

Part 3 – procedure rules

f. Executive procedure rules

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1. How the Executive operates

1.1 Making Executive decisions

The arrangements provide for Executive functions to be discharged by the Executive as a whole, an individual member of the Executive or an officer.

The extent of delegation is set out in part 2 of the constitution ‘responsibility for functions’.

1.2 Delegation by the Leader

Council approves the responsibility for functions, however, delegation joint arrangements or another authority is a matter for the Leader of Council where the function is not allocated by Council.

1.3 Sub-delegation of Executive functions

Where the Executive as a whole, or a member of the Executive, is responsible for an Executive function, they may delegate further to a joint arrangement or an officer.

Unless Council directs otherwise, if the Leader delegates functions to the Executive, the Executive may delegate further to a committee of the Executive or an officer.

Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated the function.

1.4 The scheme of delegation and Executive functions

The council’s scheme of delegation (which forms part of this constitution) will be subject to adoption by Council and may only be amended by Council.

No key decisions can be taken by individual Executive members.

Decisions delegated to an individual Executive member can only be taken by the relevant Executive member or, in their absence, the Leader of Council (or Deputy Leader in the Leader's absence).

1.5 Conflicts of interest

Where the Leader of Council or a member of the Executive has a conflict of interest, this should be dealt with as set out in the council's code of conduct.

1.6 Time and location of meetings

The Executive will meet approximately every eight weeks at an agreed and published time and place. The Executive may hold additional meetings when required.

1.7 Accessibility of meetings

All formal meetings of the Executive where decisions are taken will be held in public in accordance with the Access to Information procedure rules.

Private briefings will be held as necessary to develop policy, discuss innovation and undertake strategic planning either with or without officers. Other members may be invited to those briefings by the Leader of the Council.

2. Notice of meetings of the Executive

2.1 Members of the Executive will be entitled to receive five clear working days' notice of a meeting, unless the meeting is convened at shorter notice as a matter of urgency.

2.2 All members of the council will have access to copies of the notice and the agenda in their preferred format.

2.3 The Head of Paid Service, Head of Finance and Monitoring Officer, Directors and their nominees are entitled to attend any meeting of the Executive.

3. Quorum

3.1 The quorum for the Executive is three and business shall not be transacted unless at least this number of members is present. If, on any occasion, a quorum is not present after 15 minutes from the scheduled start time of the meeting, the meeting shall not be held, or it may continue with the record of the meeting being referred to as "notes of the meeting" and subject to ratification at the next quorate meeting of the Executive.

3.2 Urgent business contained on the agenda for a meeting of the Executive which is cancelled for lack of quorum shall be dealt with on behalf of the Council by the Leader (or Deputy Leader in the Leader's absence) and Executive members with the relevant area of responsibility (or the Leader/Deputy Leader in the member's absence).

4. Decision making

4.1 Executive decisions will be taken at a meeting convened in accordance with the Access to Information procedure rules.

4.2 The Executive may appoint a sub-committee to undertake particular tasks. The number of members of the sub-committee must be specified and a quorum would be a minimum of

three members. The terms of reference and any delegations to the sub-committee must be specified. Any sub-committee would be subject to the Executive procedure rules.

5. Rules of debate

5.1 Council procedure rules relating to the rules of debate (except those parts which relate to speaking more than once) apply to meetings of the Executive.

6. Voting

6.1 Voting at meetings of the Executive shall be by show of hands.

6.2 In the case of an equality of votes, the chairman shall have a second or casting vote. There shall be no restriction on how the chairman uses the casting vote.

6.3 After a vote is taken and discussion closed by the chairman, there shall be no re-opening of debate on the item which has been the subject of the vote.

7. Conduct of Executive meetings

7.1 Chairing the meeting

If the Leader of the Council is present, he/she will preside. In the absence of the Leader, the Deputy Leader will preside. If neither is present, an Executive member will be appointed as chairman and will assume the powers of the Leader as chairman for the duration of the meeting only.

7.2 Attendance at meetings of the Executive

Any member may attend any formal meeting of the Executive, irrespective of whether the public are admitted to the whole or part of such a meeting.

Group leaders may attend formal Executive meetings and may take part in debates as of right, but are not part of the formal decision making process. They will always have access to agendas and reports in advance.

Members of an overview & scrutiny body will always be deemed to be there for the purpose of their duty and the chairman or vice-chairman of an overview & scrutiny body shall have a right to speak.

A member attending an Executive meeting shall be supplied, on request, with a copy of the complete agenda for that meeting.

A member (other than a group leader) who exercises his/her right to attend a meeting of the Executive shall have no right to speak or vote.

A member of the council who wishes to attend a meeting of the Executive to speak on an item appearing on the agenda shall obtain the permission of the chairman to speak.

Any member of the Executive, statutory officer, Director or their nominee may attend a meeting of the Executive.

7.3 Business

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

- Confirmation of the minutes of the previous meeting
- Declarations of interest
- Matters referred to the Executive by an overview & scrutiny body or by Council in accordance with the overview & scrutiny procedure rules or the budget and policy framework procedure rules
- Consideration of reports for the Scrutiny Commission
- Consideration of reports from officers as set out in the agenda for the meeting.

7.4 Consultation

All reports to the Executive on proposals relating to the budget and policy framework must contain details of the nature and extent of 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.

7.5 Requesting agenda items

The Leader may put on the agenda of a meeting of the Executive any matter which he/she wishes, whether or not authority has been delegated to the Executive, a sub-committee of it or any member of officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.

Any member of the Executive may require the proper officer to make sure that an agenda item is placed on the agenda of the next available meeting of the Executive for consideration.

There will be a standing item on the agenda of each meeting of the Executive for matters referred by overview & scrutiny. If there is excessive other business to be considered, the Leader may, at his/her discretion, defer such items to a subsequent meeting.

Any member of the council may ask the Leader to put an item on the agenda of a meeting of the Executive for consideration. 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. There may only be up to three such items per Executive meeting.

The Chief Executive and Directors will normally include reports for consideration on the agenda. The Monitoring Officer and/or the Head of Finance may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Directors or Head of Finance 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 a meeting of the Executive. If there is no meeting of the Executive soon enough to deal with the issue in question, 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.