

Open

Extraordinary Council

Agenda

To be held remotely
6pm
Wednesday, 21st April 2021



Council

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COUNCIL MEETING

13th April 2021

TO ALL MEMBERS OF THE COUNCIL AND HONORARY ALDERMEN

PRESS AND PUBLIC

Dear Member

YOU ARE INVITED to attend a meeting of the Wyre Forest District Council to be held **remotely at 6.00p.m. on Wednesday 21st April 2021.**

The Agenda for the meeting is enclosed.

Yours sincerely

A handwritten signature in black ink that reads "I R Miller".

Ian Miller
Chief Executive

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct (“the Code”) requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members’ Code of Conduct as set out in Section 14 of the Council’s constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI’s and ODI’s are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council’s Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

(A) TERMS OF REFERENCE OF THE COUNCIL

The Council

1. Is the ultimate decision making Body.
2. Determines the Budget (but reserves powers to itself in relation to requirements).
3. Is responsible for appointing (and dismissing) the Leader of the Council.
4. Appoints at its Annual Meeting, the Regulatory Committees, the Overview and Scrutiny Committee and any other Committees/Forums necessary to conduct the Council’s business.
5. Decides on matters where the Cabinet is not minded to determine a matter in accordance with Council policy.

(B) MATTERS RESERVED TO THE COUNCIL

1. Those reserved by Law e.g. levying a rate, borrowing money, promotion of or opposition to a Bill in Parliament.
2. Matters reserved to the Council by financial regulations.
3. The adoption and amendment of Standing Orders, including the powers and duties of Committees and other forums.
4. Power to make, amend, revoke or enact or enforce any byelaws.
5. The determination of the objectives of the Council.
6. Matters of new policy or variation of existing policy as contained within the budget and policy framework.
7. Local Development Framework adoption.
8. Any function where a decision would be contrary to a plan, policy, budget or strategy previously adopted by the Council, which would be contrary to the Council’s Standing Orders, Financial Regulations or Executive arrangements.
9. The Scheme of Delegations to Officers.

Wyre Forest District Council

Council

Wednesday, 21st April 2021

To be held remotely

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
3.	Coronavirus pandemic – Temporary continuation of remote meeting arrangements To consider a report from the Chief Executive which proposes to continue with remote meeting arrangements for the period to 31 July 2021 as a proportionate public health response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).	6

WYRE FOREST DISTRICT COUNCIL

COUNCIL

21 APRIL 2021

Coronavirus pandemic – Temporary continuation of remote meeting arrangements

OPEN	
CABINET MEMBER:	The Leader of the Council
DIRECTOR:	Ian Miller, Chief Executive
CONTACT OFFICER:	Caroline Newlands Caroline.Newlands@wyreforestdc.gov.uk
APPENDICES:	Appendix 1 - Council Procedure Rules

1. PURPOSE OF THE REPORT

- 1.1 This report proposes to continue with remote meeting arrangements for the period to 31 July 2021 as a proportionate public health response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). In line with decisions taken by the Council on 21 April 2020, the temporary changes are required to eliminate the need for non-essential face-to-face contact whilst still allowing transparent and participative decision-making to take place.
- 1.2 The changes require temporary amendments to be made to the Council’s constitution to be put in place to allow the continuation of timely decision making.

2. RECOMMENDATION

- 2.1 **That the Council AGREES the following temporary changes to its Constitution which would apply until 31 July 2021:**
- (a) the revised Section 7: Council Procedure Rules in Appendix 1;
- (b) the changes to other parts of the Constitution, set out in paragraphs 2.3.2 to 2.3.5 of the report agreed by Council on 21 April 2020.

3. BACKGROUND

- 3.1 Section 78 of the Coronavirus Act 2020 introduced time-limited regulation-making powers with regard to meetings and proceedings of local authorities. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No 392 cease to apply to meetings held after 6 May 2021. Despite pressure from across local government, the Government has not

brought forward legislation making explicit provision about remote meetings after 6 May.

- 3.2 In the meantime two professional organisations (namely Lawyers in Local Government and the Association of Democratic Services Officers, together with Hertfordshire County Council) jointly commenced proceedings seeking a declaration that remote meetings are permitted under the terms of the Local Government Act 1972. The argument is that 'place' can include an online virtual location and that 'meeting' can be interpreted accordingly. There is case law to that effect in relation to Company meetings which Counsel argues is analogous Re: Castle Trust Direct plc [2020]. In its pre-action response, MHCLG said that it agreed the 1972 Act can be so interpreted and that it will join in the proceedings merely to assist the Court i.e. the Ministry do not oppose the granting of a declaration. In a statement issued on 7 April, the Ministry confirmed that “In papers provided to the Court to support a legal claim brought by Hertfordshire County Council, the Government recognises that there is a case to be heard that the Local Government Act 1972 should be interpreted as allowing for virtual meetings as the legislation was passed at a time when virtual meetings could not have been envisaged.”

The Local Government Secretary Robert Jenrick MP said:

“We will be supporting the action by Hertfordshire County Council and Lawyers in Local Government as we believe there is a case to be heard. Councils have done a fantastic job over the last year and remote meetings are just one innovation of many.”

“We recognise remote or virtual meetings by councils, have widened access to local democracy and we will be keen to lock in the good work councils have undertaken during the pandemic to embrace technology. However, appropriate safeguards must be in place to ensure transparency, scrutiny and probity are maintained.”

- 3.3 Coincidentally, the hearing will be on 21 April 2021 but the recommendations set out in this report are not dependent on the Court ruling favourably on the interpretation of the 1972 Act.

4. KEY ISSUES

- 4.1 Relevant Government guidance and documents were issued on 25 March – links are in the background documents section at the end of this report.

Dealing first with the suggestions in the letter from Luke Hall MP that meetings should be brought forward before 7 May or delayed to 17 May or after, this is not considered practicable or appropriate for the following reasons:

- a) While the Council does not have any elections on 6 May, many councillors are candidates in the county council and town council elections being held on that date. Leaving to one side whether or not it would be convenient for candidates to lose a whole evening during the campaign, it would plainly be inappropriate for the Council to hold a meeting in an election period when there may be

matters of political controversy on the agenda and when candidates could seek to promote themselves. (This is distinct from the need for tonight's single item extraordinary meeting to deal with the constitutional issue of adopting temporary amendments to procedure rules for a period beyond 6 May.)

- b) The Council's Annual Meeting settles chairmanship and vice-chairmanship of committees and that can have other effects on membership of committees, including whether or not members require training before assuming their roles. Other committees meet in the days after the AGM including overview and scrutiny (13th May) and planning (18th) and should not be disrupted. The dates of the Annual Meeting and these other meetings have been settled since the Annual Meeting in 2019 and will have been taken into account by members in accepting other commitments. They should be changed only if absolutely necessary – which is not the case when they and the Annual Meeting can proceed as remote meetings.

4.2 The Minister's letter refers to the guidance about safe use of council buildings. It stresses at the outset: "In the event of any conflict between any applicable legislation (including the health and safety legislation) and this guidance, the applicable legislation shall prevail." The Council's duties towards employees under health and safety legislation plainly trump the guidance. The Council does not know which of its staff have been vaccinated – nor does it have that information about councillors or members of the public who may attend a meeting if held face-to-face. While temperature checks on entry can be performed and masks could be worn except when speaking, these would not provide any guarantee that infected people would not be present and that they could not infect staff or others. There are reasonable steps that the Council can easily take to promote the health and safety of staff and of others, by continuing with the remote meeting technology that it has successfully used since April 2020. Council is therefore being asked to extend the period during which remote meetings should continue temporarily for formal meetings of the Council and its committees to the end of July 2021, aligned with the date by which all adults should have been offered their first vaccination.

4.3 The guidance states that

"Where elected members, officers and others attend physical meetings, you must maintain social distancing wherever possible.

"Where the social distancing guidelines cannot be followed in full in relation to a particular meeting, local authorities should consider whether that meeting can be redesigned to maintain a 2m distance or 1m with risk mitigations where 2m is not viable."

A full Council meeting typically sees about 50 people present in the chamber: 33 councillors, plus usually at least 5 members of staff and a variable but unknown number of members of the public (typically 10-12). The Council has assessed the capacity of the chamber with 2m social distancing as a maximum of 16 persons. Nor is it possible to guarantee 1 metre distances for all participants. Thus holding a full Council meeting in the chamber at Wyre Forest House would not be compliant with the guidance.

