

## **Executive Procedure Rules**

### **1. HOW DOES THE EXECUTIVE OPERATE?**

#### **1.1 Who may make executive decisions?**

The arrangements for the discharge of executive functions are set out in the executive arrangements adopted by the Council. The leader may decide how they are to be exercised and 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) joint arrangements;
- v) another local authority; or
- vi) an Officer of the authority.

#### **1.2 Appointments and delegation by Leader**

(a) At the Appointments Meeting of the Council, the Leader will present to the Council the names of the Members appointed to the Executive by the Leader (including the Executive Member who is appointed as the Deputy Leader) and their Portfolios.

(b) Either at the Appointments Council Meeting or as soon as practicable afterwards, the Leader will present to the Head of Legal and Democratic Services a written record of;

(i) the detailed remits of the Portfolios of the Executive Members

(ii) any delegations made by the Leader in respect of the discharge of the Council's executive functions. The document presented by the Leader to the Head of Legal and Democratic Services will contain the following information about the discharge of the Council's Executive functions in relation to the coming year;

- The extent of authority of the Executive as a whole
- The extent of any authority delegated to individual Executive Members including details of any limitation on their authority
- The terms of reference and constitution of such Committees as the Leader appoints and the names of Executive Members appointed to them
- The nature and extent of any delegation of executive functions to Area Committees, or any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and
- The nature and extent of any delegation of executive functions to Council Officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made
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#### **1.3 Sub-delegation of executive functions**

(a) Where the Leader delegates an executive function to the Executive

then unless the Leader directs otherwise, the Executive may delegate further to a joint arrangement, a Committee of the Executive or to a Council officer.

- (b) If the leader delegates functions to a Committee of the executive or an Individual Executive Member, then unless the Leader directs otherwise, a Committee of the executive or an Individual Executive Member may delegate further to a Council officer.
- (c) 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 scheme of delegation and executive functions**

The Leader 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 Head of Legal and Democratic Services 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 delegation of the discharge of an executive function not previously delegated, or the transfer of an executive function that has been previously delegated, or the withdrawal of delegation from any Officer, Member, committee or the executive as a whole in order to discharge the delegation personally.

The changes will take effect on receipt of the Leader's written notice by each of the parties affected by a new delegation, transfer or withdrawal.

The Head of Legal and Democratic Services will ensure that a record of the new delegation of an Executive function, of a transfer, or of a withdrawal is entered into the Register of the Delegation of Executive Functions, and will present a report to the next ordinary meeting of the Council setting out a new delegation, transfer or withdrawal made by the leader at the earliest opportunity.

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**

- (a) Where the leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every member of the executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to 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 and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

#### **1.6 Executive meetings – when and where?**

The executive will meet at least seven times per year at times to be agreed by the leader. The executive shall meet at the Town Hall or another location to be agreed by the leader.

**1.7 Public or private meetings of the executive?**

The Executive will normally meet in public when making decisions subject to the usual exceptions relating to exempt or confidential information. When meeting but not making decisions the Executive will normally meet in private.

**1.8 Quorum**

The quorum for a meeting of the executive, or a committee of it, shall be one third.

**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) Where Executive decisions are delegated to an Officer of the Council either by an express delegation from the Executive or a committee of the Executive, or by a general delegation in accordance with Part 3 Scheme of Delegation (Executive Functions), the rules applying to Executive decisions taken by them shall be in accordance with Rules 13 to 23 of the Access to Information Rules in Part 4.

**2. HOW ARE THE EXECUTIVE MEETINGS CONDUCTED?**

**2.1 Who presides?**

If the leader is present he/she will preside. In his/her absence the Deputy Leader and if both are absent, then a person appointed to do so by those present shall preside.

**2.2 Who may attend?**

The entitlements in the Access to Information Rules are set out in Part 4 of this Constitution. Non Executive Members may attend meetings, but may only stay during the private part of the meeting unless excluded by the chair at the meeting. In addition to any entitlements under the Access to Information Rules in Part 4 of this Constitution the executive may agree to one or more members of the public or of the Council attending meetings that would otherwise be private and to speak with the consent of the Executive.

**2.3 What business?**

a) At each meeting of the executive which is called to make decisions the following business will be conducted:

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- i) consideration of the minutes of the last meeting;
- ii) declarations of interest, if any;
- iii) questions from the public
- iv) matters referred to the executive (whether by an scrutiny committees or by the Council) for reconsideration by the executive in accordance with the provisions contained in the Scrutiny Procedure Rules or the

Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

- v) consideration of reports from scrutiny committees; and
- vi) matters set out in the agenda for the meeting,
- vii) a list of all delegated decisions made since the last meeting

b) For all other meetings the agenda will be set by the Leader.

## 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 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 Head of Legal and Democratic Services will comply with the leader's requests in this respect.

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. This individual may, at the discretion of the Leader, be invited to attend the meeting, whether or not it is a public meeting and, with the consent of the executive, to speak. However, there may only be up to two items discussed at each executive meeting unless the Leader decides otherwise.

The monitoring officer and/or the chief financial officer may include an item for consideration on the agenda of an executive meeting and may require the Head of Legal and Democratic Services to call a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, chief financial 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.