

**Time** 10.00 am      **Public Meeting?** Yes      **Type of meeting** Advisory group

**Venue** Committee Room 4 - Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH

## Membership

**Chair** Cllr Alan Bolshaw (Lab)

### Labour

Cllr Ian Brookfield  
Cllr Craig Collingswood  
Cllr Celia Hibbert  
Cllr Milkinderpal Jaspal  
Cllr Rita Potter  
Cllr Sandra Samuels OBE  
Cllr Stephen Simkins

### Conservative

Cllr Wendy Thompson

Quorum for this meeting is three Councillors.

## Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

**Contact** Dereck Francis  
**Tel/Email** 01902 555835 or Email: [dereck.francis@wolverhampton.gov.uk](mailto:dereck.francis@wolverhampton.gov.uk)  
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Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

**Website** <http://wolverhampton.moderngov.co.uk/>  
**Email** [democratic.services@wolverhampton.gov.uk](mailto:democratic.services@wolverhampton.gov.uk)  
**Tel** 01902 550320

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

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# Agenda

## Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i>                                                                                         |
|-----------------|------------------------------------------------------------------------------------------------------|
| 1               | <b>Apologies (if any)</b>                                                                            |
| 2               | <b>Declarations of interests</b>                                                                     |
| 3               | <b>Minutes of the previous meeting - 18 October 2019</b> (Pages 3 - 6)<br>[For approval]             |
| 4               | <b>Matters arising</b><br>[To consider any matters arising from the minutes of the previous meeting] |

### DECISION ITEMS

- |   |                                                                                                                                  |
|---|----------------------------------------------------------------------------------------------------------------------------------|
| 5 | <b>Changes to the Constitution</b> (Pages 7 - 70)<br>[To recommend to Council changes to the Constitution]                       |
| 6 | <b>Introduction of Paperless Committee Meetings</b> (Pages 71 - 76)<br>[To approve to undertake a pilot of 'paperless' meetings] |

## Attendance

### Members of the Governance Committee

Cllr Sandra Samuels OBE (Chair)  
Cllr Alan Bolshaw  
Cllr Milkinderpal Jaspal  
Cllr Rita Potter  
Cllr Stephen Simkins

### Employees

Dereck Francis	Democratic Services Officer
Alice Peacock	Electoral Services Officer
Martyn Sargeant	Head of Governance

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## Part 1 – items open to the press and public

*Item No. Title*

- 1 **Apologies (if any)**  
Apologies for absence were submitted on behalf of Councillors Ian Brookfield, Craig Collingswood and Wendy Thompson.
- 2 **Declarations of interests**  
No declarations of interests were made.
- 3 **Minutes of the previous meeting - 5 July 2019**  
Resolved:  
That the minutes of the previous meeting held on 5 July 2019 be approved as a correct record and signed by the Chair.
- 4 **Matters arising from the minutes of the previous meeting**  
There were no matters arising from the minutes of the previous meeting that were not otherwise included on the agenda for the meeting.
- 5 **Boundary Review**  
Councillor Sandra Samuels OBE presented the report on proposals to ensure that the Committee was aware of and able to review the proposed governance and management arrangements for the Council's submission to the boundary review.

The Chair asked for the Committee's views on the plan to appoint a project manager to oversee the Council's work on the boundary review. She felt that the work could be undertaken by existing employees within the Head of Strategy's team. She also queried the proposed cost and funding for the post. In response, some members said that the time limited post would be crucial, as the outcomes from the boundary review would have a major impact on the running of the Council.

A suggestion was made that political oversight of the Council's response to the boundary review should involve Scrutiny Board. Other members noted that the response to previous boundary reviews had not gone through Scrutiny Board and that there would be political oversight of responses through the Committee and at Full Council.

Responding to points made, Martyn Sargeant, Head of Governance explained why the project management support was necessary and the funding arrangements for the post. Regarding the Council's response to the review and outcomes, the Governance Committee would assume primary responsibility for overseeing the work of employees to prepare each of the three submissions in response to the review. There would also be the opportunity for political groups to put in individual submissions.

Resolved:

1. That the proposed governance arrangements for management of the Council's input to the Local Government Boundary Commission for England's boundary review in Wolverhampton be endorsed.
2. That it be noted that funding had been identified to provide project management support for the Council's work on the boundary review.

## 6 **Review of Polling Places and Districts**

Councillor Sandra Samuels OBE presented the report on the outcomes from the statutory quinquennial review of polling places and districts.

Responding to questions, Martyn Sargeant, Head of Governance confirmed that ward councillors had been contacted requesting their views on the proposals. He also explained the priorities for the review and the process followed in formulating the proposals as contained in the report. The Head of Governance also undertook to include in future reports on reviews of polling places and districts, a summary of feedback received from Councillors during the consultations.

Councillor Stephen Simkins registered his objection to the proposals for changes to the polling districts and places in Bilston East and the proposal to change the polling station for district HNA to Rainbow Street Community Centre, which was outside the City of Wolverhampton. He felt that the proposals would disenfranchise the electorate within Bilston East ward.

Other members of the Committee expressed their support for the proposals in so far as they related to the ward they represent.

The Head of Governance also reported that following publication of the report, ward councillors for East Park had contacted him to register their objection to the proposals to merge district KLA with KHB and to move the polling station location so that it was more central to these districts, at Mount Shiloh Apostle Church, Hickman Avenue. The ward councillors supported the proposed merger of the two districts but objected to the proposed location for the polling station. They preferred retaining the polling station at East Park Library and Neighbourhood Centre, Hurstbourne Crescent. For some of the electorate in district KLA, the East Park Library location would be over the recommended guidance of approximately one mile maximum distance residents should travel to a station. For that reason, the Head of Governance reported that he could not support the suggestion put forward by the ward councillors. In light of their feedback he recommended to the Committee that no change be made to polling districts KLA and KHB and their respective polling places.

Resolved:

1. That Council be recommended to approve the designation of polling places and districts for 2020-2025 with the following amendment:

‘That no change be made to the existing polling districts KHB and KLA in East Park and their respective polling places of East Park Library and Neighbourhood Centre, Hurstbourne Crescent and All Saints Community Centre, All Saints Road.’
2. That Council be recommended to delegate authority to the Returning Officer, following consultation with the Leader of the Council and Leader of the Opposition, to designate such alternative polling stations or arrangements as may be required for operational reasons.
3. That future reports on the outcomes from the statutory review of polling places and districts include a summary of feedback received from Councillors.
4. That it be noted that this review is separate to the work being carried out by the Local Government Boundary Commission for England, although these arrangements will have to be reviewed in the context of any changes the Commission may require in 2021.

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<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Governance Committee</b> <b>15 November 2019</b>
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<b>Report title</b>	Changes to the Constitution	
<b>Cabinet Member with lead responsibility</b>	Councillor Ian Brookfield Leader of the Council	
<b>Wards affected</b>	All Wards	
<b>Accountable director</b>	Mark Taylor, Deputy Chief Executive	
<b>Originating service</b>	Democratic Services	
<b>Accountable employee</b>	Jaswinder Kaur	Democratic Services Manager
	Tel	Tel: 01902 550320
	Email	jaswinder.kaur@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	Council	11 December 2019

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**Recommendations for decision:**

The Governance Committee recommends that Council:

1. Approves the amendments to the Constitution.
2. Authorises the Monitoring Officer to implement the changes.

## 1.0 Purpose

- 1.1 This report outlines the changes made to the constitution for approval by the Council. It is recommended that the Council agrees to the amendments to the Council's Constitution to ensure continuing lawfulness and effectiveness.

## 2.0 Background

- 2.1 The Special Advisory Group received a report on the 19 October 2018 recommending that the Constitution be refreshed to remove repetition, update terminology and, where possible, simplify the wording to make it clearer.
- 2.2 As part of the iterative approach to maintaining the Constitution, the Constitution Review Group has highlighted a number of changes that need to be made. Some of these are in relation to operational changes within the Council's structures, others reflect changes in regulations and guidance. The Director of Governance is authorised in the Constitution to make amendments where it is administratively convenient to do so to reflect changes in legislation or organisational restructures.

## 3.0 Changes to the Constitution

- 3.1 The table below details the Articles/Sections to be changed:

Section	Proposed	Rationale
All Parts	That references to Managing Director be amended to Chief Executive.  That references to Deputy Managing Director be amended to Deputy Chief Executive.  That references to obsolete Strategic Director posts be amended with the relevant Director instead.	To ensure the title reflects current practice.
All Parts	That references to Special Advisory Group be removed and replaced with Governance Committee.	To ensure the correct committee name is referenced.
Part 2 Article 7 – Overview and Scrutiny Arrangements	That the remit of Children, Young People and Families Scrutiny Panel be updated inline with current responsibilities and priorities.	To ensure the article reflects the current responsibilities for the Children, Young People and Families Scrutiny Panel.



<b>Section</b>	<b>Proposed</b>	<b>Rationale</b>
Part 2 Article 10 – Employees	That Employees Responsibilities be updated inline with the current senior management structure.	To ensure the article reflects the current responsibilities of each post.
Part 3 – Responsibility for functions	That the Cabinet portfolios be updated as agreed by Council on 15 May 2019.  That a delegation scheme be put into place should the Leader or Deputy Leader be on leave.	To ensure they reflect the current responsibilities of each portfolio area.  To ensure decisions can be signed off in a timely manner in the absence of the Leader and Deputy Leader.
Part 3 – Responsibility for functions	That the delegations to Cabinet, Cabinet (Resources) Panel and Cabinet (Performance Management Panel) be updated with the correct portfolio titles.	To ensure they reflect the correct portfolio area.
Part 3 – Delegations to the Statutory Licensing Committee	That the delegations to the Statutory Licensing Committee be amended to include:  Licensing functions set out in the Gambling Act 2005.	To ensure all relevant legislation is referenced.
Part 3 – Delegations to the Non-Statutory Licensing Committee	That the delegations to the Non Statutory Licensing Committee be amended to include:  Animal Welfare Act 2006. Animal Welfare (Licensing of Activities Involving Animal) (England) Regulations 2018.	To ensure all relevant legislation is referenced.
Part 3 – Terms of Reference Pensions Committee	That the Terms of Reference for Pensions Committee be updated to accurately reflect agreed practice.	To reflect the changes agreed by Pensions Committee at their meeting.
Part 3 – Terms of Reference – Governance Committee	That the following function be transferred from Standards Committee to Governance Committee:	The function is more closely aligned to those of Governance Committee than those of Standards Committee.

Section	Proposed	Rationale
	<p>a. adoption or revision of Councillor's Code of Conduct.</p> <p>Note: Previously agreed by Special Advisory Group.</p>	
Part 3 – Children and Families Together Board	That the Terms of Reference for the Children and Families Together Board formally the Children's Trust Board be amended.	To reflect the changes agreed by the Children and Families Together Board at their meeting on 3 December 2018.
Part 3 – Responsibility for functions	That the delegations to Directors be updated.	To ensure they reflect the current responsibilities of each Director following the most recent senior management restructure.
Part 3 – Delegations to Employees	That a delegation be inserted in the event that a Director is on leave another Director may take a decision.	To ensure urgent decisions are signed off on time.
Part 3 – Delegations to the Director of Governance	<p>That the delegation at D12 be amended from:</p> <p>To make minor editorial and other amendments to the Constitution, including to reflect senior management changes for administrative convenience and/or consequential to legislative changes.</p> <p>To:</p> <p>To make minor editorial and other amendments to the Constitution, including to reflect senior management changes, for administrative convenience. To make consequential amendments to the Constitution due to legislative changes.</p>	To provide clarification on minor amendments and amendments due to legislative changes.

