

Executive Procedure Rules

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make executive decisions?

Functions which are the responsibility of the Executive may be discharged by:

- (a) the Leader;
- (b) the Executive as a whole;
- (c) a committee of the Executive;
- (d) an individual Member of the Executive;
- (e) an Officer;
- (f) an Area Committee;
- (g) joint arrangements; or
- (h) another local authority or its executive.

Arrangements for such discharge of executive functions are set out below.

1.2 Delegation by the Leader

The Leader may discharge any functions which, under executive arrangements adopted by the Council (see Part 3 of the Constitution), are executive functions or may arrange for the discharge of any of those functions by:

- (a) the Executive as a whole;
- (b) a committee of the Executive;
- (c) an individual Member of the Executive;
- (d) an Officer;

The Leader will maintain a written record of delegations made by them for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document maintained by the Leader will contain the following information about executive functions:

- (a) the names and electoral divisions of the people appointed to the Executive;
- (b) the extent of any authority delegated to Executive Members individually, including details of the limitation on their authority;
- (c) the terms of reference and Constitution of such Executive committees as the Leader appoints and the names of Executive Members appointed to them;

- (d) the nature and extent of any delegation of executive functions to Area Committees (collectively or individually), any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and
- (e) 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 to an Area Committee, another local authority or its executive, joint arrangements or an Officer.
- (b) Unless the Leader directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive or to an Officer.
- (c) Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an Officer.
- (d) Unless the Leader directs otherwise, an individual Member of the Executive to whom functions have been delegated by the Leader may delegate further to an Officer.
- (e) 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.

1.4 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) As the Leader is able to decide whether to delegate executive functions, they 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 Monitoring 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 Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when they have served it on its Chair.

1.5 Conflicts of Interest

- (a) Where the Leader or any other member of the Executive has an interest in a matter this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If so great a proportion (so as to impede the transaction of business) of the members of the Executive have an interest precluding participation as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution, the Standards and Governance Committee or Monitoring Officer may give a dispensation to allow those Members to participate in consideration and determination of the business. Dispensations may also be granted where each member of the Executive would be prohibited from participation in any particular business to be transacted by the Executive.
- (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 an interest precluding participation 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 Members in Part 5 of this Constitution.

1.6 Executive meetings – when and where?

The Leader shall decide the schedule for meetings of the Executive. The Executive shall meet at County Hall, Northallerton or another location to be agreed by the Leader.

1.7 Meetings to be in public

All meetings of the Executive will take place in public, except in relation to any business in respect of which a resolution to exclude the public has been passed because confidential or exempt information is to be considered.

1.8 Quorum

The quorum for a meeting of the Executive, or a committee of it, shall be one half of the total number of members of the Executive or committee or 3 whichever is the larger.

1.9 How are 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 in 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.

2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who presides?

- (a) If the Leader is present, they will preside at meetings of the Executive.
- (b) The Leader may appoint one of the Executive Members to be Deputy Leader of the Executive and any person so elected will preside at meetings of the Executive when the Leader is not present, and may also exercise the other functions of the Leader set out in these Rules in any case where the Leader is unavailable or unable to act.
- (c) In the absence of the Leader and of the Deputy Leader (if any) the Members of the Executive present at the meeting shall elect one of their Members to preside.

2.2 Who may attend?

- (a) Any person may attend a meeting of the Executive, unless and until excluded by a resolution to exclude the public, passed in accordance with the Access to Information Procedure Rules.
- (b) Members of the Council have the right to attend any meeting of the Executive, including for items which are to be discussed in private because they contain exempt information, but not for items which contain confidential information. Members so attending may address the Executive for not more than five minutes, on any item on the agenda, and may be invited to speak again, or for a longer period, at the discretion of the person presiding. These rights are subject to the Member not having an interest precluding participation under the Members' Code of Conduct in any matter for which they are present or on which they wish to speak.
- (c) Where the Executive is considering a report of an Overview and Scrutiny Committee, the Chair of that Committee may address the Executive for not more than ten minutes by way of introduction of the report, and for not more than five minutes at the conclusion of the debate, to answer any point which may have been raised.

2.3 What business?

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

- (a) consideration of the minutes of the last meeting;
- (b) receive any declarations of interest;
- (c) any resolution to exclude the public because it is likely that confidential or exempt information would be disclosed (see Access to Information Procedure Rule 10);
- (d) any questions or statements by members of the public of which proper notice has been given (see Council Procedure Rule 9);
- (e) issues arising from Area Committees (see Article 10.02(e));

- (f) issues arising from overview and scrutiny (see Overview and Scrutiny Procedure Rule 12(a));
- (g) matters referred to the Executive (whether by an Overview and Scrutiny Committee 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 set out in Part 4 of this Constitution;
- (h) matters included in the agenda under Rule 2.5 below;
- (i) matters set out in the agenda for the meeting, and 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 **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 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 agenda for meetings of the Executive will be based on the Forward Plan (see Rule 16 of the Access to Information Procedure Rules), including all items which the Forward Plan indicates are to be decided by the Executive at the meeting in question.
- (b) Any member of the Executive may require the Assistant Chief Executive Legal and Democratic Services to place an item on the agenda of the Executive for consideration. If they receive such a request the Assistant Chief Executive Legal and Democratic Services will comply.
- (c) The Assistant Chief Executive Legal and Democratic Services will make sure that an item is placed on the agenda of the Executive where a relevant Overview and Scrutiny Committee or the full Council have resolved that an item be considered by the Executive.
- (d) Any member of the Council may ask the Leader to put an item on the agenda of the Executive for consideration, and if the Leader agrees the item will be considered by the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered.
- (e) The Head of Paid Service, 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 Assistant Chief Executive Legal and Democratic Services to call such a meeting in pursuance of their statutory duties.

1.6 **Transaction of Business**

- (a) The Executive shall have power to decide how its business is transacted, subject to the provisions of these Executive Procedure Rules and such other provisions of the Constitution as apply to meetings of the Executive.
- (b) All matters coming before the Executive shall be determined by a majority of those present and voting. In the event of an equality of votes, the person presiding shall have a second or casting vote.