# **EXECUTIVE PROCEDURE RULES**

* 1. Who are the executive?

1.1.1 The appointees to the Executive (or Cabinet) will be as set out in the Constitution.

# How does the Executive Operate?

* + 1. Who may make executive decisions? The arrangements for the discharge of executive functions are set out in the Constitution. In either case, the arrangements may provide for executive functions to be discharged by:
       1. the executive as a whole;
       2. a committee of the executive;
       3. an individual member of the executive;
       4. an officer;
       5. joint arrangements; or
       6. another local authority.
    2. Sub-Delegation of Executive Functions:
       1. where the Cabinet, a committee of the Cabinet or an individual Member of the Cabinet is responsible for an Executive Function, they may delegate further to an Officer;
       2. where Executive Functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.
    3. Conflicts of Interest:
       1. Where the Leader or Cabinet Member has a conflict of interest this should be dealt with as set out in the Council’s Code of Conduct for Members.
       2. if the exercise of an Executive Function has been delegated to a committee of the Cabinet, 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.
    4. The frequency and timing of meetings of the Cabinet will be determined by Council. The Cabinet will meet at the Council’s main offices or another location to be agreed by the Leader and Chief Executive. All meetings will be held in a hybrid manner.
    5. Cabinet will hold its meetings in public, except in the circumstances set out in the Access to Information Procedure Rules for example where confidential or exempt information is being discussed. Noting that Single Cabinet Member Decision making does not take place by way of a public meeting.
    6. Quorum:
       1. the quorum for a meeting of the Cabinet shall be 5 including the Leader or Deputy Leader;
       2. the quorum for a meeting of any committee of a Cabinet that is established shall be one half the number of members of the committee.

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.

* + 1. Remote attendance at meetings of Cabinet are permitted. Any member attending a meeting remotely (the “remote attendee”) must be enabled to speak to and be heard by each other and to see and be seen by each other.
    2. The failure of any technological provision whether that leads to a partial or complete loss of contact between the remote attendees and those members in actual attendance during the meeting shall not invalidate any part of the deliberations or any vote taken. The Chair may postpone the meeting if they deem that appropriate.
    3. Executive Decisions made by the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules and where Executive Decisions are delegated to a committee of the Cabinet, the rules applying to Executive Decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

# How are the Executive Meetings Conducted?

* + 1. The Leader will preside at any meeting of the Cabinet or its committees at which they are present. In their absence, the Deputy Leader will preside. In their absence, then a person appointed to do so by those present shall preside.
    2. 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 Leader or Deputy Leader. 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 person chairing the meeting.
    3. The Chair of an Overview and Scrutiny Committee shall have a right to attend Cabinet and make representations on any report that falls within the remit of their respective Overview and Scrutiny Committee.
    4. At each meeting of the Cabinet the following business will be conducted:
       1. declarations of interest, if any;
       2. matters referred to the Cabinet (whether by Scrutiny Committees or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Committee Procedure Rules or the Budget and Policy Framework Procedure Rules set out above;
       3. consideration of reports from Scrutiny Committees;
       4. consideration of reports from any Cabinet Committees;
       5. reports from Officers of the Authority.
    5. 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 and Such compliance testing statements as will be appropriate from time to time
    6. Who can put items on the Cabinet Agenda?
       1. Council will decide upon the schedule for meetings of the Cabinet.
       2. The Leader may put any matter on the agenda of any Cabinet meeting whether or not authority has been delegated to the Cabinet, a committee of it or any Member or Officer in respect of that matter;
       3. any Member of the Cabinet may require the Proper Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration;
       4. the Chief Executive, the Monitoring Officer and/or the s151 Officer may include an item for consideration on the agenda of a Cabinet meeting and may require that such a meeting be convened in pursuance of their statutory duties;
       5. in other circumstances, where the Chief Executive or s151 Officer or Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting 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 considered at which the matter will be considered.

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