<b>Section</b>	<b>Proposed</b>	<b>Rationale</b>
Part 3 – Delegations to the Strategic Director of People	That the relevant delegations be transferred to the Director of Adult Services, Director of Children’s Services or Director of Public Health.	To reflect the changes in responsibilities inline with the new management structure.
Part 3 – Delegations to the Strategic Director of Place	That the relevant delegations be transferred to the Director of City Assets and Housing, Director of City Environment or Director of Regeneration.	To reflect the changes in responsibilities inline with the new management structure.
Part 3 – Delegations to the Director of Adult Services	<p>That the delegation at I9 be amended from:</p> <p>To exercise the statutory functions, powers and duties of the Council in relation to vulnerable adults and adults at risk as set out in the Care Act 2014.</p> <p>To:</p> <p>To discharge the functions conferred on or exercisable by the council in its capacity as Adult Social Services Authority conferred by the Local Authority Social Services Act 1970, the Care Act 2014 and all other health and social care legislation for adults including in relation to mental health.</p>	To accurately reflect the applicable legislation
Part 3 Delegations to the Director of Public Health	<p>That the delegation at L2 be amended from:</p> <p>To support and assist the Wolverhampton City Sports Advisory Council, the Wolverhampton Sports Development Trust, the Black Country Sports Board and the network of adopted Wolverhampton sport specific development groups.</p>	To accurately reflect the partnerships supported.

Section	Proposed	Rationale
	<p>To:</p> <p>To support and assist the Wolverhampton Sports Development Trust, the Black Country Sports Board and the network of adopted Wolverhampton sport specific development groups.</p> <p>That delegation L3 on “To grant aid sports development projects, sports clubs and sporting events” be deleted.</p> <p>That the delegation at L5 be amended from:</p> <p>To implement the Crime Reduction Community Safety Strategy and Drug Strategy.</p> <p>To:</p> <p>To implement a Community Safety Strategy As required under the Crime and Disorder Act 1998.</p> <p>To ensure that all responsibilities are discharged under the following acts; Modern Slavery Act 2015 Counter Terrorism and Security Act 2015 Crime and Disorder Act 1998 Anti-Social Behaviour, Crime and Policing Act 2014 Domestic Violence, Crime and Victims Act 2004 Police and Justice Act 2006</p>	<p>The delegation is no longer applicable.</p> <p>To accurately reflect the title of the strategy</p>
Part 3 – Delegations to the Director of City Environment	That the delegations to the Director of City Environment be amended to include the following legislation:	To ensure all relevant legislation is referenced.

Section	Proposed	Rationale
	<p>Health and Safety at Work Act 1974. European Union (Withdrawal) Act 2018. Tenant Fees Act 2019.</p>	
<p>Part 3 – Delegations to the Director of Pensions</p>	<p>That the delegations to Director of Pensions be updated.</p>	<p>To ensure they reflect the current responsibilities of the director.</p>
<p>Part 4 – Full Council Meetings Procedure Rules</p>	<p>That the Full Council Meetings Procedure Rules be amended to include:</p> <p>Written Questions: a question should not be substantially the same as a question which has been put to a Council meeting in the last six months.</p> <p>Councillor not present: procedure to follow if a councillor to whom a question has been addressed to is not present or if a councillor asking the question is absent.</p> <p>Councillors Conduct: Procedure note on disclosable pecuniary interests.</p>	<p>To ensure written questions are not repetitive.</p> <p>To provide clarification on the procedure if a councillor is not present at a meeting.</p> <p>To provide clarity to councillors who may have a disclosable pecuniary interest.</p>
<p>Part 4 – Access to Information rules</p>	<p>That the access to information be amended to include a paragraph on the scope of exclusion.</p> <p>The scope of exclusion paragraph details who may stay in the room when the press and public are excluded.</p>	<p>To provide greater clarity on who may remain in the room for the consideration of exempt items.</p>
<p>Part 4 – Financial Procedure Rules</p>	<p>That the financial procedure rules be amended to revise the payment approval – computerised payment system(s) by removing the</p>	<p>To reflect the changes in responsibilities inline with the new management structure.</p>

Section	Proposed	Rationale
	Strategic Director sign off and allowing a Director to sign off a payment of £150,001 and above.	
Part 4 – Contract Procedure Rules	<p>That the contract procedure rules be amended to revise the Official Journal of the European Union threshold for services and supplies from £164,176 to £181,302.</p> <p>That the threshold for disposals by freehold sale or long lease be increased from £50,000 to £250,000.</p>	<p>To ensure the financial thresholds are correct.</p> <p>To ensure the value is in line with the key decision threshold. This would streamline our disposals process, enabling the council to get surplus land/property under the £250,000 threshold to market promptly.</p>
Part 5 – Code of Conduct Councillors	<p>That the code of conduct for councillors be amended to state:</p> <p>That enhanced DBS checks be extended to the following posts:</p> <ul style="list-style-type: none"> <li>• Leader of the Council</li> <li>• Deputy Leader of the Council</li> <li>• Cabinet Member for Adult Services</li> <li>• Cabinet Member for Public Health</li> <li>• Chair of the Children, Young People and Families Scrutiny Panel</li> <li>• Mayor</li> <li>• Mayoress</li> </ul>	To ensure that councillors who may have exposure or involvement with children, young people and vulnerable adults have had the appropriate checks undertaken.
Part 6 – Councillor Allowance Scheme	That the councillor allowance scheme be updated to state that if a councillor is entitled to more than one allowance he/she is still entitled to the mayoral clothing allowance if applicable.	To provide clarity on the mayoral clothing allowance element should a councillor qualify for more than special responsibility allowance.

<b>Section</b>	<b>Proposed</b>	<b>Rationale</b>
Part 6 – Councillor Allowance Scheme	That the councillor allowance scheme be amended to include the parental leave policy.	To reflect the parental leave policy agreed by Council on 17 July 2019.

#### **4.0 Financial implications**

- 4.1 The proposed amendments to the Constitution include changes to the finance and contract procedure rules, but these are around payment approval sign offs and increases in the Official Journal of the European Union supplies and services threshold and the threshold for disposals by freehold sale or long lease. There are no costs associated with these changes. The financial implications associated with the councillor parental leave policy were detailed in a report to Governance Committee on 5 July 2019. It is anticipated that any additional costs arising from the covering of roles during parental leave absence will be funded from the existing £972,000 budget set aside for all Councillor allowances within Democratic Services.  
[GE/31102019/S]

#### **5.0 Legal implications**

- 5.1 The Council is required by Section 37 of the Local Government Act 2000 to prepare and publish a Constitution which contains its standing orders relating to decision-making, finance and contracts. The Council is also required to keep its Constitution updated. The Director of Governance is authorised under the constitution to make amendments which more accurately reflect legislative and organisational changes.  
[TC/30102019/P]

#### **6.0 Equalities implications**

- 6.1 The Council must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.2 The Constitution seeks to ensure that, in its decision-making and its operations, the Council fully complies with the public-sector equality duty.

#### **7.0 Climate Change and Environmental implications**

- 7.1 There are no climate change or environmental implications arising from this report.

## **8.0 Human resources implications**

8.1 There are no human resources implications arising from this report.

## **9.0 Corporate landlord implications**

9.1 There are no corporate landlord implications arising from this report.

## **10.0 Schedule of background papers**

10.1 Changes to the Constitution, Special Advisory Group, 19 October 2018

10.2 Children and Families Together Board – Proposed Amendments to Terms of Reference, Children and Families Together Board, 3 December 2018

## **11.0 Appendices**

11.1 Appendix 1 – Article 7- Overview and Scrutiny Arrangements

11.2 Appendix 2 – Full Council Procedure Rules

11.3 Appendix 3 – Access to Information

11.4 Appendix 4 – Code of Conduct Councillors



## **Article 7 – Overview and Scrutiny Arrangements**

### **Article 7 – Overview and Scrutiny Arrangements**

#### **7.1 Purpose**

The Council will appoint a Scrutiny Board and Scrutiny Panels as set out below to discharge the functions conferred by section 21 of the Local Government Act 2000 and subsequent legislation, or regulations under Section 32 of the Local Government Act 2000, in relation to the matters indicated.

The Scrutiny Board is required to take an independent leadership role in the Council's aim of continuous improvement in the performance of its functions and to hold decision-makers to account.

#### **7.2 Scrutiny Board**

The leadership and co-ordination of the Council's scrutiny function will be the responsibility of the Scrutiny Board. The Board's terms of reference will be:

##### **Terms of reference**

- a. When scrutinising the work of the Cabinet the Board will have the same terms of reference as the six Panels set out in paragraph 1.4 below.
- b. To arrange for the consideration of forthcoming Executive Decisions published in accordance with the Access to Information Procedure Rules with a view to identifying issues for early discussion with the Cabinet and/or scrutiny prior to decisions being made.
- c. The Board will oversee the operation of the call-in mechanisms with the Panels being responsible for hearing those call-ins related to their terms of reference. When the call-in relates to an overarching policy framework / budget issue or a matter that falls within the remit of more than one scrutiny panel it will default to the Scrutiny Board. Further, if the issue is considered to be of particular significance, either the Chair or Vice Chair of the Scrutiny Board can ask for it to come to the Board.
- d. The Board will oversee the work programmes of Scrutiny Panels to avoid duplication of work and to ensure coherence of approach to cross-cutting policy themes. The Board may determine that one named Panel shall take lead responsibility for a cross-cutting policy theme or may determine that the work be shared between one or more named Panels.
- e. The Board will ensure coherence between the policy development work of the named Panels and their role in the consideration of reports received from external auditors and external regulatory Inspectors.
- f. The Board will make recommendations to the Cabinet on the allocation of budgetary and employee resources held centrally for the purpose of supporting scrutiny work.

## **Article 7 – Overview and Scrutiny Arrangements**

- g. The Board will ensure that good practices and methods of working are shared between Panels and in particular will seek to optimise the inclusion of citizens, partners and stakeholders in the work of Scrutiny.
- h. The Board will review or scrutinise non-Cabinet business and may make reports or recommendations to the Council. The Board will consider policy and due process and will not scrutinise individual decisions made by Regulatory or other Committees particularly those quasi-judicial decisions relating to development control, licensing etc. which have been delegated by the Council. The Board will not act as an appeal body in respect of non-Cabinet functions.
- i. The Board will oversee the work of any Councillors appointed to act as lead members or ‘champions’ in respect of any specific priority tasks or areas of policy development identified by the Council.
- j. The Board or another relevant scrutiny panel will consider any petition that contains 2,500-4,999 signatures with a view to making recommendations for action by employees or review by the Executive as appropriate.
- k. The Board will undertake the tracking and monitoring of scrutiny review recommendations.
- l. The Board will oversee the coordination of the budget scrutiny process.

### **Specific responsibilities**

The Board will have responsibility for scrutiny functions as they relate to:

- Combined Authority
- Future Customer
- Future Performance
- Communications

### **Corporate priorities**

All corporate priorities from:

- Place – Stronger economy
- People - Stronger communities
- Confident Capable Council

## **1.0 Our Council Scrutiny Panel**

### **1.1 Scope**

The scrutiny of organisation and performance of the human, financial, technical and material resources to support the delivery of Council services.

### **1.2 General responsibilities**

Constitution paragraph 26. Scrutiny procedural rules.

## **Article 7 – Overview and Scrutiny Arrangements**

### **1.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- Strategic Financial Services
- Revenues and Benefits
- Strategic Procurement
- The HUB
- Audit
- Human Resources
- Corporate Administration
- Democracy
- Corporate Landlord
- Transformation
- ICT

### **1.4 Corporate priorities**

Future Council – Stronger Council ready and able to deliver change.

- Future People
- Future Works
- Future Practice
- Future Money
- Future Space

## **2.0 Adults and Safer City Scrutiny Panel**

### **2.1 Scope**

The scrutiny of:

- Services for older and vulnerable adults
- Local safeguarding arrangements for adults
- Crime and disorder in the city

### **2.2 General responsibilities**

Constitution paragraph 26. Scrutiny procedural rules.

### **2.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- Older people assessment and care management
- Financial support services
- Libraries and community hubs
- Independent living centre
- Commissioning older people
- Carers support
- All age disabilities (disabilities)

## Article 7 – Overview and Scrutiny Arrangements

- All age disability (provision)
- Safeguarding and quality
- Community safety

### 2.4 Corporate priorities

- Adults and children are supported in times of need  
Safeguarding people in vulnerable situations
- People and communities achieve their full potential  
Enabling communities to support themselves  
Keeping the city safe
- People live longer, healthier lives  
Promoting independence for older people  
Promoting independence for people with disabilities

### 3.0 Children, Young People and Families Scrutiny Panel

#### 3.1 Scope

The scrutiny of:

- Provision of all local authority services for children and young people including education, early intervention and prevention, social care, special needs and commissioned services.
- Children’s safeguarding including child exploitation

- ~~Provision of all local authority services for children and young people including education, social care, special needs and play provision.~~
- ~~Children’s safeguarding~~
- ~~Child sexual exploitation~~

#### 3.2 General responsibilities

Constitution paragraph 26. Scrutiny procedural rules.

