

## **Part 4.4 Executive Procedure Rules**

### **1. HOW THE EXECUTIVE OPERATES**

#### **1.1 Who may make Executive decisions?**

The Executive is responsible for the discharge of executive functions as set out in this Constitution. Executive functions may be exercised by:

- (i) the executive as a whole (meeting as the Cabinet);
- (ii) a cabinet committee as set out in Part 3.5 Responsibility for Executive Functions
- (iii) an officer;
- (iv) An arrangement with another authority for the discharge of executive functions

#### **1.2 Delegation by the Leader**

At the annual meeting of the Council, the Leader will present to the Council the following information about executive functions in relation to the coming year:

- (i) the name, address and ward of the Member who will serve as Deputy Leader
- (ii) the names, addresses and wards of the Members appointed to the Executive
- (iii) The nature of the portfolio to be held by each Lead Member.

#### **1.3 Sub-delegation of executive functions**

The Executive may delegate functions for which it is responsible to a cabinet committee, as set out in Part 3.5 Responsibility for Executive Functions or individual officers. The delegation to officers can include a requirement to consult named Lead Members and officers in advance of a decision. Delegations to a cabinet committee will be subject to call in in the same way as decisions of cabinet are and must fully comply with the Access to Information Rules.

#### **1.4 The Council's scheme of delegation and executive functions**

The Council's Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

## 1.5 Conflicts of Interest

- (i) Where the Leader or an individual Lead Member has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (ii) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (iii) If the exercise of an executive function has been delegated to an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by another executive director or the chief executive. If there is no suitable officer to exercise delegated authority, the decision should be referred to Cabinet.

## 1.6 Urgent Business

Urgent business may only be considered where:

- (i) The Access to Information Procedure Rules of the Constitution have been complied with; or
- (ii) a Member of the Cabinet or any Statutory Officer has requested that an item is placed on the agenda of the meeting at any time before the start of the meeting and the Executive agrees to the item being included on the grounds of urgency. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

## 1.7 Meetings of the Executive

The Cabinet will meet at least 10 times per year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

Meetings of the Cabinet or a cabinet committee will be held in public. These meetings will be governed by the Access to Information Rules of this Constitution. Where the Cabinet or a cabinet committee is considering reports on matters which contain confidential or exempt information it may pass a resolution to exclude the press or public in accordance with the Access to Information Rules, having given 28 clear calendar days' notice of the intention to hold a private (or part private) meeting.

The date and time and location of a meeting of the Cabinet or cabinet committee may be changed by the Leader (or chairman for a committee) upon giving five clear working days' notice.

A special meeting of the Cabinet may be called in addition to ordinary scheduled meetings if requested by the following:

- (i) the Cabinet by resolution
- (ii) the Leader
- (iii) the Monitoring Officer or the Chief Financial Officer
- (iv) at least one-third of the Members of the Cabinet, if the Leader has failed to call a meeting within five clear working days of a written requisition by those Members.

Public notice of the time and place of the special meeting must be given. This should be five clear days before the meeting or where the meeting is convened at shorter notice, at the time the meeting is convened. Items of business can only be discussed if they are included on the published agenda.

## **1.8 Quorum**

The quorum for the Cabinet and a cabinet committee shall be three.

## **1.9 How decisions are taken**

- (i) Executive decisions which have been reserved to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (ii) Executive decisions which are to be taken or considered by a cabinet committee will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

## **2. HOW EXECUTIVE MEETINGS ARE CONDUCTED**

### **2.1 Who presides?**

For Cabinet if the Leader is present he/she will preside. In his/her absence, the Deputy Leader or a person appointed to do so by those present shall preside. For a cabinet committee, the appointed Chair will preside and in his or her absence, a person appointed to do so by those present shall preside.

### **2.2 Who may attend?**

Any Member of the Council, members of the public and press may attend all meetings of the Cabinet subject to Rule 1.7 above. Statutory chief officers and chief officers can be requested to attend Cabinet meetings. Other officers of the Council may attend meetings as appropriate and as arranged by the Chief Executive and Executive Directors.

