

Part 4

Section 6

Executive Procedure Rules

1. **Type of Executive**

1.1 Ipswich Borough Council has a Leader and Cabinet type of Executive.

1.2 The Leader and Cabinet as a whole are known as the Executive.

2. **Appointment and Term of Office of the Executive**

2.1 At its Annual Meeting, the Council will if necessary, by ordinary resolution, elect a Leader of the Council from amongst the Councillors.

The Leader of the Council will then appoint:

- A member of the Executive to be known as the Deputy Leader; and
- Up to 8 Councillors as ordinary members of the Executive.

The Leader may remove Councillors from the Executive at any time.

2.2 Neither the Mayor nor the Deputy Mayor may be given any appointment listed in 2.1.

2.3 The term of office of the Leader starts on the day of his/her election as Leader and ends on the day of the next post-election annual meeting four years hence, unless he/she is removed from office or resigns, ceases to be a member or is disqualified from being a Councillor before that day.

2.4 The Council may remove the Leader by ordinary resolution on notice during his or her term of office. If the Council passes such a resolution to remove the Leader, it will elect a new Leader at that or a subsequent meeting.

3. **Meetings of the Executive**

3.1 The Executive will meet at least four times a year.

3.2 Meetings will be held at the Council's main offices or at another venue decided by the Leader.

3.3 The agenda for each meeting of the Executive will contain any item which has been approved by any one of the following:

3.3.1 The Leader;

3.3.2 A Portfolio Holder;

3.3.3 The Monitoring Officer;

3.3.4 The Section 151 Officer;

3.3.5 Overview and Scrutiny Committee;

3.3.6 Full Council.

3.4 The Leader will chair meetings of the Executive. If the Leader is absent then the Deputy Leader will chair the meeting. If both are absent then the meeting will appoint another member of the Executive to preside.

3.5 The quorum for meetings of the Executive is three if the Leader is present, or four if the Leader is not present.

3.6 Subject to any contrary provision in any Code of Conduct, any Councillor may attend any part of any meeting of the Executive.

3.7 Any Councillor who is not a member of the Executive may (subject to the law of bias and the Code of Conduct) submit a list of questions to be asked at any meeting of the Executive. Questions must relate to an item on the agenda for that meeting. These questions will be dealt with orally at the meeting. Questions submitted under this paragraph must be received by the Monitoring Officer no later than 10am on the day of the Executive meeting.

4. Allocation of Executive Functions

4.1 All Executive Functions may be exercised by the Executive.

4.2 The Executive may delegate any Function exercisable by them to a Committee of the Executive or to an officer.

4.3 The Leader may from time to time appoint any member of the Executive to a portfolio. No more than seven of the ordinary members of the Executive may hold portfolios at any one time. Each Portfolio Holder will take a particular interest in the areas within his or her portfolio. Whenever a report is presented to the Executive the Portfolio Holder for the subject of the report will usually present that report.

4.4 The Leader, the Deputy Leader and any Portfolio Holder may personally discharge Executive Functions (as listed in Part 3 of the Constitution).

4.5 A member of the Executive who is entitled to discharge an Executive Function may delegate that Function to an officer. Any such delegation must be in writing and a copy of the delegation must be given to the Head of Resource Management.

4.6 Whenever the Leader appoints anyone to, or removes anyone from, a portfolio or whenever the Leader changes the remit of any portfolio, the Leader must promptly record the appointment in writing and a copy

shall be given to the Head of Resource Management who will arrange for it to be published.

- 4.7 The Executive may from time to time appoint Committees of the Executive.

5. **Financial Decisions**

- 5.1 In connection with decisions which are the responsibility of the Executive, the Executive has full authority to vire money between budget headings and to take decisions contrary to any plan or strategy adopted or approved by the Council in relation to capital expenditure.

- 5.2 The Executive does not have the power to alter or take decisions contrary to the Council's Treasury Management Strategy, or to change that Strategy.

6. **Decisions by Portfolio Holders**

- 6.1 General power to make decisions:

6.1.1 a Portfolio Holder may make any decision on an Executive Function which they reasonably consider relates to their portfolio.

- 6.2 Limits on decision making:

6.2.1 before taking a decision a Portfolio Holder shall receive advice from the appropriate officer(s);

6.2.2 no Portfolio Holder may make a decision contrary to a policy approved by full Council;

6.2.3 no Portfolio Holder may make a decision if they have a personal and prejudicial interest in it;

6.2.4 no Portfolio Holder may make a decision which is contrary to:

- a. any statutory restrictions;
- b. Financial Regulations;
- c. Contract Standing Orders.

6.2.5 Portfolio Holders may not take a decision if the likely financial consequences of that decision would involve exceeding the relevant budgetary provision unless this is specifically authorised by Financial Delegations;

6.2.6 Portfolio Holders are not allowed to sign contracts, although they may authorise officers to do so.

6.3 Financial Delegations

6.3.1 no Portfolio Holder may exercise any financial delegations contained in this section without considering a written report approved by the Section 151 Officer;

6.3.2 in making a decision on any Financial Delegations contained in this section, the Portfolio Holder shall comply with Financial Regulations;

6.3.3 the Finance Portfolio Holder may authorise supplementary estimates of up to £25,000;

6.3.4 the Finance Portfolio Holder may authorise budgets to be carried forward to the next financial year;

6.3.5 the Finance Portfolio Holder may write off bad debts of up to £10,000;

6.3.6 The Leader may take any decision under this paragraph if the Finance Portfolio Holder is not available or cannot be contacted.

