

# Executive Procedure Rules

## 1. Application of these Rules

1.1 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.

1.2 Rules 1 to 35 apply to the Executive. Rules 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 apply to the Advisory Panels and Consultative Forums of the Council and any Sub-Panels and Sub-Forums established by them as well as to the Executive. Rules 36 to 49 set out additional rules which apply only to the Advisory Panels and Consultative Forums of the Executive. These are currently:

### 1.2.1 Advisory Panels

1.2.1.1 Corporate Parenting

1.2.1.2 Harrow Business Consultative

1.2.1.3 Traffic & Road Safety

1.2.1.4 Major Developments

### 1.2.2 Consultative Forums

1.2.2.1 Employees' Consultative

## 2. Executive Decisions

2.1 Executive functions may be exercised by:

2.1.1 the Executive as a whole;

2.1.2 a Committee or sub-committee of the Executive;

2.1.3 an individual Member of the Executive;

2.1.4 an officer;

2.1.5 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 11.2 or it is a Key Decision on an urgent matter and is taken in accordance with Rule 3 of the Appendix to the Executive Procedure Rules.

### 2.2.1 **Definition of Executive Meeting**

An Executive meeting shall include:

2.2.1.1 a meeting open to all Members of the Executive.

2.2.1.2 a committee or sub-committee of the Executive.

2.2.1.3 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 made by them at the Annual Meeting of the Council for inclusion in the Allocation of Responsibilities (set out in Part 3 of 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:

3.2.1 the name of the Executive Member who will serve as Deputy Leader;

3.2.2 the names and Wards of the Councillors appointed to the Executive;

3.2.3 the nature of the Portfolios to be held by each Executive Member;

3.2.4 the extent of any authority delegated to those Executive Members individually, including details of the limitation on their authority;

3.2.5 the nature and extent of any deputising arrangements within the Executive;

3.2.6 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;

- 3.2.7 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;
- 3.2.8 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;
- 3.3 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**

- 4.1 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 Part 3 of 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.
- 5.3 The Leader may appoint up to two 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.

## **6. Conflicts of Interest**

- 6.1 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 in Part 5A of this Constitution.
- 6.2 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.
- 6.3 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

## **7. Urgent Business**

- 7.1 Urgent business may only be considered where:
- 7.1.1 the Access to Information Procedure Rules in Part 4G of the Constitution have been complied with; or
- 7.1.2 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.

## **8. Executive Meetings**

### **8.1 Time, place and changes to meetings**

- 8.1.1 The Executive will meet at time and place published on the agenda.
- 8.1.2 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 in Part 4G of this Constitution are complied with.

8.1.3 The date and time 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.

## 8.2 **Special Meetings**

8.2.1 Those listed below may request the Monitoring Officer to call Executive meetings in addition to ordinary scheduled meetings:

8.2.1.1 the Executive by resolution;

8.2.1.2 the Leader of the Council;

8.2.1.3 the Monitoring Officer (where the proper officer is not also the Monitoring Officer); or Chief Financial Officer;

8.2.1.4 at least one-third of the Members of the Executive, if they have signed a requisition presented to the Leader of the Council and he/she has refused to call a meeting or has failed to call a meeting within five clear working days of the presentation of the requisition.

8.2.2 The date, time and place of special meetings will be set by the Monitoring Officer of the Council.

8.2.3 The Monitoring Officer must give public notice of the time and place of a public meeting by displaying it at the offices of the relevant local authority and publishing it on that authority's website, if it has one at least 5 clear days before the meeting or where the meeting is convened at shorter notice, at the time the meeting is convened.

8.2.4 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.

## 8.3 **Business**

8.3.1 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.

8.3.2 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.

9. **Meetings of the Executive to be held in Public**

9.1 All meetings of the Executive will be held in public. These meetings will be governed by the Access to Information Procedure Rules in Part 4G 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).

10. **Quorum**

10.1 Subject to Rule 10.2, the quorum for a meeting of the Executive shall be a minimum of three.

10.2 In order for an Executive meeting to be quorate, the Leader or Deputy Leader must be present unless they are precluded from participating in the item of business by reason of a conflict of interest

11. **Procedure for Decision Making by the Executive**

11.1 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 in Part 4G of this Constitution.

11.2 Where Executive Key Decisions are delegated to individual Executive Members in accordance with paragraph 3.2.4, those decisions shall be taken in accordance with the Access to Information Procedure Rules in Part 4G of this Constitution.

11.3 Where Executive Key Decisions are delegated to officers of the Council, those decisions may be taken in private, but notice that the decision will be taken and notification of the decision made must be in accordance with the Access to Information Procedure Rules in Part 4G of this Constitution.

## **12. Conduct of Executive Meetings**

### **12.1 Chair of the Executive**

12.1.1 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. If neither the Leader nor Deputy Leader are present, the meeting shall not proceed unless they are precluded from participating in the item of business by reason of a conflict of interest.

