

EXECUTIVE PROCEDURE RULES

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1. HOW DOES THE CABINET OPERATE?

1.1 Who may make executive decisions?

The Leader may discharge any functions which are the responsibility of the executive, or he/she may provide for executive functions to be discharged by:

- (i) the Cabinet as a whole;
- (ii) an individual Cabinet Member;
- (iii) a committee of the Cabinet;
- (iv) an officer (see Part 3: Responsibility for Functions, of the Constitution);
- (v) an area committee;
- (vi) joint arrangements; or
- (vii) another local authority.

1.2 Appointments and Delegation by the Leader

- (a) At the annual meeting of the Council the Leader will present to the Council the names, addresses and wards of the Members appointed to the Cabinet, including the Member appointed as Deputy Leader, by the Leader..
- (b) The Leader may remove a Cabinet Member or the Deputy Leader from office. To do so the Leader must give written notice to the Chief Executive in accordance with Article 7 of this Constitution. The removal will take effect two working days after the receipt of the notice by the Chief Executive. The Head of Democratic and Partnership Services will report this to the next ordinary meeting of the Council.
- (c) At the annual meeting of the Council the Leader will also present to the Council a written record of delegations made by him/her for inclusion in the Responsibility for Functions: Executive Functions and the Officer Delegation Scheme at Part 3 of this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:
 - the extent of authority delegated to the Cabinet as a whole;

- the extent of any authority delegated to individual Cabinet Members including details of any limitations on their authority;
- the terms of reference and constitution of any Cabinet committee appointed by the Leader and the names of the Cabinet Members appointed to them;
- the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint committees for the coming year; and
- the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub delegation of Executive Functions

Subject to any statutory provisions about the discharge of functions to area committees, by another local authority, or the joint exercise of functions:

- (i) if the Leader delegates functions to the Cabinet, then unless the Leader directs otherwise, the Cabinet may delegate further to a Cabinet committee or an officer;
- (ii) if the Leader delegates functions to a Cabinet Member, then unless the Leader directs otherwise, the Cabinet Member may delegate further to an officer;
- (iii) if the Leader delegates functions to a Cabinet committee, then unless the Leader directs otherwise, the committee may delegate further to an officer.

Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

1.4 The Council's scheme of delegation and executive functions

- (a) Subject to (b) below 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.

- (b) The Leader may amend the scheme of delegation relating to executive functions at any time during the year. To do so the Leader must give written notice to the Chief Executive and to the person, body or committee concerned. The amendment will take effect two working days after the receipt of the notice by the Chief Executive. The notice must set out the extent of the amendment and whether it entails the withdrawal of delegation from any person, body or committee or the Cabinet as a whole. The Head of Democratic and Partnership Services will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader, and will incorporate the changes in the Responsibility for Functions: Executive Functions and the Officer Delegation Scheme, as appropriate, at Part 3 of this Constitution.
- (c) Where the Leader seeks to withdraw delegation from a Cabinet committee, notice will be deemed to be served on that committee when the Leader has served it on the committee chair.

1.5 Conflicts of Interest

- (a) 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 Part 5 of this Constitution.
- (b) 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.
- (c) If the exercise of an executive function has been delegated to a committee of Cabinet or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the Cabinet and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6 Cabinet meetings – when and where?

- (a) The Cabinet will meet in accordance with the programme of meetings agreed by the Leader.
- (b) In addition the Leader (or in his/her absence, the Deputy Leader) may require the Head of Democratic and Partnership Services to call a meeting at any time.
- (c) Three members of the Cabinet may require in writing to the Head of Democratic and Partnership Services to call a meeting and must specify the business to be considered.

- (d) The Cabinet shall meet at the Town Hall, Halifax or another location to be agreed by the Leader.

1.7 Public or private meetings of Cabinet

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public or private meetings. Other meetings of the Cabinet will be in public.

1.8 Quorum

The quorum for a meeting of the Cabinet shall be 4 members and for a committee of it the quorum shall be 2 members.

1.9 How are decisions to be taken by the Cabinet?

- (a) Executive decisions which have been delegated to the Cabinet will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.
- (c) See Budget and Policy Framework Procedure Rule 6 at Part 4 of this Constitution for urgent decisions outside of the budget and policy framework.

2. HOW ARE THE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader will preside. Otherwise, a person appointed to do so by the Leader shall preside, and if no such appointment is made, those present at the meeting shall decide who should preside.

2.2 Who may attend?

- (a) Members of the public may attend all meetings in accordance with the Access to Information Rules in Part 4 of this Constitution. Members of the Council shall be entitled to remain in meetings when the public have been excluded.
- (b) It be at the discretion of the Chair to allow a Member of the Council to address the meeting where a request to do so is made to the Chair prior to the commencement of the meeting.
- (c) A Ward Councillor shall be entitled to address the meeting for up to five minutes where prior notice has been given to the Chair and the item is one which has been specifically identified on the report as affecting that Member's Ward.

2.3 What business?

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

- (i) declarations of interest, if any;
- (ii) consideration of whether the public should be excluded for any item of business;
- (iii) consideration of the minutes of the last meeting as a correct record;
- (iv) matters referred to the Cabinet (whether by a Scrutiny Panel or by the Council) for reconsideration by the Cabinet 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;
- (v) consideration of reports from Scrutiny Panels; and
- (vi) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance

with the Access to Information Procedure rules set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the Cabinet on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Panels, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Cabinet agenda?

The Leader will decide upon the items of business to be included in the agenda for each meeting of the Cabinet.

The Head of Democratic and Partnership Services will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a Scrutiny Panel or the full Council have resolved that an item be considered by the Cabinet.

Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered and the Councillor will be invited to attend and will be allowed to address the meeting.

The monitoring officer and/or the chief financial officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Head of Democratic and Partnership Services to call such a meeting in pursuance of their duties under Sections 5 and 5A of the Local Government and Housing Act 1989 (Monitoring Officer) and Sections 114 to 116 of the Local Government Finance Act 1988 (Chief Finance Officer). In other circumstances, where the Chief Executive is of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, he/she may include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then he/she may also require that a meeting be convened at which the matter will be considered.

2.6 Voting

- (a) All decisions of the Cabinet shall be arrived at by a majority of votes taken by a show of hands. The person chairing the meeting shall have a second or casting vote in the case of an equality of votes.
- (b) Four Members may request that the names of those voting for and against any decision and those abstaining shall be recorded.
- (c) Any Member may request that their vote (for or against) or their abstention shall be recorded.

2.7 Motions and Amendments

- (a) A motion or an amendment shall not be considered unless it has been proposed and seconded.
- (b) An amendment shall be relevant to the motion on which it is moved. Only one amendment shall be moved and discussed at a time and no other amendment shall be moved until the original amendment has been voted on.
- (c) A motion or an amendment may be either altered or withdrawn by the mover with the consent of the Cabinet.

2.8 Disorderly Conduct

If any Member of the Council or member of the public persistently disregards the ruling of the person chairing the meeting by behaving improperly or offensively or deliberately obstructs the business of the meeting, the person chairing the meeting may direct that person or those persons leave the meeting or that the meeting be adjourned for a specified period.

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