

Place in Constitution	Proposed text, showing tracked changes where helpful	Comments from independent consultant
Part 4, Section 4	<p>EXECUTIVE PROCEDURE RULES</p> <p>**The suggested Rules set out below are an update of the core provisions of the current version. Changes were needed to recognise the “strong Leader” model which became effective in 2011. The revised version is brief and allows flexibility. A number of local elements in the current version have been omitted. Rather than show tracked changes, which would be difficult to follow, the local issues are addressed in the Comments column.</p> <p>1. <u>HOW DOES THE EXECUTIVE OPERATE?</u></p> <p>1.1 <u>Who may make executive decisions?</u></p> <p>The arrangements for the discharge of executive functions are determined by the Leader. The Leader may provide for executive functions to be discharged by:</p> <p>1.1.1 the Executive as a whole;</p> <p>1.1.2 a committee of the Executive;</p> <p>1.1.3 an officer;</p> <p>1.1.4 joint arrangements; or</p> <p>1.1.5 another local authority.</p>	<p><i>It is assumed that there is no wish to introduce individual decision-making powers for Executive Members.</i></p>

1.2 **Delegation by the Leader**

Following the annual meeting of the Council, the Head of Legal and Democratic Services, at the direction of the Leader, will draw up a written record of executive delegations made by the Leader for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. This will contain the following information about executive functions in relation to the coming year:

- 1.2.1 the terms of reference and constitution of such Executive committees as the Leader appoints and the names of Executive members appointed to them;
- 1.2.2 the nature and extent of any delegation of executive functions to any other authority or any joint arrangements; and
- 1.2.3 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**

- 1.3.1 Where the Executive or a committee of the Executive is responsible for an executive function, they may delegate further to joint arrangements or an officer.
- 1.3.2 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.

	<p>1.3.3 Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.</p> <p>1.4 <u>The Council’s scheme of delegation and executive functions</u></p> <p>1.4.1 The Leader may amend the scheme of delegation relating to executive functions at any time. In doing so the Leader will give written notice to the Head of Legal and Democratic Services 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 or committee. The Head of Legal and Democratic Services will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.</p> <p>1.4.2 Where the Leader seeks to withdraw delegation from a committee of the Executive, notice will be deemed to be served on that committee when he has served it on its chairman.</p> <p>1.5 <u>Conflicts of Interest</u></p> <p>1.5.1 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.</p> <p>1.5.2 If any 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.</p> <p>1.5.3 If the exercise of an executive function has been delegated to</p>	<p><i>The current Rule 1.09 requires the declaration of party whips. It is not clear why this is the case. The practice is well-understood by public observers of political decision-making.</i></p>
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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 frequency and timing of meetings of the Executive will be determined by the Leader. The Executive will 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 Executive will hold its meetings in public, except in the circumstances set out in paragraphs (a) to (c) of Regulation 4(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Briefly, these circumstances cover:

- 1.7.1 confidential information;
- 1.7.2 exempt information;
- 1.7.3 advice of a political adviser or assistant; and
- 1.7.4 disorderly conduct.

1.8 **Quorum**

- 1.8.1 The quorum for a meeting of the Executive shall be 3 including the Leader or Deputy Leader.

	<p>1.8.2 The quorum for a meeting of a committee of the Executive shall be 2.</p> <p>1.9 <u>How are decisions to be taken by the Executive?</u></p> <p>1.9.1 Executive decisions made by 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.</p> <p>1.9.2 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.</p> <p>2. <u>HOW ARE EXECUTIVE MEETINGS CONDUCTED?</u></p> <p>2.1 <u>Who presides?</u></p> <p>The Leader will preside at any meeting of the Executive or its committees at which he is present. In his absence, the Deputy Leader will preside. In his absence, then a person appointed to do so by those present shall preside.</p> <p>2.2 <u>Who may attend?</u></p> <p>These details are set out in the Access to Information Procedure Rules in Part 4 of this Constitution.</p> <p>2.3 <u>What business?</u></p> <p>At each meeting of the Executive the following business will be conducted:</p>	<p><i>The current Rules grant wide rights of participation to non-Executive Members:</i></p> <p><i>2.04 a) Scrutiny Commission Chairman & relevant Panel Chairman may speak on matters within their remit;</i></p> <p><i>2.04 b) Any Member can speak on any matter subject to giving prior notice;</i></p> <p><i>2.04 c) Any Member can speak on motion which he has submitted either direct to</i></p>
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	<p>2.3.1 consideration of the minutes of the last meeting;</p> <p>2.3.2 declarations of interest, if any;</p> <p>2.3.3 matters referred to the Executive (whether by the Scrutiny Commission, Scrutiny Panels or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;</p> <p>2.3.4 consideration of reports from the Scrutiny Commission or Scrutiny Panels; and</p> <p>2.3.5 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.</p> <p>2.4 <u>Consultation</u></p> <p>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 undertaken with stakeholders 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.</p> <p>2.5 <u>Who can put items on the executive agenda?</u></p> <p>2.5.1 The Leader will decide upon the schedule for meetings of the Executive. He may put any matter on the agenda of any</p>	<p><i>Executive or to Council which has been referred – latter is sensible; 2.04 d) Refers to “Other Members”, but seems to say same as b);</i></p> <p><i>2.04 f) Any person may be invited to attend and speak – sensible.</i></p> <p><i>In supplement to 2.04 c), current</i></p>
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	<p>Executive meeting whether or not authority has been delegated to the Executive, a committee of it or any officer in respect of that matter.</p> <p>2.5.2 Any member of the Executive may require the Head of Legal and Democratic Services to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration.</p> <p>2.5.3 The Head of Paid Service, 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 that such a meeting be convened in pursuance of their statutory duties.</p> <p>2.5.4 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 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.</p>	<p><i>2.05 c) explains that any Member can have a motion on the agenda if they have consulted the portfolio holder, or with the Leader's consent if they have received an unsatisfactory response from officers on any matter.</i></p> <p><i>2.06 provides for information exchange on the agenda by way of questions, petitions, motions and topical issues, plus any Member bringing to the attention of the Executive an issue of importance in their ward.</i></p> <p><i>2.07 details how items may be withdrawn from a published agenda – time limit and consent of Leader & Scrutiny Commission Chairman.</i></p> <p><i>Sections 3 &5 of the current Rules details how meetings of Executive Committees and Advisory Panels should operate. Revised rules could usefully be</i></p>
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