

## Part 5

### Executive

#### 1 Introduction

- 1.1 The Council operates an executive leader and cabinet executive model of governance, as set out in the LGA 2000.

#### 2 Leader of Council

- 2.1 The Leader of Council (“the Leader”) shall be a Councillor elected as Leader at the Annual Meeting of Council following local elections, or in the event of a vacancy.
- 2.2 The Leader shall hold office until:
  - 2.2.1 they resign from office; or
  - 2.2.2 they are removed from office by resolution of the Council; or
  - 2.2.3 (following local elections) their successor becomes entitled to act as Leader.

#### 3 Deputy Leader of Council

- 3.1 The Leader shall appoint a Deputy Leader of Council (“the Deputy Leader”) who shall cease to be Deputy Leader if they:
  - 3.1.1 resign from the office; or
  - 3.1.2 are no longer a Councillor; or
  - 3.1.3 they are removed from office by the Leader.
- 3.2 In the event of a vacancy in the post of Deputy Leader, the Leader shall appoint a new Deputy Leader.
- 3.3 The Deputy Leader shall:
  - 3.3.1 chair the Executive in the Leader’s absence;
  - 3.3.2 act in the Leader’s place if for any reason the Leader is unable to act.

#### 4 Appointment of the Executive

- 4.1 The Leader shall appoint an Executive of at least two, but no more than nine, Councillors including the Deputy Leader (plus themselves) upon their election as Leader.
- 4.2 The Leader shall ascribe executive portfolios to individual Executive Members (each the “Lead Member” for that portfolio).
- 4.3 The Leader shall chair the Executive.
- 4.4 The Executive may not include the Chairman or Vice-Chairman of Council.
- 4.5 There may be no Substitutes for Executive Members at Executive Meetings.
- 4.6 The Leader may change the number and/or composition of the Executive at any time by notifying the Chief Executive in writing.
- 4.7 The Leader shall announce the current composition of the Executive at each Annual Council Meeting and at the next Council Meeting following any change.

## 5 Scope of Role - Statutory

- 5.1 The Leader is responsible for all executive functions as set out in the LGA2000 (“Executive Functions”).
- 5.2 The Executive may make decisions on all matters except those prohibited by law (eg under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000).

## 6 Scope of Role – General

- 6.1 The Leader shall establish an Executive Scheme of Delegation from time to time setting out how Executive Functions are to be discharged.
- 6.2 The Leader may amend the Executive Scheme of Delegation at any time by notifying the Chief Executive and Monitoring Officer in writing.
- 6.3 The Monitoring Officer shall ensure that changes to the Executive Scheme of Delegation are incorporated in the Constitution and notified to all Councillors.
- 6.4 Decisions of the Leader, the Executive, Committees of the Executive, individual Lead Members, and Key Decisions taken under delegated powers of Officers, are referred to together as “Executive Decisions” (for the avoidance of doubt, reports published for information only will not be treated as requiring an Executive Decision).
- 6.5 A Protocol in respect of decisions by the Leader or other Executive Members is contained in an Appendix to this Part.

## 7 Key Decisions

- 7.1 A “Key Decision” is a decision in respect of an Executive Function that is significant within the meaning of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in that, in the opinion of the Chief Executive, or the S151 Officer, or the Monitoring Officer (each a “Relevant Officer”), it meets the financial and/or community impact criteria set out below.
- 7.2 A decision is significant financially if it will result in the Council:
  - 7.2.1 incurring potential revenue expenditure or making savings above an amount determined by Council;
  - 7.2.2 incurring potential capital expenditure or making savings above an amount determined by Council.
- 7.3 A decision is significant in terms of community impact if its effect on communities living or working in an area comprising two or more Wards or electoral divisions would result in:
  - 7.3.1 a significant number of users of the service in the Wards or divisions being affected; and/or
  - 7.3.2 an impact that will last for a number of years or be permanent; and/or
  - 7.3.3 a significant impact on communities in terms of environmental and social well-being.
- 7.4 The following are not regarded as constituting Key Decisions:
  - 7.4.1 implementing approved budgets or policies and strategies where there is little or no further choice involved and the main decision has already been taken by the Council in agreeing the Budget and Policy Framework;
  - 7.4.2 implementing approved actions and targets in annual service plans;
  - 7.4.3 Social care costs delegated to Executive Directors (Adult Social care) and (Children and Families) as approved by the Chief Executive
  - 7.4.4 changes arising from amendments to statute where there is little or no discretion.

7.5 Where a Key Decision is taken by the Executive, it must be taken in public, except for items that are deemed to include Exempt Information.

## 8 Publicity in connection with Key Decisions (the Executive Forward Plan)

8.1 A Forward Plan will be prepared and published at least 28 days before the Key Decision is made unless an urgent decision is required.

8.2 The Forward Plan will contain matters which the Leader has reason to believe will be the subject of a Key Decision.

8.3 The Forward Plan will describe the following particulars insofar as the information is available, applicable or might reasonably be obtained:

8.3.1 the matter in respect of which a decision is to be made;

8.3.2 where the decision taken is by an individual their name and title, if any, and where the decision-taker is a body, its name and details of membership;

8.3.3 the date on which, or the period within which, the decision will be taken;

8.3.4 the identity of the principal individuals or groups that the decision-taker proposes to consult before taking the decision;

8.3.5 the means by which any such consultation is proposed to be undertaken;

8.3.6 the steps any person might take who wishes to make representations to the Executive or decision-taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and

8.3.7 a list of the documents submitted to the decision-taker for consideration in relation to the matter.

