members.

Any disputes relating to the rights of access of any person under these Standing orders or any statutory provision or common law rights shall be referred to the monitoring officer of the council.

These Standing orders do not affect any more specific rights to information contained elsewhere in this constitution or the law.

41. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the monitoring officer thinks fit, the council may exclude access by the public to reports which in his/her opinion relate to items during which, in accordance with Standing order 36, the meeting is likely not to be open to the public. Such reports will be marked "not for publication" together with the category of information likely to be disclosed.

42. ACCESS TO MINUTES ETC. AFTER THE MEETING

The council will retain copies of the following for public inspection for six years after the date of the meeting or the date of the decision:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the council, the cabinet or any committees and any leader and portfolio holder sessions excluding any part of the minutes or record when the meeting was not open to the public which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes or record of the decision open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting or session;
- (d) reports relating to items when the meeting or session was open to the public;
- (e) local member decisions under Standing order 11 and officer key decision records excluding any part of the record which would disclose exempt or confidential information.

43. BACKGROUND PAPERS

43.1 List of Background Papers

The chief officer originating the report, or in the case of a joint report the first named chief officer, shall ensure that every report includes a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report;

except published works or those which would disclose exempt or confidential information (as defined in Standing order 36).

43.2 Public Inspection of Background Papers

The council will retain for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

44. FILMING AND USE OF SOCIAL MEDIA AT MEETINGS

44.1 General

The chair of any meeting has powers to deal with issues relating to the conduct of those present to ensure the due and orderly dispatch of business.

The purpose of this standing order is to provide guidance on the conduct within meetings which is acceptable, particularly in the context of the use of modern media tools (e.g. blogging and tweeting) and filming and recording at meetings.

The principle is that the proceedings of the meeting concerned should not be impaired or handicapped by the use of media tools and that it is a matter for the chair to determine on the day, in the particular circumstances, what he or she regards as not appropriate.

The standing order attempts to recognize the different obligations which rest on elected members, representatives of the media and members of the public respectively.

44.2 Press and public recording of meetings

Any member of the public (including press or individuals) may report on the meeting using any communication method (including filming, audio recording and social media).

Any person who wishes to film or record a meeting is encouraged to contact Democratic Services at least 24 hours before the meeting so that arrangements can be made to accommodate them at the meeting, and so that notice can be given to other attendees before/at the start of the meeting that they will be/are being recorded.

Any recording must respect the wishes of members of the public who reasonably do not wish to be recorded.

The chair will have discretion to terminate or suspend recording at any time if the chair considers continuation would prejudice the conduct of the meeting.

Recordings should be of sufficient quality so that listeners or viewers cannot misunderstand, misconstrue or be misinformed as a result of a poor quality broadcast.

44.3 Councillor responsibilities

Councillors are in a different position to members of the public and their actions affect the

reputation of the council. Councillors have an obligation to pay close attention to the proceedings of meetings they attend and demonstrate that they are playing an active part. This is in addition to the general point of showing respect and courtesy to other participants. Any use of modern media tools by councillors in meetings should be considered in this context.

Councillors should also ensure that their use of social media does not misrepresent council proceedings, misinform the public or show a lack of respect for other councillors. Councillors must also respect confidentiality

45. SUPPLY OF COPIES

The council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any local member decision under Standing order 11 or officer key decision record which is open to public inspection;
- (c) any further statements or particulars necessary to indicate the nature of the items on the agenda; and
- (d) if the monitoring officer thinks fit, copies of any other documents supplied to councillors in connection with an item;

to any person on payment of a charge for postage and any other costs.

46. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the designated office.

47. DELEGATION OF POWERS

The council's scheme of delegation setting out the local authority's decision-making functions is set out in part 2 of the constitution as issued and approved from time to time.

48. PROTOCOLS AS FURTHER GUIDANCE

The council may approve 'protocols' from time to time, which will stand as further guidance.

