

## **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 and by who they are to be exercised. In either case, the arrangements or the Leader may provide for Executive functions to be discharged by:

- a. the Executive as a whole (the Cabinet);
- b. a committee of the Executive;
- c. an individual Member of the Executive;
- d. an officer;
- e. an area committee;
- f. joint arrangements; or
- g. 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 scheme of delegations made by him/her for inclusion in the Council's Constitution. The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:

- a. the names of the people appointed to the Executive by the Leader;
- b. the extent of any authority delegated to Members individually, including details of the limitation on their authority;
- c. the terms of reference and constitution of such Executive committees as the Leader appoints and the names of Cabinet Members appointed to them;
- d. 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 Cabinet Members appointed to any joint committee for the coming year; and
- e. the nature and extent of any delegation to Officer 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 Cabinet Member is responsible for an Executive function, they may delegate further to an area committee, 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 Executive's Scheme of Delegation

- a. Subject to (b) below the Executive's Scheme of Delegation will be reported to Council and may only be amended in accordance with the Constitution. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- b. 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 Service Director: Legal & Business Operations 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. Service Director: Legal & Business Operations 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 s/he 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.
- d. Where a member has a disclosable pecuniary interest under the Localism Act 2011 or a personal and pecuniary interest under Part 4 of the Code of Council's Conduct for Members in any matter being discussed, then the member must declare that interest and withdraw from the room where the meeting is being held immediately after making representations, answering questions or giving evidence unless a dispensation to remain has been obtained from the Council's Governance Committee.
- e. Where, as a member of the Executive, you may discharge a function alone, and you become aware of a disclosable pecuniary interest under the Localism Act 2011 or a personal and pecuniary interest under part 4 of the Council's Code of Conduct for Members in a matter being dealt with, or to be dealt with, by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

## 1.6 Cabinet meetings – when and where?

The Cabinet will meet every month or at such other occasions as determined by the Leader. The time of Cabinet Meetings shall be as advised by the Leader. The Cabinet 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 Cabinet?

The Access to Information Rules in Part 4 of this Constitution set out the minimum legal requirements covering public and private meetings. Alternative additional arrangements may be put in place as determined by the Leader in the interests of openness, accountability and transparency.

## 1.8 Quorum

The quorum for a Cabinet meeting, or a committee of it, shall be one quarter of the total number of Members of the Cabinet (including the Leader) or three including the Leader, whichever is the larger.

## 1.9 How are decisions to be taken by the Cabinet?

- 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.

## **2. HOW ARE CABINET MEETINGS CONDUCTED?**

### 2.1 Who presides?

If the Leader is present, s/he will preside at any meeting of the Cabinet. If the Leader is not present, s/he will appoint another person to do so. If no appointment has been made, the meeting will elect a Chair for that meeting.

### 2.2 Who may attend?

These details are set out in the Access to Information Rules in Part 4 of this Constitution.

### 2.3 What business?

At each meeting of the Cabinet the following business shall, subject to the remaining provisions of this Article, be conducted:

- a. consideration of the record of decision and record of the last meeting;
- b. declarations of interest, if any;
- c. a statement from the Leader, if any;
- d. matters referred to the Cabinet (whether by an overview and scrutiny committee or by the Council) for reconsideration 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;

- e. consideration of reports from overview and scrutiny committees;
- f. 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; and
- g. matters for public consultation.

## 2.4 Consultation

All reports to the Cabinet from any Cabinet Member 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 Cabinet agenda?

The Leader will decide upon the schedule for the meetings of the Cabinet. S/he may put on the agenda of any Cabinet meeting any matter which s/he wishes, whether or not authority has been delegated to the Cabinet, a committee of it or any Member or officer in respect of that matter. The Service Director: Legal & Business Operations will comply with the Leader's requests in this respect.

In addition:

- a. Any Member of the Cabinet may require the Service Director: Legal & Business Operations to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If s/he receives such a request the Monitoring Officer Service Director: Legal & Business Operations will comply.
- b. The Service Director: Legal & Business Operations will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant overview and scrutiny committee or the full Council have resolved that an item be considered by the Cabinet. However, there may only be up to three such items on any one agenda. In the event that there are more than three, any items not considered shall be rolled over to the next meeting.
- c. The Head of Paid Service, Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Service Director: Legal & Business Operations to call such 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 Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet 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.

## 2.6 Form of Agenda

Whilst the Leader shall decide the general form and content of the agenda for Cabinet Meetings, the Head of Paid Service, Chief Financial Officer and Monitoring Officer shall all have the right to have matters or items considered which they consider are necessary and/or appropriate for the Council and/or Executive and in addition the Monitoring Officer Services or his/her nominee may prescribe certain matters that, as a matter of procedure, must appear on the agenda.

Without prejudice to the Overview and Scrutiny Procedure Rules in so far as they relate to Call-In, no Executive decision (which is a Relevant Decision as defined in the Overview and Scrutiny Procedure Rules) shall be implemented until five clear days after the date of publication of the decision. This is without prejudice to the procedures for urgent decisions as set out in the Overview and Scrutiny Procedure Rules and Access to Information Procedure Rules.

The Executive Procedure Rules are the responsibility of the Leader and may be amended by the Leader following consultation with the Service Director: Legal & Business Operations in accordance with these Executive Procedure Rules.