

# Executive Procedure Rules

The Functions of a local authority are divided into two broad categories Executive and non-Executive. The Council and its committees decide non-Executive matters these are described above in parts 3 and 4. All other decisions are made by the Executive.

The role of the Executive, comprising the Leader and between 2 and 9 Councillors (one of which must be appointed as Deputy Leader) appointed by the Leader is to provide strategic leadership to the Authority and to discharge executive functions. The Council will elect a Leader from among the members of the Council.

Executive functions can be discharged by the Executive as a whole, the Leader (or an individual Executive member if the Leader has given authority to them to do so) or an Officer in line with the Scheme of Delegation.

## 1. TERMS OF REFERENCE

- Providing strategic leadership to the Council.
- All functions except those reserved to Council by law, designated to Committees within the Constitution, those excluded under Schedule One of the Local Government (Functions and Responsibilities) (England) Regulations 2000 and those that are designated to officers by legislation.

## 2. MEMBERSHIP

- The Executive shall consist of the Leader of the Council, and up to 9 other Councillors (one of whom shall be appointed the Deputy Leader) all of whom shall have undertaken mandatory training contained within the Members' Development Programme. It shall not be politically balanced.
- The Leader of the Council is elected by Council, but the Leader is responsible for appointing the other Members of the Executive, and for notifying the Council of such appointments. The Leader shall notify the Annual Council of his appointments to Executive.
- No substitution arrangements will apply to the Executive, and neither the Chair nor Deputy Chair may be appointed to the Executive.

### **3. PORTFOLIOS**

- The function of determining the Executive Portfolios sits with the Leader of the Council and can be varied at the discretion of the Leader. Current portfolios can be found here ([link](#)).
- Either at the Annual Meeting of the Council or as soon as practically thereafter, the Leader will present to the Monitoring Officer a written record of the detailed remits of the Portfolios of the Executive Members

### **4. DELEGATIONS**

4.1 Either at the Annual Meeting of the Council or as soon as practically thereafter, the Leader will present to the Monitoring Officer a written record of any delegations made by the Leader in respect of the discharge of the Council's executive functions to;

- Individual Executive Members (including details of any limitation on their authority)
- Executive Committees (and who is appointed to them)
- Joint Committees (and who is appointed to them)
- Officers

4.2 Should the Leader wish to change any delegation mid-year then he/she may do so by providing written notice to the Monitoring Officer. The delegation of the executive function will take effect on receipt of the Leader's written notice. The Leader shall confirm, through their announcements any changes at the next ordinary meeting of the Council.

4.3 The Monitoring Officer will ensure that the record is published on the Council's website

4.4 The document presented by the Leader shall contain the following information about executive functions in relation to the coming year:

- the names and wards of the Councillors appointed to the Executive by the Leader;
- the nature of the responsibilities attached to the Portfolios allocated to those appointed to the Executive;
- the extent of any authority delegated to Executive Members individually, including details of the limitation(s) on their authority;

- the terms of reference and Constitution of such Executive Committees as the Leader appoints, and the names of Executive Members appointed to them;
- the nature and extent of any delegation of executive functions to Area Committees (there are no Area Committees established), any other authority or any joint arrangements and the names of those Executive Members appointed to any Joint Committee for the coming year; and
- 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. This may simply be the endorsement of the Scheme of Delegation approved by Council.

4.5 The Council's Scheme of Delegation shall be subject to adoption by the Council and may only be amended by the Council, save for delegations relating to executive functions which may be varied by the Leader or in accordance with the authority delegated to the Monitoring Officer.

4.6 Where the Leader seeks to withdraw delegation from a committee, notice shall be deemed to be served on that committee when served on its Chair.

## **5. MEETINGS OF THE EXECUTIVE**

5.1 The Executive will meet as indicated in the Council's calendar of meetings. The Executive or the Leader may agree to change the date or time of any programmed meeting subject to compliance with the requirements of Part 4A (Access to Information Procedure Rules) of this Constitution, to cancel a meeting where there is insufficient business to be transacted and/or to arrange additional meetings as it/he/she sees fit. Locations of meetings will be published in the calendar of meetings.

## **6. QUORUM**

6.1 No business shall be transacted where at any time during the meeting of the Executive, or a Committee established by the Executive where there are fewer than one third of the total membership present.

## **7. CHAIRMANSHIP**

7.1 The Leader will chair meetings of the Executive or in his/her absence, the Deputy Leader will chair. Where both the Leader and Deputy Leader are absent, the Members present, may appoint one member of the Executive to chair that meeting.

## **8. ATTENDANCE AT EXECUTIVE MEETINGS**

8.1 All meetings of the Executive shall be open to the public except where the item under discussion is considered exempt or confidential in accordance with the Access to Information Procedure Rules.

8.2 All Members of the Executive shall be entitled to attend meetings of the Executive.

8.3 Attendance by other Members of the Council or the public shall be in accordance with the Meeting Procedure Rules.

8.4 There shall be a standing invitation to the Chair of Overview and Scrutiny Committee to attend public meetings of the Executive, including parts of the meetings where exempt items are being discussed. Such invitees shall be entitled to receive the agenda for the meeting (including exempt matters).

8.5 All members are entitled to exempt matters and to attend exempt meetings if access is necessary to perform their duties as a councillor.

