

# 4C Executive Procedure Rules

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## 1. Application of these Rules

These Rules apply to the Executive and meetings of the Executive (being either a meeting of a number of Members of the Executive or the Leader when taking a Key Decision by way of a Portfolio Holder Meeting). Some Rules also apply to a Member meeting alone.

## 2. Executive Decisions

2.1 Executive functions may be exercised by:

- (a) the Executive as a whole;
- (b) a Committee or sub-committee of the Executive
- (c) an individual Member of the Executive
- (d) an officer;
- (e) an arrangement with another authority for the discharge of functions.

2.2 A Key Decision may not be taken by an individual Member of the Executive unless either it has been delegated to an individual Member of the Executive in accordance with Rule 12.2 or it is a Key Decision on an urgent matter and is taken in accordance with rules set out in the Appendix to the Executive Procedure Rules.

2.3 Definition of Executive Meeting

An Executive meeting shall include:

- (a) a meeting open to all Members of the Executive.
- (b) committee or sub-committee of the Executive.
- (c) An individual Member of the Executive (Portfolio Holder) when making Key Decisions.

## 3. Delegation by the Executive

3.1 The Leader or, in the absence of the Leader, the Deputy Leader will present to the Council a written record of delegations (portfolio holders terms of reference) made by them at the Annual Meeting of the Council for inclusion in the Allocation of Responsibilities (set out elsewhere in this Constitution).

3.2 The document presented by the Leader or, in the absence of the Leader, the Deputy Leader must contain the following information relating to Executive functions in the ensuing Municipal Year:

- (a) the name of the Executive Member who will serve as Deputy Leader;
- (b) the names of the Councillors appointed to the Executive;
- (c) the nature of the Portfolios to be held by each Executive Member;
- (d) the extent of any authority delegated to those Executive Members individually, including details of the limitation on their authority;
- (e) the nature and extent of any deputising arrangements within the Executive;
- (f) any changes to the terms of reference and constitution of the Executive Committees or Executive Sub-committees and the names of the Executive Members appointed to them;
- (g) any changes to the nature and extent of any delegation of Executive functions to any other authority or any arrangements with another authority for the discharge of functions and the names of those Executive Members appointed to any joint committee for the coming year;

- (h) any changes to the nature and extent of any delegation of Executive functions to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

In an election year the documents referred to in 3.2 above may be presented by the Leader or, in the absence of the Leader, the Deputy Leader to the first Council meeting following the Annual Meeting. This may be a special meeting convened for the purpose.

## 4. Sub-delegation of Executive Functions

The Executive, or an individual Member of the Executive, may delegate functions for which they are responsible only to the extent permitted within the Allocation of Responsibilities in the Constitution.

## 5. The Council's Allocation of Responsibilities and Executive Functions

- 5.1 The Council will approve a Scheme of Delegations or Allocation of Responsibilities, and may amend it at any time by resolution, but will normally undertake any revision at its annual meeting. However, in years where whole Borough elections are held, notification of the Scheme of Delegation or Allocation of Responsibilities may be presented at the next Council meeting after the Annual Meeting.
- 5.2 The Executive, or individual Member of the Executive exercising functions by virtue of the Scheme of Delegation or Allocation of Responsibilities, may make proposals for changes to the Scheme of Delegation or Allocation of Executive responsibilities, but any such proposals must be agreed by the Leader and reported to the next available Council meeting.

## 6. Cabinet Assistants

The Leader may appoint up to five non-executive members of Cabinet in an advisory and consultative capacity. These appointees may speak but not vote on items before Cabinet in private and public meetings and have commensurate access to documents as full Cabinet Members except for draft Cabinet reports which will be restricted to Portfolio Holders.

## 7. Conflicts of Interest

- 7.1 If an individual Member of the Executive has a conflict of interest or if every Member has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members of this Constitution.
- 7.2 If the exercise of an Executive function has been delegated to an individual Portfolio Holder and a conflict of interest arises, then the function may be exercised, by the Leader or Deputy Leader. In the case where an officer is unable to take a delegated decision due to a conflict of interest, and no scheme exists within the department which allows referral of that decision to another appropriate officer, that decision will be referred to the relevant Portfolio Holder, or the Leader or Deputy Leader.
- 7.3 If a conflict of interest arises for the Leader or Deputy Leader where the decision would have been referred to them, then that decision may be referred to Cabinet.

