

Part 4.4 Executive Procedure Rules

1. The Executive

- 1.1 The Executive comprises the Leader and Deputy Leader together with at least one, but no more than eight, councillors appointed to the Executive by the Leader.
- 1.2 The Leader will determine the scope of the portfolios and allocate them to members of the Executive. The Leader will report Executive appointments, and any changes to these appointments, to the Council.

2. Executive decisions

- 2.1 The arrangements for the discharge of executive functions will be set out by the Leader. The Leader has responsibility for the discharge of all executive functions. The Leader can delegate any or all of these functions (except those reserved functions) to:

- (a) the Executive as a whole;
- (b) a committee of the Executive;
- (c) individual members of the Executive;
- (d) an officer with identified delegated powers to act on the Council's behalf;
- (e) nominated members of the Executive acting under joint arrangements with another local authority.

2.2 Delegation of Executive Functions

- (a) Where the Executive is responsible for an executive function, it may delegate further to a committee of the Executive, joint arrangements with another local authority, a nominated member of the Executive, or to an officer of the Council.
- (b) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the Executive, should the occasion arise.

2.3 The Leader's Scheme of Delegation and Executive Functions

The Leader's Scheme of Delegation of Executive Functions will be determined and/or amended by the Leader. The Leader will report the Scheme as determined, and any amendments to it, to the Council.

2.4 Conflicts of Interest

- (a) Executive members shall act in accordance with the Waverley Code of Conduct for Members in Part 5 of this Constitution.
- (b) If the exercise of an Executive function has been delegated and should a conflict of interest arise, the function will be exercised in the first instance by the Executive and otherwise as set out in the Waverley Code of Conduct for Members in Part 5 of this Constitution.

3. Executive Meetings

- 3.1 (a) Meetings of the Executive will be set by the Leader and included in the calendar of meetings. As Chair of the Executive, the Leader may convene additional meetings, cancel or reschedule meetings, as necessary to enable the efficient and smooth operation of Executive business.
- (b) The Executive will normally meet at the Council's main offices unless another location is agreed by the Leader with the Joint Chief Executive.
- (c) Notice of Executive meetings will be given and the agenda papers for each meeting will be available in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.
- (c) Meetings of the Executive will normally begin at 6.00pm and should normally finish by 10.00pm but at a convenient time before then, the Chair may put to the meeting the options of extending the meeting until 10.30 p.m., continuing until its conclusion or adjourning the meeting.

3.2 Public or Private meetings of the Executive

- (a) All meetings of the Executive at which decisions are taken, whether or not they are key decisions within the meaning of the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012, will take place in public except where the Executive is considering confidential or exempt business.
- (b) If some or all of the business under consideration is exempt or confidential as determined under the Access to Information Rules set out in Part 4 of this Constitution, then the that part of the meeting will not be open to the media or the public.
- (c) Any members of the Executive may receive briefings from officers which will not be open to the public and press.

3.3 Quorum

The quorum for a meeting of the Executive shall be three members.

4. How decisions are taken by the Executive

- 4.1 (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 4 of this Constitution.
- (b) The Executive will deal with proposals relating to the Policy framework or budget in accordance with the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution.
- (c) The Executive recognises the need to have an inclusive approach to member decision-making. Accordingly, reports relating to the budget or policy framework will normally be considered by an appropriate Overview and Scrutiny Committee before they are submitted to the Executive. In addition, the Overview and Scrutiny Committee may identify any item from the Forward Programme for overview. The comments of the Overview and Scrutiny Committee will be included in the report to the Executive.

- (d) (i) Voting at a meeting of the Executive shall be by general assent provided that if one or more members shall indicate dissent then the vote shall be retaken on a show of hands.
- (ii) In the case of an equality of votes at a meeting of the Executive, the Chair presiding shall have a second or casting vote.
- (iii) If three members of the Executive request it, the names of those voting for, against and abstaining will be recorded.
- (iv) Any member may request that it be recorded as to how their vote has been given.