### **2.3 Questions by Elected Members**

A Member of the Council wishing to speak at a meeting of the Cabinet should give advance written notice. The Leader (or alternative Chair of the Cabinet meeting) has discretion to allow any member of the Council to make a comment and may put a time limit on such comment. If a member of the Council wishes to ask a question of a lead member or the Leader, he should give written notice of the question by 10am on 2nd working day before the

cabinet meeting. The question must relate to an item of business on the Cabinet agenda and each member is limited to one question per agenda item. The Leader will decide who is most appropriate to answer the question. The member may ask one supplementary question. Questions will generally be asked before cabinet members debate the agenda item and the Leader (or alternative Chair) can decide to limit the number of members asking questions to ensure there is sufficient time for cabinet debate on each item.

These rules apply to a cabinet committee.

## **2.4 Questions by the General Public**

At an ordinary meeting of the Cabinet, a resident or taxpayer of the Borough (not being a member of the Council) may ask a question in relation to any item on the agenda.

A maximum of 3 questions may be asked per agenda item and a maximum of 10 questions per meeting. If more questions are received, they will be asked in the order in which they are received. Questions not answered will be responded to in writing on the next working day.

Each questioner is limited to 1 question per agenda item.

### **Notice**

A question may only be asked if notice of the question has been given in writing no later than 10am on the 2nd working day before the meeting (if the meeting is on a Wednesday, the question must be submitted by 10am on the Monday, if the meeting is on a Monday, the question must be submitted by 10am on the previous Thursday).

The notice must give the name and address of the questioner and must name the lead member to whom it is to be put. The questioner must be a resident or pay business rates within the Borough.

The question must be no longer than 100 words.

### **Record of questions**

Copies of all questions asked and a written answer will be made available to cabinet members and the public at the meeting.

If a written answer will take more than 3 minutes, an oral summary will be given and a full response will be provided in writing.

### **Supplementary questions**

A questioner who has put a question in person may also put one supplementary question arising directly out of the original question or reply. A supplementary question may be rejected by the Chair if it would have been

excluded if the question had been submitted in writing. The supplementary answer should take no longer than 3 minutes to answer.

### **Comments by the public**

A resident or taxpayer of the Borough may give notice to make a public comment. Notice of the comment must be given in writing by 10am on the second working day before the meeting. The notice must give the name and address of the questioner, who must be a resident or pay business rates within the Borough. The comment must be no longer than 100 words.

Each resident/taxpayer is limited to one comment per meeting.

A maximum of 3 minutes will be given for comments on each agenda item. If there are more than one resident wishing to make a comment, the Chair can determine how the time will be split. Comments will be permitted in the order in which notice is given.

These rules apply to a cabinet committee.

### **Exclusions**

- The question/comment does not relate to an item on the agenda
- The question/comment relates to an individual case
- The question/comment relates to a staffing matters or conditions of service
- The question/comment is not about a matter for which the Council has a responsibility or doesn't affect the Borough
- The question/comment could be deemed defamatory, frivolous, vexatious or offensive
- The question/comment is substantially the same as a question/comment asked or made in the previous 6 months
- The question/comment or answer would require the disclosure of confidential or exempt information
- The question/comment criticises or purports to criticise an officer's competence and conduct and the officer is identified by name, title or in any other way
- During periods of heightened sensitivity, questions/comments will be restricted if they are deemed to further the aims of a political party or candidate who is standing for election

The decision of the Monitoring Officer on whether a question should be excluded is final.

## **2.5 Order of business**

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

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;

- (iii) matters referred to the Cabinet (whether by Overview and Scrutiny Committee or one of its Panels or by the Council) for reconsideration by the executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) consideration of reports from Overview and Scrutiny Committee or one of its Panels; and
- (v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not open to the public in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution; and
- (vi) \_\_\_ reports of statutory officers, if any.

