

## **Part 4 D**

# Executive Procedure Rules

## ***Part 4D - Executive Procedure Rules***

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**RULE 1*****The discharge of Executive functions***

The arrangements for the discharge of Executive functions are set out in the Executive Arrangements adopted by the County Council. Article 7.08 prohibits the delegation of Executive functions to individual members of the Executive. Subject to Article 7.08 the Leader may decide how Executive functions are to be exercised. In either case, the Executive Arrangements or the Leader may provide for Executive functions to be discharged by:

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

*[Note: while the County Council decision reflected in Article 7.08 remains in operation, the provisions in Rules 1 and 2 which relate to an individual member of the Executive will have no practical effect.]*

**RULE 2*****The delegation of Executive functions***

- (a) Subject to Article 7.08, at the annual meeting of the County Council, the Leader will present to the County Council a written record of any delegations made by him or her for inclusion in the County Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:
  - (i) the extent of any authority delegated to Executive members individually, including details of the limitation on their authority;
  - (ii) the terms of reference and constitution of such Executive committees as the Leader appoints and the names of Executive members appointed to them;
  - (iii) the nature and extent of any delegation of Executive functions to area committees, any other authority or any joint arrangements and the names of those Executive members appointed to any joint committee for the coming year; and
- (b) Where the Executive, a committee of the Executive or an individual member of the Executive is responsible for an Executive function, they may delegate further to an area committee, joint arrangements or an officer.

- (c) Unless the County Council directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive or to an officer.
- (d) Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an officer.
- (e) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### **RULE 3**

#### ***The County Council's Scheme of Delegations and Executive functions***

- (a) Subject to (b) below the County Council's Scheme of Delegations will be subject to adoption by the County Council and may only be amended by the County Council. It will contain the details required in Article 7.07 and set out in Part 3 of this Constitution.
- (b) Subject to Article 7.08, the Leader may amend the Scheme of Delegations relating to Executive functions at any time during the year. To do so, the Leader must give written notice to the Chief Executive 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. The Chief Executive will present a report to the next ordinary meeting of the County Council setting out the changes made by the Leader.
- (c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he or she has served it on its chairman.

### **RULE 4**

#### ***Conflicts of Interest***

- (a) Conflicts of interest for the Leader and/or other members of the Executive should be dealt with having regard to the County Council's Code of Conduct for Members in Part 5 of this Constitution. Dispensation may be granted where appropriate in accordance with any legislation applying for the time being.
- (b) If the exercise of an Executive function has been delegated to a committee of the Executive, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised by the person or body by whom the delegation was made.

## **RULE 5**

### ***Executive Meetings***

- (a) The meetings of the Executive will be conducted in accordance with those Standing Orders in the Meeting Procedure Rules in Part 4A of this Constitution which are relevant to the Executive.

*[Note: The “Executive” means the Leader and Cabinet, and a meeting of the Executive will usually, in the normal course of the County Council’s business, be referred to as a “Cabinet Meeting”. The relevant Standing Orders are 34 and 35, which in turn apply Standing Orders 15 to 20, 22 to 27 and 29 to 31, with any necessary modification.]*

- (b) The Executive will observe those requirements of the Access to Information Procedure Rules in Part 4B of this Constitution.

## **RULE 6**

### ***Consultation***

All reports to the Executive from any member of the Executive 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 relevant overview and 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.

## **RULE 7**

### ***Executive agenda***

- (a) The Leader will decide upon the schedule for the meetings of the Executive. He or she may put on the agenda of any Executive meeting any matter which he or 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 Chief Executive will comply with the Leader’s requests in this respect.
- (b) Any member of the Executive may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration.
- (c) The Chief Executive will make sure that an item is placed on the agenda of the next available meeting of the Executive where a relevant overview and scrutiny committee or the full County Council have resolved that an item be considered by the Executive.

- (d) Any member of the County 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 County Councillor who asked for the item to be considered. The individual member may attend the meeting in accordance with Standing Order 33 in the Meeting Procedure Rules in Part 4A of this Constitution.
- (e) The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of an Executive 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 Financial Officer and Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. 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.

## **RULE 8**

### ***Working definition of “Key Decision”***

For the purposes of Article 13.03 (Types of decision) and Rule 14 of the Access to Information Procedure Rules (Part 4B), a decision which falls within any of the following working definitions will be deemed to be a Key Decision for the purpose of making decisions and will be dealt with accordingly:

- (i) a report proposing changes or additions to the Plan Framework (as defined in the Constitution), arising from the Plans Roll-forward or otherwise;
- (ii) a report in connection with the preparation of the annual revenue budget;
- (iii) a report in connection with the preparation of the capital programme;
- (iv) a report proposing specific action which is outside the Plan Framework, annual revenue budget or capital programme previously approved by the County Council;
- (v) a report of a Review Panel (which has conducted a review: commissioned by the Executive; or by an overview and scrutiny committee) which requires a decision to be made by the Executive;
- (vi) expenditure or savings which the Chief Financial Officer together with the Director of Law and Governance consider to be significant having regard to the budget for the service or function to which the decision relates;
- (vii) a report proposing action which the originator of the report, in consultation with his or her chief officer, believes may have a

- significant impact on communities living or working in an area comprising two or more County Council electoral divisions;
- (viii)\* a report proposing the closure of, or reduction by more than ten percent in the level of service (for example in terms of funding, staffing or hours of operation) provided from, any facility from which County Council services are provided; or
  - (ix) a report which in the opinion of the Chief Executive or Monitoring Officer involves a material departure from a policy or plan previously agreed at elected member level.

*[\*Note: Where the closure or reduction is as a result of time-limited external funding coming to an end and there is no reasonable prospect of continuing the service, other than on a transitional basis, this provision does not apply.]*

**[end of Executive Procedure Rules]**

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