

Executive Procedure Rules

1. How does the Executive operate?

1.1 Who may make executive decisions?

Executive functions to be discharged by:

- i) the Executive as a whole;
- ii) an officer;
- iii) another local authority.

1.2 Sub-delegation of executive functions

- (a) The Executive may delegate further to joint arrangements or an officer or another local authority.
- (b) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.3 The Council's scheme of delegation and executive functions

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.

1.4 Conflicts of Interest

- (a) Where the Leader of the Council has a conflict of interest this should be dealt with as set out in the Council's Members' Code of Conduct 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 Members' Code of Conduct 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 Executive and otherwise as set out in the Council's Members' Code of Conduct in Part 5 of this Constitution.

1.5 Executive meetings – when and where?

The Executive will meet at least 10 times per year at times to be agreed by the Leader of the Council. In addition:

- i) the Leader of the Council may also arrange other meetings at his/her discretion.
- ii) The Head of Paid Service may also call for additional meetings at his or her discretion with the approval of the Leader of the Council or in his or her absence the Deputy Leader of the Council
- iii) The Monitoring Officer and/or the Section 151 Officer may call an additional meeting if either believes it is necessary so to do in order to fulfil their statutory duties; in other circumstances where any of the Head of Paid Service, Section 151 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 he/she will have the right to call such a meeting.

The Executive shall meet at the Council's main offices or another location to be agreed by the Leader of the Council.

1.6 Public or private meetings of the Executive?

The Executive will normally meet in public in line with the principles set out in Article 13. The exception will be when considering exempt or confidential items.

It may also choose to meet on occasions at informal sessions.

1.7 Quorum

The number of members of the Executive shall be 8 including the Leader of the Council and Deputy Leader of the Council.

The quorum for a meeting of the Executive, shall be 4 (including the Leader of the Council or Deputy Leader of the Council), or any 4 members in circumstances considered to be exceptional by any two of the statutory officers.

1.8 How are decisions to be taken by the Executive?

Executive decisions which are to be 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.

2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader of the Council is present he/she will preside. In his/her absence, then the Deputy Leader of the Council shall preside. In the exceptional circumstances contemplated in paragraph 1.7 (Quorum) then a person appointed to do so by those present will preside.

2.2 Who may attend?

All district councillors can attend Executive meetings. The press and public can attend meetings of the Executive subject to the Access to Information Procedure Rules. On occasion the Executive may wish to meet informally for discussion purposes only and those informal sessions will be held in private. Informal sessions will not constitute meetings of the Executive. The Executive will actively encourage wherever possible the involvement of the specific expertise or knowledge of other district councillors as part of the deliberations of the Executive whether those deliberations are at meetings of the Executive or at informal sessions.

2.3 Who may speak and vote?

All district councillors can speak subject to prior notification to the Leader of the Council. The public may speak at the questions session at the start of the meeting. Only Executive members may vote.

Members of the public may ask questions in accordance with Article 3 of the Council's constitution and the guidance currently in place.

2.4 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) public questions;
- iv) matters referred to the Executive (whether by Scrutiny 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;
- v) consideration of reports from any non-executive body of the Council; and

- vi) 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.

2.5 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 non-executive bodies of the Council, 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.

2.6 Who can put items on the Executive agenda?

The Leader of the Council 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, or officer or another local authority in respect of that matter. The Head of Paid Service will comply with the Leader of the Council's requests in this respect.

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.

Full Council may require any item to be placed on the agenda of the next reasonably available meeting of the Executive.

There will be a standing item on the agenda of each meeting of the Executive for matters referred by non-executive bodies of the Council but the amount of business which can reasonably be dealt with at any one meeting of the Executive shall be within the discretion of the Leader of the Council.

Any councillor of the Council may ask the Leader of the Council to put an item on the agenda of an Executive meeting for consideration, and if the Leader of the Council agrees the item will be considered at the next reasonably 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 Head of Paid Service, and any other Strategic Director (or any other person authorised by him/her or them) may include an item for consideration on the agenda of an Executive meeting. Specifically the Monitoring Officer and the Section 151 Officer may put an item on the agenda if either believes it is necessary to do so to carry out his or her statutory duties.