



GENERAL PURPOSES COMMITTEE

Meeting to be held in Civic Hall, Leeds on
Tuesday, 20th October, 2009
at 1.00 pm

MEMBERSHIP

Councillors

J Blake
P Gruen
N Taggart
K Wakefield

S Bentley
R Brett

A Carter (Chair)
J Procter

R Finnigan

A Blackburn

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an appeal the press and public will be excluded).</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF INTERESTS</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence from the meeting.</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING - 1ST OCTOBER 2009</p> <p>To confirm as a correct record the minutes of the meeting held on 1st October 2009.</p>	1 - 2
7			<p>EXECUTIVE ARRANGEMENTS</p> <p>To receive a report of the Assistant Chief Executive (Corporate Governance) asking the General Purposes Committee to make recommendations to full Council about changes to its executive arrangements, required by the Local Government and Public Involvement in Health Act 2007, and amendments required to the Constitution, as a result of these changes.</p>	3 - 20

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Agenda Item 6

GENERAL PURPOSES COMMITTEE

THURSDAY, 1ST OCTOBER, 2009

PRESENT: Councillor A Carter in the Chair

Councillors S Bentley, A Blackburn,
R Brett, R Finnigan, P Gruen, J Lewis (for
N Taggart), E Nash (for J Blake), J Procter
and K Wakefield

Apologies Councillors J Blake and N Taggart

20 Appeals against refusal of inspection of documents

There were no appeals against refusal of inspection of documents.

21 Exempt Information - possible exclusion of the press and public

There were no resolutions to exclude the public.

22 Late items

There were no late items added to the agenda.

23 Declaration of Interests

No declarations of interest were made either under this item or at any stage during the meeting.

24 Apologies for absence

Apologies for absence were received on behalf of Councillors Blake and Taggart. Councillors Nash and Lewis were in attendance as substitute Members.

25 Minutes of the Previous Meeting - 8th September 2009

RESOLVED – Members resolved that the minutes of the General Purposes Committee meeting held on 8th September 2009 be approved as a correct record.

26 Review of Polling Districts, and Polling Places - Final Proposals Report

The Assistant Chief Executive (Corporate Governance) submitted a report presenting the final proposals for the review of polling districts and polling places, for Members' consideration.

RESOLVED – Members resolved to:

- (a) Confirm as a Final Proposal each of the proposals set out in Appendix A, that received no further representations;
- (b) Confirm as a Final Proposal each of the proposals set out in Appendix B, that received supporting representations only;
- (c) Confirm as a Final proposal each of the proposals set out in Appendix C, that received representations for and against the proposals where all parties on Elections Working Group that expressed a view agreed;
- (d) Confirm as Final Proposals, in relation to the proposals set out in Appendix D, that received representations for and against the proposals lacking all party agreement, the following:
 - (i) 15) Garforth and Swillington – Merge GSL with GSK to vote at Great and Little Preston Village Hall;
 - (ii) 17) Garforth and Swillington – Merge GSN/GSO with GSJ/GSS to vote at Swillington and District Community Centre;
 - (iii) 39) Chapel Allerton – Merge CAB with CAA, retain CAB polling station;
 - (iv) 42) Chapel Allerton – Merge CAG and CAK;
 - (v) 43) Chapel Allerton – Merge CAH and CAJ, removing CAH spur which crosses Chapeltown Road;
 - (vi) 45) Moortown – Merge MOB with MOG;
 - (vii) 48) Crossgates and Whinmoor – Combine CWH with CWM, lose CWM polling station;
 - (viii) 59) Beeston – Merge BHA and BHG;
 - (ix) 60) Beeston – Merge BHF with part of BHB;
 - (x) 77) Crossgates and Whinmoor – Merge CWL with part of CWN. The rest of CWN to merge with CWI;
 - (xi) 89) Killingbeck and Seacroft – Merge KSE and KSC;
 - (xii) 93) Killingbeck and Seacroft – Merge KSR with KST;
 - (xiii) 96) Kirkstall – Create new polling station at the Kirkstall Brewery Student residences, the rest of KIC would continue to vote at present KIC polling station.
- (e) Request that officers look into whether there are any suitable permanent buildings that could be used as a polling place in TNK;
- (f) Reject the representation set out in Appendix E, that did not form part of the authority's Initial Proposals;
- (g) Note the proposals set out in Appendix F, which have been withdrawn;
- (h) Note the contents of Appendices G, H and I, which are background information for the review;
- (i) Note the contents of Appendix J, which is a CD ROM of the maps for each proposal; and
- (j) Request that officers write to those electors affected by proposals 15, 43 and 89 to make them aware of the opportunity to apply for a postal vote.

