

# **4D: EXECUTIVE PROCEDURE RULES**

## **HOW THE CABINET OPERATES**

### **RULE 1 - WHO MAY MAKE EXECUTIVE DECISIONS?**

The Leader of the Council will decide how executive functions are to be exercised. The arrangements may provide for executive functions to be discharged by:

- i) the Cabinet as a whole;
- ii) a committee of the Cabinet;
- iii) an individual Cabinet member;
- iv) an officer;
- v) an Area Committee;
- vi) another body under an approved joint or agency arrangement; or
- vii) another local authority.

### **RULE 2 – THE LEADER’S SCHEME OF DELEGATION AND EXECUTIVE FUNCTIONS**

The Leader must approve a scheme of delegation of executive functions which will contain the details required in Article 7 and set out in part 3 of this Constitution

The Leader of the Council in consultation with the Deputy may vary the allocation of portfolio responsibilities, or the scope of any portfolio responsibility.

If the Cabinet or a committee of the Cabinet, or an individual Cabinet Member responsible for an executive function, decides to delegate to a committee of the Cabinet, an Area Committee (where these are established), a joint Committee or an officer, or amend or withdraw a delegation, written notice must be given to the Chief Executive. 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 or body. These amendments will be published via the Weekly list.

### **RULE 3 SUB DELEGATION OF EXECUTIVE FUNCTIONS**

Where the Cabinet, a committee of the Cabinet or an individual Cabinet Member is responsible for an executive function, they may delegate further to a committee of the Cabinet, an Area Committee, a joint committee or an officer.

Even when executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated nor obliges the person/body to exercise that power or duty.

### **RULE 4 – REQUISITION OF SINGLE MEMBER PLANNED DECISION**

A planned executive decision by an individual Cabinet Member acting under delegated powers will be published in advance in accordance with the provisions of Access to Information Rule 20.

During that publicity period or at any time before that period, following publication of the planned decision in the Executive Forward Plan, a Cabinet Member may require that the decision is made instead by the Cabinet.

Such a requisition shall be made in writing to the Chief Executive.

The effect of such a requisition is that the delegated power of the individual Cabinet Member to make the specific decision as published is cancelled.

The Cabinet Member to whom the delegated power is given, may him/herself refer the matter instead to the full Cabinet for determination under this Rule.

## **RULE 5 – PUBLICATION OF PROPOSED EXECUTIVE DECISIONS AND DECISIONS TAKEN**

All proposed executive decisions and executive (Cabinet) decisions taken will be published in accordance with the Access to Information Procedure Rules at Part 4B of this Constitution.

## **RULE 6 - CABINET MEETINGS – WHEN AND WHERE?**

The Council at its Annual Meeting may set dates and times for formal meetings of the Cabinet. It is open for the Cabinet to make additional or alternative arrangements for its formal meetings.

The Cabinet may decide the location of its meetings.

## **RULE 7 – SPECIAL (OR EXTRAORDINARY) MEETINGS**

Those listed below may request the Chief Executive to call a special formal meeting of the Cabinet in addition to scheduled ordinary meetings:

- (i) The Leader of the Council or a Deputy Leader
- (ii) The Cabinet by resolution;
- (iii) No less than 50% of the membership of the Cabinet if they have signed a requisition presented to the Leader and s/he has refused to call a meeting or has failed to call a meeting within 7 clear working days of the presentation of the requisition to the Chief Executive(i.e. the summons to the meeting is not sent out within 7 clear working days);
- (iv) The Chief Executive, the Monitoring Officer or the Chief Financial Officer.

## **RULE 8 - DECISIONS TAKEN BY THE CABINET AT A MEETING**

Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in the Constitution.

Where executive decisions are delegated to a Committee of the Cabinet, the rules applying to executive decisions taken by that Committee shall be the same as those applying to those taken by the Cabinet itself.

## **RULE 9 – CONSULTATION ON AND NOTICE OF EXECUTIVE DECISIONS**

All reports to the Cabinet from any member of the Cabinet or from an Officer on proposals relating to the Policy and Budget Framework must contain

(a) details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny bodies (See Rule 13 below) and Officers,

and

(b) the outcomes of that consultation.

Reports about other matters (eg secondary policies – see Policy and Budget Framework Rule 7) will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration and in any event will be consistent with the Council's consultation policy and practice.

