

Executive procedure rules

1. HOW THE EXECUTIVE OPERATES

1.1 Who may make executive decisions

The arrangements for the discharge of executive functions are set out in the executive arrangements adopted by the council. These arrangements may provide for executive functions to be discharged by:

- i) the executive as a whole;
- ii) a committee of the executive;
- iii) an individual member of the executive;
- iv) community councils;
- iv) an officer;
- v) joint arrangements; or,
- vi) another local authority.

1.2 Delegation by the leader

At the annual meeting of the council, the leader will present to the council a written record of delegations made by him/her for inclusion in the council's scheme of delegation at part 3 to this constitution. The document presented by the leader will contain the following information about executive functions in relation to the coming year:

- i) the extent of any authority delegated to executive members individually, including details of the limitation on their authority;
- ii) the terms of reference and constitution of such executive committees as the leader appoints and the names of executive members appointed to them, **the Vice-Chair of the Committees and the frequency of its meetings**
- iii) the nature and extent of any delegation of executive functions to community councils, any other authority or any joint arrangements and the names of those executive members appointed to any joint committee for the coming year; and,
- iv) 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 The council's scheme of delegation and executive functions

The council's scheme of delegation will be subject to adoption by the council assembly and may only be amended by the council assembly. It will contain the details required in article 7 and set out in part 3 of this constitution.

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1.4 Conflicts of interest

(a) Where the leader has a conflict of interest 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 every member of the executive has a conflict of interest this should be dealt with as set out in the council's code of conduct for members in part 5 of this constitution.

(c) If the exercise of an executive function has been delegated to a committee of the executive, an individual member of the executive 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 and otherwise as set out in the council's code of conduct for members in part 5 of this constitution.

1.5 How decisions are 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 rules in part 4 of the constitution and in accordance with the procedures in section 2 below.

(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 **except as otherwise stated in Part 3E of this constitution**

(c) Where executive decisions are delegated to individual members of the executive they will be taken in accordance with the procedures in section 3 below.

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

2. HOW EXECUTIVE MEETINGS ARE CONDUCTED

2.1 Executive meetings – timing and location

The executive will meet at least ten times per year at times to be agreed by the leader. The executive meetings must take place in the borough.

2.2 Public or private meetings of the executive

Meetings of the executive shall be open to the press and public unless the business under consideration is exempt or confidential as defined in the access to information rules as set out in part 4 of this constitution. There will be no private meetings of the executive.

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2.3 Quorum

(a) The quorum for a meeting of the executive shall be one quarter (or 3 whichever is larger) of the total number of members of the executive including the leader or deputy leader.

(b) The quorum for a meeting of an executive committee shall be one

quarter of the total number of members of the executive on the committee or 3 whichever is larger.

2.4 Who presides

If the leader is present he/she will preside. In his/her absence, then the deputy leader shall chair the meeting. In the absence of the leader and deputy leader, an executive member shall be appointed to preside by those present. **A committee of the executive shall be chaired by the leader and in his absence the Vice-chair of the committee as appointed by the leader shall chair the meeting.**

2.5 Who may attend

Members of the public may attend all meetings subject to the restrictions set out in the access to information rules in part 4 of this constitution.

2.6 Business

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

- i) minutes of the last meeting;
- ii) declarations of interest, if any;
- iii) public question time – 15 minutes;
- iv) matters referred to the executive (whether by the overview & scrutiny committee or by the council assembly) for reconsideration by the executive in accordance with the provisions contained in the overview & scrutiny procedure rules or the budget and policy framework procedure rules set out in part 4 of this constitution;
- v) consideration of reports from overview & scrutiny committees/subcommittees; and
- vi) 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.

2.7 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 & 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.

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2.8 Who can put items on the executive agenda

The leader will decide upon the schedule for the meetings of the executive. He/she may put on the agenda of any executive meeting any matter which he/she wishes, whether or not authority has been delegated to the executive, a committee of it or any officer in respect of that matter. The proper officer will comply with the leader's requests in this respect.