4.2 Information before taking decisions

- (a) Before taking decisions or making recommendations to the Council, the Executive will receive a written report. This will include:
 - (i) whether the report contains information which is confidential or may be exempt information;
 - (ii) the issue to be decided together with analysis/relevant data, any relevant national or regional guidance etc.;
 - (iii) the justification for the recommendation and any other options;
 - (iv) whether the matter complies with the Council's policy framework and budget, or any subordinate strategies previously approved by the Executive; or whether the decision recommended would amount to a material departure from any of these policies, budgets or strategies;
 - (v) any consultations undertaken with other public, private, voluntary and community sector agencies;
 - (vi) any resource, value for money, equality and diversity, climate change, legal or other implications;
 - (vii) any collective advice from the Corporate Management Board;
 - (viii) any comments and advice received from Overview and Scrutiny Committees;
 - (ix) the ward(s) affected;
 - (x) a list of the background papers.
- (b) Most reports will be commissioned by the Leader and/or the Portfolio Holder, and the responsibility for the content of reports will rest collectively with the Corporate Management Board. In some cases, the Corporate Management Board will initiate a report. In all cases, the Portfolio Holder will be briefed and kept fully informed of the progress of reports at all stages.

4.3 Date when Executive decisions take effect

- (a) When decisions have been taken by the Executive, the Monitoring Officer will issue to all members of the Council a summary of the decisions (the decision bulletin) as soon as reasonably practical, normally by noon on the following working day.

- (b) Decisions taken by the Executive can be called in for scrutiny by an Overview and Scrutiny Committee. The protocol for call-ins is set out in the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution. Decisions of the Executive will take effect or be actioned five working days after the issue of the decision bulletin unless the call-in process has been triggered.
- (c) Where a decision of the Executive is considered by the Mayor in conjunction with Monitoring Officer to be urgent, and any delay caused by the call-in process would seriously prejudice the Council's and the public's interest, it can take effect immediately the decision bulletin is published.

4.4 Decisions by the Leader and Individual Portfolio Holders

- (a) Where the Leader or an individual Member of the Executive receives a report which they intend to take into account in making an Executive decision, then they will not make the decision until at least 5 clear days after receipt of that report.
- (b) The officer who prepared the report will, at the same time as giving the report to the Leader or an individual Member of the Executive, give a copy of it to all Members of the Council and make the report publicly available, unless the report is exempt.
- (c) As soon as reasonably practicable after an Executive decision has been taken by the Leader or an individual member of the Executive, the Monitoring Officer will prepare a record of the decision, a statement of the reasons for it, any advice sought or received from officers, and the options considered.
- (d) The Access to Information Procedure Rules provisions apply to the making of decisions by the Leader or individual members of the Executive, and decisions will be taken at a meeting convened in accordance with those Rules.

5. Conduct of Executive meetings

5.1 If the Leader is present, they will preside. In their absence, then the Deputy Leader will preside. In the absence of both, a person appointed to do so by those present shall preside.

5.2 Who may attend?

- (a) Members of the press and public may attend any meeting where decisions are being taken by the Leader, an individual Portfolio Holder or the Executive, except where exempt or confidential information may be considered.
- (b) Any councillor may attend a meeting where decisions are being taken by the Leader, individual Portfolio Holder or the Executive which is open to the public but shall sit separately from the decision makers so that it is clear to any members of the public who are decision makers. Attendance by any councillor at these meetings will be recorded in the minutes of the meeting.
- (c) A councillor who attends a meeting where decisions are being taken by the Leader, individual Portfolio Holder or the Executive may, when invited to do so by the Leader (or person presiding, as appropriate), speak at the meeting on an item the decision maker is considering before the decision is made,

provided they have registered to speak in accordance with Council Procedure Rule 23.1

- (d) A protocol for the attendance by the Chairs of the Overview and Scrutiny Committees at Executive meetings is set out in Part 4 of this Constitution.