4.4 The mitigations suggested by the Government include:

- “keeping the meeting time as short as possible”
- “using back-to-back or side-to-side working (rather than face-to-face) whenever possible”

4.5 The guidance states that:

“Ultimately it is for local authorities to carry out their own risk assessments and follow the working safely guidance to ensure physical meetings take place safely, but the government will work with sector representative bodies to ensure that local authorities understand the guidance and are aware of the full range of options available to them.

“If deemed necessary, these options could include:

- Use of your existing powers to delegate decision making to key individuals such as the Head of Paid Service to minimise the number of meetings you need to hold.
- Relying on single-member decision making where your constitution allows.

“When considering whether either of these options may be necessary, you should always consider the democratic implications of your decision to ensure that local residents are appropriately represented and that all local authority decisions have appropriate scrutiny. Additionally, you should note that certain decisions cannot be delegated and require a decision by full council or a statutory committee; for example, confirming the appointment of a Chief Executive and certain licensing decisions.”

4.6 Group leaders have already considered and ruled out these options in respect of business that is the responsibility of full Council or the committees which it appoints, along with other options such as limiting the number of councillors who attend full Council. Group leaders have also considered and ruled out the option of hiring a much larger venue, such as Kidderminster Town Hall, where social distancing of 2m would be possible although councillors would have to be spread over the Music Room and Corn Exchange and would have to use Zoom technology with microphones/headsets to contribute to the meeting.

4.7 The guidance includes the following paragraph:

“Continuing to provide remote access to the public

Local authorities have legal obligations to ensure that members of the public have access to most of their meetings. For physical meetings, the government would actively encourage local authorities to continue to provide remote access until at least 21 June, at which point it is anticipated that all restrictions on indoor gatherings will have been lifted in line with the Roadmap. However, it is for individual local authorities to satisfy themselves that they have met the requirements for public access.”

The second sentence encourages that the public's right to attend formal meetings of the Council should be delivered through remote means until at least 21 June. The provisions on council meetings in the Public Bodies (Admissions to Public Bodies) Act 1960 seem clear that this ordinarily means presence within a meeting alongside councillors. Section 1(4A), which was inserted by regulations in 2014, makes sense only if someone is physically present within the same place: "Subsection (4)(d) does not require a relevant local government body to permit oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting."

- 4.8 If the Government considers remote attendance by the public to be appropriate until at least 21 June, then it is not understood how the Government can reach the conclusion that councillors and staff should be forced into face-to-face meetings from 7 May. Moreover, Parliament is continuing with hybrid meetings that allow most members to participate remotely until at least 21 June and the Government's roadmap confirms that a limit of 30 people for weddings and funerals (indoor events that generally last for significantly shorter times than council meetings) will apply to at least that date. Indeed there will be a limit of 30 persons for outdoor gatherings until 21 June. The roadmap contains the following information about transmission which is directly relevant to assessing risk in respect of council meetings:

Airborne transmission is a significant route by which COVID-19 passes between people. Particles of the virus can build up and circulate in the air in the form of aerosols in enclosed spaces (even if they are large) especially where air exchange is poor. This makes indoor settings more risky than outdoors, where the fresh air quickly disperses the virus to safe levels. This is confirmed by observational studies tracing people infected with COVID-19 which shows the majority of transmission occurs in indoor settings and that 'super spreader' events (where many people are infected at one time) are more likely indoors than outdoors.

Though the airborne risk of COVID-19 transmission is much lower outdoors than inside, the risk of infection via larger droplets remains high if people engage in prolonged, face-to-face close contact with others. Therefore, maintaining 2m distancing outdoors is still advisable.

Extract from

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/963491/COVID-19_Response_-_Spring_2021.pdf Page 31

Proposed temporary amendments to the Council's procedure rules

- 4.9 The procedure rules set out in Appendix 1 continue the temporary changes which Council agreed on 21 April 2020. However there are some significant differences:
- a) under appendix 1, the Annual Meeting would be held remotely on 12 May 2021, as scheduled;

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b) under appendix 1, the Council would revert to its “normal” arrangements for the end time of meetings (10pm) and motions and questions that applied prior to 21 April 2020.

- 4.10 In respect of the duration of meetings, Group leaders were advised in November 2020 that those chairing meetings would be asked to ensure that a break of 5-10 minutes is taken after about two hours in order to ensure compliance with the Health and Safety (Display Screen Equipment) Regulations 1992.
- 4.11 The delegations that the Council agreed on 21 April 2020, to make temporary changes to the constitution or to policies that require Council approval, are not being extended and lapse on 6 May 2021.
- 4.12 However the Council agreed a number of other temporary amendments to the Constitution in April 2020 that, consequent on the recommendation to continue with remote meetings to 31 July 2021, should also continue in force to the same date. These were the recommendations set out in paragraphs 2.3.2 to 2.3.5 of the report of 21 April 2020:

Extract from agreed recommendations of 21 April 2020

“2.3.2 the revised scheme of delegation for planning in Appendix 2 to be included in Section 4: Responsibility for Functions, with delegation to the Corporate Director: Economic Prosperity and Place to update planning practice notes and/or associated practice protocols to the extent necessary to reflect the temporary changes in the procedures adopted by the Council; 2.3.3 amendments to the scheme of delegation for licensing and registration functions in Section 4: Responsibility for Functions, as set out in paragraph 3.12 below; 2.3.4 the revised provisions to Section 8: Access to Information set out at paragraph 3.13; and 2.3.5 the revisions to Section 12: Contract Procedure Rules set out in paragraph 3.14.”

5. FINANCIAL IMPLICATIONS

- 5.1 There are no significant financial implications that arise from the recommendations in this report, the cost of software and hardware to enable remote attendance at meetings having been met in previous financial years. Meetings held by remote participation will reduce some associated costs, such as catering, while others will increase (such as provision of paper agendas in order to facilitate participation in meetings on iPads or laptops, as members will not be able conveniently to follow proceedings and refer to meeting papers on the same screen).

6. LEGAL & POLICY IMPLICATIONS

- 6.1 Relevant legislation is quoted throughout the report. The proposed changes are considered to comply with the requirements of local government legislation such as the Local Government Act 1972 and the Local Government

Act 2000, while balancing the Council's duties under the Health and Safety at Work etc. Act 1974 and in respect of public health. The Solicitor to the Council has confirmed that councils need to be robust in determining safe arrangements during a continuing pandemic; and that despite the lack of bespoke legislation, it is permissible for remote meetings to continue, relying on relevant and extant jurisprudence referred to in paragraph 3.2 above.

- 6.2 This report deals only with temporary arrangements to the end of July 2021. If the Courts declare that the 1972 Act already permits remote and hybrid meetings, a separate decision would be required by Council in due course on the extent to which remote or hybrid meetings would be adopted on an ongoing basis. MHCLG has issued a countrywide 'call for evidence' to consider whether to bring forward permanent legislation making provision about remote and/or hybrid meetings. If following the call for evidence the Government legislates explicitly about how councils hold remote and hybrid meetings, likewise Council would need to consider its future arrangements.

7. RISK MANAGEMENT

- 7.1 Cabinet business can continue without meetings because of the "strong leader" model of decision-making. No other meetings of the Council and its committees should take place using remote technology after 6 May unless amendments to the constitution are agreed. The risk of not adopting these changes is that the Council would not be able to make effective and timely decisions, to protect the financial and legal position of the Council and to act in the best interests of residents and businesses in the District.
- 7.2 Continuing with remote meetings does not in any way reduce transparency, scrutiny or probity. All reports for formal meetings will continue to be published as usual (other than those that are exempt from disclosure); councillors and members of the public will be able to take part in those meetings as set out in the Constitution; all the Council's committees, including Overview and Scrutiny Committee, will continue to meet; and so long as when taking decisions Councillors take account of relevant matters and advice and ignore irrelevant matters, decision-making by the Council is not considered to be at any greater risk of challenge than would be the case in respect of face-to-face meetings.
- 7.3 The Display Screen Equipment Regulations include provision on breaks when using visual displays which should be taken into account, as they apply to WFDC in its role as an employer. Employers must plan work so there are breaks or changes of activity for employees who are display screen equipment (DSE) users. The Health and Safety Executive helpfully points out:

"There is no legal guidance about how long and how often breaks should be for DSE work. It depends on the kind of work you are doing. Take short breaks often, rather than longer ones less often. For example 5 to 10 minutes every hour is better than 20 minutes every 2 hours. Ideally, users should be able to choose when to take breaks.

