

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 Leader will also present the following information about Executive Functions in relation to the coming year:

- (i) the Members appointed to the Executive by the Leader;
- (ii) the extent of any authority delegated to Executive 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 Executive Members appointed to them;
- (iv) the nature and extent of any delegation of Executive Functions to area Committees, any other authority or any joint arrangements and the names of those Executive Members appointed to any joint Committee for the coming year; and
- (v) 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 only be amended 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 Head of Paid Service 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 withdrawal of delegation from any person, body, Committee or the Executive as a whole. The Head of Paid Service 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 of the Executive 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 a Committee of the Executive, 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 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 six times per year and may meet more often at times to be agreed by the Leader. 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?**

The Access to Information Rules in [Part 4](#) of this Constitution set out the requirements covering public and private meetings. Other than the legal requirements, consideration should also be given to any principles of decision-making set out in [Article 13](#) of this Constitution.

There is no specific requirement in relation to frequency or place, though schedule 1 to the [Local Government Act 2000](#) allows authorities to make provision about the conduct of Executive meetings. Any such provision should be set out in this part of the constitution.

1.8. **Quorum**

The quorum for a meeting of the Executive, or a Committee of it, shall be one quarter of the total number of Members of the Executive including the Leader, or 3 including the Leader, whichever is the larger.

- 1.9. **How are decisions to be taken by the Executive?**
- (a) Executive decisions taken by 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 an Executive decision is taken by an individual executive Member or by an Officer it shall be recorded in writing on a Record of Decision Taken form.

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

2.1. **Who presides?**

- (a) The Leader will preside at any meeting at which he/she is present
- (b) If the Leader is not present then he/she may appoint a person to preside
- (c) If the Leader is not present and has not appointed a person to preside then those present shall appoint a person to preside.

2.2. **Who may attend?**

These details are set out in the Access to Information Rules in [Part 4](#) of this Constitution. It is a matter for the Executive to determine if these rules should be widened, for example to enable members of the public to attend meetings that would otherwise be private.

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) matters referred to the Executive (whether by a 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;
- (iv) consideration of reports from the Scrutiny Committees; and
- (v) matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions and which are not in accordance with the Access to Information Procedure rules set out in [Part 4](#) of this Constitution.

The order of business on the agenda for meetings of the Executive shall be determined by the Head of Paid Service in the interests of the effective conduct of business.

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 the relevant Scrutiny Committee, the proposed timetable for consultation and when consultation is complete 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 and stage of development 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 Paid Service will comply with the Leader's requests in this respect.

- (a) Any Member of the Executive may require the Head of Paid Service 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 Head of Paid Service will comply
- (b) The Head of Paid Service will make sure that an item is placed on the agenda of the next available meeting of the Executive where a Scrutiny Committee or the full Council has resolved that an item be considered by the Executive.
- (c) 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.
- (d) The Head of Paid Service, 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 Head of Paid Service 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.