

## Section 7 - Executive Procedure Rules

### 1. POWERS AND DELEGATIONS

#### 1.1 Power to make executive decisions

The Leader can appoint the following to carry out executive functions:

- (a) the Cabinet
- (b) a Committee of the Cabinet
- (c) an individual Member of the Cabinet
- (d) an officer
- (e) another local authority
- (f) a joint arrangement

#### 1.2 Delegation by the Leader

At the Annual Council Meeting each year the Leader will present a written list of delegations for the coming year which will form part of the Council's Scheme of Delegation as set out in [Part 3 to this Constitution](#).

The document will include the following:

- (a) the names and wards of the Members appointed to the Cabinet
- (b) the extent and limitation of authority delegated to Cabinet Members individually
- (c) the terms of reference and constitution of any executive committees, the names of Cabinet Members appointed to them, and the appointment of the Chairman and Vice-Chairman of any executive committee
- (d) the nature and limitations of any delegation of any other authority
- (e) the names of those Cabinet Members appointed to any joint committee
- (e) the nature and limitations of any delegation to officers, including the title of the officer the delegation is made to.

#### 1.3 Sub-delegation of Executive Functions

1.3.1 Delegations can only be delegated further with the agreement of the Leader where the Cabinet, a Committee of the Executive or an individual Member of the Cabinet is responsible for an executive function.

1.3.2 Where executive functions have been delegated, the function can still be carried out by the person or body who delegated it.

1.3.3 Where the Cabinet or a Cabinet Member delegates to a Committee, or joint arrangements, will publicise the terms of reference and constitution of the committee will be published. When delegating to an officer, the nature, extent and limitations of the delegation will be published.

#### 1.4 Amendments to Delegations

1.4.1 The Leader can amend the delegations at any time by giving written notice to the Monitoring Officer and to the person, body or Committee concerned. The notice must provide full details of the amendments required. The Monitoring Officer will present this to the next ordinary meeting of the Council.

1.4.2 The Leader can withdraw delegation from a Committee of the Cabinet by serving notice to its Chairman.

## 1.5 Conflicts of Interest

1.5.1 Any conflict of interest for a Cabinet Member will be dealt with in accordance with the Council's Code of Conduct in [Part 5 of this Constitution](#).

1.5.2 If a conflict of interest arises where delegating is to a Committee of the Cabinet, a Member or an officer, the function will be exercised by the person or body who made the delegation.

## 2. PUBLIC AND PRIVATE MEETINGS

2.1 Executive decisions delegated to the Cabinet or to a Committee of the Cabinet will be taken at a meeting convened in line with the Access to Information Rules in [Part 4 Section 5 of this Constitution](#). This meeting will be held in public except when the Leader or Cabinet has agreed to:

- (a) exclude the press and public from all or part of a meeting in accordance with the Access to Information Rules, or
- (b) exclude a Member or Members of the public in order to maintain orderly conduct or prevent misbehaviour at the meeting in accordance with Council's standing orders.

2.1 If the Cabinet or a sub-committee needs to meet in private to take a decision that involves exempt or confidential information, the meeting can only take place if:

- (a) notice has been published at the Town Hall and on the Council's website giving the reasons why the meeting is to be held in private at least 28 clear (calendar) days before the meeting. This notice will be included in the forward plan.
- (b) a further notice is published at the Town Hall and on the Council's website at least 5 clear days before the meeting giving the reasons for holding the meeting in private and any representations received. This will form part of the Cabinet agenda.

2.2 If it is not possible to comply with the terms outlined above because a decision is considered to be urgent, the following people can authorise the meeting to take place and for the decision to be taken:

- (a) Chairman of the relevant Scrutiny Committee
- (b) Mayor (where there is no chairman or they are unable to act)
- (c) Deputy Mayor (in the absence of the Mayor)

2.3 A notice setting out the reasons why the private meeting is urgent and cannot reasonably be deferred will be published at the Town Hall and on the Council's website as soon as reasonably practical after agreement has been obtained.<sup>1</sup>

## 3. CABINET MEETINGS

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<sup>1</sup> (The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.)