#### 3.3 Specific responsibilities

The Panel will have responsibility for scrutiny functions as they relate to:

- Children in need/child protection
- Children and young people in care and care Leavers
- Early intervention and prevention.
- Youth offending
- Children’s commissioning
- School planning and resources
- Standards and vulnerable pupils
- Family learning
- School improvement
- Special educational needs
- Early years
- Youth employment, skills and apprenticeships

•

- ~~• Looked after children~~
- ~~• Early help 0-5~~
- ~~• Early help 5-18~~
- ~~• Youth offending~~
- ~~• Children's commissioning~~
- ~~• School planning and resources~~
- ~~• Standards and vulnerable pupils~~

### 3.4 Corporate priorities

- Opportunity for a great start in life
- Education that fulfils potential
- Strengthening families where children and young people are at risk
- ~~• Adults and children are supported in times of need~~  
~~Strengthening families where children are at risk~~
- ~~• People and communities achieve their full potential~~  
Challenging and supporting schools to provide the best education for children and young people

### 4.0 Health Scrutiny Panel

#### 4.1 Scope

The scrutiny of health provision in accordance with the Health and Social Care Act 2001 and subsequent relevant legislation and Government guidance.

#### 4.2 General responsibilities

Constitution paragraph 26. Scrutiny procedural rules.

#### 4.3 Specific responsibilities

The Panel will have responsibility for scrutiny functions as they relate to:

- All health related issues, including liaison with NHS Trusts, Clinical Commissioning Groups, Health and Wellbeing Board and HealthWatch.
- All functions of the Council contained in the National Health Service Act 2006, to all regulations and directions made under the Health and Social Care Act 2001, the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, the Health and Social Care Act 2012 and related regulations.
- Reports and recommendations to relevant NHS bodies, relevant health service providers, the Secretary of State or Regulators.
- Initiating the response to any formal consultation undertaken by relevant NHS Trusts and Clinical Commissioning Groups or other health providers or commissioners on any substantial development or variation in services.

## **Article 7 – Overview and Scrutiny Arrangements**

- Participating with other relevant neighbouring local authorities in any joint scrutiny arrangements of NHS Trusts providing cross-border services.
- Decisions made by or actions of the Health and Wellbeing Board.
- Public Health – Intelligence and Evidence
- Public Health – Health Protection and NHS Facing
- Public Health - Transformation
- Public Health – Commissioning
- Healthier City
- Mental Health
- Commissioning Mental Health and Disability
- Headstart Programme

### **4.4 Corporate priorities**

- People live longer, healthier lives  
Promoting physical activity and healthier lifestyles  
Promoting Independence for older people  
Promoting independence for people with disabilities
- People and communities achieve their full potential  
Enabling communities to support themselves (Disability and Mental Health)

### **5.0 Stronger City Economy Scrutiny Panel**

#### **5.1 Scope**

The scrutiny of policies to attract and retain new businesses and employment in the context of sustainable economic and environmental regeneration.

#### **5.2 General responsibilities**

Constitution paragraph 26. Scrutiny procedural rules.

#### **5.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- Enterprise and skills
- City Development
- Visitor Economy
- Adult and Cultural Learning
- Economic Inclusion
- Service Development

#### **5.4 Corporate priorities**

- An environment where new and existing businesses thrive  
Developing a vibrant city  
Supporting businesses, encouraging enterprise and attracting inward investment

## **Article 7 – Overview and Scrutiny Arrangements**

- People develop the skills to get and keep work  
Improving our critical skills and employability approach

### **6.0 Vibrant and Sustainable City Scrutiny Panel**

#### **6.1 Scope**

The scrutiny of:

- Vibrant sustainable communities where people feel proud to live
- Keeping neighbourhoods, city infrastructure and the environment clean
- Improving city housing
- Cultural and leisure services

#### **6.2 General responsibilities**

Constitution paragraph 26. Scrutiny procedural rules.

#### **6.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- Operational Services
- Public Realm
- Commercial Services
- Regulatory Services (policy)
- City Housing
- Planning (policy)
- Strategic Transport
- Keeping the city clean
- Keeping the city moving
- Improving the city housing offer
- Strategic asset management

#### **6.4 Corporate priorities**

- An environment where new and exciting businesses thrive:  
Developing a vibrant city
- People live longer, healthier lives:  
Promoting physical activity and healthier lifestyles

### **7.3 General Role of the Scrutiny Board and Scrutiny Panels**

Within the terms of reference set out in the Overview and Scrutiny Procedure Rules in Part ~~43~~ the Scrutiny Board will:

## **Article 7 – Overview and Scrutiny Arrangements**

- Co-ordinate the work of the Scrutiny Panels and Scrutiny Review Groups.
- Receive annual reports from the Councillor Champion ~~every six months~~ and give consideration to the work undertaken and issues that the Councillor Champion wishes scrutiny to consider investigating further.
- Maintain regular dialogue with the Cabinet on service improvement, performance management of cross-cutting issues, policy development and budgetary provision.
- Oversee and ensure access to appropriate learning and development for scrutiny Councillors.
- Discharge the call-in procedures relevant to its overarching role.

The Scrutiny Panels will:

- Maintain regular dialogue with the Cabinet, Scrutiny Board and Councillor Champions.
- Ensure that members of the public and stakeholders are informed of and involved in issues within the remit of each Panel.
- Discharge the call-in procedure relevant to their terms of reference.

### **7.4 Proceedings of the Scrutiny Board and Scrutiny Panels**

The Scrutiny Board and Scrutiny Panels will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4.

### **7.5 Annual Report**

- a. The Scrutiny Board will present an annual report to the Council.
- b. The Annual Report will contain information on the work done by the Board or panels over the past year and recommendations for work to be done in the year to come.

### **7.6 Designation of Scrutiny Officer**

The Scrutiny and Systems Manager is designated as the Council's Statutory Scrutiny Officer whose function is:

- a. to promote the role of the authority's Scrutiny Board and panels;
- b. to provide support to the authority's Scrutiny Board or panels and the members of that committee or those committees;
- c. to provide support and guidance to—



## ***Article 7 – Overview and Scrutiny Arrangements***

- members of the authority,
- members of the executive of the authority, and
- employees of the authority,

in relation to the functions of the authority's Scrutiny Board or Panels.

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## **Full Council Meetings Procedure Rules**

### **Full Council Meetings Procedure Rules**

#### **1. Definitions and Application of Rules**

1.1 In these Rules, unless the context otherwise demands, the following terms shall have the meaning assigned to them:

“Cabinet” - Leader and two but not more than nine other Councillors appointed by the Leader acting together

“Cabinet Panel” - a number of Cabinet Members acting together.

“Constitution” - the Constitution of the Council required by the 2000 Act.

“Council” - the City of Wolverhampton Council acting by the Council.

“Head of Paid Service” - the Chief Executive/Managing Director or other person designated as such under Article 12 of the Constitution.

“Leader” - the person elected by the Council to be the Leader of the Council.

“Meeting” - a meeting of the Council.

“Councillor” - an elected member of the Council.

“Monitoring Officer” - the Director of Governance or other person designated as such under Article 12 of the Constitution.

“Director of Finance” – the Council’s appointed Officer under section 151 of the Local Government Act 1972 and who is responsible for the proper administration of the Council’s financial affairs. Also, referred to as the Section 151 Officer, the Director of Finance’s role is independent and reports to Council. This role can also be fulfilled by another employee where authorised by the Director of Finance to act on their behalf.

“number of Councillors” - in relation to the Council, the number of persons who may act at the time in question as Councillors, and in relation to the Scrutiny Board or a Scrutiny Panel or Regulatory or other Committee the number of persons who may act at the time in question as voting members of that body.

“person presiding” - the person entitled, or appointed, to preside at any meeting.

“Co-opted Member” – A person who is not an elected Councillor of the Council but who has been appointed to membership of a Council Scrutiny Panel. Statutory Co-opted Members are Church and Parent Governor representatives who have voting rights and serve on the Children, Young People and Families Scrutiny Panel. Non-statutory Co-opted Members are Youth Council representatives serving on the Children, Young People

## **Full Council Meetings Procedure Rules**

and Families Scrutiny Panel and Wolverhampton Healthwatch members serving on the Health Scrutiny Panel.

“political group” - a political group as defined in Regulations made under the Local Government and Housing Act 1989.

“political balance rules” - the rules made under the Local Government and Housing Act 1989.

“Scrutiny Board”- Board comprising Councillors who are not Cabinet Members.

“Scrutiny Panel” - Panels comprising Councillors who are not Cabinet Members.

Regulatory or other Committee” - Committees or Panels comprising Councillors or other persons established to deal with functions which are neither reserved to the Full Council nor are Cabinet functions.

“the 1972 Act” - the Local Government Act 1972.

“the 1989 Act” - the Local Government and Housing Act 1989.

“the 2000 Act” - the Local Government Act 2000.

1.2 Rules 1 to 21 apply to meetings of the Full Council.

1.3 The following Rules will apply to meetings of the Cabinet, Cabinet Panels, the Scrutiny Board or Scrutiny Panels and Regulatory or other Committees:

Rule 5	Time and Place of Meetings
Rule 6	Notice of and Summons to meetings except that notice of and summons of meetings shall be sent only to Councillors of the body in question.
Rule 7	Quorum except that: (i) a Quorum shall be not less than 2; (ii) the Quorum of the Cabinet and the Cabinet Panels shall be in accordance with the Cabinet Procedure Rules.
Rule 11 (a) (b) (d) (e) (f) (g) (n) (p)	Motions without notice.
Rule 12	Rules of Debate.
Rule 14	Voting.
Rule 15	Minutes.
Rule 16	Record of Attendance.
Rule 17	Exclusion of public.
Rule 18.2 – 18.5	Councillors’ conduct.
Rule 19	Disturbance by the public.
Rule 21.1	Suspension of Council Procedure Rules.

## **Full Council Meetings Procedure Rules**

1.4 Rule 21 will apply to Regulatory or other Committees only.

1.5

- (i) Subject to (ii) below, filming, including the taking of photographs, video recording, the use of tweeting, blogging or other forms of social media by the public and press will generally be allowed in respect of Part 1 (public) of the proceedings of Full Council, Cabinet, Scrutiny and Regulatory or other Committee meetings of the Council in accordance with the Protocol set out in this section.
- (ii) Individual Chairs of meetings may, in the interests of the good conduct of a meeting, refuse permission for such activity. Any decision to refuse permission will be explained at the meeting and will not be open to challenge.

## **2. Annual Meetings of the Council**

### **2.1 Timing and business**

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. In any other year, the annual meeting will take place in May.

The annual meeting will:

- a. elect a person to preside if the Mayor and the Deputy Mayor are not present;
- b. elect the Mayor of Council;
- c. appoint the Deputy Mayor of Council;
- d. approve the minutes of the last meeting;
- e. receive any announcements from the Mayor;
- f. elect the Leader of the Council;
- g. receive the Leader's appointments to the Cabinet;
- h. appoint the Scrutiny Board and at least one Scrutiny Panel; a Standards Committee and such other Regulatory or other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in this section);
- i. appoint Councillor~~Member~~ Champions;
- j. appoint representatives to Outside Bodies unless the appointment is a Cabinet function or has been delegated by the Full Council;
- k. approve the scheme of delegation or such part of it as the Constitution determines it is for the Council to approve (as set out in Part 2);

## **Full Council Meetings Procedure Rules**

- l. approve a programme of Ordinary Meetings of the Full Council, the Cabinet, the Scrutiny Board and Scrutiny Panels and Regulatory or other Committees for the year; and
  - m. consider any business set out in the notice convening the meeting.
- 2.2 Appointments to the Scrutiny Board Scrutiny Panels, Regulatory or other Committees and Outside Bodies

At the Annual Meeting, the Council will:

- a. decide which Scrutiny Panels and Regulatory or other Committees to establish for the municipal year;
- b. decide the size and terms of reference for the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees;
- c. decide the allocation of seats to political groups in accordance with the political balance rules set out in paragraph 2.4 below;
- d. appoint a Councillor ~~Member~~ Champions for Equalities;
- e. appoint to the Scrutiny Board, Scrutiny Panels, Regulatory or other Committees and outside bodies except where appointment to those outside bodies has been delegated by the Full Council or is exercisable only by the Cabinet;
- f. appoint voting and non-voting co-opted members to the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees.