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/she receives such a request the proper officer will comply.

The proper officer will make sure that an item is placed on the agenda of the next available meeting of the executive where a relevant overview & scrutiny committee or the full council have resolved that an item be considered by the executive.

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.

The monitoring officer and/or the finance director 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 of the head of paid service, finance director 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.

2.9 Formal records to be maintained

No meeting of the executive shall commence or conduct business unless the monitoring officer or her/his representative is present. All meetings are to be clerked by a representative of the monitoring officer, with minutes to be produced including details of members attending each meetings and details of decisions taken. Copies of all agendas and minutes are to be maintained by the monitoring officer.

2.10 Deputations to the executive

Who may request a deputation?

1. Deputations can only be made by persons or people resident or working in the borough.

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Composition of deputation

2. The deputation shall consist of no more than six persons, including the spokesperson.

Scope of deputations

3. The chair in consultation with the monitoring officer may reject a deputation if it:

- (a) is a request from a group of people who has alternative means of expressing their views through recognised channels eg employees of the authority, trade unions representing staff employed by the authority etc;
- (b) is not a matter for which the local authority has a responsibility or which affects the borough;
- (c) is defamatory, frivolous or offensive;
- (d) requires the disclosure of confidential or exempt information;
- (e) concerns a planning or licensing application;
- (f) raises a grievance for which there are other established processes for resolution; or,
- (g) relates to an investigation (whether completed or not) by, or ruling of, the Standards Board for England, the standards committee or the Adjudication panel, in so far as those comments relate to the behaviour or conduct of an individual member or members.

Form of the deputation

4. Each deputation request must provide the name and address of the persons/group requesting the deputation and a brief summary of the subject matter of their request.

5. Any written representations associated with a deputation should be submitted at the same time as the request for a deputation.

Deadlines

6. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing to the monitoring officer no later than nine clear working days before the day of the executive meeting. The date and time of the receipt of such requests will be recorded in a book kept for that purpose.

Late or urgent deputations

7. To preserve the ability for deputations to take place in connection with late or urgent items added to the executive agenda after the normal deadline for deputations, the leader or in his/her absence the deputy
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leader shall at the meeting have the discretion to decide whether or not to accept a late and urgent deputation.

Agenda

8. Deputations shall be dealt with in the order in which they are received.

9. Subject to complying with the regulations herein, details of written deputations will be included on the agenda papers for the meeting of the executive.

10. If the matter is not dealt with by executive, the matter shall be referred without debate to the relevant executive member who shall, after consideration, respond with an open reply to the sender.

What happens at the meeting?

11. The monitoring officer shall report the request for the deputation to the executive. The meeting, without debate, shall decide:

(a) that the deputation be received at this meeting or a future meeting; or,

(b) that the deputation not be received; or,

(c) that the deputation shall be referred to the most appropriate committee/sub-committee/community council.

The monitoring officer shall arrange for the attendance of any deputation. In doing so s/he shall inform the applicants that the executive has discretion as to whether or not to receive the deputation.

Speech on behalf of deputation

12. Only one member of the deputation shall be allowed to address the executive, her or his speech being limited to five minutes.

Questions to the deputation and time limit

13. Members of the executive may ask questions of the deputation, which shall be answered by their spokesperson or any member of the deputation nominated by her or him for up to five minutes at the conclusion of the spokesperson's address.

No debate during deputation

14. Members shall not debate any issues arising out of the deputation, or the item to which it relates, with any members of the deputation.

Deputation to withdraw from the floor

15. As soon as the questions to the deputation have been concluded, the

deputation shall withdraw from the floor and return to the public area where they may remain (subject to any resolution excluding the attendance of the public).

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Debate, motion and amendments

16. If more than one deputation is to be heard in respect of one subject there shall be no debate until each deputation has been presented. At the conclusion of the deputation(s) the subject of the deputation shall be then open to debate by the executive. If the subject does not relate to a report on the agenda, members may move motions and amendments without prior notice.

Formal communication of council assembly's decision

17. The monitoring officer shall, in writing, formally communicate the decision of the executive to the person who submitted the request for the deputation to be received.