5.3 Business at Executive meetings

- (a) At each ordinary meeting of the Executive the following business will be conducted:
 - (i) apologies for absence;
 - (ii) consideration of the minutes of the last meeting;
 - (iii) declarations of interest, if any;
 - (iv) questions from members of the public under Rule 5.9 below;
 - (v) receive, debate and respond to any petitions presented in accordance with the Petition Scheme at Part 4 of this Constitution;
 - (vi) questions from members of the Council under Rule 5.6 below;
 - (vii) matters referred to the Executive (whether by an Overview and Scrutiny Committee 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 4 of this Constitution;
 - (viii) consideration of reports and recommendations from Overview and Scrutiny Committees; and
 - (ix) 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.
- (b) Special meetings convened to consider specific matters will not include public questions or the minutes of the last meeting.

5.4 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 Overview and Scrutiny Committees, 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.

5.5 Who can put items on the Executive agenda?

- (a) The Leader may put on the agenda of any Executive meeting any matter they wish, whether or not authority has been delegated to the Executive or any officer in respect of that matter. The Joint Chief Executive will comply with the Leader's requests in this respect.
- (b) The Monitoring Officer and/or the Executive Head of Legal and Democratic Services may include an item for consideration on the agenda of an

Executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties.

- (c) In other circumstances, where the Joint Chief Executive and Executive Head of Legal and Democratic Services /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.

5.6 Who can attend and speak at Executive Meetings?

- (a) Any member of the Council who is not a member of the Executive shall be entitled to attend any meeting of the Executive but not to vote, but they shall be entitled to speak on any specific item for up to four minutes. Any member wishing to do this shall give notice to the Executive Head of Legal and Democratic Services by noon on the day of the meeting.
- (b) A member of the Council may ask the Leader or a member of the Executive a question on any matter in relation to which the Council has powers or duties or which affects the Borough which relates to an Executive function if either
 - (i) they have given at least four clear working days' notice in writing of the question to the Executive Head of Legal and Democratic Services; or
 - (ii) the question relates to urgent matters that are not already included on the agenda, they have the consent of the Leader and the content of the question is given to the Executive Head of Legal and Democratic Services by noon on the day of the meeting.
- (c) The question will be put and answered without debate. An answer may be given orally, by reference to published material of the Council or that which is readily available to councillors, or in writing.

5.7 Dispute Resolution

Any dispute about the jurisdiction of the Executive, for example whether or not a matter is delegated to the Executive or contrary to the policy framework or budget, will be referred to the Monitoring Officer and/or the Executive Head of Legal and Democratic Services for advice as appropriate. If it is resolved not to accept such advice, the final decision as to whether the Executive can take a decision is for the Council to decide.

5.8 Urgent Decisions

Any urgent Executive or Non-Executive decisions may be taken by the Joint Chief Executive after consultation with the Leader, Deputy Leader and appropriate portfolio holder under the existing provisions in the Scheme of Delegation. Any such decisions will be reported to the next appropriate Committee or Executive meeting.

5.9 Questions by the Public

(a) Informal questions

Informal questions may be asked of the Leader, Deputy Leader or an appropriate Portfolio Holder before the start of each ordinary meeting of the Executive for up to 15 minutes, including replies. No prior notice needs to be given. Questions will be taken in the order in which questioners register with the Democratic Services Officer prior to the start of question time. When read out, each question must be concluded within 2 minutes. In the event that it is not possible to give a verbal response, a written response will be provided following the meeting.

(b) Formal questions

Members of the public may ask formal questions at ordinary meetings of the Executive in accordance with the provisions in Council Procedure Rule 10. The Leader and/or the Deputy Leader or appropriate portfolio holder should be invited to respond to the question.

6. Executive Working Groups

- (a) The Executive may at the suggestion of the relevant Portfolio Holder establish an Executive Working Group to assist with the development of policy, in-depth examination of specific service proposals, or to progress major projects.
- (b) Executive Working Groups have an advisory role only and cannot themselves take decisions. Executive Working Groups will be established and operate in accordance with the Executive Working Group Protocol at Annexe 1 to these Executive Procedure Rules.