

Part 4.4 – Executive Procedure Rules

1.1 WHO MAY MAKE EXECUTIVE DECISIONS?

The arrangements for the discharge of executive functions are set out in Part 3 of this Constitution. 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 member of the Cabinet;
- iv. an officer;
- v. joint arrangements; or
- vi. another Local Authority.

1.2 SCHEME OF DELEGATION

At the first annual meeting of the Council following a Council election the Council will approve a written scheme of delegations made which may include delegation by the leader for inclusion in Part 3 to this Constitution. They 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 by the Leader;
- (ii) The extent of any authority delegated to executive members individually including the details of the limitation of their authority;
- (iii) The terms of reference and constitution of such Cabinet Committees, if any, as the Leader may appoint and the names of Cabinet Members appointed by 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 executive 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 by making joint arrangements, or by delegating to an officer;

- (b) Unless the Council directs otherwise, 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 be delegated 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 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) If the Leader of the Council is able to decide whether to delegate executive functions he/she may amend the scheme 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 and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or executive as a whole. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on the chair.

1.5 CONFLICTS OF INTEREST

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every member of the executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the executive, an individual Cabinet Member or an officer, and should a conflict of interest arise, then the function will be exercised by the person or body by whom the delegation was made.

1.6 EXECUTIVE MEETINGS – WHEN AND WHERE?

The executive will meet at least 12 times per year at times and locations to be agreed by the Chief Executive.

1.7 QUORUM

The quorum for a meeting of the Cabinet, or a committee of it, shall be four members.

1.8 HOW ARE DECISIONS TAKEN BY THE EXECUTIVE?

(a) Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access To Information Rules in Part 4 of the Constitution.

(b) Where executive decisions are delegated to a committee of the Cabinet 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. HOW ARE THE CABINET MEETINGS CONDUCTED?

2.1 WHO PRESIDES?

If the Leader is present he/she will preside. In his / her absence a Deputy Leader will preside, in the absence of the Leader and Deputy Leader(s) then a person will be appointed to preside by those present.

If there are equal numbers of votes for and against a proposal, the person presiding will have a second or casting vote. There will be no restriction on how the person presiding chooses to exercise a casting vote.

2.2 WHO MAY ATTEND?

(i) Meetings will be open to the public and to other members of the Authority subject to the Access to Information Rules set out in Part 4 of this Constitution.

(ii) Members of the Council who are not members of the Cabinet may attend open meetings of the Cabinet and may speak at the discretion of the Chair.

(iii) 'Assistants to the Executive' who are not members of the Cabinet are entitled to attend, and speak at, any meeting of the Cabinet or any of the Cabinet's Committees (comes into force 5th May 2022).

(iv) Members of the Council who are not members of the Cabinet may not attend closed sessions of the Cabinet save that the Cabinet will allow the Chair of Council, Leader and the Deputy Leader of the Opposition and the Chairs of the Scrutiny Committees to attend those closed sessions and speak at the discretion of the Chair.

2.3 WHAT BUSINESS?

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

- i. consideration of the minutes of the last meeting;
- ii. declarations of interest, if any;
- iii. questions by members of the public;
- iv. 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 set out in Part 4 of this Constitution;
- v. consideration of reports from Scrutiny Committees; and
- vi. matters set out in the agenda for the meeting.

2.4 CONSULTATION

All reports to the Cabinet 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 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 WHO CAN PUT ITEMS ON THE CABINET AGENDA?

The Leader and / or the Chief Executive will decide upon the agenda for the meetings of the Cabinet.

2.6 QUESTIONS BY MEMBERS OF THE PUBLIC

The provisions of CPR 10 in relation to members of the public's ability to ask questions of the executive shall apply to meetings of the Cabinet.

2.7 FILMING AND RECORDING OF MEETINGS

Save for such parts of the meeting where the public have been excluded under CPR 19 meetings of the Cabinet shall be webcast. In addition, the provision of CPR 22 in relation to filming and recording of meetings by members of the public shall apply to meetings of the Cabinet.