

Section 4 - Executive Procedure Rules

1.1 Who may make executive decisions?

The arrangements for the discharge of executive functions will 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) an area committee;
- (vi) joint arrangements; or
- (vii) another local authority.

1.2 Delegation of Executive Functions

At the annual meeting of the Council, the Leader will inform the Council of the delegations he/she has made (to be set out in Part 3 of this Constitution), for the Council to note:

- (i) the extent of any authority delegated to those executive members individually, including details of the limitation on their authority;
- (ii) the terms of reference and constitution of such executive committees as the Leader appoints and the names of the executive members he/she appoints to them;
- (iii) the nature and extent of any delegation of executive functions to area committees (under Article 10), any other authority or any joint arrangements and the names of those executive members appointed to any joint committee for the coming year; and

- (iv) the nature and extent of any delegation of executive functions 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, unless the Leader otherwise directs, further to an Area Committee, joint arrangements or an officer.
- (b) Unless the Leader directs otherwise if he/she 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 them.

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) The Leader may determine how an executive function is to be discharged.

1.5 Conflicts and Declarations of Interest and Withdrawal from Meetings

- (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 and Article 7 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 or by the Leader or otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (d) A member must withdraw from the meeting room (including from the public gallery) during the whole of the consideration of any item of business in which he or she has a Disclosable Pecuniary Interest, except where permitted to remain as a result of a dispensation.

1.6 Executive meetings – when and where?

The executive will meet at least 10 times per year at times to be determined by the Leader. The executive will meet at the Council's main offices or another location to be determined by the Leader.

1.7 Public or private meetings of the executive?

The executive will meet in public when it meets to take a key decision or to discuss a key decision to be taken collectively subject to the provisions of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000. The executive will decide whether meetings relating to matters which are not key decisions will be held in public or private.

The Regulations require the executive to meet in public where:-

- (a) a key decision is to be made; or
- (b)
 - (i) a matter which is likely to be discussed at that meeting relates to a decision included in the current forward plan where that decision is likely to be made within 28 days of the meeting; and
 - (ii) an officer will be present; or
- (c)
 - (i) a matter relating to a key decision to be made by the decision making body concerned is to be discussed with an officer present; or
 - (ii) a decision is made, at that meeting in relation to which a notice under Rule 15 (General Exceptions) of the Access to Information Procedure Rules was given.

Nothing in the Regulations require the executive to meet in public when dealing with confidential or exempt information as set out in the Access to Information Procedure Rules.

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 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 this 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 Executive Meetings Conducted?

2.1 Who presides?

If the Leader is present he/she shall preside. In his/her absence, if present the deputy Leader shall preside. If neither are present then a person appointed to do so by those present shall preside.

2.2 Who may attend executive meetings?

The public may attend public meetings of the executive and its committees subject to 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) 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;

- (iv) consideration of reports from overview and scrutiny committees; and
- (v) matters set out in the agenda for the meeting which shall indicate which are key decisions.

2.4 Consultation

All reports to the executive on proposals relating to the budget or policy framework must contain details of consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports on other matters must set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the matter under consideration.

2.5 Preparation of the executive agenda

- (i) The Leader will decide the schedule for the meetings of the executive. Preparation of the agenda will be undertaken by the Head of Law and Governance and will comply with the requirements of the law and this Constitution.
- (ii) The Head of Law and Governance will ensure that an item is placed on the agenda of the next available meeting of the executive if a relevant overview and scrutiny committee or the full Council has resolved that an item must be considered by the executive. However, there may only be up to 2 such items on any one agenda unless the Leader otherwise agrees.
- (iii) The head of paid service, 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 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 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 within an appropriate timescale to deal with the issue in question, then they may also require that a meeting be convened at which the matter will be considered.