"In most jobs it is possible to stop DSE work to do other tasks, such as going to meetings or making phone calls. If there are no natural changes of activity in a

job, employers should plan rest breaks. Breaks or changes of activity should allow users to get up from their workstations and move around, or at least stretch and change posture.”

- 7.4 In light of the 1992 Regulations, it is not appropriate that remote meetings should continue for anything up to four hours or more without a break for staff who are using display screens. Regardless of what the standing orders say about the ordinary end time for meetings, all chairmen have been asked to have a minimum 5-10 minute break after 2 hours, so long as remote meetings are being held.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 The widely-used web-based conferencing platform (Zoom) that the Council uses confirms that its products conform “with exceptions” with the standards in EN 301 549 Accessibility Requirements, which are the European standards embodied in UK legislation by the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018. In the circumstances, it is not considered a reasonable adjustment for the Council to have to search out a conferencing platform that provides full compliance.
- 8.2 Remote participation in meetings using web-enabled technology means that members of the public who do not have internet access will not be able to see or hear what has happened at a meeting. The arrangements made since April 2020 have not prompted complaints about the public’s inability to access or take part in meetings. It is the Government’s regulations that prevent gatherings of more than 30 persons indoors until at least 21 June, which appears to mean that members of the public cannot legally attend a full Council meeting in person at present and therefore no reasonable adjustment can be made. Reports and minutes of meetings will continue to be publicly available, at present only on the Council’s website: again this will continue to be the case until public access to buildings can be restored and people will then be able to view paper copies of documents if they wish. Members of the public can pay to have printed agendas sent to them in accordance with the approved scheme of fees and charges.

9. CONCLUSION

- 9.1 The Council is invited to approve the recommendations set out in section 2 above.

10. CONSULTATION

- 10.1 Group Leaders and Deputy Group Leaders, meeting on 23 March
10.2 Corporate Leadership Team

11. BACKGROUND PAPERS

- 11.1 Council reports

Coronavirus Act 2020 - Governance and Constitutional Issues, 21 April 2020

http://www.wyreforest.gov.uk/council/docs/doc55769_20200421_extraordinarycouncil_agenda.pdf

Members' survey – remote working, 23 September 2020

http://www.wyreforest.gov.uk/council/docs/doc56077_20200923_council_agenda.pdf

11.2 Reports to Group leaders' meetings

Potential amendments to the constitution, 10 November 2020

Arrangements for meetings from 7th May 2021, 23 March 2021

11.3 Government documentation

Letter from Luke Hall MP, 25 March 2021

<https://www.gov.uk/government/publications/covid-19-letter-to-council-leaders-on-the-future-of-remote-meetings>

Government guidance on council offices, 25 March 2021

[COVID-19: Guidance for the safe use of council buildings - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/covid-19-guidance-for-the-safe-use-of-council-buildings)

MHCLG call for evidence on remote meetings, 25 March 2021

<https://www.gov.uk/government/consultations/local-authority-remote-meetings-call-for-evidence>

11.4 Legislation

The legislation governing access to meetings, documents etc. including by the public, is set out in the Local Government Act 1972, Part VA and the Public Bodies (Admission to Meetings) Act 1960

<https://www.legislation.gov.uk/ukpga/1972/70/part/VA>
<https://www.legislation.gov.uk/ukpga/Eliz2/8-9/67/contents>

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 No 364

<https://www.legislation.gov.uk/uksi/2021/364/contents>

Display Screen Equipment Regulations. The Health & Safety Executive's guidance and the regulations themselves can be seen at these links:

<https://www.hse.gov.uk/msd/dse/>
<https://www.legislation.gov.uk/uksi/1992/2792/contents/made>

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The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No 392

<http://www.legislation.gov.uk/uksi/2020/392/contents/made>

NOTE: THIS IS A “CLEAN COPY” OF THE AMENDED COUNCIL PROCEDURE RULES FOR APPROVAL ON 21 APRIL 2021.

Section 7

Council Procedure Rules (Standing Orders)

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1. Meetings of the Council

1.1 Venue, Timing, Notice, Summons

- (i) All meetings of the Council will normally be held at the Wyre Forest House, Finepoint Way, Kidderminster unless being held remotely.
- (ii) Meetings will start at 6.00 pm, unless the Chairman agrees to a different time, such time to be stated on the agenda for the meeting and publicised on the Council's website
- (iii) If the business of the meeting is not completed by 10.00 pm the meeting will be adjourned to a date and time agreed before the close of the meeting.
- (iv) Notices containing the dates, times and venues for all Council meetings will be publicly displayed at least five clear days before a meeting, in accordance with the Access to Information Rules.
- (v) At least five clear days before a meeting, the Proper Officer will send a Summons to every Member of the Council by post, or electronically, or will leave it at their usual place of residence. The Summons will give the date, time and place of each meeting, specify the business to be transacted and will be accompanied by such reports as are available.

1.2 Annual Meeting of the Council

- (i) In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors.

1.3 Order of Business at the Annual Meeting

- (i) To elect a person to preside if the Chairman of the Council is not present.
- (ii) To elect the Chairman of the Council.
NB. If there are an equal number of votes cast for two candidates, the person presiding will have the casting vote;
- (iii) To elect the Vice-Chairman of the Council.
NB. If there is an equal number of votes cast for two candidates, the Chairman has the casting vote;

(NB. In the absence of both the Chairman and Vice-Chairman of the Council at the meeting, those Members present will choose one of their number to preside at the meeting, and that person will have the powers of the Chairman in relation to the conduct of the meeting).



- (iv) To receive apologies for absence.
- (v) To receive any declarations of interest.
- (vi) To approve as a correct record the Minutes of last meeting, and any extraordinary meeting, of Council.
- (vii) In accordance with the Council's Scheme for Public Speaking at Meetings of Full Council, to allow members of the public to present petitions, ask questions, or make statements.
- (viii) To receive questions submitted by Members of the Council and the replies of the Leader of the Council, or relevant Cabinet Member, in accordance with Standing Order 1.8.
- (ix) To receive announcements from the Chairman.
- (x) To elect the Leader of the Council.
- (xi) To appoint at least one Scrutiny Committee, an Ethics and Standards Committee and other committees as the Council considers appropriate.
- (xii) To agree a programme of Ordinary Meetings of the Council for the year.
- (xiii) Any Other Business as set out in the Notice.

1.4 Appointment to Other Committees and Outside Bodies

At the Annual meeting, the Council will in respect of the Committees established under 1.3 (xi) above:

- (i) Decide the size and Terms of Reference for those Committees.
- (ii) Decide the allocation of seats to Political Groups in accordance with political balance rules.
- (iii) Receive nominations of Councillors to serve on each Committee and outside body, and
- (iv) Appoint to those Committees and outside bodies unless the appointment is a Cabinet function, or has been delegated by the Council, or the vacancy arises during the municipal year.

1.5 Ordinary Meetings of the Council

1.5.1 In each Municipal Year, the Council will hold at least five meetings, one of which will be the Annual Meeting as set out in Standing Order 1.2 and at least four of which shall be ordinary meetings, unless there is insufficient business when the agenda closes at 12 noon on the day of publication, and the Chairman or in his absence the Vice Chairman decides that the meeting should be cancelled. The meetings shall be as nearly as possible at regular intervals, the dates of which will be agreed at the Annual Meeting.

1.5.2 Order of Business at Council Meeting will be as follows:

- (i) To elect a person to preside if the Chairman and Vice-Chairman are absent.
- (ii) To receive apologies for absence.
- (iii) To receive any declaration of interests.
- (iv) To deal with any item required by Statute to be done before any other item.
- (v) To approve as a correct record and sign the Minutes of the last meeting, and any extraordinary meeting, of the Council.
- (vi) In accordance with the Council's Scheme for Public Speaking at Meetings of Full Council, to allow members of the public to present petitions, ask questions, or make statements. See point 3.13.
- (vii) To receive questions submitted by Members of the Council and the replies of the Leader of the Council, or relevant Cabinet Member, in accordance with Standing Order 1.8.
- (viii) To deal with any business expressly required by a Statute to be done.
- (ix) To receive any communications the Chairman or Leader may wish to put before the Council.
- (x) To deal with any business (if any) remaining from the last Council meeting.
- (xi) To receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports.
- (xii) To receive reports about and questions and answers on the business of joint arrangements and external organisations.
- (xiii) To consider Motions in the order in which notice has been received.