## **13. Attendance at Executive Meetings**

13.1 Non-Executive Members of the Council, members of the public and press may attend all meetings of the Executive, subject to Rule 9 above.

13.2 Non-Executive Members of the Cabinet may attend meetings of the Cabinet.

13.3 The Head of Paid Service, Corporate Directors, 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.

## **14. Petitions**

14.1 The Council has a petition scheme and this will be followed. It can be found at appendix A to Council procedure rules

### **14.2 Notice and consideration of petitions**

14.2.1 There is no need for any advance notice to be given of the wish to present a petition to the Executive.

## **15. Public Questions**

### **15.1 General**

15.1.1 Members of the public may question the Executive and Portfolio Holders at meetings. Questioners will not be allowed to address the Executive generally on a matter, they may only ask questions relating to matters within the terms of reference of the Executive. Questions relating to individual cases and/or matters relating to staffing and conditions of service will not be permitted.

## 15.2 Time limit for questions

15.2.1 There will be a time limit of 15 minutes for the asking and answering of public questions. Once this time limit has been reached no further questions can be asked but a questioner can complete a question or a supplemental question, and the Member can complete a reply. Unless the Chair permits otherwise a reply to a question shall not exceed three minutes. If the Member answering believes that a longer response is necessary an oral summary will be given and a full reply shall be completed in writing.

## 15.3 Order and notice of questions

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

15.3.2 A question may only be asked if notice has been given in writing to the Monitoring Officer at Democratic Services, Harrow Council, Civic Centre, PO Box 2, Harrow, HA1 2UH or [publicquestions@harrow.gov.uk](mailto:publicquestions@harrow.gov.uk) no later than 3.00 pm two clear working days before the day of the meeting. Each question must be submitted by the questioner, identifying their name, address, and where appropriate email address, and give the name of the Member of the Executive to whom it is to be put.

15.3.3 Without prejudicing 15.3.2 above, where a report is circulated after the normal Cabinet agenda despatch by supplemental agenda a question may be asked, if notice has been given in writing to the Monitoring Officer at [publicquestions@harrow.gov.uk](mailto:publicquestions@harrow.gov.uk) no later than **3.00 pm ONE** clear working day before the day of the meeting. Each question must be emailed from the questioner's email address, give the name and address of the questioner and name of the Member of the Executive to whom it is to be put.

15.3.4 Where reports are published after 1 clear working day before the date of the meeting, a question may only be asked subject to the agreement of the Chair of the meeting.

15.3.5 The Member of the Executive to whom any question is put may arrange for another Member of the Executive to answer on his or her behalf.

The Council takes no responsibility for questions which are sent and fail to reach the correct address.



#### **15.4 Number of questions**

15.4.1 At any one meeting no person may submit more than one question. A questioner will be allowed to ask a supplementary question directly relating to the content of the answer given to the written question. The Chair may reject a supplemental question if it falls within any of the categories in Rule 16.5 below.

#### **15.5 Scope of questions**

15.5.1 The Monitoring Officer may reject a question if it:

15.5.1.1 is not about a matter for which the Authority has a responsibility or which does not affect the Borough;

15.5.1.2 would risk defamation of an individual or is frivolous or offensive; or otherwise improper;

15.5.1.3 is substantially the same as a question which has been put at any meeting of the Executive in the last six months; or

15.5.1.4 requires the disclosure of confidential or exempt information.

#### **15.6 Record of public questions**

15.6.1 The Monitoring Officer will send a copy of the question to the Member to whom it is to be put.

15.6.2 Copies of all questions will be circulated to all Members of the Executive, will be made available to the public at the meeting and published on the Council's website after they have been accepted prior to the meeting.

#### **15.7 Asking the question at the meeting**

15.7.1 The Chair will invite the questioner to put the question and will respond to the question unless another Member has been nominated to answer on their behalf.

15.7.2 If a questioner, who has submitted a written question, is unable to be present, they may ask the Chair to put the question on their behalf. The Chair may either:

15.7.2.1 ask the question on the questioner's behalf; or

15.7.2.2 indicate that a written reply will be given; or

15.7.2.3 decide, in the absence of the questioner, that the question will not be dealt with.

## 15.8 **Written answers**

15.8.1 Any question, which cannot be dealt with during public question time because of lack of time, will be dealt with by written answer. A copy of any written answer shall be given to the Monitoring Officer who will send it to the questioner and include in the minutes.

## 15.9 **Reference of a Question to another Body**

15.9.1 Unless the Chair decides otherwise, no discussion will take place on any question, but any Member may propose that a matter raised by a question be referred to an Advisory Panel, Consultative Forum, Portfolio Holder, Committee or sub-committee. Such a proposal will be voted on without discussion.

