

## Executive Procedure Rules

### 1. **HOW DOES THE EXECUTIVE OPERATE?**

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

The arrangements for the discharge of executive functions **as determined by the Leader are set out in Part 3 of this Constitution adopted by the Council. Those arrangements may provide for executive functions to be delegated to or to be discharged by:**

- (i) the Cabinet as a whole;
- (ii) a committee of the Cabinet;
- (iii) an individual member of the Cabinet;
- (iv) an officer;
- (v) an area committee (if established);
- (vi) joint arrangements; or
- (vii) another local authority.

#### 1.2 **Arrangements for the discharge of executive functions**

**The Council at its Annual Meeting will note the arrangements as determined by the Leader for the discharge of executive functions and the delegation of those functions as provided in 1.1 above.**

#### 1.3 **Changes to arrangements for the discharge of executive functions**

**The Leader may submit a report to a meeting of the Council at any time containing proposed changes to the arrangements for the discharge of executive functions for inclusion in the Council's Scheme of Delegation at Part 3 to this Constitution.**

#### 1.4 **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 a Cabinet function has been delegated to a committee of the Cabinet, an individual 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 Part 5 of this Constitution.

## 1.5 Cabinet meetings – when and where

The Cabinet will meet at least 6 times per year at times to be agreed by the Council and published in the Council calendar. The Cabinet shall meet at the Council's main offices or another location to be agreed by the **Leader**. Extraordinary meetings shall be agreed by the **Leader**.

**In the absence of any Cabinet Member or where he/she is unable to act, a designated Cabinet Member is able, with the Leader's consent, to act on behalf of that Cabinet Member.**

## 1.6 Meetings of the Cabinet

Meetings of the Cabinet will always be held in public, and wherever possible notice of at least five clear days of meetings will be given by posting details of the meeting at St Albans, Civic Centre.

## 1.7 Quorum

The quorum for a meeting of the Cabinet, or a committee of it, shall be one quarter of the total number of members of the Cabinet including the Chair, or 3, including the Chair, whichever is the larger.

## 1.8 How are decisions to be taken by the Cabinet?

- (a) Cabinet decisions which have been delegated 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.
- (b) Where Cabinet decisions are delegated to a committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.
- (c) No decision will be taken by the Cabinet unless at least one Officer is present at the meeting to record that decision.

## 2. HOW ARE CABINET MEETINGS CONDUCTED?

### 2.1 Who presides?

If the **Leader** is present he/she will preside. In his/her absence, **the Deputy Leader** shall preside. **In the absence of the Leader and Deputy Leader, a person will be appointed to preside from amongst those present.**

### 2.2 Who may attend?

See Access to Information Rules in Part 4.

### 2.3 What 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 an Overview and Scrutiny Committee 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;
- (iv) consideration of reports from Overview and Scrutiny Committees and, where invited to do so, to receive an explanation by a Chair or representative from an Overview and Scrutiny Committee of a decision taken by that Committee; and
- (v) 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 from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, 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?

- (a) The **Leader** will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a committee of it or any member or officer in respect of that matter. The Chief Executive, as proper officer will comply with the **Leader's** requests in this respect.
- (b) Any member of the Cabinet may require the Chief Executive, as proper officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration **and if the Leader agrees with the request the Chief Executive** will comply.
- (c) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Overview and Scrutiny Committees.
- (d) 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. This individual will be invited to attend the meeting. However, there may only be up to 3 such items per Cabinet meeting **unless the Leader decides otherwise**.
- (e) The Section 151 officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive, as proper officer, to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Chief **Finance** Officer and Monitoring Officer are of the opinion that a meeting of the

Cabinet needs to be called to consider a matter that requires a decision, they may jointly 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 the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered. The Monitoring Officer will monitor the operations of the Cabinet and make proposals to the Annual Council for review if necessary.

- (f) The Cabinet shall submit a report to the Annual Council on its work during the previous year.

### **3. TIME AND DURATION OF MEETINGS**

All meetings of the Cabinet except meetings where the agenda states a different time, will commence at 7.00pm.

#### **3.1 Termination of meeting**

If the business of the meeting has not been concluded by 10.45pm, unless the meeting has been extended in accordance with Rule 3.2 below, the Chair must interrupt the meeting and call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion. Any business remaining will be deferred automatically until the next meeting.

#### **3.2 Extension of meeting**

The meeting may be extended for a period to be determined by Members present by means of a simple majority vote in favour of extension.

### **4. VOTING**

#### **4.1 Majority**

Any matter shall be decided by a simple majority of those members voting and present in the room at the time the question is put.

#### **4.2 Chair's casting vote**

If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

#### **4.3 Show of hands**

The Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

#### **4.4 Voting on appointments**

If there are more than two people 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.

#### **4.5 Right to require a vote to be recorded**

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

**5. DISTURBANCE BY PUBLIC**

**5.1 Removal of member of the 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.

**5.2 Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

**6. MEMBERS' CONDUCT**

**6.1 Member not to be heard further**

If a member persistently disregards the ruling of the **Chair** by behaving improperly or offensively or deliberately obstructs business, the **Chair** may move that the member be not heard further. The motion will be voted on without discussion.

**6.2 Member to leave the meeting**

If the member continues to behave improperly after such a motion is carried, the **Chair** may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. The motion will be voted on without discussion.