8.4 Exempt Information and Confidential Information will not be included in the Forward Plan.

## 9 Exceptions to publicity in connection with Key Decisions

9.1 Where publicity of a Key Decision for 28 days is impractical, that decision may only be taken:

9.1.1 If it is an Urgent Key Decision and the rules relating to such have been followed; or

9.1.2 if the Monitoring Officer has:

9.1.2.1 informed the relevant Scrutiny Committee Chairman or, in their absence, each Member of that Scrutiny Committee, by notice in writing, of the matter about which the decision is to be made;

9.1.2.2 made a copy of that notice available at the Council offices for inspection by the public and published it on the Council's website.

9.2 As soon as reasonably practicable after the Monitoring Officer has complied with paragraph 9.1.2 they must:

9.2.1 make available at the Council offices a notice setting out the reasons why compliance with paragraph 8.1 is impracticable; and

9.2.2 publish that notice on the Council's website.

9.3 Where the procedure at 9.1.2 has been followed, the decision may be taken after five Clear Days have elapsed.

## 10 Urgent Key Decisions

- 10.1 An Urgent Key Decision is a Key Decision that, in the opinion of a Relevant Officer, needs to be determined urgently, making publicity of the decision in accordance with paragraph 8.1 or compliance with paragraph 9.1.2 impractical. In those circumstances, the Urgent Key Decision can only be made where the Relevant Officer has obtained agreement that the making of the decision is urgent and cannot reasonably be deferred from:
- 10.1.1 the relevant Scrutiny Committee Chairman; or
  - 10.1.2 in the absence of the relevant Scrutiny Committee Chairman, the Chairman of Council; or
  - 10.1.3 in the absence of the Chairman of Council, the Vice-Chairman of Council.
- 10.2 Where the procedure at 10.1 has been followed, the decision may be taken immediately.
- 10.3 As soon as reasonably practicable after the Relevant Officer has obtained agreement as above, they must:
- 10.3.1 make available at the Council offices a notice setting out the reasons that the decision is urgent and cannot reasonably be deferred; and
  - 10.3.2 publish that notice on the Council's website.

## 11 Recording and Publication of Executive Decisions

- 11.1 All Executive Decisions will be recorded as soon as practicable, including:
- 11.1.1 a record of the Executive Decision and the date it was made;
  - 11.1.2 the reasons for the Executive Decision;
  - 11.1.3 any alternative options considered and rejected in making the Executive Decision; and
  - 11.1.4 any conflict declared by the decision maker(s) and any dispensations granted.
- 11.2 All Executive Decisions shall be published on the Council's website as soon as practical.

## 12 Call-In

- 12.1 The procedure for Calling-In an Executive Decision is set out in Parts 6.4, 6.9 and 6.10 (Council Bodies; Health and Adult Social Care Scrutiny Committee Appendix, Resources and Place Scrutiny Committee Appendix, and Children and Young People Scrutiny Committee Appendix).

## 13 Decisions not Subject to Call-In

- 13.1 The Call-In procedure shall not apply where the Executive Decision:
- 13.1.1 has been the subject of a previous Call-In request; or
  - 13.1.2 is due to be referred to Council for final approval (eg the budget);
  - 13.1.3 has been considered by any Scrutiny Committee or any Scrutiny Committee Sub-Body within the preceding six months; or
  - 13.1.4 in the opinion of a Relevant Officer has to be implemented before the expiry of the Call-in Period, and:
    - 13.1.4.1 is an Urgent Key Decision; or
    - 13.1.4.2 in the opinion of a Relevant Officer a delay in implementing the decision would have serious financial implications for the Council or could compromise the Council's position.

- 13.2 If a decision is stated not to be subject to Call-In, an explanation to support the reason why that is asserted must be specified in the report. In the event of a dispute over the reason why the item is not subject to Call-In, a decision of a Relevant Officer shall be final.

## 14 Implementation of Decisions

- 14.1 Except for an item that is not subject to Call-In (see 13), Executive Decisions shall not be implemented until either:
- 14.1.1 the Call-In Period has expired without such a request being made; or
  - 14.1.2 the Call-In process has concluded.

## 15 Executive Agenda

- 15.1 The Agenda for an Executive Meeting shall include any item requested by:
- 15.1.1 the Leader;
  - 15.1.2 the Council;
  - 15.1.3 any Scrutiny Committee or any Scrutiny Committee Sub-Body;
  - 15.1.4 any Council Committee;
  - 15.1.5 any Statutory Officer (and reports of Statutory Officers may not be deferred if, in the opinion of the Officer concerned, it is necessary for the report to be considered at that Executive Meeting).
- 15.2 The Leader and the Chief Executive will agree the Agenda for each Executive Meeting to ensure that the volume of business is manageable and appropriate information is available about any item on the Agenda.