

PART 4-2: SHADOW EXECUTIVE PROCEDURE RULES

1.0 Meetings of the Shadow Executive

- 1.1 The Shadow Executive will meet as indicated in the Shadow Authority's Schedule of Meetings. The Monitoring Officer, in consultation with the Leader, may agree to change the date of any programmed meeting, to cancel a meeting or to arrange additional meetings as they see fit. At the request of the Leader, the Monitoring Officer shall convene an additional meeting of the Shadow Executive.
- 1.2 The Shadow Executive may meet in public or in private, subject to legal requirements and the Access to Information Procedure Rules set out Part 4-6 of this Constitution.
- 1.3 The Leader will chair meetings of the Shadow Executive or in their absence, the Deputy Leader will preside. Where both are absent, the Shadow Executive Members present will elect one member of the Shadow Executive to chair that meeting.
- 1.4 Attendance by other Members of the Shadow Authority or the public shall be in accordance with the Access to Information Procedure Rules, found at Part 4-6 of the Constitution, by invitation under Rule 1.5 below, or set out in Rules 4.1 to 4.2 below.
- 1.5 The Shadow Executive may invite any person they consider appropriate to its meetings to discuss matters of mutual interest or to advise. Such persons may only be given access to confidential and/or exempt information on terms to be decided by the Monitoring Officer to ensure that the Access to Information Procedure Rules in Part 4-6 of the Constitution are observed.

2.0 Quorum at meetings of the Shadow Executive

- 2.1 No business shall be transacted where at any time during the meeting of the Shadow Executive, or a Committee established by the Shadow Executive, there are fewer than a third of the total membership, subject to a minimum of three members, of the Shadow Executive or Committee of the Shadow Executive present.

3.0 Taking of decisions by the Shadow Executive

- 3.1 Shadow Executive 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 as per Part 4-6 of the

Constitution, and shall not be implemented until the call-in process (if applicable) has been concluded.

4.0 Members attending and speaking at Shadow Executive Meetings

- 4.1 The Chair of the Shadow Overview and Scrutiny Committee shall be entitled to attend any formal public meeting of the Shadow Executive and to speak to any matter on the agenda for that meeting, provided they are not precluded from attending due to having a relevant interest in the matter, in accordance with the Code of Conduct at Part 5-1 of the Constitution.
- 4.2 Other Shadow Authority Members not described above may also speak at such meetings with the permission of the Chair, provided they are not precluded from attending due to having a relevant interest in the matter, in accordance with the Code of Conduct at Part 5-A of the Constitution.

Questions by Members

- 4.3 A Member of the Shadow Authority may ask the Leader, or any other member of the Shadow Executive, a maximum of three questions, on materially different topics, at a meeting of the Shadow Executive, on any matter in relation to which the Shadow Authority has powers or duties, or which affects the area of the Shadow Authority, and which relates to an Executive function.
- 4.4 A Member wishing to ask a question must submit the question in writing to the Monitoring Officer at monitoring.officer@westsurrey.gov.uk, no later than two clear working days before the day of the meeting.

The length of any such question is limited to a maximum of 150 words.

- 4.5 Any such questions may be rejected by the Monitoring Officer if it appears to them that it is
- Defamatory, frivolous, vexatious or offensive,
 - Not about a matter for which the Shadow Executive has powers or duties,
 - Is substantially the same as a question which has been put at a meeting of the Shadow Executive within the last six months,
 - It requires the disclosure of confidential or exempt information,
 - It refers to legal proceedings taken or anticipated by or against the Shadow Authority, or
 - It would more appropriately be dealt with by the Shadow Authority under the Freedom of Information Act 2000 or the Data Protection Act 1988 as amended.

If a question is rejected by the Monitoring Officer, the member shall be advised of the reason for rejection.

