

## **Part 3 – Section 2 – Executive Procedure Rules**

### **1 HOW THE EXECUTIVE OPERATES**

#### **Who May Make Executive Decisions**

- 1.1 The Leader may discharge any executive functions of the Council or they may provide for any executive functions to be discharged by:
- 1.1.1 the Executive as a whole;
  - 1.1.2 a committee of the Executive;
  - 1.1.3 an individual Executive Councillor;
  - 1.1.4 an officer of the authority;
  - 1.1.5 an area committee;
  - 1.1.6 joint arrangements; or
  - 1.1.7 another local authority.

#### **Appointments and Delegation by the Leader**

- 1.2 At the Annual Meeting of the Council, the Leader will present the names of the Councillors appointed to the Executive by the Leader (including the Executive Councillor who is appointed as the Deputy Leader) and their portfolios.
- 1.3 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:
- 1.3.1 the detailed remits of the portfolios of the Executive Councillors;
  - 1.3.2 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:
    - (a) The extent of authority of the Executive as a whole;
    - (b) the extent of any authority delegated to individual Executive Councillors, including details of any limitation on their authority;
    - (c) the terms of reference and constitution of such committees of the Executive as the Leader appoints and the names of Executive Councillors appointed to them;
    - (d) the nature and extent of any delegation of executive functions to any other authority or any joint arrangements and the names of those Executive Councillors appointed to any joint committee for the coming year; and

- (e) 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.

### **Sub-delegation of Executive Functions**

- 1.4 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;
- 1.5 Where the Leader delegates an executive function to a committee of the Executive or an individual Executive Councillor then unless the Leader directs otherwise, a committee of the Executive or an individual Councillor of the Executive may delegate further to a Council officer;
- 1.6 Even where executive functions have been delegated as above, that fact does not prevent the discharge of delegated functions by the person or body who made the delegation; and
- 1.7 Where the Leader seeks to withdraw a delegation from a committee of the Executive, notice will be deemed to be served on that committee of the Executive when the Leader has served it on its Chair.

### **The Scheme of Delegation and Executive Functions**

- 1.8 The Leader may amend the Officer Scheme of Delegation set out in Part 2 of this Constitution insofar as it relates to executive functions at any time during the year in accordance with the procedure set out below:
  - 1.8.1 Where the Leader wishes to delegate the discharge of an executive function that has not been previously delegated, 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.
  - 1.8.2 Where the Leader wishes to withdraw the delegation of an executive function that has been delegated 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.
- 1.9 The Monitoring Officer will ensure that the Constitution is updated accordingly where the delegation is to extend beyond six months and will report the new delegation to Council at the earliest opportunity.

Place and Time of Executive Meetings

- 1.10 The Executive will meet in accordance with the agreed published Calendar of Meetings. Arrangements for an additional extraordinary meeting required in light of circumstances will be agreed by the Leader with the Monitoring Officer. The Executive shall meet at any of the anchor buildings to be agreed by the Leader with the Monitoring Officer.

### **Public or Private Meetings of the Executive**

- 1.11 The Executive, and any Committee of the Executive, will meet in public, subject to the consideration of exempt or confidential information as provided for in the Access to Information Procedure Rules.

### **Quorum**

- 1.12 The quorum for a meeting of the Executive shall be three. The quorum for a committee of the Executive shall be three.

### **How are Decisions to be Taken by the Executive**

- 1.13 The Executive will take decisions in accordance with the Access to Information Procedure Rules.

### **Chair of Meeting**

- 1.14 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, another Executive Councillor appointed to do so by those Executive Councillors present will chair the meeting.

### **Attendance Rights**

- 1.15 All Executive Councillors shall be entitled to attend meetings of the Executive unless the Executive determine otherwise. Attendance by other Councillors or the public shall be in accordance with the Access to Information Procedure Rules, by invitation, or as set out in the section on Speaking Rights below.
- 1.16 The Chief Executive, the Chief Finance Officer and the Monitoring Officer, and their nominees, are entitled to attend any meeting of the Executive where a decision is to be made.