(xiv) To consider Emergency Motions submitted in accordance with Standing Order 4.1 (i).

(xv) Other business, if any, specified in the Summons.

1.5.3 With the exception of items (i), (ii), (iii), (iv) and (v), the Order of Business may be altered by the Chairman of the Council or by resolution following a Motion moved, seconded, put to the meeting without debate and carried.

1.6 Extraordinary Meetings of the Council

The following may request the Proper Officer to call Extraordinary Council Meetings in addition to the ordinary time-tabled meetings:

- (i) The Council by resolution.
- (ii) The Chairman of the Council or, if the office of Chairman is vacant, or if the Chairman of the Council is unable to act for any reason, the Vice-Chairman.
- (iii) The Monitoring Officer.
- (iv) Any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting, or fails to do so within seven days of the presentation of the requisition.

1.7 Business to be Transacted

The only business that will be dealt with at an Extraordinary Meeting are items for which the meeting has been specifically convened which is limited to urgent or emergency items.

1.8 Members' Questions at Council Meetings

- (i) The Council will, if necessary, at the Annual Meeting and at every Ordinary Meeting, devote up to thirty minutes to questions asked by any Member of the Council to the Cabinet.
- (ii) A Member may ask any question on any matter where the Council has powers or duties, or which affects the District.
- (iii) Where the question meets the requirements of paragraph iv (a1) below, the Solicitor to the Council will give a copy of each question to every Member attending the meeting.



- (iv) A question:
 - (a1) Must be delivered in writing by e-mail to the Solicitor to the Council no later than 12 noon 7 working days before the meeting of Council; or
 - (a2) In the case of an urgent matter that has arisen since the deadline mentioned in sub paragraph (a1) and could not reasonably have been known about at that time, must be delivered in writing by e-mail to the Solicitor to the Council no later than 9 am on the day of the meeting of the Council and
 - (b) Shall be asked and answered without discussion, but the person to whom the question is addressed may decline to answer. The Member shall be allowed one further or supplementary question (in relation to each question or series of questions if they cover the same general topic) provided that it arises directly out of the original question, or reply, and it is not introducing new subject matter. No debate shall take place arising out of the question or its reply.
- (v) An answer may take the form of:
 - (a) A direct oral answer, or
 - (b) Where the desired information is contained in a publication of the Council, a reference to that publication, or
 - (c) Where the reply to the question cannot conveniently be given orally, a written answer circulated to all Members of the Council as soon as reasonably practicable.
- (vi) If any question asked is not replied to at the Council Meeting, the appropriate Member shall give a written reply for publication in the Minutes of the meeting.
- (vii) If a Member who has submitted a question is not present when the question is called, the question may, with the consent of the Chairman, be asked by another Member. Paragraph (iv) (b) above shall apply but there will be no right to ask a supplementary question.

2. The Cabinet and Committees

2.1 Appointment and Constitution of Committees

- (i) The Council shall, at the Annual Meeting, appoint such Committees as it is required to appoint by, or under, any statute and such other Committees as are necessary to carry out the work of the Council.
- (ii) The Council may at any time appoint such other Committees, etc. as are necessary to carry out the work of the Council.

Provided always that, subject to any relevant statutory provision:

- (a) No such appointment shall continue beyond the next Annual Meeting of the Council.
- (b) The Council may at any time dissolve a Committee or alter its membership.

2.2. Appointment of Sub-Committees

- (i) The Council and every Committee appointed by the Council may appoint Sub-Committees for purposes to be specified by the Council or the appointing Committee.
- (ii) In those cases where they are not otherwise appointed a Member of such Sub-Committee, the Chairman of the appointing Committee shall be ex-officio a member of the Sub-Committee appointed, but shall not be permitted to vote.

2.3. The Cabinet

- (i) The Leader of the Council (or in his absence the Deputy Leader of the Council) will chair the Cabinet.
- (ii) Members of the Cabinet each have a particular area of responsibility, but all decisions will be taken collectively by the Cabinet as a whole, unless a decision is specifically delegated to a Cabinet Member by the Cabinet or the Leader.
- (iii) No Cabinet Member can be substituted by a non-Cabinet member.
- (iv) No co-opted Members will be allowed on the Cabinet.
- (v) The Cabinet will consist of no fewer than three and no more than ten Members (inclusive of the Leader of the Council).

2.4 'Call-in' Procedure

The detail of the Call-In Procedure is set out in Section 10, paragraph 1.11 of this Constitution.



2.5 Scrutiny Committees

Scrutiny Committees may require Cabinet Members and Officers of the Council to be present at their meetings and answer questions from the Committee. They may also request other person(s) and outside bodies to be present at their meetings to answer questions.

2.6 Chairmen of Committees

- (i) Subject to paragraph (iii) of this Standing Order the Chairman and Vice-Chairman of each Committee shall be appointed at the Annual Meeting of the Council.
- (ii) At every meeting of a Committee, the Chairman of that Committee shall, if present, take the Chair, or in their absence the Vice-Chairman shall do so. If the Chairman and Vice-Chairman are both absent, the Committee shall elect a Member to chair the meeting until the Chairman or Vice-Chairman arrives.
- (iii) Where a vacancy arises in the office of Chairman or Vice-Chairman of a Committee, the Council shall at its next meeting (other than an extraordinary meeting) appoint a Member to fill the vacancy for the remainder of the municipal year. If the vacancy is that of a Chairman of a Committee, the Vice-Chairman of such Committee shall exercise all the duties of the Chairman until the vacancy is filled as above.

2.7 Special Meetings of Committees

The Chairman of a Committee, or the Chairman of the Council, may call a special meeting of a Committee at any time with adequate notice being given in line with Standing Order 1.1(v) wherever possible. A special meeting shall also be called on the requisition of a quarter of the whole number of the Committee delivered in writing to the Solicitor to the Council, but in no case shall less than three Members requisition a special meeting. The Agenda for the special committee meeting shall set out the business to be considered, and no business other than that set out in the Agenda shall be considered at that committee meeting.

2.8. Notice, Summons, Timing and Venue

The points set out in 1.1 apply to Committees, with the exception that in respect of venues, Committees can be held in any of the Council's offices or buildings, or other suitable location or held remotely.

2.9 Regulatory Committees

No Member shall be allowed to serve on Regulatory Committees unless they have completed the appropriate training as arranged by Council Officers.



3. Procedural Matters Relating to Meetings Generally

3.1. Quorum

- (i) The Quorum at meetings of Council or any of its Committees is half of its membership. If, during the meeting of the Council, a Quorum of Members is not present then the meeting shall be adjourned immediately.

If the lack of Quorum only relates to particular item(s) then that particular item(s) shall be deferred.

The remaining business will be considered at a date and time fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next Ordinary Meeting.

- (ii) Except where authorised by Statute or ordered by the Council, business shall not be transacted at any meeting unless the quorum as set out below is present.

Fractions of numbers are to be rounded up.

3.2. Minutes

- (i) The Chairman of the Council or the Chairman of a Committee will ask the meeting to confirm that the Minutes be approved as a correct record.
- (ii) Only the accuracy of the Minutes may be discussed and any material amendments as to the accuracy shall be by means of a Motion. As soon as any Motion has been dealt with (or if no Motion is moved), the Chairman will sign the Minutes subject to any amendments set out in any Motion approved by the Council or Committee.
- (iii) Minutes of meetings of the Cabinet will include the following details:
 - (a) A record of the reasons for the decision.
 - (b) Details of any alternative options considered and rejected by the Cabinet at the meeting at which the decision was made.
 - (c) A record of any conflict of interest in relation to the matter decided which is declared by any member of the Cabinet.
 - (d) In respect of any declared conflict of interest, a note of any dispensation granted by the Ethics and Standards Committee.
- (iv) The Minutes shall be available for public inspection at the Wyre Forest House, Finepoint Way, Kidderminster, or such other places as the



Council may direct including the Council's website.

