

JULY 2009

# **EXECUTIVE PROCEDURE RULES**

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### **1. Discharge of Executive Functions**

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:

- The Executive
- A formal committee of the Executive
- An individual member of the Executive
- An officer
- A Neighbourhood Action Team
- Joint arrangements; or
- Another local authority

### **2. The Council's Scheme of Delegation and Executive Functions**

- a. Subject to (b) below, the Council's scheme of delegation, as set out in Part 3 of this Constitution, will be subject to adoption by the Council and may only be amended by the Council.
- b. To the extent that the Executive arrangements adopted by the Council do not set out arrangements for the discharge of Executive functions, the Leader may decide whether to delegate executive functions, and amend these delegations subsequently. 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 delegation or 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 a delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its Chair.
- d. Sub-delegation of Executive functions:
  - (i) 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 a Neighbourhood Action Team, joint arrangements or an officer.
  - (ii) 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.

- (iii) 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.
- (iv) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### **3. 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 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.

### **4. Executive meetings**

- a. The Executive will meet in accordance with the timetable agreed annually or otherwise as required by the Leader or the majority of the members of the Executive or other person entitled to call a meeting. The Executive shall meet at the Council's main offices or another location to be agreed by the Leader and be convened in accordance with the Access to Information Rules.
- b. Executive meetings will be held in public, subject to consideration of exempt or confidential information. These meetings will be governed by the Access to Information Rules.
- c. Where Executive decisions are delegated to a formal body 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.
- d. The Leader, if present, will preside over meetings of the Executive. In her/his absence, the Deputy Leader will preside. In the absence of both of them a person elected to do so by those present shall preside.

- e. At each meeting of the Executive the following business will be conducted:
  - (i) Apologies for absence and Declarations of Interest.
  - (ii) Consideration of the Minutes of the last meeting.
  - (iii) Matters referred to the Executive for reconsideration in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules.
  - (iv) 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.

## 5. Agenda Items

- a. All reports to the Executive on proposals relating to the budget and policy framework should contain details of the nature and extent of any 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.
- b. 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.
- c. The Chief Executive may put on the agenda of any Executive meeting any matter which he/she considers appropriate.
- d. 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 individual will be invited to attend the meeting. However, there may only be up to two such items per Executive meeting.
- e. 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 matter 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.