

C3. ExecutiveCabinet Procedure Rules

1. INTRODUCTION & PURPOSE

- 1.1.** The Rules in this Chapter regulate the business of the ExecutiveCabinet and its decision-making. They may be cited as the ExecutiveCabinet Procedure Rules.
- 1.2.** The purpose of these Rules is to ensure that the ExecutiveCabinet: -
 - 1.2.1. Functions smoothly and efficiently;
 - 1.2.2. Is transparent in its proceedings and its decision-making;
 - 1.2.3. Remains accessible to Members who are not on the ExecutiveCabinet and to Local Residents;
 - 1.2.4. Makes most its decisions only after consideration by another Member body.

2. OPERATION OF THE EXECUTIVECABINET

2.1. Background to ExecutiveCabinet Decisions

The arrangements for the discharge of ExecutiveCabinet Functions may be set out in the ExecutiveCabinet arrangements adopted by the Council. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for ExecutiveCabinet Functions to be discharged by:

- 2.1.1. The ExecutiveCabinet as a whole;
- 2.1.2. A committee of the ExecutiveCabinet;
- 2.1.3. An individual Member on the Cabinet Member Executive;
- 2.1.4. An Officer;
- 2.1.5. Joint Arrangements; or
- 2.1.6. Another local authority.

2.2. Delegation of Functions

- 2.2.1. At the Annual Meeting of the Council, the Leader will present to the Council for adoption a written statement of delegations in respect of ExecutiveCabinet Functions. This shall be included in the Council's scheme of delegation in Part B of this Constitution. The document presented by the Leader shall specify the following in respect of ExecutiveCabinet Functions in relation to the coming year:

- (a) the extent of any authority to be delegated to ExecutiveCabinet Members individually, including details of the limitation on their authority;
 - (b) the terms of reference and Constitution of such ExecutiveCabinet committees as the Leader recommends be appointed and the names of Cabinet Members~~Members on the Executive~~ to be appointed to them;
 - (c) the nature and extent of any intended delegation of ExecutiveCabinet Functions to any other authority or any Joint Arrangements and the names of those ExecutiveCabinet Members to be appointed to any joint committee for the coming year; and
 - (d) any changes in the delegation of ExecutiveCabinet Functions to Officers and to any limitations on that delegation.
- 2.2.2. The Leader may amend the delegations at any time but must notify the Proper Officer who will report any changes to the Council and the Constitution will be amended accordingly.

2.3. Sub-delegation of ExecutiveCabinet Functions

- 2.3.1. Where the ExecutiveCabinet, a Committee of the ExecutiveCabinet or an individual ~~Member on the Cabinet~~ Member ExecutiveCabinet is responsible for ExecutiveCabinet Functions, they may delegate further to Joint Arrangements or an Officer
- 2.3.2. Even where ExecutiveCabinet Functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated the functions.

2.4. Conflicts of Interest

Unless a dispensation to vote has been given:

- 2.4.1. Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Chapter D1 of this Constitution.
- 2.4.2. If every ~~Member on the Cabinet~~ Member Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Chapter D1 of this Constitution.
- 2.4.3. If the exercise of an ExecutiveCabinet Function has been delegated to a Committee of the ExecutiveCabinet, an individual Cabinet Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by

the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Chapter D1 of this Constitution.

2.5. Manner of Decision Making

2.5.1. Key Decisions may only be made by the ~~Executive Cabinet~~ or individual ~~executive Cabinet~~ members (where authorised by the Leader). Where Key Decisions or Other Material Decisions are made by the ~~Executive Cabinet or by an individual Member on the Executive Cabinet~~ they shall only be made:

(a) At a public meeting of the ~~Executive Cabinet~~ or other public meeting arranged for the purposes of an individual ~~Member on the Cabinet Member Executive Cabinet~~ making one or more such decisions.

(b) Save for urgent matters, where the matter has been considered and/or referred to the ~~Executive Cabinet~~ by another Member body.

~~2.5.1.~~ 2.5.2. Where Key or Other Material Decisions are made by a ~~Cabinet Member~~, the decision must be made within 28 days of the matter's consideration by the relevant Policy Advisory Committee, save for urgent matters. If the decision is not made within that time, the matter will be re-presented to the relevant Policy Advisory Committee for re-consideration.