**Note:** Every Councillor who is not a Cabinet Member shall serve on at least two Scrutiny Panels or two Regulatory or other Committees or on at least one of each such bodies. Appointment to the Scrutiny Board will count towards the requirement to sit on at least two bodies.

- 2.3 Appointment of Chairs to the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees
- a. Full Council will appoint from among the voting Councillors, Chairs and Vice-Chairs of the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees.
  - b. If any appointment possible under the previous paragraph is not made, the body at its first meeting after the annual meeting of the Council shall, from among its voting Councillors, appoint a Chair and Vice-Chair.
  - c. If it is necessary for the body to appoint a person to preside, the Head of Paid Service shall call on a Councillor of the body to move that a voting Councillor of the body shall take the Chair.

## ***Full Council Meetings Procedure Rules***

**Note:** The appointment of the Chair of the Standards Committee shall be in accordance with Article 9.2 of the Constitution.

### 2.4 Political Balance Rules

- a. The Local Government and Housing Act 1989 requires that the Council periodically reviews the political composition of the Council and how this is applied to appointments to Committees and Sub- Committees of the Council.
- b. The rules for securing political balance on Committees and Sub-Committees appointed by local authorities are contained in sections 15 and 16 of the Act and the Local Government (Committees and Political Groups) Regulations 1990.

The Council is under a duty to:

- Ensure the membership of those Committees and Sub-Committees covered by the rules reflect the political composition of the Council as far as practicable;
- To review the allocation of seats to political groups at or as soon as practical after the Annual Council meeting and at certain other specified times e.g. as a result of changes in political balance or an increase in the number of Committees established
- To allocate seats on the Committees to the political groups in proportion to their numerical strength on the Council, as far as is practicable;
- To accept nominations made by the groups for the filling of seat allocated to them

In determining the allocation of seats, the Council must also apply the following four principles, as far as reasonably practicable:

- a. Not all seats to be allocated to the same political group
- b. If a political group has a majority on the Council, it must have a majority of seats on the Committees
- c. Subject to (a) – (b) above, the total of all seats on ordinary Committees be allocated to the groups in proportion to their respective strengths on the Council and
- d. Subject to (a) – (c ) the number of seats on ordinary Committees or Sub-Committees to be allocated to each political group in proportion to the number of all the seats on the Committee or Sub-Committee in proportion to their relative strengths on the Council.

## **Full Council Meetings Procedure Rules**

Independent Councillors who have not formed a political group in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations are to be allocated seats in accordance with section 16 (3) of the Regulations.

i.e. any seats not allocated according to the requirements in section 15 and section 16 of the Act, to be allocated to Councillors who are not Members of any political group

Under Section 17 of the Local Government and Housing Act 1989 and Regulation 21 of the Local Government (Committee and Political Groups) Regulations 1990 certain bodies of the Council are exempt from the requirements relating to political balance as they are established under separate legislation. For this reason, the following meetings are not covered by these arrangements: -

- The Cabinet
- All Cabinet Panels
- Standards Committee
- Standards (Hearings) Sub Committee
- Standards (Assessment) Sub Committee
- Licensing Sub Committee

Additionally, where meetings are (a) advisory in nature or (b) where the Council has determined otherwise and no Councillor has voted against, the political balance requirements need not apply.

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

Ordinary Meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary Meetings will:

- a. elect a person to preside if the Mayor and Deputy Mayor are not present;
- b. receive apologies for absence;
- c. approve the minutes of the last meeting;
- d. receive any declarations of interest from Councillors;
- e. receive any announcements from the Mayor;
- f. deal with any business from the last Council meeting;
- g. receive reports from the Cabinet, the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees and receive questions and answers on any of those reports;
- h. receive reports about and receive questions and answers on the business of joint arrangements and external organisations;



## **Full Council Meetings Procedure Rules**

- i. consider motions; and
- j. consider any other business specified in the summons to the meeting including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Scrutiny Board and Scrutiny Panels for debate.

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

#### **4.1 Calling ExtraOrdinary Meetings**

Those listed below may request the Head of Paid Service to call Council meetings in addition to Ordinary Meetings:

- a. the Full Council by resolution;
- b. the Mayor, or if the office of Mayor is vacant, or if the Mayor is unable to act for any reason, the Deputy Mayor;
- c. the Leader;
- d. the Monitoring Officer; and
- e. any five Councillors if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. A requisition may be presented to the Mayor by being left for him/her with the Head of Paid Service;
- f. the Head of Paid Service shall arrange for the additional meeting to be held within 21 days of the receipt of the request. If, after such a request has been made, and no meeting has been called within five days, the Councillors concerned shall inform the Head of Paid Service of their intention to call an extraordinary meeting of the Council, the business to be transacted and the date and time of the meeting.

#### **4.2 Business**

The business to be transacted at an Extraordinary Meeting of the Council shall be only the business which is specified in the summons.

### **5. Time and Place of Meetings**

The time and place of meetings will be determined by the Head of Paid Service in consultation with the person presiding and notified in the summons.

### **6. Notice of and Summons to Meetings**

The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting he/she will

## **Full Council Meetings Procedure Rules**

send a summons signed by him/her by post to every Councillor or leave it at their usual place of residence. 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.

### **7. Quorum**

The quorum of a meeting will be one quarter of the whole number of Councillors. During any meeting if the person presiding counts the number of Councillors present and declares there is not a quorum present, then the meeting will adjourn for fifteen minutes. If after that period, there is still not a quorum present the meeting will end. Remaining business will be considered at a time and date fixed by the person presiding. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

### **8. Duration of Meetings**

Unless the majority of Councillors present vote for the meeting to continue, any meeting that has lasted for 3½ hours will adjourn immediately. A motion to continue the meeting shall be moved immediately before or immediately after the expiration of 3½ hours and before the person presiding declares the meeting closed. Remaining business will be considered at a time and date fixed by the person presiding. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting. Provided that this shall not prevent:

- a. statutory or other business which by law must be transacted at any such meeting;
- b. the transaction of unopposed business, that is to say, business which can be transacted without the making of any speeches by any Councillor other than proposing and seconding of the necessary motions. If any Councillor indicates that he/she wishes to speak thereon, the business shall not be regarded as unopposed, but the person presiding shall rule it as standing adjourned.

### **9. Questions by Councillors**

#### **9.1 On reports of the Cabinet, Scrutiny Board, Scrutiny Panels or Regulatory or other Committees**

A Councillor may ask a Cabinet Member or the Chair of the Scrutiny Board or a Scrutiny Panel or a Regulatory or other Committee any question upon an item of a report of the Cabinet or Board or Panel or Regulatory or other Committee when that item is being received or under consideration by the Full Council.

#### **9.2 Questions on notice at Council meetings**

## **Full Council Meetings Procedure Rules**

Subject to Rule 9.4 below, a Councillor may ask:

- a. the person presiding;
- b. a Cabinet Member;
- c. the Chair of the Scrutiny Board or any Scrutiny Panel or Regulatory or other Committee;
- d. a Councillor appointed as the Council's representative on any joint authority or Committee where the Council is a constituent member

a question on any matter in relation to which the Council has powers or duties or which affects the City. The Monitoring Officer is authorised to reject if it is substantially the same as or similar to a question which has been put to a Council meeting in the last six months.

### 9.3 Number of questions

Subject to Rule 9.6 any Councillor may ask no more than one question (except questions under Rule 9.1) at a meeting of the Full Council. The Leader of the Council and the leader of the main opposition group on the Council, if any, may ask more than one question at a meeting of the Full Council.

### 9.4 Notice of questions

A Councillor may only ask a question under Rule 9.2 if either:

- a. they have given at least seven clear day's notice in writing of the question to the Head of Paid Service or
- b. the question relates to urgent matters, they have the consent of the person to whom the question is to be put and the content of the question is given to the Head of Paid Service three hours before the start of the meeting.

### 9.5 Response

An answer may take the form of:

- a. a direct oral answer by the person to whom the question was put or some other Councillor nominated by him/her;
- b. where the desired information is in a publication of the Council or other published work, a reference to that publication, or
- c. where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

### 9.6 Supplementary question

## **Full Council Meetings Procedure Rules**

A Councillor asking a question under Rule 9.2 may ask one supplementary question without notice of the Councillor to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

### **9.7 Councillor not present**

If the councillor to whom the question has been addressed is not present at the Council meeting, another councillor may answer the question and any supplementary question in his/her place. If the councillor asking the question is absent, he/she may nominate another councillor to ask the question and a supplementary question.

## **10. Motions on Notice**

### **10.1 Notice**

- a. Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least one Councillor, must be delivered to the Head of Paid Service not later than seven clear days before the date of the meeting.
- b. The Head of Paid Service shall not accept any notice of motion which, by reason of any enactment or provision in these Rules, could not be considered at the meeting for which it is given.

### **10.2 Motions set out on Agenda**

- a. Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Councillor giving notice states, in writing, that he/she withdraws it.
- b. A motion shall only be moved by the Councillor by whom notice has been given or by a Councillor authorised in writing by that Councillor.

### **10.3 Number of motions**

Any Councillor may give notice of not more than one motion for consideration at any meeting of the Full Council. The Leader of the Council and the Leader of the Main Opposition Group on the Council, if any, may give notice of more than one motion for consideration at any meeting of the Full Council.

### **10.4 Scope of motions**

Motions must be about matters for which the Council has a responsibility or which affect the City.

## **11. Motions without Notice**

The following motions may be moved without notice:

## ***Full Council Meetings Procedure Rules***

- a. to appoint a person to preside at the meeting at which the motion is moved;
- b. in relation to the accuracy of the minutes;
- c. to change the order of business in the agenda;
- d. to refer something to an appropriate body or individual;
- e. to receive reports or adoption of recommendations of the Scrutiny Board or Scrutiny Panels or Regulatory and other Committees or employees and any resolutions following from them;
- f. to withdraw a motion;
- g. to amend a motion;
- h. to proceed to the next business;
- i. that the question be now put;
- j. to adjourn a debate;
- k. to adjourn a meeting;
- l. that the meeting continue beyond 3½ hours in duration;
- m. to suspend a particular Council Procedure Rule;
- n. to exclude the public and press in accordance with the Access to Information Procedure Rules;
- o. to not hear further a Councillor named under Rule 18.3 or to exclude him/her from the meeting under Rule 18.4; and
- p. to give the consent of the Council where its consent is required by the Constitution.

### **12. Rules of Debate**

The diagram set out overleaf outlines the process for consideration of a motion, whether that motion be moved with or without notice.

#### **12.1 No speeches until motion seconded**

No speeches may be made until a Councillor has moved a motion, explained its purpose and the motion has been seconded.

#### **12.2 Right to require motion in writing**

## ***Full Council Meetings Procedure Rules***

When any motion of which notice has not been given, or any amendment has been moved and seconded, the person presiding may require the motion or any amendment to be written down and handed to him/her before it is further discussed.

### **12.3 Secunder's speech**

When seconding a motion or amendment, a Councillor may reserve their speech until later in the debate.

### **12.4 Content and length of speeches**

Speeches must be directed to the question under discussion or to a point of information or point of order. Except as detailed in paragraph 12.5, no speech moving a motion may exceed ten minutes and no other speech may exceed five minutes without the consent of the person presiding.

### **12.5 Content and length of speeches: setting the budget or revised budget**

At a meeting at which the annual budget is set (or a revised budget proposed), the principal speeches and responses of the leader of each Political Group, or his/her nominated representative, shall not be time limited. All other speeches will be limited as detailed in paragraph 12.4. The group leader, or his/her nominated representative, will normally be the first person to speak from each group, and each group leader shall be entitled to be called before any other Councillor speaks. The Leader of the Council will normally propose the budget and, once it has been seconded, the other group leaders will be called in order of precedence according to the number of Councillors in each group. As with other Council meetings, the exact length of speeches and management of the debate is at the discretion of the person presiding.