## 8. Urgent Business

Urgent Business may only be considered where:

- 8.1 the Access to Information Procedure Rules of the Constitution have been complied with; or
- 8.2 a Member of the Executive or any Statutory Officer has requested that an item is placed on the agenda for 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.

## 9. Executive Meetings

Time, place and changes to meetings

- 9.1 The Executive will meet usually at 7pm on the days set in the Council calendar. The Executive will meet usually at Hounslow House, 7 Bath Road, Hounslow, TW3 3EB, but it may meet elsewhere if appropriate, and provided notification is given on the agenda for the meeting.
- 9.2 The Leader or, in the absence of the Leader, the Deputy Leader may convene additional meetings of the Executive, provided that the requirements of the Access to Information Procedure Rules of this Constitution are complied with.
- 9.3 The date and time and location of a meeting of the Executive may be changed by the Leader or, in the absence of the Leader, the Deputy Leader upon giving five clear working days' notice.

## 10. Special Meetings

Those listed below may request the Monitoring Officer (as Proper Officer) to call Executive meetings in addition to ordinary scheduled meetings:

- (a) the Executive by resolution;
- (b) the Leader of the Council;
- (c) the Monitoring Officer (where the Proper Officer is not also the Monitoring Officer); or Chief Financial Officer;
- (d) at least one-third of the Members of the Executive, if they have signed a requisition presented to the Leader of the Council and they have refused to call a meeting or has failed to call a meeting within five clear working days of the presentation of the requisition.

If not otherwise already specified by resolution or by the Chair, the date, time and location and place of special meetings will be set by the Monitoring Officer.

The Monitoring Officer must give public notice of the time and place of a public meeting, at least 5 clear days before the meeting or where the meeting is convened at shorter notice, at the time the meeting is convened.

Where a meeting is convened at short notice, no item of business shall be considered unless a copy of the agenda including the item of business has been available for inspection by the public from the time that the agenda for the meeting was sent to members.

## 11. Business

Business at special meetings of the Executive shall be restricted to any item of business specified by the Executive, Leader, Monitoring Officer or Chief Financial Officer when calling the meeting or specified in the requisition presented by at least one-third of the Members of the Executive.

Business at the same special meeting may be added to the agenda subject to the agreement of the Monitoring Officer following consultation with the Leader of the Council and the leader(s) of the Opposition Group(s), stating reasons for urgency.

## 12. Meetings of the Executive to be held in Public

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

## 13. Quorum

The quorum for a meeting of the Executive shall be a minimum of three.

## 14. Procedure for Decision Making by the Executive

- 14.1 Executive decisions taken by the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules of this Constitution.
- 14.2 Where Executive Key Decisions are delegated to individual Executive Members in accordance with these rules, those decisions shall be taken in accordance with the Access to Information Procedure Rules of this Constitution.

## 15. Conduct of Executive Meetings

Chair of the Executive

- 15.1 At a meeting of the whole Executive the Leader shall preside if they are present. In the absence of the Leader, the Deputy Leader shall preside.
- 15.2 If after 15 minutes since the identified start time of the meeting neither the Leader nor the Deputy Leader are present then the meeting shall elect a Chair for that meeting as its first order of business.

Where the Leader and Deputy Leader have both submitted apologies in advance of the meeting to the Monitoring Officer then, without the delay mentioned above, the first order of business shall be to elect a Chair for the meeting.

## 16. Attendance at Executive Meetings

- 16.1** Non-Executive Members of the Council, members of the public and press may attend all meetings of the Executive, subject to Rule 10 above.
- 16.2** The Cabinet Assistants may attend meetings of the Cabinet, but they may not vote and are not part of the Cabinet.
- 16.3** The Head of Paid Service, Chief Finance Officer and the Monitoring Officer should normally be present at all meetings. Other officers of the Council may attend meetings as appropriate and as arranged by the Head of Paid Service and Corporate Directors.

