

EXECUTIVE PROCEDURE RULES

1. HOW THE EXECUTIVE OPERATES

1.1 *Who may make the executive decisions?*

The functions of the Executive consist of all the functions of the Council which are not reserved to the Council in the Articles, or by law, or set out in the preceding section or specifically reserved to it at any time.

Article 7 of this Constitution (*insert link*) sets out the form and composition of the Executive.

The Leader of the Council will make arrangements for the discharge of Executive (Cabinet) functions, as set out in Part 3 of this Constitution.

1.2 *Executive meetings – when and where*

The Executive will meet at least ten times per year at times to be agreed by the Leader. The Executive shall meet at the Council's main offices or another location to be agreed by the Leader.

RECOMMENDED WORDING SUBJECT TO WORKING PARTY AND COUNCIL SUPPORT, TO BE CONSIDERED ELSEWHERE ON THE AGENDA:

The Chief Executive is authorised to cancel a meeting before the agenda has been published, following consultation with the Leader of the Council.

Where, in exceptional circumstances, it is necessary to cancel a meeting after the agenda has been published, the Chief Executive shall be authorised to do so following consultation with the Leader of the Council. The notice advising of the cancellation shall specify the exceptional circumstances in which the decision was taken. Outstanding business shall be held over to the next scheduled meeting or considered at a reconvened meeting on a date to be arranged which satisfies the notice requirements set out in the Local Government Act 1972 and Access to Information Rule 4.

1.3 *Public meetings of the Executive*

Cabinet, Portfolio Holder or any executive committee meetings will normally be held in public whether or not any key decision is to be taken, except where confidential or exempt information as defined in the Access to Information Procedure Rules is to be discussed; however, nothing prevents Cabinet, where its business is intended to be wholly of the form of a working party or discussion without coming to an executive decision, from meeting informally in private.

1.4 *Quorum*

The quorum for a meeting of the Executive shall be four plus the Leader or Deputy Leader, but in the case of a committee or group of the Executive the

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quorum shall be one half of the committee or group and need not include the Leader or Deputy Leader.

1.5 How decisions are to be taken by the Executive

- (a) Executive decisions which have been delegated to the Executive 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 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.

1.6 Interests

- (a) Any member of the Executive having a declarable personal / prejudicial interest should declare the same and act in accordance with 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 an individual member or an officer and he or she declares a prejudicial interest 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.

2. HOW EXECUTIVE MEETINGS ARE CONDUCTED

2.1 Who presides?

If the Leader is present he / she will preside. In his / her absence, then the Deputy Leader and in his / her absence – in the case of a committee or group of the Executive - a person appointed to do so by those present shall preside. The Leader or other person presiding shall, in the event of a voting tie, have a second or casting vote.

2.2 Who may attend?

Subject to Rule 1.7, any councillor may attend in the circumstances described in Rule 21(d) of the Access to Information Rules in Part 4 of this Constitution (matters specifically relating to the ward). The agenda item will signal this entitlement by beginning with the name(s) of the ward or wards in capital lettering. All other attendance is covered in the Access to Information Rules.

2.3 What business

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

- i. consideration of the minutes of the last meeting;
- ii. declarations of interest, if any;

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- iii. questions by the public, in accordance with Council Standing Order 10;
- iv. matters referred to the Executive (whether by the Scrutiny and Overview Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny and Overview Committee Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- v. consideration of reports from the Scrutiny and Overview Committee; 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 Executive from any member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders, the Scrutiny and Overview 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.

2.5 Who can put items on the Executive agenda?

- (a) The Leader will decide upon the schedule for the meetings of the Executive. He / she 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.
- (b) There will be a standings item on the agenda of each meeting of the Executive for matters referred by the Scrutiny and Overview Committee.
- (c) 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 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 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.

3. MEETINGS OF INDIVIDUAL PORTFOLIO HOLDERS

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3.1 Meetings of Individual Portfolio Holders

Individual Portfolio Holders will normally hold meetings in accordance with schedules which co-ordinate with the work programme for that Portfolio. Dates for such meetings should, wherever possible, be agreed in advance for the Civic Year. Portfolio Holder meetings shall be held in public, in accordance with the provisions of procedure rule 1.3 above, at least on a quarterly basis.

3.2 Speaking rights at Portfolio Holder Meetings

The following persons shall be entitled to speak once, to ask questions and / or make representations, on each item of business under consideration at a Portfolio Holder meeting:

- Monitors appointed by the Scrutiny and Overview Committee
- Spokespersons appointed by the Major Opposition Group
- Other members of the Council who may be present

No member shall speak for longer than three minutes without the Portfolio Holder's permission; this includes members who are appointed to both the above positions.

The Portfolio Holder may, at his / her discretion:

- Allow monitors and / or spokespersons and other members to speak more than once;
- Allow other persons present at the meeting to speak.

4. ADVISORY GROUPS

- (a) The Executive may establish advisory groups to inform its decisions and assist it in the discharge of its functions whether by the Executive as a whole or by a committee of the Executive or by a portfolio holder. It may do so upon its own initiative or upon the recommendation of the Scrutiny and Overview Committee or any councillor or councillors. The Executive shall appoint the members of each advisory group.
- (b) Advisory Groups should normally not exceed nine elected members and the Executive may co-opt non-members of the Council. The relevant portfolio holder shall be an additional member. Appointment shall be according to relevant experience, knowledge and interest. The proper officer shall take appropriate soundings from available members in this behalf and shall suitably advertise any vacancies for membership of existing or proposed advisory groups. The Chairman and Vice-Chairman of Council and the relevant portfolio holder shall be consulted before any appointment is made.
- (c) Advisory Groups shall have a nominated lead officer (appointed by the relevant Chief Officer(s)).
- (d) A member of the Scrutiny and Overview Committee shall be eligible for appointment to any advisory group(s) but shall not be involved in the scrutiny of any matter considered by any advisory group of which he / she is a member.

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- (e) The terms of reference of each advisory group and its working term shall be determined by the Executive. These may be varied from time to time by the Executive after consulting the portfolio holder. The Executive shall keep terms of reference and working terms of each advisory group under regular review.
- (f) The advisory groups shall each elect their own Chairman and Vice-Chairman who shall be a councillor but need not be the relevant portfolio holder.
- (g) All members of the Council may attend and (with the agreement of the Chairman) speak at advisory group meetings. The Chairman may invite any other person or body to attend a meeting of an advisory group to inform discussion on any matter within its terms of reference.
- (h) Advisory group meetings should normally be minuted, and the minutes sent to all members but formally reported to the Executive only if relevant to current matters under consideration or for decision.
- (i) Any advisory group may meet in any location jointly with any other committee or advisory group of the Council or with any joint committee or any other group or body of any other local authority to discuss any matter within its terms of reference.