

# **EXECUTIVE PROCEDURE RULES**

# Executive Procedure Rules

## 1. How Does The Executive Operate?

### 1.1 Who may carry out executive functions?

1.1.1 The discharge of executive functions is the responsibility of the Leader. In accordance with Article 7 of this constitution the Leader shall appoint a Cabinet and a Deputy Leader.

1.1.2 The Leader may discharge executive functions personally, or may arrange for the discharge of those functions by

1.1.2.1 the Cabinet; or

1.1.2.2 another Cabinet member; or

1.1.2.3 a committee of the Cabinet; or

1.1.2.4 an officer of the Council.

1.1.3 The discharge of executive functions under rule 1.1.2 is a matter for the Leader. The Council has no authority to prevent the Leader from making such arrangements as the Leader thinks fit for the discharge of executive functions and in particular has no authority to prevent the Leader from arranging for executive functions to be discharged by an individual member of the Cabinet.

### 1.2 Further Delegation of Executive functions

1.2.1 Where by virtue of rule 1.1.2 any functions may be discharged by the Cabinet then, unless the Leader otherwise directs, the Cabinet may arrange for the discharge of any of those functions—

1.2.1.1 by a committee of the Cabinet, or

1.2.1.2 by an officer of the Council.

1.2.2 Where by virtue of rule 1.1.2 any functions may be discharged by a member of the Cabinet, then, unless the Leader otherwise directs, the member of the Cabinet may arrange for the discharge of any of those functions by an officer of the Council.

1.2.3 Where by virtue of rule 1.1.2 any functions may be discharged by a committee of the Cabinet, then, unless the Leader otherwise directs, the committee may arrange for the discharge of any of those functions by an officer of the Council.

1.2.4 Any arrangements made by virtue of rules 1.1.2, 1.2.1, 1.2.2 or 1.2.3 by the Leader, the Cabinet, a Cabinet member or a committee of the Cabinet for the discharge of any functions by the Cabinet, a Cabinet member, a committee of the Cabinet or officer are not to prevent Leader, Cabinet, a Cabinet member or committee of the Cabinet by whom the arrangements are made from exercising those functions.

1.2.5 Where executive functions are delegated or further delegated pursuant to rule 1.1 or rules 1.2.1 to 1.2.4, the Cabinet, a committee of the Cabinet or a member of the

Cabinet to whom the delegation has been made may arrange for those functions to be discharged:

- 1.2.5.1 by an area committee of the authority, and such an arrangement may include provision for the area committee to arrange for the allocation of any of those functions to an officer of the authority; or
- 1.2.5.2 by another local authority (within the meaning of section 101 of the Local Government Act 1972) or by the executive of another local authority (within the meaning of Part II of the Local Government Act 2000) provided that the statutory requirements in respect of such arrangements are complied with; or
- 1.2.5.3 by way of the joint exercise of those functions with another local authority or authorities or their executives as the case may be under arrangements provided for in section 101(5) of the Local Government Act 1972 (which deals with arrangements for the joint discharge of functions by two or more local authorities) provided that the statutory requirements in respect of such arrangements are complied with.

1.2.6 Any arrangements for the discharge of functions under rules 1.2.5.1 or 1.2.5.2 shall not prevent the person or body making those arrangements from exercising those executive functions.

### **1.3 The council's scheme of delegation and executive functions**

1.3.1 The council's scheme of delegation in so far as it relates to executive functions will be subject to approval by the Leader and may only be amended by the Leader. The details of delegations of executive functions approved by the Leader shall be set out in Part 3 of this constitution as required by Article 7. Any change to such delegations which are approved by the Leader will be reported to the next Cabinet and council meetings.

### **1.4 Conflicts of interest**

1.4.1 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.

1.4.2 If any member of the Cabinet 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

1.4.3 If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual Cabinet member or an officer of the council, and a conflict of interest arises, 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 Members in Part 5 of this constitution.

### **1.5 Cabinet meetings – when and where?**

1.5.1 The Cabinet will meet as often as is required to transact the business of the Executive efficiently and effectively. The Cabinet shall meet at the Town Hall, Huddersfield unless otherwise specified by the Leader.