## 17. Petitions

The council has a petition scheme and this will be followed in relation to petitions which are referred to Cabinet as part of the scheme.

## 18. The Business of Meetings

At each meeting of the Executive, the following business will be conducted where appropriate:

- (a) Apologies;
- (b) the signing of the minutes of the last meeting by the Chair;
- (c) declarations of interest and any dispensations granted by the Monitoring Officer following the direction given by the Standards Committee (if any); and any declarations of a 'conflict of interest'.
- (d) matters referred to the Executive (whether by the Overview and Scrutiny Call-in sub-committee 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 of this Constitution.
- (e) consideration of reports from the Overview and Scrutiny Committee or Scrutiny sub-committees;
- (f) consideration of proposals for the budget and policy framework, prior to making decisions on them;
- (g) other matters set out in the agenda for the meeting,
- (h) Reports of statutory officers, if any,
- (i) Matters referred to the Cabinet under these rules.

## 19. Decisions to be taken only on a report

- 19.1** The Executive, Executive Committee or an individual Executive decision-taker, may only take a decision upon consideration of a written report from the relevant officer of the Council.
- 19.2** Reports from officers will follow a standard format including the following statutory requirements:
- (a) Observations of the Chief Financial Officer
  - (b) Observations of the Monitoring Officer
  - (c) Details of background papers
  - (d) Reasons for Recommendation
  - (e) Options Considered and Rejected

- (f) List of Background Papers (if any) which will be published on the website and made available to the public.

## 20. Who may speak at Executive Meetings

- 20.1** The Cabinet Assistants may speak on items at Cabinet in Private or Public meetings.
- 20.2** A Member of the Council who is not an Executive Member may only speak if invited to do so by the Chair and with the agreement of the Executive.

## 21. Executive Agenda

- 21.1** The Leader or any Member of the Executive may require the Monitoring Officer to ensure that an item is placed on the agenda of the next available Executive meeting. The Monitoring Officer must comply with such a request.
- 21.2** The Monitoring Officer will ensure that an item is placed on the agenda of the next available meeting of the Executive in accordance with the Access to Information Procedure Rules if the Call-In sub-committee or if the full Council has resolved that an item must be reconsidered by the Executive.
- 21.3** The Monitoring Officer and Chief Financial Officer may include an item for consideration on the agenda of an Executive meeting and/or may call or be required to call a meeting in pursuance of their statutory duties. In other circumstances, where both the Chief Financial Officer and the Monitoring Officer are of the opinion that an Executive meeting needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive within an appropriate timescale to deal with the issue in question, then they may also require that a meeting be convened at which the matter will be considered.

## 22. Voting Procedure

The Executive will decide all matters before it on a collective basis except where dissent is recorded by Members, by simple majority. The Chair will have a casting vote.

- 22.1** The Cabinet Assistants may not vote on items before any meeting of the Cabinet.
- 22.2** Individual recorded vote and explanation for vote
- 22.3** If immediately before the vote is taken, any Member present at the meeting requests that his or her vote be recorded as voting for or against or not voting, it shall be so recorded in the minutes.
- 22.4** A recording of a vote or abstention in the minutes of the meeting shall be made without explanation save that in cases where it is necessary for the avoidance of ambiguity a brief note may be added at the Member's request explaining that Member's reason for voting or not voting.
- 22.5** Voting on Appointments
- If the Executive is required to make an appointment to a position and there are more than two people nominated for that position and of the votes given there is not a majority in favour of one



person, the name of the person having the least numbers of votes shall be disregarded and a fresh vote shall be taken and so on until a majority of votes is given to one person.

## 23. Guillotine

**23.1** Meetings of the Executive will last not longer than two and half hours after they start, and should not normally extend beyond 11pm, except in exceptional circumstances as determined under Rule 21.2 below, it may be extended.