## 16. **Questions by Members**

### 16.1 **Questions with Notice**

16.1.1 Subject to Rule 16.2, a Councillor may ask a Portfolio Holder (Member of the Executive) a question (which depending on its nature may be dealt with in either public or private session) on any matter in relation to which the Executive has powers or duties. For the avoidance of doubt, a Member is not limited to asking a single substantive question at any one Executive meeting.

16.1.2 A limit of 15 minutes shall be given to the asking and answering of written questions by Councillors under this Rule.

### 16.2 **Notice of Questions**

16.2.1 A Councillor may only ask a question under Rule 16.1 if either:

16.2.1.1 they have submitted such question by 3.00 pm, two clear working days before the day of the meeting in writing, to the Monitoring Officer; or

- 16.2.1.2 without prejudicing 16.1.1 above, where a report is circulated after the normal Cabinet agenda despatch by supplemental agenda a question may be asked, if notice has been given in writing, by fax or by e-mail to the Monitoring Officer no later than **3.00 pm ONE** clear working day before the date of the meeting; or,
- 16.2.1.3 the question relates to urgent matters, and they have the consent of the Portfolio Holder to whom the question is to be put and the content of the question is given to the Monitoring Officer by 12 noon on the day of the meeting.
- 16.2.1.4 Where reports are published after one clear working day before the date of the meeting, a question may only be asked subject to the agreement of the Chair of the meeting.
- 16.2.2 Questions will be asked in the order they are received by the deadline for submission of such to the Monitoring Officer.

### 16.3 **Response**

An answer may be given by the Portfolio Holder whom the question was asked or by another Portfolio Holder as is considered appropriate.

An answer may take the form of:

- 16.3.1 a direct oral answer;
- 16.3.2 where the desired information is a publication of the Council or other published work, a reference to that publication; or
- 16.3.3 where the reply cannot conveniently be given orally, a written answer supplied later to the questioner.

### 16.4 **Supplementary Question**

- 16.4.1 A Councillor asking a question under Rule 16.1 may ask one supplementary question without notice of the Portfolio Holder of whom the first question was asked. The supplemental question must arise directly out of the original question or reply.

## **16.5 Limits to the Length of Questions and Responses**

- 16.5.1 A questioner may only ask one direct question and one supplementary question, in the case of a question from a Councillor and may not seek to address the Executive meeting on any issues arising.
- 16.5.2 A Portfolio Holder giving an answer may speak for no longer than three minutes in replying to that question (two minutes in respect of a supplemental question/answer). If a Portfolio Holder believes that a longer answer is necessary an oral summary will be given and a full reply shall be completed in writing and sent to the questioner and included in the minutes of the meeting. Every question shall be put and answered without discussion.

## **16.6 Invalid Questions**

- 16.6.1 The Chair may, in consultation with the Monitoring Officer, rule out of order questions which in their opinion:
- 16.6.1.1 would risk defamation of an individual or is frivolous or offensive; or otherwise improper; or
  - 16.6.1.2 do not relate to a matter for which the Executive has powers or duties or which does not affect the London Borough of Harrow; or
  - 16.6.1.3 would require the disclosure of confidential or exempt information; or
  - 16.6.1.4 is substantially the same as a question which has been put at any meeting of the Executive in the last six months.

## **17. The Business of Meetings**

- 17.1 At each meeting of the Executive, the following business will be conducted where appropriate:
- 17.2 **Apologies**
- 17.2.1 Approving the minutes of the last meeting;
- 17.2.2 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'.

- 17.2.3 petitions and public questions (if any);
- 17.2.4 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 set out in Part 4 of this Constitution.
- 17.2.5 consideration of reports from the Overview and Scrutiny Committee or Scrutiny sub-committees;
- 17.2.6 consideration of proposals for the budget and policy framework, prior to making decisions on them;
- 17.2.7 consideration of the Key Decision Schedule (KDS);
- 17.2.8 other matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions in accordance with the Access to Information Procedure Rules set out in Part 4G of this Constitution.

## 18. **Reports of statutory officers**

18.1 Matters referred to the Cabinet under Paragraph 22.

### 18.2 **Decisions to be taken only on a report**

18.3 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.

18.4 Reports from officers will follow a standard format including the following statutory requirements:

18.4.1 Observations of the Chief Financial Officer

18.4.2 Observations of the Monitoring Officer

18.4.3 Details of background papers

18.4.4 Reasons for Recommendation

18.4.5 Options Considered and Rejected

18.4.6 List of Background Papers which will be published on the website and made available to the public

## 18.5 **Who may speak at Executive Meetings**

18.5.1 The Non Executive Members of Cabinet may speak on items before the Cabinet in Private or Public meetings.

18.5.2 A Member of the Council who is not an Executive Member and not the Leader of an opposition may only speak if invited to do so by the Chair and with the agreement of the Executive.

