

SECTION 4 - EXECUTIVE - PROCEDURE RULES

1. How the Executive operates

1.1 Who may make Executive decisions?

Executive decisions will either be made by:

- (1) the Executive collectively
- (2) a committee of the Executive
- (3) by an individual Executive Members
- (4) An Officer
- (5) An Area Committee
- (6) Joint Arrangements
- (7) Another Local Authority

1.2 Delegation by the Leader

At the Annual Meeting of the Council, the Leader of the Council will present to the Council a written record of delegations made by him for inclusion in the Council's Scheme of Delegations. The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:

- (1) the names, address and wards of Members recommended for appointment to the Executive by the Leader;
- (2) the extent of any authority delegated to executive members individually, including details of the limitation on their authority;
- (3) the terms of reference and constitution of Executive Committees recommended for appointment and the names of Executive Members to be appointed to them;
- (4) to recommend the nature and extent of any delegation of executive functions to any other authority or any joint arrangements and the names of those Executive Members appointed to any joint Committee for the coming year; and
- (5) to recommend 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.

1.3 Sub-Delegation of Executive Functions

(a) Where the Executive, a Committee of the Executive or an individual Member of the Executive is responsible for an executive function, they may delegate further to joint arrangements or an officer.

(b) Unless the Council directs otherwise, if the Leader delegates functions to the Executive, the Executive may delegate further to a Committee of the Executive or to an officer.

(c) Unless the Leader of the Council directs otherwise, a Committee of the Executive to whom functions have been delegated by the Leader may delegate further to an officer.

(d) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated the functions.

1.4 The Council's Scheme of Delegation and Executive Functions

(a) Subject to (b) below 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.

(b) If the Leader of the Council is able to decide whether to delegate Executive Functions, he may amend 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 proper 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, Committee or the Executive as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader of the Council.

(c) Where the Leader of the Council seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he has served it on its Chairman.

1.5 Conflicts of Interest

(a) Where the Leader of the Council has a conflict of interest this should be dealt with in accordance with the Council's Code of Conduct for Members in Part 5 of this Constitution.

(b) If every Member of the Executive has a conflict of interest this should be dealt with in accordance with the Council's Code of Conduct for Members in Part 5 of this Constitution.

(c) If the exercise of an Executive Function has been delegated to a Committee of the Executive, an individual Member 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 Council's Code of Conduct for Councillors (Part 5 of the Constitution).

(d) Where the Leader has delegated the exercise of an Executive function to an individual member of the Executive that Member shall not exercise those delegated powers if he has a personal interest under the Council's Code of Conduct for Councillors (Part 5 of the Constitution).

(e) Where an individual Member of the Executive has a personal interest in the circumstances set out in d above, the Leader (or his deputy) shall decide whether the executive function shall be exercised by the executive, another individual councillor, or an officer.

1.6 Executive Meetings

The Executive will meet at least monthly during the year at times to be agreed by the Leader. (For planning purposes Executive Meetings are included within the Annual Meetings timetable which is agreed by the Annual Council each

year). The Executive shall meet at Swale House, East Street Sittingbourne or another location to be agreed by the Leader.

1.7 Public or private Meetings of the Executive

Meetings of the Executive will be held in public except when matters for decision can be dealt with in private in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

1.8 Quorum

The quorum for a meeting of the Executive shall be at least 3 Members of the Executive.

1.9 Decisions to be Taken by the Executive

(a) 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 Procedure Rules (Part 4 of the Constitution).

(b) Where Executive decisions are delegated to a Committee of the Executive, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

(c) Individual Executive Members may also take decisions in certain circumstances.

Terms of reference for the Executive and individual decision making are set out in Part 3 of the Constitution.

2. Conduct of Executive Meetings

2.1 Chairing the meeting

The Leader of the Council and the Deputy Leader of the Council will act as chairman and vice-chairman of the meeting. In the absence from a meeting of the Chairman and Vice-Chairman, a Chairman for that meeting shall be appointed from the Executive Members present.

2.2 Who may attend

Executive meetings will be conducted in accordance with the Access to Information Rules set out in Part 4 of this constitution.

2.3 Order of Business

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

- (a) approval of the Minutes of the last meeting;
- (b) declarations of interest;
- (c) matters referred to the Executive (whether by a Scrutiny Panel 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 of this Constitution;

(d) consideration of reports from Scrutiny Panels; and

(e) 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 Regulations 2000.

2.4 Consultation

All reports to the Executive from any Member of the Executive 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 relevant Scrutiny 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.

2.5 Who can put items on the Executive Agenda?

(a) The Leader of the Council will decide upon the schedule for the meetings of the Executive. He may put on the Agenda of any Executive meeting any matter which he wishes, whether or not authority has been delegated to the Executive, a Committee of it or any Member or officer in respect of that matter. The proper officer will comply with the Leader of the Council's requests in this respect.

(b) Any Member of the Executive, or the Monitoring Officer or the Chief Financial Officer may require the proper officer to make sure that an item is placed on the Agenda of the next available meeting of the Executive for consideration. If he/she receives such a request the proper officer will comply.

(c) The proper officer will make sure that an item is placed on the Agenda of the next available meeting of the Executive where a relevant Scrutiny Panel or the full Council have resolved that an item be considered by the Executive. However, there may only be up to two such items on any one Agenda.

(d) Any Member of the Council may ask the Leader of the Council to put an item on the Agenda of an Executive meeting for consideration, and if the Leader of the Council 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. This Member will be invited to attend the meeting. However, there may only be up to two such items per Executive meeting.

(e) The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive Meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, chief financial 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.