

# Part 4(d) – Executive Procedure Rules

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# Part 4(d) – Executive Procedure Rules

## 1. How does the Executive operate?

### 1.1 Who may make Executive decisions?

- The Executive will comprise a maximum of ten Councillors, including the Leader and Deputy Leader. The Leader will be appointed for a four year term, subject to the provisions set out in **Part 2 - Article 7.03 (a) – (c)**.
- The Leader will then appoint up to 9 other Cabinet Members who will be allocated one of the portfolios set out in **Part 3, Schedule 1**.
- The Leader may amend these portfolios in accordance with **Part 2 – Article 7.02**.
- Subject to the powers delegated to the Cabinet Committee re traffic orders (set out in **Part 3, Schedule 2**) and the Scheme of Delegations to Officers [set out at **Part 3, Schedule 3**] Executive functions will be discharged by decisions taken at meetings of the Executive as a whole.
- If and to the extent that any Executive functions are not included in the delegation scheme then in cases of urgency the Leader may arrange for the discharge of those functions by delegating them to the Chief Executive or the appropriate Deputy Chief Executive to act in consultation with the Leader under section 15(3) and (4) of the 2000 Act subject to review by the Council at the next annual Council meeting.<sup>1</sup>
- The Leader may appoint a substitute for each of the Cabinet Members for the purposes of being consulted by officers under the delegation scheme and generally in order to cover their portfolio in the event that the Cabinet Member is absent or unable to act for whatever reason. All the substitutes shall be drawn from amongst the other Cabinet Members.

### 1.2 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.

### 1.3 Conflicts of Interest

If the exercise of an Executive function has been delegated to a committee of the Executive, or an officer and a conflict of interest arises, then the function will be exercised at a meeting of the Executive as a whole.

### 1.4 Executive meetings – when and where?

Unless prevented by emergency or other unavoidable cause, the Executive will meet at least 8 times per year 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.

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<sup>1</sup> This provision is designed to cover the situation where, for whatever reasons, an executive function has been omitted from the Scheme of Delegations to Chief Officers in Part 3 (Schedule 3) and reflects Section 15 of the 2000 Act. In contrast Standing order 46 (in the Council's Procedure Rules in Part 4(a)) permits urgent action by Chief Officers in relation to matters within the terms of reference of the Cabinet or a Committee and which would normally be taken by the Cabinet or Committee as the case may be.

## **1.5 Meetings of the Executive shall be in public**

Subject to the rules regarding exempt information in **Part 4(b)**. This requirement does not include meetings, whose sole purpose is for Officers to brief Cabinet Members. All Cabinet meetings are expected by the Council to be held in public.

## **1.6 Quorum**

The quorum for a meeting of the Executive shall be 3.

## **1.7 How are decisions to be taken by the Executive?**

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 Procedure Rules in **Part 4(b)** of the Constitution.

## **2. How are Executive meetings conducted?**

### **2.1 Who presides?**

If the Leader is present, they will preside. In their absence, then the Deputy Leader or in their absence a person appointed to do so by those present shall preside.

### **2.2 Who may attend?**

These details are set out in the Access to Information Procedure Rules in **Part 4(b)** of this Constitution. Chair of Scrutiny Committees may be invited to attend a meeting of the Executive to present their reports.

### **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 a scrutiny committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny Procedure Rules (**Part 4(e)**) or the Budget and Policy Framework Procedure Rules (**Part 4(c)**);
- (iv) consideration of reports from scrutiny committees; and
- (v) 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(b)**.

### **2.4 Consultation**

All reports to the Executive 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 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?**

- (i) Any Cabinet Member may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration. If they receive such a request the Chief Executive will comply.
- (ii) The Chief Executive and the Monitoring Officer will make sure that an item is placed on the agenda of the next available meeting of the Executive where a scrutiny committee or the full Council have resolved that an item be considered by the Executive.
- (iii) The Head of Paid Service and / or the Monitoring Officer and / or the Chief Finance Officer may include an item for consideration on the agenda of an Executive meeting and may require such a meeting to be called in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance 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 that a meeting be convened at which the matter will be considered.