

Executive Procedure Rules

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make Executive decisions?

The arrangements for the discharge of Executive functions may be set out in the Executive arrangements adopted by the Council. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for Executive functions to be discharged by:

- i) the Executive as a whole;
- ii) a Committee of the Executive;
- iii) an individual Member of the Executive;
- iv) an officer;
- v) joint arrangements; or
- vi) another local authority.

1.2 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:

- i) the names, addresses and Wards of the people appointed to the Executive;
- ii) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- iii) the terms of reference and constitution of such Executive Committees as the Leader appoints and the names of Cabinet Members appointed to them;
- iv) the nature and extent of any delegation of Executive functions to any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint Committee for the coming year; and
- vi) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub-delegation of Executive functions

(a) Where the Executive, a Committee of the Executive or an individual Member of the Executive is responsible for an Executive function, they may delegate further to joint arrangements or an officer.

(b) Unless the Council directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a Committee of the Executive or to an officer.

(c) Unless the Leader directs otherwise, a Committee of the Executive to whom functions have been delegated by the Leader may delegate further to an officer.

(d) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Council's scheme of delegation and Executive functions

(a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may be amended only by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

(b) If the Leader is able to decide whether to delegate Executive functions, he/she may amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the Leader must give written notice to the proper officer and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, when it takes effect and whether it entails the withdrawal of delegation from any person, body, Committee or the Executive as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

(c) Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chair.

1.5 Conflicts of Interest

Declarations of interest will be dealt with in accordance with the Members' Code of Conduct set out in Part 5 of this Constitution. If the exercise of an Executive function has been delegated to an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made.

1.6 Executive meetings – when and where?

The Executive will normally meet 12 times per year at times to be agreed by the Leader (but generally at 7.00p.m. on every 4th Monday). The Executive shall meet at the Council's main offices or another location to be agreed by the Leader.

1.7 Public or private meetings of the Executive?

All meetings of the Executive will normally be held in public (as set out in the Access to Information Rules in Part 4 of this Constitution).

1.8 Quorum

The quorum for a meeting of the Executive shall be 4, including the Leader or the Member appointed by him/her to preside in his/her absence.

1.9 How are decisions to be taken by the Executive?

(a) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

(b) Where Executive decisions are delegated to a Committee of the Executive, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

(c) In taking decisions, the Executive (including individual Members) will have regard to the plans and strategies set out in Budget and Policy Framework Procedure Rule 1 and will abide by the protocols referred to in Rule 3 below, and any other such protocols that may be developed by the Executive.

2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who presides?

The Leader will preside at any meeting of the Executive or its Committees at which he/she is present. Otherwise, the person appointed by the Leader to preside in his/her absence will do so.

2.2 Who may attend?

All meetings of the Executive and its Committees will be open to the public, subject only to the exceptions set out in the Access to Information Rules in Part 4 of this Constitution.

2.3 What business?

At each meeting of the Executive the following business will be conducted:

- i) consideration of the minutes of the last meeting;
- ii) declarations of interest, if any;
- iii) representations by members of the public in respect of any matters set out in the agenda for the meeting, if any (subject to them having registered their wish to speak by no later than 2p.m. one working day before the meeting);
- iv) matters raised by Executive Members, if any;
- v) matters raised by non-Executive Members, if any;
- vi) matters referred to the Executive (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution, if any;
- vii) consideration of reports from Overview and Scrutiny Committees, if any; and

viii) any other matters set out in the agenda for the meeting (indicating which, if any, are Key Decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution).

In respect of (v), non-Executive Members shall be allowed to speak on the matter at the meeting and, with the Leader's consent, participate in any ensuing debate.

In respect of (vi) and (vii), the relevant Overview and Scrutiny Committee Chair (or his/her representative) shall be allowed to introduce and speak on the matter/report and participate in any ensuing debate.

Other than in respect of (v), (vi) and (vii) above, non-Executive Members may address the Cabinet only if permission is granted by the Chair and if the Chair has been informed accordingly before the meeting begins. Having addressed the Cabinet, such non-Executive Members shall take no further part in the discussion.

2.4 Consultation

All reports to the Executive from any Member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation. Reports about other matters 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.

2.5 Who can put items on the Executive agenda?

The Leader will decide upon the schedule for the meetings of the Executive. He/she may put on the agenda of any Executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive, a Committee of it or any Member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.

Any Member of the Executive may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration. If he/she receives such a request the proper officer will comply.

There will be a standing item on the agenda of each meeting of the Executive for matters referred by Overview and Scrutiny Committees.

Any Member of the Council may ask the Leader to put an item on the agenda of an Executive meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered.

The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an 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 Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the 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.

3. PROTOCOLS

At all times, the Executive will abide by the following protocols, and any other such protocols they may develop:

- Consultation between Cabinet Members exercising delegated authority and their Executive colleagues
- Consultation between the Executive (collectively or individually) and Ward Councillors
- Consultation between Cabinet Members and the relevant Overview & Scrutiny Committee Chairs
- Consultation between Cabinet Members and relevant Consultative Groups (e.g. Transport, Education, Special Educational Needs)
- Consultation generally
- Publicity.