The public will be able to access information about the Cabinet's forward agenda plan and executive decisions. These will be published on the Council's website and through other access arrangements.

The Cabinet and Cabinet Members as appropriate may arrange informal sessions at which other councillors and nominated persons may be briefed or consulted on issues before a decision is made. Similarly, arrangements may be made to receive public comments prior to a decision being made.

The Cabinet collectively and Cabinet Members exercising portfolio responsibilities will be expected to consult with or inform local ward councillors on all relevant issues.

## **RULE 10 - INVOLVEMENT OF OFFICERS**

Where delegated decision making powers are given to them, the relevant Cabinet Member will discuss the matter fully with all relevant senior officers before making a decision or formulating a recommendation to another body.

All meetings of the Cabinet will have access to advice from the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer. These Officers will have the right to see all draft reports prior to publication and to attend all formal meetings for the purpose of giving advice as required.

The Chief Executive will determine other Officer attendance required at formal meetings of the Cabinet.

Agenda planning will try to ensure that the most effective use is made of members' and officers' time in expediting the business of the meeting.

## **RULE 11 – ABSENCE OF CABINET MEMBER OR LEADER OR INABILITY TO ACT THROUGH CONFLICT OF INTEREST OR ANY OTHER INHIBITION**

A Cabinet Member may be absent and unable to take a decision or unavailable to be consulted by an Officer or may otherwise feel they are unable to act by virtue of a prejudicial or other interest.

Similarly, the Leader of the Council may feel that it is in the best interests of the Council that an individual Cabinet Member does not act on a particular executive matter.

When this happens, the Leader of the Council in consultation with the Deputy Leader may designate any other member of the Cabinet to take temporary responsibility for the absent member's portfolio and for any associated decision making during the period of absence.

The Leader, after the above consultation, may alternatively designate decisions falling within the absent Cabinet Member's portfolio as relevant instead for the whole Cabinet to determine, during the period of absence.

The Leader's decisions on how to deal with such business will be notified to and published by the Chief Executive.

Where the Leader of the Council is absent and unable to exercise his or her functions for a period exceeding 3 consecutive working days, or as otherwise agreed by the Leader in advance, or is otherwise unable to act by virtue of a prejudicial interest or for any other reason whereby he or she considers it would be inappropriate to act, the Deputy Leader (if there is one) shall have the power to exercise all the executive and leadership functions of the Leader.

If there is no Deputy Leader appointed, the Council will determine what arrangements are to operate in the event of the Leader being absent for a stated period of time.

#### **RULE 12 – ADVICE FROM OVERVIEW AND SCRUTINY BODIES**

The Cabinet must provide a reasonable opportunity for the relevant Overview and Scrutiny body to consider issues relating to the development of those policies which comprise the Council's Policy and Budget Framework. (There is no obligation on an Overview and Scrutiny body to respond to such an opportunity, nor to include Policy and Budget Framework items in its work programme)

The Cabinet, or an individual Cabinet Member, may invite a relevant Overview and Scrutiny body to comment on any other matter prior to the making of an executive decision.

#### **RULE 13– ARRANGEMENTS FOR LIAISON WITH NON EXECUTIVE COUNCILLORS**

Political Groups on the Council may nominate members to act as informal points of liaison for Cabinet Members.

The Chief Executive shall issue such guidance on this role to both Members and Officers.

#### **RULE 14 – RIGHT OF OVERVIEW AND SCRUTINY CHAIR (PERSON) TO SPEAK TO OVERVIEW AND SCRUTINY REPORTS & RESPONSE OF CABINET TO THESE REPORTS**

When an Overview and Scrutiny body presents a report to a meeting of the Cabinet on a Policy and Budget Framework item or any other item, the Chair of the relevant Overview and Scrutiny body (or his/her nominee) shall have a right to speak at the meeting.

A Chair (or his/her nominee) shall also have the right to present a report of his/her Overview and Scrutiny body directly to a Cabinet Member exercising decision making powers and to speak.

When it receives a report direct from a Policy Development and Scrutiny Panel, the Cabinet shall publish its response within 2 months, having considered

- any recommendations contained in the report;
- referring the report to a Cabinet Member for consideration and report back direct to the Policy Development and Scrutiny Panel – where the report covers issues falling within the portfolio of a single Cabinet Member;
- any further Officer advice needed in order to determine its response to the issues raised;
- any impact on the Policy and Budget Framework (in which case the procedure as set out in Policy and Budget Framework Procedure Rule 2 shall apply for any agreed actions)
- an action plan to deliver on those recommendations that are accepted;
- reporting back to the relevant Policy Development and Scrutiny Panel on its decisions and the reasons and rationale for accepting or rejecting the Panel's recommendations.

and may invite the Council to comment on the matter before taking any action.