### 3.1 **Frequency of Cabinet meetings**

The Cabinet will meet up to 10 times per municipal year at times and locations to be agreed by the Leader.

### 3.2 **Quorum**

The quorum for a meeting of the Cabinet, or a Committee of it, is three Members.

### 3.3 **Chairman**

The Leader will preside over any meeting of the Executive or its Committees at which they are present, or can appoint another person to do so.

### 3.4 **Business to be transacted**

Each meeting of the Cabinet will include the following business:

- (a) Apologies for absence from Members
- (b) Receive the minutes of the previous meeting
- (c) Declarations of interest
- (d) To receive any petitions
- (e) Matters referred to the Cabinet by a scrutiny committee or by the Council for reconsideration
- (f) Consideration of business on the Forward Plan
- (g) Consideration of other reports from a scrutiny committee
- (h) Urgent Items of business with the consent of the Leader provided the rules below have been followed. The Leader will explain why the matter is urgent and the reasons given will be recorded in Cabinet's minutes.

### 3.5 **Consultation**

All reports to the Cabinet from any Cabinet Member or an officer on proposals relating to the Budget and Policy Framework must include details of the nature, extent and outcome of consultation with the Scrutiny Committees and with stakeholders. Reports about other matters will include details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

### 3.6 **The Executive agenda**

- 3.6.1 The Leader will decide the schedule for the meetings of the Cabinet. The Leader can add any items to the agenda and the Monitoring Officer will comply with their requests.
- 3.6.2 A scrutiny committee and Full Council can resolve that an item be considered by the Cabinet. The Monitoring Officer will ensure the item is included on the agenda of the next available meeting.
- 3.6.3 Any Member or Committee may ask the Leader to put an item on the agenda of an Executive meeting for consideration. If the Leader agrees, the Monitoring Officer will put an item on the agenda. The item will give the name of the Member or Committee that asked for the item to be considered.

- 3.6.4 The Monitoring Officer and/or the Chief Financial Officer can add an item to the agenda of a Cabinet meeting in pursuance of their statutory duties. If any two of the Head of Paid Service, Chief Financial 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 can jointly include an item on the agenda of a Cabinet meeting. If there is no meeting soon enough to deal with the issue in question, an additional meeting can be convened.
- 3.6.5 The Chief Executive and Directors can include an item on the agenda of a Cabinet meeting and will be entitled to attend that meeting, speak on the item in question and have their views recorded in the minutes.

#### **4. PROCEDURE BEFORE TAKING KEY DECISIONS**

- 4.1 Subject to the paragraphs on urgency and special urgency below, a key decision cannot be taken unless:
- (a) the Forward Plan of Executive Decisions including the item has been published for at least 28 clear (calendar) days;
  - (b) at least five clear working days have elapsed since the publication of a report; and
  - (c) where the decision is to be taken at a meeting of the Cabinet or its Committees, notice of the meeting has been given in accordance with Access to Information Rules [Part 4 Section 5 of the Constitution](#).

#### **5. THE FORWARD PLAN OF EXECUTIVE DECISIONS**

- 5.1 The Forward Plan of Executive Decisions contains all matters subject to an executive decision to be taken by:
- 1. Cabinet
  - 2. Committees of the Cabinet
  - 3. Cabinet Members
  - 4. officer key decisions
  - 5. under joint arrangements
- 5.2 It will describe the following as far as the information can reasonably be obtained:
- (a) that a key decision is being made on behalf of the local authority
  - (b) the subject matter
  - (c) the name and position of the decision maker or the name of the body taking the decision
  - (d) the date on which, or the period within which, the decision will be taken
  - (e) the principal groups the decision maker intends to consult before taking the decision
  - (f) options available to any person to make representations to the Cabinet or the decision maker and the date by which this must be carried out
  - (g) a list of the documents submitted to the decision taker for consideration
  - (h) the address where supporting documents can be seen (subject to any restrictions)
  - (i) that other relevant documents can be submitted to the decision maker and the procedure for requesting copies.
- 5.3 Exempt information need not be included in the Forward Plan and confidential information cannot be included.

