

## **Appendix 4 - Executive Procedure Rules**

### **1 Executive Functions**

- 1.1 Executive functions may be discharged by [as prescribed in Appendix 1 of this Constitution]:
- a. the Leader of the Council
  - b. the Executive as a whole
  - c. a committee of the Executive
  - d. an individual member of the Executive
  - e. an officer
  - f. joint arrangements; or
  - g. another local authority.

### **2 Sub-delegation of Executive functions**

- 2.1 Where the Leader of the Council or a committee of the Executive is responsible for an Executive function, they may delegate further to an executive member, a Ward Committee, joint arrangements or an officer.
- 2.2 Where Executive functions have been delegated, this does not prevent the discharge of delegated functions by the person or body who delegated it.

### **3 The Council's Scheme of Delegation and Executive functions *[Appendix 1 of this Constitution]***

- 3.1 In so far as it relates to executive functions, the Council's scheme of delegation will be determined by the Leader of the Council and may only be amended by the Leader of the Council. It will contain the details required in Article 6 and Appendix 1.

## **4 Conflicts of Interest**

- 4.1 Where a 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 Appendix 14 of this 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 Appendix 14 of this Constitution.
- 4.3 If the exercise of an Executive function has been delegated to a committee of the Executive, an Executive 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 Appendix 14 of this Constitution.

## **5 Meetings of the Executive**

### Frequency and Venue

- 5.1 The Executive will meet at least 12 times per year at times to be agreed by the Leader of the Council. The Executive shall meet at the Council's main offices or another location (or in accordance with Remote Meetings Guidance as set out at Appendix 23 of this Constitution,) and to be agreed by the Leader of the Council.

### Public and private meetings of the Executive

5.2 Where the Executive or an Executive Member is taking a decision, they will meet in public (subject to the Access to Information rules at Appendix 7 of this Constitution). All public meetings of the Executive are live streamed regardless as to whether they are physical face to face meetings or a remote meeting.

5.3 The agenda for meetings will be divided as follows:

- Declarations of Interest;
- Exclusion of Press and Public – this section will highlight which extracts of the various reports for each agenda item which are classed as exempt or confidential and this cannot be debated in the public domain. A vote will be required at the commencement of the meeting to exclude the press and public from the meeting in respect the listed agenda item extracts;
- Minutes – these will be managed in accordance with the Protocol on the Production and ~Content of Minutes of Meetings at Appendix 28 of this Constitution;
- Public participation – this will be conducted in accordance with the Public Participation Protocol at Appendix 8 of this Constitution;
- Forward Plan;
- Reports to be debated will then be listed;
- Urgent Business – any other business which the Chair considers urgent under the Local Government Act 1972.

*(Note: To be assured of transparency in its decision making, reports for the Executive will be listed the agenda for consideration. Where exempt (or confidential) information is required to assist in the decision making process, this will be highlighted where necessary).*

### Quorum

- 5.4 The quorum of the Executive that business will not be transacted unless at least four Members are present.

### Substitutes

- 5.5 The Council may appoint named substitutes for Member bodies as follows:-
- Any Member of the Executive may substitute for another Member of the Executive who is (either individually or as part of a Committee of the Executive) unavailable.
  - The Council may appoint a Member of the Executive as the Deputy Leader who will act for the Leader of the Council in their absence or unavailability.

### Taking decisions

- 5.6 Executive decisions which have been delegated to the Executive or an Executive Member will be taken at a meeting convened in accordance with the Access to Information Rules in Appendix 7 of this Constitution.
- 5.7 Where Executive decisions are delegated to a committee of the Executive or an Executive Member, 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.

### Chair

- 5.8 If the Leader is present they will chair the meeting. In their absence, the Deputy Leader will chair the meeting. If both are

absent, then a person appointed to do so by those present will chair the meeting.

### Attendance

- 5.9 These details are set out in the Access to Information Rules in Appendix 7 of this Constitution.
- 5.10 If not a member of the Executive, the Leader (or a nominated substitute) of the main political opposition group will be invited to attend the meetings of the Executive, including the consideration of items containing exempt information, and to speak but not to vote.

### Agenda

- 5.11 The agenda for each meeting of the Executive will be constructed as set out in paragraph 5.3 above. Where necessary and following a vote to exclude the press and public, relevant items of the reports will be debated in the confidential section of the meeting. This confidential section will not be live streamed.
- 5.12 The Minutes will contain the minute extract for any decisions made where the press and public were excluded from the meeting for a particular agenda item.
- 5.13 The agenda for each meeting of an individual member of the Executive will follow the same format as that for a meeting of the Executive including the same arrangements for items which require the exclusion of the press and public.

## **6 Publication of Agendas**

- 6.1 Unless otherwise prescribed by this Constitution, all Agendas will be published in accordance with the legislative requirements and the Access to Information Rules at Appendix 7 of this Constitution.

## **7 Consultation**

- 7.1 All reports to the Executive on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation, and the outcome of that consultation.
- 7.2 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.

## **8 Items on the Executive agenda**

### Items from Officers

- 8.1 All reports presented to the Executive for a decision will be in the name of the relevant Chief Officer and the relevant Portfolio Holder.
- 8.2 All reports must contain relevant information and professional advice or opinion of appropriate officers including the statutory officers.

Items from the Leader of the Council

- 8.3 The Leader of the Council may place on the agenda, (following the published procedures contained within this constitution relating to publication, format of reports etc.) 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 member or officer in respect of that matter.
- 8.4 The Chief Operating Officer will comply with the Leader's requests in this respect.

Items from Executive Members

- 8.5 Executive Members may place items on the agenda, with the consent of the Leader of the Council.

Items required by statutory officers

- 8.6 The Monitoring Officer and/or the Section 151 Officer may include an item for consideration on the agenda of an Executive Meeting and may require the Chief Operating Officer to call such a meeting in pursuance of their statutory duties.
- 8.7 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.