

C4 EXECUTIVE PROCEDURE RULES

1. Who may make Executive Decisions?

- 1.1 Executive functions may be discharged by:-
 - 1.1.1 The Executive as a whole;
 - 1.1.2 A committee of the Executive;
 - 1.1.3 An individual member of the Executive;
 - 1.1.4 An officer;
 - 1.1.5 Any area committee, joint committee or another local authority.
- 1.2 At the first Annual meeting of the Council following an election of all councillors, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation. The document presented by the Leader will contain the following information about Executive functions:-
 - 1.2.1 The names of councillors appointed by him/her to the Executive;
 - 1.2.2 The name of the councillor appointed by him/her as Deputy Leader;
 - 1.2.3 The extent of any authority delegated to Executive members individually, including details of any limitations upon their authority;
 - 1.2.4 The terms of reference and constitution of such Executive committees as the Leader appoints and the names of Executive members appointed to them;
 - 1.2.5 The nature and extent of any delegation of Executive functions to area committees, any other authority or joint arrangements and the names of those Executive members appointed to any joint committee; and
 - 1.2.6 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 At a subsequent annual meeting of the Council, the Leader shall report upon any changes made to the appointments and delegations referred to in 1.2.1 to 1.2.6 above.

- 1.4 The Leader shall report any in-year changes made to the appointments and delegations referred to in 1.2.1 to 1.2.6 above to the next available ordinary meeting of the council.

2. Decisions to be taken by the Executive

- 2.1 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 Procedure Rules in **Part G2** of the constitution.
- 2.2 Where executive decisions are delegated to a committee of the Executive, the rules applying to executive decisions taken by a committee shall be the same as those applying to those taken by the Executive as a whole.

3. Sub-delegation of Executive Functions

- 3.1 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 an officer.
- 3.2 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.
- 3.3 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.
- 3.4 Where Executive decisions are delegated under 3.1 to 3.3 above, the person or body who delegated the function shall notify the Monitoring Officer who will report thereon, to the Constitution Advisory Group.
- 3.5 Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated that function.

4. Conflicts of Interest

- 4.1 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 F2** of the constitution.
- 4.2 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 F2** of the constitution.

- 4.3 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 F2** of the constitution.

5. Meetings of the Executive

- 5.1 The Leader will decide the schedule for the meetings of the Executive, including the date, time and venue for such meetings.
- 5.2 An extraordinary meeting of the Executive may be called by the Leader or, if absent, the Deputy Leader, or by the Monitoring Officer if he/she considers it necessary or appropriate.

6. Chairman

- 6.1 If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader shall preside. If both the Leader and the Deputy Leader are absent, the Executive shall elect another member of the Executive to preside.

7. Who may attend?

- 7.1 The Access to Information Procedure Rules in **Part G2** of the constitution sets out the rights of access of the press and public to meetings of the Executive or its committees.
- 7.2 Every member of the Council shall be entitled to attend meetings of the Executive or its committees.

8. Who may speak?

- 8.1 Public participation in meetings of the Executive or its committees shall be governed by the Public Participation Procedure as set out at **Part A4 (Citizens and the Council)**.
- 8.2 Any member of the Council may speak once on any item being considered by the Executive, with further speaking being at the discretion of the Leader.
- 8.3 The mover of a motion which has been referred to the Executive shall be entitled to attend the meeting to which it has been referred and to introduce the motion.

9. Who may put items on the Agenda?

- 9.1 The Leader may put on the agenda of any Executive meeting any matter which he/she wishes. The Monitoring Officer will comply with the Leader's requests in this respect.

- 9.2 Any member of the Executive may with 7 clear working days notice, 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 he/she receives such a request, the Monitoring Officer will comply.
- 9.3 There will be a standing item on the agenda of each meeting of the Executive for matters referred by the overview & scrutiny committees.
- 9.4 Any member of the Council may with 7 clear working days notice ask the Leader to put an item, which is relevant to the functions of the Executive, 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, whether or not it is a public meeting.
- 9.5 The Head of Paid Service, the Monitoring Officer and/or the Chief Finance Officer may in pursuance of their statutory duties include an item for consideration on the agenda of an Executive meeting and may require the Monitoring Officer to call such a meeting.
- 9.6 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.

10. Business

- 10.1 At each meeting of the Executive the following business will be conducted:-
 - 10.1.1 Consideration of the minutes of the last meeting;
 - 10.1.2 Declarations of interest, if any;
 - 10.1.3 Chairman's announcements and communications;
 - 10.1.4 The receipt of petitions from members of the public (in accordance with the Public Participation Procedure as set out in **A4** of the constitution);
 - 10.1.5 Public questions, statements or depositions (in accordance with the Public Participation Procedure as set out in **A4** of the constitution);

- 10.1.6 Matters referred to the Executive (whether by an overview and scrutiny committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules in **Part D2** or the Budget and Policy Framework Procedure Rules set out in **Part B3** of the constitution;
- 10.1.7 Overview and scrutiny matters - consideration of reports from overview and scrutiny committees;
- 10.1.8 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 G2** of the constitution;
- 10.1.9 Consideration of the Forward Plan; and

11. Summons to Meetings

- 11.1 The Monitoring Officer will give notice to the public of the time and place of any meeting of the Executive in accordance with the Access to Information Procedure Rules in **Part G2** of the constitution. The notice will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

12. Quorum

- 12.1 The quorum for a meeting of the Executive, or a committee of it, shall be one quarter of the total number of its membership or 3, whichever is the larger.

13. Voting

13.1 Majority

- 13.1.1 Unless the constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting at the time the question was put.

13.2 Chairman's casting vote

- 13.2.1 If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote.

13.3 Show of Hands

- 13.3.1 Unless a ballot or recorded vote is demanded under Rules 13.4 and 13.5, the chairman will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.

13.4 Ballots

13.4.1 The votes will take place by ballot if a majority of the members present at the meeting demand it. The chairman will announce the numerical result of the ballot immediately the result is known.

13.5 Recorded Vote

13.5.1 If no fewer than three members of the Executive demand it at the meeting, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

13.6 Right to require individual vote to be recorded

13.6.1 Where any member requests it immediately after a vote is taken, his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

13.7 Voting on Appointments

13.7.1 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

14. Minutes

14.1 Signing the Minutes

14.1.1 The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as an accurate record. The only aspect of the minutes that can be discussed at this time is their accuracy.

14.2 Form of minutes

14.2.1 Minutes will contain all motions and amendments in the exact form and order as put to the meeting.

15. Exclusion of Public

15.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in **G2** or Rule 25 of the Council Procedure Rules (Disturbance by Public) in **Part B4** of the constitution.

16. Consultation

- 16.1 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 and relevant overview and scrutiny committees, and the outcome of that consultation.
- 16.2 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.

17. Rules of Debate

- 17.1 The rules of debate that apply to Council meetings set out in Rule 18 of the Council Procedure Rules at **Part B4** of the constitution may be applied to meetings of the Executive to the extent that the chairman considers appropriate.