## 2.6 Who can put items on the executive agenda?

- (i) The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any executive meeting any matter which he/she wishes, whether or not authority has been delegated to the executive, a committee of it or any member or officer in respect of that matter. The Head of Democratic Services will comply with the Leader's requests in this respect.
- (ii) Any Lead Member may require the Head of Democratic Services to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the Head of Democratic Services will comply.
- (iii) The Head of Democratic Services will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the Overview and Scrutiny Committee or one of its Panels or the full Council have resolved that an item be considered by the executive.
- (iv) The Monitoring Officer and/or the s.151 Officer may include an item for consideration on the agenda of an executive meeting and may require the Head of Democratic Services to call a meeting in accordance with the special meeting procedure in Rule 1.7 above.

## 2.7 Voting

The Cabinet will decide all matters by simple majority. The Chair will have a casting vote.

## 2.8 Guillotine

Meetings of the Cabinet will last not longer than two and a half hours after they start, and should not normally extend beyond 10pm, except in exceptional circumstances as determined under in accordance with this rule. Meetings of a cabinet commercial committee will not last longer than one and

a half hours after they start and if the meeting is scheduled immediately prior to a Cabinet meeting, will automatically end when the Cabinet meeting commences.

A meeting of the Cabinet (or cabinet committee) shall terminate as set out above, unless:

(l) by resolution passed before the closure time, the Cabinet resolves to extend the meeting beyond that time, in one of the following ways, which must be specified by resolution:

(a) to continue in the normal manner and complete the business remaining on the agenda or

(b) to determine a later time by when the meeting must close and, if the business is not completed by that later time, resolve that it be then put to the vote without debate or deferred to another meeting, as appropriate except where this would result in the cabinet committee continuing beyond the start time of a planned Cabinet meeting.

At the time of closure, the Chair will advise the Cabinet that the procedure to terminate the meeting is to be applied:

- (a) any speech commenced and then in progress shall be concluded;
- (b) the Chair will put any motion or recommendation then under consideration to the vote without further discussion;
- (c) all remaining business before the Cabinet shall be put to the vote without discussion or further amendment.

## **2.9 Implementation of Executive Decisions**

In order to allow for Call-In, no executive decision taken by Cabinet or a Cabinet committee can be implemented until the expiry of five clear working days after the decision has been published, unless the decision-taker resolves as part of the decision that its implementation is urgent when the provisions contained in the Overview and Scrutiny Procedure Rules on the Call-In Procedure apply.

## **2.10 Members' Conduct**

When the Chair speaks during a debate, any Lead Member or other speaker must stop speaking.

If any Member present persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member may not be heard further during the consideration of that item of business. If seconded, the motion will be voted on without discussion.

If the Member continues to behave improperly after such a motion is carried, the Chair may move that the Member leave the meeting or the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

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

#### **2.11 Disturbance by Public**

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

Following an order by the Chair for one or more members of the public to leave the meeting, if they deem it necessary in the interests of public safety or for the safety of Members and officers present, the Chair may adjourn the meeting for as long as they think necessary.

#### **2.12 Suspension and interpretation of rules**

All of these rules of procedure (except the rules on confidential business, exclusion of the public and suspension of the rules) may be suspended by motion with or without notice if at least one half of all Members of the meeting are present and by where such motion is carried by a majority of those present.

The Chair's ruling on the interpretation or application of these rules is final.

#### **2.13 Urgency procedure - Leader's Action**

These rules will apply where a matter is reserved to Cabinet, but an urgent decision is required.

When an urgent decision needs to be taken in circumstances where to wait until the next scheduled meeting of the Executive would be prejudicial to the best interests of the Council, then:

The Leader (or in his/her absence, the Deputy Leader) may, after consultation with the relevant Lead Member, take the decision.

Before taking a Key Decision, the Leader (or Deputy Leader) must first consider whether the importance of the matter warrants the calling of a special meeting of the Executive.

The decision must be taken in a way that fully complies with the Access to Information Rules and in particular, if relevant, with the rules relating to "key decisions".



A copy of the minutes of the decision must be published within two clear working days of the decision and published on the Council's website with electronic notification given.

It should be noted that where a decision is deemed to be urgent, and where the Access to Information Procedure Rules has been followed, that decision will not be subject to the call-in procedure provided the Chair of Overview and Scrutiny Committee agrees.