

PART 4 D EXECUTIVE PROCEDURE RULES

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make Executive decisions?

The discharge of executive functions will be in accordance with the Scheme of Delegations to the Executive in Part 3 of the Constitution.

1.2 Sub-delegation of Executive functions

- (a) Where the Executive or a committee of the Executive is responsible for an executive function, they may delegate further to an area committee;
- (b) Unless the Council directs otherwise, the Executive may delegate further to a committee of the Executive or to an officer.
- (c) Even where the executive functions have been delegated, the 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) 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.

1.4 Conflicts of Interest

- (a) Where the Leader or other Executive Member 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, or an officer, and 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 the Constitution.

1.5 Executive meetings - when and where?

The Executive will meet in accordance with a timetable of meetings to be agreed by the Council. The Executive shall meet at the Council's main offices or another location to be agreed by the executive.

1.6. Time limits

Meetings of the Executive shall terminate after 3 hours and outstanding business shall stand referred to the next meeting unless the meeting resolves on a vote, without debate to:

Continue in the normal manner and complete the business remaining on the agenda;

or

- a) determine a later time as the time by when the meeting must finish and, if the business is not completed by that later time, resolve that it be then put to the vote without debate or deferred to another time; or
- b) if the nature of the business remaining permits, to vote on and determine that business without debate.

1.7 Public or private meeting of the executive?

Meetings of the Executive will be held in accordance with the Access to Information Procedure Rules set out in Part 4B of this Constitution.

1.8 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 (including the leader) or 3 including the leader, whichever is the larger

1.9 How are decisions to be taken by the Executive?

- (a) Executive decisions taken by the Executive as a whole will taken at a meeting convened in accordance with the Access to Information Rules in Part 4B of this Constitution.
- (b) Where Executive decisions are delegated to a committee of the Executive, they will be subject to the same rules as apply to the whole Executive.

2.0 HOW ARE THE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who Presides?

If the Leader is present he/she will preside and in his/her absence the Deputy Leader. If both Leader and Deputy Leader are absent, then a person appointed to do so by those present shall preside.

2.2 Who may attend?

These details are set out in the Access to Information Rules in Part 4 of those Constitution.

2.3 What business?

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

- (i) consideration of the accuracy of the statements of decisions made at the last meeting;
- (ii) declarations of interest, if any
- (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.

2.4 Consultation

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 and relevant overview and scrutiny committees, and the outcome of that consultation. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put an item on the executive agenda?

The Council will decide upon the schedule for the meetings of the Executive. The Leader 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.

Any member of the Executive may require the proper officer to place an item on the agenda of the next available meeting of the executive for consideration. If he/she receives such a request the proper officer

will comply, and will ensure that the consultation requirements in paragraph 2.4 above are complied with in respect of such reports.

3.0 URGENT BUSINESS

- 3.1 Where a matter which would normally be referred to the Executive, requires an urgent decision, the following procedure shall be followed where it is impractical to refer the matter to the Executive.
- 3.2 The appropriate Officer shall advise the relevant portfolio holder of all the relevant circumstances including views of the Chairman of the relevant Overview and Scrutiny Committee (OSC) and the professional opinions of other officers concerned and in particular those of the *Head of Finance and Business Development* ~~Chief Finance Officer~~ and *Head of Legal and Democratic Services*. ~~Chief Legal Officer~~.
- 3.3 The appropriate officer shall then ask the portfolio holder whether he/she agrees:
 - a) That the circumstances justify urgent action without reference to the Executive; and
 - b) The nature and timing of the proposed action.
- 3.4 No such proposed action will be implemented without the portfolio holder, the OSC Chairman and the officer agreeing both 3.3 (a) and (b) above.
- 3.5 Where the portfolio holder, OSC Chairman and officer do not agree both 3.3 (a) and (b) above, the matter shall be referred to the next meeting of the Executive.
- 3.6 A written record shall be made as soon as practicable of:
 - a) Details of the action taken and why urgent action was appropriate; and
 - b) Which portfolio holder, OSC Chairman and officers have been consulted and their views; and
 - c) The discussion between the portfolio holder, OSC chairman and officer, the views of the portfolio holder, OSC chairman and the decision reached by the officer.
- 3.7 This written record agreed and signed by the portfolio holder shall form part of a report to the next meeting of the Executive