

Executive Procedure Rules

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make Executive decisions?

1.1.1 The Leader has responsibility for the discharge of all executive functions, and may delegate any, or all, of these functions to:

- i) the Executive as a whole;
- ii) a committee of the Executive;
- iii) an individual member of the Executive
- iv) an officer;
- v) an area committee;
- vi) joint arrangements;
- vii) another local authority; or,
- viii) any other arrangement allowed by law.

1.1.2 Where executive functions are delegated by the Leader, a written record of those delegations shall be presented to the Council at its Annual Council Meeting, for inclusion in the Council's Scheme of Delegation at Part X to this Constitution.

1.2 The delegation of executive functions

1.2.1 The Leader may amend the scheme of delegation relating to executive functions at any time. In doing so the Leader will give written notice to the Monitoring Officer 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 or committee. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

1.2.2 Where the Leader seeks to withdraw delegation from a committee of the Executive, notice will be deemed to be served on that committee when the Leader has served it on its Chair.

1.2.3 Unless the Leader/Executive directs otherwise, a committee of the Executive or lead Councillor may delegate further to an officer.

1.2.4 Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

1.3 Conflicts of Interest

1.3.1 Where the Leader has a conflict of interest this should be dealt with as set out in the Councillors' Code of Conduct in Part X of this Constitution.

1.3.2 If any member of the Executive has a conflict of interest this should be dealt with as set out in the Councillors' Code of Conduct in Part X of this Constitution.

1.3.3 If the exercise of an executive function has been delegated to a committee of the Executive, an individual lead Councillor 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 and otherwise as set out in the Councillors' Code of Conduct in Part X of this Constitution.

1.4 Meetings of the Executive

1.4.1 The Executive will meet at such times as the Leader shall determine. The Executive shall normally meet at either of the Council's two main offices or another location to be agreed by the Monitoring Officer, in consultation with the Leader of the Council.

1.5 Quorum

1.5.1 The quorum for a meeting of the executive shall be 3 members of the Executive.

2. How are the Executive meetings conducted?

2.1 Who presides?

2.1.1 The Leader, or in his or her absence the Deputy Leader, will preside. In the absence of both the Leader and Deputy Leader, then a member of the Executive appointed to do so by those present shall preside.

2.2 Who may attend?

2.2.1 Meetings of the Executive will be held in accordance with the Access to Information Rules in Part X of this Constitution.

2.2.2 Agendas and reports for meetings of the Executive shall be circulated electronically to all Councillors who shall be free to attend those meetings.

2.3 What business?

2.3.1 At each meeting of the Executive, the following business will be conducted:

- (i) disclosure of interests (if any);
- (ii) consideration of the minutes of the previous meeting of the Executive;
- (iii) public participation to be notified;

- (iii) matters referred to the Executive by the Scrutiny Committee or by the Council for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part X of this Constitution;
- (iv) consideration of reports and recommendations from the Scrutiny Committee;
- (v) matters set out in the agenda for the meeting, which shall indicate which are key decisions.

2.4 Consultation

2.4.1 All reports to the Leader/Executive on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation 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 Executive Agenda?

2.5.1 The Leader (or in his/her absence, the Deputy Leader), Monitoring Officer or Section 151 Officer may put on the agenda of any Executive meeting any Executive matter.

2.5.2 The Monitoring Officer will place an item on the agenda of the next available meeting of the Executive where Scrutiny Committee or the full Council have resolved that an item be considered by the Executive.

3. KEY DECISIONS

3.1 Notice of key decisions

3.1.1 Twenty-eight clear days' public notice will be made of any matters which the Leader has reason to believe will be a Key Decision, unless:

- (a) an exemption from this requirement is given under the General Exception Procedure at Rule X of the Access to Information Procedure Rules; or,
- (b) the decision is taken under the Special Urgency Procedure at Rule X of the Access to Information Procedure Rules

3.2 What constitutes a key decision?

3.2.1 A Key Decision is a decision in respect of an executive function which is likely to:

- (a) be significant in terms of its effect on communities living or working in an area comprising one or more wards in the Council Area; or,
- (b) result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or functions which the decisions relate.

3.2.2 The financial thresholds that will determine whether a matter under 3.2.1(b) is significant are set out at 3.3 below.

3.3 Financial Thresholds

3.3.1 Executive decisions with financial implications at or above the thresholds set out below will be Key Decisions. The Section 151 Officer and Monitoring Officer will keep the thresholds under review and advise the Leader on whether to recommend to Full Council any changes to the thresholds.

Heading	Area	Threshold
Budget Changes	Supplementary Budget allocations from Reserves	Where the allocation is above £250,000 or the allocation reduces Reserves balance to less than 10% above the minimum reserves balance requirement.
	Virements	Above £150,000
Contracts/Revenue	Award, amendment or establishment of, Contracts, Framework Agreements, or Dynamic Purchasing Systems for goods, works and/or services.	Estimated total contract value of £1,000,000 or above
	Contracts decisions involving significant risk, significant externalisation of services, politically sensitive issues	All such decisions regardless of value
Capital Programme	Decisions affecting the capital programme outside of the annual budget	Estimated value over £250,000

	approval (Supplementary Budgets)	
	Annual capital programme	Agreement of annual programme
	Property disposals	Assets with a value above £250,000
	Virements	Above £150,000
Property that is not subject to the capital programme	Property disposals	Above £250,000