## 18.6 **Motions referred to the Executive or Portfolio Holder**

18.6.1 A Member of the Council, who has proposed a motion which has been referred to the Executive or to a Portfolio Holder, shall be given at least five clear working days notice of the meeting at which the motion will be considered by the Monitoring Officer. If the Member attends the meeting but is not a Member of the Executive, and if invited to do so by the Chair and with the agreement of the Executive he or she shall have an opportunity to explain the motion to the Executive or Portfolio Holder.

## 19. **Consultation**

19.1 All reports to the Executive on draft proposals relating to the budget or policy framework must contain details of consultation to be undertaken with stakeholders and relevant Overview and Scrutiny Committee or Scrutiny sub-committees. Final proposals must include details of the outcome of that consultation.

19.2 Reports on other matters must set out the details and outcome of consultation as appropriate to the matter under consideration.

## 20. **Executive Agenda**

20.1 The Leader or any Member of the Executive may request that the Monitoring Officer places an item on the agenda of the next available Executive meeting.

20.2 The Monitoring Officer will place the item 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.

- 20.3 Any non-Executive Member of the Council may request the Leader to put an item on the agenda of an Executive meeting for consideration. If the Leader agrees, the item will be considered in accordance with the Access to Information Procedure Rules at the next available meeting of the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This Councillor will be invited to attend the meeting and may be invited to speak as set out in Rule 20 above.
- 20.4 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.

## 21. **Voting Procedure**

- 21.1 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.
- 21.2 The Non Executive Members of Cabinet may not vote on items before any meeting of the Cabinet.

### 21.3 **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.

## 21.4 **Voting on Appointments**

21.4.1 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.

## 22. **Guillotine**

22.1 Meetings of the Executive will not last longer than 2.5 hours, except as determined under Rule 22.2 below.

### 22.2 **Varying the Closure Time**

22.2.1 A meeting of the Executive shall terminate in the manner set out in Rule 22.3 below unless:

22.2.1.1 the business of the meeting has been completed before the expiry of 2.5 hours; or

22.2.1.2 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.
- (c) No meeting of the executive may continue past 10:30 pm.

22.2.2 For the avoidance of doubt, a meeting may use the provisions within 22.2.1.2(b) 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.



22.2.3 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.

### 22.3 **Determining Business upon Closure**

22.3.1 At the time of closure the Chair will advise the Executive that the procedure to terminate the meeting is to be applied.

22.4 Any speech commenced and then in progress shall be concluded.

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

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.

### 23. **Key Decisions taken by Portfolio Holders**

23.1 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 Rule 11.2 or it is a Key Decision on an urgent matter and is taken in accordance with Rule 3 of the Appendix to the Executive Procedure Rules.

23.2 All Key Decisions to be taken by a Portfolio Holder will follow the Access to Information Procedure Rules in Part 4G of this Constitution.

23.3 At each meeting, the following business will be conducted:

23.3.1 declarations of any dispensations granted by the Monitoring Officer following the direction given by the Standards Committee and declarations of any conflicts of interest;

23.3.2 petitions and public questions, if any;

23.3.3 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;

- 23.3.4 consideration of reports from the Overview and Scrutiny Committee or Scrutiny sub-committees;
- 23.3.5 consideration of items for decision as set out in the agenda for the meeting.

#### 23.4 **Who may speak**

- 23.4.1 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.

#### 24. **Implementation of Executive Decisions**

- 24.1 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 Rule on the Call-In Procedure apply.

#### 25. **Confidential Business**

- 25.1 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.

Executive Meetings and Key Decisions taken by the Leader (PHD 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.

#### 25.2 **Minutes of the Executive, Advisory Panels, Consultative Forums, Sub Panels and Sub-Forums**

- 25.2.1 Minutes of the Executive, Advisory Panels and Consultative Forums, Sub Panels and Sub Forums shall be published on the Council's intranet and website.

### **25.3 Production of Decision Notices and Minutes for Cabinet Meetings**

25.3.1 A Decision Notice will normally be published on the Council's website on the day immediately following the Cabinet Meeting thereby setting/invoking the Call-in period. Minutes of the Cabinet and other Executive Meetings will normally be published within five clear working days of the meeting.

25.3.2 Minutes of the Advisory Panels, Consultative Forums, Sub-Panels and Sub-Forums will normally be published within five clear working days of the meeting.

### **26. Record of Attendance**

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

### **27. Exclusion of the Public**

27.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4G of this Constitution or under Rule 29 (Disturbance by the Public) below.

### **28. Members' Conduct**

#### **28.1 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.

#### **28.2 Member not to be heard further**

28.2.1 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.

### **28.3 Member to leave the meeting**

28.3.1 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.

### **28.4 General disturbance**

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

## **29. Disturbance by Public**

### **29.1 Removal of Member of the Public**

29.1.1 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. (See also 27.1 above)

### **29.2 Clearance of Part of a Meeting Room**

29.2.1 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.

