

West Suffolk Shadow Council

Shadow Executive (Cabinet) Procedure Rules

1. How does the Shadow Executive operate?

1.1 Shadow Executive functions

The Shadow Executive is the Shadow Council's executive body and is responsible for carrying out those functions which by law or under this constitution are designated as "executive functions".

The arrangements for the discharge of shadow executive functions are set out in Article 6. The arrangements may provide for shadow executive functions to be discharged by:-

- (a) the Shadow Executive as a whole;
- (b) a committee of the Shadow Executive;
- (c) an individual member of the Shadow Executive;
- (d) an officer;
- (e) an area committee;
- (f) joint arrangements; or
- (g) another local authority.

1.2 Sub-delegation of shadow executive functions

- (a) Where the Shadow Executive, a committee of the Shadow Executive or an individual member of the Shadow Executive is responsible for an executive function, they may delegate further to an officer or by joint arrangements.
- (b) Even where shadow executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.3 Delegation of shadow executive functions

- (a) Subject to (b) below, the delegation of shadow executive functions will be as adopted by the Shadow Council and set out in Part 3 of this Constitution.
- (b) The Leader may provide for delegations to individual Shadow Executive members relating to shadow executive functions at any time during the year by giving written notice to the Interim Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation and whether it entails the withdrawal of delegation from any person, body, committee or the Shadow Executive as a whole. The

appropriate amendments to the constitution will be made by the Interim Monitoring Officer.

- (c) Where the Shadow Executive seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when the Leader has served it on its chairman.

1.5 Shadow Executive Meetings

The Shadow Executive will meet at times to be agreed by the Leader at the Shadow Council's offices in Bury St Edmunds or Mildenhall or at another location to be agreed by the Leader and will be held in public except in accordance with the Access to Information Procedure Rules. Notice of the dates and times of meetings, and their agendas, will be published in accordance with the Access to Information Procedure Rules.

1.6 Quorum

The quorum for a meeting of the Shadow Executive, or a committee of it, shall be one third of the total number of members of the Shadow Executive (including the Leader) or five, whichever is the larger.

1.7 How are decisions to be taken by the Shadow Executive?

- (a) Shadow Executive decisions which have been delegated to the Shadow Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules.
- (b) Where shadow executive decisions are delegated to a committee of the Shadow Executive, the rules applying to shadow executive decisions taken by them shall be the same as those applying to those taken by the Shadow Executive as a whole.

2. How are shadow executive meetings conducted?

2.1 Who presides?

The Leader, or in his/her absence any Deputy Leader, will preside at any meeting of the Shadow Executive or its Committees at which he or she is present. In the absence of the Leader and Deputy Leader the members of the Shadow Executive who are present shall choose a member to preside.

2.2 Who may attend?

- 2.2.1 The public may attend in accordance with the Access to Information Rules in Part 4 of this Constitution. Members of

the public who live or work in the District may speak or ask one question in accordance with the provisions for public speaking set out in Rule 2.5 below.

2.1.2 Any member of the Shadow Council who is not a member of the Shadow Executive may attend a meeting of the Shadow Executive. He or she can speak only:-

- (a) to ask a question in accordance with Rule 2.4.1 below;
or
- (b) if invited to by the person presiding.

2.3 **What business?**

At each meeting of the Shadow Executive or a Committee of the Shadow Executive the following business will be conducted:-

- (a) Apologies for absence;
- (b) Confirm as a correct record and sign the minutes of the last meeting;
- (c) "Open Forum" in accordance with Rule 2.4 below;
- (d) Public speaking/questions in accordance with Rule 2.5 below;
- (e) The receipt of any petitions (submitted and presented in accordance with the Shadow Council's Petition Scheme);
- (f) Matters referred to the Shadow Executive, whether by the Shadow Scrutiny Committee, or by the Shadow Council for reconsideration in accordance with the provisions of contained in the Shadow Scrutiny Committee Procedure Rules or the Budget and Policy Framework Procedure Rules;
- (g) Consideration of reports from the Shadow Scrutiny Committee and
- (h) Matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

2.4 **Open Forum**

2.4.1 At each Shadow Executive meeting up to fifteen minutes shall be allocated for questions from and discussion with non-Shadow Executive members. Members wishing to speak during this session may, but do not have to, give notice in advance. Who speaks and for how long will be at the complete discretion of the person presiding.

2.5 **Public speaking**

2.5.1 Members of the public who live or work in the area of the Shadow Council are welcome to speak at any open meeting of the Shadow Executive. They may ask a question or make a statement on any item on the agenda for that meeting.

- 2.5.2 A person who wishes to speak must register at least fifteen minutes before the time the meeting is scheduled to start. This can be done online by sending the request to democratic.services@westsuffolk.gov.uk or telephoning 01284 757176/01638 719237 or in person by telling the committee administrator present at the meeting.
- 2.5.3 The Interim Monitoring Officer in respect of any question notified before the meeting, or the Chairman, in respect of any question notified at the meeting, may reject a question if it:-
- (a) is not about a matter for which the Shadow Council has a responsibility or which affects the District;
 - (b) is defamatory, frivolous or offensive;
 - (c) is substantially the same as a question which has been put at a meeting of the Shadow Council, Forest Heath District Council or St Edmundsbury Borough in the past six months; or
 - (d) requires the disclosure of confidential or exempt information.
- 2.5.4 There will be an overall time limit of 15 minutes for public speaking, which may be extended at the Chairman's discretion. Speakers will be called in the order in which they gave notice. Each person may ask one question or make one statement and will be allowed up to three minutes. If the question can be answered orally at the meeting it will be, and the question and answer will be summarised in the minutes. Questions that cannot be answered immediately will be answered in writing to the questioner, distributed to all members of the Shadow Executive and published on the Shadow Council's website. If a question is asked and answered within three minutes, the person who asked the question may ask a supplementary question that arises from the reply which may be answered orally or in writing as above.

2.5 Who can put items on the Shadow Executive agenda?

- 2.5.1 Normally, the Leader will decide upon the schedule for the meetings of the Shadow Executive.
- 2.5.2 An item will be placed on the agenda of the next available meeting of the Shadow Executive where the Shadow Scrutiny Committee or the Shadow Council have resolved that an item be considered by the Shadow Executive. There will be a standing item on the agenda of each meeting of the Shadow Executive for matters referred by the Shadow Scrutiny Committee.
- 2.5.3 The Interim Monitoring Officer and/or the Interim Chief Finance Officer may include an item for consideration on the

agenda of a Shadow Executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Interim Head of Paid Service, Interim Chief Finance Officer and Interim Monitoring Officer are of the opinion that a meeting of the Shadow Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Shadow Executive meeting. If there is no meeting of the Shadow Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.