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 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

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.

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 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);

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 Member Champion 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.

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.

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;

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

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

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.

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

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.

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:

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

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 Seconder’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

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 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.

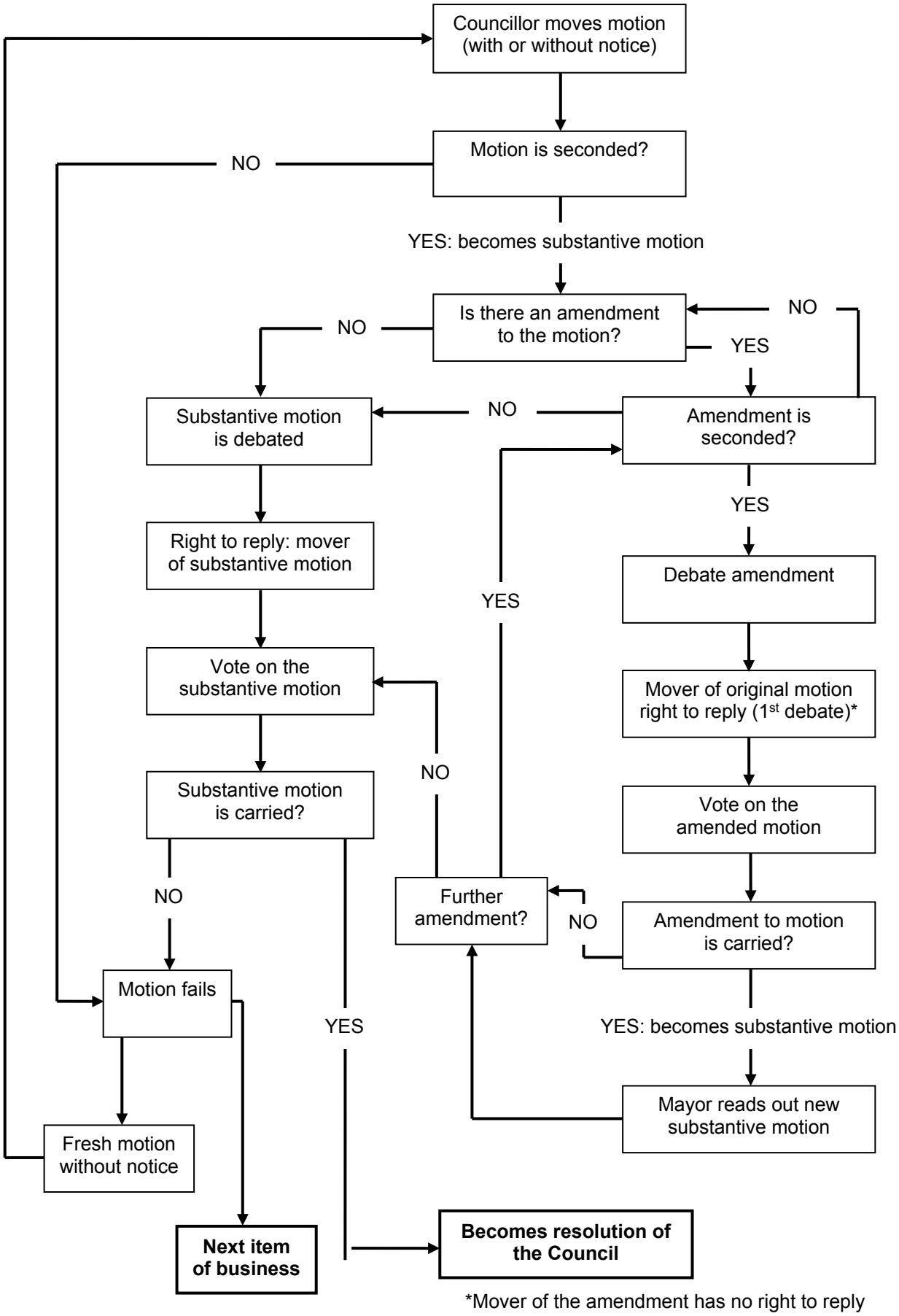
12.15 Attendance at another body

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

Process for consideration of Motions at Council



*Mover of the amendment has no right to reply

14. Voting

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 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 Standing to speak

When a Councillor speaks at a Council meeting he/she must stand unless disabled from doing so and address the meeting through the 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 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, the 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.

   (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.

(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.

Petitions protocol flow diagram

*Timescale**	*Activity*	*Notes*
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 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 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

ADVICE	***ACTION***	***CONSEQUENCE***
Only one decision is permissible for the Council to act lawfully	<u>Option 1</u> ◆ Reconvene meeting and report advice received ◆ Vote in accordance with that advice	◆ Decision taken and actioned
A decision must be taken at the meeting to protect/preserve the Council's position in relation to - (a) Any application for or entitlement to any grant or subsidy (b) The securing of any income or other revenue (c) The avoidance of any penalty or other liability (d) Any other matter of a like nature relating to the proper and lawful discharge of the Council's functions	<u>Option 2</u> ◆ Reconvene meeting and report advice received ◆ Vote in a manner that protects/preserves the Council's interest ◆ 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	◆ Decision taken and actioned ◆ If possible this be limited to interim decision and special meeting be called in accordance with Option 3
A decision must be made but may be deferred to enable discussions between party groups	<u>Option 3</u> ◆ Reconvene meeting and report advice received ◆ Adjourn item to a special meeting when it will be considered afresh	◆ 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 ◆ 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
No decision is required	<u>Option 4</u> ◆ Reconvene meeting and report advice received ◆ Do not exercise casting vote	◆ Item not carried – eligible for re-submission to a subsequent Council Meeting