## 24. Varying the Closure Time

A meeting of the Executive shall terminate in the manner set out in Rule 23 unless:

- 24.1** Unless the business of the meeting has been completed before the guillotine has been reached; or
- 24.2** by resolution passed before the closure time, the Executive 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 summons; 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.
- 24.3** For the avoidance of doubt, a meeting may use the provisions above more than once in any meeting, provided that the motion to extend the closure time is moved before the time for the closure of the meeting or before the end of the period by which the meeting has already been extended.
- 24.4** In considering whether (a) and (b) above are expedient, the Executive will have regard to not prejudicing third party rights or interests affected by the remaining business on the agenda.
- 24.5** Determining Business Upon Closure

At the time of closure the Chair will advise the Executive 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 Executive (inclusive of recommendations, motions and amendments already moved) shall be put to the vote without discussion or further amendment.

## 25. Key Decisions taken by Portfolio Holders

**25.1** A Key Decision may not be taken by an individual Member of the Executive unless either it has been delegated to an individual Member of the Executive in accordance with the rules in this Constitution or it is a Key Decision on an urgent matter and is taken in accordance with the rules in the Appendix to the Executive Procedure Rules.

**25.2** All Key Decisions to be taken by a Portfolio Holder will follow the Access to Information Procedure Rules of this Constitution.

**25.3** At each meeting, the following business will be conducted:

- (a) declarations of any dispensations granted by the Monitoring Officer or following the direction given by the Audit and Governance Committee and declarations of any conflicts of interest;
- (b) matters referred to the Executive Member (whether by the Call-in Sub-Committee or by the Council) for reconsideration in accordance with the provisions contained in the Overview and Scrutiny Procedure Rule on the Call-In Procedure;
- (c) consideration of reports from the Overview and Scrutiny Committee or Scrutiny sub-committees;
- (d) consideration of items for decision as set out in the agenda for the meeting.

## **26. Who may Speak**

Any Member of the Council may attend a meeting of a Portfolio Holder but may only speak if invited to do so by the Portfolio Holder.

## **27. Implementation of Executive Decisions**

In order to allow for Call-In, no Executive decision 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.

## **28. Confidential and Exempt Business**

- 28.1** All reports, other documents, information, discussions and proceedings of the Executive, or Portfolio Holder or an Advisory Panel or Consultative Forum of the Executive which are marked Exempt under Schedule 12A of the Local Government Act 1972, or Confidential must be treated as such by all Members. Members of the public will not have access to these papers and discussions. Confidential or exempt items will be marked as such and the relevant part of Schedule 12A will be specified on the document. Confidential and/or exempt items will be discussed in 'Part II' of the meeting following a resolution to exclude the press and public.
- 28.2** Executive Meetings and Key Decisions taken by the Leader (Portfolio Holder Decision Meeting) shall be subject to paragraph. 5 (Part 2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Access to Information Procedure Rules set out the requirements for advance notice of any private meeting.
- 28.3** Minutes of the Executive, Advisory Panels, Consultative Forums, Sub Panels and Sub-Forums
- 28.4** Minutes of the Executive, Advisory Panels and Consultative Forums, Sub Panels and Sub Forums shall be published on the Council's intranet and website.
- 28.5** Production of Decision Notices and Minutes for Cabinet Meetings
- 28.6** A Decision Notice will normally be published on the Council's website within two days following the Cabinet Meeting thereby setting/invoking the Call-in period.

## 29. Record of Attendance

All Members present during the whole or part of a meeting should before the conclusion of every meeting, sign their names in the attendance document provided.

## 30. Exclusion of the Public

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in this Constitution or under the rule regarding Disturbance by the Public below.

## 31. Members' Conduct

### 31.1 Precedence of Chair

When the Chair speaks during a debate, any Member of the Executive or Member of the Panel, Forum, Sub-Panel or Sub-Forum speaking at the time must stop speaking. The meeting must be silent.

### 31.2 Member not to be heard further

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 of the Executive or Member of the Panel, Forum, Sub-panel or Sub-forum be not heard further during the consideration of that item of business. If seconded, the motion will be voted on without discussion.

### 31.3 Member to leave the meeting

If the Member of the Executive or Member of the Panel, Forum, Sub-panel or Sub-forum continues to behave improperly after such a motion is carried, the Chair may move that either the Member of the Executive or Member of the Panel, Forum, Sub-panel or Sub-forum leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### 31.4 General disturbance

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

## 32. Disturbance by Public

### 32.1 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.

### 32.2 Clearance of Part of a 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.

### **32.3 Adjournment**

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

**32.4** If it is considered expedient so to do, the Chair with the agreement of the Members present may adjourn the meeting for such duration as is considered appropriate.

