

## **EXECUTIVE PROCEDURE RULES**

### **1. Role and Composition of the Executive**

The Executive will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution. The allocation of responsibilities is set out in Part 3 of this Constitution.

### **2. Delegation of Executive Functions**

#### **2.1** At the Annual Meeting of the Council, the Leader will present a report containing the following information regarding the discharge of executive functions in the forthcoming year:

- (a) The names of the councillors they appoint to the Executive
- (b) The terms of reference and constitution of any Executive committees the Leader appoints and the names of the councillors appointed to them;
- (c) The nature and extent of any delegation of an Executive function to an individual member of the Executive, with details of limits on those delegations and the name of the councillor to whom the delegation is made;
- (d) The nature and extent of any delegation of an Executive function to officers, with details of limits on those delegations and the title of the officer to whom the delegation is made; and
- (e) The nature and extent of any delegation of an Executive function to any other authority, or any joint arrangements including names of the Executive Members appointed to serve under those arrangements;

#### **2.2** 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 Chief Executive 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. Any changes will take effect on the day after the notice is given to the Chief Executive. The Chief Executive will present a report to the next Ordinary meeting of the Council setting out the changes made by the Leader.

#### **2.3** Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when they have served it on its Chair.

### **3. Appointments**

#### **3.1 Election of Leader**

The Leader will be elected by the Council from the elected councillors. That election will be made at the Annual Meeting of the Council immediately following an ordinary election of councillors or at a subsequent meeting if no such appointment is made and the Leader will remain in office for a period of four years until either:

- (a) the next Annual Meeting of the whole Council immediately following an ordinary election of councillors; or
- (b) the Leader ceases to be a Selby District councillor; or
- (c) the Council, by a majority vote of those present in response to a Notice of Motion submitted in accordance with the Council's rules, decides to remove the Leader from office; or
- (d) the Leader is suspended from being a councillor under Part III of the Local Government Act 2000; or
- (e) the Leader resigns as Leader.

#### **3.2 Role of the Leader**

- (a) To provide strategic vision and leadership to the political administration of the Council.
- (b) To promote excellence in the delivery of public services.
- (c) To represent the Council and its political administration in the community.
- (d) To develop and maintain effective relationships with the Council's Chief Executive, Statutory Officers and Directors.
- (e) To encourage co-operation and communication across political and Council boundaries.

#### **3.3 Key Tasks of the Leader**

- (a) To provide political leadership to the Council.
- (b) To act as a role model for appropriate behaviour, ethical practice and democratic processes.
- (c) To act as the main political spokesperson within and outside the Council.

- (d) To answer and account to the Council and the community for the delivery of services and the performance of the Council.
- (e) To challenge the performance of the Council in order to achieve improvement and excellence.

### **3.4 Appointment of Deputy Leader**

The Leader shall appoint a member of the Executive to serve as Deputy Leader. The term of office of the Deputy Leader shall be 2 years but it will be open to the Leader to revoke the appointment and appoint a new Deputy at any time.

### **3.5 Role of Deputy Leader**

The Deputy Leader shall exercise all of the powers and duties of the Leader if the Leader is unable to act in that capacity or the post of Leader is vacant.

### **3.6 Appointment of Executive Councillors**

The Leader shall appoint at least two and no more than nine elected councillors to serve on the Executive.

In the event of an Executive Member resigning or otherwise being removed from office as an Executive Member the Leader shall make a new appointment or otherwise report to the Council with any new arrangements for the discharge of executive functions. The normal term of office of an Executive Member shall be two years.

### **3.7 Role of Executive Councillors**

- (a) To assist and support the Leader in making strategic decisions on behalf of the Council.
- (b) To take a lead in an area of policy, or in relation to an aim, objective, priority or activity as the Leader may determine from time to time.
- (c) To promote and maintain high standards of conduct by members.
- (d) To represent the Council and its political administration in the community.
- (e) To influence and determine the development and review of the Council's policies, strategies, budget and service delivery.
- (f) To liaise with the Council's Chief Executive, Statutory Officers and Directors.

- (g) To represent the Council on outside bodies and partnerships.