(Councillor Blackburn arrived at 10.35am during the consideration of this item.)



Originator: Liz Davenport

Tel: 24 78408

Report of the Assistant Chief Executive (Corporate Governance)

General Purposes Committee

Date: 20 October 2009

Subject: Executive arrangements

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. At its meeting on 16 September 2009, full Council drew up proposals for a change in governance arrangements, in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007.
2. The proposals were that:
 - the “new-style” Leader and Cabinet form be adopted;
 - no amendment be made to the current allocation of “local choice” functions between the Council and the executive;
 - the current arrangements for the Leader to be removed (by resolution of the Council by simple majority) be retained; and
 - in terms of transitional arrangements, the Leader in office at the time of the elections should remain in place until the annual meeting in 2010.
3. The Assistant Chief Executive (Corporate Governance) has now publicised these proposals, and made them available to the public for inspection, in accordance with statutory requirements. No representations about the proposals have been received.
4. The Council must resolve before 31 December 2009 to move to a new form. General Purposes Committee is therefore asked to make recommendations to full Council, to change the Council’s executive arrangements as set out in the proposals (the changes to come into operation 3 days after the local elections in 2010).
5. This report also asks the Committee to make recommendations to full Council about a number of constitutional amendments which will be required as a result of the change in form. These would be of effect 3 days after the local elections in 2010.

1.0 Purpose Of This Report

- 1.1 To ask the General Purposes Committee to make recommendations to full Council about:
- changes to its executive arrangements, required by the Local Government and Public Involvement in Health Act 2007; and
 - amendments required to the Constitution, as a result of these changes.

2.0 Background Information

- 2.1 The Local Government and Public Involvement in Health Act 2007:
- changed the forms of the executive (to a “new-style” Leader and Cabinet form, or an Elected Mayor and Cabinet form);
 - provided a mechanism which allows an authority to change its executive arrangements; and
 - required the authority to resolve to change the form of its executive to one of these forms by **31 December 2009**.
- 2.2 The new executive arrangements must by law come into operation 3 days after the local elections in 2010.
- 2.3 The Council has carried out a consultation exercise with electors and other interested persons in the authority’s area, about changing its executive arrangements. The detailed results of this were considered by the General Purposes Committee at its meeting on 8 September 2009, and reported to full Council at its meeting on 16 September.
- 2.4 Following recommendations from the General Purposes Committee, on 16 September, full Council drew up proposals for its change in executive arrangements. The main features of the proposals were:
- a change to the “new-style” leader and cabinet form;
 - no amendment to be made to the current allocation of “local choice” functions between the Council and the executive;
 - the current arrangements for the Leader to be removed by resolution of the Council by simple majority to be retained; and
 - (in terms of transitional arrangements) the Leader in office at the time of the elections to remain in place until the annual meeting in 2010.

3.0 Main Issues

- 3.1 Further to the meeting on 16 September 2009, in accordance with statutory requirements, the Assistant Chief Executive (Corporate Governance) publicised the proposals, and made them available to the public for inspection. They were also published on the Council’s web-site.
- 3.2 No representations have been received following the publication of the proposals. It now remains for the Council to:
- **resolve to change the form;**
 - **approve constitutional amendments** to reflect the change in form;
 - **publicise** the new arrangements in accordance with statutory requirements; and
 - **implement** the new governance arrangements, and the constitutional amendments.

3.3 Constitutional amendments

3.3.1 If the Council resolves to move to the “new-style” Leader and Cabinet form, the main amendments needed to the Constitution would be to:

- Article 7;
- the Council Procedure Rules; and
- the Executive Procedure Rules.

Article 7

3.3.2 This article relates to the Executive. The proposed amendments are set out in appendix 1 to this report. The amendments reflect the new statutory position relating to:

- the new term of office of the Leader; and
- the requirement for the Leader to appoint a Deputy Leader.

