Part 4D: Executive Procedure Rules

How Does The Executive Operate?

1. Who may make executive decisions?
   1.1 Executive functions may be discharged by:
   
   - Individual Executive Councillors in relation to areas for which they have responsibility;
   - The Leader or the Deputy Leader in the circumstances set out in these Rules;
   - Officers acting under delegated powers
   - The Executive as a whole or a committee of the Executive;
   - Joint arrangements with another local authority or authorities;
   - Another local authority.

   1.2 In these Rules, the term “Executive Councillor” shall include the Leader and Deputy Leader except to the extent that the Leader and Deputy Leader are given distinct roles.

2. Decisions by Executive Councillors
   2.1 The Council will give responsibility for defined areas of executive functions to Executive Councillors, including the Leader, appointed under Article 7 of the Constitution.

   2.2 The Council shall determine the responsibilities of Executive Councillors from time to time. The Council’s scheme of delegation is set out in Part 3 of this constitution.

   2.3 An Executive Councillor shall be responsible for the discharge of executive functions within his or her area of responsibility, subject to the following:

   - An Executive Councillor shall not be responsible for decisions related to executive functions except in circumstances set out in these rules;
   - An Executive Councillor shall not be responsible for decisions related to executive functions where s/he is precluded by a conflict of interest;
   - An Executive Councillor shall not be responsible for decisions related to executive functions where these rules provide that the decision shall be made by the Leader or Deputy Leader;
   - An Executive Councillor shall not be responsible for decisions related to executive functions where the Council has decided that decisions should be made by some other person or body.
2.4 Where a key decision falls to be made by an Executive Councillor, the Executive Councillor shall not make that decision until the view of the appropriate overview and scrutiny committee or (in cases of urgency) the view of the chair has been obtained, unless this is impractical. However, an overview and scrutiny committee may identify matters within its remit on which the Executive may act without consulting it. This rule shall also apply to a decision which is not a key decision and which falls to be made by an Executive Councillor, if the decision has been selected for pre-scrutiny in accordance with the Overview and Scrutiny Rules in Part 4E of this constitution.

2.5 Where an Executive Councillor takes a view on a key decision or a decision selected for pre-scrutiny differs materially from the view of the appropriate overview and scrutiny committee, that matter shall be referred for decision to the Leader.

2.6 Where a matter for decision falls to be made by an Executive Councillor but has a significant impact on the area of responsibility of more than one Executive Councillor, that matter shall be referred for decision to the Leader.

2.7 An Executive Councillor may pass responsibility for executive decisions to the Leader or, with the Leader’s agreement, to the Deputy Leader, either:

- in respect of specific decisions for whatever reason – e.g. conflict of interest; or
- for a period of time – for instance, when a portfolio holder is unwell or unavailable.

2.8 Where the full Council or an overview and scrutiny committee asks for reconsideration of an executive decision, the matter shall be reconsidered by the Leader.

3. **Role of the Leader to the Deputy Leader**

3.1 The Deputy Leader shall, in addition to having responsibility for any executive functions, deputise for the Leader when the Leader is not available.

3.2 The Leader may pass responsibility for executive decisions to the Deputy Leader, either:

- in respect of specific decisions of whatever reason, including conflict of interest; or
- for a period of time – for instance, when the Leader is unwell or unavailable.
4. **Decisions by officers acting under delegated powers**

4.1 Officers shall be entitled to make decisions under powers delegated to them but may refer any matter to a portfolio holder for decision if they believe this to be appropriate. In these circumstances, section 1.2 of these rules shall apply to the portfolio holder.

4.2 Paragraph 4.1 shall be subject to any conventions or other Council rules applicable from time to time.

5. **Decisions by the Executive as a whole or by a committee of the Executive**

5.1 Decisions shall only be made by the Executive as a whole in these circumstances:

1. The Executive is required by law to meet together to make a decision; or

2. The Leader decides that an executive decision should be made by the Executive as a whole; or

3. Pursuant to the Budget and Policy Framework Rules to draw up budget proposals for consideration by the Council.

5.2 The Leader may decide that where a decision:

- has a significant impact on the area of responsibility of more than one portfolio holder; or

- falls to be made by the Leader,

  the decision shall be made by a committee of the Executive constituted by the Leader.