### **29.3 Adjournment**

29.3.1 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.

29.3.2 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.

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

### **30.1 Suspension**

All of these Executive Rules of Procedure except Rules on Confidential Business, Record of Attendance, Exclusion of the Public, Suspension and Amendment of Executive Procedure Rules and Reserving 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.

### **30.2 Amendment**

30.2.1 Executive Procedure Rules and Advisory Panel and Consultative Forum Procedure Rules may only be changed by the Council. (Please see Article 1 regarding amendments to the Constitution).

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

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

31.2 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.

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

32.1 Rules 32 to 49 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.

## **33. Establishment of Advisory Panels and Consultative Forums**

33.1 The Executive, at its first meeting after Annual Council will:

33.1.1 decide which Advisory Panels ('Panels') and Consultative Forums ('Forums') to establish for the Municipal Year;

- 33.1.2 decide the size and terms of reference of those Panels and Forums;
- 33.1.3 decide the allocation of seats (and reserves) to Councillors of each political group in accordance with the rules on political proportionality;
- 33.1.4 appoint a Chair for each Advisory Panel and Consultative Forum for the Municipal Year.
- 33.2 Advisory Panels and Consultative Forums may be appointed by the Executive to assist the Executive by making recommendations on any matters within their terms of reference.
- 33.3 Advisory Panels and Consultative Forums are not Executive meetings as defined in Rule 32 above and may not be given delegated powers in relation to any Executive function of the Authority.
- 33.4 The membership of an Advisory Panel or Consultative Forum may include both Executive and non-Executive Members. The Executive may also appoint non-voting co-opted members to the Advisory Panels and Consultative Forums and they may appoint advisers to assist the work of the Panel or Forum either generally or on specific matters. Advisers will be subject to the Protocol on Co-optees and Advisers and to any other rights or restrictions agreed by the Panel or Forum.
- 33.5 The allocation of seats between political groups on the Advisory Panels and Consultative Forums shall be determined according to the rules on political proportionality.
- 33.6 Advisory Panels shall conduct their business in accordance with these Rules unless the Executive approves otherwise.

#### **34. Appointment of Reserves to Advisory Panels and Consultative Forums**

##### **34.1 Allocation**

- 34.1.1 The Executive will allocate Councillors to Panels and Forums and will allocate seats in the same manner for reserve Councillors.
- 34.1.2 Non-Councillor members and reserves for non-councillor members will be appointed by the Executive in the manner agreed by the Panel or Forum concerned.

## 34.2 **Number**

34.2.1 For each Panel and Forum, the Executive will normally appoint the same number of reserves in respect of each political group as that group holds ordinary seats on that Panel or Forum. A group that has an entitlement to less than three Members may however appoint three reserve Members for the Panel or Forum.

## 34.3 **Powers and Duties**

34.3.1 Reserve Members will have all the powers and duties of any ordinary Member of the Panel or Forum but will not be able to exercise any special powers or duties exercisable by the person for whom they are reserving. The attendance of a Reserve Member shall preclude the attendance of the ordinary Member for whom they are substituting.

## 34.4 **Reserving**

34.4.1 Reserve Members may attend meetings in that capacity only:

34.4.1.1 to take the place of an ordinary Member for whom they are a reserve;

34.4.1.2 where the ordinary Member will be absent for the whole of the meeting;

34.4.1.3 where the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve; and

34.4.1.4 if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

34.4.2 If a reserve member attends the meeting and the meeting is adjourned, then the reserve member must attend both parts of the meeting, otherwise it should be treated as a new meeting.

## 35. **Appointment of Sub-Panels and Forums**

35.1 Advisory Panels and Consultative Forums may establish Sub-Panels and Sub-Forums with such terms of reference and delegated powers, as they

consider necessary for the proper discharge of the functions of the Panel or Forum.

35.2 Advisory Panels and Consultative Forums may appoint ordinary and reserve Members to Sub-Panels and Sub-Forums in accordance with the rules on political proportionality. Advisory Panels and Consultative Forums may also appoint non-voting co-opted members to Sub-Panels and Sub-Forums.

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

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

36.1.1 Any Member of the Council may attend meetings of Panels, Forums, Sub-Panels or Sub-Forums. Subject to 36.2 below, Members who are not ordinary Members or attending reserve Members of the Panel, Forum, Sub-panel or Sub-forum may not speak at meetings unless 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.

### 36.2 **Motions referred to Advisory Panels or Consultative Forums**

36.2.1 A Member of the Council, who has proposed a motion which has been referred to a Panel, Forum, Sub-panel or Sub-forum shall be given at least three clear working days notice by the Monitoring Officer of the meeting at which the motion will be. If the Member attends the meeting but is not a Member of the Panel, Forum, Sub-panel or Sub-forum and if invited to do so by the Chair and with the agreement of the Panel, Forum, Sub-panel or Sub-forum he or she shall have an opportunity to explain the motion to the Panel, Forum, Sub-panel or Sub-forum.

