

Shadow Executive Committee Procedure Rules

1 Meetings of the Shadow Executive Committee

- 1.1 The Shadow Executive Committee will meet as indicated in the Shadow Council's programme of meetings. The Shadow Executive Committee or the Leader may agree to change the date of any programmed meeting, to cancel a meeting or to arrange additional meetings as it/he/she sees fit. Locations of meetings will be published in the calendar of meetings.
- 1.2 The Shadow Executive Committee may meet in public or in private, subject to legal requirements and the Access to Information Procedure Rules set out in this Constitution.
- 1.3 The Leader will chair meetings of the Shadow Executive Committee or in his/her absence, the Deputy Leader will preside. Where both the Leader and Deputy Leader are absent, the Members present, may appoint one member of the Shadow Executive Committee to chair that meeting.
- 1.4 All Members of the Shadow Executive Committee shall be entitled to attend meetings of the Shadow Executive Committee unless the Shadow Executive Committee determine otherwise.
- 1.5 Attendance by other Members of the Shadow Council or the public shall be in accordance with the Access to Information Procedure Rules, by invitation under Rule 1.6 below, or as set out in Rules 4.1 to 4.2 below.
- 1.6 The Shadow Executive Committee may invite any person it/he/she consider appropriate, to its meetings to discuss matters of mutual interest or concern or to advise. Such persons may only be given access to confidential and/or exempt information on terms to be decided by the Interim/Appointed Monitoring Officer so as to ensure that the Access to Information Procedure Rules are observed

2 Quorum at meetings of the Shadow Executive Committee

- 2.1 No business shall be transacted where at any time during the meeting of the Shadow Executive Committee, or a committee or sub-committee established by the Shadow Executive Committee, there are fewer than one third of members of the Shadow Executive Committee, a committee or sub-committee of the Shadow Executive Committee present or fewer than three of the West Northamptonshire Councils are represented at that meeting.

3 Taking of decisions by the Shadow Executive Committee

- 3.1 Shadow Executive Committee decisions, including those taken under delegated powers, shall not take effect until they have been recorded in writing, as required under the Access to Information Procedure Rules, and shall not be implemented where the right of call-in has been exercised until

the call-in process has been concluded. Records of Shadow Executive Committee decisions must be confirmed at the next meeting.

4 Members attending and speaking at Shadow Executive Committee Meetings

- 4.1 The Chairman of the Overview and Scrutiny Committee shall be entitled to attend any formal public meeting of the Shadow Executive Committee and to speak to any matter on the agenda for that meeting.
- 4.2 Other Members of the Shadow Council may also speak at such meetings, subject to the rights of the the Leader (or person presiding in his/her absence) to ensure that the business of the Shadow Executive Committee is discharged efficiently and effectively. Those members shall not be required to provide prior notice of their wish to attend and speak.

5 Business at Shadow Executive Committee Meetings

- 5.1 The business to be transacted at meetings of the Shadow Executive Committee will be set out in an Agenda for the meeting in question, subject to any requirements or exemptions under the Access to Information Procedure Rules.
- 5.2 The Agenda may be supported by additional papers prepared by the Officers or by or on behalf of other bodies, subject to requirements about disclosure of confidential or exempt information.
- 5.3 The Shadow Executive Committee is obliged to consider matters referred to it by the Overview and Scrutiny Committee, or by the Full Shadow Council for consideration under the Scrutiny Rules.
- 5.4 The Access to Information Procedure Rules will apply to notice of meetings, agendas, and access to reports and background papers. Where matters are for decision, the Agenda must stipulate those which are Key Decisions and those which are not, in accordance with the Access to Information Procedure Rules.
- 5.5 The Shadow Executive Committee will, at each formal meeting, confirm the record of decisions taken at its previous meeting as a correct record.
- 5.6 The Interim/Appointed Monitoring Officer or his/her nominated Officer shall be responsible for preparing and distributing the Agenda for Shadow Executive Committee meetings, attending meetings for the purpose of advising the Shadow Executive Committee on matters within his/her area of responsibility and recording decisions as required under this Constitution.
- 5.7 In taking decisions, the Shadow Executive Committee must satisfy itself that it has before it adequate and appropriate advice from its service, legal and financial advisers who shall be present at any meeting where a decision is

being taken and that advice is taken into consideration in determining the matter. Where there is any doubt about vires or probity then advice must be obtained from the Interim/Appointed Monitoring Officer and the Interim/Appointed Chief Finance Officer.