## **33. Suspension and Amendment of Executive Procedure and Advisory Panel and Consultative Forum Procedure Rules**

### **33.1 Suspension**

All of these Executive Rules of Procedure (except the rules on Confidential Business, Record of Attendance, Exclusion of the Public, and Suspension and Amendment of Executive Procedure Rules) may be suspended by motion with or without notice if at least one half of all Members of the Executive, a Committee or Sub-committee (or the Advisory Panel or Consultative Forum or Sub-panel or Sub-forum are present and where such motion is carried by a majority of those present. Suspension may be for one or more items of business during the course of the meeting when the suspension is agreed but may not extend beyond that meeting.

### **33.2 Amendment**

Executive Procedure Rules and Advisory Panel and Consultative Forum Procedure Rules may only be changed by the Council.

## **34. Ruling of the Chair on Interpretation of these Rules**

**34.1** The Chair's ruling on the interpretation or application of any of the Executive Procedure Rules is final.

**34.2** The Chair's ruling on the interpretation or application of any of the procedure rules relating to an Advisory Panel and Consultative Forum is final.

## **35. Additional Rules for the Advisory Panels and Consultative Forums of the Executive**

Rules 32 to 42 are specific rules applicable to the Advisory Panels and Consultative Forums established by the Executive. They apply to all Advisory Panels and Consultative Forums unless the Executive approves otherwise.

## **36. Attendance of Members at Advisory Panels and Consultative Forums**

### **36.1 No right to speak**

Any Member of the Council may attend meetings of Panels, Forums, Sub-Panels or Sub-Forums. Subject to the rules below, Members who are not ordinary Members of the Panel,

Forum, Sub-panel or Sub-forum may not speak at meetings unless the Chair of the Panel, Forum, Sub-panel or Sub-forum agrees that they may speak, or, the Councillor has been invited to the Panel, Forum, Sub-panel or Sub-forum to speak.

## **37. Chairing Advisory Panels and Consultative Forums**

### **37.1 Election of a Chair**

If the Executive fails to appoint a Chair for any Panel or Forum then that Panel or Forum shall appoint a Chair as the first item of business at its first meeting following the first meeting of Executive after Annual Council. The Panel or Forum will appoint a Vice Chair.

## **38. Election of Chair of Sub-Panels or Forums**

**38.1** Where any Advisory Panel or Consultative Forum establishes a Sub-panel or Sub-forum the Panel or Forum shall appoint the Chair of the Sub-panel or Sub-forum. If a Panel or Forum fails to appoint a Chair to a Sub-panel or Sub-forum then the Sub-panel or Sub-forum shall appoint a Chair as the first item of business at their first meeting.

**38.2** The Panel, Forum, Sub-panel or Sub-forum shall appoint a Vice Chair at its first meeting following the Annual Council.

## **39. Absence of Chair at Meetings**

**39.1** In the absence of the Chair, the Vice-Chair shall preside.

**39.2** If after 15 minutes from the identified start time of the Panel, Forum, Sub-panel or Sub-forum neither the Chair or Vice-Chair are present then the meeting shall elect a Chair for that meeting as its first order of business.

**39.3** Where the Chair and Vice-Chair have both submitted apologies in advance of the meeting to the Monitoring Officer then, without the delay mentioned above, the first order of business shall be to elect a Chair for the meeting.

## **40. Urgent Business not on the Agenda**

Urgent Business not on the agenda may only be considered where:

**40.1** the Access to Information Procedure Rules in the Constitution have been complied with to permit the consideration of late items of business; or

**40.2** a Member of the Panel, Forum Sub-panel or Sub-forum or any Statutory Officer has requested that an item is placed on the agenda for the meeting at any time before the start of the meeting and the Panel or Forum 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.

## 41. Time and Place of Meetings

- 41.1** Meetings of Panels, Forums, Sub-Panels and Sub-Forums will usually take place at the time and place stated on the agenda for the meeting. The Chair shall have the power to alter the venue, day and time if they believe it to be appropriate for the conduct of the business of the Panel or Forum.
- 41.2** For those Sub-Panels or Sub-Forums not having scheduled meetings, the date, time and place of meetings will be set by the Monitoring Officer after consultation with the Chair of the Sub-Panel or Sub-forum as appropriate.

