

EXECUTIVE PROCEDURE RULES

I. OPERATION OF THE CABINET

I.1 Making executive decisions

The arrangements for the discharge of executive functions are set out in the executive arrangements adopted by the Council. The arrangements may provide for executive functions to be discharged by:

- (i) the Cabinet as a whole;
- (ii) a committee of the Cabinet;
- (iii) an individual member of the Cabinet;
- (iv) an officer;
- (v) an area committee;
- (vi) joint arrangements; or
- (vii) another local authority.

I.2 The Council's scheme of delegation and executive functions

The Council's scheme of delegation, except for the allocation of executive functions by the Leader set out in Article 7.08, will be subject to adoption by the Council and may only be amended by the Council. It contains the details required by Articles 7, 10 and 11 and is set out in Part 3 of this Constitution.

I.3 Changes to the Cabinet and the delegation of executive functions

At the annual meeting of the Council, the Leader will submit a written record of any allocation of functions made by him or her. The record will contain the following information about Executive functions in relation to the coming year:

- (i) the size of the Cabinet and the names of the Councillors appointed to the Cabinet;
- (ii) the extent of any functions delegated to individual Cabinet members, including details of the limitation on their authority;
- (ii) the terms of reference and constitution of any Cabinet committees and the names of the Cabinet members appointed to them; and
- (iv) 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.

Subject to Article 7, the Leader may amend the size and composition of the Cabinet and the scheme of delegation 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 or body concerned. The notice must set out the extent of the amendment to the size and composition of the Cabinet and the scheme of delegation. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

1.4 Sub-delegation of executive functions

- (a) Except where the Scheme of Delegation sets out otherwise, where the Cabinet is responsible for an executive function, they may delegate further to a committee of the Cabinet or an officer.
- (b) Except where the Scheme of Delegation sets out otherwise, where a committee of the Cabinet or an individual member of the Cabinet is responsible for an executive function, they may delegate further to an officer.
- (c) 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.

1.5 Conflicts of Interest

- (a) Where the Leader or any member of the Cabinet 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 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 body by whom the delegation was made.

1.6 Cabinet meetings – time and place

The Cabinet will meet at least once a month, except during any approved recess period or when this is not possible due to ordinary elections to the Council taking place. The Cabinet shall meet at the Council's main offices or at another location to be agreed by the Chief Executive in consultation with the Leader.

1.7 Access to Information

The Cabinet will observe those requirements of the Access to Information Procedure Rules in Part 4 of this Constitution.

1.8 **Quorum**

The quorum for a meeting of the Cabinet, or a committee of it, shall be the number of members determined by Article 7.02 of this Constitution.

1.9 **Decision taking**

- (a) Executive decisions which are the responsibility of the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules and conducted in accordance with the relevant Council Procedure Rules in Part 4 of this Constitution.
- (b) Where executive decisions are the responsibility of a committee of the Cabinet or an individual member of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.