3.3 Voting

- (i) All matters requiring a decision of the Council or Committee shall be decided by a majority of the Members present and voting.
- (ii) In the case of an equality of votes, the Chairman of the meeting shall have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.
- (iii) Subject to (iv) below, the Chairman will take the vote by one of the following methods:
 - a) If the technology used for enabling remote participation in meetings has a means to take an electronic poll and only those members eligible to vote at the meeting may cast a vote using the electronic poll, by means of such a poll; or
 - b) If and only if it is possible to see on a screen at the same time all members who are eligible to vote at the meeting, by show of hands; or
 - c) If the Chairman has allowed a period for members who are eligible to vote at the meeting to indicate whether there is any dissent, and no member has indicated dissent during that period, by accepting that this represents the affirmation of the meeting; or
 - d) Only if none of the preceding methods is possible and a vote is not being taken in accordance with paragraph (iv) below, by asking each member who is eligible to vote to indicate their vote as set out in paragraph (iv)(a). The provisions of paragraph (iv)(b) do not apply to a vote taken by this method.
- (iv) If, before the Chairman begins to take the vote, a proposition is moved, seconded and carried that the voting on any Motion shall be recorded in the Minutes so as to show which way each Member voted or whether they abstained:
 - (a) the Solicitor to the Council or his/her representative will call the name of each Member present, and each Member will state whether they are for or against the Motion or whether they are abstaining from voting, and;
 - (b) will record in the Minutes each Member's response.
- (v) Where any Member so requires immediately after a vote has been taken, the Minutes must record that Member's vote for or against or their abstention.
- (vi) Named and recorded votes shall only be permitted at Council, Cabinet and Overview and Scrutiny committees.
- (vii) Immediately after any vote on the budget calculation or precept is



taken at a budget decision meeting of the Council, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

3.4 Voting on Appointments

Where more than two persons are nominated for any position to be filled by the Council, and of the votes cast there is no overall majority in favour of one person, the person who received the least number of votes must be eliminated from the voting and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

3.5 Record of Attendances

- (i) Members present at a meeting of the Council, or of any of its Committees, should have their attendance recorded on the attendance sheet.
- (ii) A record of attendances shall be published with the Agenda of the Annual Meeting of the Council.

3.6 Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Local Members Code of Conduct (“the Code”) requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members’ Code of Conduct as set out in Section 14 of this constitution for full details.

Disclosable Pecuniary Interest (DPI)

A DPI is an interest defined in regulations made under the Localism Act 2011 and set out in the Code.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), this Standing Order requires you to leave the room where the meeting is held for the duration of any discussion or voting on that matter.

If you have an Other Disclosable Interest (ODI) you must check the provision set out in Section 14 to determine whether you need to leave the room.

If the meeting is being held remotely, then the member will be excluded from the debate on any item where they would ordinarily be required to leave the room by temporarily ending their connection to the meeting during that item

3.7 Attendance by Member as an Observer

- (i) A Member may be present at any meeting of the Cabinet or other Committee of which they are not a Member. They cannot vote but may be allowed to speak at the discretion of the Chairman.
- (ii) A Member who is observing is subject to the same provisions regarding the Declaration of Interests as Members of the Committee.

3.8 Disorderly Conduct by Members

- (i) If the Chairman of any meeting considers and states to the meeting that a Member's conduct is disorderly, then he/she or any other Member may move "Not to hear a particular Member further" and, if seconded, the Motion shall be put to the vote without discussion. Disregarding the ruling of the Chairman, willfully obstructing its proceedings, or behaving improperly, offensively or irregularly shall, for these purposes, be considered disorderly.
- (ii) If the Member's disorderly conduct continues after the Motion has been carried, the Chairman can either:
 - (a) move "to require the Member to leave the meeting" in which case the Motion shall be put to the vote without seconding or discussion, or
 - (b) adjourn the meeting of the Council or Committee to an appropriate time.
In the event of a motion being passed under paragraph (ii)(a), the member's connection will be terminated to a meeting being held remotely in accordance with the section 78 regulations.
- (iii) The Chairman may, in the event of general disturbance disruptive of the proceedings, adjourn the meeting for an appropriate length of time. Such action may be taken irrespective of other available powers and without putting the matter to the meeting.

3.9 Disturbance by Members of the Public

If a member of the public interrupts or disrupts the proceedings at any meeting, the Chairman will issue a warning and if the interruption continues, the Chairman shall order their removal, which may be implemented by terminating the connection of the member of the public to a meeting being held remotely.

3.10 Access to Information

All Agendas and reports and other documents relating to business which is to be transacted in the public part of a meeting shall be available for public inspection, subject to the provisions of Section 100B of the Local Government Act 1972 and Section 22 of the Local Government Act 2000.

Please see Section 8 of this constitution for further information.

3.11 Substitutes

- (i) Every Agenda for a Committee meeting shall contain an item immediately following Apologies for Absence in the following terms:-

“To receive the name of any Councillor who is to act as a substitute together with the name of the Councillor for whom he/she is acting.”

- (ii) When any member of a committee or sub-committee is unable to attend a meeting, he or she may appoint another member of the Council to attend as a substitute, subject to the following:
- (a) Members nominated as substitutes must be members of the same Political Group. Independent Members can only substitute for another Independent Member.
 - (b) No substitutes are permitted on the Cabinet.
 - (c) Only members who have had the appropriate training may act as substitutes at Regulatory Committees.
 - (d) Only Members who are on the Parent Committee may act as a substitute at a Sub-Committee.
 - (e) Only non-Cabinet members may act as substitutes at the Audit and Overview and Scrutiny Committees.
 - (f) To ensure continuity in scrutiny reviews, substitutes should only be appointed for the Scrutiny Committee in exceptional circumstances. Substitutes are not allowed on Review Panels.
 - (g) Whilst the substitute will have full powers of discussion and voting, he or she will not be able to exercise any special powers or duties exercisable by the person they are substituting.
 - (h) Substitutes are not permitted to act for any Member who attends part of a meeting only.

- (i) If a Member, for whom apologies have been given and a substitute appointed, subsequently attends part of the relevant meeting, they shall do so as an observer only.

3.12 Petitions

All petitions received by the Council will be processed in accordance with the Petition Scheme. See Section 21.

Petitions which Trigger a Debate by Council

Petitions receiving 987 or more signatures will be debated at a meeting of the Council, unless the petition calls for a Director to give evidence at a public meeting.

If the technology used by the Council to permit remote participation in meetings allows a person who is not a member or officer of the Council to speak only for a period permitted by the Council, the petition organiser will be given five minutes to present the petition to the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes.

In any other case (including where the petition organiser does not have access to the internet), the petition organiser will be able to make written representations equivalent to a five minute speech which will be read out at the meeting. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.

Other Petitions

- (i) The petition organiser must submit both the petition and a summary of points they wish to raise at the meeting to Democratic Services no later than 12noon on the Monday a week before the meeting. Petition organisers may not speak at the meeting if they do not provide this information by this deadline.

- (ii) If the technology used by the Council to permit remote participation in meetings allows a person who is not a member or officer of the Council to speak only for a period permitted by the Council, the petition organiser may speak for up to three minutes at the meeting, but must confine themselves to the issues raised in the summary of points, as submitted to Democratic Services. In any other case (including where the petition organiser does not have access to the internet), the petition organiser will be able to make written representations equivalent to a three minute speech which will be read out at the meeting.

- (iii) The Cabinet Member with responsibility for the issue will, if necessary, comment on any points raised by the petition organiser.

3.13 Public Representations at Meetings

Members of the Public may make representations to meetings of the Full Council and Cabinet to make their views known by:-

- (i) presenting a petition, as outlined in the Petitions Scheme
- (ii) making a statement that has relevance as to what the meeting has power to do
- (iii) tabling a question

The form of representations will be:

- a) if the technology used by the Council to permit remote participation in meetings allows a person who is not a member or officer of the Council to speak only for a period permitted by the Council, by speaking during the meeting;
- b) in any other case (including where the member of the public does not have access to the internet), by making written representations equivalent to a three minute speech which will be read out at the meeting.

