

Executive Function Procedure Rules

DECISIONS ON EXECUTIVE FUNCTIONS

1.1 Discharge of Executive Functions

The Leader has responsibility for the discharge of all Executive functions and may delegate any/all of these functions to:

- (a) the Executive as a whole;
- (b) a Committee of the Executive;
- (c) an individual Member of the Executive;
- (d) an individual Member of the Council (in the case of Ward matters);
- (e) an Officer;
- (f) an Area Committee;
- (g) joint arrangements; or
- (h) another local authority.

1.2 The Leader's Scheme of Delegation and Executive Functions

The Leader's Scheme of Delegation for Executive Functions, as set out in Part 3 of the Constitution, may only be agreed or amended by the Leader.

1.3 Sub-delegation

Where the Leader, Executive, a Committee of the Executive or an individual Member of the Executive is responsible for an Executive function, they may delegate further to an Area Committee, joint arrangements or an Officer.

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

1.4 Conflicts of Interest

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.

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.

If the exercise of an Executive function has been 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 and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.5 **Consultation**

All reports 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 about other matters will set out the details and outcome of consultation as appropriate.

1.6 **Decision making in Public or Private**

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.

A decision on an Executive function must take place in public if:

- (a) a key decision as defined in Article 14 is to be taken;
- (b) a matter relating to a key decision which is included in the current Forward Plan is likely to be discussed in the presence of an Officer and the decision is likely to be made within 28 days of the meeting;
- (c) a key decision will be made or a matter relating to a key decision is to be discussed in the presence of an officer in a case where a Rule 2.6 (general exception) notice in relation to that decision has been given;

unless the public are excluded under Access to Information Procedure Rule 10.

1.7 **Access to Information**

The Access to Information Procedure Rules apply to any Executive decision taken by Members or an individual Member which are held in public, or where a key decision has been taken by an Officer, unless Rule 2.6 (general exception) or Rule 2.7 (special urgency) of the Executive Procedure Rules apply.

1.8 **Record of Decisions**

As soon as reasonably practicable after an Executive decision has been taken by Members or an individual Member or a key decision has been taken by an Officer, the Proper Officer will produce a record of the decision as soon as practicable, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Access to Information Procedure Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual Members of the Executive. This does not require the disclosure of exempt or confidential information.

KEY DECISIONS AND THE FORWARD PLAN

2.1 Definition of a Key Decision

The definition of a key decision is set out in Article 14 (Decision Making)

2.2 Procedure for Taking a Key Decision

Subject to Rule 2.6 (general exception) and Rule 2.7 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a Forward Plan) has been published in connection with the matter in question;
- (b) at least 5 clear working days have elapsed since the publication of the Agenda; and
- (c) where the decision is to be taken in public, notice has been given in accordance with Access to Information Procedure Rule 4 (notice of meetings).

2.3 Period of Forward Plan

Forward Plans will be prepared by the Leader to cover a period of four months, beginning with the first working day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

2.4 Contents of Forward Plan

The Forward Plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken in the course of the discharge of an Executive function during the period covered by the plan. It will describe the following particulars insofar as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision maker is an individual his/her name and title, if any and where the decision maker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision maker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the Executive or decision maker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision maker for consideration in relation to the matter.

2.5 **Notice of Forward Plan**

The Forward Plan must be published at least 14 days before the start of the period covered. The Proper Officer will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (a) that key decisions are to be taken on behalf of the Council;
- (b) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the Plan will contain details of the key decisions to be made for the four month period following its publication;
- (d) that each Plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- (e) that each Plan will contain a list of the documents submitted to the decision makers for consideration in relation to the key decisions on the Plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;
- (g) that other documents may be submitted to decision makers;
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.

Exempt information need not be included in a Forward Plan and confidential information cannot be included.

2.6 **General Exception**

If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 2.7 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next forward plan relates;
- (b) the Proper Officer has informed the Chairman of the Overview and Scrutiny Committee, or in his absence the Vice-Chairman or if there is no such person, each Member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Proper Officer has made copies of that notice and of any reports relating to the decision available to the public at the offices of the Council; and
- (d) at least 5 clear days have elapsed since the Proper Officer complied with (b) and (c).

Where such a decision is taken collectively, it must be taken in public.

2.7 **Special Urgency**

If by virtue of the date by which a decision must be taken Rule 2.6 (general exception) cannot be followed, then the decision can only be taken if the decision maker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Chairman (or in his/her absence, the Vice Chairman) of the relevant Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no such person, or if the chair of each relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice.