### **RULE 15: SIX- MONTH RULE**

The Cabinet will not consider any matter which it has already considered within the previous 6 months unless:

- (1) the matter is coming to the Cabinet as part of a report from an Officer, an Overview and Scrutiny body or a Committee of the Council;
- OR
- (2) written notice, requesting the Chief Executive to arrange for the Cabinet to reconsider the matter, and endorsed by no fewer than 3 Members of the Cabinet, is submitted to the Chief Executive. The term “endorsed” shall include individual signatures on the notice or electronic communications from individual members. The receipt of a communication from at least 3 Members signifying their endorsement of the action requested in the notice will be sufficient authority for the Chief Executive to take action to include the item on a Cabinet agenda.
  - (3) Any 6-month Rule notice to the Chief Executive should be couched in the following terms:

*“I hereby require the Cabinet to reconsider its decision of (date) as recorded in minute no (xx) about (subject) and accordingly request the Chief Executive to place an item on the agenda of the (next available) (specified date) Cabinet meeting, together with such reports as s/he thinks appropriate, to enable this reconsideration to take place.” - with the optional inclusion of a specific motion for the Cabinet to consider.*

Similarly, no proposal which the Cabinet has rejected within the previous 6 months may be put forward, subject to (1) and (2) above.

Unless Access to Information Rule 15 (General Exception) or 16 (Urgency) applies, the issue coming forward will be required to be published in the Forward Plan of

executive business before the matter can be considered. Those councillors signing a notice to the Chief Executive will be informed of the publication process and what that means in terms of the timetable for considering the issue.

## **PREPARATION FOR CABINET MEETINGS**

### **RULE 16 – AGENDA PREPARATION**

Prior to the agenda being finalised, Officers will brief the Leader of the Council, the Deputy Leader (if there is one) and relevant Cabinet Members on matters coming to the meeting for consideration.

No report shall be included on the agenda of a formal meeting of the Cabinet unless it has been discussed fully with the relevant Cabinet Member and with the Chief Executive, the Monitoring Officer and the Chief Financial Officer as appropriate.

### **RULE 17 – AGENDA DESPATCH**

Items to be discussed at any meeting of the Cabinet will be set down in the agenda. The agenda will be sent to every Member of the Cabinet at least 5 clear working days before the meeting.

In the case of an urgent meeting of the Cabinet, a shorter period of notice may be given.

### **RULE 18 – AGENDA CONTENT AND ORDER OF BUSINESS**

Formal meetings of the Cabinet which are required to make decisions will do so on the basis of clear agendas which identify:

- (a) matters on which the Cabinet has authority to act in implementing the Policy and Budget Framework set by the Council
- (b) matters on which the Cabinet is required to make recommendations to the Council
- (c) matters relating to an ongoing dialogue with Overview and Scrutiny bodies;
- (d) other business related to the discharge of executive functions.

In addition, each meeting will be invited to approve as a correct record the minutes of the previous meeting and to receive any declarations of interest.

Agendas for meetings of the Cabinet will be issued in advance of the meeting in accordance with the Access to Information Procedure Rules within this Constitution.

The order of business will be determined by the Chief Executive in consultation with the Leader. The Leader, or the meeting itself, may agree to vary the order of business at the meeting.

The agenda and any relevant reports will be endorsed with the name of any local ward to which the business specifically relates.

## **RULE 19 - WHO CAN PUT ITEMS ON THE CABINET AGENDA?**

The Chief Executive shall be responsible for the effective management of Cabinet business.

The Chief Executive shall have the right to place on the agenda of the Cabinet any matter relating to an executive function of the Council.

Any member of the Council may request the Chief Executive to place an item on the agenda of the next available meeting of the Cabinet for consideration. This may include the submission of a form of words as a motion to be considered by the meeting, for which 7 clear working days' notice in advance of the meeting is required in order to satisfy the agenda despatch Rule 18 above.

The Council Leader, after consulting and taking into account the views of the Deputy Leader and of the Chief Executive, will determine whether or not to include the member's item on the agenda.