## 42. Cancellation of Meetings

The Head of Paid Service and or the Monitoring Officer may cancel a meeting of any Panel, Forum Sub-panel or Sub-forum both before and after the agenda for the meeting has been issued subject to consultation with the Chair.

## 43. Calling of Special Meetings

### 43.1 Calling Special Meetings

The Head of Paid Service, Monitoring Officer or Chair may call a special meeting.

### 43.2 Business

Business at special meetings of Panels, Forums, Sub-Panels and Sub-Forums shall be restricted to:

- (a)** the election of a person to preside if the Chair or Vice Chair is absent;
- (b)** any item of business specified by the Panel, Forum, Sub-panel or Sub-forum or Chair when calling the meeting.

## 44. Notice of and Summons to Meetings

The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules set out the Constitution. At least five clear working days before a meeting, the Monitoring Officer will publish an agenda and provide a copy to every Member of the Panel Forum, Sub-panel or Sub-forum. The agenda will give the date, time and place of the meeting and specify the business to be transacted, and be accompanied by all relevant reports.

## 45. Quorum

- 45.1** Subject to the rules below, the quorum of a meeting will be at least one quarter or a minimum of three (whichever is the greater) of the whole number of Council Members of the Panel, Forum, Sub-panel or Sub-forum. Where the membership is three, the quorum will be two.
- 45.2** If, after 15 minutes from the advertised start time of the meeting, or such other longer period as the Chair may decide, a quorum is not present, the meeting will not take place. The Chair may announce the time and date that the meeting will be convened.

**45.3** During any meeting, if the Chair counts the number present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting of the Panel, Forum, Sub-panel or Sub-forum.

## **46. Duration of Meetings**

### **46.1 Commencement and Closure**

Meetings will close 2 and a half hours after the time of the start of the meeting as advertised on the Agenda, except as determined below.

### **46.2 Varying the Closure Time**

Meetings shall terminate in the manner set out above unless:

- (a)** the business of the meeting has been completed before the end of 2 and a half hours after the meeting; or
- (b)** by resolution passed before the closure time, the body resolves to extend the meeting beyond that time.
- (c)** No meeting shall continue beyond 11 pm.

### **46.3 Determining Business Upon Closure**

At the time of closure the Chair will advise the Panel, Forum, Sub-panel or Sub-forum that the procedure to terminate the meeting is to be applied.

Any speech commenced and then in progress shall be concluded.

The Chair will put any motion or recommendation then under consideration to the vote without further discussion.

All remaining business before the Panel, Forum, Sub-panel or Sub-forum, including recommendations, and amendments that have already been moved, shall be put to the vote without discussion or further amendment.

## **47. Petitions**

The council has a Petition Scheme and the process is set out in the relevant Appendix.

## **48. Voting**

### **48.1 Majority**

Unless required by Statute or this Constitution provides otherwise, any matter will be decided by a simple majority of those Members attending in the meeting at the time the question was put.

### **48.2 Chair's Casting Vote**

If there is an equal number 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.

### **48.3 Individual Recorded Vote and Explanation for Vote**

If, immediately before the vote is taken, any Member present at the meeting requests that his or her vote be recorded as voting for or against or not voting, it shall be so recorded in the minutes.

A recording of a vote or abstention in the minutes of the meeting shall be made without explanation save that in cases where it is necessary for the avoidance of ambiguity a brief note may be added at the Member's request explaining that Member's reason for voting or not voting.

### **48.4 Recorded Vote by Roll Call**

If immediately before an ordinary vote is taken three Members present at the meeting demand 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.

### **48.5 Voting on Appointments**

If there are more than two people nominated for any position to be filled by a Advisory Panel, Consultative Forum, Sub-panel or Sub-forum and of the votes given there is not a majority in favour of one person, the name of the person having the least numbers of votes shall be disregarded and a fresh vote shall be taken and so on until a majority of votes is given to one person.