~~2.5.2.~~ 2.5.3. Where ~~Executive Cabinet~~ decisions are delegated to a committee of the ~~Executive Cabinet~~, the rules applying to ~~Executive Cabinet~~ decisions taken by them shall be the same as those applying to those taken by the ~~Executive Cabinet~~ as a whole

~~2.5.3.~~ 2.5.4. Key Decisions and Other Material Decisions may only be made where the Access to Information Procedure Rules have been complied with.

~~2.5.4.~~ 2.5.5. The powers of an individual ~~Cabinet Member Member on the Executive~~ shall be exercised by them personally save where they are unable to act owing to absence or illness, when they may be exercised on their behalf by another ~~Member on the Cabinet Member Executive Cabinet~~ who has been nominated for the purpose by the Leader and the Proper Officer has been given written notice of such nomination.

~~2.5.5.~~ 2.5.6. A Key Decision or Other Material Decision does not take effect until it has been signed by the Leader or a ~~Member on~~

~~the Cabinet Member Executive~~, this may be in the form of a digital signature.

3. CONDUCT OF MEETINGS OF THE EXECUTIVE CABINET

3.1. Time and Place of Meetings of the Executive Cabinet

The Executive Cabinet will be scheduled to meet at least eight (8) times per year in the Calendar of Meetings to be agreed by resolution of the Council. The Executive Cabinet shall meet at the Town Hall or any other location within the Borough to be determined by the Leader.

3.2. Public Access to meetings of the Executive Cabinet

All meetings of the Executive Cabinet will be open to the public, unless the item under discussion is likely to lead to the disclosure of Confidential or Exempt Information per the Access to Information Procedure Rules.

3.3. Chairing of Meetings

If the Leader is present they will chair the meeting. In his or her absence, then a person appointed to do so by the Cabinet Members ~~those Members on the Executive~~ present shall chair the meeting.

3.4. Quorum

The quorum of a meeting of the Executive Cabinet, or a committee of it, shall be three Members of the Executive Cabinet.

3.5. Attendance

3.5.1. Any Member of the Council may attend any Executive Cabinet meeting as a Visiting Member. Members of the Council who are not members of the Executive Cabinet may attend meetings of the Executive Cabinet and any committee of the Executive Cabinet including any part of any meeting closed to the public in accordance with the Access to Information Rules at the discretion of the chair where in his or her opinion, having considered the advice of the Monitoring Officer or their representative at the meeting, the member has a need to know in relation to the item being considered in private. ~~Members may speak as Visiting Members to an item where they have given written notice of their intention to do so to the Proper Officer by 4pm on the day one (1) Clear Day before the meeting.~~

3.5.2. Members of the public may attend any Executive Cabinet meeting, except when Confidential or Exempt Information is being discussed and, save for the Rules below in respect of Questions by Local Residents and Petitions, may address the

meeting for up to three (3) minutes where they have given written notice of their intention to do so to the Proper Officer by 4pm one (1) clear working day before the meeting.

- 3.5.3. The Proper Officer, the Chief Finance Officer and the Monitoring Officer and their nominees are entitled to attend any meeting of the ExecutiveCabinet or a committee of the ExecutiveCabinet.

3.6. Business of Meetings

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

- 3.6.1. Consideration of the minutes of the last meeting;
- 3.6.2. Declarations of interest, if any;
- 3.6.3. Petitions;
- 3.6.4. Questions on Notice from Local Residents;
- 3.6.5. Questions on Notice from Members;
- 3.6.6. Matters referred to the ExecutiveCabinet (whether by the Overview & Scrutiny committee or by the Council) for reconsideration by the ExecutiveCabinet in accordance with the provisions contained in the Overview & Scrutiny Procedure Rules;
- 3.6.7. Issues arising from Overview & Scrutiny;
- 3.6.8. Matters referred by any other Committee;
- 3.6.9. Any matter relating to a serious service failure or Nuisance referred by at least three (3) Members of the Council, where written notice has other been given in accordance with Committee Procedure Rule 6.1 (“Member Agenda Item Requests”);
- 3.6.10. Receipt of written representations from Members of the Council; and
- 3.6.11. Matters for decision set out in the agenda for the meeting, and which shall indicate which Key Decisions are and which are not in accordance with the Access to Information Procedure rules set out in Part C of this Constitution.

3.7. Consultation

All reports to the ExecutiveCabinet from any Cabinet Members ~~Members of the Executive~~ or an Officer on proposals relating to the Budget and

Policy Framework must contain details of the nature and extent of consultation carried out with stakeholders, the Overview & Scrutiny Committee and the relevant Policy Advisory Committee(s), and the outcome of that consultation.