### **3.8 Key Tasks of Executive Councillors**

- (a) To contribute towards developing and implementing new policy, strategy, programming, budget and service standards, and leading performance review.
- (b) To act as spokesperson within and outside the Council on matters allocated by the Leader from time to time.
- (c) To act as a role model for appropriate behaviour, ethical practice and democratic processes.
- (d) To provide advice and guidance to authorised officers in the execution of delegated authority where that authority requires prior consultation.
- (e) To answer and account to the Council and community for matters within the Executive's remit.

## **4. Decisions of the Executive**

Executive decisions will be made either:

- (a) by the Executive as a whole; or
- (b) by a committee of the Executive; or
- (c) by an individual member of the Executive; or
- (d) by an officer acting under delegated powers, the Scheme of Officer Delegation being set out in Part 3 of this Constitution; or
- (e) by joint arrangements; or
- (f) by another local authority.

Where the Executive as a whole, a committee of the Executive or an individual member of the Executive is responsible for an Executive function, they may in turn delegate that function to an officer or to joint arrangements, but the delegation of the function will not prevent the discharge of that function by the delegating body.

## **5. The Forward Plan**

### **5.1 Period of Forward Plan**

The Executive will prepare a Forward Plan which must list all key decisions which the Executive anticipates that they will take during the

next four months. The most recent Forward Plan will be taken to supersede any other plan.

## **5.2 Content of Forward Plan**

The Forward Plan will include the following information in respect of each key decision:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and a list of its members;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) a list of the documents submitted to the decision taker for consideration in relation to the matter.
- (e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed are available;
- (f) that other documents relevant to this matters may be submitted to the decision taker; and
- (g) the procedure for requesting details of those documents (if any) as they become available.

Particulars of Key Decisions included in the Forward Plan need not include exempt information and may not include confidential information.

## **5.3 Publication of Forward Plan**

The Forward Plan must be published at least 28 clear days before the start of the period covered.

## **5.4 Procedure before taking key decisions**

Subject to Rule 5.5 (general exception) and Rule 5.6 (special urgency), a key decision may not be taken unless:

- (a) a notice (in the 'Forward Plan') has been published in connection with the matter in question;
- (b) at least 28 clear days have elapsed since the publication of the Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Executive or

its committees, notice of the meeting has been given in accordance with Rule 6.2 (Notice of Meeting).

## **5.5 General exception**

If a matter which is a key decision has not been included in the Forward Plan, then subject to Rule 5.6 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision to ensure that notice has been published within 28 clear days of the meeting.
- (b) the Proper Officer has informed the chairman of the relevant overview and scrutiny committee or, if there is no such person, each member of the relevant overview and scrutiny committee by notice in writing, of the matter about which the decision is to be made.
- (c) the Chief Executive has made copies of that notice available to the public at the offices of the Council and on the Council's internet site.
- (d) at least five clear working days have elapsed since the Chief Executive complied with (b) and (c).

Where such a decision is taken collectively, it must be taken in public.

## **5.6 Special urgency**

If by virtue of the date by which a decision must be taken Rule 5.5 (general exception) cannot be followed, then the decision can only be taken if the Chair of the body making the decision obtains the agreement of the Chair of the Scrutiny Committee that the decision cannot be reasonably deferred and that the decision is genuinely urgent.

If there is no Chair of the Scrutiny Committee, or if the Chair of the Scrutiny Committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman will suffice. If the relevant person does not agree that the decision may be reasonably regarded as urgent in the circumstances then the decision cannot be taken other than in accordance with these Rules.

As soon as practicable after agreement has been obtained, a notice must be made available at the Council's offices setting out the reasons that the making of the decision is urgent and cannot reasonably be deferred.

This notice must also be published on the Council's internet site.

## **5.7 Report To Council on special urgency decisions taken**

The Leader will submit at least annually a report to the Council on the Executive decisions taken in the circumstances set out in Rule 5.6 (special urgency) in the period since the last report was submitted. The report will include the particulars of each decision made and a summary of the matters in respect of which those decisions were taken.

## **6. Meetings of the Executive**

### **6.1 Frequency and location of Meetings**

The Executive will normally meet on a monthly cycle, at such dates and times as shall be determined by the Leader and notified to the Council at its Annual Meeting.

The Executive shall meet at the Council's principal offices or at such other location as the Leader may from time to time determine.