3.3.3 It is the responsibility of full Council to approve these amendments.

Council Procedure Rules

3.3.4 The proposed amendments are set out in appendix 2 to this report. The main amendment is a new footnote to Rule 1.1, to reflect the new statutory position that the Leader will not be appointed at every annual meeting.

3.3.5 In addition, an amendment is proposed to Rule 2.2, (order of business), to allow Council to receive communications from the Deputy Leader. The Rule already provides for communications from Executive Members, as well as from the Leader, but this amendment is recommended for completeness.

3.3.6 It is the responsibility of full Council to approve these amendments.

Executive Procedure Rules

3.3.7 The proposed amendments are set out in appendix 3 to this report. They include a provision to require a report to Council on the in-year removal of the Deputy Leader, in the same way that a report from the Assistant Chief Executive (Corporate Governance) to Council is required on in-year amendments to the delegation scheme. For completeness, it is also proposed that a report is also required on the in-year removal of other Executive Members – there is currently no specific provision for this.

3.3.8 The Rules also need to be amended to reflect that the Council will not lawfully be able to preclude the Leader from carrying out executive functions him/herself, nor from delegating them to an individual Executive Member¹.

3.3.9 Amendments to the Executive Procedure Rules are the responsibility of the Executive Board, and not of full Council. The Assistant Chief Executive (Corporate Governance) as Monitoring Officer is authorised to make any changes to any Part of the Constitution which are required as a result of legislative change or decisions of the Council or Executive. She also has delegated authority in relation to corporate governance. Members are therefore asked to note the proposed amendments set

¹ There is no requirement for the Leader to move from the current system of delegation to the Executive as a whole, but when the new form has come into operation, this will be at the discretion of the Leader rather than a decision of full Council.

out in appendix 3, and that the Assistant Chief Executive (Corporate Governance) proposes to amend the Rules under her delegated authority.

Other Amendments

- 3.3.10 There will also be a number of minor consequential amendments to the Constitution, to reflect the changes in legislation. The Assistant Chief Executive (Corporate Governance) proposes to do these under her delegated authority, in consultation with the Executive Member (Central and Corporate). Other amendments may also be required in due course, (for example, should the Leader choose to delegate to individual Executive Members), but these will be reported on at the time.
- 3.3.11 The timetable set out in the proposals provided for the principal amendments referred to above to be considered by full Council when it meets to approve the new form on 18 November 2009. The amendments need to be of effect from the date the new arrangements come into operation (that is, three days after the local elections in 2010).

4.0 Implications For Council Policy And Governance

- 4.1 The form of executive is one of the most fundamental aspects of the Council's governance arrangements. Amendments to the Constitution will be required to reflect the new form and new statutory provisions.
- 4.2 The proposed amendments to the Constitution follow the wording contained in ODPM modular guidance, but updated where necessary to reflect changes in legislation since that guidance was issued in 2001.

5.0 Legal And Resource Implications

- 5.1 The Council has followed the statutory procedure for changing its executive arrangements, by consulting, drawing up proposals to move to a new form of executive, and publicising them.
- 5.2 The Council is now required to formally resolve by 31 December 2009 to adopt its new form. In accordance with the timetable published as part of the proposals, this will be done at a specially convened meeting on 18 November 2009. The law requires that the "new-style" Leader and Cabinet form, if adopted, must come into operation 3 days after the local elections in 2010.
- 5.3 By law, the Council will also need to publicise, and make available for public inspection, details of its new arrangements, as soon as practicable after passing its resolution. This function has already been delegated to the Assistant Chief Executive (Corporate Governance).
- 5.4 The resource implications arising from each of the two forms were addressed in previous reports to General Purposes Committee and full Council.

6.0 Conclusions

- 6.1 No representations have been received in relation to the published proposals, and it would therefore be reasonable for the Council to resolve to adopt the executive arrangements as set out in its proposals, to come into operation 3 days after the local elections in 2010.

- 6.2 Consequential amendments to reflect the new arrangements will need to be approved, as set out above, to be implemented from the date when the new executive arrangements come into operation.
- 6.3 The proposed amendments to the Constitution relating to the revised term of office of the Leader, the appointment of the Deputy Leader, and amendments to reflect that the Leader choose to carry out executive functions him/herself, or delegate to individual Executive Members, reflect the revised statutory position. The Council therefore has no discretion about whether or not to approve amendments to reflect the change in law.