## **1.6 Public or private meetings of the Cabinet?**

1.6.1 Cabinet meetings will normally be held in public. The Access to Information Rules in Part 4 of this constitution set out the relevant requirements and specify when meetings of the Cabinet may be held in private.

## **1.7 Principles of executive decision making**

1.7.1 The Leader and the Cabinet will have regard to the principles of decision making set out in Article 13.2 of this constitution.

## **1.8 Quorum**

1.8.1 The quorum for a meeting of the Cabinet, or a committee of Cabinet, shall be not be less than two in any case.

## **1.9 How are executive decisions to be taken and recorded?**

1.9.1 Executive decisions which are to be taken by the Leader or an individual member of Cabinet will be taken and recorded in accordance with the Access to Information Rules in Part 4 of this constitution.

1.9.2 Executive decisions which are to be taken by the Cabinet will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the constitution.

1.9.3 Where executive decisions are delegated to a committee 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.

## **2. How Are Cabinet Meetings Conducted?**

### **2.1 Who presides?**

2.1.1 The Leader or in their absence, the Deputy Leader will preside at any meeting of the Cabinet at which one of them is present. In their absence, a person appointed to do so by those present shall preside.

### **2.2 Who may attend?**

2.2.1 The details of who may attend meetings of Cabinet and of Cabinet Committees, including rights of the public, are set out in the Access to Information Rules in Part 4 of this constitution and in those Council Procedure Rules which are applied to the Cabinet by Rule 4 of these Rules.

### **2.3 What business?**

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

- 2.3.1.1 Consideration of the minutes of a previous meeting;
- 2.3.1.2 Declarations of Interest, if any;

- 2.3.1.3 Consideration of items to be discussed in private (at public meetings only);
- 2.3.1.4 To receive any petitions and hear any deputations from members of the public (public meetings only);
- 2.3.1.5 Public question time (public meetings only);
- 2.3.1.6 Up to half an hour for oral questions by Councillors;
- 2.3.1.7 Matters referred to the Cabinet (whether by the Overview and Scrutiny Management Committee, an Overview and Scrutiny panel or by the council) for reconsideration by the Cabinet 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;
- 2.3.1.8 Consideration of reports from the Overview and Scrutiny Management Committee and panels and determination of any appropriate course of action on the issues so raised for report back to that committee or its appropriate panel;
- 2.3.1.9 Matters set out in the agenda for the meeting, 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.

## **2.4 Voting**

- 2.4.1 Voting at Cabinet meetings will be by show of hands. The Chair will have a second or casting vote.

## **2.5 Consultation**

- 2.5.1 All reports to the Cabinet from any member of the Cabinet or 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 or relevant panels, 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.

## **2.6 Who can put items on the Cabinet agenda?**

- 2.6.1 The Leader will decide upon the schedule for the meetings of the Cabinet. They may put on the agenda of any Cabinet meeting any matter which they wish, whether or not authority has been delegated to the Cabinet, a committee of it or any member or officer in respect of that matter. The Head of Governance will comply with the Leader's requests in this respect.
- 2.6.2 Any member of the Cabinet may require the Head of Governance to make sure that an item is placed on the agenda of the next appropriate meeting of the Cabinet for consideration.
- 2.6.3 The Head of the Paid Service, Monitoring Officer or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Head of Governance to call such a meeting in pursuance of their statutory duties.

## **2.7 Reports to Council**

2.7.1 The Leader may determine which items of business at any meeting shall be the subject of a report to the council.

## **3 Cabinet Briefing**

3.1 The members of the Cabinet may also, if they wish, meet informally with officers for briefing, advice and discussion of any matters relating to their functions. Such briefings may follow an agreed agenda but will not constitute meetings of the Cabinet. No decisions can be taken at such meetings. The Access to Information Procedure Rules will not apply to such meetings, except as specified in Rule 22 of those Rules.

## **4 Application of Council Procedure Rules**

4.1 The Council Procedure Rules referred to below will apply to meetings of the Cabinet as they apply to meetings of committees:-

Rule 9 - Deputations

Rule 10 - Petitions by Members

Rule 11 - Questions by members of the public

Rule 34 - Confidentiality of meetings and recording of proceedings

Rule 36 - Observer attendance by Members

Rule 37 - Attendance by members of the public - permission to speak