- 5.8 Any member of the Shadow Executive Committee may require the Interim/Appointed Monitoring Officer to place an item on the Agenda for a stipulated meeting of the Shadow Executive Committee.
- 5.9 The Interim/Appointed Monitoring Officer will ensure that any matters referred to the Shadow Executive Committee by the Shadow Council or the Shadow Council's Overview and Scrutiny Committee are placed on the Agenda for the next appropriate meeting of the Shadow Executive Committee.
- 5.10 Any Shadow Councillor may request the Leader to place an item on the agenda of a meeting of the Shadow Executive Committee. The Leader shall have sole discretion as to whether or not to accede to such a request but shall consult the Interim/Appointed Monitoring Officer prior to making a decision. If such a request is granted, whether the Member in question can speak to the item at the meeting in question.
- 5.11 The Interim/Appointed Head of the Paid Service, the Interim/Appointed Monitoring Officer and/or the Interim/Appointed Chief Finance Officer can include an item for consideration on the agenda of a Shadow Executive Committee Meeting. In pursuance of their statutory duties they can require that a special meeting of the Shadow Executive Committee be convened.
- 5.12 Business cannot be conducted at formal meetings of the Shadow Executive Committee unless it is included in the agenda for the meeting. Where it is urgent, the requirements of the Access to Information Procedure Rules must be complied with.
- 5.13 The Shadow Executive Committee will report to the Shadow Council as required under the Access to Information Procedure Rules on any matter which is classified as a Key Decision and is dealt with under special urgency procedures.
- 5.14 Questions can be submitted by members of the public at meetings of the Shadow Executive Committee in accordance with Shadow Council Procedure Rule 35 and Appendix 6 of the Shadow Council Procedure Rules.

6 Voting at Shadow Executive Committee Meetings

- 6.1 Voting at Shadow Executive Committee meetings will be by a show of hands and any Member may require, immediately after the vote is taken, that the Minutes of the meeting record how he/she voted or abstained. Where there are equal votes cast, the Leader or in his/her absence, the person presiding will have a second and casting vote.
- 6.2 Voting for any office or appointment, including any paid appointment, where

more than one person is nominated shall be in accordance with Shadow Council Meeting Procedure Rule 16.

7 Shadow Executive Committee – Committees and Sub-Committees

- 7.1 The Shadow Executive Committee may appoint such Committees or Sub-Committees as it considers necessary and appropriate to assist in the discharge of its functions. In making such appointments, the Shadow Executive Committee must specify the name of the Committee/Sub-Committee, its membership (including its Chairman and, if appropriate, Vice-Chairman) and the terms of reference of the body.

8 Motion under Meeting Procedure Rule 12

- 8.1 A mover of a motion under Meeting Procedure Rule 12 which has been referred to the Shadow Executive Committee for consideration may attend the meeting of the Shadow Executive Committee when his/her motion is under consideration and explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and he/she will be sent an electronic copy of the relevant papers.

9 Resolving disputes

- 9.1 In the case of any dispute during the proceedings of the Shadow Executive Committee the relevant parts of this Constitution will apply and after considering the application of the relevant provisions, the person presiding at the meeting will rule on the issue in question and his/her ruling will be final.

10 Reserves/substitute members

- 10.1 There shall be no reserve or substitute members of the Shadow Executive Committee.

11 Approval of urgent business

- 11.1 Where any matter is urgent and cannot await the next meeting, the lead officer of the Central Implementation Team may take the necessary action, provided that he/she has first consulted the Leader (or Deputy Leader if he/she is not available).

12 Conflicts of Interest

- 12.1 Where the Leader or any Shadow Executive Committee Member has a conflict of interest, he/she will follow the requirements of the Shadow Council's Code of Conduct for Members.
- 12.2 If all (or a majority) of the Members of the Shadow Executive Committee present have a conflict of interest then consideration will be given to applying

to the Interim/Appointed Monitoring Officer for a dispensation from the provisions of the Code.

- 12.3 If the discharge of a Shadow Executive Committee function has been delegated to another body or individual and a conflict of interest arises, then it will fall to the body or individual who delegated the matter to take the decision. Where that body or individual also has a conflict of interest then action set out in Rule 3.2 shall be considered.