VOLUME B
ESSENTIAL DOCUMENTS SUPPORTING THE CONSTITUTION

For further information, please contact:
Dr Mirza Ahmad LLD (Hon), LLM, MBA, Barrister,
Corporate Director of Governance & Monitoring Officer
Ingleby House, 11-14 Cannon Street,
Birmingham B2 5EN

Tel: 0121 303 9991
Fax: 0121 303 1312
E-mail: mirza_ahmad@birmingham.gov.uk

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F. EXECUTIVE PROCEDURE RULES

1. WHO MAY TAKE EXECUTIVE DECISIONS?

1.1 Delegation of Executive Functions

The arrangements for the discharge of Executive functions are set out in Volume A of this Document. If they are silent on any matter, then the Leader of the Council may decide how they are to be exercised. In either case, the Leader may provide for Executive functions to be discharged by:

(i) the Cabinet;

(ii) Cabinet Committees;

(iii) Cabinet Member(s);

(v) District Committee(s) and/or a Ward Committee(s);

(vi) Chief Officer(s);

(vi) joint arrangements; or

(i) another local authority.

1.2 Sub-delegation of Executive functions

(a) Where the Cabinet, Cabinet Committees or an individual Cabinet Member is responsible for an Executive function, they may further delegate the Executive function to a District Committee, a Ward Committee or a Chief Officer.

(b) If the Leader of the Council delegates functions to the Cabinet and/or Cabinet Member, then the same may further delegate the Executive function to a Cabinet Committee or to a Chief officer.

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

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

1.3 The Council's Scheme of Delegation to Officers and Executive functions

(a) Any changes to the Council's Scheme of Delegation to Officers have to be approved, once a year, by the full Council and may be amended, through the year, as provided by the relevant resolutions to the Executive and the Council Business Management Committee.

(b) The Leader is empowered to appoint Cabinet Members and to make necessary in-year changes to the Cabinet Member Portfolios. The Cabinet is empowered to establish and determine the membership and terms of reference of Cabinet Committees. Details of the Executive functions and the Scheme of Delegation to Officers are set out in **Volume A: Part 1** and **Volume B: Part 2**, respectively, in this Document.

(c) The Executive must ensure all decisions are lawful and in accordance with the Council's procedures, policies and systems. Cabinet Members must also ensure that they do not put themselves in positions where they are entering into or dealing with any third party seeking to acquire or dispose of land, property or seeking to negotiate contracts with the Council, without the relevant Chief Officers being present, so as to ensure that the Council's procedures, probity and propriety issues are observed at all times. Relevant Monitoring Officer or Chief Finance Officer advice must also be sought if any Cabinet Member and/or Chief Officer is/are unsure about any aspects. Further guidance has been provided in the Layman's Guide (**Volume B Part 4**) of this document.

1.4 Conflicts of Interest – Members and Officers

(a) Where the Leader of the Council or a Cabinet Member has a conflict of interest this should be dealt with in accordance with Birmingham City Council's Code of Conduct for Members, as set out in **Volume B: Part 3** of this Document.

(b) If the exercise of an Executive function has been delegated to a Cabinet Committee, a Cabinet Member or a Chief Officer and a conflict of interest arises, then the function must be exercised, in the first instance, by the person or body by whom the delegation was made and in accordance with Birmingham City Council's Code of Conduct for Members in **Volume B: Part 3** of this Document, in the case of Chief Officers, or by the Chief Executive or another Chief Officer with no conflict of interest in that matter.

1.5 Executive meetings – when and where?

(a) The Cabinet will meet on such days and times as determined by the Leader of the Council, so long as the relevant statutory requirements with regard to Access to Information are complied with.

(b) Executive decisions shall only be taken by Cabinet Members based on written report(s) from Cabinet Members/Chief Officers and after any appropriate Head of Paid Service, Monitoring Officer and/or Chief Financial Officer advice has been suitably considered and appropriately reflected in the written report(s).

1.6 Public and private meetings of the Executive

The Access to Information Rules in **Volume B: Part 2** of this Document sets out the statutory requirements covering public and private meetings.

1.7 Quorum Provisions

The quorum for a meeting of the Cabinet shall be 4 Cabinet Members (inclusive of the Leader of the Council) and for a meeting of a Cabinet Committee, the quorum shall be 2 Cabinet Members (inclusive of the Leader of the Council, if present).

2. THE CONDUCT OF EXECUTIVE MEETINGS

(a) The Leader of the Council will preside at any meetings of the Cabinet or Cabinet Committees at which s/he is present, or s/he may appoint another Cabinet Member to do so, always assuming the Deputy Leader is not already present at such meeting.

(b) The Leader of the Council will determine the schedule for the meetings of the Cabinet. S/he may put on the agenda of any Cabinet meeting any matter which s/he wishes the Cabinet to consider, whether or not authority has been delegated to the Cabinet, a Cabinet Member, Cabinet Committee, District Committee, Ward Committee or Chief Officer in respect of that matter.

(c) The Committee Services Officer will ensure that an item is placed on the agenda of the next available meeting of the Cabinet, a Cabinet Member or Cabinet Committee, District Committee or Ward Committee where a relevant Overview and Scrutiny Committee or the full Council have resolved that an item be considered by the Executive.

(d) The Head of Paid Service, Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet, a Cabinet Member or Cabinet Committee, District Committee or Ward Committee meeting and may require the Committee Services Officer to call such a meeting in pursuance of their statutory roles, duties and responsibilities.

(e) If there is no meeting of the Cabinet, Cabinet Member or Cabinet Committee, District Committee or Ward Committee already scheduled to deal with executive business, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened, in accordance with the statutory Access to Information requirements, to consider the matter.