

EXECUTIVE PROCEDURE RULES

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who May Make Executive Decisions?

- (i) the Cabinet as a whole;
- (ii) a committee of the Cabinet;
- (iii) an individual member of the Cabinet;
- (iv) an officer;
- (v) an area planning committee;
- (vi) joint arrangements including the Local Joint Committees; or
- (vii) another local authority.

1.2 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council, a written record of executive 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 electoral divisions of the people appointed to the Cabinet by the Leader;
- (ii) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such Cabinet Committees as the Leader proposes and the names of Cabinet Members to be appointed to them;
- (iv) the nature and extent of any delegation of executive functions to Area planning Committees, any other authority or any joint arrangements and the names of those Cabinet members to be 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

(i) Where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for an executive function, they may delegate further to an area committee, joint arrangements or an officer.

(ii) Unless the Leader directs otherwise, a committee of the Cabinet to whom a functions have been delegated by the Leader may delegate further to an officer.

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

1.4 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 Cabinet 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 Cabinet, an individual Member 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 this Constitution.

1.5 Cabinet Meetings - When and Where?

The Cabinet will meet on dates and times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

1.6 Public or Private Meetings of the Cabinet?

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public meetings. Other than the legal requirements, consideration should also be given to any principles of decision-making set out in Article 13 of this Constitution.

1.7 Quorum

The quorum for a meeting of the Cabinet, or a committee of it, shall be one quarter of the total number of members of the Cabinet (including the Leader), or 3 including the Leader, whichever is the larger.

1.8 How are Decisions to be taken by the Cabinet?

- (a) Executive 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 Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

1.9 Decision Making Sessions by Members of the Cabinet.

- (a) Where a member of the Cabinet exercises functions delegated to him/her in accordance with the Portfolio Holders' Scheme of Delegation such sessions shall be conducted in accordance with the Decision Making Protocol in Part 5 of the Constitution.
- (b) All members shall be entitled to attend a decision making session and to address the member making the decision without being required to give notice.
- (c) Any members of the public wishing to submit a request to address the member making the decision or to ask questions of the member making the decision shall give not less than two clear working days' notice in writing in advance of the decision making session to the Chief Executive and the member making the decision shall decide whether to hear such persons and if so, the arrangements to be made.

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who Presides?

If the Leader is present he/she will preside. In his/her absence, then a person appointed to do so by those present shall preside.

2.2 Who May Attend?

The Access to Information Rules in Part 4 of the Constitution set out who may attend public and private meetings.

2.3 What Business?

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) questions/address by members of the public; (if meeting in public)
- (iv) matters referred to the Cabinet (whether by the Scrutiny Committees or 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;
- (v) consideration of reports from Scrutiny Committees; and

- (vi) 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 member of the Cabinet 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 will decide upon the schedule for the meetings of the Cabinet. He/she may put 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 it or any Member or officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.

An item can be referred to the Cabinet:

- (1) Any member of the Cabinet may require the Proper Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request, the Proper Officer will comply.
- (2) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Scrutiny Committees or Full Council. However, there may only be up to 5 such items per Cabinet meeting.
- (3) Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration and if the Leader agrees, the item will be considered at the next available meeting of the Cabinet.

The notice of the meeting will give the name of the councillor who asked for the item to be considered. **[This individual will be invited to attend the meeting, whether or not it is a public meeting.]** However, there may only be up to 3 such items per Cabinet meeting.

- (4) The Proper Officer will make sure that an item is placed on the agenda on the next available meeting of the Cabinet where an area committee has resolved that an item be considered by the Cabinet.
- (5) The Head of Paid Service, the Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet 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, the Chief Financial Officer and the 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 a Cabinet meeting. If there is no 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.

2.6 Holding Cabinet Members and Scrutiny Chairs to Account

To enable Non-Cabinet Members to hold their colleagues on the Cabinet and also Scrutiny Chairs to account and to keep non-Cabinet members properly informed, Portfolio Holders and Scrutiny Chairs shall:

1. Report annually to Council on their work at their June / July / September Council meetings. Each Portfolio Holder and Scrutiny Chair shall have up to five minutes to introduce his/her report. This will then proceed under the normal rules of debate with the Portfolio Holder and Scrutiny Chair having a right of reply, as well as up to five minutes to sum up at the end of the debate.