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

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

37.1.1 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 after the notification of Reserve Members at its first available meeting. The Panel or Forum will appoint a Vice Chair.



## **37.2 Election of Chair of Sub-Panels or Forums**

37.2.1 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 after the notification of Reserve Members.

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

## **37.3 Absence of Chair at Meetings**

37.3.1 In the absence of the Chair, the Vice-Chair shall preside.

37.3.2 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 after the notification of Reserve Members.

37.3.3 Where the Chair and Vice-Chair have both submitted apologies in advance of the meeting to the Monitoring Officer then, without the delay mentioned in paragraph 37.3.2, the first order of business after the notification of Reserve Members shall be to elect a Chair for the meeting.

## **38. Business not on the Agenda**

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

38.1.1 the Access to Information Procedure Rules in Part 4G of the Constitution have been complied with to permit the consideration of late items of business; or

38.1.2 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.

## **38.2 Late Reports**

- 38.2.1 If there is a request to add an agenda item to an agenda after the statutory deadline for publication, that item may only be considered if the Chair agrees, subject to consultation with nominated members (if reasonably practicable), by virtue of the special circumstances set out either in the report or on the supplemental agenda, that the item should be considered as a matter of urgency and subject to the Committee agreeing to consider that item of business. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.
- 38.2.2 In the case of meetings of Advisory Panels/Consultative Forums, Sub-Panels and Sub-Forums it shall be the responsibility of the Panel/Forum or Sub-panel/forum to decide, at the start of the meeting, whether an item should be considered as a matter of urgency

## **39. Time and Place of Meetings**

- 39.1 Meetings of Panels, Forums, Sub-Panels and Sub-Forums shall take place at the time and place noted on the agenda for the meeting. Following consultation with the nominated Members of each of the political groups and any other individuals or groups which he or she considers appropriate and compliance with the Access to Information Procedure Rules in Part 4G of the Constitution, the Chair shall have the power to alter the venue, day and time if he/she believes it to be appropriate for the conduct of the business of the Panel or Forum.
- 39.2 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 and nominated Member(s) of the Sub-Panel or Sub-forum.

## **40. Cancellation of Meetings**

- 40.1 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 and Nominated Member(s)

## **41. Calling of Special Meetings**

### **41.1 Calling Special Meetings**

41.1.1 Those listed below may request the Monitoring Officer to call Panel or Forum (sub-panel/sub-forum) meetings in addition to scheduled meetings:

- 41.1.1.1 the Panel, Forum, Sub-panel or Sub-forum by resolution;
- 41.1.1.2 the Chair of the Panel, Forum, Sub-panel or Sub-forum;
- 41.1.1.3 at least one-third of the Members of the Panel, Forum, Sub-panel or Sub-forum, if they have signed a requisition presented to the Chair of the Panel, Forum, Sub-panel or Sub-forum 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;

### **41.2 Business**

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

- 41.2.1.1 the election of a person to preside if the Chair or Vice Chair is absent;
- 41.2.1.2 any item of business specified by the Panel, Forum, Sub-panel or Sub-forum or Chair when calling the meeting;
- 41.2.1.3 any deputations relating to items of business on the agenda which the Chair agrees to hear.

## **42. 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 in Part 4G of the Constitution. At least five clear working days before a meeting, the Monitoring Officer will publish the agenda. 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.

## 43. **Quorum**

- 43.1 Subject to 43.2, 43.3, 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.
- 43.2 The Employees' Consultative Forum includes non-Councillor members. For the meeting to be quorate, it must be attended by a minimum of three Council Members and two trade union representatives from different trade unions.
- 43.3 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.
- 43.4 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.

## 44. **Duration of Meetings**

### 44.1 **Commencement and Closure**

- 44.1.1 Meetings of Panels, Forums, Sub-Panels and Sub-Forums will commence at time specified on the agenda and close 2.5 hours after the start of the meeting.

### 44.2 **Varying the Closure Time**

- 44.2.1 Meetings of Panels, Forums, Sub-Panels and Sub-Forums shall terminate in the manner set out in Rule 44.3 unless:

44.2.1.1 the business of the meeting has been completed before the expiry of 2.5 hours; or

44.2.1.2 by resolution passed before the closure time, the Panel, Forum, Sub-panel or Sub-forum 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 agenda; 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.
- (c) No meeting will continue past 10:30 pm.

44.2.2 For the avoidance of doubt, a meeting may use the provisions within 44.2.1.2 (b) 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.

44.2.3 In considering whether (a) or (b) above are expedient, the Panel, Forum, Sub-panel or Sub-forum must have regard to not prejudicing third party rights or interests affected by the remaining business on the agenda.