7.0 Recommendations

- 7.1.1 General Purposes Committee is asked to recommend to Council to resolve to adopt executive arrangements which:
- provide for the “new-style” Leader and Cabinet form²; and
 - retain the current provision for the Council to remove the Leader from office by resolution; and
 - retain the current allocation of “local choice” functions between the Council and the executive; and
 - come into operation 3 days after the local elections in 2010.
- 7.1.2 In relation to transitional arrangements, the General Purposes Committee is asked to recommend to Council that the Leader in office at the time of the elections should remain in place until the annual meeting in 2010.
- 7.1.3 General Purposes Committee is also asked to recommend to Council to approve the following amendments to the Constitution, with effect from 3 days after the local elections in 2010:
- the amendments to Article 7, set out in appendix 1 to this report; and
 - the amendments to Council Procedure Rules 1.1 and 2.2, as set out in appendix 2 to this report.
- 7.1.4 General Purposes Committee is also asked to recommend to Council to note:
- the amendments required to the Executive Procedure Rules, as set out in appendix 3 to this report, and that the Assistant Chief Executive (Corporate Governance) proposes to use her delegated authority to approve the amendments with effect from 3 days after the local elections in 2010;
 - that the Assistant Chief Executive (Corporate Governance) under her delegated authority and in consultation with the Executive Member (Central and Corporate), proposes to approve any other necessary consequential amendments to the Constitution to give effect to the new executive arrangements, with effect from 3 days after the local elections in 2010; and
 - that the Assistant Chief Executive (Corporate Governance) will publicise the new executive arrangements, in accordance with statutory requirements.

² Leader and Cabinet executive (England)

Background documents

- Report to and minutes of Constitutional Proposals Committee 30 October 2008.
- Report to and resolution of full Council 19 November 2008.
- Report to and minutes of General Purposes Committee 8 September 2009
- Report to full Council 16 September 2009

ARTICLE 7 – THE EXECUTIVE

7.1 ROLE

The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.2 FORM AND COMPOSITION

The Executive will consist of the Executive Leader together with at least 2, but not more than 9, Councillors appointed to the Executive by the Executive Leader.

7.3 LEADER

The Leader will be a Councillor elected to the position of Leader by the Council.

The Leader will hold office until the day when the Council holds its first annual meeting after the Leader's normal day of retirement as a Councillor¹, unless;

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- he/she resigns from the office; or
- he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- he/she is no longer a Councillor; or
- he/she is removed from office by resolution of the Council.

7.4 OTHER EXECUTIVE MEMBERS

Other Executive Members shall hold office until:

- they resign from office; or
- they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- they are no longer Councillors; or
- they are removed from office by the Leader who must give written notice of any removal to the Chief Executive. The removal will take effect two working days after receipt of the notice by the Chief Executive.

¹ In accordance with Section 44E and 44F Local Government Act 2000

7.5 DEPUTY LEADER

The Leader will appoint one of the Executive Members to act as Deputy Leader.

The Deputy Leader will hold office until the end of the Leader's term of office unless:

- he/she resigns from office; or
- he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- he/she is no longer a Councillor; or
- he/she is no longer an Executive Member; or
- he/she is removed from office by the Leader who must give written notice of any removal to the Chief Executive. The removal will take effect two working days after receipt of the notice by the Chief Executive.

Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in his/her place.

If for any reason:

- the Leader is unable to act; or
- the office of elected Leader is vacant

the Deputy Leader will act in his/her place.

If for any reason:

- the Leader is unable to act or the office is vacant; and
- the Deputy Leader is unable to act or the office of Deputy Leader is vacant

the Executive must act in the Leader's place, or arrange for an Executive Member to act in his/her place.

7.5 PROCEEDINGS OF THE EXECUTIVE

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

7.6 RESPONSIBILITY FOR FUNCTIONS

The Leader will maintain a list in Part 3 of this Constitution setting out how the Executive as a whole, individual Executive Members, committees of the Executive, officers or joint arrangements are responsible for the exercise of particular executive functions.