### **6.2 Notice of and Public Access to Meetings and Agendas**

Notice of the time and place of an Executive meeting will be given in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

All meetings of the Executive shall be in public in accordance with the Access to Information Procedure Rules, set out in Part 4 of this Constitution subject to Rule 6.3 below. This does not preclude meetings which involve private, informal, discussion between Executive Members and others.

Any councillor may attend any meeting of the Executive as a member of the public, but there is no right for non-Executive Members to speak or vote at Executive meetings.

However a non-Executive Councillor may speak at any public meeting of the Executive if they first obtain the consent of the Leader or the Chair of the meeting if different.

The Statutory Officers of the Council shall have the right to attend any meeting of the Executive and shall be entitled to speak on issues affecting their statutory responsibilities.

### **6.3 Notice of Private Executive Meetings**

Where the Executive is likely to consider an item which contains exempt or confidential information and will require the public to be excluded from the meeting to prevent the disclosure of information the process set out in the Access to Information Procedure Rules in Part 4 of this Constitution will be followed.

## **6.4 Agenda**

The Agenda will generally follow the format below

- (a) apologies for absence
- (b) consideration of the minutes of the last meeting;
- (c) declarations of interest, if any;
- (d) matters referred to the Executive (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration in accordance with the provisions of the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (e) consideration of reports from Overview and Scrutiny Committees;
- (f) reports from Statutory Officers in respect of their functions;
- (g) the items of business set out in the agenda for the meeting.

The items of business set out in the Executive Forward Plan and in the agenda will indicate which are key decisions and which are not.

## **6.5 Who can put 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. The Chief Executive will comply with the Leader's requests in this respect.

Any member of the Executive may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration. If they receive such a request the Chief Executive will comply.

The Chief Executive will make sure that an item is placed on the agenda of the next available meeting of the Executive where an Overview and Scrutiny Committee or the Council has resolved that an item be considered by the Executive. However, there may only be up to three such items on any one agenda.

Any member of the Council may ask the Leader to put an item on the agenda of an Executive meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Executive. The notice of the meeting will give the name of the councillor who asked for the item to be considered. This individual will be invited to



attend the meeting, whether or not it is a public meeting. However, there may only be one such item per Executive meeting unless the Leader exercises discretion to allow more than one.

The Head of Paid Service, 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 Chief Executive to call such a meeting in pursuance of their statutory duties.

## **6.6 Quorum**

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

## **6.7 Substitutions**

Substitutes are not permitted for Executive Members, but the absence of an Executive Member shall not prevent consideration and determination of any matter if a quorum is present.

## **6.8 Conflicts of interest**

If a conflict of interest arises during the consideration of any matter which is an Executive function, it will be dealt with in accordance with the Code of Conduct for Councillors set out in Part 5 of this Constitution.

If during the exercise of an Executive function that has been delegated a conflict of interest arises, then the function will in the first instance be exercised instead by the body or person by whom the delegation was made or otherwise in accordance with the Code of Conduct for Councillors, set out in Part 5 of this Constitution.

## **7. Record of decisions at Executive meetings**

As soon as reasonably practicable after any meeting of the Executive, the Proper Officer must ensure that a written statement is produced for every executive decision which includes:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected at the meeting; and
- (d) a record of any conflict of interest or Disclosable Pecuniary Interest declared by a member relating to the matter decided and if applicable, a note of any dispensation granted in respect of that interest.

**8. Record of Executive Decisions Taken by the Leader**

**8.1** As soon as reasonably practicable after a decision has been taken in relation to executive arrangements by the Leader, the Proper Officer will prepare a written statement of that decision which includes:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the Member at the time of making the decision; and
- (d) a record of any conflict of interest or Disclosable Pecuniary Interest declared by any Executive Member consulted by the Member who made the decision and if applicable, a note of any dispensation granted in respect of that interest.

**9. Record of Executive Decisions Taken by Officers**

**9.1** As soon as reasonably practicable after a key or significant operational decision has been taken by an officer, he/she will prepare a written statement of that decision which includes:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the officer at the time of making the decision; and
- (d) a record of any conflict of interest or Disclosable Pecuniary Interest declared by any Executive Member consulted by the officer who made the decision and if applicable, a note of any dispensation granted in respect of that interest.

**10.4. Call-in**

The Call-In process is outlined in paragraph seven of the Overview and Scrutiny Procedure Rules (Part 4.5).