# EXECUTIVE COMMITTEE PROCEDURE RULES

## 1. Time and Place of Meeting

1.1 The Executive Committee will meet regularly at times to be agreed by the Leader and details will be set out on the Council's website However, in consultation with relevant Officers, the Chair may review this pattern at any time during the municipal year.

1.2 The place of Executive Committee meetings will be determined by the Chief Executive and notified in the agenda.

## 2. Notice of and Agenda for Meetings

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting the Chief Executive will send an agenda by post to every member of the Executive Committee. The agenda will give the date, time and place of each meeting. The agenda will specify the business to be transacted and will be accompanied by such reports as are available.

## 3. Who may attend

3.1 Councillors who are not members of the Executive Committee may attend meetings of the Executive Committee including any part of such a meeting from which the public is excluded in accordance with the Access to Information Rules but shall not (subject to paragraph 3.2 below) be entitled to speak at such meetings unless invited to do so by the Chair.

3.2 If the Executive Committee is to consider a motion referred to it by the Council the proposer and seconder of that motion (if they are not members of the Executive Committee) shall have the right to attend and explain the reasons for the motion.

3.3 If the Executive Committee is to consider a matter referred to it under paragraph 9.7 below the Councillor proposing the item for consideration will be entitled to attend and address the Executive Committee.

## 4. Exclusion of the Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules or Rule 12 below.

## 5. Chairing the Meeting

The Leader will preside at the meeting. In his/her absence the Deputy Leader will preside. If both are absent, those present will appoint a member of the Executive Committee who is present to preside.

## 6. Quorum

The quorum for a meeting of the Executive Committee will be 4 members.

## 7. Advice from Officers

7.1 The Leader may invite officers to give advice at a meeting of the Executive Committee or any Executive Sub-Committee.

7.2 Whenever the Chief Executive, the Section 151 Officer or the Monitoring Officer considers it appropriate to give advice to the Executive Committee they shall be at liberty to do so and the Executive Committee shall hear such advice.

## 8. Business to be Conducted

At each meeting of the Executive Committee the following business will be conducted:

a. consideration of the accuracy of the minutes of the last meeting;

b. declarations of interest;

c. matters referred to the Executive Committee (whether by the Overview and Scrutiny Committee or the Council) for reconsideration by the Executive Committee in accordance with the Budget and Policy Framework Rules or the Overview and Scrutiny Procedure Rules set out in Parts 9 and 11 of this Constitution);

d. consideration of minutes and/or reports from the Overview & Scrutiny Committee;

e. matters set out in the agenda for the meeting in accordance with paragraph 9 below.

## 9. Items for consideration by the Executive Committee

9.1 The Leader may put on the agenda of any Executive Committee meeting any matter which s/he wishes whether or not it relates to a Executive Committee function. The Chief Executive will comply with the Leader's requests in this respect.

9.2 Any member of the Executive Committee may require the Chief Executive to place an item on the agenda of the next available Executive Committee meeting for consideration.

9.3 The Council may require the Chief Executive to place on the agenda of the next available Executive Committee meeting an item for consideration.

9.4 The Overview and Scrutiny Committee may require the Chief Executive to place on the agenda of the next available Executive Committee meeting an item for consideration.

9.5 The Audit and Governance Committee may require the Chief Executive to place on the agenda of the next available Executive Committee meeting an item for consideration.

9.6 A Councillor (who is not a member of the Executive Committee) may request the Leader to place an item on the agenda of the next available meeting of the Executive Committee for consideration and the Leader will decide whether the item should be placed on the agenda. In exercising his discretion the Leader should not act unreasonably and, if refused, reasons for his decision must be given in writing to the Councillor concerned. The Notice of Meeting will give the name of the Councillor who requested the consideration of the item.

9.7 The Monitoring Officer and/or Section 151 Officer may include an item for consideration on the agenda of a meeting of the Executive Committee and may require the Chief Executive to call such a meeting in pursuance of their statutory duties.

9.8 If any two of the Chief Executive, the Section 151 Officer and the Monitoring Officer are of the opinion that a meeting of the Executive Committee needs to consider a matter that requires a decision they may jointly include an item on the agenda of the next available meeting of the Executive Committee.

If necessary, they may also require that a meeting of the Executive Committee be specially convened for consideration of the matter.

9.9 The Chief Executive may place on the agenda of the next available meeting of the Executive Committee an item to consider a report of a Chief Officer of the Council.

9.10 The Executive Committee will consider all reports and recommendations presented by the Overview and Scrutiny Committee and will provide the Committee with a response.

9.11 An Overview and Scrutiny report which includes one or more proposals which would require a departure from the Budget and Policy Framework will be considered in the first instance by the Executive Committee. The Executive Committee will decide whether to recommend to the Council that those proposals be implemented. If the Executive Committee decides not to recommend to Council that those proposals be implemented, its decision, together with the reasons for that decision, shall be reported back to the Overview & Scrutiny Committee.

## 10. Urgent Items

When there is a need to consider items of urgent business which are not on the formal agenda, the Councillor or Officer wishing to raise the same shall before the start of the meeting discuss the matter with the Leader who will consult the Monitoring Officer and/or the Chief Executive. The Leader's decision shall be conclusive.

