

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.

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.

Subject to Article 7.2, the Leader may appoint Executive Members at any time. The Leader must report any such appointment to the Chief Executive as and when it is made. The Assistant Chief Executive (Corporate Governance) will report any such appointment to the next ordinary meeting of the Council.

Where a vacancy occurs in the office of Deputy Leader, and the Leader appoints a Deputy Leader in accordance with Article 7.5, the Leader must report any such appointment to the Chief Executive as and when it is made. The Assistant Chief Executive (Corporate Governance) will report any such appointment 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:

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.

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- 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
- 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 10 times per year at times to be agreed by the Leader. The Executive and its committees shall meet at the Council's main offices or another location to be agreed by the Leader.

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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 ~~shall be four.~~ The quorum for a meeting of a committee of the Executive shall be three.

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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.

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.

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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.

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.

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.