

EXECUTIVE PROCEDURE RULES

1. Rules

This records the rules made by the Leader governing meetings of the Cabinet and the discharge of Executive functions by himself, the Cabinet and Cabinet Members. It should be noted that Executive decisions may also be delegated elsewhere e.g. to officers.

2. Role

The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

3. Form and Composition

The Executive will take the form of a Cabinet consisting of the Executive Leader together with at least 2, but not more than 9 Councillors appointed to the Cabinet by the Leader.

4. Meetings of the Cabinet

- (a) Meetings of the Cabinet shall be held on such dates and at such times and venues as the Leader shall decide.
- (b) The Proper Officer will summon all Members of the Cabinet to meetings by sending an agenda and accompanying papers to each Cabinet Member and by publishing the Agenda in accordance with any statutory requirements.
- (c) The meeting or part of a meeting must be held in public where the Leader, reasonably believes that one of the following circumstances apply:
 - (i) A decision made will be a key decision; or
 - (ii) A matter that is included in the Forward Plan or is the subject of a notice given under Regulation 18 (exception to inclusion on the forward plan) is likely to be discussed; and
 - (iii) The decision on the matter is likely to be made within 28 days; and
 - (iv) An officer who is not a political assistant will be present at the discussion

5. Portfolios and responsibility of functions

The Members of the Cabinet shall have the portfolios designated by the Leader. The Leader will maintain a list and notify this list to the Proper Officer setting out

what individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Executive functions.

6. The agenda for Cabinet meetings

The agenda for each meeting of the Cabinet will comprise:

- (a) The minutes of the previous meeting for approval and signing
- (b) Declarations of interest, if any
- (c) An item referred for consideration by Cabinet as the result of the Overview and Scrutiny Board upholding the requisition of an Executive Decision by Cabinet or by an individual Cabinet Member, or a key decision by an officer.
- (d) An item placed on the agenda by the Proper Officer where the full Council have resolved that an item be considered by the Cabinet at its next available meeting.
- (e) An item placed on the agenda by the Proper Officer within two months of a relevant Overview and Scrutiny Board referring an item for consideration by the Cabinet.
- (f) An item that the Leader or any other member of the Cabinet has required the Proper Officer to place on the agenda of the next available meeting for consideration.
- (g) An item placed on the agenda of the next available meeting of the Cabinet by the Proper Officer at the request of a Champion. That Champion shall be invited to attend the meeting and shall be allowed to speak to it.
- (h) Any item that the Leader has agreed at the request of any member of the Council will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the member who asked for the item to be considered. This member will be invited to attend the meeting and will be allowed to speak. However, there may only be up to two such items per Cabinet meeting.

7. Quorum

The quorum for a meeting of the Cabinet is three Members.

8. Chairing

If the Leader or Deputy Leader is not present or able to preside, the Cabinet shall elect another Member to preside for that meeting or item.

9. Attendance and speaking

- (a) All members of the Council may attend meetings of the Cabinet.
- (b) Without prejudice to the powers of the person presiding at the meeting to control debate as chairman, the following rights of address apply:
 - (i) Members of the Cabinet are entitled to speak at any meeting on any matter.
 - (ii) Any Group Leader who is not a member of the Cabinet (or a member nominated by him) may speak on any item before the Cabinet.
 - (iii) Champions in accordance with Rule 14(b) below
 - (iv) Any other member may speak only with the consent of the person presiding.
- (c) For the avoidance of doubt and in the interests of orderly debate, the person presiding has discretion to limit the amount of time, and the number of times, that any member may speak on a particular item.
- (d) The person presiding at the meeting has discretion to permit one or more members of the public to address the Cabinet on a matter on the Agenda provided he is satisfied that to do so will assist the Cabinet in coming to a decision on that matter. In giving such permission, the Chairman may attach such conditions as he thinks fit.

10. **Conduct of Meeting**

- (a) The person presiding at the meeting shall have power to exercise the powers conferred on the Mayor in relation to the conduct of meetings of the Council. In any conflict between these rules and those of Council these rules shall prevail.
- (b) The person presiding may vary the order of the agenda where it is necessary to do so for the proper conduct of the business of the meeting. Where the person presiding is of the opinion that there is insufficient information available to the Cabinet to enable a proper decision to be reached, consideration of the report in question may be deferred to a future meeting.

11. **Private meetings of the Cabinet**

Cabinet meetings will be held in public save where there would otherwise be a disclosure of confidential or exempt information within the meaning of the Local Government Act 1972 as amended.

12. Consultation

All reports to the Cabinet from any member of the Cabinet or a member of staff on proposals relating to the budget framework and the policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Sub-Committees, and the outcome of that consultation, if any. 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.

13. Conflicts of interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct set out in Part 5 of this constitution.
- (b) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct.
- (c) If the exercise of an Executive function has been delegated to an individual member or a member of staff, 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.

