

## **SECTION 7 – EXECUTIVE PROCEDURE RULES**

### **1. Conflicts of Interest and Disclosable Pecuniary Interests**

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.

Any Member with a Disclosable Pecuniary Interest in any matter to be (or being) considered at a meeting of the Executive or an Executive Committee shall:-

- (i) if the interest is not entered on the Council's register of interests, disclose the interest to the meeting (unless the interest is a Sensitive Interest in which case the Member shall simply advise the meeting that they have a Disclosable Pecuniary Interest),
- (ii) if the interest is not entered on the Council's register of interests and is not the subject of a pending notification, notify the Monitoring Officer of the interest within 28 days,
- (iii) unless the Member has been granted a dispensation by the Council, not participate in discussion or vote on the matter, and
- (iv) unless the Member has been granted a dispensation by the Council, withdraw from the meeting (after disclosing the interest if required by the preceding provisions or disclosing to the Democratic Services Officer in attendance that they are withdrawing from the meeting because of a Disclosable Pecuniary Interest if they are not so required).

If an Executive Member has a Disclosable Pecuniary Interest in any matter falling within the scope of their portfolio they must, unless the interest has been registered or notice of the interest has already been given to the Monitoring Officer, notify the Monitoring Officer of the interest within twenty-eight days of their becoming aware they have an interest in the matter. The Executive Member must not take any steps in relation to the matter, except for the purpose of enabling the matter to be dealt with by someone else.

"Disclosable Pecuniary Interest" and "Sensitive Interest" shall each have the meaning as set out in the Code of Conduct.

### **2. Meetings of the Executive**

The Executive will meet at least 10 times per year at times to be agreed by the Leader. The Executive shall meet at the Council's main offices or another location to be agreed by the Leader.

### **3. Public or Private Meetings**

Subject to the provisions for the exclusion of access by the public set out in the Access to Information Procedure Rules in Part 4.2 of the Constitution, the public may attend any meeting of the Executive where matters relating to key decisions will be discussed.

The Executive may decide whether meetings relating to matters which are not key decisions will be held in public or private but where the meeting will affect any person's civil rights or obligations, or adversely affect their possessions, the meeting will be open to the public, unless a private hearing is necessary for any of the reasons specified in Article 6 of the Human Rights Act 1998.

**4. Quorum**

The quorum for a meeting of the Executive, or a Committee of it, shall be three, not including any Executive Support Member who may be present at the meeting.

**5. How Decisions are Made**

- (i) Executive decisions which have been delegated to the Executive as a whole, will be made at a meeting convened in accordance with the Access to Information Procedure Rules, in Part 4 of the Constitution.
- (ii) Where Executive decisions are delegated to a Committee of the Executive, the rules applying to Executive decisions made by them shall be the same as those applying to those made by the Executive as a whole.

**6. Who presides at Executive Meetings?**

If the Leader is present, he or she will preside. In his or her absence, the Deputy Leader shall preside.

**7. Who may attend Executive Meetings?**

Attendance at meetings of the Executive shall be in accordance with the Access to Information Procedure Rules, in Part 4.2 of this Constitution.

**8. Order of Business at Executive Meetings**

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

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;
- (iii) matters referred to the Executive (whether by the Overview and Scrutiny Commission 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, as set out in Part 4 of this Constitution;
- (iv) consideration of reports from the Overview and Scrutiny Commission; and
- (v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not open to the public, in accordance with the Access to Information Procedure Rules, as set out in Part 4 of this Constitution.

**9. 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 Overview and Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultations, as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

**10. Who can put items on the Executive agenda?**

- (i) The Leader will decide upon the schedule for the meetings of the Executive. He or she may put on the agenda of any Executive meeting, any matter which he or she 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's requests in this respect.
- (ii) Any Member of the Executive 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 or she receives such a request, the Proper Officer will comply.
- (iii) The proper Officer will make sure that an item is placed on the agenda of the next available meeting of the Executive where the Overview and Scrutiny Commission, or the full Council, has resolved that an item be considered by the Executive.
- (iv) 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. This individual will be invited to attend the meeting for the consideration of that item, whether or not it is a public meeting, and to speak, but not vote, on that item.
- (v) The monitoring Officer and/or the Borough Treasurer 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 from the Head of Paid Service, Borough Treasurer 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.