

## **B. EXECUTIVE PROCEDURE RULES**

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## EXECUTIVE PROCEDURE RULES

### **How does the executive operate?**

#### **B1 Decision making**

The Leader of the Council will decide how executive functions are to be exercised and 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.

#### **B2 Delegation by the Council and Leader**

- (a) At the annual meeting of the Council, the leader will inform the Council of the size and composition of the Cabinet and the allocation of portfolios to members of the cabinet for inclusion in the Council's scheme of delegation at Part 3 to this Constitution.
- (b) At Leader of the Council will determine:
  - i) the extent of any authority delegated members of the cabinet individually, including details of any limitation on their authority;
  - ii) the terms of reference and constitution of any executive committees and the portfolio holders appointed to them;
  - iii) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the portfolio holders appointed to any joint committee for the coming year; and
  - iv) 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.

Such determinations shall be made in writing and signed by the Leader and shall be delivered forthwith to the Council's Managing Director

- (c) The Leader may agree the creation, and terms of reference of, cabinet committees comprising a minimum of three members of the executive. The membership of cabinet committees may be determined from time to time by the Leader. Such determinations shall be made in writing and signed by the Leader and shall be delivered forthwith to the Council's Chief Executive.

#### **B3 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 Leader directs otherwise, a committee of the executive to whom functions have been delegated by the Leader may delegate further to an officer.
- (c) 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.

**B4 The Council's scheme of delegation and executive functions**

- (a) Subject to (b) below the Council's scheme of delegation 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 proper officer 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 proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the leader. 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 chair.

**B5 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.

**B6 Frequency of meetings**

The executive will meet at least once every three weeks 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.

**B7 Public and private meetings of the executive**

Any part of an executive meeting where a key decision is to be taken must be open to the public unless confidential or exempt information is to be discussed. Where key decisions are not to be discussed the executive can decide whether to hold the meeting in public or in private.

**B8 Quorum**

The quorum for a meeting of the executive, or a committee of it, shall be 3<sup>1</sup> members of the executive.

**B9 How decisions are 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 unless the urgency procedure in B16 applies.
- (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.

**How are executive meetings conducted?**

**B10 Chair of meetings**

If the leader is present he/she will preside. In his/her absence, the deputy leader will preside and if he/she is absent as well, a person appointed to do so by those present shall preside.

**B11 Attendance at meetings**

- (a) Any part of an executive meeting where a key decision is to be taken must be open to the public unless confidential or exempt information is to be discussed (see Rule 10 of the Access to Information Procedure Rules).
- (b) Executive meetings, or parts of meetings that do not involve key decisions, may be held in public or in private at the discretion of the executive.
- (c) Private meetings of the executive and its committees may be attended by:-
  - the Chief Executive
  - the Executive Director (Resources)
  - the Monitoring Officer
  - a minute taker
  - chair of overview and scrutiny committee (for items within that committee's remit)
- (d) Private meetings of any committee of the executive may also be attended by all members of the executive.

**B12 Order of business**

At each meeting of the executive the following business will be conducted:

- i) apologies and declarations of interest, if any;
- ii) consideration of the minutes of the last meeting;

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<sup>1</sup> Reduced from 4 to 3 at Council, 6<sup>th</sup> December 2012

- 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 and the agenda 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.

### **B13 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.

### **B14 Agenda formation**

- (i) Subject to (ii) - (v) below the leader will decide upon the agenda 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 proper officer will comply with the leader's requests in this respect.
- (ii) Any member of the executive may require the proper 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 proper officer will comply.
- (iii) The proper officer will make sure that an item is placed on the agenda of the next available meeting of the executive where a relevant overview and scrutiny committee or the full Council have resolved that an item be considered by the executive. However, there may only be up to 4 such items on any one agenda. Once this number has been reached any further items will be deferred to the next meeting of the executive.
- (iv) Any councillor may ask the leader to put an item on the agenda of an executive meeting for consideration, and if the leader agrees the item will be considered at the next 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. This individual will be invited to attend the meeting, whether or not it is a public meeting. However, there may only be up to 2 such items per executive meeting and once this number has been reached any further items will be deferred to the next meeting of the executive. If the leader does not agree to the request for the item to be included on the agenda of an executive meeting he / she will write to the member concerned giving a reason for the refusal
- (v) 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 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 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.

#### **B15 Policy development boards**

- (i) The executive may approve the formation, size, terms of reference and membership of a policy development board to assist and advise each member of the cabinet in connection with their portfolio. The policy development boards will not be decision-making and will report to the executive.
- (ii) Each policy development board shall comprise the portfolio holder and up to 6 other councillors. The membership of each policy development board may include one cabinet member in addition to the relevant portfolio holder, but the executive must give preference to non-executive councillors when determining membership of policy development boards.
- (iii) The composition of each policy development board will reflect the political balance of the Council. The portfolio holder may put forward names of members willing to serve on his/her policy development board and the executive shall ask the opposition political group(s) for nominations to any places they may be allocated on the relevant board.
- (iv) The Leader and Deputy Leader may attend meetings of any policy development board and speak at the same.
- (v) Each policy development board may meet in private and the frequency of meetings will be determined by the relevant portfolio holder. The proceedings of each policy development board should be informal in style and these Procedure Rules will not apply. The meetings will be serviced by a Lead Officer designated by the executive.
- (vi) Substitute members may attend policy development board meetings provided the substitution has been agreed in advance by the relevant portfolio holder.
- (vii) The executive may disband a policy development board or alter its size or terms of reference at any time.

#### **B16 Urgency procedure**

- (a) Urgent executive decisions which cannot be delayed until the next meeting of the executive or executive committee (as the case may be) may be taken by the relevant chief officer after consultation with the following:
  - Leader
  - Deputy leader
  - Relevant portfolio holder (if any) or any other cabinet member if there is no relevant portfolio holder in respect of the decision in questionThe mayor pursuant to Rule C15 of the Overview and Scrutiny Procedure Rules.  
Plus one of the following:
  - o the Chief Executive; or
  - o the Deputy Chief Executive (in the absence of the Chief Executive or if the Chief Executive is the decision taker) or
  - o the monitoring officer (in the absence of the Chief Executive and Deputy Chief Executive or if one is absent and the other is the decision taker)
- (b) In the absence of the leader, deputy leader or portfolio holder (if any) the consent of another cabinet member will be required.

- (c) The urgent decision, the reason for it and the reason for the use of the urgency procedure must be reported to the next meeting of the executive or executive committee (as the case may be).

**B17 Application of Council Procedure Rules**

The following Council Procedure Rules apply to meetings of the executive:

- A7 Duration of meeting
- A20.3 Member not to be heard further
- A20.4 Member to leave the meeting
- A20.5 General disturbance
- A21 Disturbance by the public