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Appendix 2

Extracts from Council Procedure Rules

Extract 1:

1.1 Timing and Business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a) elect a person to preside if the Lord Mayor and Deputy Lord Mayor are not present;
- (b) elect the Lord Mayor;
- (c) elect the Deputy Lord Mayor;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Lord Mayor and/or Head of Paid Service;
- (f) elect the Leader;¹
- (g) establish such committees, boards and panels as are required by statute and such other committees as it considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Section 2A of this Constitution)
- (h) No appointments under Rule 1 shall be for a period beyond the next Annual Meeting of the Council but they may be altered at any meeting of the Council;
- (i) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3, Section 2C of this Constitution);

¹ Only at the annual meeting held in 2010, or at any other subsequent annual meeting held on a day when the Leader's term of office is to end by virtue of Section 44E(3) Local Government Act 2000. If the Council fails to elect the Leader at the relevant annual meeting, the Leader is to be elected at a subsequent meeting.

- (j) receive the documents presented by the Leader in accordance with Executive Procedure Rule 1.2;
- (k) approve a programme of ordinary meetings of the Council for the year; and
- (l) consider any business set out in the notice convening the meeting.

Extract 2:

2.2 Order of Business

Except as otherwise provided by Rule 2.3 or by statute, the order of business at every meeting of the Council, (other than the Annual meeting, any Extraordinary Meeting or the Budget Meeting², where the business to be transacted at the meeting will be specified in the Summons), shall be to:

- (a) choose a person to preside if the Lord Mayor and Deputy Lord Mayor are absent;
- (b) approve as a correct record and sign the minutes of the last meeting of the Council except where the meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, in which case the next following meeting of the Council (being a meeting called other than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule;
- (c) receive any declarations of interest from Members;
- (d) receive such communications as the Lord Mayor, the Leader, Deputy Leader, Members of the Executive Board, or the Chief Executive consider to be appropriate;
- (e) receive deputations (if any) in accordance with Rule 10;
- (f) receive such reports as the Chief Executive, Monitoring Officer or Section 151 Officer consider appropriate;
- (g) deal with questions (if any) in accordance with Rule 11;

² Business over and above the budget is usually admitted by agreement but there is a presumption that such agreement will not include the attendance of deputations or question time.

- (h) consider any recommendations of the Executive Board;
- (i) consider any recommendations of a Scrutiny Board;
- (j) consider any recommendations of the Standards Committee;
- (k) consider any recommendations of the General Purposes Committee ;
- (l) consider any recommendations of the Corporate Governance & Audit Committee;
- (m) consider any recommendations of the Licensing Committee;
- (n) consider any recommendations of Area Committees;
- (o) receive the minutes of the Executive Board and committees, boards and panels established under Rule 1.1(g); and
- (p) consider White Paper Motions (if any) submitted in accordance with Rule 12.

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EXECUTIVE PROCEDURE RULES

1.0 HOW DOES THE EXECUTIVE OPERATE

1.1 Who may make executive decisions

The Leader may discharge any functions which are the responsibility of the Executive¹; or

He/she may provide for executive functions to be discharged by:

- the Executive as a whole;
- an individual Executive Member;
- a committee of the Executive;
- an officer;
- an Area Committee;
- joint arrangements; or
- another local authority.

Deleted: Under the arrangements for the discharge of executive functions set out in the executive arrangements adopted by the Council (schedule 1 and part 3), the Leader may decide how such functions are to be exercised.

1.2 Appointments and delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council the names, addresses and wards of the Members appointed to the Executive by the Leader².

The Leader may remove an Executive Member or the Deputy Leader from office. To do so, the Leader must give written notice to the Chief Executive in accordance with Article 7. The Assistant Chief Executive (Corporate Governance) will report this to the next ordinary meeting of the Council.

At the annual meeting, the Leader will also 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:

- the extent of authority of the Executive as a whole;
- the extent of any authority delegated to individual Executive Members, including details of any limitation on their authority;
- the terms of reference and constitution of such executive committees as the Leader appoints and the names of Executive Members appointed to them;
- the nature and extent of any delegation of executive functions to Area Committees, any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and

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¹ Subject to any provisions made under Section 18, 19 or 20 Local Government Act 2000 (discharge of functions by area committees, another local authority or jointly).

² Including the Executive Member who is the Deputy Leader.