3.8. Meeting Agenda

- 3.8.1. Any ~~Member on the Cabinet~~ Member Executive may require the Proper Officer to ensure that an item relating to an Executive Cabinet function is placed on the agenda of the next available meeting of the Executive Cabinet for consideration whether or not authority has been delegated by the Leader to the Executive Cabinet, a committee of the Executive Cabinet, any individual ~~Member on the Cabinet~~ Member Executive, or Officer in respect of that matter.
- 3.8.2. The Proper Officer will ensure that an item is placed on the agenda of the next appropriate meeting of the Executive Cabinet where the Overview & Scrutiny Committee or the Full Council have resolved that an item be considered by the Executive Cabinet.
- 3.8.3. If the volume of business for any one meeting appears excessive, the Leader, in consultation with the Proper Officer, may defer consideration to the next appropriate meeting except that items placed on the agenda by the Council may not be deferred if the Council requires them to be considered at that meeting.

3.9. Voting at Executive Cabinet Meetings

The Executive Cabinet will decide all matters before it by simple majority. The Leader or, in his or her absence, other Member chairing the meeting, will have a second or casting vote in the event of a tie. There will be no restriction on how this casting vote is used. If any ~~Member on the Cabinet~~ Member Executive present at the meeting demands 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.

3.10. Disturbance

- 3.10.1. If a member of the public interrupt's proceedings, the Leader (or other Member chairing the meeting) will warn the person concerned. If they continue to interrupt, the Leader (or other Member chairing the meeting) will order their removal from the meeting room.

- 3.10.2. If there is a general disturbance in any part of the meeting room open to the public, the Leader (or other Member chairing the meeting) may call for that part to be cleared.

3.11. Substitution

There shall be no substitution at any meeting of the ExecutiveCabinet. Any ~~Member on the Cabinet Member Executive~~ may, ~~with the prior approval of the Leader which shall be notified to the Proper Officer,~~ act as a substitute for another ~~Member on the Cabinet Member Executive~~ at a meeting of a sub-committee of the ExecutiveCabinet.

4. PETITIONS AT EXECUTIVECABINET MEETINGS

- 4.1. Appendix A of the Council Procedure Rules on the Council's Petitions Scheme sets out the nature of those petitions received by the Council that are to be considered by the ExecutiveCabinet.
- 4.2. No more than three (3) petitions may be presented per meeting.
- 4.3. Where a petition is presented: -
- 4.3.1. Only one person may speak to a petition for a maximum of five (5) minutes. They should have signed the petition, be a Local Resident and be a supporter of the body submitting the petition. This may include someone acting for that petitioner in a professional capacity.
- 4.3.2. A debate will take place on the petition.
- ~~4.3.3. The petitioner will have an opportunity to speak for a further period of three (3) minutes responding to the issues raised in the debate.~~
- ~~4.3.4.~~ 4.3.3. Where the petition relates to another item on the agenda, the matter should then be dealt with alongside that other agenda item.
- ~~4.3.5.~~ 4.3.4. Where the petition is not dealt with by another item on the agenda, the ExecutiveCabinet may resolve: -
- (a) To request an Officer's Report be provided to a future meeting, at which point it will be treated as any other agenda item with an Officer's Report;
- (b) To conclude the debate with no further action agreed for the time being.
- 4.4. Petitions which are not to be presented in person at a meeting of the pertinent Committee will be reported to it. Debate and determination

shall take place as per Rule 4.3 above, save that there will be no speeches by a presenter.

~~4.5. —Where a Policy Advisory Committee has debated a Petition concerning an ExecutiveCabinet Function and has resolved to send the matter to the ExecutiveCabinet, that item shall be dealt with like any other agenda item.~~

5. QUESTIONS ON NOTICE AT MEETINGS OF THE EXECUTIVECABINET

5.1. Appendix B of the Council Procedure Rules (“Questions on Notice”) shall apply to meetings of the ExecutiveCabinet. It sets out the process for giving notice of such questions prior to the ExecutiveCabinet meeting and record-keeping subsequent to the meeting.

5.2. At any meeting of the ExecutiveCabinet, the session for Questions on Notice from Local Residents shall be limited to 30 minutes and the session for such questions from Member shall be limited to 15 minutes.

5.3. The questions may be asked of the Leader or of any individual Lead MemberCabinet Member and must concern the business of the Council in so far as it relates to ExecutiveCabinet Functions.