- 4.6 A question relating to an urgent matter not otherwise included on the agenda may be asked provided that:
- (a) the consent of the Leader has been obtained; and
 - (b) the text of the question has been provided to the Monitoring Officer by noon on the day of the meeting.
- 4.7 An answer to a question from a member, may be given verbally at the Shadow Executive meeting, by reference to published material or information readily available to Members, or in writing, within 5 clear working days of the meeting.
- 4.8 Questions shall be put and answered without debate
- 4.9 Questions will be taken in the order in which they are received by the Monitoring Officer, subject to the provision that all members who submit such a question shall have their first question dealt with before any additional questions from them are considered.
- 4.10 There shall be a total time limit of 30 minutes at a meeting of the Shadow Executive for taking questions from members. Questions shall be taken in the order in which they are received, except that the Chair may choose to take similar questions together. If the 30 minutes expires during a supplementary question or answer, the Chair may allow the supplementary question to be heard and responded to.
- 4.11 At the meeting, the member is able to attend either in person or remotely to put their question and has the right to ask one supplementary question without notice to the same Member. The supplementary question must arise directly from the original question or the reply. The member has a maximum of 1 minute to put their supplementary question and the Member responding has a maximum of 2 minutes to respond verbally or may respond within 5 clear working days of the day of the meeting.
- If the member is not able to attend the meeting either in person or remotely, the question may be read out by an Officer.
- 4.12 The question and any written response will be recorded in the minutes of the meeting.

5.0 Questions by Members of the Public

- 5.1 Members of the public may submit written questions to any member of the Shadow Executive.
- 5.2 A member of the public is limited to asking three such questions, on materially different topics, at any meeting of the Shadow Executive.

- 5.3 No public questions shall be permitted at the inaugural meeting of the Shadow Executive.
- 5.4 Any such questions may be rejected by the Monitoring Officer if it appears to them that it is
- Defamatory, frivolous, vexatious or offensive,
 - Not about a matter for which the Shadow Executive has powers or duties,
 - Is substantially the same as a question which has been put at a meeting of the Shadow Executive within the last six months,
 - It requires the disclosure of confidential or exempt information,
 - It refers to legal proceedings taken or anticipated by or against the Shadow Authority, or
 - It would more appropriately be dealt with by the Shadow Authority under the Freedom of Information Act 2000 or the Data Protection Act 1988 as amended.

If a question is rejected by the Monitoring Officer, the member of the public shall be advised of the reason for rejection.

- 5.5 The Monitoring Officer may, having consulted the questioner, reword any question received to bring it into proper form and to secure reasonable brevity. Copies will be circulated to members of the Shadow Executive or Committee as appropriate.

The length of any such question is limited to a maximum of 150 words.

- 5.6 A question will only be accepted by the Monitoring Officer from a member of the public if it is submitted in writing via email to the Monitoring Officer at monitoring.officer@westsurrey.gov.uk by noon, 2 clear working days before the day of the meeting, provided it is not rejected due to any of the grounds above.
- 5.7 Questions will be taken in the order in which they are received by the Monitoring Officer, subject to the provision that all members of the public who submit such a question shall have their first question dealt with before any additional questions are considered. Questions shall be directed to the Shadow Leader, Shadow Deputy Leader or appropriate Shadow Executive Member. Questions will be asked and answered without discussion. Any Member may decline to answer a question, provide a written reply or nominate another Member to answer it on their behalf.
- 5.8 There shall be a total time limit of 30 minutes at a meeting of the Shadow Executive for taking questions from members of the public. Questions shall be taken in the order in which they are received, except that the Chair may

choose to take similar questions together. If the 30 minutes expires during a supplementary question or answer, the Chair may allow the supplementary question to be heard and responded to.

- 5.9 At the meeting, the member of the public is able to attend either in person or remotely to put their question and has the right to ask one supplementary question without notice to the same Member. The supplementary question must arise directly from the original question or the reply. The member of the public has a maximum of 1 minute to put their supplementary question and the Member responding has a maximum of 2 minutes to respond verbally or may respond within 5 clear working days of the day of the meeting.
- 5.10 If the member of the public is not able to attend the meeting either in person or remotely, the question may be read out by an Officer.
- 5.11 The question and any written response will be recorded in the minutes of the meeting.

6.0 Business at Shadow Executive meetings

- 6.1 The business to be transacted at meetings of the Shadow Executive 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, set out in Part 4-6 of this Constitution.
- 6.2 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.
- 6.3 The Shadow Executive is obliged to consider matters referred to it by the Shadow Overview and Scrutiny Committee, or by the Shadow Authority for consideration under the Scrutiny Rules.
- 6.4 The Access to Information Procedure Rules in Part 4-6 of this Constitution 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, as per Part 2-12 (Article 12) of this Constitution, and those which are not, in accordance with the Access to Information Procedure Rules in Part 4-6.
- 6.5 The Shadow Executive will, at each formal meeting, confirm the record of decisions taken at its previous meeting as a correct record.
- 6.6 The Monitoring Officer, or their nominated representative, shall be responsible for preparing and distributing the Agenda for Shadow Executive meetings, attending meetings for the purpose of advising the Shadow Executive on

matters within their area of responsibility and recording decisions as required under this Constitution.

