

# Section D

## Executive Procedure Rules

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## EXECUTIVE PROCEDURE RULES

### 1. HOW THE EXECUTIVE OPERATES

#### 1.1. Who may make executive decisions

The Leader may discharge any executive functions of the Council or they may provide for any executive functions of the Council to be discharged by:

- (a) the Executive as a whole;
- (b) a committee of the Executive;
- (c) an individual member of the Executive;
- (d) an officer of the authority.

#### 1.2 Appointments and delegation by Leader

- (a) At the Annual Meeting of the Council, the Leader will present to the Council the names of the Members appointed to the Executive by the Leader (including the Executive Member who is appointed as the Deputy Leader) and their Portfolios.
- (b) Either at the Annual Meeting of the Council or as soon as practicable thereafter, the Leader will present to the Monitoring Officer a written record of:-
  - (i) the detailed remits of the Portfolios of the Executive Members;
  - (ii) any delegations made by the Leader in respect of the discharge of the Council's executive functions. The document presented by the Leader to the Monitoring Officer will contain the following information about the discharge of the Council's executive functions in relation to the coming year:
    - The extent of authority of the Executive as a whole;
    - The extent of any authority delegated to individual Executive Members, including details of any limitation on their authority;
    - The terms of reference and constitution of such committees of the Executive 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, or any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and

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- The nature and extent of any delegation of executive functions to Council 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 Leader delegates an executive function to the Executive then unless the Leader directs otherwise, the Executive may delegate further to a committee of the Executive or to a Council officer.
- (b) Where the Leader delegates an executive function to a committee of the Executive or an individual member of the Executive then unless the Leader directs otherwise, a committee of the Executive or an individual member of the Executive may delegate further to a Council officer.
- (c) Even where executive functions have been delegated under (a) or (b) above, that fact does not prevent the discharge of delegated functions by the person or body who made the delegation.
- (d) Where the Leader seeks to withdraw a delegation from a committee of the Executive, notice will be deemed to be service on that committee of the Executive when the Leader has served it on its chair.

### 1.4 The Scheme of Delegation and executive functions

The Leader may amend the Scheme of Delegation set out in Part 3 of this Constitution insofar as it relates to executive functions at any time during the year in accordance with the procedure set out below.

- (a) Whenever the Leader wishes to make an alteration to the allocation of responsibilities for the discharge of the Council's executive functions the following procedure shall apply:
  - (i) Where the Leader wishes to delegate the discharge of an executive function that has not been previously delegated:-
    - to an officer; or
    - to the Executive; or
    - to a Committee of the Executive; or
    - to a Member of the Executive

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the Leader must give written notice of the new delegation to both the person or body to whom the executive function is to be delegated and the Monitoring Officer.

The delegation of the executive function will take effect on receipt of the Leader's written notice by both of the parties listed above.

The Monitoring Officer will ensure that a record of the delegation of the executive function is entered into the Register of the Delegation of Executive Functions and will report the new delegation to council at the earliest opportunity.

(ii) Where the Leader wishes to transfer the discharge of an executive function that has been previously delegated:-

- from one officer to another officer; or
- from an officer to the Executive, a Committee of the Executive, or a Member of the Executive; or
- from the Executive to an officer, a Committee of the Executive, or a Member of the Executive; or
- from a Committee of the executive to an officer, the Executive, or a Member of the Executive; or
- from a Member of the Executive, to an officer, the Executive, or a Committee of the Executive;

then in each case the Leader must give written notice to the person or body from whom the exercise of the function is to be transferred, the person or body to whom the exercise of the executive function is to be transferred and the Monitoring Officer.

The transfer of the delegation of the executive function will take effect on receipt of the Leader's written notice by each of the parties listed above.

The Monitoring Officer will ensure that a record of the transfer of the executive function is entered into the Register of the Delegation of Executive Functions.

(iii) Where the Leader wishes to withdraw the delegation of an executive function that has been delegated to either:-

- an officer; or

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- the Executive; or
- a Committee of the Executive; or
- a Member of the Executive;

and to discharge the executive function personally, the Leader must give written notice to the person or body from whom the exercise of the executive function is to be withdrawn and to the Monitoring Officer.

The withdrawal of the delegation of an executive function will take effect on receipt of the Leader's written notice by both of the parties listed above.

The Monitoring Officer will ensure that a record of the withdrawal of the executive function is entered into the Register of the Delegation of Executive Functions.