APPENDIX: TABLE OF EXEMPT INFORMATION ~ STANDING ORDER 36

	Category of Exempt Information	Qualifications
1.	Information relating to any individual.	
2.	Information which is likely to reveal the identity of an individual.	
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act, Building Societies Act.
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a minister of the crown and employees of, or office holders under, the authority.	"Labour relations matters" are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6.	Information which reveals that the authority proposes: to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.	
7.	Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	
<i>The following additional categories apply only to a committee or sub-committee exercising the functions of a standards committee under section 58(1)(c), 60(2) or (3), 64(2), 70(4) or (5) or 71(2) Local Government Act 2000 or considering any matter under Regulation 13 or 16 to 20 Standards Committee (England) Regulations 2008</i>		
7A.	Information which is subject to any obligation of confidentiality.	
7B.	Information which relates in any way to matters concerning national security.	
7C.	The deliberations of a standards committee or sub-committee in reaching any finding on a matter referred.	

Council**23 May 2017****Annual Monitoring Report of the use of the Urgency and Call-in Procedures****Recommendation**

That Council notes the report.

1.0 Introduction

The use of the Council's call-in and urgency procedures are monitored annually in accordance with Standing Order 19.1 in the Council's constitution. This report summarises the decisions taken under urgency and use of call-in during the 2016/17 municipal year.

2.0 Procedure for decisions taken under the Urgency Procedure

2.1 Standing Order 16 sets out the procedure for consideration of issues requiring an urgent decision and where any delay likely to be caused by call-in would seriously prejudice the Council's or the public's interest.

2.2 This procedure requires the consent of the Chair of the relevant Overview and Scrutiny Committee (or in his/her absence the Chair of Council, or in his/her absence the Vice-Chair of Council).

2.3 The consent is given on the basis that:

- (a) the decision cannot reasonably be deferred; and
- (b) the decision should be treated as a matter of urgency; and
- (c) where the proposed decision is contrary to or not wholly in accordance with the Policy Framework or Budget it is not practicable to convene a quorate meeting of the full Council.

3.0 Decisions Taken Under the Urgency Procedure since May 2016**3.1 S278 Highway Improvement Scheme at B4642 Coventry Road/ Site Access, Cawston-Increase in Capital Programme Allocation Portfolio Holder for Finance and Property – 16 September**

The B4642 Coventry Road, Cawston roundabout scheme had been included in the 2016/17 Capital Programme at an estimated cost of £650,000. Only one of seven suppliers in the framework contract submitted a quotation which exceeded the estimated cost but was assessed as valid and accepted by the

developer (who would be providing 100% of the funding for the scheme). The Council's standing orders require that any bids that exceed the original estimate by 10% or more for major contracts between £1m and £3m require approval by the relevant portfolio holder before it is awarded. The Portfolio Holder for Finance and Property gave his approval increase the capital programme provision for the scheme to £1.45m and approved the award of the contract.

The decision was urgent as the highways works were needed to facilitate access to a housing development site. It was also one of three separate developer funded S278 highway improvements. Delaying the contract award would have also delayed the consequent works, the third of which has a pre-commencement condition. The Chair of the Resources and Fire & Rescue Overview and Scrutiny Committee, therefore gave his approval to this being an urgent decision and for call-in to not apply in this case.

3.2 Consultation on an Early Years National Funding Formula Portfolio Holder for Education and Learning 19 September

The Department for Education issued a consultation document on 11 August regarding proposed changes to the way that 3 and 4 year old entitlements to childcare are funding. The document was complex and the deadline for the response was 22 September.

The Chair of the Children and Young People Overview and Scrutiny Committee gave his approval to this being an urgent decision as the timescale meant that it was not possible to do the necessary analysis and prepare a response until close to the submission deadline.

3.3 Addition to the Capital Programme – Refurbishment Works to the Saltway Centre Portfolio Holder for Finance and Property – 16 December 2016

In 2012 the County Council took a ten year lease agreement with Stratford District Council to use the ground floor of Elizabeth House and moved around 140 staff into the building. The Saltway Centre in Stratford upon Avon has been identified as a more appropriate site (in terms of parking, opening hours meeting space and smaller workstation requirement) and would save the council £150,000 per annum. The Portfolio Holder for Finance and Property agreed that the refurbishment of the Saltway (at approximately £483,400 including fees), should be added to the 2016/17 Capital Programme.

The Chair of the Resources and Fire & Rescue Overview and Scrutiny Committee agreed that the decision was urgent due to the need to take advantage of a break in the lease. The works needed to commence immediately in order to complete in time to meet the lease break date and avoid any future costs of occupation of the accommodation.

