

Executive Procedure Rules

1. How Does the Executive Operate?

1.1 Who may make Executive Decisions?

The arrangements for the discharge of executive functions are set out in the executive arrangements adopted by the Council.

Those arrangements provide that the Cabinet may discharge all the local authority's functions which are not the responsibility of any other part of the local authority whether by law or under this Constitution.

Executive functions may also be discharged by Cabinet Committees and Officers of the Authority or under joint arrangements and the details are set out in Part 3.

The Council has also determined that:-

- The Cabinet may grant delegated authority to a Cabinet Committee or an Officer to discharge its functions.
- A Cabinet Committee may grant delegated authority to an Officer to discharge its functions.
- None of the above precludes the delegating body from discharging or withdrawing the functions delegated, nor preclude referral of matters to the delegating body for a decision.

Two or more members may be appointed as a Cabinet Member on a job sharing basis (provided that the number of executed members does not 13 in total and where at least three of the members have been appointed to share officer).

1.2 Conflicts of Interest

- (a) If any member of the executive had 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 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.

1.3 Executive Meetings – When and Where?

Executive meetings mean meetings of the Cabinet or Cabinet Committees.

Executive meetings will be held as and when required, and at the Council's offices or another location to be agreed by the Leader.

1.4 Public or Private Meetings of the Executive?

Executive meetings will comply with the Access to Information Procedure Rules in this Constitution.

1.5 Quorum

The quorum for a meeting of the Cabinet shall be 3 members.

The quorum for a meeting of a Cabinet Committee shall be 2 members.

The job share Cabinet Members have between them one vote in respect of any matter on which they have a right to vote. Where any meetings is attended by more than one of the Cabinet Members who share the same office and those members are attending in their capacity as Cabinet Member they together count only as one person for the purpose of determining whether the meeting is quorate.

1.6 How are Decisions to be taken by the Executive?

- (a) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

- (b) Where executive decisions are delegated to a Cabinet 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.
- (c) Any Cabinet decisions may be rescinded at any time by the Cabinet, while any Cabinet Committee decisions may be rescinded at any time by the Cabinet or the Cabinet Committee which made the earlier decisions.
- (d) The Executive may take urgency decisions on the basis of the provisions in this Constitution.
- (e) Where a Member requests it immediately after a vote is taken, their vote will be recorded in the Minutes to show whether they voted for or against the motion, or abstained from voting.

2. How are the Executive Meetings Conducted?

2.1 Who Presides?

- (a) Cabinet – if the leader is present he/she will preside. In the absence of the leader, the deputy leader will preside. In the absence of both then a person appointed to do so by those present shall preside. The person presiding shall have a casting vote.
- (b) Cabinet Committee – the member present will appoint someone from the Committee to preside at the meeting. The person presiding shall have a casting vote, except in the circumstances in 2.2 (d) below.
- (c) The person presiding will be responsible for running the meeting and the order of business.

2.2 Other Provisions

- (a) Each Cabinet member to be a voting substitute for any Cabinet Committee member in the absence of a Committee member at such a meeting, but if the appointed member of a Cabinet Committee is unable to attend a meeting and considers that a particular issue within his/her portfolio which is due to be determined at the meeting should be deferred to the Cabinet or a later Cabinet Committee, then this should be acceded to by the Cabinet Committee.
- (b) The Leader and Deputy Leader may attend any Cabinet Committee meeting as non-voting members – unless they are formally substituting for a Cabinet Committee member, in which case either or both shall be voting members.
- (c) The Cabinet Committee may invite any other Cabinet members to be present as non-voting members – unless they are formally substituting for a Cabinet Committee member, in which case they shall be voting members.
- (d) If the voting Cabinet Committee members are unable to agree (or one declines to exercise a vote) on a particular matter where there are only two voting members present, the matter in question shall be referred to the Cabinet.

- (e) The provisions in Article 7.7 as to other members attending meetings shall also apply.
- (f) Any job share Cabinet Members have between them one vote in respect of any matter on which they have a right to vote. Where any meetings is attended by more than one of the Cabinet Members who share the same office and those members are attending in their capacity as Cabinet Member they together count only as one person for the purpose of determining whether the meeting is quorate.

2.3 Reports and Consultation

All reports to the executive on proposals relating to the budget and policy framework must contain details of consultation undertaken in accordance with this Constitution, and the outcome of that consultation. Reports about other matters will also set out the details and outcome of consultation as may be required by the Constitution. Where consultation required under the Constitution has not taken place, the reason why that is the case must also be included in the report. Reports to the executive must also include:

- The reasons for a proposed decision
- A List of background papers and any other requirements under the Access to Information Rules
- Such compliance testing statements as will be appropriate from time to time

2.4 Who can put items on the Executive Agenda?

The leader may put on the agenda of an 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 of officer in respect of that matter.

Any member of the executive may request inclusion of an item on the agenda of the next available meeting of the executive for consideration. Officers of the Authority will also identify and report on items for meetings of the executive.

The Chief Executive will make sure that an item if placed on the agenda of the next available meeting of the executive where a relevant Scrutiny Committee or the full Council have resolved that an item be considered by the executive. The meeting here may be either the Cabinet or a Cabinet Committee.

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 Chief Executive 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.

2.5 Attendance

Any non-executive Member may also as of right (subject to any relevant Code provisions) attend in respect of a particular item (or items) of interest/concern with prior notification to the Chief Executive and Chair. The Member may speak, but not move second or amend a motion. The attendance in the latter context is not meant to relate to attendance and participation for all or most of the items on the agenda, and if such a request is made, the decision on attendance shall rest with the Executive

2.6 Procedural Rules

The procedural rules applicable to this meeting shall be the Council Procedure Rules set out in Part 4 of the Constitution.