14. Key decisions

- (a) A key decision is an Executive decision which is likely
 - (i) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates. For this purpose "significant" is defined as
 - (a) In excess of £500,000
 - (b) In excess of 10% of the gross controllable composite budget at Head of Service level (subject to a minimum value of £250,000)Whether relating to revenue expenditure/savings or capital expenditure
 - (ii) To be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

In determining the meaning of "significant" regard must be had to any guidance issued by the Secretary of State. For the avoidance of doubt "savings" includes expenditure avoided, additional revenue income generated or capital receipts obtained.

- (b) A decision maker may make a key decision only in accordance with the requirements of the Access to Information Procedure Rules set out in Part 4 of this constitution.
- (c) A key decision is recorded and published on the Council's website and is published to members by way of a weekly Calendar Brief

15. Forward Plan

The Leader must instruct the Proper Officer to publish a document stating the following:

- (a) That key decisions are to be made on behalf of the local authority;
- (b) That a "Forward Plan" containing particulars of the matters in respect of which those decisions are to be made will be prepared monthly by the authority;
- (c) That a Forward Plan will contain details of the key decisions likely to be made by the authority for the four month period following publication of the forward plan;
- (d) That each current Forward Plan may be inspected at all reasonable hours and free of charge at the local authority's offices;
- (e) That each Forward Plan contains a list of the documents submitted to the decision makers for consideration in relation to the matters in respect of which decisions are to be made;
- (f) The address from which copies of listed documents are available;
- (g) That other relevant documents may be submitted to the decision-makers'
- (h) The procedure for requesting details of any such documents as they become available.
- (i) The dates in each month in the following 12 months on which each Forward Plan will be published and available at the authority's offices.
- (j) The document must be published in at least one local newspaper annually between 14 and 21 days before the first Forward Plan of that year comes into effect.

16. Recording of Executive decisions made by individuals

- (a) As soon as reasonably practicable after an individual Executive decision has been made, the Proper Officer shall produce a written statement in respect of that decision which includes:
 - (i) A record of that decision;
 - (ii) A record of the reasons for that decision;

- (iii) Details of any alternative options considered and rejected at the time;
 - (iv) A record of any conflict of interest or of any dispensation granted
- (b) After a private meeting or a public meeting of a decision making body at which an Executive decision has been made, after an individual member has made an Executive decision or after an officer has made a key decision, the Proper Officer shall ensure that:
- (i) Any records prepared in connection with; and
 - (ii) Any report considered

shall be available for inspection by members of the public, as soon as is reasonably practicable, at the offices of the authority.

17. **Executive decision-making processes**

- (a) Key decisions may be taken only if due notice has been given of them in the Forward Plan unless the procedure for taking decisions without due notice has been followed.
- (b) Key decisions may be taken by Cabinet, by individual members of Cabinet or by officers acting in accordance with powers delegated generally or for specific purposes.
- (c) Executive decisions that are not key decisions may be taken by officers as well as by Cabinet, individual Cabinet members, in accordance with powers delegated generally or for specific purposes.
- (d) A list of all Executive decisions (whether or not key decisions) taken by members and of key decisions taken by officers in the preceding week will normally be published in the weekly Calendar Brief but where circumstances so require a supplementary Calendar Brief may be issued at any time.
- (e) No key decision shall be acted upon until either the deadline for submission of a requisition has passed without one being submitted, or any requisition submitted has been disposed of, unless the urgency provisions under Rule 18 of the Overview and Scrutiny Procedure Rules apply.
- (f) Where an Cabinet Member or Officer receives a report, which they intend to take into consideration when making the key decisions, they must not make that decision until the report has been available for public inspection for at least five clear days.
- (g) The Cabinet Member or Officer must ensure that the Proper Officer makes the report (and a list and copies of Background Papers) available for public inspection as soon as reasonably practicable after the Cabinet Member or Officer receives it.

- (h) Where a report has been submitted to a Cabinet Member or Officer with a view to it being considered when a key decision is made, the person submitting the report must, as soon as reasonably practicable, supply a copy to the Chairman of every relevant Overview and Scrutiny Sub-Committee.

18. Action where a key decision has not been shown on the Forward Plan

- (a) A key decision that has not been shown on the Forward Plan shall be made only in exceptional circumstances.
- (b) Such a key decision shall be made only if the Chairman of the relevant Overview & Scrutiny Sub-Committee signifies in writing that he is satisfied on the report of the member or officer responsible for making the decision that
 - (i) it was reasonable in all the circumstances for notice of need for the decision not to appear in the Forward Plan
 - (ii) there is urgency for the decision to be made that justifies its being dealt with immediately rather than awaiting processing in the normal way
 - (iii) there are no grounds for supposing that the decision would be likely to be called in if processed in the normal way

Where the Chairman so signifies, the decision may be made forthwith and implemented without delay, and shall not be liable to be called in under the procedure provided for in paragraph 17 of the Overview & Scrutiny Procedure Rules in Part 4 of the Constitution.