### 1.5 **Place and Time of Executive Meetings**

The Executive will meet at times to be agreed by the Leader. The Executive shall meet at the Town Hall or another location to be agreed by the Leader.

### 1.6 **Public or private meetings of the executive?**

The Access to Information Rules in Part 4 Section B of this Constitution set out the requirements covering public and private meetings. In addition to the legal requirements, consideration should also be given to the principles of decision-making set out in Article 13 of this Constitution.

### 1.7 **Quorum**

The quorum for a meeting of the executive shall be three. The quorum for a committee of the executive shall be two.

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

- (a) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 Section B of the Constitution.
- (b) Where executive decisions are delegated 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.

## 2. THE CONDUCT OF EXECUTIVE MEETINGS

### 2.1 Chair of Meeting

If the Leader is present, they will chair the meeting. In their absence, the Deputy Leader will chair the meeting. In the absence of both a person appointed to do so by those present will chair the meeting.

### 2.2 Attendance Rights

- (a) The right to attend is set out in the Access to Information Rules in Part 4 Section B of the Constitution. It is a matter for the Executive to determine if these rules should be widened.
- (b) In accordance with Article 7 of Part 2 of this Constitution there will be a standing invitation to members of the Standing Consultative Panel to attend public meetings of the Executive.
- (c) There will be a standing invitation to Chairs of Scrutiny Committees and Assistant Executive Members (not on the Standing Consultation Panel) to attend public meetings of the Executive, including parts of the meeting where exempt items are being discussed. Such invitees shall be entitled to receive the agenda for the meeting (including exempt matters).

### 2.3 Speaking Rights

Members of the Standing Consultative Panel will have the right to speak and make propositions, but not to vote. Other persons attending the meeting will be able to speak with the permission of the Chair.

### 2.4 Business to be Conducted

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

- (a) consideration of the minutes of the last meeting;
- (b) declaration of interest, if any;
- (c) matters referred to the Executive (whether by a scrutiny committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Section E and Section C of Part 4 of this Constitution respectively;
- (d) consideration of any reports which a scrutiny committee has resolved to make to the Executive; and

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- (e) 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 Section B of this Constitution.

### 2.5 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 (if any) and relevant scrutiny committees, and the outcome of that consultation.

### 2.6 Rights to place items on the executive agenda

- (a) The Leader will decide upon the schedule for the meetings of the Executive. They may put on the agenda of any executive meeting any matter which they wish, 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) 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 they receive such a request the Chief Executive will comply.
- (c) There will be an item on the agenda of each meeting of the Executive where required for any matters referred by the Council to the Executive or reports resolved by scrutiny committees to be considered the Executive
- (d) Any member of the Standing Consultative Panel may ask the Leader to put an item on the agenda of an executive meeting for consideration, and 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.
- (e) The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of an executive meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties. 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 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



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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.

### 2.7 **Recording, Filming, Photographing and other reporting of Meetings**

Where the public are admitted to meetings of the Executive, then audio recording, filming, photographing or other reporting of proceedings may take place in accordance with Rule 3.2 of Section B of Part 4 of this Constitution.

## 3. **DECLARATION OF INTERESTS**

3.1 In this Rule and, where relevant, Rule 4 –

“the Code” means the Code of Conduct for Members adopted by the Council under Section 28 of the Localism Act 2011;

“disclosable pecuniary interest” means an interest specified in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and set out in paragraph 8 of the Code;

“personal interest” means an interest described in paragraph 11 or 12.2 of the Code;

“prejudicial interest” means an interest described in paragraph 13.1 of the Code;

3.2 Where a member of the Council is present at a meeting of the Executive and has a disclosable pecuniary interest or, subject to paragraphs 12.4 to 12.6 of the Code, a personal interest in any matter to be considered or being considered at the meeting, they must disclose the interest to the meeting.

## 4. **NON-PARTICIPATION AND WITHDRAWAL IN THE CASE OF DISCLOSABLE PECUNIARY INTERESTS AND PREJUDICIAL INTERESTS**

4.1 Where the member of the Council has a disclosable pecuniary interest or, subject to paragraphs 13.3 and 13.4 of the Code, prejudicial interest in any matter being considered at a meeting they must not participate in any discussion or vote on the matter and must withdraw from the room of the meeting while the matter is being considered.”