The Council will, if necessary, at the Annual Meeting and at every ordinary meeting of the Council devote up to 20 minutes for public participation. Public Speakers will have opportunity to speak for no more than three minutes. The full scheme for public participation at meetings of Full Council and Cabinet is set out below:

Council

To make representations at a meeting of the Council you will need to contact the Democratic Services Section by email (committee.section@wyreforestdc.gov.uk) or letter (addressed to Democratic Services, Wyre Forest District Council, Wyre Forest House, Finepoint Way, Kidderminster DY11 7WF) or telephone (01562 732763) and register your interest in making representations no later than 12noon on the Monday a week before the meeting. The item must pertain to Wyre Forest District or relate to the powers / duties of the Council.

Requests that relate to issues that have become apparent only since the participation deadline has passed or pertain to an item on the Council agenda (which could not reasonably have been anticipated or the nature of the recommendation known) must be submitted before 12 noon on the Monday immediately before the Council meeting date.

Individuals or organisations must have a legitimate interest in any matter they wish to make representations on.

A copy of the wording on the statement or question is required so that copies



can be circulated at the meeting.

Cabinet

To make representations at a meeting of the Cabinet you will need to contact the Democratic Services Section by email (committee.section@wyreforestdc.gov.uk) or letter (addressed to Democratic Services, Wyre Forest District Council, Wyre Forest House, Finepoint Way, Kidderminster DY11 7WF) or telephone (01562 732763) and register your interest in making representations no later than 12noon on the Monday a week before the meeting. The item must pertain to Wyre Forest District or relate to the powers / duties of the Cabinet.

Requests that relate to issues that have become apparent only since the participation deadline has passed or pertain to an item on the Cabinet agenda (which could not reasonably have been anticipated or the nature of the recommendation known) must be submitted before 12 noon on the Monday immediately before the Cabinet meeting date.

Individuals or organisations must have a legitimate interest in any matter they wish to make representations on.

A copy of the wording on the statement or question is required so that copies can be circulated at the meeting.

Questions should be addressed to the Leader of the Council or the relevant Cabinet member.

What the Scheme Excludes

- Exempt/Confidential Matters.
- Licensing or Planning Applications.
- Complaints already made to the Council or another body e.g. The Ombudsman.
- Allegations or comments about individual Councillors or staff.

(There are separate arrangements for the public's right to address the Planning Committee about an application. Please see the Council's website <http://www.wyreforestdc.gov.uk/planning-and-buildings/the-planning-application-process.aspx>)

3.14. Mover of a Motion may be present at a meeting of a Committee

A Member of the Council who has moved a Motion which has been referred to any Committee shall have notice of the meeting at which it is proposed to consider the Motion. They shall have the right to be present at the meeting and if they are present shall have an opportunity of explaining the Motion, but shall not be entitled to vote.



3.15 Use of Photographic, Video, Sound Recording and ICT in Meetings

- (i) The use of Social Media, or visual or audio recording by the press and public is permitted, provided they have notified the Chairman before the start of the meeting if it is intended to record (audio or visually) the meeting or any part of the meeting. Recording, filming or transmission is not permitted for the exempt part of any meeting.
- (ii) Members of a Committee are prohibited from using ICT to access social media, texting, external emailing or reading social media texts or emails during a meeting of Council or any Committee.
- (iii) Unless necessary to facilitate the meeting itself, Members and Officers are prohibited from using ICT to make or receive calls at meetings held in public and all mobile phones/ handheld devices that allow calls to be made or received are to be turned to silent or off.

4 Motions and Rules of Debate at Council Meetings

4.1 Notices of Motion

- (i) A Motion, not listed in Standing Order 4.2, signed by the Member(s) giving the Notice must be delivered in writing by e-mail to the office of the Solicitor to the Council no later than 12 noon on the day 7 working days before the meeting of Council.
- (ii) The Solicitor to the Council shall:
 - (a) Record the receipt of each motion.
 - (b) Set out in the Summons for the Council Meeting all Motions which comply with the requirements of paragraph (1) of this Standing Order in the order they have been received, unless the Member has in writing either withdrawn it or stated a wish to move it at a later meeting.
- (iii) Motions must relate to matters where the Council has powers or duties or which affect the District.
- (iv) The Council will treat as withdrawn any Motion not moved at the meeting at which it appears upon the Summons, unless its postponement is agreed by the Council.
- (v) Any Motion the subject matter of which comes within the province of any Committee(s) may upon being formally moved and seconded:
 - (a) be referred without discussion to such Committee, or
 - (b) be referred without discussion to such other Committee as the Council may decide, or



- (c) be dealt with at the meeting at which it is moved if the Chairman of the Council considers that it would be appropriate to do so.
- (vi) The Member who has moved the Motion must be notified by the Solicitor to the Council of the meeting of the Committee to which it has been referred, and has the right to be present at the meeting and to explain the Motion.
- (vii) The period of notice referred to in (i) above is not required in respect of Emergency Motions, provided at least five Members have given written notice of the Motion to the Solicitor to the Council before the meeting of the Council. An Emergency Motion may only be considered at the meeting if the Chairman of the meeting agrees that, due to special circumstances (which must be specified in the Minutes), the subject of the Motion should be considered at the meeting as a matter of emergency.

4.2 Motions and Amendments which may be moved without Notice

A Member may move without notice any of the following Motions and amendments:

- (i) To appoint a Chairman for that meeting or for the remainder of the meeting.
- (ii) Relating to the accuracy of the Minutes.
- (iii) To vary the order of the Agenda.
- (iv) Subject to the limitation set out in paragraph (viii) below of this Standing Order, to move a Motion arising out of consideration of an item on the Agenda, but the Motion must be relevant to that item and must not introduce any new subject matter.
- (v) To appoint a Committee, or Members to a Committee arising out of any item on the Summons for the meeting.
- (vi) That a matter be deferred or referred to an appropriate body or individual.
- (vii) To establish a Body or to appoint a representative to a Body.
- (viii) To adopt reports and recommendations of Committees or Officers, but a Member cannot move a Motion or amendment which amends a decision made under powers delegated by the Council to a Committee or an Officer.
- (ix) To withdraw a Motion.

- (x) To extend the time limit for speeches.
- (xi) To amend a Motion.
- (xii) To proceed to the next item on the Agenda.
- (xiii) To put the question immediately to the vote.
- (xiv) To adjourn the debate.
- (xv) To adjourn the meeting.
- (xvi) To suspend one or more Standing Orders, in accordance with Standing Order 8.4.
- (xvii) To exclude the press and the public from the meeting in accordance with the Access to information Rules.
- (xviii) Under Standing Order 3.8 not to hear a Member further.
- (xix) Under Standing Order 3.8 by the Chairman to require a Member to leave the meeting.
- (xx) To give the consent of the Council where its consent is required by this Constitution.

4.3 Motions affecting Persons employed by the Council

If, at any meeting of the Council or Committee, any question arises on the appointment, promotion, dismissal, salary, superannuation, or condition of service, or as to the conduct of any person employed by the Council, the Council must not discuss it until it has decided whether to exclude the public under Section 100A(4) of the Local Government Act 1972.

4.4 Rules of Debate at Council Meetings

(i) Motions and Amendments

A Motion or amendment shall only be discussed if it has been proposed and seconded and notice has been given in accordance with Standing Order 4.1. If the Chairman wishes, he/she shall have the right to see the Motion in written form before it is further discussed or put to the Meeting.

(ii) Secunder's Speech

When seconding a Motion or amendment a Member may state that they wish to reserve their right to speak on the Motion or amendment until later in the debate.



(iii) Only One Member to Speak at a Time

A Member when speaking shall address the Chairman. If two or more Members speak at the same time, the Chairman shall call on one to speak, and the other(s) shall then wait until they are called to speak. While a Member is speaking, the other Member(s) shall not speak, unless intervening to raise a point of order or in personal explanation.

(iv) Content and Length of Speech

A Member shall speak to the question under discussion or to a personal explanation or to a point of order. No speech shall be longer than five minutes (except that of the mover of a Motion, which shall not be longer than ten minutes), unless this is agreed by the Council.

(v) When a Member May Speak Again

A Member who has spoken on any Motion must not speak again while it is being debated, except:

- (a) To speak once on an amendment moved by another Member.
- (b) If the Motion has been amended since the Member last spoke, to move a further amendment.
- (c) If the Member's first speech was on an amendment moved by another Member, to speak on the main issue, whether or not that amendment was carried.
- (d) In exercise of a right of reply given by paragraph 4.4 (xii) or 4.4 (xiv) of this Standing Order.
- (e) On a point of order.
- (f) By way of personal explanation.
- (g) To move or to speak on a procedural Motion set out in 4.4 (xiii) of this Standing Order.

