

# 4D. Executive Procedure Rules

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# 1. Operation of the Executive

## 1.1 Making Executive Decisions

The Leader may discharge any of the functions of the Cabinet (Executive) himself/herself or may arrange 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) a Local Committee;
- (vi) joint arrangements; or
- (vii) another local authority.

The Leader may assign to any member of the Cabinet specific portfolio responsibilities with or without authority to exercise executive functions in relation to those responsibilities.

## 1.2 Delegation by the Leader

The Leader will present to the Annual Meeting of the Council a written proposal of delegations to be made by him/her for inclusion in the Council's Scheme of Delegation (Responsibility for Functions 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 electoral divisions of the people appointed to the Cabinet;
- (ii) the extent of any authority to be delegated to Cabinet Members individually, including details of any limitation on their authority;
- (iii) the terms of reference and constitution of such executive committees as the Cabinet has appointed, and the names of Cabinet Members appointed to them;
- (iv) the nature and extent of any delegation of executive functions to local committees, any other authority or any joint arrangements, and the names of any Cabinet 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 Cabinet, a committee of the Cabinet, or an individual Cabinet Member is responsible for an executive function, they may delegate further to a local committee, joint arrangements, or an Officer.
- (b) If the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a committee of the Cabinet or to an officer.
- (c) Unless the Leader directs otherwise, a Committee of the Cabinet 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 Schemes of Delegation and Executive Functions**

- (a) The extent of any delegation by the Leader in accordance with the provisions above must be recorded in a Scheme of Delegation to Cabinet Members, a Scheme of Delegation to local committees or the Scheme of Delegation to Officers as appropriate and any amendments to the Schemes must be reported to the full Council at its next scheduled meeting. Any delegation to any committees of the Cabinet must be similarly reported.
- (b) The Leader may make an amendment to the schemes of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Chief Executive. The notice must set out the extent of any amendment to the schemes of delegation. The Chief Executive will then include the Leader's proposals in the schemes of delegation as appropriate and shall report the changes to the full Council at its next meeting and include them in this Constitution. The Chief Executive will present a report to the next Ordinary Meeting of the Council setting out the changes proposed by the Leader.

### **1.5 Transitional Provisions**

The arrangements for the discharge of Executive functions set out in these Rules are to take effect from the election of a new Leader of the Council at the County Council's Annual Meeting in June 2009. Until the new Leader notifies the Chief Executive of any proposals for changing the arrangements for making executive decisions, the arrangements set out in the Constitution in force at the date of the June 2009 County Council meeting shall continue to apply.

## 1.6 **Conflicts of Interest**

- (a) Where the Leader has a conflict of interest, this should be dealt with as set out in the Members' Code of Conduct in Part 5 of this Constitution.
- (b) If every member of the Cabinet has a conflict of interest, this should be dealt with as set out in the Members' Code of Conduct in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual Cabinet 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 Members' Code of Conduct in Part 5 of this Constitution.

## 1.7 **Executive Meetings**

The Executive will meet at such times as may be agreed by the Leader. The Executive shall meet at the Council's main offices, or at other locations to be agreed by the Cabinet.

The Cabinet shall meet in accordance with the requirements of the Access to Information Act relating to confidential and exempt information.

## 1.8 **Quorum**

- (a) The quorum for a meeting of the Executive shall be not less than 40% of the members of the Executive appointed by the Leader of the Council from time to time with the number being rounded up to the nearest whole number; such number to include the Leader or Deputy Leader or, in the absence of both, a specified member of the Cabinet designated by the Leader or Deputy Leader.

## 1.9 **How Decisions are to be taken by the Executive**

- (a) Executive decisions which the Leader has 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 4B of this Constitution.
- (b) Where the Leader has delegated executive decisions 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.
- (c) Voting at meetings of the Executive and its committees will be by a simple majority of those members voting and present in the room at the time the question is put; in the event of equality, the Chair will have a second or casting vote.

## **2. How Executive Meetings are conducted**

### **2.1 Chair**

The Leader, or in his/her absence the Deputy Leader, will take the Chair at any meeting of the Executive or its committees at which he/she is present. In the absence of both, a member of the Cabinet designated by the Leader/Deputy Leader shall preside.

### **2.2 Business**

At each Meeting of the Executive, the following business will be conducted:

- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) 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 4C of this Constitution;
- (d) consideration of reports from Overview and Scrutiny Committees; and
- (e) matters referred to the Executive by a Local Committee;
- (f) 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 4B of this Constitution.

### **2.3 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.

### **2.4 Putting items on the Executive Agenda**

- (a) 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 Chief Executive will comply with the Leader's requests in this respect.

- (b) With the agreement of the Leader any member of the Executive 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 he/she receives such a request, the Chief Executive will comply.
- (c) The Chief Executive 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 Local Committee or the full Council have resolved that an item be considered by the Executive.
- (d) 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 the Head of Member Services and Scrutiny to call such a meeting 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.

