

Executive Procedure Rules

1.1 Composition

The Executive will comprise a Leader with Cabinet.

1.2 Appointment

- (a) The city council will appoint the Leader. The Leader will nominate for appointment by the council members of the Cabinet. Responsibility for Executive functions (portfolios) are set out in Part 2 of the Constitution at paragraph 3 but may be varied temporarily by the Leader in accordance with Article 15.2 of the Constitution.
- (b) The Executive will consist of the Leader and up to 9 Executive members. The Leader will appoint one of the Executive members as a Deputy Leader. The Leader will notify the council of the persons nominated by him/her for appointment to the Executive at the annual meeting of the council.

1.3 Responsibility and Role

- (a) The responsibility and the role of the Executive encompasses the following areas:-
- development of strategy and policies to implement the strategy (including preparation of the draft budget, together with plans and strategies for submission to the full council where this is a statutory or constitutional requirement)
 - political leadership
 - development of community partnerships
 - overall direction of the city council
- (b) These roles will be discharged by the Executive -
- proposing strategies and policies to the city council, including any changes in the Policy Framework, together with a budgetary framework for adoption annually, and during the financial year, as necessary. Changes to strategy will be proposed as necessary to reflect changing circumstances.
 - focusing on continuous service improvement and taking decisions on all services within the overall strategic and budgetary framework set by the council.
- (c) The Executive is empowered by the council, by virtue of the adoption of the Constitution, to take any urgent decision necessary to ensure:-
- that any government timetable for action is met.
 - that the council's position is not compromised or disadvantaged by any inability to act.
 - that council strategies and policies are delivered.
- (d) The Executive shall be under a general duty to ensure legal and financial probity in the exercise of all their functions and responsibilities and to act at all times within:

- (a) the terms of the Constitution approved by the council,
- (b) Standing orders and codes of conduct approved by the council,
- (c) any legislation which has the effect of governing the actions of the council, the Executive and any committee of the council, including regulatory committees and policy and review panels,

In exercising their responsibilities, the Executive will be advised on matters of powers and legal and financial probity by the chief executive, the director of finance and resources, and the director of corporate services.

1.4 Who may make Executive Decisions?¹

Executive functions may be discharged by:

- the Executive as a whole
- a committee of the Executive
- an individual member of the Executive or two or more members of the Executive acting together, in accordance with the scheme of delegation to individual portfolio holders, set out at Appendix A.
- an officer authorised by the Executive/the Constitution
- other arrangements provided for by the Constitution or otherwise legally available, such as joint arrangements with or by another local authority.

At individual decision meetings it should be made clear who is taking the decision and what the role is of any other officers and members including group spokespersons who attend to make representations.

1.5 Sub-delegation of Executive functions

- (a) Where the Executive, a committee of the Executive or an individual member of the Executive is responsible for an executive function, they may delegate further to joint arrangements or an officer.
- (b) Unless the Leader directs otherwise, a committee of the executive to whom functions have been delegated by the leader may delegate further to an officer.
- (c) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.6 Conflicts of Interest and Unavailability to Act

- (a) In the event that an Executive member is unavailable due to absence or illness, the Leader will depute another Executive member to discharge the responsibilities of the unavailable member, or may discharge the responsibility him/herself. In the absence of the Leader, the Deputy Leader will have power to act.
- (b) Where an Executive member is unable to act owing to a declaration of or conflict of interest, the Leader will depute another Executive member (or him/herself) to

¹ Rule 1.4 was amended by the city council on 17 January 2006

act in the place of that Executive member. Any conflict of interest will be dealt with in accordance with the council's code of conduct for members set out in Part 4 of the Constitution.

In either case any temporary change will be notified to all Members of the council.

1.7 Venue and Frequency of Executive Meetings

The Executive will meet regularly at times to be agreed by the Leader and in accordance with a calendar of meetings to be published by the committee services manager. Additional meetings may be called from time to time as and when appropriate. The Executive will normally meet in the Executive Meeting Room, The Guildhall.

1.8 Public and private meetings of the Executive

Meetings of the Executive will be held in public except when dealing with confidential or exempt matters. All meetings will be conducted in accordance with the Local Authorities Executive Arrangements (Access to Meetings and Documents) Regulations. Where any executive decisions are delegated to a committee of the Executive, the rules applying to executive decisions taken by that committee shall be the same as those applying to those taken by the Executive as a whole.

1.9 Quorum²

The quorum for a meeting of the Executive shall be 3. If at any meeting of the Executive the Leader and Deputy are both absent, subject to sufficient Executive Members being present those members shall elect from amongst themselves a chair for the meeting. The quorum for a committee of the Executive shall be two, or one quarter of the total number, whichever is larger.

1.10 Decision making 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 3 of the Constitution.
- (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.
- (c) Generally any decision that is likely to affect more than one portfolio be taken by the Executive as a whole, rather than being the subject of decision by an individual Executive Member.
- (d) Members of the Executive will be spokespersons for their particular areas of responsibility and will explain the reasoning behind the proposals from the Executive.

The Leader will decide how proposals involving cross-cutting issues will be represented on behalf of the Executive.