Deputations concerning licensing or development control applications

18. Deputations or representation received concerning licensing or planning applications will not be considered by executive. Any such representations received should be forwarded to the appropriate proper officer(s) for consideration as part of the formal consultation on such applications.

2.11 Procedures at executive meetings for public questions

1. The time during which public questions shall be taken shall not exceed 15 minutes.

2. A resident or business ratepayer of the borough may ask one written question (limited to 50 words) on any matter in relation to which the council have powers. The question must be received three clear working days in advance of the executive meeting by the monitoring officer.

3. Each question must provide the name and address of the questioner and name the executive member to whom the question should be put.

Scope of questions

4. The leader in consultation with the monitoring officer may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the executive in the past three months;
- requires the disclosure of confidential or exempt information;
- concerns a planning or licensing application;
- raises a grievance for which there are other established processes for resolution; or,

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- relates to an investigation (whether completed or no) by, or ruling of, the Standards Board for England, the standards committee or the Adjudication panel, in so far as those comments relate to the behaviour or conduct of an individual member or members.

Record of questions

5. The monitoring officer will enter each question in a book open to public inspection. Rejected questions will include reasons for rejection.

Asking the question at the meeting

6. The leader will invite the questioner to put the question to the member named in the notice.

Supplemental question

7. Any supplemental question will be at the discretion of the chair.

Written answers

8. Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

Late or urgent questions

9. To preserve the ability for public questions to take place in connection with late or urgent items added to the executive agenda after the normal deadlines for such questions, the leader or in his/her absence the deputy leader shall at the meeting have the discretion to decide whether or not accept a late and urgent public question.

3. HOW INDIVIDUAL EXECUTIVE MEMBER DECISION MAKING IS CONDUCTED

3.1 Who takes the decision

The individual executive member who is responsible for the portfolio area or to whom the decision is delegated shall take the decision, except in the following circumstances:

1. The leader, or in his/her absence, deputy leader may take the decision if the relevant individual executive member is unavailable.
2. The relevant individual executive member may indicate that they wish the decision to be referred to a meeting of the full executive.
3. The leader or the chief executive may direct that the decision be reserved to a meeting of the full executive.
4. Where an individual executive member has a personal and prejudicial interest in the decision the matter shall be referred to the full executive.

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5. Where the decision affects more than one portfolio or is a crosscutting issue the matter shall be referred to the full executive.

3.2 Who may inspect documents

All reports for key individual executive member decisions shall be available for public inspection five clear working days prior to the decision, subject to the access to information rules in part 4 of this constitution.

3.3 Business

The relevant individual executive member shall consider a report setting out the recommendation, the justification for the decision, any options to be considered, details of the consultation and any representations received. A decision sheet shall be sent to the individual executive member with the report. This will state the earliest date when the decision-taker can take the decision.

The decision-taker can discuss the report with relevant officers if required.

3.4 Consultation/ representations

All reports to the individual executive member 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. Any representations received must be forwarded to the decision maker for consideration.

Where a ward member submits representations, the relevant individual executive member should discuss the matter with the councillor prior to taking the decision.

3.5 Formal records to be maintained

The decision maker must complete and sign a decision sheet for each decision. The decision sheet has sections to be filled in giving the decision, date of the decision, reason for the decision, alternatives considered and any representations received by the individual decision maker.

All completed decision sheets must be forwarded to the monitoring officer.

Copies of all reports and decision sheets are to be maintained by the monitoring officer.

3.6 Non-key decisions relating to contract standing orders

Rule 18 of the overview and scrutiny procedure rules in part 4 of this constitution will not apply to non-key decisions relating to contract standing orders.

3.7 All other decisions

All other decisions delegated to an individual in accordance with rule 1.1 above, will be subject to rule 18 of the overview and scrutiny procedure rules.

The monitoring officer or his/her representative will circulate the decision to 170

all members in accordance with the scrutiny call-in process (see paragraph 18.4 overview and scrutiny procedure rules).