5.4. Order of Questions

Questions will be asked of the relevant Members in the order that notice of them was received, except that the Leader may group together similar questions.

5.5. Posing a Question at the Meeting

The Leader will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Leader to put the question on their behalf, in which event the answer given by the relevant Member shall also be written and sent to the questioner.

5.6. Supplementary Questions

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Leader may reject a supplementary question if it would not have been allowed as a Question on Notice or because it does not arise directly out of the question or reply.

5.7. Nature of Reply

The form and content of reply to an original or a supplementary question will be at the discretion of the Member giving the reply, unless in respect of an original question a written request has been received specifying a specific form of reply or replies. He/she may decline to give a full or any reply if in his or her opinion to do so would involve an unreasonable amount of labour or cost.

6. Call-In and Call-In and Urgency

The Call-in process and Call-in and Urgency shall be applied as per part C2 rules 13.4 and 13.5

~~6. CALL-IN~~

~~6.1. When a decision (other than a Minor decision) is taken by the Executive Cabinet, an individual Member on the Executive Cabinet, a committee of the Executive Cabinet, or made by an Officer with delegated authority from the Executive Cabinet, or an Area Committee or under Joint Arrangements, that decision shall be notified to all members of the Council as soon as possible after it is taken (normally within two working days) and shall be made available at the main offices of the Council.~~

~~6.2. That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented on the expiry of five (5) working days after publication of the decision unless it is called in.~~

~~6.3. During that period the Proper Officer shall call in a decision for scrutiny by the committee if so requested by:~~

~~6.3.1. the Chairman of the Overview & Scrutiny Committee; or~~

~~6.3.2. any three (3) Members of the Council.~~

~~Such a request must be made in writing and must state the reason the call in is believed to be necessary. On receipt of such a request within five (5) working days of publication of the decision, the Proper Officer shall notify the decision taker of the call in and shall within five (5) working days of the expiry of the call in period, call a meeting of the Overview & Scrutiny Committee. Pending that meeting, the decision shall stand deferred and shall not be implemented.~~

~~6.4. If, having considered the decision, the Overview & Scrutiny Committee is still concerned about it, then it may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council. If referred to the decision~~

~~maker they shall then reconsider it, amending the decision or not, before adopting a final decision.~~

~~**6.5.**—If following a call in of the decision, the Overview & Scrutiny Committee does not refer the matter either to Council or back to the decision-making person or body, the decision shall take effect on the date of the Overview & Scrutiny meeting.~~

~~**6.6.**—If the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the Rule 6.7 below. However, if the Council does object, it has no locus to make decisions in respect of an Executive Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.~~

~~**6.7.**—If the Council does not decide to refer the decision back to the decision-making body or person, the decision shall take effect on the date of the Council meeting.~~

~~**6.8.**—A decision-making person or body can be required to reconsider any particular decision only once.~~

~~**7.**—**Call in and Urgency**~~

~~**7.1.**—The call in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interest. The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call in. The decision proposed shall be regarded as reasonable in all the circumstances and be treated as urgent a matter of urgency unless subject to the approval of urgency by the Chairman of Overview & Scrutiny and the political group leaders by simple majority, disagree. Decisions taken as a matter of urgency must be reported to the next appropriate meeting of the Council by the Proper Officer, together with the reasons for urgency.~~

~~**7.2.**—The operation of the provisions relating to call in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.~~

8-7. CONSIDERATION OF REPORTS BY THE EXECUTIVE CABINET

~~8.1. If the Proper Officer refers an Overview & Scrutiny Committee report to Council, he/she shall also serve a copy on the Leader with notice that the matter is to be referred to Council. When the Council meets to consider any referral from the Overview & Scrutiny Committee on a matter which would have an impact on the budget and policy framework, it shall also consider the response of the Executive Cabinet on the Overview & Scrutiny Committee proposals.~~

~~8.2.7.1. The consideration of Overview and Scrutiny Committee reports by the Executive shall be applied as per part C2 rule 13.2. Overview & Scrutiny Committee will have access to the Executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview & Scrutiny Committee following a consideration of possible policy/service developments, the committee will at least be able to respond in the course of the Executive's consultation process in relation to any key decision.~~

9-8. APPOINTMENT TO OUTSIDE BODIES

~~9.1.8.1. The Executive Cabinet is responsible for the appointment of representatives to all Outside Bodies, except those within the remit of the Democracy & General Purposes Committee. The list of Outside Bodies can be found in Appendix C to the Council Procedure Rules.~~