

EXECUTIVE PROCEDURE RULES

1. How does the Executive operate?

1.1 Who may make executive decisions?

The arrangements for the discharge of executive functions may be set out in the executive arrangements adopted by the Council. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for executive functions to be discharged by:

- (i) the Cabinet as a whole;
- (ii) a Committee of the Cabinet;
- (iii) an individual Cabinet Member;
- (iv) an officer;
- (v) an Area Committee;
- (vi) joint arrangements; or
- (vii) another local authority.

1.2 Delegation of executive functions

All functions not reserved to the full Council or delegated by the Council to a Regulatory Committee will be exercised by the executive. All Members of the Cabinet will have specific responsibilities which will be set out in the scheme of delegation agreed by the Annual Meeting of the Council and contained in part 3 of this constitution.

The report to the Annual Meeting of the Council will contain the following information about executive functions in relation to the coming year:

- (i) the functions for which each Cabinet Member has responsibility;
- (ii) the extent of any authority delegated to individual Cabinet Members, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such Committees of the Cabinet as may be appointed and the names of Cabinet Members appointed to them;
- (iv) the nature and extent of any delegation of executive functions to Area Committees, any other authority or any joint arrangements and the names of those 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 is responsible for an executive function they may collectively delegate further to a Committee of the Cabinet, an individual Cabinet Member, an Area Committee, joint arrangements or an officer unless the Council directs otherwise.
- (b) Unless the Cabinet directs otherwise, a Committee of the Cabinet may delegate further to an officer.
- (c) 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 The Council's scheme of delegation and executive functions

- (a) Subject to (b) below the Council's Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- (b) The Cabinet collectively will be able to delegate executive functions where they are not specified by the Council. The Cabinet may amend the Scheme of Delegations in respect of those non-specified functions at any time during the year. Any changes to the Scheme of Delegation will be recorded in the minutes of a meeting of the Cabinet.

1.5 Executive meetings – when and where?

The Cabinet will meet in accordance with a timetable agreed at the Annual Meeting of the Council. The Leader may instruct the Executive Director of Corporate Resources to call a special meeting of the Cabinet at any time. The Executive Director of Corporate Resources may call a special meeting of the Cabinet at any time in consultation with the Leader. The Cabinet shall meet at a venue to be determined by the Executive Director of Corporate Resources in consultation with the Leader.

1.6 Meetings of the Cabinet

All meetings of the Cabinet and Committees of the Cabinet will be in public except for those items or parts of the agenda that contain exempt or confidential information.

1.7 **Quorum**

The quorum for a meeting of the Cabinet shall be three Members of the Cabinet and for a Committee of the Cabinet shall be two Members of the Committee.

1.8 **How are decisions to be taken by the executive?**

- (a) Executive decisions taken by the Cabinet will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of this Constitution.
- (b) Where executive decisions are delegated to a Committee of the Cabinet the Rules applying to executive decisions taken by them will be the same as those applying to those taken by the Cabinet as a whole.

1.9 **Agendas**

The agenda and reports for Cabinet meetings will be circulated to all Members of the Council.

2. **How are the executive meetings conducted?**

2.1 **Chairing meetings**

If the Leader is present he/she will preside. At the first Cabinet Meeting in the Municipal Year, the Cabinet will appoint a Vice-Chairman to preside over Cabinet meetings in the absence of the Leader. In the absence of the Leader and Vice-Chairman, a person will be appointed to preside from amongst those present.

2.2 **Who may attend?**

Any Member of the Council may attend any meeting of the Cabinet to observe proceedings. All meetings will be in public and the provisions of the Access to Information Rules as set out in Part 4 of this Constitution will apply in respect of attendance by members of the public.

2.3 **Business of meetings**

At each meeting of the Cabinet the following business will be conducted:

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;

- (iii) matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration by the Cabinet 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 4 of this Constitution;
- (iv) consideration of reports from Scrutiny Committees; and
- (v) 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 4 of this Constitution.

2.4 Consultation

All reports to the Cabinet from any Cabinet Member 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 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.

2.5 Cabinet agenda items

- (a) The Leader may place on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of the Cabinet, a Cabinet Member or officer in respect of that matter. The Executive Director of Corporate Resources will comply with the Leader's requests in this respect.
- (b) Any Cabinet Member may require the Executive Director of Corporate Resources to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration and if the Leader agrees with the request, the Executive Director of Corporate Resources will comply.
- (c) The Executive Director of Corporate Resources will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet. However, there may only be up to 3 such items on any one agenda unless the Leader decides otherwise.
- (d) The Monitoring Officer and/or the Chief Financial Officer in pursuance of their statutory duties may include an item for consideration on the agenda of a Cabinet meeting and may require that a special meeting of the Cabinet is convened in the event that an issue is urgent and a decision is required before

the Cabinet is next scheduled to meet. 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 Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Cabinet meeting. If there is no scheduled meeting of the Cabinet 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.

3. Access to Information

3.1 The Rules that determine how the Cabinet will conduct its meetings in respect of the following are set out in the Access to Information Rules set out in Part 4 of this constitution:-

- (i) Key Decisions
- (ii) Forward Plan
- (iii) Exempt and Confidential Information
- (iv) Agendas, Reports, Minutes and background papers
- (v) Urgent Business