- 5.4 An item can be referred to a scrutiny committee before a decision is taken. The relevant Cabinet Member can delay the executive decision making timetable whilst awaiting their response. If the Cabinet Member and Scrutiny Chairman are unable to agree if a matter should be referred for pre-scrutiny prior to the decision being made the Leader will make the final decision.

## **6. GENERAL EXCEPTION - URGENCY**

- 6.3 If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to special urgency, the decision can still be taken if:
- (a) it is impractical to defer the decision until it has been included in the next Forward Plan and the start of the first period because the decision must be taken sooner.
  - (b) the Monitoring Officer has informed the Chair of the relevant Scrutiny Committee, or in the absence of a Chair, each Member of that Committee by notice in writing
  - (c) the Monitoring Officer has made copies of that notice available to the public at the offices of the Council
  - (d) at least five clear working days have elapsed since the Monitoring Officer complied with paragraphs (b) and (c) above.

- 6.4 Where such a decision is taken by Cabinet as a whole, it must be taken in public subject to these provisions.

## **7. SPECIAL URGENCY**

Should a decision need to be taken urgently and the provisions in paragraph 6 above cannot be followed, the decision taker (an individual or the Chair of the decision making body) must obtain the agreement of the Chair of the relevant Scrutiny Committee before the decision can be taken. If there is no Chair of this Committee, or if the Chair is unable to act, then the agreement of the Mayor, or in his or her absence the Deputy Mayor will suffice.

## **8. REPORTS ON SPECIAL URGENCY DECISIONS**

Executive decisions taken in the circumstances set out in paragraph 7 (Special Urgency) will be reported to the Council by the Leader. The report will include the number of decisions taken and a summary of each decision within preceding three months.

## **9. RECORD OF DECISIONS**

Following a meeting of the Cabinet or its Committees, (either public or private), the Monitoring Officer or person presiding will produce a record of every decision taken at that meeting as soon as is practical and in accordance with the timetable for call-in arrangements. The record will include the reasons for each decision and any alternative options considered and rejected.

## **10. NOTICE OF MEETING OF THE CABINET**

Members of the Cabinet or its Committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

## 11. ATTENDANCE AT MEETING OF THE CABINET

- 11.3 **Cabinet Members:** All Cabinet Members will be served notice of all Cabinet Committee meetings, whether or not they are Members of that Committee.

All Cabinet Members are entitled to attend any meeting of any Cabinet Committee.

- 11.4 **Officers:** Directors with an item to be discussed at a public meeting can attend the meeting and speak to that item, and to have their views recorded.
- 11.5 **Ward members:** Ward Members will be served notice of meetings of the Cabinet where the Cabinet will discuss an item which affects that Member's Ward. Ward Members have the right to address the Cabinet and make representations or ask questions on behalf of their constituents who will not be entitled to participate or ask questions themselves. This includes when exempt matters are under discussion, where the matter relates to the member's ward, subject to the same conditions as apply to attendance at committee or sub-committee meetings set out in [Part 4, Section 1](#).
- 11.6 **Members of Scrutiny Committee:** The Cabinet will consider the recommendations of the relevant Scrutiny Committee before making a decision. The Chairman of that committee or their nominee may speak in support of their committee's recommendations if the Leader agrees.

## 12. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET

### 12.3 Reports intended to be taken into account

When a Cabinet Member receives a report from an officer which they intend to consider when making a key decision, the decision will not be taken until at least five clear days after receipt of that report.

### 12.4 Record of individual decision

By no later than 5.30pm on the second working day after an executive decision has been taken by a Cabinet Member or a key decision has been taken by an officer, a record of the decision will be prepared. This will include a statement of the reasons for it and any alternative options considered and rejected. The rules set out in [Section 5 – Access to Information Procedures](#) will also apply to the making of decisions by Cabinet Members. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

## 13. CABINET WORKING PARTIES

The Leader, the Cabinet or a Cabinet Member can only appoint a working party to advise about a particular issue if the matter cannot be referred to a Scrutiny Committee. The Leader, Cabinet or Cabinet Member will decide how many Members and officers the working party will have, and whether Members from more than one political group should be represented. The working party will make recommendations and reports but will not have any decision-making powers.