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Part 4d - Executive procedure rules

Last Modified April 27, 2021



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1. Scope

1.1 This Constitution is drafted in terms which allow for the Leader to make arrangements for Executive functions to be discharged by:

- the Executive as a whole
- a committee of the Executive
- an individual member of the Executive
- an officer
- joint arrangements or
- another local authority.

1.2 For the avoidance of doubt when a Procedure Rules states that a request should be made in writing then this includes a request submitted by electronic means.

2. Delegation by the Leader

2.1 The arrangements made by the Leader for the discharge of Executive functions are set out in Parts 3 and 9 to this Constitution which includes the following information:

- (i) the names, addresses and wards of the people appointed to the Executive by the Leader
- (ii) the extent of any authority delegated to the Executive as a whole, including details of any limitation on its authority
- (iii) the extent of any authority delegated to Executive Members individually, including details of any limitation on their authority
- (iv) the terms of reference and constitution of such Executive committees as the Leader appoints and the names of Executive Members appointed to them
- (v) the nature and extent of any delegation of Executive functions to any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year and
- (vi) 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.

2.2 Sub-delegation of Executive functions

2.2.1 Unless the Leader directs otherwise:

- (i) where any functions may be discharged by the Executive, the Executive may arrange for the discharge of any of those functions by a committee of the Executive or an officer
- (ii) where any function may be discharged by a member or by a committee of the Executive, the member or committee may arrange for the discharge of any of those functions by an officer.
- (iii) even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the

person or body who delegated.

2.3 Amendments to arrangements for the discharge of Executive functions

2.3.1 The Leader may amend the scheme of delegation relating to Executive functions at any time. In doing so, the Leader must give written notice to the Director of Governance and Partnerships and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole.

2.3.2 Where the Leader seeks to withdraw delegation from a committee of the Executive, notice will be deemed to be served on that committee when he/she has served it on its Chairman.

2.4 Conflicts of interest

2.4.1 Where the Leader or any other Executive Member 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.

2.4.2 If the exercise of an Executive function has been delegated to a committee of the Executive, an individual member or an officer and a conflict of interest arises, 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 5 of this Constitution.

2.5 The time and place of Executive meetings

2.5.1 The Executive will meet at times to be agreed by the Leader. The Executive shall meet at the Council's main offices or another location to be agreed by the Leader.

2.6 Quorum

2.6.1 The quorum for a meeting of the Executive shall be three.

2.6.2 The quorum for a meeting of a Committee of the Executive shall be two.

3. Conduct of Executive meetings

3.1 Chairman

3.1.1 If the Leader is present he/she will preside. In his/her absence, the Deputy Leader shall preside. If neither is present, the Cabinet Secretary shall preside. If none of these are present then a person appointed to do so by those present shall preside.

3.1.2 A committee of the Executive will appoint a person from among those present to preside.

3.2 Consultation

3.2.1 All reports to the Executive from any member or committee of the Executive or from an officer 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.

3.3 Request to participate at an Executive meeting

3.3.1 A person wishing to make representations to the Executive, must submit such a request in writing to the Head of Democratic Governance, for consideration, no later than noon, one working day prior to the meeting and must be in relation to an item on the agenda for the meeting.

3.3.2 Those approved to participate will be allowed to speak for no longer than five minutes on the agenda item. On the basis of 5 minutes for a speaker in favour of the recommendation and 5 minutes for a speaker not in favour of the recommendation. The Leader of the Council or person acting as Chairman of the meeting, in exceptional circumstances may allow more than one speaker to speak for the recommendation and more than one to speak against the recommendation, where it is considered beneficial to the consideration of the item. However, the total allocated time of five minutes will be split between the number of speakers (e.g. five speakers speaking in favour of the application will receive one minute each).

3.3.3 Those submitting representations or questions will be given a response from the Leader of the Council or relevant Cabinet Member.

3.3.4 The Executive will not receive representations, or questions during the period between the calling of and the holding of any election or referendum.

3.4 Reason for refusing a request to participate at an Executive meeting

- (i) If it is illegal, defamatory, scurrilous, frivolous or offensive.
- (ii) If it is factually inaccurate.
- (iii) If the issues to be raised would be considered 'exempt' information under the Council's Access to Information Procedure rules.
- (iv) If it refers to legal proceedings in which the Council is involved or is in contemplation.

3.5 Agenda items

- 3.5.1 The Leader may put on the agenda of any Executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive, a committee of it or any member or officer in respect of that matter. The Head of Democratic Governance will comply with the Leader's requests in this respect.
- 3.5.2 Any member of the Executive may ask the Head of Democratic Governance to place an item on the agenda of the next available meeting of the Executive for consideration. The Head of Democratic Governance will comply with the request.
- 3.5.3 The Head of Democratic Governance will place an item on the agenda of the next available meeting of the Executive where a scrutiny committee or the full Council have resolved that an item be considered by the Executive.
- 3.5.4 Any member of the Council may ask the Leader to put an item 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. The member will be invited to attend the meeting for that item whether or not it is a public meeting.
- 3.5.5 The Head of Paid Service, the Monitoring Officer and the Statutory Finance Officer may, individually or jointly include an item for consideration on the agenda of an Executive meeting and may require the Director of Governance and Partnerships to call such a meeting in pursuance of their statutory duties.

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