2.8 **Report to Council**

(a) When an Overview and Scrutiny Committee can require the Leader / Executive decision maker to Report

If the Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (i) included in the Forward Plan; or
- (ii) the subject of the general exception procedure; or
- (iii) the subject of an agreement with the Overview and Scrutiny Committee Chairman or Vice-Chairman, or the Mayor or Deputy Mayor of the Council under Rule 2.7:

the Committee may require the Leader (or Executive decision maker) to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of the Committee when so requested by (the Chairman or any 5 Members). Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

The Leader (or Executive decision maker) will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 9 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader (or Executive decision maker) is of the opinion that it was not a key decision the reasons for that opinion.

(b) Quarterly Reports on Special Urgency Decisions

In any event the Leader (or Executive decision maker) will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 2.7 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

MEETINGS

3.1 Notice of Meetings

All Members shall have Notice of Public Meetings where Executive decisions will be taken.

3.2 Executive Meetings

Meetings of the Executive will be set by the Leader and included in the Schedule of Meetings. Additional meetings shall be agreed by the Leader, as necessary.

3.3 Public or Private Meetings of the Executive

Meetings of the Executive will generally be held in public. Items will be considered in private session only if they qualify under the grounds to exclude the Press and public set out in the Access to Information Procedure Rules.

3.4 Quorum

The quorum for a meeting of the Executive shall be one third of the total number of Members of the Executive, or 3, whichever is the larger.

3.5 Executive Agenda

The following may require an item to be considered at the next available meeting of the Executive:

- (a) the Leader
- (b) any Executive Member
- (c) the Council
- (d) the Overview and Scrutiny Committee
- (e) a Chief Officer or Deputy Chief Officer.

Any non-Executive Member of the Council may ask the Leader to put an item on the Agenda of an Executive meeting and, if the Leader agrees, the item shall be included on the next Agenda.

3.6 Chairman

- (a) The Leader or in his/her absence the Deputy Leader will chair meetings of the Executive. If both Leader and Deputy Leader are absent then a person appointed by those Members of the Executive present shall chair the meeting.
- (b) The conduct of the meeting shall be a matter for the Chairman.
- (c) When speaking a Member shall address the Chairman
- (d) The ruling of the Chairman on the application of Procedure Rules or any proceedings of Executive meetings shall not be challenged.

3.7 **Attendance at Meetings of the Executive**

Meetings of the Executive will be open to all Councillors who may speak with the consent of the Leader (or person presiding, as appropriate).

3.8 **Business of the Executive**

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

- (a) Minutes of the last meeting;
- (b) Apologies for absence;
- (c) Declarations of interest, if any;
- (d) Petitions;
- (e) matters referred to the Executive (whether by the 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;
- (f) consideration of reports from the Overview and Scrutiny Committee; and
- (g) 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.

3.9 **Voting**

- (a) Voting shall be by a show of hands.
- (b) A Member's vote for or against (or abstention) shall be recorded in the Minutes provided a request to do so is made by the Member immediately after the vote is taken.
- (c) In the case of an equality of votes the Chairman shall have a second or casting vote. The casting vote may be used whether or not the Chairman has already voted.

3.10 **Petitions**

The Executive will consider and deal with petitions in accordance with the Council's Petition Scheme.

3.11 **Disorderly Conduct**

(a) **Members**

The Chairman shall warn a Member who behaves improperly. If the Member continues the misconduct the Chairman may move that the Member be excluded from the meeting (in which case the Motion shall be put and determined without seconding or discussion); if the Motion is approved the Member shall leave the room.

(b) Public

The Chairman shall warn a member of the public who interrupts the proceedings at any meeting. If the interruption continues the Chairman shall order removal of the person concerned from the meeting. In the case of general disturbance the Chairman shall order the public gallery to be cleared and, if appropriate, adjourn the meeting.

3.12 Minutes

The Minutes of every Executive meeting shall be available to all Members for the next meeting for confirmation and signature by the Chairman. Where this is impractical, owing to the short time between meetings, or where the next meeting is a Special Meeting, the Minutes may be presented to the following meeting.

No discussion shall take place upon the Minutes other than on their accuracy. If no point of accuracy is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the Minutes.

3.13 Urgent Business

Subject to Rules 2.6 and 2.7, if an item is not included on the Agenda it shall not be discussed unless the Leader is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, it should be considered at the meeting as a matter of urgency. Items of urgent business must be in writing for circulation to Members present (and Press and public, as appropriate) but may be supplemented by an oral report.

3.14 Suspension of Executive Procedure Rules

Subject to statutory provisions, the Chairman may decide to suspend these rules at a meeting of the Executive or Committee of the Executive, provided one half of its Members are present.

3.15 Recording of Proceedings

Making a written record of the discussion or decisions made at any meeting is permissible. The Leader (or Chairman of the meeting) shall determine a request by any person to record, video, film, photograph or broadcast a meeting where Executive decisions are being taken.