#### 44.3 **Determining Business Upon Closure**

44.3.1 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.

44.3.2 Any speech commenced and then in progress shall be concluded.

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

44.3.4 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.

#### 45. **Petitions**

##### 45.1 **Presentation of Petitions**

45.1.1 Petitions relating to a function within the terms of reference of a Panel, Forum, Sub-Panel or Sub-forum shall be presented to the appropriate meeting of the Panel, Forum, Sub-Panel or Sub-forum. If the petitioners request that the petition be presented at a meeting this can be done in the following ways:

- 45.1.1.1 a representative of the petitioners may attend, at the time stated for the start of the meeting, and request to read the petition to the meeting;
  - 45.1.1.2 the petitioners may approach a Councillor and ask the Councillor to read the petition on their behalf;
  - 45.1.1.3 the petitioners may send the petition to the Monitoring Officer who will arrange for the Chair to read the petition.
- 45.1.2 The person presenting the petition may only read the terms of the petition and may not make any further comments. That person will have one minute to read the terms of the petition unless the Chair determines that this time limit should be extended or reduced.

## 45.2 **Notice and Consideration of Petitions**

- 45.2.1 There is no need for any advance notice to be given of the wish to present a petition to a Panel, Forum, Sub-panel or Sub-forum.

## 46. **Deputations**

- 46.1 Any Panel, Forum, Sub-panel or Sub-forum may receive a deputation on any matter appearing on the relevant agenda.
- 46.2 Requests to receive a deputation must be in writing and signed by at least 10 residents or representatives of local organisations or businesses in Harrow. The signatories must clearly state their names and addresses/qualifying business address. The request must explain why a deputation is required.
- 46.3 The request must be given to the Monitoring Officer at least two clear working days before the day of the meeting, although this requirement can be waived by the Panel, Forum Sub-panel or Sub-forum on the grounds of urgency.
- 46.4 The deputation to the meeting must consist of not more than four people. The people nominated to speak should also be signatories to the original written request to make a deputation. All may speak but the total length of the speeches from the deputations must not exceed 10 minutes.
- 46.5 The time allowed for questioning of the deputation by Members will be 10 minutes.

- 46.6 The deputation shall be heard immediately before the relevant item on the agenda. The Chair has complete discretion to move any items that are subject to a deputation on the agenda.
- 46.7 Subject to 46.8 below, Panels, Forums, Sub-Panels or Sub-Forums shall receive no more than two deputations per meeting.
- 46.8 The Traffic Advisory Panel may hear more than two deputations provided they relate to agenda items on the relevant agenda.
- 46.9 No deputation shall be received by a Panel, Forum, Sub-panel or Sub-forum within 6 months after a deputation has appeared before it on the same or a similar subject.
- 46.10 Members of the Council, co-optees and advisers shall not be signatories to, lead or form part of any deputation.
- 46.11 Members of staff may lead or join deputations only in their capacity as local electors and on issues other than those affecting their employment with the Council.

## 47. **Public Questions**

### 47.1 **General**

- 47.1.1 Members of the public may question Chairs of Panels, Forums, Sub-Panels and Sub-Forums at meetings. Questioners will not be allowed to address the Panel, Forum, Sub-panel or Sub-forum generally on a matter, they may only ask questions relating to matters within the terms of reference of the Panel, Forum, Sub-panel or Sub-forum. Questions relating to individual cases and/or matters relating to staffing and conditions of service will not be permitted.

### 47.2 **Time Limit for Questions**

- 47.2.1 There will be a total limit of 15 minutes for the asking and answering of public questions. Once this time limit has been reached, no further questions can be asked but a questioner can complete a question or a supplemental question and the respondent can complete a reply. Unless the Chair permits otherwise, a reply to a question shall not exceed three minutes. If the Member of the Panel, Forum, Sub-panel or Sub-forum answering believes

that a longer response is necessary, an oral summary will be given and a full reply shall be completed in writing.

### **47.3 Order and Notice of Questions**

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

47.3.2 A question may only be asked if notice has been given in writing to the Monitoring Officer at Democratic Services, Harrow Council, Civic Centre, PO Box 2, Harrow, HA1 2UH or [publicquestions@harrow.gov.uk](mailto:publicquestions@harrow.gov.uk) no later than 3.00 pm two clear working days before the day of the meeting. Each question must be emailed from the questioner's email address, give the name and address of the questioner and name of the Member or Chair of the Panel, Forum, Sub-panel or Sub-forum to whom it is to be put.

47.3.3 The Member of the Panel, Forum, Sub-panel or Sub-forum to whom any question is put may arrange for another Member of the Panel, Forum, Sub-panel or Sub-forum to answer on his or her behalf.

