

Part 4

Executive Procedure Rules



Executive Procedure Rules

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make executive decisions?

- 1.1.1 The role, form, and composition of the Executive are as laid out in Article 6 of the Council's Constitution.
- 1.1.2 Executive functions may be discharged by:
- i) the Executive as a whole;
 - ii) an individual Member of the Executive;
 - iii) a committee of the Executive;
 - iv) an officer; or
 - v) another local authority, whether under joint arrangements or otherwise.
- in accordance with the list maintained by the Leader under Article 6.8.
- 1.1.3 In the absence of the Leader, the Deputy Leader may exercise the powers of the Leader set out in this Constitution.

1.2 Delegation by the Leader

- 1.2.1 At the annual meeting of the Council, the Leader will present to the Council a written record of the delegations made by him or her for inclusion in the Council's scheme of delegation under Part 3 of this Constitution
- 1.2.2 The document presented by the Leader will contain the following information about executive functions in relation to the coming year:
- the names, addresses, and wards of the people appointed to the Executive by the Leader;
 - The extent of any authority delegated to executive members individually, including details of the limitation of their authority;
 - The terms of reference and constitution of such executive 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 any other authority or 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 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

- 1.3.1 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 within joint arrangements or to an officer or another local authority.
- 1.3.2 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.
- 1.3.3 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.
- 1.3.4 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

- 1.4.1 The Council's scheme of delegation will be subject to adoption by the Council and may be amended only by the Council. It will contain the details required in Article 6 and set out in Part 3 of this Constitution.
- 1.4.2 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 Monitoring Officer and to the person, body or committee concerned setting out -

the extent of the amendment to the scheme of delegation
whether it entails the withdrawal of delegations from any person or body
- 1.4.3 The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- 1.4.4 Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to have been served on the committee when it is served on its chairman.

1.5 Conflicts of Interest

- 1.5.1 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.
- 1.5.2 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.
- 1.5.3 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 Executive and otherwise as set out in the Council's Members' Code of Conduct in Part 5 of this Constitution.

1.6 Executive meetings – when and where?

- 1.6.1 The Executive will meet at least 8 to 10 times per year at times to be agreed by the Leader of the Council. In addition, the Leader of the Council may also arrange other meetings at his/her discretion.
- 1.6.2 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
- 1.6.3 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.
- 1.6.4 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.
- 1.6.5 The Executive shall meet at the Council's main offices or another location to be agreed by the Leader of the Council.

1.7 Public or private meetings of the Executive?

- 1.7.1 The Executive will normally meet in public in line with the principles set out in Article 11. The exception will be when considering exempt or confidential items.
- 1.7.2 It may also choose to meet on occasion in informal sessions and those sessions may be in private.

1.8 Quorum

- 1.8.1 The number of Members of the Executive shall be up to six including the Leader of the Council and Deputy Leader of the Council.
- 1.8.2 The quorum for a meeting of the Executive shall be 50% of the total membership (including the Leader of the Council or Deputy Leader of the Council).
- 1.8.3 In the event that both the Leader and the Deputy Leader of the Council are prevented from attending a meeting of the Executive, in circumstances which any two of the statutory officers consider to be exceptional, the quorum at a meeting of the Executive will be 50% plus one of the Executive membership.
- 1.8.4 The quorum at a meeting of a committee of the executive shall be one quarter of the members or two members.

1.9 How are decisions to be taken by the Executive?

- 1.9.1 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.
- 1.9.2 Where decisions are taken by 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.
- 1.9.3 Where decisions are taken by an individual Member of the Executive, they shall not come into effect until recorded in writing and submitted to the Monitoring Officer in accordance with Rule 19 of the Access to Information Rules (in Part 4 of this Constitution).
- 1.9.4 Where a decision relates to an Executive Members local ward, that Member may take part in the discussion, but will abstain from any vote on the item.

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 1.8 (Quorum) then a person appointed to do so by those present at the meeting will preside.

2. HOW ARE EXECUTIVE MEETINGS CONDUCTED? (cont'd)

2.2 Who may attend?

- 2.2.1 All district councillors can attend meetings of the Executive or a committee of the Executive.
- 2.2.2 The press and public can attend meetings of the Executive or a committee of the Executive subject to the Access to Information Procedure Rules.
- 2.2.3 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.
- 2.2.4 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 a committee of the Executive or at informal sessions.

2.3 Who may speak and vote?

- 2.3.1 All district councillors can attend and speak, subject to adherence to the Council Rules of Debate prior notification being given to the Leader of the Council (or the Deputy Leader of the Council, if s/he is chairing). Only Executive Members may vote.
- 2.3.2 Members of the public may speak only to ask questions at the start of the meeting 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) the Executive Forward Plan
- v) 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;
- vi) consideration of reports from any non-executive body of the Council; and
- vii) matters set out in the agenda for the meeting. The agenda shall indicate which matters 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

- 2.5.1 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.
- 2.5.2 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?

- 2.6.1 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 Monitoring Officer will comply with the Leader of the Council's requests in this respect.
- 2.6.2 Any Member of the Executive may require the Monitoring Officer 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 Monitoring Officer will comply.
- 2.6.3 Full Council may require any item to be placed on the agenda of the next reasonably available meeting of the Executive.
- 2.6.4 There will be a standing item on the agenda of each meeting of the Executive for matters referred by the Overview & Scrutiny Panel but aside from this 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.
- 2.6.5 Any Member 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.
- 2.6.6 The Head of Paid Service, or any Senior Officer may include an item for consideration on the agenda of an Executive meeting. In addition, 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.