

Part 5 - Executive Procedure Rules

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make Executive decisions?

1.1.1 The Leader determines the arrangements for the discharge of executive functions: see Part 3 of this Constitution. The arrangements currently provide for executive functions to be discharged by:

- i) The Leader;
- ii) Cabinet as a whole;
- iii) Individual Cabinet Members;
- iv) a committee of the Cabinet;
- v) Officers of the Council;
- vi) Any other arrangement allowed by law.

1.1.2 The Cabinet, a committee of the Cabinet or Officer exercising delegated executive powers may further delegate these powers as allowed by law.

1.1.3 The Substitution Scheme within the Committee Procedure Rules (Part 4b of the Constitution) shall apply to committees of the Cabinet as if they were committees of the Council, except that the substitution may only be made by a Member of the Executive.

1.2 Scheme of delegation of executive functions

The Director of Governance and Law will maintain a Scheme of delegation of Executive functions as determined by the Leader. The scheme of delegation will contain the details required in Article 7 and will be set out in Part 3 of this Constitution.

1.3 Conflicts of Interest

- (a) The Council's Code of Conduct for Members applies to all executive decisions discharged by elected members. Officers are

subject to the relevant Officer code of conduct applying to them at the time the decision is made.

- (b) Where the Leader has a pecuniary interest in a matter requiring an executive decision which s/he has not delegated in accordance with this Constitution, the Leader will, upon advice from the Council's Monitoring Officer, arrange for the decision to be delegated.
- (c) Where an executive function is 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.

1.4 Meetings of the Executive

- (a) The Leader will convene meetings of the Cabinet as s/he considers appropriate, and may cancel or reschedule meetings as may be necessary.
- (b) The Proper Officer (Chief Executive) may convene Cabinet meetings in accordance with paragraph 2.5.1 of these Procedure Rules and other Executive meetings as required.
- (c) Cabinet meetings will normally be held at Waltham Forest Town Hall, Forest Road E.17 and will commence at 2.00pm, unless determined otherwise.
- (d) Meetings for individual Portfolio-holder decisions or meetings of Cabinet Committees will be convened by the Proper Officer (Chief Executive).

1.5 Executive Meetings will be open to the media and public unless the business under consideration is exempt or confidential as determined by the Access to Information Rules. Notice of each meeting will be given and the agenda and papers for each meeting will comply with the Access to Information Rules. **Quorum**

1.5.1 The quorum for a meeting of the Cabinet shall be five of the members eligible to vote.

1.5.2 Decisions taken by the Cabinet

- (a) Decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 8 of this Constitution. Such decisions will be based upon consideration of all relevant factors including advice from appropriate Officers.
- (b) 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 the Cabinet as a whole.
- (c) Recommendations to Council - Any recommendation referred to Council for approval will be included on the Council summons. Any associated report will be included within the Council minute book. The recommendation will normally be submitted to the next Ordinary Council Meeting following the meeting of the Cabinet at which the recommendation was framed.

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Chair

2.1.1 The Leader will chair meetings of the Cabinet or, in his/her absence the Deputy Leader, or, in his/her absence as well, a person appointed by the Leader or, if not, by those present shall chair.

2.1.2 The Leader may chair meetings of committees of the Cabinet at which s/he is present, or may appoint another person to do so.

2.2 Attendance

2.2.1 These details are set out in this Constitution's Access to Information Rules.

2.3 The Conduct of Business at Cabinet Meetings

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

- i) approval of the record of decisions of the last meeting;
- ii) declarations of interests, if any;
- iii) matters referred to the Cabinet (whether by an Overview and Scrutiny Committee 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;
- iv) consideration of reports from Overview and Scrutiny Committee, including the Executive's response to scrutiny committees' recommendations; and
- v) reports requiring Key Decisions as set out in the Access to Information Procedure Rules in Part 8 of this Constitution.
- vi) Any other business specified on the agenda.

2.4 Consultation

2.4.1 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, and the outcome of that consultation. Reports on 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?

- 2.5.1 The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of the Cabinet and may require the Proper Officer to call such a meeting in pursuance of their statutory duties.
- 2.5.2 In other circumstances, where two of the statutory officer, namely the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet within an appropriate timescale to deal with the issue in question, then they may require a meeting to be convened at which the matter will be considered.
- 2.5.3 The Leader may put on the agenda of any Cabinet meeting any matter which s/he wishes, whether or not authority has been delegated to the executive, a committee of it or any Councillor or Officer in respect of that matter. When placing items on the agenda of the Cabinet, the Leader will take into account all relevant considerations including advice from appropriate Officers.

3. NOTICE OF KEY DECISIONS

- 3.1.1 Twenty-eight clear days' public notice will be made of any matters which the Leader has reason to believe will be a Key Decision (on an executive function), which will be taken by himself or herself or under delegated powers by Cabinet, a Cabinet Committee, individual Cabinet members, or under joint arrangements (if set up) or under any other lawful arrangement.
- 3.1.2 A Key Decision is a decision in respect of an executive function which is likely to:

3.1.2.1 be significant in terms of its effect on communities living or working in an area comprising one or more wards in the borough or

3.1.2.2 result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or functions which the decisions relate.

3.1.3 The financial thresholds that will determine these are set out at 3.3 below.

3.1.4 The Leader may include such notice within a Forward Plan, which may also include non-statutory notice about future decisions.

3.2 Key Decisions without notice

3.2.1 Sometimes 28 clear days' public notice of a Key Decision will not be made because it has already been taken under the Rules of General Exception and Special Urgency (see Part 8). These Rules allow decisions to be taken if they are urgent.

3.3 Financial Thresholds

3.3.1 Executive decisions with financial implications at or above the thresholds set out below will be Key Decisions. The Chief Finance Officer and Director of Governance will keep the thresholds under review and advise the Leader on whether to recommend to Full Council any changes to the thresholds.

Heading	Area	Threshold
Revenue	Award of contracts for goods, works and services or requiring waiving of Contract Procedure Rules above the thresholds set out in Part 8 of the Constitution.	Estimated total contract value of £1M or above
	Decisions involving significant risk, significant externalisation of services, politically sensitive issues	

	Virements	Above £500,000, both one-off and cumulative.
Capital	<p>1. Decisions affecting the capital programme</p> <p>2. Annual capital programme</p> <p>For the avoidance of doubt, properties acquired or disposed of for investment purposes only in accordance with the Investment Property Portfolio Policy are not part of the capital programme, are delegated in accordance with the Financial Procedure Rules and are not key decisions.</p>	<p>Estimated value over £1M</p> <p>Agreement of annual programme</p>