### **12.6 When a Councillor may speak again**

A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- a. to speak once on an amendment moved by another Councillor;
- b. to move a further amendment if the motion has been amended since he/she last spoke;
- c. if his/her first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- d. in exercise of a right of reply under Rule 12.10;
- e. on a point of order under Rule 12.13; and
- f. on a point of information under Rule 12.14.

12.7 Amendments to motions

a. An amendment to a motion must be relevant to the motion and will either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert others; or
- (iv) to insert words;

as long as the effect of (ii) to (iv) is not to negate the motion.

b. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

c. If an amendment is not carried, other amendments to the original motion may be moved. In the absence of any such subsequent amendments, debate on the original motion will proceed.

d. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

e. After an amendment has been carried, the person presiding will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

12.8 Alteration of motion

a. A Councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

b. A Councillor may alter a motion which he/she has moved without notice with the consent of the meeting.

c. Only alterations which could be made as an amendment may be made.

12.9 Withdrawal of motion

A Councillor may withdraw a motion which he/she has moved with the consent of the meeting. No Councillor may speak on the motion after the mover has asked permission to withdraw it, unless consent is withheld and the debate continues.

12.10 Right of reply

## ***Full Council Meetings Procedure Rules***

- a. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- b. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c. The mover of the amendment has no right of reply to the debate on his or her amendment.

### **12.11 Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- a. to withdraw a motion;
- b. to amend a motion;
- c. to proceed to the next business;
- d. that the question be now put;
- e. to adjourn a debate;
- f. to adjourn a meeting;
- g. that the meeting continue beyond 3½ hours in duration;
- h. to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- i. to not hear further a Councillor named under Rule 18.3 or to exclude him/her from the meeting under Rule 18.4.

### **12.12 Closure motions**

- a. A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- b. If a motion to proceed to next business is seconded and the person presiding thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the



## **Full Council Meetings Procedure Rules**

procedural motion to the vote. If the procedural motion is carried the original motion shall lapse.

- c. If a motion that the question be now put is seconded and the person presiding thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- d. If a motion to adjourn the debate or to adjourn the meeting is seconded and the person presiding thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply. The original motion or remaining business shall then stand over as uncompleted business until the next meeting of the Council.

### **12.13 Point of order**

A Councillor may raise a point of order at any time. The person presiding will hear him/her immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Councillor must indicate the Rule or law and the way in which he/she considers it has been broken. The ruling of the person presiding on the matter will be final.

### **12.14 Point of information**

A point of information may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The point of information may be given whilst another Councillor is speaking but only if that Councillor is willing to give way. The ruling of the person presiding on the admissibility of a point of information will be final.

### **12.15 Attendance at another body**

A Councillor who is not otherwise entitled to speak at a body may so attend and speak (but not vote) during consideration of any item which he/she has moved or seconded at Council and which has been referred to that body.

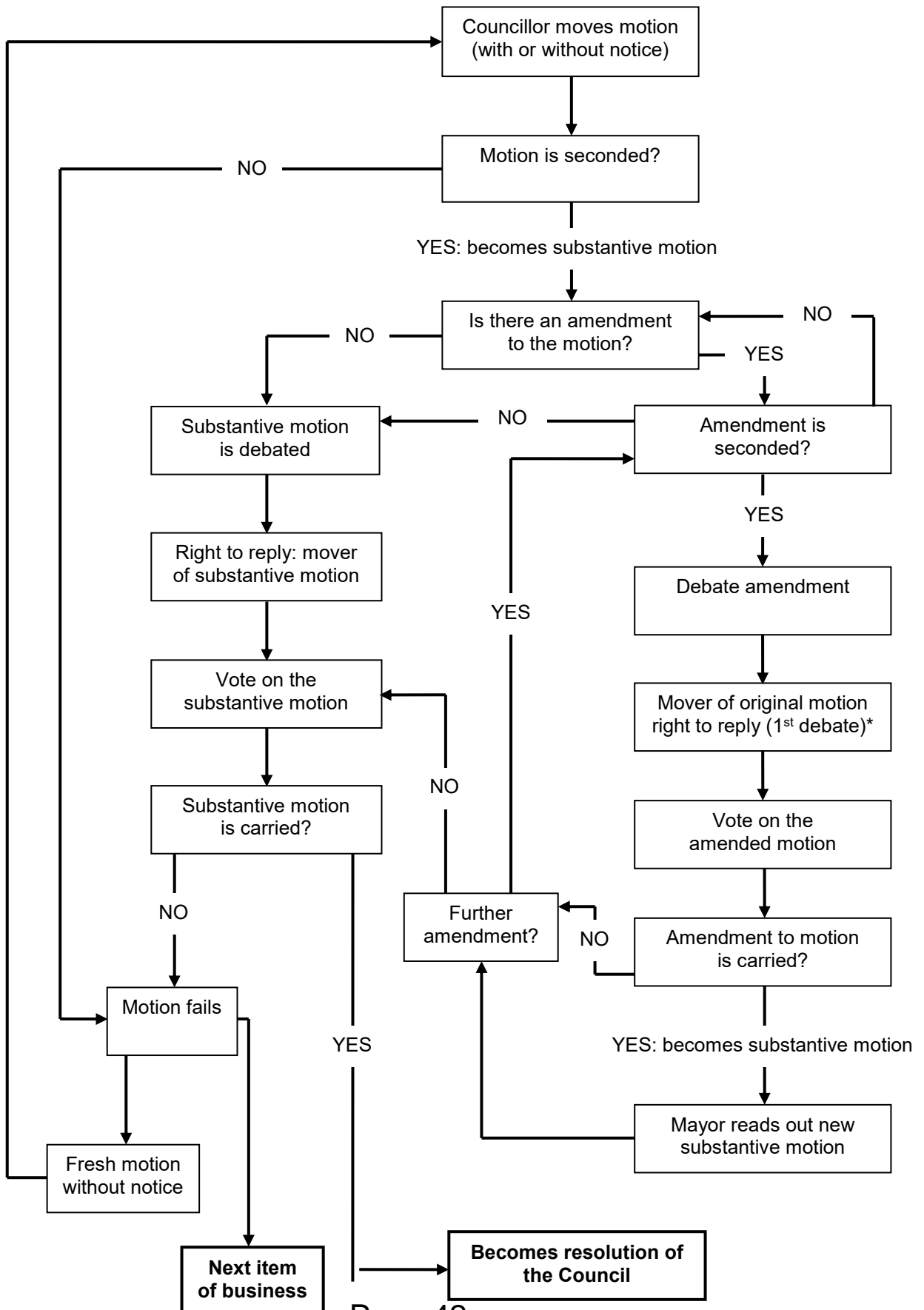
## **13. Previous Decisions and Motions**

Except on the recommendation of the Cabinet, the Scrutiny Board or a Scrutiny Panel or a Regulatory or other Committee, no matter which has been decided by the Full Council on a motion or otherwise shall again be submitted to the Full Council for further consideration until after the next annual meeting; and when any matter shall be so prohibited from being considered, the effect of this Rule shall not be evaded by substituting any motion differently worded but substantially the same in effect or in

## Full Council Meetings Procedure Rules

principle, and if any such attempt be made, the person presiding shall rule it out of order.

### Process for consideration of Motions at Council



## **Full Council Meetings Procedure Rules**

### **14. Voting**

\*Mover of the amendment has no right to reply

#### **14.1 Majority**

Unless the Constitution provides otherwise, any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question was put. The method of voting shall be at the discretion of the person presiding.

#### **14.2 Casting vote of person presiding**

If there are equal numbers of votes for and against, the person presiding will have a second or casting vote exercised in accordance with the Protocol approved by the Council. The protocol governing the use of the Mayor's casting vote at meetings of the Full Council is set out in section 22.

#### **14.3 Recorded vote**

- a. If ten Councillors present at a meeting of the Council or one third of the Councillors present at a meeting of the Scrutiny Board or a Scrutiny Panel or a Regulatory or other Committee demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- b. In relation to meetings of the Full Council only, a division bell shall be rung allowing a period of three minutes to enable Councillors to resume their places in the Chamber. Any Councillor not then present shall not be permitted to vote on the issue in question.

#### **14.4 Right to require individual vote to be recorded**

Where any Councillor requests it immediately after the vote is taken, his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

#### **14.5 Voting on appointments**

If there are two or more Councillors nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of 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.

#### **14.6 Voting on the Council's budget**

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a record will be made in the minutes of the meeting of the names of the persons who cast a vote for or against the

## **Full Council Meetings Procedure Rules**

decision or who abstained from voting, where that vote is in relation to the setting of the Council's budget or revised budget.

### **15. Minutes**

#### 15.1 Signing the minutes

The person presiding will sign the minutes of the proceedings at the next suitable meeting. The person presiding will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

#### 15.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the 1972 Act (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of signing the minutes.

#### 15.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the person presiding put them.

### **16. Record of Attendance**

A record will be made of all Councillors present during the whole or part of a meeting.

### **17. Exclusion of Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 3 **or** Rule 19 below (Disturbance by Public).

### **18. Councillors' Conduct**

#### 18.1 Disclosable Pecuniary Interests

Any councillor who has a Disclosable Pecuniary Interest in any business being considered at a Council meeting must declare that item and leave the room where the meeting is being held whenever it becomes apparent that the business is being or is about to be considered at that meeting, unless the councillor has obtained a dispensation under the Council's dispensation procedure.

#### 18.1 Standing to speak

When a Councillor speaks at a Council meeting he/she must stand unless unable to do ~~disabled from doing~~ so and address the meeting through the

## **Full Council Meetings Procedure Rules**

person presiding. If more than one Councillor stands, the person presiding will ask one to speak and the others must sit. Other Councillors must remain seated whilst a Councillor is speaking unless they wish to make a point of order or a point of information.

### **18.2 Person presiding standing**

When the person presiding stands during a debate, any Councillor speaking at the time must stop and sit down. The meeting must then be silent.

### **18.3 Councillor not to be heard further**

If a Councillor persistently disregards the ruling of the person presiding by behaving improperly or offensively or deliberately obstructs business, the person presiding may direct that the Councillor be not heard further.

### **18.4 Councillor to leave the meeting**

If the Councillor continues to behave improperly after such a direction, the person presiding may direct that either the Councillor leaves the meeting or that the Councillor be removed from the meeting or that the meeting is adjourned for a specified period.

### **18.5 General disturbance**

If there is a general disturbance making orderly business impossible, the person presiding may adjourn the meeting for as long as he/she thinks necessary.

## **19. Disturbance by Public**

### **19.1 Removal of members of the public**

If a member of the public interrupts proceedings, the person presiding will warn the person concerned. If he/she continues to interrupt, the person presiding will order his/her removal from the meeting room.

### **19.2 Clearance of part of meeting room**

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

## **20. Suspension and Amendment of Council Procedure Rules**

### **20.1 Suspension**

All of these Council Procedure Rules except Rule 14 and 15.2 above may be suspended by motion on notice or without notice if at least one half of the whole number of Councillors are present. Suspension can only be for the duration of the meeting. This Rule will apply to meetings of the Cabinet, the Scrutiny Board, Scrutiny Panels and Regulatory or other

## **Full Council Meetings Procedure Rules**

Committees provided that one half of the whole number of voting Councillors are present.

### 20.2 Amendment

These Council Procedure Rules may only be amended by the Full Council after consideration by the Monitoring Officer, the Constitution Review Group ~~and~~ the Governance Committee ~~Special Advisory Group and the Standards Committee~~.

## **21. Approach to dealing with petitions at Council Meetings**

- a. Where a Petition contains more than 5,000+ signatures, the Council's Constitution provides for the matter to be debated by Full Council.
- b. Full Council will endeavour to consider the Petition at its next scheduled meeting, although on some occasions this may not be possible and consideration will then take place at the following scheduled meeting.
- c. The relevant Cabinet Member, or nominated substitute, will be in attendance at the Full Council meeting.
- d. The lead Petitioners will be given up to five minutes to present the Petition. The Petition will then be considered by Councillors for a maximum of a further 40 minutes, of which up to five minutes will be specifically allocated to the Cabinet Member for his or her response. Broad timings are detailed in the diagram at the end of this section but they are provided as guidelines – management of the debate is ultimately at the Mayor's discretion.

