

PART C2**EXECUTIVE PROCEDURE RULES****1. Executive decision making**

1.1 The arrangements for the discharge of executive functions are:

1.1.1 Executive functions discharged by the Leader of Council pursuant to Article 3.1

1.1.2 Executive functions discharged by the Cabinet pursuant to Article 3.4

1.1.3 Executive functions discharged by a committee of the Cabinet pursuant to Article 3.2

1.1.4 Executive functions discharged by a member of the Cabinet pursuant to Article 3.6

1.1.5 Executive functions discharged by an area committee under Article 3.2 and paragraph 3.15 of Part B.

1.1.6 Executive functions discharged under joint arrangements pursuant to Article 6.

1.1.7 Executive functions discharged by an officer pursuant to paragraph 15.1 of Part B and otherwise.

2. Reporting the delegation of executive functions by the Leader of Council

2.1 The Leader of Council shall make a written report to the Annual Meeting of Council which sets out any arrangements for the discharge of executive functions he/she has made since the last Annual Meeting and any proposed for the coming year.

2.2 The report of the Leader of Council shall contain the following information:

2.2.1 The name, address and ward of each member appointed to the Cabinet.

2.2.2 The nature and extent of any authority delegated to an individual member of the Cabinet.

2.2.3 The name, terms of reference, composition (including the name of any member of the Cabinet appointed) of any committee of the Cabinet.

2.2.4 The nature and extent of any delegated authority provided to an area committee, other authority or under any joint arrangements, including the name of any member of the Cabinet appointed to any joint committee.

2.2.5 The nature and extent of any delegated authority provided to an officer, including any conditions attached and the title of the post concerned.

3. **Conflicts of interest**

3.1 Where the Leader of Council or any member of the Cabinet has a conflict of interest in any matter before the Cabinet this shall be dealt with in accordance with the Member Code of Conduct set out in Part D1 of this Constitution.

3.2 Where the exercise of an executive function has been delegated to a committee of the Cabinet, an individual member or an officer and a conflict of interest arises, the discharge of the function will be determined by the person or body who delegated the function and in accordance with the Member Code of Conduct.

4. **Place and time of Cabinet meetings**

4.1 The Cabinet shall meet at least 10 times in each year on dates and at times agreed by the Leader of Council.

5. **Public and private meetings of the Cabinet**

5.1 The Access to Information Procedure Rules set out in Part C5 of this Constitution contain the requirements governing public and private meetings of the Cabinet.

6. **Quorum**

6.1 The quorum for a meeting of the Cabinet shall be three members. The quorum for all committees of the Cabinet shall be as set out in Part B and in default rule 37.1 of the Council Procedure Rules set out in Part C1.

7. **How decisions are taken by the Cabinet**

7.1 An executive decision which has been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules.

7.2 Where an executive decision is delegated to a committee of the Cabinet, the rules governing that apply to proceedings of the Cabinet shall apply to the committee.

8. Chair of meetings of the Cabinet

8.1 If the Leader of Council is present he/she will preside and in his/her absence the Deputy Chair, where one has been appointed, shall preside. If both the Leader of Council and the Deputy Chair, if any, are absent, then another member of the Cabinet shall be appointed to chair the meeting by those present.

9. Attendance

9.1 The provisions relating to attendance at meetings of the Cabinet are set out in the Access to Information Procedure Rules.

10. The agenda

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

10.1.1 Declarations of interest.

10.1.2 Consideration of the minutes of the last meeting.

10.1.3 Public Questions

10.1.4 Matters referred to the Cabinet (whether by the Overview and Scrutiny Management Committee, a commission or by the Council) for reconsideration by the Cabinet in accordance with the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules.

10.1.5 Consideration of reports from the Overview and Scrutiny Management Committee or a scrutiny commission.

10.1.6 Matters set out in the agenda for the meeting which shall indicate any key decisions.

11. Public Questions

11.1 Any member of the public residing in Hull may put a question to the Cabinet.

11.2 A total period of up to 15 minutes at the beginning of each meeting will be allowed.

11.3 A question may only be asked if it is received by the Committee Services Officer 2 working days before the date of the meeting. The question must also include the name and address of the person wishing to ask the question. The question must also name the

cabinet member to whom it is addressed.

11.4 Questions should relate to matters of policy or decisions which are normally made by the cabinet. Cabinet may refer the question to be answered by a more appropriate body or officer.

11.5 The Monitoring Officer may reject a question if:

11.5.1.1 It is not about matter for which the local authority has a responsibility or is not a matter which is relevant to the powers, duties and responsibilities of the Cabinet

11.5.1.2 It is defamatory, frivolous or offensive

11.5.1.3 It is substantially the same question which has been answered by the Cabinet in the last six months

11.5.1.4 It requires the disclosure of exempt or confidential information

11.5.1.5 It is a statement rather than an enquiry to obtain information

The Leader shall be ultimately responsible for the selection of the questions to be answered

11.6 Neither the questions submitted nor the responses given shall be the subject of debate.

12. **Consultation**

12.1 All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework shall contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny bodies, and the outcome of that consultation. Reports about other matters will set out the detail and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

13. **Request for items to be included on the Cabinet agenda**

13.1 The Leader of Council will decide the schedule of meetings of the Cabinet and may place on the agenda of any Cabinet meeting any matter which he/she thinks fit, whether or not authority has been delegated to the Cabinet, a committee or any member or officer in respect of the matter. The Chief Executive shall comply with the Leader of Council's request.

- 13.2 Any member of the Cabinet may require the Chief Executive to place an item on the agenda of the next available meeting of the Cabinet for consideration.
- 13.3 The Chief Executive will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant overview and scrutiny committee/commission or the Council have resolved that an item be considered by the Cabinet, subject to a maximum of two such items on any one agenda.
- 13.4 Any member of the Council may ask the Leader of Council to place an item on the agenda of a Cabinet meeting for consideration and, if the Leader of Council agrees, the item will be considered at the next available meeting of the Cabinet, subject to a maximum of two such items on any one agenda. The notice of the meeting will give the name of the member who asked for the item to be considered and he/she shall be invited to attend the meeting, whether or not it is a public meeting.
- 13.5 The Chief Finance Officer and/or the Monitoring Officer may include an item for consideration on the agenda of a meeting of the Cabinet and may require the Chief Executive to call a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting soon enough to deal with the issue in question they are entitled to include an item on the agenda and require that a meeting be convened at which the matter will be considered.