

## 4.5: EXECUTIVE PROCEDURE RULES

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### 1. HOW DOES THE CABINET OPERATE?

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#### 1.1 Who May Make Executive Decisions?

The Leader may discharge the Executive functions of the Council or he/she may provide for any Executive functions of the Council to be discharged by:

- (a) the Cabinet as a whole;
- (b) a Committee of the Cabinet;
- (c) an individual member of the Cabinet;
- (d) an officer of the Authority;
- (e) an area Committee;
- (f) joint arrangements; or
- (g) another local authority.

The arrangements for the discharge of Executive functions determined by the Leader are set out in the executive arrangements of the Constitution (see Article 7 and Part 3 of this Constitution).

#### 1.2 Appointments and Delegation of Executive Functions by the Leader

- (a) At the annual meeting of the Council, the Leader will present to the Council the names of the members appointed to the Cabinet by the Leader (including the Executive member who is appointed as Deputy Leader) and their portfolios.
- (b) Either at the annual meeting of the Council or as soon as practicable thereafter, the Leader will present to the Monitoring Officer a written record of:
  - (i) the detailed remits of the portfolios of the Cabinet members;
  - (ii) any delegations made by the Leader in respect of the discharge of Executive functions. The document presented by the Leader to the Monitoring Officer will contain the following information about the discharge of the Council's Executive functions in relation to the coming year:
    - the extent of authority of the Cabinet as a whole;

- the extent of any authority delegated to individual Cabinet members, including details of any limitation on their authority;
- the terms of reference and constitution of such committees of the Cabinet as the Leader appoints and the names of Cabinet members appointed to them;
- the nature and extent of any delegation of Executive functions to area committees, or any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year; and
- the nature and extent of any delegation to Council officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

### **1.3 Sub-delegation of Executive Functions**

- (a) Where the Leader delegates an Executive function to the Cabinet then unless the Leader directs otherwise, the Cabinet may delegate further to a committee of the Cabinet or to an officer.
- (b) Where the Leader delegates an Executive function to a committee of the Cabinet or an individual member of the Cabinet then unless the Leader directs otherwise, a committee of the Cabinet or an individual member of the Cabinet may delegate further to an officer.
- (c) Even where Executive functions have been delegated under (a) or (b) above, that fact does not prevent the discharge of delegated functions by the person or body who made the delegation.
- (d) Where the Leader seeks to withdraw delegation from a committee of the Cabinet, notice will be deemed to be served on that committee when he/she has served it on its chair.

### **1.4 The Council's Scheme of Delegation and Executive Functions**

The Leader may amend the Scheme of Delegation containing the details required in Article 7 and set out in Part 3 of this Constitution insofar as it relates to Executive functions at any time during the year in accordance with the procedure set out below.

- (a) Where the Leader wishes to delegate the discharge of an Executive function that has not previously been delegated:
  - (i) to an officer; or
  - (ii) to the Cabinet; or

- (iii) to a Committee of the Cabinet; or
- (iv) to a member of the Cabinet

the Leader must give written notice of the new delegation to both the person or body to whom the Executive function is to be delegated and the Monitoring Officer.

The delegation of the Executive function will take effect on receipt of the Leader's written notice by both of the parties listed above.

The Monitoring Officer will ensure that a record of the delegation of the Executive function is entered into the Register of the Delegation of the Executive Functions and the Leader will report the new delegation to Council at the earliest opportunity.

- (b) Where the Leader wishes to transfer the discharge of an Executive function that has been previously delegated to one of the persons or bodies listed at (a)(i)-(iv) above to another of the said persons or bodies at (a)(i)-(iv) above then in each case the Leader must give written notice to the person or body from whom the exercise of the Executive function is to be transferred, the person or body to whom the exercise of the Executive function is to be transferred and the Monitoring Officer.

The transfer of the delegation of the Executive function will take effect on receipt of the Leader's written notice by each of the parties listed above.

The Monitoring Officer will ensure that a record of the transfer of the Executive function is entered into the Register of the Delegation of Executive Functions.

- (c) Where the Leader wishes to withdraw the delegation of an Executive function that has been delegated to one of the persons or bodies listed at (a)(i)-(iv) above and to discharge the Executive function personally, the Leader must give written notice to the person or body from whom the exercise of the Executive function is to be withdrawn and to the Monitoring Officer.

The withdrawal of the delegation of an Executive function will take effect on receipt of the Leader's written notice by both of the parties listed above.

The Monitoring Officer will ensure that a record of the withdrawal of the Executive function is entered into the Register of the Delegation of Executive Functions.

## 1.5 Conflicts of Interest

- (a) Where a member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members 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 Council's Code of Conduct for Members in Part 5 of this Constitution.

If the exercise of an executive function has been delegated to a Committee of the Cabinet, 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 or otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

## 1.6 Meetings of the Cabinet

- (a) The Cabinet will meet in accordance with the programme of meetings agreed at Annual Council under Part 3 Section 5 Paragraph 1.18 of the Council's Constitution, and as such other times as are agreed by the Leader or Deputy leader and duly publicised.
- (b) Meetings of the Cabinet will be subject to the Access to Information Procedure Rules and any other relevant procedure rules in this Constitution.

## 1.7 Quorum

The quorum for a meeting of the Cabinet, or a Committee of it, shall be one quarter of the total number of members of the Cabinet or three members, whichever is the larger.

## 1.8 How are Decisions to be taken by the Cabinet?

- (a) Executive decisions which are the responsibility of the Cabinet 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 Cabinet member or a Committee of the Cabinet, the rules applying to executive decisions taken by them shall be in accordance with the Access to Information Rules in Part 4 of the Constitution.

## **2. HOW ARE CABINET MEETINGS CONDUCTED?**

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### **2.1 Who Presides?**

If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader shall preside. In the absence of both the Leader and the Deputy Leader, then a person appointed by those present shall preside.

### **2.2 Who May Attend?**

- (a) Any member of the Council may attend a meeting of the Cabinet, or a group thereof and with the permission of the Chairman may speak. The Chairman may refuse to give permission if he/she feels that such would be expedient to the efficient conduct of the business.
- (b) Meetings of the Cabinet/Cabinet Committees will normally be open to the public unless confidential or exempt information is to be discussed.
- (c) Subject to the Access to Information Procedure Rules in Part 4 of this Constitution, meetings may occasionally be private.

### **2.3 What Business?**

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

consideration of the minutes of the last meeting;

declarations of interest, if any (normal Council procedure rules apply to Disclosable Pecuniary Interests);

matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

consideration of reports from Scrutiny Committees;

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;

dealing with any petitions referred to Cabinet in accordance with the Council's adopted petition scheme.

### **2.4 Consultation**

All reports to the Cabinet from any member of the Cabinet 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 the Scrutiny Committees 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 Cabinet Agenda?**

Any member of the Council may ask the Chief Executive to put an item on the agenda of a Cabinet for consideration. The item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the councillor who asked for the item to be considered.

The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive 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 Cabinet needs to be called to consider a matter that requires a decision, they may jointly call a meeting and include an item on the agenda of that meeting or of a Cabinet meeting which has already been called. If there is no meeting of the Cabinet 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.

## **2.6 Application of Council Procedure Rules**

Rules 9, 10, 17.1, 17.2 and 18 to 24 of the Council Procedure Rules shall also apply to meetings of the Cabinet.