

## **4.4 EXECUTIVE PROCEDURE RULES**

### **4.4.1 Taking Executive Decisions**

- (1) Decisions of the Executive may be taken in the following ways:-
  - (i) By the Executive as a whole
  - (ii) By a committee of the Executive
  - (iii) By a Member of the Executive
  - (iv) By an officer
  - (v) By an area committee
  - (vi) By joint arrangements; or
  - (vii) By another local authority.
- (2) All decisions of the Executive will be taken by the Executive as a whole unless the Executive decides to delegate specific matters to any of the bodies listed in 4.4.1 (ii to vii) above.
- (3) Where a decision has been delegated by the Executive, that fact together with details of which body or person is making such decision, will be shown in Part 3 of this Constitution – “Responsibility for Functions” or Part 4.10 “Officer Delegation Scheme”. Where the decision is a key decision, it will also be shown in the List of Key Decisions. Members’ delegations are set out in Part 3.
- (4) Even where the Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### **4.4.2 The Council’s Scheme of Delegation and Executive Functions**

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.

### **4.4.3 Executive Meetings – When and Where?**

- (1) The Executive will meet at the times set out in the schedule of meetings covering the forthcoming year and approved at the

Annual Meeting of the Council. The Executive shall meet at The Arc, Clowne, or another location to be agreed by the Leader.

- (2) The Monitoring Officer, or an officer acting on his/her behalf, shall be responsible for calling meetings.
- (3) Meetings of the Executive will be held in public subject to the Access to Information Rules and legislative requirements.

#### 4.4.4 Quorum

The quorum for a meeting of the Executive or a committee of the Executive is one quarter of the total number of Members of the Executive or 3, whichever is the larger.

#### 4.4.5 Decisions Taken by the Executive

- (1) 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 Rules in Part 4 of this Constitution.
- (2) 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.

#### 4.4.6 Conduct of Executive Meetings

##### (1) Who Presides?

If the Leader is present, the Leader will preside. In the Leader's absence, then the Deputy Leader shall preside. If both the Leader and Deputy Leader are absent then a person must be appointed to preside by those present.

##### (2) Rights to Attend;

These details are set out in the Access to Information Rules in Part 4 of this Constitution.

##### (3) Business to be Conducted;

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 Scrutiny Committee or the Council), for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny Procedure Rules set out in Part 4.5 of this Constitution or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) consideration of reports from any of the Scrutiny Committees and,
- (v) matters set out in the agenda for the meeting.

#### 4.4.7 Who Can Put Items on the Executive Agenda?

- (1) The Monitoring Officer and any of the following, may require an item is placed on the agenda of the next available meeting of the Executive for consideration. If he/she receives such a request in writing, the Monitoring Officer will comply:-
  - (i) Any Member of the Executive or a Scrutiny Committee,
  - (ii) One of the Scrutiny Committees or the Council have resolved that an item be considered by the Executive.
  - (iii) The Section 151 Officer
  - (iv) Any Director or Head of Service.
- (2) 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 an extraordinary meeting be convened at which the matter will be considered.