- 6.7 In taking decisions, the Shadow Executive must satisfy itself that it takes adequate and appropriate advice from its Officers who shall be present at any meeting where a decision is being taken, and that the advice is duly considered in determining the matter. Where there is any doubt about vires or probity then advice must be obtained from the Monitoring Officer and the Chief Finance Officer. Decisions shall be made in accordance with the general principles of decision making set out in Part 2-12 (Article 12) of the Constitution.
- 6.8 Any member of the Shadow Executive may require the Monitoring Officer to place an item on the Agenda for a stipulated meeting of the Shadow Executive.
- 6.9 The Monitoring Officer will ensure that any matter referred to the Shadow Executive by the Shadow Authority or the Shadow Authority's Overview and Scrutiny Committee are placed on the Agenda for the next appropriate meeting of the Shadow Executive.
- 6.10 Any Shadow Member may request the Leader to place an item on the agenda of a meeting of the Shadow Executive. The Leader shall have sole discretion as to whether or not to grant such a request and, if so, whether the Member in question can speak to the item at the meeting in question.
- 6.11 The Head of Paid Service, the Monitoring Officer and/or the Chief Finance Officer can include an item for consideration on the agenda of a Shadow Executive Meeting. In pursuance of their statutory duties, they can require that a special meeting of the Shadow Executive be convened.
- 6.12 Except in cases of urgency, business cannot be conducted at formal meetings of the Shadow Executive unless it is included in the agenda for the meeting. Where it is urgent, there must be compliance with the requirements of the Access to Information Procedure Rules at Part 4-6.
- 6.13 The Shadow Executive will report to the Shadow Authority as required under the Access to Information Procedure Rules in Part 4-6 on any matter which is classified as a Key Decision and is dealt with under special urgency procedures.

7.0 *Voting at Shadow Executive Committee Meetings*

- 7.1 Voting at Shadow Executive meetings will be by a show of hands or by electronic means. Any Member may require, immediately after the vote is taken, that the minutes of the meeting record how they voted or abstained.

- 7.2 Where there are equal votes cast, the person presiding will have a second and casting vote and is not constrained by the way they cast their substantive vote.
- 7.3 Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be in accordance with Shadow Authority Procedure Rule 17 in Part 4-1 of the Constitution.

8.0 Shadow Executive Committees

- 8.1 The Shadow Executive may appoint such Committees as it considers necessary and appropriate to assist in the discharge of functions. In making such appointments, the Shadow Executive must specify the name of the Committee, its membership and the terms of reference of the body.

9.0 Motion under Shadow Authority Procedure Rule 6.3 in Part 4-1

- 9.1 A mover of a motion under Shadow Authority Procedure Rule 6.3 in Part 4-1 of the Constitution which has been referred to the Shadow Executive for consideration, may attend the meeting of the Shadow Executive when their motion is under consideration and may 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 they will be sent an electronic copy of the relevant papers.

10.0 Resolving a dispute or disturbance

- 10.1 In the case of any dispute during proceedings of the Shadow Executive, the Shadow Authority Procedure Rules 13 and 14, found in Part 4-1 of the Constitution will apply. The person presiding at the meeting will rule on the issue in question and their ruling shall be final.

11.0 Substitute Members

- 11.1 There shall be no substitutes of the Shadow Executive Members.

12.0 Approval of urgent business

- 12.1 Where any matter is urgent and cannot await the next meeting, the Head of Paid Service may take the necessary action, provided that they have first consulted the Shadow Leader (or Shadow Deputy Leader if the Shadow Leader is unavailable) and the appropriate Statutory Officer(s).

- 12.2 Where action is taken under rule 11.1 above, the action taken, and the response to consultations, shall be reported to the next ordinary meeting of the Shadow Executive.

13.0 Conflicts of Interest

- 13.1 Where any Shadow Executive Member has a conflict of interest, they will follow the requirements of the Shadow Authority's Code of Conduct for Members as set out in Part 5-1 of this Constitution.
- 13.2 If all, or a majority of the Members of the Shadow Executive present have a conflict of interest, then consideration will be given to applying to the Monitoring Officer for a dispensation from the provisions of the Code.
- 13.3 If the discharge of a Shadow Executive 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 consideration will be given to applying to the Monitoring Officer for a dispensation.