Detailed procedure:

- (i) Democratic Services will have already invited representatives of the Petitioners (lead Petitioner and a further Petitioner to be referred to as the Second Petitioner) to attend the meeting and to give oral evidence to Full Council. Petitioners may also provide written evidence in support of their Petition. Full Council's role is to ensure that appropriate action is taken in respect of each admissible Petition.
- (ii) A report on the details of the Petition, including background details and comments from the appropriate service, will have been circulated to Councillors, as part of their Council papers, together with a copy of the Petition; a copy of the report will also have been provided to the lead and second Petitioners.
- (iii) Petitioners may nominate someone else, including a Councillor, to speak and present the Petition on their behalf. In the absence of the Petitioners, or a representative to speak on their behalf, Council will consider the matter anyway in accordance with this process.

## ***Full Council Meetings Procedure Rules***

- (iv) Where Petitioners are present, the lead and second Petitioners will be seated near to the public gallery. At the appropriate juncture, the lead and second Petitioners will be shown to a seat at the front of the Council Chamber.
- (v) The Petition will be considered as the first item of substantive business following consideration of formal Council business i.e. following consideration of Apologies for Absence, Declarations of Interest, Minutes and Mayor's Communications.
- (vi) The Mayor will announce that the Petition will be considered as the next item of business, upon which a time limit of 45 minutes shall apply. This time limit includes five minutes for the lead or second Petitioner, but not both, to present the Petition.
- (vii) The Mayor will invite the relevant Cabinet Member to respond to the Petition and propose a motion in light of the Petition for Council to consider. The Cabinet Member has up to five minutes for his or her response, including proposal of a motion. The motion should be based upon one of the four options open to the Council for its response to a Petition:
  - a. decide to take the action the Petition requests
  - b. decide not to take the action requested
  - c. decide to commission further investigation into the matter, for example by a relevant Cabinet meeting, or
  - d. where the issue is one on which the Cabinet is required to make the final decision, Council must decide whether to make recommendations to Cabinet to inform that decision.
- (viii) The Mayor will ask if there is a seconder for the motion.
- (ix) The Mayor will invite Councillors to debate the motion, which may include asking questions of the Cabinet Member. Normal rules of debate with regard to amendments are suspended during consideration of a Petition. Any speaker is limited to a maximum of three minutes.
- (x) At the conclusion of the general debate, the Mayor will ask the lead or second Petitioners to ask up to three questions of the Cabinet Member. The questions must all be raised at the same time.








## ***Full Council Meetings Procedure Rules***

- (xi) The Cabinet Member will have up to five minutes to respond to any questions raised. The Cabinet Member may recommend an amendment to their original motion based on the debate and consideration of the issues.
- (xii) At the conclusion of consideration of the item, the Mayor will ask Council to vote on the motion proposed by the Cabinet Member. In the event that the motion is not passed, an alternative motion will be proposed and seconded, based on the options detailed in (vii) above. Votes on a second or any subsequent motion will be taken immediately without any further debate.
- (xiii) Following approval of a motion, the Mayor will explain the outcome of the debate to the Petitioners and thank them for their attendance. At this point the lead and second Petitioners will be asked if they wish to either leave the meeting or, if not, return to their seats in the public gallery.
- (xiv) The lead and second Petitioners will receive written confirmation of Full Council's decision. This confirmation will also be published on the Council's website.



## Full Council Meetings Procedure Rules

### Petitions protocol flow diagram

<i>Timescale*</i>	<i>Activity</i>	<i>Notes</i>
5 minutes	The lead or second petitioner presents the Petition 	The petitioners may nominate someone (including a Councillor) to speak on their behalf.
5 minutes	Cabinet Member responds to Petition and proposes motion 	The Cabinet Member will offer a response to the Petition and may ask questions of clarification of the Petitioners.
20 minutes	Councillors participate in debate or ask questions of the Cabinet Member 	Normal debate rules do not apply in terms of amendments. Three minutes maximum per speaker.
3 minutes	Petitioner able to ask three questions of the Cabinet Member 	All three questions to be raised at the same time.
5 minutes	Cabinet Member to respond to any questions 	
	The Mayor asks Council to vote on the Petition 	
	The Mayor explains the outcome of the debate to the Petitioners 	
	The lead and second Petitioner receive written confirmation of Council's decision	This will normally be sent within 14 days of the meeting

\*Timings are provided as a guide. Exact timings are at the Mayor's discretion.

## **22. Protocol Governing the use of the Mayor's Casting Vote**

### **22.1 Introduction**

The Local Government Act 1972 provides that the Mayor has a second or casting vote at Council Meetings in two specific circumstances.

- a. The out-going Mayor **must** exercise a second or casting vote if there is a tie for the election of a new Mayor (Section 23 Local Government Act 1972).
- b. On all other occasions the Mayor **may** (but is not obliged) to exercise a second or casting vote (Local Government Act 1972 Schedule 12 Para 39(2)).

Under revised arrangements for the rotation of the Mayoralty adopted at the Annual Council Meeting in May 2001 there should be no call to exercise a second or casting vote on the election of a new Mayor. The vote should be unopposed.

A tied vote at a Council Meeting in any other circumstances requires a clear and binding protocol governing the discretionary use of the second or casting vote which is –

- a. Based upon the principles set out in the Leader's speech to the Annual Council Meeting in May 2001 which established the arrangements for the rotation of the offices of Mayor and Deputy Mayor.
- b. Strongly endorsed by the Leaders of all three political parties on City of Wolverhampton Council on behalf of their groups and their nominees for the office of Mayor or Deputy Mayor.
- c. Accepted as an essential pre-requisite of office by all Councillors who are nominated for and appointed to the office of Mayor or Deputy Mayor.

### **2.2 Protocol**

It is the duty of the Cabinet to make decisions. It is also in the interests of the City that there is certainty of decision making.

In the event of a tied vote at a Council Meeting the Mayor [or in his or her absence the Deputy Mayor] shall not exercise the second or casting vote unless advised by the Chief Executive/Managing Director; Section 151 Officer [as S151 Officer] or Director of Governance that it is necessary to do so.

In order to preserve the impartiality and dignity of the Office of Mayor whenever a vote is tied the Mayor shall obtain appropriate advice (if necessary by seeking a short adjournment) from the Chief

## **Full Council Meetings Procedure Rules**

| ~~Executive Managing Director~~; Section 151 Officer [as S.151 Officer] or  
Director of Governance

- a. Whether it is necessary to use a second or casting vote.
- b. If it is so necessary, how it should be done.

On receipt of that advice the Mayor will reconvene the meeting, if adjourned, and inform the Council of the advice that has been received. The Mayor will then vote in accordance with that advice exercising one of the four options identified in the schedule attached to this protocol.

Councillor N G Davies OBE  
Leader of Labour Group

Councillor B K Carpenter  
Leader of Conservative Group

Councillor R Whitehouse  
Leader of Liberal  
Democrat Group

24.04.2002

25.04.2002

30.04.2002

<b>ADVICE</b>	<b>ACTION</b>	<b>CONSEQUENCE</b>
Only one decision is permissible for the Council to act lawfully	<u>Option 1</u> <ul style="list-style-type: none"> <li>◆ Reconvene meeting and report advice received</li> <li>◆ Vote in accordance with that advice</li> </ul>	<ul style="list-style-type: none"> <li>◆ Decision taken and actioned</li> </ul>
<p>A decision must be taken at the meeting to protect/preserve the Council's position in relation to -</p> <p>(a) Any application for or entitlement to any grant or subsidy</p> <p>(b) The securing of any income or other revenue</p> <p>(c) The avoidance of any penalty or other liability</p> <p>(d) Any other matter of a like nature relating to the proper and lawful discharge of the Council's functions</p>	<u>Option 2</u> <ul style="list-style-type: none"> <li>◆ Reconvene meeting and report advice received</li> <li>◆ Vote in a manner that protects/preserves the Council's interest</li> <li>◆ Where this can be limited to an interim step recall the Council to a special meeting to consider the matter afresh in accordance with Option 3</li> </ul>	<ul style="list-style-type: none"> <li>◆ Decision taken and actioned</li> <li>◆ If possible this be limited to interim decision and special meeting be called in accordance with Option 3</li> </ul>
A decision must be made but may be deferred to enable discussions between party groups	<u>Option 3</u> <ul style="list-style-type: none"> <li>◆ Reconvene meeting and report advice received</li> <li>◆ Adjourn item to a special meeting when it will be considered afresh</li> </ul>	<ul style="list-style-type: none"> <li>◆ Special meeting to be convened within 5 working days unless special reasons accepted by Monitoring Officer for shorter or longer period. Such reasons to be specified in Summons for special meeting</li> <li>◆ Advice of Monitoring Officer will be sought and followed in relation to any interim arrangements that may be necessary as a result of the adjournment. Such arrangements will, so far as possible, seek to maintain status quo pending a resolution of the issue</li> </ul>
No decision is required	<u>Option 4</u> <ul style="list-style-type: none"> <li>◆ Reconvene meeting and report advice received</li> <li>◆ Do not exercise casting vote</li> </ul>	<ul style="list-style-type: none"> <li>◆ Item not carried – eligible for re-submission to a subsequent Council Meeting</li> </ul>

## **Access to Information Procedure Rules**

### **Access to Information Procedure Rules**

#### **1. Introduction and Scope**

- 1.1 These rules apply to all meetings of the Full Council, the Scrutiny Board, Scrutiny Panels, ~~Area Structures, the Standards Committee, the Audit Committee, Regulatory~~ or other Committees, sub committees and public meetings of the Cabinet and Cabinet Panels.

Certain rules will also apply to Executive decisions taken by individual Cabinet members and officers.

Note: the rules set out below are in addition to any rights which members of the public may enjoy under the Freedom of Information legislation.

#### **2. Additional Rights to Information**

- 2.1 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

#### **3. Rights to Attend Meetings**

- 3.1 Members of the public may attend all meetings subject only to the exceptions referred to in paragraph 10.

#### **4. Notice of Meeting**

- 4.1 Except in cases of special urgency the Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH and on the Council's website. This will exclude the day of publication of the agenda and day of the meeting, along with weekends and bank holidays.

#### **5. Access to Agenda and Reports before the Meeting**

- 5.1 The Council will make copies of the agenda and reports open to the public available for inspection at the Civic Centre and on the Council's website, at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda (where reports are prepared after the summons has been sent out, the Head of Paid Service shall make each such report available to the public as soon as the report is completed and sent to Councillors).

#### **6. Supply of Copies**

- 6.1 The Council will make available copies of:
- a. any agenda and reports which are open to public inspection;

- b. any further statements or particulars, which are not exempt or confidential and which are necessary to indicate the nature of the items in the agenda; and
- c. if the Head of Paid Service 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 reasonable costs.
- d. A copy of all agendas, minutes and reports will be made available on the Council's website at least five clear days before the meeting

## **7. Access to Minutes, Agendas and Reports after the Meeting**

- 7.1 The Council will make available copies including on the Council's website, of the following for at least six years after a meeting:
- a. the minutes of the meeting or records of decisions taken, together with reasons, ~~for all meetings of the Cabinet,~~ excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information.
  - b. a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
  - c. the agenda for the meeting; and
  - d. reports relating to items when the meeting was open to the public.

These documents will be available via the Council's website or during normal business hours for inspections at the Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH.

## **8. Background Papers**

### 8.1 List of background papers

The ~~Council Head of Paid Service~~ will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in ~~his/her~~ the author's 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 but does not include published works or those which disclose exempt or confidential information (as defined in paragraph 10 below) and in respect of Cabinet reports, the advice of a political advisor.

### 8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting including on the Council's website one copy of each of the documents on the list of background papers.

## **9. Summary of Public's Rights**

- 9.1 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 Civic Centre, St Peter's Square, Wolverhampton WV1 1SH.

## **10. Exclusion of Access by the Public to Meetings**

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. Non-Executive Councillors of the Council shall be entitled to remain at Executive meetings where decisions are being taken as observers only, unless the Proper Officer advises that this would be inappropriate.