3.4 Warwickshire Early Years Funding Formula 2017/18 Leader – 24 February 2017

The Department for Education released details of the new Early Years National Funding Formula on 1 December 2016 and from that moment on work was underway to understand what options there were for a local formula for Warwickshire using the flexibilities allowed. The authority was required to undertake consultation and this ran from 16 January for three weeks. There followed a modelling of formula options and analysis of consultation responses. A member seminar was also held. The deadline for notifying schools and early year settings of 2017/18 budgets was 28 February.

The Leader on 24 February formally agreed the Early Years Funding Formula for 2017/18, the allocation of additional funding for maintained nursery schools, the allocation of £615 per child who meets eligibility criteria for the Disability Access Fund and the retention of the current methodology for allocating the local SEN Inclusion Fund.

The Chair of the Children and Young People Overview and Scrutiny Committee gave his approval in January to this being an urgent decision in view of the tight timetable and the need for the decision to take immediate effect and to meet the statutory requirement to notify settings of their budgets by 28 February.

3.5 Domestic Violence and Abuse Bids for Funding Portfolio Holder for Community Safety – 1 March 2017

The Portfolio Holder for Community Safety gave retrospective approval for the submission of a bid of £99,000 (in partnership with Refuge) for funding from the DCLG Domestic Violence and Abuse Accommodation Fund. Portfolio holder approval had not been sought in time for the bid submission due to an officer oversight. The Portfolio Holder also approved the submission of a bid for £600,000 over three years for funding from the Home Office Violence Against Women and Girls Transformation Fund. The deadline for this bid was 1 March.

The Chair of the Resources and Fire & Rescue Overview and Scrutiny Committee gave approval to the decision being taken under the urgency procedure in view of the deadlines for the bid submissions.

3.6 House Project Hub Cabinet – 21 March 2017

Cabinet agreed on 21 March that Warwickshire County Council take the lead responsibility for the Innovation Funded Phase 2 House Project Hub and become a partner in delivering a Local "House Project". Stoke City Council had previously developed the project, which is a company run by young people in and leaving care which puts them in charge of their own homes with holistic support to achieve successful independence.

Warwickshire signed a Memorandum of Understanding in June 2016 with Stoke City Council to be one of five Local Authorities that would participate in Phase 2 of the project which will see if the model was replicable in other LA

situations. A Business Case put forward for Innovation Funding under Phase 2 was successful but Stoke City Council decided they no longer had capacity to pursue the lead authority role. Warwickshire County Council was asked to take on the lead role - a request also supported by the Department for Education which agreed the Innovation Funding.

The Chair of the Children and Young People Overview and Scrutiny Committee agreed that the decision was urgent in view of the requirement to notify the Department of Education of a lead authority by the week commencing 20 March or the funding would be re-deployed.

3.7 Bid to Department for Transport of Local Highways Maintenance Challenge Funding Portfolio Holder for Transport and Planning – 29 March 2017

The Portfolio Holder for Transport and Planning approved the submission of a bid to the Department for Transport, Local Highways Maintenance Challenge Fund. The funding will be used to improve highway drainage in seven locations across the County. The schemes have a total value of £1.95 million and if the bid is successful the 20% contribution will be funded from existing Highway Maintenance budgets.

The Government announced £75 million which Councils could bid for in a statement on 13 January 2017. Guidance for Councils was sent out on 1 March 2017 with a deadline of the 31 March 2017 for all final bids.

Warwickshire County Council expressed an interest in applying for funding on 3 February 2017. The guidance for the funding was sent to all Councils 1 March 2017 with a deadline of submission of 31 March 2017.

The Chair of the Communities Overview and Scrutiny Committee agreed that the decision to submit the bid was urgent in view of the deadline for its submission.

3.8 Special Educational Needs Capital Provision Portfolio Holder for Finance and Property – 7 April 2017

Cabinet agreed the Education and Learning Capital Programme at its meeting on 9 March. The report also set out the available capital basic need funding but omitted to seek approval for permission to allocate the £250,000 Basic Need Funding to assist in the provision for special needs at 3-4 sites across the County. The Portfolio Holder for Finance and Property was therefore asked to redress this omission and agreed the allocation of Basic Need capital funding for the addition of SEND facilities.

The Chair of the Resources & Fire and Rescue Overview and Scrutiny Committee agreed that this was an urgent decision in view of the need to continue with discussions to put in place the provision.