# Appendix to Executive Procedure Rules

## 49. Delegated Powers of Portfolio Holders

### 49.1 Key decisions

A Key Decision may not be taken by an individual Member of the Executive unless either it has been delegated to an individual Member of the Executive in accordance with Rule 12.2 or it is a Key Decision on an urgent matter and is taken in accordance with the rules in this Appendix.

### 49.2 Decision taking by individual Portfolio Holders

Where a non-key decision is to be made, individual Portfolio Holders may take those decisions in the following circumstances:

- (a) Matters the subject of an agreed framework, set by the Executive  
Where the Executive has already set a clear framework for a set of decisions, the Portfolio Holder may take that framework forward into implementation.
- (b) Matters the Subject of Recommendations  
Where matters have been fully considered by an Advisory Panel or by a Consultative Forum and the Panel or Forum have made recommendations to the Executive, the relevant Portfolio Holder may consider the recommendations and take the decision on behalf of the Authority.

This general power is subject to the following conditions:

- (c) A Portfolio Holder shall not take a decision in respect of any matter that is stated in the terms of reference and delegated duties of the Executive (as set out the Constitution) to be the responsibility of the Executive as a whole. All such decisions must be taken at a full meeting of the Executive.
- (d) Full consideration being given by the Portfolio Holder to all reports made to the Advisory Panel or Forum and to the minutes, reasons given and options rejected.
- (e) Consideration being given by the Portfolio Holder of the need for further consultation or information before taking the decision.
- (f) The decision of the Portfolio Holder being taken and recorded in full compliance with the Procedural Rules of the Council and the minutes or records of all decisions being published within two clear working days of receipt from the PH of the decision and published on the Council's website with electronic notification given and no hard copies circulated.
- (g) Where a Portfolio Holder is considering taking a decision, which differs from the recommendation of the Advisory Panel or Consultative Forum, the matter must be referred to the Executive for decision.

### 49.3 Other Matters

Portfolio Holders may also take decisions, which have not been the subject of a recommendation from an Advisory Panel or Consultative Forum (i.e. on a report from an officer of the Council).

This power is subject to:

- (a) The same conditions as those set out above; and
- (b) Where the matter is controversial, or potentially controversial, the Portfolio Holder should refer the matter to the full Executive for decision.

NB The fact that a Portfolio Holder, having considered these rules and guidance, decides to take a decision does not render that decision invalid or improperly taken if the matter is later shown to be the subject of disagreement amongst the Members of the Executive.

#### 49.4 Urgent matters (non-key decisions)

Portfolio Holders may take non-key urgent decisions within their terms of reference, provided the conditions above are satisfied.

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

#### 49.5 Urgent Matters where the Portfolio Holder is not empowered to act (Key Decisions or matters that are outside the Portfolio Holder's terms of reference.)

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, and where a Portfolio Holder is not empowered to act under paragraph (iv) above then:

- (a) The Leader, (or in their absence, the Deputy Leader) may, after consultation with the relevant Portfolio Holder, take the decision.
- (b) 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.
- (c) The decision must be taken in a way that fully complies with the Procedural Rules of the Council and in particular, if relevant, with the rules relating to "key decisions".
- (d) A copy of the decision must be published within two clear working days of the decision and published on the Council's website.
- (e) It should be noted that where a decision is deemed to be urgent, and where the relevant Procedure Rule of 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.

#### 49.6 Temporary Arrangements

In the absence of the Leader, the Deputy Leader may undertake the responsibilities and exercise the delegated powers of the Leader, to the extent permitted by the Constitution. In the absence of a Portfolio Holder the Leader may undertake the responsibilities and exercise the delegated powers of that Portfolio Holder.

If a Portfolio Holder is absent for a continuing period, the Leader may, on a temporary basis, allocate the responsibilities and delegated powers of that Portfolio Holder to one or more other Portfolio Holders. If the Leader makes such an allocation they must at the time notify all Members of Council of the temporary transfer of responsibilities and power and of the likely period of such arrangements.

**None of the delegated powers in Paragraphs 1 to 4 above authorise the taking of a decision, which either by law or by the operation of the Procedural Rules of the Council is required to be taken at a full meeting of Council.**