

PAPER NO. 1

REPORT TO THE EXECUTIVE MEETING OF 11 JANUARY 2016

Meeting: Executive

Date: 11 January 2016

Subject: Executive Procedure Rules – Proposed Amendments

Report of: Verina Wenham – Head of Legal and Democratic Services and
Monitoring Officer

**Portfolio
Holder:**

Status: Recommendation to Constitutional Review Committee

**Relevant
Ward(s):** All Wards

1 Purpose of the Report

1.1 To consider proposed amendments to the Executive Procedure Rules as set out in this report. The amendments will be considered by the Constitutional Review Committee as part of the current review of the Constitution.

2 Recommendations:

2.1 To consider the proposed amendments set out in Appendix A; and

2.2 refer any comments to the Constitutional Review Committee for its consideration and referral to Council for adoption.

3 Summary of Reasons for the Recommendations

3.1 The Constitutional Review Committee referred the proposed changes to the Executive for any comments which would then be considered as part of the over all review of the Constitution.

4 Key Facts

- 4.1 The rules governing the conduct of formal meetings of the Council are contained within Part 4 of the Council's Constitution. The procedure rules are separated into two parts; one governing Council and the majority of its committee meetings and the other meetings of the Executive.
- 4.2 Whilst the procedure rules have a number of similarities, particularly regarding the publication of agenda and reports under the Access to Information provisions and declaration of interests in accordance with the Code of Conduct, they are distinct.
- 4.3 In 2011 the Council adopted alternative executive governance arrangements, referred to as "the strong leader" model. Under this model, it is the responsibility of the Leader to decide who makes decisions on executive functions. The changes to the existing version of the Procedure Rules now reflect what the legal position is.
- 4.4 The proposed revised version of the procedure rules set out at Appendix A are brief and allow flexibility.
- 4.5 Paragraph 1.1 of the revised rules in Appendix A sets out whom the Leader may authorise to take executive decisions. It is a matter for the Leader to decide in his or her absolute discretion; there is no requirement to delegate at all.
- 4.6 If the Leader does decide to delegate executive functions, there is a requirement to draw up a Scheme of Delegation, setting out the detail of the delegation. This can be amended by the Leader at any time, subject to the Monitoring Officer submitting a report to Council setting out the changes.
- 4.7 The procedure rules also set out how meetings of the Executive are conducted, and have been amended to reflect the changes brought about by the Local Authorities (Executive Arrangements)(Meetings and Access to Information) (England) Regulation 2012. ("2012 Regulations")
- 4.8 The 2012 Regulations specify when the meetings of the Executive are private or public. Meetings of the Executive will be held in public unless confidential or exempt information is being considered, when a political adviser is providing advice or there is disorderly conduct. The Local Government Act 1972 already provides for certain business items to be considered in private, and these include items that are exempt or confidential.

- 4.9 The current Procedure Rules grant wide rights of participation of non – Executive members at meetings of the Executive. Whilst all members are entitled to attend any meeting of the Executive, it is unusual for non- members to have a right to speak as opposed to be able to request to speak. The current rules give little discretion to the person presiding to refuse.
- 4.10 The other aspect of the current Procedure Rules for consideration is the placing of items on the agenda. Currently any member of the Council can have an item placed on the agenda subject to the necessary consent and approvals being obtained. The revised rules set out in Appendix A provide a more streamlined process for consideration.
- 4.11 Sections 3 and 4 of the existing Procedure Rules details how meetings of the Executive Committees and Advisory Panels should operate. Revised rules could be annexed to the Executive Procedure Rules, and a proposed set of rules covering Executive Advisory Panels is attached as Appendix B. One of the main points for discussion is the extent to which the panel meetings are open to the press and public in accordance with the Access to information provisions.

5 Legal Issues

- 5.1 As set out in the body of this report.

6 Resource Issues

- 6.1 The cost of the review of the Constitution is being taken from existing budgets.

7 Equality Analysis Implications/Outcomes

- 7.1 None as far as this report is concerned.

8. Risk Management Implications

- 8.1 None as far as this report is concerned.

9 Consultation

- 9.1 The Leader has been consulted on the report.

10. Options

- 10.1 The proposals have been referred to Executive for comment by the Constitutional review Committee. Any comments will be taken into account as part of the review of the Constitution.

11 Background Papers

11.1 Local Government Act 1972

Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012

Previous report(s): N/A

Information Issued Under Sensitive Issue Procedure: Y/N

Ward Members Notified: Y/N

Appendices:

A. Proposed Amendments to the Executive Procedure Rules

B. Executive Advisory Panel Procedure Rules