47.3.4 The Council takes no responsibility for questions which are sent and fail to reach the correct address.

### **47.4 Number of questions**

47.4.1 At any one meeting no person may submit more than one question. A questioner will be allowed to ask a supplementary question directly relating to the content of the answer given to the written question. The Chair may reject a supplemental question if it falls within any of the categories in Rule 47.5 below.

### **47.5 Scope of Questions**

47.5.1 The Monitoring Officer may reject a question if it:

47.5.1.1 would risk defamation of an individual or is defamatory, frivolous offensive or otherwise improper; or

47.5.1.2 does not relate to a matter to which the Council has powers or duties; or

47.5.1.3 does not relate to a matter which affects the London Borough of Harrow; or



- 47.5.1.4 would require the disclosure of confidential or exempt information; or
- 47.5.1.5 is substantially the same as a question which has been put at any meeting of the same Panel, Forum Sub-panel or Sub-forum in the last six months; or
- 47.5.1.6 is within the invalid categories referred to at 47.5.1 above.

#### **47.6 Record of Public Questions**

- 47.6.1 The Monitoring Officer will publish a copy of the written questions. If a question is rejected, reasons for rejection will be given to the questioner by the Monitoring Officer.
- 47.6.2 Copies of all valid questions will be circulated to all Members of the Panel, Forum, Sub-panel or Sub-forum and made available to the public at the meeting.

#### **47.7 Asking the Question at the Meeting**

- 47.7.1 The Chair will invite the questioner to put the question and will respond to the question unless another Member of the Panel, Forum, Sub-panel or Sub-forum has been nominated to answer on his or her behalf.
- 47.7.2 If a questioner, who has submitted a written question, is unable to be present, they may ask the Chair to put the question on their behalf.
- 47.7.3 The Chair may either:
  - 47.7.3.1 ask the question on the questioner's behalf; or
  - 47.7.3.2 indicate that a written reply will be given; or
  - 47.7.3.3 decide, in the absence of the questioner, that the question will not be dealt with.

#### **47.8 Written Answers**

- 47.8.1 Any written question, which cannot be dealt with during public question time because of lack of time, will be dealt with by written answer. A copy of any written answer shall be given to the Monitoring Officer who will send it to the

questioner and all Members of the relevant Panel, Forum, Sub-panel or Sub-forum.

#### **47.9 Reference of a Question to another Body**

47.9.1 Unless the Chair decides otherwise, no discussion will take place on any question, but any Member of a Panel, Forum, Sub-panel or Sub-forum may propose that a matter raised by a question be referred to the Executive, Advisory Panel, Portfolio Holder or other appropriate Committee, sub-committee or panel. Such a proposal will be voted on without discussion.

### **48. Voting**

#### **48.1 Majority**

48.1.1 Subject to Rule 48.2, unless required by Statute or this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and seated in the room at the time the question was put. Voting shall be by a show of hands.

#### **48.2 Special Cases**

48.2.1 The Employees' Consultative Forum includes non-councillors. Voting on any matter shall be by simple majority of those entitled to vote on the item on this Forum, except that no recommendation or reference may be made to the Executive or another Committee or a Portfolio Holder unless it is agreed by a majority of the elected Councillors on the Forum.

#### **48.3 Chair's Casting Vote**

48.3.1 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.

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

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

48.4.2 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.

#### **48.5 Recorded Vote by Roll Call**

48.5.1 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.

#### **48.6 Voting on Appointments**

48.6.1 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.

#### **49. Nominated Members**

49.1 Each group(s) shall nominate from amongst their Members on Advisory Panels and Consultative Forums, a Member to be consulted by Chief Officers in the exercise of delegated powers relating to the urgency procedure. (The Urgency Procedure is set out in Part 4 of the Constitution). Nominated members must be full Advisory Panel or Consultative Forum concerned.

## Appendix to Executive Procedure Rules

### Delegated Powers of Portfolio Holders

#### 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 11.2 or it is a Key Decision on an urgent matter and is taken in accordance with Rule 3 of this Appendix.

#### 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:

**(i) 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.

**(ii) 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:

- 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 in Part 3 of 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.
- 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.

- Consideration being given by the Portfolio Holder of the need for further consultation or information before taking the decision.
- 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.
- 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.

**(iii) 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:

- The same conditions as in 2(ii) above; and
- 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.

**(iv) Urgent matters (non-key decisions)**

Portfolio Holders may take non-key urgent decisions within their terms of reference, provided the conditions in 2(ii) above are satisfied.

It should be noted that where a decision is deemed to be urgent, and where Procedure Rule 16 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.

### **3. 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:

- The Leader, (or in his/her absence, the Deputy Leader) may, after consultation with the relevant Portfolio Holder, take the decision.
- 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.
- 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".
- A copy of the minutes of the decision must be published within two clear working days of the decision and published on the Council's website with electronic notification given and no hard copies circulated.

It should be noted that where a decision is deemed to be urgent, and where Procedure Rule 16 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.

### **4. 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.**