

# West Berkshire Council Constitution

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## Part 5

## Executive Rules of Procedure

### Document Control

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2	22 Sept 2011	See range of amendments made at Full Council	
3	April 2012	Changes to whole document as a consequence of the Senior Management Review	
4	December 2012	Amendments following introduction of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	



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## **5.1 How the Executive Operates**

### **5.1.1 Function and Composition of the Executive**

The Executive is the part of the Council which is responsible for making all 'key decisions' within the approved Budget and Policy Framework. Key Decisions are defined by regulation 8 of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012) as an Executive decision which is likely:

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision is related.
- (b) to be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

The Executive has to make decisions which are in accordance with the Council's overall policies and budget. If the Executive wishes to make a decision outside the Budget and Policy Framework (Part 9 (Budget and Policy Framework Rules of Procedure) refers), this must be referred to the Council as a whole to decide.

### **5.1.2 Election of the Strong Leader**

The Executive will consist of an Executive Leader, appointed under the Stronger Leader and Cabinet Model, who shall be a Member elected for a four year period (or the remaining period until an election) at the Annual Meeting of the Council following local elections.

The Strong Executive Leader will hold office until:

- they resign from the office; or
- they are suspended from being a Member under Part III of the Local Government Act 2000 (as amended by the Local Government and Public Involvement in Health Act 2007)
- they are no longer a Member; or
- they are removed from office by resolution of the Council.

### **5.1.3 Appointment of the Executive**

The Executive Leader will appoint the Executive of at least two but no more than nine Members at the annual Council meeting each year.

The Executive cannot include the Chairman or Vice-Chairman of the Council and there will be no substitutes or co-optees for Executive Members.

Members of the Executive cannot be Members of the Council's Overview and Scrutiny Management Commission but may be Members of Scrutiny Task Groups.

### **5.1.4 Appointment of the Deputy Leader**

The Executive Leader will chair the Executive and will appoint a Deputy Leader to act as Vice-Chairman in their absence. The Deputy Leader is

appointed by the Leader and ceases to be Deputy Leader when the Leader ceases to be Leader

#### **5.1.5 Who may make Executive Decisions**

The arrangements for the discharge of Executive functions are set out in the Executive arrangements adopted by the Council. The Executive Leader can provide for Executive functions to be discharged by:

- the Executive as a whole;
- a Committee of the Executive;
- an individual Member of the Executive;
- an Officer;
- joint arrangements; or
- another local authority.

#### **5.1.6 Delegation by the Executive Leader**

At the Annual Meeting of the Council, the Executive Leader will present to the Council a written record of delegations they have made for inclusion in Part 3 of this Constitution.

The document presented by the Executive Leader will contain the following information about Executive functions in relation to the coming year:

- The names, addresses and wards of the people appointed to the Executive by the Executive Leader.
- The extent of any authority delegated to Executive Members individually, including details of the limitation on their authority.
- The terms of reference and constitution of such Executive Committees as the Executive Leader appoints and the names of Executive Members appointed to them.
- The nature and extent of any delegation of Executive functions to any other authority or any joint arrangements and the names of those Executive Members appointed to any Joint Committee for the coming year.

#### **5.1.7 Sub-Delegation of Executive Functions**

Where the Executive, a Committee of the Executive or an individual Member of the Executive is responsible for an Executive function, they may delegate further to a joint arrangement or an Officer.

Unless the Council directs otherwise, if the Executive Leader delegates functions to the Executive, then the Executive may delegate further to a Committee of the Executive or to an Officer.

Unless the Executive Leader directs otherwise, a Committee of the Executive to whom functions have been delegated by the Executive Leader may delegate further to an Officer.

Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.



The Chief Executive will maintain a written record of delegations made by the Executive Leader, or an Executive Member or Committee.

#### **5.1.8 Decisions by Individual Portfolio Members of the Executive**

Decisions by Individual Portfolio Holders will be made in accordance with Appendix B (Protocol for Decision Making by Individual Executive Members) of Part 13 (Codes and Protocols) of this Constitution.

#### **5.1.9 Health and Wellbeing Board**

The Executive Rules of Procedure apply in full to the Health And Wellbeing Board as it is a Sub-Committee of the Executive. (See Articles Paragraph 2.6.9 (Health and Wellbeing Board)).