

Section 3

Executive Procedure Rules

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1 Discharge of Executive Functions

1.1 Collective Responsibility

The Executive will take decisions collectively and not as individuals subject to the provisions of rule 3 (amendment of Executive decisions) and rule 4 (urgent action).

1.2 Delegation

- (a) The Executive may, within any limits set by the Council, delegate Executive Functions either generally or subject to such conditions or limitations as the Executive shall determine.
- (b) All delegations by the Executive shall be recorded in the minutes of the Executive meeting at which the delegation was made.
- (c) The Executive shall maintain a list in Part 3 of the Constitution of those functions it has delegated except where the delegation is to take a decision or a series of decisions relating to a single matter.

2 Meetings of the Executive

2.1 Frequency of Meetings

- (a) The Council shall set a programme of Executive meetings for each municipal year.
- (b) The Leader may change the time and date of any programmed meeting of the Executive but must notify all Members of the Council of the change in writing at least five working days before either the programmed date or the new date for the meeting, whichever is the earlier.
- (c) The Leader may call a meeting of the Executive at any time but must, except in cases of urgency or a meeting no part of which is to be conducted in public, notify all Members of the Council of the date and time of the meeting in writing at least five working days before the date for the meeting.
- (d) If in the opinion of the Chief Executive, the Monitoring Officer or the Chief Financial Officer there is an item of business which requires a meeting of the Executive and the Leader having been requested in writing to call a meeting fails to so do within three working days, the Chief Executive may call a meeting of the Executive subject to giving notice in accordance with (c) above.

2.2 Public Meetings of the Executive

The Executive shall meet in public when:-

- (a) making a decision on an Executive function or
- (b) making a decision to propose to the Council that it adopts, approves or amends any Policy Document or
- (c) making a decision to propose to the Council that it adopts, approves or amends the Budget or
- (d) Making a decision to delegate an Executive function or
- (e) making a decision to publish a draft or interim proposal or decision for consultation prior to making a decision within (a) to (d) above.

Nothing in this rule precludes the Executive from excluding the public where confidential or exempt information is likely to be disclosed and the appropriate resolution is passed in accordance with the provisions of the Local Government Act 1972.

2.3 Private Meetings of the Executive

Subject to rule 2.2, the Access to Information Rules and any requirement of the law the Executive may hold any meeting or part of a meeting in private.

2.4 Person Presiding

The Leader will preside at meetings of the Executive but in his/her absence:-

- (a) the Deputy Leader will preside
- (b) if the Deputy Leader is also absent the Executive will appoint a Member of the Executive to preside.

2.5 Quorum

The quorum for a meeting of the Executive shall be 3 Members.

2.6 Business at Public Meetings of the Executive

At public meetings of the Executive the following business will be conducted:-

- (a) appointment of a person to preside in the absence of the Leader or his/her nominee,
- (b) consideration of the minutes of the last public meeting,

- (c) at each programmed meeting of the Executive there shall be a Councillors' Question Time in accordance with rule 2.9
- (d) matters referred to the Executive (whether by a scrutiny committee or by the Council) for reconsideration by the Executive 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,
- (e) matters set out in the agenda for the meeting,

2.7 Business at Private Meetings of the Executive

At private meetings of the Executive the following business will be conducted:-

- (a) appointment of a person to preside in the absence of the Leader or his/her nominee,
- (b) consideration of the minutes of the last private meeting,
- (c) matters set out in the agenda for the meeting,

2.8 Agenda

The Head of Law and Administration will compile the Agenda for meetings of the Executive which will include any item requested to be included by:-

- (a) the Leader
- (b) a member of the Executive
- (c) the Council
- (d) a Scrutiny Committee
- (e) the Chief Executive, the Monitoring Officer, the Chief Financial officer, or a Head of Service
- (f) a member of the Council under rule 2.9

2.9 Councillors' Question Time

At each programmed meeting of the Executive there shall be a Councillor's Question Time during which questions submitted by Members in accordance with the following rules may be asked.

- (a) Any Member may at least 7 clear working days before a programmed meeting of the Executive give written notice to the Head of Law and Administration that he/she wishes to ask a question at Councillor's Question Time at that meeting. A Member may only submit one question for each meeting of the Executive.
- (b) The item may only take the form of a question to the Leader or a Member of the Cabinet on any matter affecting the Borough.
- (c) The Head of Law and Administration may edit items to achieve proper form and brevity or to delete any defamatory, derogatory or otherwise unsuitable material. The Head of Law and Administration may refuse to accept any items that are defamatory, derogatory or otherwise unsuitable.
- (d) Any question submitted under this rule shall only be read by the Member submitting it and shall be answered by the person to whom it is addressed. Immediately following the answer the Member may ask a supplementary question on any matter arising out of the answer. The addressee may answer the original or supplementary question orally, offer a written answer or decline to answer. No further supplementary questions may be asked.
- (e) Items submitted under this rule shall be taken in the order in which they are received by the Head of Law and Administration.
- (f) No further questions shall be taken after the expiry of thirty minutes from the start of the session but any question which has been started may be finished and answered. Any question not reached will be answered in writing.

2.10 Report or Recommendations from a Scrutiny Committee

Where a notice has been given under rule 11(a) of the Scrutiny Committee Procedure Rules, the Executive shall consider the report or recommendation of the Scrutiny Committee and consider its response.

3 Amendment of Executive decisions

3.1 Amendment during scrutiny

When;

- (a) an Executive decision has been called-in to a Scrutiny Committee or has been referred by a Scrutiny Committee to the Council for scrutiny and
- (b) the Scrutiny Committee or Council are minded to raise any objection to the decision, comment adversely on the decision, refer it back to the Executive or, in the case of a Scrutiny Committee, refer it to the Council,

the appropriate Cabinet Member may, at any time prior to a decision by the Scrutiny Committee or Council, amend the decision without reference to the Executive.

3.2 Amendment of proposals on the Budget or Policy Documents

When;

- (a) the Council is considering a proposal from the Executive to approve, adopt or amend the Budget or the Policy Documents and,
- (b) the Council is minded to amend, refer back to the Executive or otherwise object to the proposal

the appropriate Cabinet Member may at any time prior to a decision by the Council amend the proposal without reference to the Executive.

4 Urgent Action

- (a) Provided that;
 - (i) the person making the decision has consulted three members of the appropriate Scrutiny Committee (whenever practicable the three Members should include the Chairman and be from three different political groups) and
 - (ii) the majority of those three Members have agreed that the matter is urgent, that the operation of rules 1 and 2.2 would unduly delay the implementation of the decision and any conditions subject to which the decision may be made and

(the conditions imposed under rule (ii) may include limitations that only part of the decision may be taken without compliance with the rules, or that the decision taker must consult a special meeting of the Scrutiny Committee, the local Member(s) or

some other person or body before making the decision but may not include any condition limiting the decision maker's discretion as to what decision he or she makes)

- (iii) the decision maker complies with any such conditions,

Rules 1 and 2.2 shall not apply and an Executive decision may be made by the Leader or by an individual Member of the Executive (within his or her portfolio) without calling a public meeting of the Executive.

- (b) Any decision made under this rule must be reported to the next meeting of the Executive and the appropriate Scrutiny Committee.

5 Absence or inability to act of Executive members

- (a) If the Leader is absent or otherwise unable to act, any action required to be taken by the Leader may be taken by the Deputy Leader of the Council or in their absence by any member of the Executive.
- (b) If a Cabinet Member is absent or otherwise unable to act, any action required to be taken by that Cabinet Member may be taken by such Member of the Executive as the Leader shall nominate or, in the absence of nomination, by any Member of the Executive.