(vi) Amendments to Motions

An amendment must relate to the Motion and must:

- (a) Refer a subject of debate to an appropriate body or individual for consideration or reconsideration, or
- (b) Leave out and/or add words.

- (c) Not be a direct negative to the Motion or any amendments proposed.
- (vii) The Chairman may permit two or more amendments to be discussed together if this is likely to help the proper conduct of the Council's business but each amendment must be voted upon separately.
- (viii) If an amendment is lost, other amendments may be moved on the original Motion. If an amendment is carried, the Motion as amended takes the place of the original Motion and becomes the substantive Motion upon which any further amendments may be moved.
- (ix) After an amendment has been carried, the Chairman will read out the substantive Motion before accepting any further amendments, or if there are none, put it to the vote.
- (x) Alteration of a Motion

With the consent of the Council, signified without discussion, a Member may:

- (a) Alter a Motion of which the Member has given notice, or
- (b) With the further consent of the seconder, alter a Motion which the Member has moved without notice.

If (in either case) the alteration is one which could be made as an amendment to the Motion.

- (xi) Withdrawal of a Motion
 - (a) A Motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council, which shall be signified without discussion.
 - (b) No Member may speak on a Motion or an amendment after the mover has asked permission to withdraw it unless permission has been refused.

- (xii) Right of Reply

The mover of a Motion has the right of reply at the close of debate on the Motion, immediately before it is put to the vote.

If an amendment is moved, the mover of the amendment has the right of reply to the debate on the amendment, subject to the mover of the original motion having the final right of reply unless he has already spoken on the amendment.

- (xiii) Motions which may be Moved during Debate



When a Motion is under debate, the only other Motions which may be moved (either singly or combined and with any necessary added words) are the following:

- (a) To withdraw a Motion.
 - (b) To amend the Motion.
 - (c) To adjourn the meeting.
 - (d) To adjourn the debate.
 - (e) To proceed to the next business.
 - (f) To put the question immediately to the vote.
 - (g) Not to hear a Member further under Standing Order 3.8.
 - (h) By the Chairman to require a Member to leave the meeting under Standing Order 3.8.
 - (i) To exclude the press and public in accordance with the Access to Information Rules.
 - (j) To suspend one or more Standing Orders under Standing Order 8.4.
 - (k) To extend the time limit for speeches.
 - (l) Under Standing Order 3.6, (Declaration of Interests by Members - Interests of Members in Contracts and Other Matters) to invite a Member to remain.
 - (m) To give any consent required by these Standing Orders.
- (xiv) Closure Motions

At the end of a speech by another Member, and provided that at least four Members have already spoken on the matter in hand, a Member who has not spoken on that business may move without comment that:

- (a) The debate be adjourned.
- (b) The meeting be adjourned,
- (c) The Council proceed to the next business.
- (d) The question be put.

If the Motion is seconded the Chairman of the Council shall proceed as follows if in his opinion the matter before the meeting has been sufficiently discussed:

- (e) In the case of a Motion under (a), (b) or (c) of this Standing Order, invite the mover of the original Motion to reply and then put the closure Motion to the vote.
- (f) In the case of a Motion under (d) of this Standing Order, put the closure Motion to the vote. If it is passed the Chairman will then give the mover of the original motion a right of reply before putting his Motion to the vote.

If the Motion is carried, the matter before the meeting shall (subject to the rights of speech or reply) be put to the vote or be deemed to be disposed of or the meeting or debate shall stand adjourned as the case may be.

(xv) Point of Order

- (a) A point of order is a request by a Member to the Chairman of the Council to rule on an alleged irregularity in the constitution of or procedure in the meeting.
- (b) A Member may speak on a personal explanation or a point of order at any time and is entitled immediately to address the Chairman of the Council on the matter, provided:
 - The Member who raises a point of order must specify immediately a Standing Order or statutory provision, and say how it has been broken or infringed.
 - The Member's speech is confined to the personal explanation or point of order.
- (c) A personal explanation shall be confined to some material part of an earlier speech by a Member and on which a misunderstanding has occurred.
- (d) The ruling of the Chairman of the Council on a personal explanation or point of order is final and not open to discussion.

(xvi) Respect for the Chairman

Whenever the Chairman speaks during a debate any Member who is speaking will cease and all Members will be silent.

(xvii) Advice by Officers of the Council

The Chairman may call upon any Officer of the Council to explain or advise upon any point under discussion or such Officer may speak with the permission of the Chairman to explain any point about which they consider a doubt exists.

4.5 Rescinding an earlier Resolution

- (i) This Standing Order does not apply to a recommendation submitted to the Council by a Committee but it does apply to any amendment moved at a Council meeting in respect of such a recommendation.
- (ii) No Member may move a Motion or amendment which would have the effect of rescinding any resolution of the Council passed within the previous six months or which would have the same effect as one which has been rejected within the previous six months, unless notice has been given as required by Standing Order 4.1 and such notice is signed by as many Members as would constitute a Quorum of the Council. This procedure may not be used if it has been used in the previous six months to try to rescind the same earlier resolution and the Motion was rejected.

5 State of the Area Debate

5.1 Calling of debate

The Leader of the Council may call a state of the area debate annually or at other suitable intervals on a date and in a form to be agreed with the Chairman.

5.2 Form of debate

The Leader will decide the form of debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the area debate.

5.3 Chairing of Debate

The debate will be chaired by the Chairman.

5.4 Results of the debate

The results of the debate will be:

- (i) Disseminated as widely as possible within the community and to agencies and organisations in the area, and
- (ii) Considered by the Leader of the Council in proposing the budget and policy framework to the Council for the coming year.

6 Issues Relating to Officers

6.1 Interests of Officers in Contracts

By virtue of Section 117(1) of the Local Government Act 1972 Officers must give notice in writing if they are aware that the Council has entered into, or plans to enter into, any contract in which they have a pecuniary interest. The Solicitor to the Council shall record particulars of any notice of pecuniary interest in a contract given by an Officer, and this record shall be open to inspection by Members of the Council and members of the public.

6.2 Canvassing of and Recommendations by Members

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment within the Council. All applicants for appointments shall be notified of this Standing Order.

- (ii) No Member of the Council will seek support for any person for any appointment with the Council, but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

6.3 Relatives of Members or Officers

- (i) A candidate for any appointment with the Council who knows that she/he is related to any Member or employee of the Council shall disclose that relationship on the application form. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and, if appointed, shall be liable to disciplinary proceedings. Every Member of the Council shall disclose to the Solicitor to the Council any relationship known to them to exist between them and any person whom they know is a candidate for an appointment with the Council. The Chief Executive shall report to the Council, or to the appropriate Committee, any such disclosure.
- (ii) For the purpose of this Standing Order, persons shall be deemed to be related if they are husband and wife (including common law partners) or if they or their spouse is the son/daughter, father/mother, grandson/granddaughter, brother/sister, nephew/niece of the other.
- (iii) The purpose of this Standing Order shall be included in the particulars issued with each form of application.
- (iv) Where the functions of the Council, or of any Committee, in relation to the appointment of the employees, is delegated to an Officer of the Council, if an applicant for an appointment is related to that Officer, the procedure relating to the making of such appointment shall immediately revert to the Chief Executive or his authorised representative. If the Chief Executive is the appointing Officer, then the matter should be referred to the Chairman and Vice-Chairman for the time being of the Cabinet.

6.4 Appointment of Officers

- (i) Where a vacancy arises in the post of Chief Executive or a Director post, the Rules of the Personnel Handbook will be adhered to.
- (ii) Member's involvement in the appointment of Officers:
 - (a) Full Council must approve the appointment or dismissal of the Head of Paid Service.
 - (b) The involvement of Members in the appointment of other Officers will be restricted to the following posts:

- Assistants to Political Groups
(Should the Council ever seek to appoint Political Assistants, 6.6 would apply).
- (c) A Member of the Cabinet will be included on any Committee or Sub-Committee making an appointment under (i) or (ii) above.
- (d) The above appointments or dismissals cannot be made until:
 - The Council or Committee have considered any objections to the intended appointment from any member of the Cabinet.
 - The Council or Committee have either satisfied themselves that the objection is not well-founded or taken action in respect of the objection.
- (e) Members, who are involved in the appointment of Officers, must have completed the appropriate training in respect of the Council's recruitment procedures.