² Rule 1.9 was amended and Rule 1.10 was added by the city council on 17 January 2006

1.11 Notice of Meetings and recording of decisions

- (a) The matters for discussion set out in Executive agendas will be notified to all members of the city council in advance of the meeting, usually through the members' information service.
- (b) Meetings of the Executive will be minuted by the democratic services manager and his/her staff and the minutes will be public. Where a decision is taken this should be stated clearly in the minutes, in order to facilitate effective scrutiny.

The rules relating to the recording of decisions set out in Part 3 of the Constitution shall apply.

- (c) A summary reflecting decisions taken will be sent to the person chairing policy and review panels (as appropriate) within 2 working days of the relevant Executive meeting, and within 10 working days the minutes shall be made available to all members of the relevant policy and review panel. All members of the council will be advised, through the member information service, of the matters discussed and the decisions taken.

1.12 Who presides at Executive Meetings?

The Leader, or in his/her absence the Deputy Leader, will preside at Executive Meetings.

1.13 Attendance by Public and Press

These details are set out in the Access to Information Rules in Part 3 of this Constitution.

1.14 Consideration of Business

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

- I. declarations of interest, if any;
- II. consideration of the minutes of the previous meeting;
- III. matters referred to the Executive (whether by a policy and review panel 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 3 of this Constitution;
- IV. consideration of reports from policy and review panels; and
- V. 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 3 of this Constitution.

1.15 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 policy and review panels, 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.

1.16 Inclusion of items on the Executive agenda

The Leader 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 member or officer in respect of that matter.

Any member of the Executive may require the democratic services manager to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration.

The democratic services manager will place on the agenda of the next available meeting of the Executive where a relevant policy and review panel or the full council have resolved that an item be considered by the Executive.

Any member of the council may ask the democratic services manager to put an item on the agenda of an Executive meeting for consideration. No member may require an item of business to be included on an agenda if the subject matter has been considered by the city council, the Executive, a committee or panel within the preceding six months. The notice of the meeting will give the name of the councillor who asked for the item to be considered. This member will be invited to attend the meeting.

The monitoring officer and/or the chief financial officer may include an item for consideration on the agenda of an Executive meeting and may require the democratic services manager to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, chief financial 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.

**THE EXECUTIVE -
SCHEME OF DELEGATION TO INDIVIDUAL PORTFOLIO HOLDERS**

The Executive and individual members of the Executive are empowered to take decisions in the following circumstances, in respect of all Executive functions of the city council. In any other circumstances, the Executive or Individual portfolio holder will make a recommendation to the council for approval.

Executive Collective Decision Making

1. Any report or proposal which raises a matter of policy and which is within the budget and policy framework.
2. Any urgent proposal which raises a matter of policy and which is outside the budget and policy framework.
3. Any proposal to transfer budgetary provision from an item in a budget head which is the responsibility of one portfolio holder to a budget head which is the responsibility of a different portfolio holder.³
4. Consideration of reports from the monitoring officer/chief financial officer where a policy and review panel is of the opinion that any Executive decision taken, or to be taken, would be contrary to the policy framework or contrary to or not wholly in accordance with the council's budget.

Individual portfolio holders

- A. **An individual portfolio holder can, having considered the matter, decide that s/he would prefer not to exercise delegated powers and for the issue to be considered by the Executive as a whole. In such a case the portfolio holder will prepare a short covering report to the Executive with a recommendation to accompany the chief officer's report.**
- B. **These delegations also apply where two or more portfolio holders act together.**
 1. Where Executive functions are not reserved to the city council or to the Executive collectively or delegated to officers, they are Executive member matters in accordance with the respective portfolios.
 2. The following areas of responsibility are included in the matters which may be determined by the Executive member -
 - 2.1 Any situation or information report prepared by a chief officer, covering the portfolio holder's remit

³ Paragraph 5 (b)(II) of the Budget and Policy Framework Procedure Rules

- 2.2 Any MIS item, within the portfolio holder's remit, that has been referred to the Executive at the request of a councillor.
- 2.3 Any report or proposal, within the portfolio holder's remit, which does not raise a matter of policy affecting another portfolio but which is within the budget and policy framework.
- 2.4. Any urgent report or proposal, within the portfolio holder's remit, which does not raise a matter of policy but which is outside the budget and policy framework.
- 2.5 Any proposal to transfer budgetary provision from an item in one budget head to a different budget head, where both budgets are the responsibility of the same portfolio holder.⁴
- 2.6 To determine how expenditure on services should be undertaken.
- 2.7 The monitoring of the budget for services within the portfolio holder's remit.
- 2.8 Agreeing Best Value reviews for particular services
- 2.9 To determine policies for particular services, which are consistent with the Policy Framework and corporate strategies.
- 2.10 To approve service plans and annual reports.
- 2.11 To agree responses to consultation papers.
- 2.12 To appoint working parties, consultative groups and similar advisory bodies.
- 2.13 To make appointments to outside bodies.

⁴ Paragraph 5 (b)(II) of the Budget and Policy Framework Procedure Rules