If the item is included, the member will have the right to attend the meeting and to speak to the item. If the item is not included, a reason will be given.

There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Overview and Scrutiny bodies. The Chair of the relevant Overview and Scrutiny body will have the right to attend and at the discretion of the Leader to speak to the item, but not to vote.

There will be a standing item on the agenda to enable the Cabinet to consider any items requisitioned by a Cabinet Member for consideration by the full Cabinet, in accordance with Executive procedure Rule 4.

The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties.

Any member of the Council may make a written submission to the Cabinet or to the relevant Executive Councillor(s) about an item referred to in the forward agenda plan or on the published agenda of a Cabinet meeting or on the published notice of an imminent Cabinet Member decision.

The Cabinet/Cabinet Member is required to take into account the content of such a submission when making a decision or making a recommendation for consideration.

The motion will be signed by or on behalf of the Member(s) giving notice, with the name of the political group shown after the Member's name (unless the motion is to stand in the name of the Member only).

The meeting has the right to determine with advice from Officers whether it wishes to defer the motion to a future meeting for further Officer report/advice.

# **RULES RELATING TO PROCEDURES AT A MEETING OF THE CABINET**

## **RULE 20 - SUSPENSION OF RULES**

There are occasions when it is helpful to the conduct of a meeting, or for other reasons, not to apply a particular Rule(s). It is therefore open to any meeting to suspend one or more Rule.

In accordance with Article 16.1 of this Constitution, it is necessary for the suspension of a Rule to be proposed by a Councillor who should make it clear which Rule is being suspended and for how long. For example, it may be necessary to suspend a Rule for part or all of a meeting.

A majority of members present at a meeting must support the proposal to suspend a Rule.

## **RULE 21 – MINIMUM NUMBER OF MEMBERS PRESENT AND SUBSTITUTION**

No business shall be transacted at a meeting of the Cabinet unless at least 50% of the membership is present.

No substitute Cabinet Members are permitted (but see Rule 12 above about absence of Cabinet Members).

## **RULE 22 – CHAIR OF THE MEETING**

The Leader of the Council will normally preside at meetings of the Cabinet. In the absence of the Leader, the Deputy Leader (if there is one) shall preside. If both the Leader and the Deputy Leader are absent, the Cabinet will elect another Cabinet Member to preside at the meeting.

## **RULE 23 - RECORD OF ATTENDANCE**

The names of the Cabinet Members present during the whole of part of a meeting shall be recorded.

## **RULE 24: RECORDING AT MEETINGS**

Persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting. However, oral commentary is not permitted during the meeting as it would be disruptive.

Many meetings are webcast and those who do not wish to be filmed need to make themselves known to the webcasting staff. However, members of the public need to be aware that they may be filmed by others attending and that is not within the Council's control.

## **RULE 25 - ATTENDANCE BY THE PUBLIC**

All formal meetings of the Cabinet shall be held in public except where exempt or



confidential information is to be discussed.

The agenda will state whether there is likely to be exempt or confidential business and will also describe the categories of exempt information that apply to the item(s).

The public and press will only be excluded if the Cabinet has passed the appropriate resolution under the Local Government Act, 1972 as amended.

### **RULE 26 - ATTENDANCE BY MEMBERS OF THE COUNCIL**

Any member of the Council shall have the right to attend a meeting of the Cabinet in an observer capacity and may speak only at the discretion of the Chair of the meeting.

Nothing in this Rule shall prejudice the right of a member of the Council under the Rules which relate to submissions from councillors.

### **RULE 27 – CONDUCT OF MEETING**

The Chair is responsible for conducting the meeting. In this s/he will be guided by the Chief Executive.

### **RULE 28 – POWERS AND DUTIES OF CHAIR**

Council Procedural Rule 26 applies with regard to the powers and duties of the Chair. It is accepted that the proceedings of the Cabinet may need to be flexible and not structured rigidly in terms of debating process.

Accordingly, there are no formal rules of debate set down for the Cabinet. The Chair has wide discretion to rule on conduct, process and procedural matters. However, such rulings shall not be inconsistent with the spirit of the Council Procedure Rules for conducting meetings or debate at meetings.

The Chair will exercise this discretion in a manner which preserves the best interest of the Council and the effective conduct of executive business.