6.5 Disciplinary Action concerning the Head of Paid Service, Chief Financial Officer and the Monitoring Officer

- (i) No disciplinary action in respect of the head of the authority's paid service, its Monitoring Officer or its Chief Financial Officer, except action described in (ii) below may be taken by the authority, or by a Committee or any other person acting on behalf of the authority, other than in accordance with a recommendation in a report made by the Statutory Committee in compliance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations) 2015.
- (ii) The action mentioned in paragraph (i) is suspension of the Officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

6.6 Political Assistants

- i. The following is prohibited under the Officer Employment Rules:
 - (a) The making of an appointment of a Political Assistant to a Political Group until such posts have been allocated to all groups qualifying for one.

- (b) The allocation of a Political Assistant post to a Political Group which does not qualify for one.
- (c) The allocation of more than one post to any Group.

7 Other Matters

7.1 Custody of the Common Seal of the Council

The Common Seal of the Council shall be kept in a safe place as determined by the Solicitor to the Council

7.2 Sealing/Execution of Documents

- (i) The Common Seal of the Council shall not be affixed to any documents unless the sealing has been authorised by a resolution of the Council or of a Committee to which the Council has delegated the powers to do so, but a resolution of the Council (or of a Committee which has been given the power) authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any Petition, Memorial, or Address, the making of any rate or contract, or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.
- (ii) The affixing of the Seal shall be attested by the following person: the Solicitor to the Council or her authorised representative, and an entry of every sealing of a document shall be made and consecutively numbered in a register kept for the purpose and shall be signed or initialed by the persons who have attested the Seal (in all cases signing electronically where permissible)
- (iii) Wherever legally permissible, any document that is required to be executed by the Solicitor to the Council or her authorised officer, may be executed by using an electronic signature

7.3 Authentication of Documents for Legal Proceedings

Where a document is a necessary step in legal proceedings on behalf of the Council it shall be signed by the Solicitor to the Council or her authorised representative unless any enactment otherwise requires or authorises, or the Council gives the necessary authority to, some other person for the purpose of such proceedings.

7.4 Inspection of Documents, Lands and Premises

- (i) A Member of the Council, may for the purpose of their duty as a Member but not otherwise, by request to the Solicitor to the Council, request any document which has been considered by the Council, or



any Committee, and, if it is appropriate subject to the Data Protection Act 1984, and if copies are available electronically, shall on request be supplied with a copy of such document.

Provided that a Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which they are professionally interested, or in which they have a prejudicial interest, within the meaning of the Members' Code of Conduct as set out in Part 5 of this Constitution, and that this Standing Order shall not preclude the Solicitor to the Council from declining to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.

Also that nothing in this Standing Order shall be taken as overriding the rights of any Member under Section 100F of the Local Government Act 1972 and that any decision by the Solicitor to the Council, if required by the Member concerned, be reported to the Council.

- (ii) All Reports made or Minutes kept by a Committee shall, as soon as the Committee has concluded action on the matter to which such Reports or Minutes relate, be available to any Member of the Council who requests them.
- (iii). Unless specifically authorised to do so by the Council, or any Committee, a Member of the Council shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim, by virtue of their membership of the Council, any right to inspect or to enter upon any lands, offices or premises which the Council have the power or duty to inspect or enter.

7.5 Fractions of Numbers

Where in these Standing Orders reference is made to a fraction of a total number of Members (excluding co-opted members and ex-officio members) the result of the fraction shall be rounded up to the next whole number.

8 Interpretation/Variation et cetera

8.1 Standing Orders to be given to Members

A printed copy of these Standing Orders, and of any statutory provisions regulating the proceedings and business of the Council, shall be drawn to the attention of each Member of the Council upon delivery to the Chief Executive of the Member's Declaration of Acceptance of Office under Section 83 of the Local Government Act 1972, or as soon as possible thereafter.

8.2 Interpretation of these Standing Orders



- (i) The ruling of the Chairman of the Council or of the Chairman of any Committee as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council or Committee, shall be final.
- (ii) In these Standing Orders and where the context so admits, the expressions “Member(s)” and “Member(s) of the Council” shall mean any Member or Members of the Wyre Forest District Council attending a meeting of a Committee, where they are in attendance at such meeting as a Member thereof or in accordance with the provisions of Standing Orders 3.7, 3.11 and 3.13.
- (iii) In these Standing Orders the expression “Committee(s)” shall include, where appropriate, the Cabinet, Sub-Committee(s), or similar bodies appointed by the Council.
- (iv) In these Standing Orders the expression “Extraordinary Meeting(s)” shall mean any special meetings convened outside the normal cycle of meetings approved by the Council, and such meetings shall be convened only for a special purpose and no other business shall be transacted other than that specified on the Agenda.
- (v) In these Standing Orders a Member or a member of the public will be “present” at a meeting if they participate in accordance with the procedures implemented to conduct meetings remotely.

8.3 Variation and Revocation of these Standing Orders

- (i) Any Motion originating at a Council meeting to add to, vary or revoke these Standing Orders shall, after being proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council. The report of that Committee’s consideration of the adjourned Motion shall be submitted to the next ordinary meeting of the Council, and an item to receive the Committee’s report shall appear on the Agenda for that Council meeting
- (ii) Paragraph (i) shall not apply to any addition, variation or revocation of these Standing Orders necessary to be made as a result of the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
- (iii) The rights that relate to Access to Information set out in these Standing Orders may be varied by legislation whereupon these Standing Orders shall be deemed to be varied to the extent provided for in such legislation.

8.4 Suspension of these Standing Orders

With the exception of SO's 3.2 and 3.3 (v) any of the preceding Standing Orders may be suspended so far as regards any business at the meeting of the Council or of any Committee where its suspension is approved by a majority of the Members present and voting. The Standing Order or Orders to be suspended shall be specified. Suspension can only be for the duration of the meeting.

8.5 Date of Commencement of Standing Orders

These Standing Orders came into operation on 21 April 2021, and as from that date all other Standing Orders made by the Council and all resolutions about Standing Orders passed prior to that date are revoked. These Standing Orders shall continue in force until 31 July 2021.

8.6 Restoration of Standing Orders existing immediately prior to 21 April 2020

The Standing Orders existing immediately prior to 21 April 2020 shall be restored to full effect when the Standing Orders which came into operation on 21 April 2021 are no longer in force.

**Council Meetings
Quick Reference Guide
Motions and Rules of Debate**

'Points of Order'
Request by member for ruling on alleged breach of Constitution or procedure
SO 4.4 (xv a)

'Personal Explanation'
Member to explain former speech by him/her which might have been misunderstood by others
SO 4.4 (xv c)
Chairman to determine both and shall not be open to discussion and so shall be final

"Standing Orders"
Can be suspended at any time in accordance with SO 8.4

Motion

- Mover (10 mins)
- Secunder (5 mins)

Unless otherwise agreed by Council
SO 4.4 (iv)

Amendment(s)

- Mover (10 mins)
- Secunder (5 mins)

Can be moved without Notice
SO 4.4 (x)

Debate
Member may speak once on motion and each amendment
SO 4.4 (5)
Chairman to determine

Amendment Mover Right to Reply on Amendment
(5 mins)
Mover of Motion also right to reply on Amendment (5 mins)
SO 4.4 (xii)

Vote on Amendment(s)

Show of hands or named vote

Chairman to **ask** if any member wishes to propose any **further amendments**

Motion To
'Proceed to the Next Business' And 'To Adjourn'

Provided at least 4 members have spoken, any Member, who has not spoken on the item, may so move. On seconding, the Chairman, **if he is of the opinion that the matter has been sufficiently discussed, SHALL** invite the mover of the Motion to reply and put the closure Motion, without discussion, to the vote.

Motion That
'The Question Be Put'

Provided at least 4 members have spoken, any Member, who has not spoken on the item, may so move. On seconding the Chairman, **if he is of the opinion that the motion or amendment has been sufficiently discussed, shall** put the closure Motion without discussion to the vote. If passed, Chairman will give mover of original motion a right of reply and then put motion to the vote

SO 4.4 (xiv)

Mover of Motion – Right to Reply on Motion
(5mins)

Vote on Motion
Vote on Substantive Motion, if an amendment has been carried