

## **EXECUTIVE PROCEDURE RULES**

### **1. HOW DOES THE EXECUTIVE OPERATE?**

#### **1.1 Who may make Executive Decisions?**

The Leader will decide how executive functions are to be discharged. Executive functions may be discharged by:

- (i) the Cabinet as a whole;
- (ii) a committee of the Cabinet;
- (iii) an individual member of the Cabinet;
- (iv) an officer;
- (v) joint arrangements; or
- (vi) 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 delegations made by him/her for inclusion in 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 of the members 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 appoints and the names of Cabinet members appointed to them;
- (iv) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those Cabinet members 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.

### 1.3 Sub-delegation of Executive Functions

- (a) 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.
- (b) If the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a committee of the Cabinet or to an officer.
- (c) Unless the Leader directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### 1.4 Amendment of Delegations

- (a) The Leader 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 Monitoring 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 Cabinet as a whole. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (b) 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.

1.5 Conflicts of Interest

- (a) Where the Leader has a conflict of interest in a matter this should be dealt with in accordance with the Council's Code of Conduct for Members.
- (b) If every Member of the Cabinet has a conflict of interest in a matter this should be dealt with in accordance with the Council's Code of Conduct for Members.
- (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 that committee/person have a conflict of interest in the matter, then the function will be exercised by the person or body by whom the delegation was made.

1.6 Cabinet Meetings - when and where?

The Cabinet will meet at least 15 times per year unless agreed by the Leader.

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

1.7 Public or Private Meetings of the Cabinet

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public and private meetings.

1.8 Quorum

The quorum for a meeting of the Cabinet shall be 3, including the Cabinet Leader.

1.9 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 this Constitution.

- (b) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

## **2. HOW ARE CABINET MEETINGS CONDUCTED?**

### **2.1 Who presides?**

The Cabinet Leader will preside at any meeting of the Cabinet at which he/she is present. In his/her absence, the Deputy Leader shall preside. In the absence of both the Cabinet Leader and the Deputy Leader, then unless the Leader has appointed a Cabinet Member to preside at the meeting, the other Cabinet Members shall choose one of their number to preside.

### **2.2 Who may attend?**

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

### **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) matters referred to the Cabinet (whether by an overview and scrutiny commission or by 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;
- (iv) consideration of reports from overview and scrutiny commission; 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 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 Overview and Scrutiny Committee, 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.

- (a) 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 Chief Executive will comply with the Leader's requests in this respect.
- (b) 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 Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Financial Officer and 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.

2.5 Voting at Cabinet Meetings

Matters before the Cabinet shall be decided by a show of hands. In the case of an equality of votes, the Chair shall have a second or casting vote.

3. **URGENT CABINET DECISIONS**

3.1 Who may take Urgent Cabinet Decisions?

In the event that an urgent Cabinet decision is required, and the Council's normal decision-making processes could not be complied with without seriously prejudicing the Council's or the public's interests, an urgent decision report shall be prepared in writing setting out the reasons for the urgency and the decision to be taken. The Leader shall have delegated to him/her all relevant powers to take urgent decisions on matters which fall within the Executive functions of the Cabinet, subject to any such decisions being reported to the next Cabinet meeting for information.