5.3 Where paragraphs 5.1 or 5.2 apply, they shall prevail over any part of these Rules with which they are not compatible.

6. **Advice from Officers**

6.1 The Executive, whether acting individually or collectively, shall not exercise delegated powers without the benefit of advice from the appropriate officers.

7. **The Council’s scheme of delegation and executive functions**
7.1 Subject to 7.2 below the Council’s scheme of delegation to Executive Councillors set out in Part 3 of this constitution will be subject to adoption by the Council and may only be amended by the Council.

7.2 In cases of doubt or urgency, the Leader may supplement or amend the general scheme of delegation. But such changes will only have effect until the following Council meeting at which any changes shall continue in force only with the Council’s approval.

7.3 The executive may only delegate executive functions to officers or to structures outside the executive (joint committees, other local authorities etc) after obtaining advice from the relevant overview and scrutiny committee. However, the Leader may delegate executive functions in case of doubt or urgency without reference to an overview and scrutiny committee, but shall report his/her actions to the relevant overview and scrutiny committee at the earliest opportunity.

7.4 Executive Councillors to whom powers are delegated may ask the Leader to make a decision on a delegated matter.

8. **Conflicts of Interest**

8.1 Where the Leader has a conflict of interest this should be dealt with as set out in the Council’s Code of Conduct for Members in Part 5 of this Constitution.

8.2 If every member of the executive has a conflict of interest this should be dealt with as set out in the Council’s Code of Conduct for Members in Part 5 of this Constitution.

8.3 If the exercise of an executive function has been delegated to an individual Executive Councillor who is precluded from exercising that function in respect of a matter by virtue of a conflict of interest, then the function will be exercised by the Leader or, where the Leader cannot act, by the Deputy Leader. Where neither can act, the matter may be referred by the Leader, in consultation with the Monitoring Officer, to another Executive Councillor.

9. **Executive meetings**

9.1 **Executive meetings – when and where?**

The executive will only meet in the circumstances set out in Rule 5. When that Rule applies, the executive shall meet at the Guildhall, Cambridge unless the Leader determines it shall meet at another location.

9.2 **Public or private meetings of the executive?**
The Executive shall meet in public except where it resolves to exclude the press and public. It shall only resolve to exclude the press and public where exempt information would otherwise be disclosed. Exempt information is defined in schedule 12A, Local Government Act 1972.

9.3 Access to information.

The provisions of the Local Government Act 1972 governing access to information in respect of committee meetings shall apply to meetings of the Executive and of committees of the Executive.

9.4 Quorum

The quorum for a meeting of the executive, or a committee of it, shall be three. The quorum for a sub-committee of the Executive shall be two.

9.5 How are decisions to be taken by the executive?

Where the Executive or a committee of the Executive is to meet to make decisions collectively, the meeting shall be convened in accordance with the Access to Information Rules in Part 4 of this Constitution.

10. How Are The Executive Meetings Conducted?

10.1 Who presides?

If the Leader is present he/she shall preside. In his/her absence, then the Deputy Leader shall preside. If both are absent, those present shall appoint one of their number to preside.

10.2 Who may attend?

Meetings of the Executive shall be open to the press and public unless the Executive resolves to exclude them for any part of the meeting which involves consideration of “exempt” or confidential information, as defined in the Access to Information Rules in Part 4 of this Constitution.

10.3 What business?

The business at any meeting of the Executive shall be determined by Rule 5.

11. Committees of the Executive
11.1 Rules 9 and 10 shall apply to any meetings of committees of the Executive.

12. Decisions by Individual Executive Councillors

12.1 Excepting cases of urgency, decisions by individual Executive Councillors which have not been given advance scrutiny in accordance with the Overview and Scrutiny Procedure rules, shall be made in public in compliance with the Access to Information Procedure Rules in Part 4B of this Constitution.