3.9 Retrospective approval for grant application related to the development of community businesses **Portfolio Holder for Adult Social Care and Portfolio Holder for Health** **Joint Decision – 7 April 2017**

The Portfolio Holder for Adult Social Care and the Portfolio Holder for Health gave retrospective agreement to the successful application to Community Catalysts and Power to Change to host an officer to develop community-led businesses. The focus of the activity will be working with communities to establish community businesses that will support health and social care needs in the broadest context. Portfolio holder approval had not been sought in time for the bid submission due to an officer oversight.

The Chair of the Adult Social Care and Health Overview and Scrutiny Committee agreed that the decision be taken under the urgency procedure in order that the activity could proceed and not be delayed.

3.10 Child in Need Exceptional Payment (Exempt Item) **Portfolio Holder for Health – 7 April 2017**

The Portfolio Holder for Health agreed the payment in relation to the care of a child. The Chair of the Adult Social Care and Health Overview and Scrutiny Committee agreed that the decision was urgent to avoid delay in payment.

3.11 Children's Commissioning Funding Bids **Portfolio Holder for Health – 21 April 2017**

The Portfolio Holder for Health agreed to the submission of two bids for funding. The first was a bid (to a maximum of £1,491,360 over the 5 years of the project) to the Life Chances Fund for Bright Residential for Children which is a tool for commissioning children's residential placements. The second was a West Midlands Regional bid to the Innovation Fund to deliver the recommendations of the Narey report (an independent review of children's care) which will introduce a new regional framework, pilot for a fair funding tool between CCGs and councils for children looked after and new innovations in care models.

The Chair of the Adult Social Care and Health Overview and Scrutiny Committee agreed that the decision was urgent in view of the need to submit the bids before the deadline of 27 April 2017.

4.0 Annual Monitor of the Use of the Urgency Procedure

There have been eleven instances of use of the consent to urgency procedure over the last year. This is an increase on the figures for 2016/15 and is the highest number of the last eleven years of reporting as illustrated below.

06/7	07/8	08/9	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17
4	3	2	5	1	3	6	8	6	6	11

At least three of the decisions were due to officers being unaware of the requirement for portfolio holder approval. Instructions have been issued to avoid this happening again.

5.0 Decisions subject to the call-in procedure

Standing Orders 11-13 set out the procedure for call-in whereby executive decisions made by Cabinet, Portfolio Holders and decisions by officers may be 'called-in' by members for consideration by the relevant overview and scrutiny committee.

The call-in procedure has been used on one occasion as set out below

5.1 Call-in from Adult Social Care and Health Overview and Scrutiny regarding the proposal to close Warwickshire Employment Support Team (WEST)

The Portfolio Holder for Adult Social Care took the decision to approve the commencement of a public consultation on the proposed closure of the Warwickshire Employment Support Team (WEST) on 3 June 2016.

The decision was called in by the Chair of the Adult Social Care and Health Overview and Scrutiny and was supported by four Councillors. The notice gave the following reasons for call in:

'Decommissioning this service will have major adverse effects on a group of vulnerable individuals and may lead to higher costs elsewhere. Overview and Scrutiny should be given the opportunity to examine all other alternatives and understand full implications.'

The Adult Social Care and Health Overview and Scrutiny Committee considered the issue at a meeting on 21 June 2016 and referred the matter to Council who recommended that the Portfolio Holder should check the decision accorded with the One Organisational Plan to prioritise the most vulnerable and that there be full consultation on other options available. The Portfolio Holder for Adult Social Care agreed to public consultation whilst continuing to explore alternative sources of funding. Cabinet on 8 December deferred the issue.

6.0 Annual Monitor of the use of Call-In

The following shows that the number of call-ins has remained low over the last eleven years, with the exception of 2015/16.

06/7	07/8	08/9	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17
1	1	3	4	2	1	1	2	2	6	1

7.0 Conclusion

The use of the urgency procedure has increased but part of the increase has been due to tight timetables set by Government departments and also due to a lack of understanding from some officers regarding the need to obtain approval for submission of bids. Instructions have been issued to avoid this happening in future and officers will continue to be reminded of the need to ensure they plan ahead for formal decisions where these are required.

There has been just one call-in, an indication that call-in is not being used to cause unnecessary delay or frustration of the decision making process. The only issue is that the second call-in to Council can sometimes raise public expectation that Council can override Cabinet or the Portfolio Holder and make a decision itself. This can lead to confusion or frustration that an item has then to be referred back to the original decision maker for a decision.

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