

Part 4

Executive Procedure Rules

HOW DOES THE EXECUTIVE OPERATE?

1. WHO MAY MAKE EXECUTIVE DECISIONS?

These are the arrangements for the discharge of executive functions. The arrangements may provide for Executive functions to be discharged by:

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

2. SUB-DELEGATION OF EXECUTIVE FUNCTIONS

- (a) Where the Executive is responsible for an Executive function, it may delegate that function to an area committee, joint arrangements or an officer.
- (b) Where Executive functions have been delegated under (a) above, this does not prevent the discharge of such delegated functions by the Executive.

3. THE COUNCIL'S SCHEME OF DELEGATION AND EXECUTIVE FUNCTIONS

The Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

4. CONFLICTS OF INTEREST

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct in Part 5 of this Constitution.
- (b) If any Member of the Executive has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct in Part 5 of this Constitution.
- (c) If the exercise of an Executive function has been delegated to 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 Council's Code of Conduct for Officers in Part 5 of this Constitution.

5. EXECUTIVE MEETINGS – WHEN AND WHERE?

The Executive will usually meet at least 12 times per year, subject to business, at times to be agreed by the Leader. The Executive shall meet at the Town Hall, Bexhill or such other location as agreed by the Leader.

6. QUORUM

The quorum for a meeting of the Executive shall be four Members of the Executive.

7. HOW ARE DECISIONS TO BE TAKEN BY THE EXECUTIVE?

Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution. All public meetings of the Executive will be conducted in accordance with those Rules and the principles of decision-making set out in Article 13.

HOW ARE EXECUTIVE MEETINGS CONDUCTED?

8. WHO PRESIDES?

If the Leader is present he/she will preside. In his/her absence a person appointed to do so by those present shall preside.

9. WHO MAY ATTEND?

These details are set out in the Access to Information Rules in Part 4 of this Constitution and include any member of the public or press (other than when confidential or exempt information is to be discussed) and all Members of the Council.

10. WHAT BUSINESS?

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

- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) matters referred to the Executive (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (d) consideration of reports from the Overview and Scrutiny Committee; and
- (e) 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.

11. CONSULTATION

All reports to the Executive from 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 Overview and Scrutiny Committee, 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.

12. WHO CAN PUT ITEMS ON THE EXECUTIVE AGENDA?

The Leader will decide upon the schedule for the meetings of the Executive. He/she 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 or an officer in respect of that matter. The Head of Paid Service will comply with the Leader's requests in this respect.

- (a) Any Member of the Executive may require the Head of Paid Service to place an item on the agenda of the next available meeting of the Executive for consideration.
- (b) The Head of Paid Service will place an item on the agenda of the next available meeting of the Executive where the Overview and Scrutiny Committee or the Council have resolved that an item be considered by the Executive.
- (c) 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.
- (d) The Monitoring Officer and/or the Section 151 Officer may include an item for consideration on the agenda of an Executive meeting and may require the Head of Paid Service to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Section 151 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.

13. WHO MAY SPEAK?

With the agreement of the Leader the following may speak at Executive meetings:

- (a) any Member of the Council (who is not a member of the Executive) for the purpose of speaking to an item, the inclusion of which the Member has requested and the Leader has agreed in accordance with Rule 12 (c) above;
- (b) any Member of the Council (who is not a Member of the Executive) present at a meeting may address the Executive on any matter on the Agenda; and
- (c) the Chairman of any Overview and Scrutiny Committee for the purpose of presenting a report of the Scrutiny Committee to the Executive.