## 11. Voting

11.1 Any matter will be decided by a simple majority of those present in the room at the time the question was put.

11.2 If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

11.3 Each item of business requiring a decision by the Executive Committee will be moved and seconded before the vote is taken.

## 12. Disturbance by the Public

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

## 13. Minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting.

## 14. Publication of Executive Committee Decisions

14.1 Decisions made by the Executive Committee shall be published by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. All Councillors will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

14.2 Those records, which will take the form of the minutes of a meeting of the Executive Committee, will bear the date on which they are published and will specify that the decisions will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decisions, unless three members of the Council object to them and call them in.

## 15. Exclusion of the Call-In Process

15.1 The call-in procedure set out in the Overview and Scrutiny Procedure Rules in Part 11 of this Constitution shall not apply where the decision being taken by the Executive Committee is urgent.

15.2 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 interests.

15.3 The record of the decision and notice by which it is made public shall state whether in the opinion of the decision-making body, the decision is an urgent one, and therefore not subject to call-in. In such circumstances, the Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

In the absence of the Mayor, the Deputy Mayor’s consent shall be required. In the absence of both, the Chief Executive or his/her nominee’s consent shall be required.

15.4 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

## 16. PUBLIC INVOLVEMENT IN EXECUTIVE COMMITTEE MEETINGS

### Public Speaking

16.1 Public speaking shall be permitted at meetings of the Executive Committee in terms of Questions to the Leader, Petitions and Deputations in relation to matters which fall within the Terms of Reference of the Committee, subject to the further considerations detailed below.

16.2 For the purpose of avoiding potential conflict of interest, other than in exceptional circumstances, which shall be determined by the Chief Executive Officer, in consultation with the Executive Leader, no Public Involvement shall be permitted at any 'exceptional' meeting of the Executive Committee, such as the Budget-setting meeting in February each year, other one-off extraordinary meetings of the Committee (unless called specifically for the purpose of considering such Petition or Deputation), or meetings which fall within a formal Election period.

Petitions shall be presented, and deputations shall be received, in the order in which notice of them is received by the Proper Officer.

### Questions on notice

16.3 Subject to Rule 16.4, a member of the Public may ask the Executive Leader a question on any matter in relation to which the Executive Committee or any sub-committee has powers or duties.

The Leader may, if appropriate, refer it to another member for answer.

16.4 A member of the public may only ask a question under Rule 16.3 if either:

(a) s/he has given at least **5** clear working days' notice of the question to the Monitoring Officer; or

(b) if the question relates to urgent matters, he/she has the consent of the Leader and the content of the question is given to the Chief Executive not less than 2 hours before the start of the meeting.

### Questions which may not be asked

16.5 The Chief Executive may reject a question

(a) if it is not about a matter for which the Executive Committee has responsibility;

(b) is defamatory; frivolous or offensive;

(c) is substantially the same as a question which has been put at a meeting of the Committee in the past six months; or

(d) the question could more appropriately be dealt with by an officer.

**Reading the question at the meeting**

16.6 The question will be read out at the meeting by the person who has asked the question or by another person on his/her behalf. Alternatively, reference may be made to the Question as detailed in the agenda / in printed form.

**Response**

16.7 An answer may take the form of:

(a) a direct oral answer;

(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.

**Supplementary question**

16.8 A person asking a question under Rule 16.2 may, without notice, ask the Leader one supplementary question. The supplementary question must arise directly out of the original question or the reply.

**Time limit for questions**

16.9 At any meeting not more than 5 minutes per question, and 15 minutes in total, shall be devoted by the Council to the asking and answering of questions under this rule, provided that the Mayor may at his or her discretion extend the time if the Mayor and the majority of those present agree. Any questions remaining unanswered shall (unless the member who gave notice of the question has indicated that it may be answered in writing) be dealt with at the next ordinary meeting of the Council, in the order in which they would have been dealt with at the original meeting.

### Presentation of Petitions at Executive Committee Meetings

16.10 Petitions may be presented at a meeting of the Executive Committee in accordance with the Council's Petitions Protocol.

16.11 Petitions may be considered in conjunction with the Committee's arrangements for Deputations, detailed separately below.

Unless the Leader, as Chair, decides otherwise, not more than 15 minutes will be allowed to deal with all Petitions presented at a given Committee meeting.

### Hearing of Deputations

16.12 Any person may ask that a deputation be received by a meeting of the Committee. Such a request shall be made to the Chief Executive at least **9** clear working days before the meeting. The person making the request shall indicate the matter to which the request relates, the number (which shall not be more than five), of names and addresses of the persons who will form the deputation, and the member or members of the deputation who will speak for them.

16.13 On being called by the Chair, the person or persons speaking for the deputation may make such remarks as he/she/they think fit (provided that the remarks shall relate to the matter indicated when the request was made, and that the remarks do not constitute a personal attack upon any person). The person or persons speaking for the deputation shall be heard in silence.

16.14 Committee members may ask questions to the members of the deputation. Such questions shall be asked and answered without discussion.

Unless the Chair decides otherwise, not more than 15 minutes will be allowed to deal with all Deputations at a given Committee meeting.