8.6 The Executive may invite any person it considers appropriate, to its meetings to discuss matters of mutual interest or concern, or to advise. Such persons may only be given access to confidential and/or exempt information on terms to be decided by the Monitoring Officer so as to ensure that the Access to Information Procedure Rules are observed.

## **9. TAKING OF DECISIONS BY THE EXECUTIVE**

9.1 Key Decisions shall not take effect until they have been recorded in writing, as required under the Access to Information Procedure Rules, and shall not be implemented where the right of call-in has been exercised until the call-in process has been concluded.

## **10. MEMBERS SPEAKING AT EXECUTIVE MEETINGS**

10.1 The Chair of the Overview and Scrutiny Committee shall be entitled to attend any formal public meeting of the Executive and to speak to any matter on the agenda for that meeting.

10.2 Members may speak at Executive meetings in accordance with the Meeting Procedure Rules.

## **11. BUSINESS AT EXECUTIVE MEETINGS**

11.1 The business to be transacted at meetings of the Executive will be set out in an agenda for the meeting in question, subject to any requirements or exemptions under the Access to Information Procedure Rules.

- Consideration of the minutes of the last meeting
- Declarations of interest (if any)
- Matters referred to the Executive (whether by the Overview and Scrutiny Committee or Council) for consideration by the Executive in accordance with the provisions contained in the Constitution)
- Consideration of reports from the Overview and Scrutiny Committee; and
- Matters set out in the agenda for the meeting, and which shall indicate which are key decision and which are not in accordance with the Access to Information Procedure Rules

## **12. CONSULTATION**

12.1 All reports to the Executive from any member of the Executive or an officer must contain details of the nature and extent of consultation with stakeholders (if any) and relevant Executive Advisory Panel and/or Scrutiny Committee and the outcome of the consultation

## **13. RIGHTS TO PLACE ITEMS ON THE EXECUTIVE AGENDA**

13.1 The Leader will decide upon the schedule for meetings of the Executive for matters in relation to executive functions.

13.2 Any member of the Executive may require the Monitoring Officer to place an item on the agenda for a stipulated meeting of the Executive.

13.3 The Monitoring Officer will ensure that any matters referred to the Executive by the Council or the Council's Overview and Scrutiny Committee are placed on the agenda for the next appropriate meeting of the Executive.

13.4 Any Councillor may request the Leader to place an item on the agenda of a meeting of the Executive. The Leader shall have sole discretion as to whether or not to accede to such a request but shall consult the Monitoring Officer prior to making a decision. If such a request is granted, the Leader shall have sole discretion as to whether the Councillor in question can speak to the item at the meeting in question.

13.5 The Head of Paid Service, the Monitoring Officer and/or the Section 151 Officer can include an item for consideration on the agenda of an Executive meeting. In pursuance of their statutory duties they can require that a special meeting of the Executive be convened.

13.6 Business cannot be conducted at formal meetings of the Executive unless it is included on the agenda for the meeting. Where it is urgent, the requirements of the Access to Information Procedure Rules must be complied with.

13.7 The Executive will report to the Council as required under the Access to Information Procedure Rules on any matter which is classified as a Key Decision and is dealt with under special urgency procedures.

13.8 Questions can be submitted by members of the public at meetings of the Executive in accordance with the Meeting Procedure Rules.

#### **14. VOTING AT EXECUTIVE MEETINGS**

14.1 Voting at Executive meetings will be by a show of hands and any Member may require, immediately after the vote is taken, that the minutes of the meeting record how he/she voted or abstained. Where there are equal votes cast, the Leader or in his/her absence, the person chairing will have a second and casting vote.

14.2 Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be in accordance with the relevant part of the Council Meeting Procedure Rule

#### **15. EXECUTIVE – COMMITTEES AND SUB-COMMITTEES**

15.1 The Executive or the Leader may appoint such Committees or Sub-Committees as it considers necessary and appropriate to assist in the discharge of its functions.

15.2 In making such appointments, the Executive or the Leader must specify the name of the Committee/Sub-Committee, its membership (including its Chair and, if appropriate, Vice-Chair) and the terms of reference of the body including the extent of its decision-making powers.

#### **16. RESOLVING DISPUTES**

16.1 In the case of any dispute during the proceedings of the Executive the relevant parts of this Constitution will apply and after considering the application of the relevant provisions, the person chairing the meeting will rule on the issue in question and his/her ruling will be final.

#### **17. APPROVAL OF URGENT BUSINESS**

17.1 Where any matter is urgent and cannot await the next meeting, the Head of Paid Service may take the necessary action, provided that he/she has first

consulted the Leader (or Deputy Leader if he/she is not available). The decision taken shall be reported to the next public meeting of the Executive.

## **18. CONFLICTS OF INTEREST**

- 18.1 Where the Leader or any Executive Member has a conflict of interest, he/she will follow the requirements of the Council Members' Code of Conduct in relation to such interests, including any restrictions on participating in the debate or voting upon the issue in question.
- 18.2 If all (or a majority) of the Members of the Executive present have a conflict of interest, then consideration will be given to applying to the Democracy and Standards Committee (or Monitoring Officer if urgent) for a dispensation from the provisions of the Code.
- 18.3 If the discharge of an Executive function has been delegated to another body or individual and a conflict of interest arises for that body or individual, then it will fall to the body or individual who delegated the matter to take the decision.