2. 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. Non-Executive Councillors of the Council shall be entitled to remain at Executive meetings where decisions are being taken as observers only, unless the Proper Officer advises that this would be inappropriate.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

3. 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 Court Order.

4. Meaning of exempt information

Exempt information is defined in the Local Government (Access to Information) (Variation) Order 2006 which amends Part 1 of Schedule 12A to the Local Government Act 1972.

The categories of exempt information are:-

## ***Access to Information Procedure Rules***

- (i) Information relating to any individual.
- (ii) Information which is likely to reveal the identity of an individual.
- (iii) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- (iv) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- (v) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (vi) Information which reveals that the authority proposes –
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
- (vii) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

### Qualifications

- (viii) Information falling within categories (i) to (vii) above is **not** exempt if it is required to be registered under:
  - (a) the Companies Act 1985;
  - (b) the Friendly Societies Act 1974;
  - (c) the Friendly Societies Act 1992;
  - (d) the Industrial and Provident Societies Acts 1965 to 1978;
  - (e) the Building Societies Act 1986;
  - (f) the Charities Act 1993.
- (ix) Information is **not** exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (x) Information which –
  - (a) falls within any of paragraphs 1 to 7 above; and



- (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information 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.

5. Exempt information relating to the Standards Committee only

Additional categories of exempt information relating to the Standards Committee only are:

- a. Information which is subject to any obligation of confidentiality.
- b. Information which relates in any way to matters concerning national security.
- c. The deliberations of the Standards Committee (or its Sub- Committee) in reaching any finding on a matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of the Local Government Act 2000.

6. Scope of exclusion

When it is necessary to exclude the public, the exclusion applies to any individual that is either not a member of the particular committee or not an employee or other person who is there to contribute their professional opinion to support the committee's deliberations. The Chair's decision about who may remain is final.

**11. Exclusion of Access by the Public to Reports**

- 11.1 If the Monitoring Officer ~~Head of Paid Service~~ thinks fit, the Council may exclude access by the public to reports (or parts of reports) which in his or her opinion relate to items during which, in accordance with paragraph 10 above, 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.

**12. Application of Rules to the Cabinet**

- a. Paragraph 13.1 below applies to the Cabinet and Cabinet Panels.
- b. If the Cabinet meets to take a key decision, as defined in Article 13.3 of this Constitution, then it must also comply with –paragraphs 1 – 11 unless paragraph 23.5 (general exception) or paragraph 23.6 (special urgency) apply.
- c. If the Cabinet meets to discuss a key decision to be taken collectively, with an employee other than a political assistant present, within 28 days of the date according to the Forward Plan by which it is to be decided, then it must also

comply with paragraphs 1 – 11 unless paragraph 23.5 (general exception) or paragraph 23.6 (special urgency) apply. This requirement does not include meetings, whose sole purpose is for employees to brief Councillors.

**13. Procedure before Taking Key Decisions**

13.1 Subject to paragraph 23.5 (general exception) and paragraph 23.6 (special urgency), a key decision may not be taken unless:

- a. the required details pertaining to the decision have been published at least 28 clear days in advance;
- b. where the decision is to be taken at a meeting of the Cabinet, notice of the meeting has been given in accordance with paragraph 22.4 (notice of meetings).

**Code of Conduct for Councillors****Code of Conduct for Councillors of City of Wolverhampton Council****1. Purpose of the Code**

- 1.1 The purpose of this Code of Conduct is to assist you in the discharge of your obligations as a Councillor to both the Council, local communities and the public at large by:
- a. setting out the standards of conduct that are expected of you when you are acting in that capacity, and in so doing
  - b. providing the openness and accountability necessary to reinforce public confidence in the way in which you perform those activities.
- 1.2 The Code also applies to co-opted members of Council Committees who are entitled to vote on any issues coming before those Committees.

**2. Scope of the Code**

- 2.1 The Code applies to you in all aspects of your activities as a Councillor, including (but not limited to): -
- a. at formal meetings of the Council
  - b. when acting as a representative of the Council
  - c. in taking any decision as a Cabinet Member, Committee Member or Panel Member
  - d. in discharging your functions as a Ward Councillor
  - e. at briefing meetings with Council Employees
  - f. at site visits
  - g. when purporting to act as a Councillor
- 2.2 This Code is complementary to any related Codes and Protocols of the Council within the Council's Constitution and elsewhere. It does not seek to regulate what you do in your private and personal life.
- 2.3 References to committees or meetings of the Council within this Code also refer to Council, Cabinet, sub-committees, panels and working groups, joint-committees as well as informal meetings, which is not a formal committee under the Council's constitution, but which has been arranged in advance where council business was being discussed between councillors or between councillors and officers.

**3. Public Duties of Councillors**

- 3.1 You have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act and to act on all occasions in accordance with the public trust placed in you.
- 3.2 You have an overriding duty to act in the interests of the City of Wolverhampton Council area as a whole, but also have a duty to represent the views of all residents of your ward.

**4.0 General Principles of Conduct**

- 4.1 In carrying out your duties, in or exercising the functions of the Council, or otherwise acting as a Councillor, you will be expected to observe the following general principles of conduct. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

**4.2 *Selflessness***

You should take decisions solely in terms of the public interest. You should not seek to gain financial or other material benefits for yourself, your family, or friends.

**4.3 *Integrity***

You should not place yourself under any financial or other obligation to outside individuals or organisations that might influence you in the performance of your official duties.

**4.4 *Objectivity***

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit.

**4.5 *Accountability***

You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

**4.6 *Openness***

You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.

**4.7 *Honesty***

You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**4.8 *Respect for Others***

You should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age,

religion, gender, sexual orientation or disability. You should respect the impartial role of the Council's statutory officers, and its other employees.

**4.9 Leadership**

You should promote and support these principles by leadership and example.

**4.10 Stewardship**

You should do whatever you are able to do, to ensure that the Council uses its resources prudently and in accordance with the law.

**5.0 Expectations of Conduct**

5.1 You shall base your conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, immediately in favour of the public interest.

5.2 You shall at all times ensure that your use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters and that you observe any limits placed by the Council on the use of such expenses, allowances, facilities and services.

5.3 You shall complete any mandatory training required for your role as a Councillor or any committees to which you are appointed.

5.4 You shall at all times conduct yourself in a manner which will maintain and strengthen the public's trust and confidence in the integrity of the Council and never undertake any action which would bring the Council, you, other Councillors or employees generally, into dispute.

**6. Rules of Conduct**

6.1 You shall observe the following rules when acting as a Councillor or co-opted Member of the Council:

1. You must treat others with respect and courtesy.

2. You must not -

a. Do anything which may cause the Council to breach any of its equality duties

b. Bully any person;

c. Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your council.

d. Lobby, intimidate or attempt to lobby or intimidate any person who is or is likely to be:

i. a complainant,

## **Code of Conduct for Councillors**

- ii. a witness, or
  - iii. involved in the administration or determination of any investigation or proceedings in relation to an allegation that a member (including yourself) has failed to comply with his or her council's code of conduct; or
3. You should not use or attempt to use your position as a councillor improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
4. You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
- (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is:
    - a. reasonable and in the public interest; and
    - b. made in good faith and in compliance with the reasonable requirements of the council
5. You must not prevent any person from gaining access to information to which that person is entitled by law.
6. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or council into disrepute.
7. You shall observe the following rules when using the resources of the Council, or authorising the use of those resources by others:
- a. Act in accordance with the Council's reasonable requirements including the requirements of its ICT policy and the policies listed in the Constitution which you are deemed to have read and understood.
  - b. Ensure that such resources are not used improperly for political purposes (including party political purposes);
  - c. Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

8. You shall observe the following rules when making decisions on behalf of or as part of the Council:
  - a. Have regard to any relevant advice provided to you by the Council's Section 151 Officer and Monitoring Officer where such advice is offered pursuant to their statutory duties.
  - b. Give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.
  - c. Have regard to the rules and any advice on the registration and disclosure of interests as set out in this Code.
9. When carrying out your public duties such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, you must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

## **7.0 Declaration of Interests**

- 7.1 You shall conscientiously abide by the requirements of the Council in respect of the registration of interests in the Register of Members' Interests and where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Council or its Committees, or in any communications with the Council, its Members or officers.
- 7.2 Such disclosures must be made even if the interest has already been included on the Register of Interests or where there is a notification pending to the Monitoring Officer.
- 7.3 These interests extend to those of your spouse, partner, civil partner, family members or persons with whom you have a close association or personal relationship and you are aware that they have the interest.
- 7.4 In this code a person with whom you have a close association means someone that you are in either regular contact with over a period of time or a significant contact who is more than an acquaintance or can be considered to be a friend, a colleague, a business associate or someone whom you know through general social contacts.

## **8.0 Duties in respect of the Council's Standards Committee and the Monitoring Officer**

- 8.1 The application and guidance on this Code shall be a matter for the Council and for the Standards Committee and, as appropriate, the Monitoring Officer, acting in accordance with their terms of reference.
- 8.2 You shall co-operate, at all stages, with any investigation into your conduct by the Council or those persons acting on its behalf. Failure to do so is likely to be a breach of this Code.

- 8.3. All complaints will be dealt with according to the Council's Procedure for Handling Complaints against Councillors and Co-opted Members.

## **9.0 Registration of Interests**

- 9.1 You must comply with the requirements of the law and the Council in registering your interests in the Register of Councillor's Interests. These are explained below. These interests extend to those of your spouse, partner, civil partner, family members or persons with whom you have a close association or personal relationship.
- 9.2 When considering registering or disclosing any interests, you should ask yourself: "Would a member of the public, with knowledge of the relevant facts, reasonably regard your interest as so significant that it is likely to prejudice your judgement of the public interest? "
- If the answer to this question is "yes", then you should disclose that interest.
- 9.3 Within 28 days of becoming a member of the Council, or of knowing you have a disclosable pecuniary interest, you must notify the Monitoring Officer. You must also draw attention to any relevant interest, where it is required or appropriate to do so, in any proceeding of the Council or its Committees with which you are involved or in any communications with any colleague, officer or outside body in your role as a member.
- 9.4 You should consult the Council's Monitoring Officer if you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation. If it is agreed that you have such an interest, you will be obliged to register it, but details will not be disclosed in the published version of the register. Similarly, when at a meeting, you only need to state the fact that you have a disclosable interest, and not details of the interest itself.

## **10.0 Memberships**

- 10.1 In addition, this Code requires you to disclose any interests in any business of the Council where it relates to, or is likely to affect, either:
- a. anybody or organisation of which you are a member, or in a position of general control or management, and to which you are appointed or nominated by your Council:
  - b. anybody or organisation which exercises functions of a public nature, is directed to charitable purposes, or has a primary purpose of influencing public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

## **11.0 Disclosable Pecuniary Interests**

- 11.1 The appendix details what constitutes to a pecuniary interest.



11.2 Where you

- a. are present at a meeting of the council and
- b. have, or become aware that you have, a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,

You must

- c. not participate, or participate further, in any discussion of the matter at the meeting
- d. not participate in any vote, or further vote, taken on the matter at the meeting
- e. leave the room until the conclusion of the matter under discussion

11.3 Where you are an executive member taking a portfolio decision and are aware you have a disclosable pecuniary interest, you must notify the Monitoring Officer of that interest within 28 days and take no action in respect of the matter other than refer to another executive member to take the decision.

11.4 Where you have taken a portfolio decision that is subsequently discussed at a meeting of the Council, you must not try to influence the outcome of that discussion or take any further part in the proceedings unless answering questions to facilitate those discussions.

11.5 If you have a disclosable pecuniary interest in a matter coming before a meeting of the Council, you can make a written request to the Monitoring Officer beforehand for a dispensation, which may allow you to participate in the discussion and vote.

A dispensation may be granted in the following circumstances:

- a. Where members of the decision-making body have disclosable pecuniary interests in a matter that would “impede the transaction of the business”
- b. That without the dispensation, the representation of different political groups on the body conducting the business would be so upset as to alter the outcome of any vote on the matter
- c. That the council considers that the dispensation is in the interest of persons living in the council’s area
- d. That the council considers that it is otherwise appropriate to grant a dispensation.

Any grant of dispensation must specify how long it will last, up to a maximum of 4 years.