### **Speaking Rights**

- 1.17 The Chair or spokesperson(s) of any of the Council's Overview & Scrutiny Committees shall be invited to a public meeting of the Executive and shall be entitled to speak on any matter on the agenda for that meeting which relates to the remit of the particular Overview and Scrutiny Committee which had been scrutinised by the Committee, or on any reference made directly by the Committee.
- 1.18 At every formal public meeting of the Executive there shall be an opportunity for questions to be put to Executive Councillors by Councillors and by members of the public, so long as notice of these questions has been given in accordance with paragraph 1.21. The following rules shall apply:

- 1.18.1 questions must relate to the powers, duties or responsibilities of the Executive.
- 1.18.2 questions put to Executive Councillors must relate to their portfolio responsibilities.
- 1.18.3 the Leader will determine how Executive question time should be allocated where there are a number of Councillors wishing to ask questions.
- 1.18.4 questions will be brief, clear and focussed.
- 1.18.5 questions which the Leader, in consultation with the Monitoring Officer, deems to be:
  - (a) inappropriate, frivolous, derogatory or vexatious;
  - (b) will, if answered, disclose confidential or exempt information
  - (c) relates to a Council employment or staffing matter or is defamatory;
  - (d) is lengthy or a speech;
  - (e) substantially the same as a question asked at a meeting of Council or Executive within the preceding six months; or
  - (f) is an unintelligible questionwill not be allowed.
- 1.19 Where any question might be disallowed under the agreed provisions, the Leader, as Chair of the Executive, will have absolute discretion to determine whether to do so.
- 1.20 Notice in writing of the question must have been given to the Monitoring Officer by noon on the ninth working day prior to the meeting or, where the Leader is of the opinion that the matter is urgent, by 09:30 on the day of the meeting.
- 1.21 The questioner may attend the meeting in order to put the question. Where the questioner is a member of the public, they may nominate a representative to put the question on their behalf.
- 1.22 Questions will be asked and answered without discussion. In replying, the Executive Councillor responding will use their reasonable endeavours to address the matters raised in the question. The Executive Councillor responding may reasonably decline to answer any question or may: reply direct, reply by reference to a publication, or reply by written answer.
- 1.23 Following each answer, the Leader may permit the questioner to ask a concise and focussed supplementary question which relates to the subject matter of the initial question and answer.

- 1.24 Where a question relates to a matter which appears on the agenda of the Executive meeting in question, the Leader may allow the question to be asked at the beginning of consideration of that item.
- 1.25 Questions and answers will be recorded in the minutes of the meeting.
- 1.26 The Executive may invite any person to its meetings to discuss matters of mutual interest or concern or to advise. Such persons may only be given access to confidential and/or exempt information on terms to be decided by the Monitoring Officer so as to ensure that the Council's obligations under the Local Government Acts in respect of Access to Information and Data Protection are observed.

### **Business to be Conducted**

- 1.27 At each meeting of the Executive the following business will be conducted:
  - 1.27.1 consideration of the minutes of the last meeting;
  - 1.27.2 declarations of interest, if any;
  - 1.27.3 questions, petitions or deputations from Councillors or members of the public;
  - 1.27.4 matters referred to the Executive (whether by the Overview & Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview & Scrutiny Standing Orders or the Budget and Policy Framework Standing Orders;
  - 1.27.5 consideration of any reports from the Overview & Scrutiny Committee; and
  - 1.27.6 matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not.

### **Integrity of Decision Making**

- 1.28 In taking decisions, the Executive must satisfy itself that it has before it adequate and appropriate advice and the Executive shall take that advice into consideration in determining the matter. The advice shall be from the relevant service, the Monitoring Officer and the Chief Finance Officer who shall, where appropriate, be present at any meeting where a decision is being taken.
- 1.29 Where there is any doubt about the legal basis for the decision, the procedure to be followed or the probity of the matter then advice must be obtained from the Monitoring Officer and the Chief Finance Officer.

### **Consultation**

- 1.30 All reports to the Executive from any Executive Councillor 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 the Overview & Scrutiny Committee, and the outcome of that consultation.

### **Rights to Place Items on the Executive Agenda**

- 1.31 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 Councillor or officer in respect of that matter. The Monitoring Officer will comply with the Leader's requests in this respect.
- 1.32 Any Executive Councillor may require the Monitoring Officer 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 Monitoring Officer will comply.
- 1.33 The Chief Executive, 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 Monitoring 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 a 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.
- 1.34 The Agenda may be supported by additional papers prepared by officers or by or on behalf of other bodies, subject to requirements about disclosure of confidential or exempt information. Full agendas for meetings of the Executive will be made available, electronically, in advance of the respective meeting, to all Councillors and in accordance with the Council's current policy and the Access to Information Procedure Rules.