7. **Procedure for decisions by Portfolio Holders**

7.1 This procedure shall be followed whenever a Portfolio Holder takes any decision:

7.1.1 no decision may be taken by a Portfolio Holder unless the Portfolio Holder has received a report from an officer setting out the issues surrounding the decision in a way that the Portfolio Holder considers satisfactory. If a decision is urgent then the report may be oral and, if necessary, taken by telephone with a summary of the advice being sent by email, normally within one working day;

7.1.2 all decisions taken by Portfolio Holders shall be properly recorded in accordance with arrangements approved by the Head of Resource Management;

7.1.3 Portfolio Holders may decide to refer any question to Executive;

7.1.4 before making a decision which a Portfolio Holder considers to have strategic importance or important financial impact he or she shall consult other relevant Portfolio Holders including the Leader and the Finance Portfolio Holder.

8. Committees of the Executive

- 8.1 The Executive may from time to time appoint Committees of the Executive.
- 8.2 Only Councillors who are members of the Executive may be appointed as members of a Committee. If a member of a Committee ceases to be a member of the Executive then that Councillor shall cease to be a member of the Committee.
- 8.3 Executive may at any time dissolve or alter the membership of any Committee. The appointment of Committees shall be reviewed at the first meeting of the Executive following the Council's Annual Meeting.
- 8.4 Each Committee shall exercise such powers, duties and functions as the Executive may from time to time assign to them.

Appointment of Chairman

- 8.5 The first items of business to be carried out at the first meeting of a Committee in a municipal year will be as follows:
 - (a) the election of a Chairman of the Committee for the remainder of the municipal year; and
 - (b) the election of a Vice Chairman of the Committee for the remainder of the municipal year.
- 8.6 If there is an equality of votes cast for two candidates to be Chairman then no person shall be considered to have been elected and the meeting shall stand adjourned for 15 minutes to give a period of reflection. At the end of the adjournment the election shall take place again. If this does not result in a successful election of Chairman the Committee may seek to elect someone to chair the meeting for one meeting only. If this happens then items 8.5 (a) and (b) shall be deferred to the next meeting.
- 8.7 In the absence of the Chairman from a meeting of a Committee or Sub Committee, the Vice Chairman shall preside and in the absence of both the Chairman and the Vice Chairman, a Chairman for that particular occasion shall be elected. The person elected will preside for the remainder of the meeting. If the Chairman or Vice Chairman enters a meeting the Chairman or Vice Chairman, as the case may be, shall take over from that person for the remainder of the meeting.

Convening meetings

- 8.8 The Monitoring Officer must convene any Committee meeting if asked to do so by:-

- its Chairman;
- enough members of the Committee to make a quorum;
- the Chief Executive;

The Monitoring Officer may also convene a meeting if he or she thinks it is desirable to do so.

8.9 The agenda for the meeting specifying the business intended to be carried out and the time and venue for the meeting must be sent to all members of the Committee no later than:

8.9.1 three working days before the meeting, if the meeting is not to be open to the public; and

8.9.2 five working days before the meeting, if the meeting is to be open to the public.

8.10 All Councillors have the right to see the agenda and reports for any meeting of the Committee.

At the meeting

8.11 The quorum of each Committee of the Executive shall be two.

8.12 No item of business shall be discussed at a meeting unless the meeting is being chaired.

8.13 No item of business may be considered at a meeting unless it is on the agenda for that meeting or the person chairing the meeting accepts it as urgent business. If business is accepted as urgent then that fact and the reasons for the urgency shall be set out in the Minutes.

8.14 The Minutes must contain all motions and amendments in the exact form and order that the Chairman put them.

8.15 The Committee shall approve Minutes at the first available meeting.

8.16 As soon as the Minutes of the last meeting have been read, or if they are to be taken as read, the Chairman shall move:

"that the Minutes of the meeting of the Committee held on the day of be signed as a true record."

8.17 Any question about the accuracy of Minutes must be raised by motion unless it appears to be uncontentious and is accepted by the Chairman without a formal motion. As soon as any questions raised have been disposed of or, if no such question is raised, the Chairman shall sign the Minutes.

- 8.18 In the case of an equality of votes on any item coming before the Committee the person chairing the meeting has a second or casting vote.
- 8.19 Meetings of Committees may be attended by:-
- (i) a member of the Committee;
 - (ii) the Leader of the Council;
 - (iii) the Chief Executive, Section 151 Officer or the Monitoring Officer; and, if the Committee is making a Key Decision or if the Committee so authorises,
 - (iv) other Councillors and the press and public.
- 8.20 The Chairman of a meeting shall give every member of the Committee a reasonable opportunity to speak on any item before the Committee.
- 8.21 The Chairman shall control the meeting and may in particular:-
- (a) require a Councillor to restrict their speech to the matter under debate;
 - (b) stop a Councillor from speaking if the Chairman considers that their speech is irrelevant or is excessively long;
 - (c) not allow a proposal or an amendment to be debated unless it has been seconded;
 - (d) if the Chairman considers that the nature of the business to be discussed means that some or all of the Procedure Rules ought to be invoked then the Chairman may do so.
- 8.22 Any member of a Committee may move that a debate should be conducted as a 'standard debate'. Such a motion shall, if seconded, be put to a vote immediately. If this is passed then the Rules of Procedure shall apply to the debate of that item as they apply to a 'standard debate' at a meeting of the full Council.

Co-options

- 8.23 Whenever a Committee wishes to co-opt a public member they must invite applications from the public by a notice setting out the qualities, knowledge and experience they are looking for in making a co-option.
- 8.22 There must be a selection process involving an interview.
- 8.23 Interviews will be with the body making the appointment.