

# Executive Procedure Rules

## 1. Delegation

1.1 At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- i) the names, addresses and wards of the people appointed to the executive by the leader;
- ii) the extent of any authority delegated to executive members individually, including details of the limitation on their authority;
- iii) the terms of reference and constitution of such executive committees as the Leader appoints and the names of executive members appointed to them;
- iv) the nature and extent of any delegation of executive functions any other authority or any joint arrangements and the names of those executive members appointed to any joint committee for the coming year; and
- vi) 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.

## 1.2 Sub-delegation of executive functions

- (a) Where the executive, a committee of the executive or an individual member of the executive is responsible for an executive function, they may delegate further to joint arrangements or an officer.
- (b) Unless the Leader directs otherwise, if the Leader delegates functions to the executive, then the executive may delegate further to a committee of the executive or to an officer.
- (c) Unless the Leader directs otherwise, a committee of the executive to whom functions have been delegated by the Leader may delegate further to an officer.

- (d) Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### 1.3 **The Council's scheme of delegation and executive functions**

- (a) Where matters are not the responsibility of the executive the Council's scheme of delegation will be subject to adoption by the Council at the first annual meeting following an ordinary election of councillors. It will contain the details required in Article 7 and set out in Part 3 of this Constitution. Committees may delegate committee functions to officers.
- (b) Delegation of executive functions is the responsibility of the Leader. 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 proper officer 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 the executive as a whole. The proper officer 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 its chair.

### 1.4 **Conflicts of Interest**

- ~~(a) Where any 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.~~
- ~~(b) if the exercise of an executive function has been delegated to a committee of the executive and a member of the committee 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 an individual member or an officer, should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was~~

~~made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution~~ **In the light of recent amendments this is better dealt with within the Code of Conduct.**

### **1.5 Executive meetings**

The executive will meet at least 6 times per year at times to be determined by the Leader. The executive shall meet at the Council's main offices or another location to be determined by the Leader.

### **1.6 Public and private meetings of the executive**

~~Subject to the right of the executive to determine that meetings considering only matters which are not key decisions may be held in private,~~ **All** meetings of the executive shall be held in public although the public may be excluded from part of any meeting in accordance with the Access to Information Rules if confidential or exempt information is to be considered.

### **1.7 Quorum**

The quorum for a meeting of the executive, or a committee of it, shall be one quarter of the total number of members of the executive or three, whichever is the larger.

### **1.8 Decisions of 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 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. Conduct of executive meetings**

### **2.1 Presiding over a meeting**

If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader shall preside. In the absence of the Leader and Deputy Leader the Leader may appoint a member of the executive

to preside and in default of such appointment a person appointed to do so by those present shall preside.

## **2.2 Business at meetings of the executive**

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

- i) apologies for absence and declarations of interest, if any
- ii) consideration of the minutes of the last meeting;
- iii) matters referred to the executive (whether by an overview and scrutiny committee or by the Council) for reconsideration by the executive 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 overview and 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.

## **2.3 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 and relevant overview and 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.

## **2.4 Agenda items for meetings of the executive**

The Leader will decide upon the schedule for the meetings of the executive. He/she may put on the agenda of any executive meeting any matter which he/she wishes, 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 proper officer will comply with the Leader's requests in this respect.

There will be a standing item on the agenda of each meeting of the executive for matters referred by overview and scrutiny committees. However there may only be up to three such items per executive meeting.

Any member of the Council 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. This councillor will be invited to attend the meeting, whether or not it is a public meeting. However, there may only be up to three such items per executive meeting.

The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance 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 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.