### **RULE 29 – QUESTIONS FROM THE PUBLIC**

Members of the public have the right to put forward questions for answer at a Cabinet meeting. This right extends to any resident of Bath & North East Somerset of any age and includes a homeless person, a traveller currently within the Council area or a member of the Council's staff provided the subject matter relates to their role as a private citizen. This right also exists for a representative of any Bath & North East Somerset organisation or of any South West regional or sub-regional organisation that has legitimate legal activity in the Bath & North East Somerset area or affecting Bath & North East Somerset citizens. All questions must be submitted in writing (this to include transmission by e mail).

A maximum of 2 questions will be accepted per member of the public (each question to have no more than 2 sub-sections).

All questions will be circulated to members of the Cabinet and visiting councillors and the public in advance of the meeting.

Notice of the question must be given to the Council Solicitor no later than close of business 4 clear working days before the day of the meeting (eg 5pm on a Wednesday for a meeting on the following Wednesday).

Questions must only be asked of:

- a Cabinet Member (where the matter falls within his or her portfolio) or
- the Leader of the Council or the Deputy Leader (about any aspect of Council policy and practice, service delivery or community interest)

There is no requirement of the questioner to read out the question, nor of the relevant Cabinet Member to read out the answer if circulated. Where a written answer is circulated in advance, the relevant Cabinet Member may add to that answer orally at the meeting.

A Cabinet Member who is asked a question may

- nominate another Cabinet Member to reply on his or her behalf;
- indicate that a written answer will be provided, in which case that written answer shall be provided no later than 5 clear working days after the day of the meeting, where practicable.

A question will not be accepted under this Rule if

- the answer would require exempt or confidential information to be divulged;
- the subject matter is about an application for a legal consent or permission where there is an alternative process to challenge the decision or to appeal against it or where the question/answer process might prejudice the proper consideration of such an application or consent;
- it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint;
- it contains an allegation against, or comments about, the conduct of individual councillors or officers.

### **RULE 30 – QUESTIONS FROM COUNCILLORS**

A Councillor shall have the right to put forward a question for answer at a Cabinet meeting.

All questions must be submitted in writing (this to include transmission by e mail).

Notice of the question must be given to the Council Solicitor no later than close of business 4 clear working days before the day of the meeting (eg 5pm on a Wednesday for a meeting the following Wednesday).

All questions will be circulated to members of the Cabinet, visiting councillors and the public in advance of the meeting

There is no requirement of the questioner to read out the question, nor of the relevant Cabinet Member to read out the answer if circulated. Where a written answer is circulated in advance, the relevant Cabinet Member may add to that answer orally at the meeting.

Questions must only be asked of:

- a Cabinet Member (where the matter falls within his or her portfolio) or
- the Leader of the Council or the Deputy Leader (about any aspect of Council policy and practice, service delivery or community interest) or

There shall be a limit of two supplementary questions permitted for each questioner at a meeting of the Cabinet.

A question in multiple parts will be treated as a series of individual questions.

A Cabinet Member who is asked a question or a follow-up question may

- nominate another Cabinet Member to reply on his or her behalf;
- indicate that a written answer will be provided, in which case that written answer shall be provided no later than 5 clear working days after the day of the meeting.

A question will not be accepted under this Rule if

- the answer would require exempt or confidential information to be divulged;
- the subject matter is about an application for a legal consent or permission where there is an alternative process to challenge the decision or to appeal against it or where the question/answer process might prejudice the proper consideration of such an application or consent;
- it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint;
- it contains an allegation against, or comments about, the conduct of individual councillors or officers.

The text of written questions to Cabinet, and their written or published responses, should contain no reference to political groups/parties.

### **RULE 31 – PETITIONS, STATEMENTS AND DEPUTATIONS FROM THE PUBLIC OR COUNCILLORS**

Members of the public have the right to put forward petitions, statements and depositions at a Council meeting. The submission must be relevant to the Council and/or the Bath & North East Somerset area. This right to submit a statement or deputation extends to any resident of Bath & North East Somerset of any age and includes a homeless person, a traveller currently within the Council area or a member of the Council's staff who lives in the area, provided the subject matter relates to their role as a private citizen. This right also exists for a representative of any Bath & North East Somerset organisation or of any South West regional or sub-regional organisation that has legitimate, legal activity in the Bath & North East Somerset area or whose work affects Bath & North East Somerset citizens. Petitions can be submitted by anyone who lives, works or studies in the Council area. There is no minimum number of signatures required for a petition.