Executive Procedure Rules

- 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 Sub-delegation of executive functions

Subject to any statutory provisions about the discharge of functions to area committees, by another local authority, or the joint exercise of functions:

- if the Leader delegates functions to the executive, then unless he/she directs otherwise, the executive may delegate further to a committee of the executive, to an officer;
- if the Leader delegates functions to an Executive Member, then unless the Leader otherwise directs, that Executive Member may delegate further to an officer.
- if the Leader delegates functions to a committee of the executive, then unless he/she directs otherwise, the committee may delegate further to an officer.

Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

1.4 The Council's scheme of delegation and executive functions

- (a) Subject to (b) below 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 (the executive) and set out in Part 3 of this Constitution.
- (b) The Leader may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Assistant Chief Executive (Corporate Governance) and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The Assistant Chief Executive (Corporate Governance) will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chair.

1.5 Personal and Prejudicial Interests

- (a) Where the Leader has a personal or prejudicial 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 personal or prejudicial 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, 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.

1.6 Executive Meetings – when and where

The Executive will meet at least 12 times per year at times to be agreed by the Leader. The Executive shall meet at the Council's main offices or another location to be agreed by the Leader.

1.7 Public or private meetings of the executive

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public and private meetings. Other than the legal

requirements, relating to confidential and exempt information, all meetings of the Executive will be in public.

1.8 Quorum

The quorum for a meeting of the Executive, or a committee of it, shall be four.

1.9 How decisions are to be taken by the Executive

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 this Constitution.³

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.

1.10 Executive decisions outside the budget or policy framework

1.10.1 The Executive (or any other decision making body of Council) may take a decision which is contrary to the Council's policy framework, or is not wholly in accordance with the budget approved by full Council, if the decision is a matter of urgency. However, the decision may only be taken:

- 1.10.1.1 if it is not practical to convene a quorate meeting of the full Council; and
- 1.10.1.2 if the Chair of the relevant Scrutiny Board agrees that the decision is a matter of urgency.

³ Particular care must be taken to ensure that Key decisions are taken in accordance with the relevant provisions of those rules, particularly where they are not contained within the Forward Plan.

Executive Procedure Rules

- 1.10.2 The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the relevant Scrutiny Board Chair to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the relevant Scrutiny Board, the consent of the Lord Mayor, and in the absence of both, the Deputy Lord Mayor, will be sufficient.
- 1.10.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

2.0 HOW ARE EXECUTIVE MEETINGS CONDUCTED

2.1 Who presides

The Leader and in his/her absence, the Deputy Leader will preside at any meeting of the Executive or its committees at which he/she is present. In the absence of both, the Leader, may appoint another person to do so. If no such appointment is made, those present at the meeting shall decide by majority who should preside.

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2.2 Who may attend

As stated above, with the exception of parts of the agenda where the public may be removed due to the likely disclosure of confidential or exempt information, meetings of the Executive will be in public.

2.3 Substitutes

A non-executive Member cannot substitute for an Executive Member at a meeting of the Executive or any of its committees. The Executive may invite any Member it considers appropriate to attend its meetings and to speak on behalf of an absent member of the Executive. However that Member will not be able to take decisions and will not be a co-opted member of the Executive.

2.4 Advisory Member

The Executive will invite a non-executive member of the Labour group to attend and speak at its meetings to assist the Labour Executive Member. However, the advisory Member will not be able to take decisions and will not be a co-opted member of the Executive.

2.5 What business

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

- consideration of the minutes of the last meeting;
- declarations of interest, if any;
- matters referred to the Executive (whether by a Scrutiny Board or by the Council) for reconsideration by the Executive in accordance with the provisions contained in relevant Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- consideration of reports from Scrutiny Boards; and

- 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.

2.6 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 Scrutiny Boards 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.

2.7 Who can put items on the Executive agenda

- (a) 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 Chief Executive will comply with the Leader's requests in this respect.
- (b) The Chief Executive will make sure that an item is placed on the agenda of the next available meeting of the Executive where a relevant Scrutiny Board or the full Council have resolved that an item be considered by the Executive.
- (c) The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances where any two of the head of paid service, Chief Finance Officer 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.

3.0 **MOTIONS AFFECTING COUNCIL EMPLOYEES**

- 3.1 If any question arises at a meeting of the Executive or any sub-groups thereof open to the public, as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, the question shall not be the subject of discussion until the Executive or other body as the case may be, has decided whether or not the power of exclusion of the public under section 100A of the Local Government Act 1972 shall be exercised in accordance with Rule 10.4 of Access to Information Procedure Rules.

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