

Executive Procedure Rules

(April-May 2009)

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make executive decisions?

Executive functions may 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 through joint arrangements.

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 document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- (i) the names, addresses and wards of the people appointed to the executive;
- (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 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 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 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 Democratic Services Manager 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 Democratic Services Manager will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader and will immediately make the necessary changes to the Constitution unless the change is to the Cabinet membership, in which case the change will be approved by Council prior to the Constitution being updated. Any changes other than to the Cabinet membership will be reported by the Democratic Services Manager to all Members as soon as possible, generally the working day after notification is received from the Leader.
- (c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chairman.

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 normally on the days set in the Council calendar 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. The Leader may convene additional meetings of the executive.

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 of the executive.

1.8 Principles of Executive decision making

All decisions of the Executive will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) explaining what options were considered and giving the reasons for the decision.

1.9 Quorum

The quorum for a meeting of the executive shall be one half of the total number of members. The quorum for a meeting of a committee of the executive shall be 3.

1.10 How are decisions to be taken by the executive?

Decisions which have been delegated to the Executive or a committee of the Executive 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?

- 2.1.1 At a meeting of the Executive, if the Leader is present he/she will preside. In his/her absence, the Deputy Leader shall preside. In the absence of both, the meeting will be presided over by a member of the Executive as notified by the Leader to the Democratic Services Manager. In the absence of such notification a person shall be appointed to preside by those present.
- 2.1.2 At a meeting of a Committee of the Executive, the Chairman shall preside. In the absence of the Chairman a person shall be appointed to preside by those present.
- 2.1.3 The person presiding at the meeting may exercise any power or duty of a Chairman concerning the conduct of the meeting.
- 2.1.4 The person presiding at the meeting will always have the right to exercise a casting vote in the event of equality of voting on a motion or amendment, in accordance with the provisions of the Local Government Act 1972, provided he or she has voted when the motion or amendment was first put to the vote.

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 executive the following business will be conducted:

- (i) consideration and signing of the minutes of the last meeting;
- (ii) declarations of interest, if any;
- (iii) 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;
- (iv) matters referred to the executive (whether by Overview and 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; and
- (v) consideration of reports from overview and scrutiny committees.

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 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 executive agenda?

- 2.5.1 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 Democratic Services Manager will comply with the Leader's requests in this respect.
- 2.5.2 Any member of the executive may require the Democratic Services Manager 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 Democratic Services Manager will comply.
- 2.5.3 The 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 Democratic Services Manager 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 soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require the Democratic Services Manager to convene a meeting at which the matter will be considered.
- 2.5.4 When a matter has been referred by Council to the Executive or Cabinet Member for consideration, the Democratic Services Manager will report to the Executive or Cabinet Member who in turn will notify the Democratic Services Manager of their response or proposed action and the Democratic Services Manager will report to the next meeting of Council.

2.6 Quorum – Rules

- 2.6.1 Except when authorised by statute, business shall not be transacted at any meeting of any the executive or its committees unless there is a quorum.
- 2.6.2 If the Leader or other member presiding at the meeting finds that a quorum of members is not present at any time during the meeting, they must adjourn the meeting and the Democratic Services Manager shall record in the minutes of the meeting the names of those who were present and those who were absent.

2.7 Decisions

After each meeting decisions made under the executive's or its committee's powers will be produced and made available to all members of the Council.

Suspension of business at executive and executive committee meetings

2.8 The time limit for meeting and outstanding business

2.8.1 No business at any meeting of the executive or its committees shall be transacted after 10 p.m. and any business transacted after that time shall be null and void. At 10 p.m. and without further debate the person presiding at the meeting shall immediately put to the vote any motion or amendment, which has been formally moved and seconded.

2.8.2 If any items remain on the agenda to be dealt with, the executive or its committee may decide to:-

- (i) call a special meeting or refer the remaining items to the next ordinary meeting; or
- (ii) adjourn the meeting, but only the remaining items may be dealt with at the adjourned meeting. No new items may be put on the agenda and any members not present at the meeting must not attend for the adjourned meeting.

2.9 Voting at meetings:

The mode of voting at all meetings of the executive and its committees shall be determined by a show of hands except where otherwise provided by law.