Similar rights exist for Councillors of Bath & North East Somerset Council.

All statements (including those supporting a petition) must be submitted in writing (this to include transmission by email) and must be lodged with the Monitoring Officer no later than close of business 2 clear working days before the day of the meeting at which the submission is to be made (e.g. Monday 5pm for a meeting on a Thursday).

A submission under this Rule will not be accepted if:

- it seeks to address exempt or confidential matters;
- the subject matter is about an application for a legal consent or permission where there is an alternative process to challenge the decision or to appeal against it or where this Procedural Rule might prejudice the proper consideration of such an application or consent;
- it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint;
- it contains an allegation against, or comments about, the conduct of individual councillors or officers.

There is a limit of one submission per item per individual member of the public. There is a limit of one hour for items from the public, extended at the Chair's discretion. Individual submissions will be limited to a maximum of 3 minutes.

If the submission relates to a general matter not on the agenda for the meeting, it will be taken at the start of the meeting – see Rule 19 above. If it relates to an item on the agenda for the meeting, the person making the submission will be invited to address the meeting either at the start of the meeting or immediately before the item is debated, whichever they prefer.

Once the submission has been made, the Chair (person) will invite Cabinet Members to ask factual questions of the person making the submission. The meeting will then determine what action it wishes to take on the matters contained in the submission.

### **RULE 32 – OTHER OPPORTUNITIES FOR VISITING PUBLIC AND COUNCILLORS TO SPEAK AT MEETINGS**

During a meeting of the Cabinet, the Chair may extend an invitation to the public and councillors in attendance to ask an oral question about, or to comment on, an agenda item. There is no requirement to have given advance notice.

Where the Chair decides to exercise such discretion, the contribution from the public or from visiting councillors will be sought before the meeting moves to a formal debate of the agenda item.

The Chair has absolute discretion in such matters. In choosing whether or not to exercise this discretion the Chair shall have regard to the need for expediency and efficiency in the exercise of the meeting's business.

See Rule 14 above regarding the right of a Chair of an Overview and Scrutiny body to speak at a meeting of the Cabinet when presenting a report from the relevant body.

### **RULE 33 - EXCLUSION OF PRESS AND PUBLIC**

If Council, the Cabinet, Committee or Sub-Committee pass a resolution pursuant to Section 100A of the Local Government Act 1972 to exclude the press and public from the whole or part of their proceedings, then the effect of such resolution shall extend to Members of the Council present at the meeting who are not Members of the Committee or sub-Committee concerned: provided that, except when the Committee or sub-Committee are acting in a judicial or quasi-judicial capacity, such Members of the Council

shall be permitted to remain if invited to do so by resolution of the Committee or sub-Committee

A Personal Assistant and/or nominated note taker for a disabled councillor or other person entitled to remain at a meeting after passing a resolution under this Rule, shall also be entitled to remain, provided they have signed an undertaking in advance not to divulge the nature of any exempt or confidential business discussed or submitted.

### **RULE 34 - DISORDERLY CONDUCT**

If, at a meeting of the Cabinet, any member of the Council, in the opinion of the Chair, misconducts her/himself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the meeting, the Chair or any other member may move "that the member named be not further heard", and the motion if seconded shall be put and determined immediately without discussion.

If the member named continues the misconduct after a motion under the foregoing paragraph has been carried the Chair shall -

EITHER move "that the member named do leave the meeting" (in which case the motion shall be put and determined immediately without seconding or discussion):

OR adjourn the meeting for such period as s/he shall consider expedient.

In the event of general disturbance, which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair in addition to any other power vested in her/him may, without question put, adjourn the meeting of the Council for such period as s/he in her/his discretion shall consider expedient.

### **Disturbance by Members of the Public**

The provisions of Section 100A (exclusion of the public and press) are without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

If a member of the public interrupts the proceedings at any meeting the Chair shall issue a warning. If the person continues the interruption, the Chair shall order the person's removal from the meeting room. In case of general disturbance in any part of the chamber open to the public the Chair may order that part of the meeting room to be cleared and / or may adjourn the meeting for such period as s/he in her/his discretion shall consider expedient.

## **GENERAL MATTERS**

### **RULE 35 – SINGLE MEMBER WORKING**

The Council's arrangements for Cabinet Members to act alone in exercising any individual executive decision making responsibilities will be set out in published guidance which takes account of the provisions of the Access to Information and Executive Procedure

Rules.