Dispensations under (a) and (b) above shall be decided by the Monitoring Officer, with the right of appeal to the Standards Committee. Those in (c) and (d) shall be considered by the Standards Committee, after consultation with the Independent Person(s).

The following standard exemptions in relation to the granting of dispensations, in relation to members' allowances, business rates, plus housing matters and rents have been agreed by the Councillor Conduct Committee:

- (i) An allowance, payment or indemnity given to members or any ceremonial honour given to members.
- (ii) Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time and any superseding legislation.
- (iii) Housing matters and rents (provided that those functions do not relate particularly to the member's tenancy or lease).

11.6 Failure to register a disclosable pecuniary interest could be a breach of the Code and a criminal offence. You must register all such interests relating to you, your spouse, civil partner or partner.

11.7 If a disclosable pecuniary interest arises in relation to your family member or person with whom you have a close association or personal relationship, and you are aware that they have the interest, you must disclose and register that interest. Failure to do so could be in breach of this Code.

11.8 If you fail to comply with the Code of Conduct (whether or not the finding is made in accordance with the Council's agreed arrangements) the Council Standards Committee may have regard to that failure in deciding:

- a. whether to take action in relation to you, and
- b. what action to take.

## **12.0 Non-Pecuniary Interests**

12.1 Non-disclosable Pecuniary Interests or non-pecuniary interest are other interests that would qualify as grounds for bias in an application to quash a decision of the Council. If you attend a meeting at which any item of business is to be considered and you are aware that you have a "non-disclosable pecuniary interest" or "non-pecuniary interest" in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

**13.0 Gifts and Hospitality**

- 13.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Councillor from any person or body other than the Council.
- 13.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

**14.0 Disclosure and Barring Service (DBS) Checks**

- 14.1 The Council takes its safeguarding responsibilities seriously. To this end, on 15 October 2013, Cabinet (Resources) Panel decided that criminal records checks would be carried out for all Councillors following election. Enhanced checks will be carried out for those Councillors who may, by virtue of their particular responsibilities, have unsupervised contact with children. (As of June 2015, this applied to the Cabinet Member for Children and Young People, the Cabinet Member for Education, and members of the Corporate Parenting Panel.) (As of December 2019, this applied to Leader of the Council, Deputy Leader of the Council, Cabinet Member for Adult Services, Cabinet Member for Public Health, Chair of the Children, Young People and Families Scrutiny Panel, Mayor and Mayoress). This list will be amended, as necessary, by the Head of Paid Service and the Monitoring Officer. Standard checks will be carried out for all other Councillors.
- 14.2 Checks will be carried out every four years (normally to coincide with election or re-election). In the case of a by-election, a check will be carried out at the time of election and then again if the Councillor is re-elected, unless that date is within 12 months of the original check. Additional checks may be carried out for any Councillor at the discretion of the Head of Paid Service and the Monitoring Officer.
- 14.3 The Council recognises that information released in DBS certificates can be extremely sensitive and personal. Receipt, handling and consideration of the certificates will therefore be carried out in accordance with the Disclosure and Barring Service's code of practice.
- 14.4 Appointments made at Annual Council will be subject to the completion of a satisfactory enhanced DBS check where that is required by the role. In the event the checks reveal that a candidate is 'barred' the council reserves the right to withdraw the appointment.
- 14.5 Additionally, Councillors should report any change in personal circumstances that may impact on their suitability or appropriateness to undertake roles. All declarations should be made without delay.

**Appendix**

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a Councillor has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows: -

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Councillor, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	Any beneficial interest in securities of a body where—

## **Code of Conduct for Councillors**

- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either: -
  - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a Councillor;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

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<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Governance Committee</b> <b>15 November 2019</b>
----------------------------------------------	--------------------------------------------------------

<b>Report title</b>	Introduction of Paperless Committee Meetings	
<b>Cabinet member with lead responsibility</b>	Councillor Ian Brookfield Leader of the Council	
<b>Wards affected</b>	All Wards	
<b>Accountable Director</b>	Mark Taylor, Deputy Chief Executive	
<b>Originating service</b>	Democratic Services	
<b>Accountable employee</b>	Jaswinder Kaur	Democratic Services Manager
	Tel	01902 550320
	Email	Jaswinder.kaur@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	n/a	

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**Recommendation for decision:**

The Governance Committee is recommended to:

Approve to undertake a pilot of 'paperless' meetings and, subject to the success of the pilot, to extend this approach to all Council and Committee meetings on a phased basis.

## **1.0 Purpose**

- 1.1 The adoption of a paperless approach to meetings will reduce the Council's carbon footprint, deliver printing, paper and production cost savings, and provide Councillors with improved access to information, thereby allowing them to undertake their duties more effectively and efficiently.

## **2.0 Background**

- 2.1 In light of ongoing financial pressures, the Council continues to look at identifying ways of doing more with less. Part of the Council's strategy to achieve this is through the implementation of smarter ways of working in a digital age through its Business Transformation agenda.
- 2.2 A number of Councils have completed a transition to paperless meetings over recent years and there is a clear direction of travel in this regard, such that over the course of the next few years it is expected to become standard practice in local government.
- 2.3 Wolverhampton significantly reduced its own paper dependence in 2014, having migrated to the modern.gov application. Currently 36 Councillors request paper copies, with additional copies supplied to political assistants and Councillor Support.
- 2.4 Across a wide number of service areas, the Council is increasingly encouraging its residents to access services electronically. Moving to paperless meetings provides Councillors with an opportunity to lead by example in this regard and demonstrate that they too are prepared to embrace new forms of technology to deliver savings, embrace more efficient working practices and reduce the Council's carbon footprint.

## **3.0 Advantages of Paperless Working**

- 3.1 There are a number of potential benefits associated with a move to paperless meetings, which include:

### **Environmental Benefits**

- 3.2 The Council declared a Climate Change emergency on Wednesday 17 July 2019. The primary benefit of paperless meetings is the reduction of the Council's carbon footprint, highlighting the authority as being environmentally responsible. Paper and stationery usage is reduced, less energy is used to produce printed papers and less transport is involved.

### **Reduced Printing and Postage Costs**

- 3.3 The frequency of Council and Committee meetings and the size of agendas can vary significantly, and with the addition of ad-hoc Committees, extraordinary meetings, Sub-Committees and Working Groups, it is difficult to project a definitive cost saving that paperless meetings would offer going forward. An indicative cost reduction is provided by 2018-2019 figures however, when the total cost of printing and posting papers was just under £10,000.



## **Security**

- 3.4 The Modern.Gov app will enable Democratic Services to disseminate Private or Restricted (Exempt Information) papers securely to Councillors. This has the benefit of ensuring that only the people who should see the papers have access to them.

## **Employee Time**

- 3.5 The removal of the need to print, envelope and process hard-copy agenda papers for postage will result in efficiencies in Committee administrator time which can be reallocated to other areas of support.

## **Improved Access to Information**

- 3.6 Through the Modern.Gov app, Councillors are able to access meeting papers from any place, at any time to suit their personal commitments. Most tablet devices are small, portable, convenient and easy to use once Councillors become familiar with them; by contrast some agenda packs can be several hundred pages long and particularly cumbersome.
- 3.7 The Modern.Gov app can be set to retain six months' worth of Committee papers which can be accessed and referred to at any time (including during meetings), improving access to information. At the current time Councillors only receive a hard copy agenda for the Committees on which they sit; however, the app can be configured to provide Councillors with access to any Council meeting papers they wish to receive.
- 3.8 The Modern.Gov app has a range of annotation tools to allow Councillors and employees to make notes, highlight sections etc. as required.

## **Improved Councillor Skills**

- 3.9 An additional by-product of a move to paperless meetings is likely to be the upskilling of some Councillors' IT skills. Going paperless provides an incentive to embrace new technologies, and at a time when most Councils are adopting a "Digital First" approach for their communities, it can only help having Councillors who are more skilled and have an understanding of technology and how it can transform service delivery.

## **4.0 Options for Implementation**

- 4.1 Some local authorities are known to have used a 'guillotine' approach to introducing paperless meetings, whereby all meetings from an agreed cut-off date are to become strictly paperless. This approach has had mixed results, with some Council's finding that this allows little time for Councillors to build confidence.
- 4.2 Other local authorities have opted initially for a pilot, followed by a gradual meeting-by-meeting approach.
- 4.3 It is considered that Cabinet, as the Executive of the Council, lead by example to undertake a pilot of this nature.

- 4.4 The Cabinet meeting scheduled for Wednesday 4 December 2019 represents a suitable opportunity to hold the pilot.
- 4.5 Subject to any further feedback/concerns arising from the pilot paperless meeting, it is then recommended that a phased Council-wide transition to paperless meetings be implemented, with the timetable to be agreed in consultation with each relevant Committee Chair.
- 4.6 The implementation of the paperless meetings pilot will be evaluated after a few months and progress will be assessed.

## **5.0 Support for Councillors**

- 5.1 It is recognised that some Councillors will adapt quicker than others to a transition to paperless meetings, therefore the level of support provided to them will be crucial.
- 5.2 With the exception of Councillor Steve Evans all other Councillors have a device (Council supplied) which is compatible with the Modern.Gov app.
- 5.3 Councillor Support will ensure that all Councillors are content with the IT equipment they have and that it is fit for purpose.
- 5.4 It is also proposed that, in order to put Councillors at ease with using the Modern.Gov app, ongoing drop-in sessions will be held prior to Committee meetings to deliver high quality one-to-one support and advice. Support will also be requested from IT to ensure that the Councillor Wi-Fi facility is regularly tested for reliability (although as long as the agenda pack is downloaded before the meeting, a weak or intermittent Wi-Fi signal should not affect Councillor participation at meetings).
- 5.5 It is intended that during paperless meetings the agenda will be projected onto the meeting room screen, to provide a useful a training aide and reference point. This will also be particularly helpful for enhancing the transparency of Committee meetings to any members of the public in attendance.

## **6.0 Core Principles**

- 6.1 To ensure paperless committees are successfully implemented the following core principles will be adopted:
  - Chair's will be provided with a copy of papers.
  - Councillors who may have an accessibility issue will be provided with a copy of papers.
  - Tablets will be provided at meetings to Councillors who require a set of papers.
  - Officers will endeavour to produce all reports in a form that can be used on a device. It is acknowledged that there will be some exceptions and, in such instances, paper copies will be produced to aid their readability.
  - That Councillors participate in training from Democratic Services so that they are able to take advantage of the various means of annotation that the modern.gov app offers.

- That Councillors who are experts with the Modern.gov app provide peer to peer support.

## **7.0 Financial implications**

- 7.1 The total printing and postage cost associated with Council and Committee papers in 2018-2019 was just under £10,000. These costs will vary each year with the number of meetings held and the size of agendas and individual reports, but the 2018-2019 figure gives an indication of the cost reduction to be achieved through the conversion to paperless meetings.  
[GE/05112019/Y]

## **8.0 Legal implications**

- 8.1 Consideration has been given to the Local Government Act 1972 – (specifically those sections relating to Access to Information), the Local Government Act 2000.
- 8.2 The Local Government (Electronic Communications) (England) Order 2015 permits delivery of an electronic summons to Councillors for a Committee meeting subject to the consent of the Councillor.
- 8.3 The security settings within the Modern.Gov App allow for all common types of information to be published securely, safeguarding sensitive documents and applying where necessary the exemption criteria relevant to Access to Information legislation.  
[TS/03112019/Q]

## **9.0 Equalities implications**

- 9.1 The Council recognises that Councillors with hidden disabilities, such as dyslexia or visual impairment, may require additional support and all appropriate measures will be put in place.

## **10.0 Climate change and environmental implications**

- 10.1 The Council declared a Climate Change emergency on Wednesday 17 July 2019. The primary benefit of paperless meetings is the reduction of the Council's carbon footprint, highlighting the authority as being environmentally responsible. Paper and stationery usage is reduced, less energy is used to produce printed papers and less transport is involved.

## **11.0 Human resources implications**

- 11.1 There are no human resources implications arising from this report.

## **12.0 Corporate landlord implications**

- 12.1 There are no corporate landlord implications arising from this report.
- 12.2

### **13.0 Health and Wellbeing Implications**

13.1 There are no health and wellbeing implications arising from this report.