

## **2. EXECUTIVE PROCEDURE RULES**

### **1. THE EXECUTIVE**

- 1.1 The Executive comprises the Leader of the Council, and an Executive of no fewer than two nor more than ten other elected members of the Council. The method of appointment is set out in the Council Procedure Rules. Up to but no more than 3 Assistant Executive Members may also be appointed, with their role as outlined in section 13.
- 1.2 Any reference in these arrangements to the Executive, or its members, includes the Leader of the Council.
- 1.3 In the event of the resignation or death of a member of the Executive or in the event of a member of the Executive being ill for a prolonged period, the Leader of the Council may appoint another member of the Council to fill that place.
- 1.4 The Council can dismiss the Leader of the Council, provided that a recommendation to that effect appears on the Council agenda, and may then proceed to appoint a new Leader.
- 1.5 The Leader of the Council shall chair the Executive, or in his/her absence, the Deputy Leader.

### **2. ROLE OF THE EXECUTIVE**

- 2.1 The role of the Executive is to lead the preparation of the Council's policy and budget framework, to lead the community planning process and the achievement of best value, to implement the Council's policies and budget within the framework, to take in-year decisions on such matters and to be the focus for local strategic partnerships.
- 2.2 In support of this role the Executive will:-
  - (a) Consider and manage the exercise of all the functions and powers of the Council which are by law the responsibility of the Executive;
  - (b) Consider and make recommendations to the full Council on any matters which it is the responsibility of the full Council to determine;
  - (c) Consult as the Executive thinks fit on any matter.
  - (d) Conduct best value reviews under the Local Government Act 1999 subject to consultation with the appropriate select committee and to the participation of members of the appropriate select committee in individual best value reviews and receive reports on best value reviews undertaken.

- (e) Consider and respond to reports and recommendations from any select committee.
  - (f) The Executive may report direct to the Council and to any committee.
- 2.3 The Executive will as appropriate or necessary, seek the advice of the Chief Executive, the Monitoring Officer and the Chief Finance Officer on any matter and shall have regard to any advice so given.
- 2.4 The Monitoring Officer is designated Proper Officer for matters relating to the membership and meetings of the Executive, including summoning meetings of the Executive, circulating the agendas and papers for such meetings and recording every decision taken by the Executive. Such record shall include the reasons for such decision and any alternative options considered and rejected.
- 2.5 The Monitoring Officer as Proper Officer, is responsible for undertaking the various notifications of decisions of the Executive required by this Constitution.

### **3. MEETINGS OF THE EXECUTIVE**

- 3.1 The Executive shall meet eight times a year and may meet more often, as it decides.
- 3.2 The Access to Information Rules 13 – 24 apply to formal meetings of the Executive. Subject to these, the Executive meetings will be open to the press and public and to other members of the Council.
- 3.3 The Agenda for the Executive will be arranged, where possible, so that items relating to the business of a particular Select Committee will be grouped together. The Executive will consider whether to arrange its business so that Officer attendance can be limited to items that are within their area of responsibility.
- 3.4 Up to 2 representatives nominated by the relevant Select Committee, shall be entitled to attend and speak (but not vote) when the Executive considers any reference-back of a called-in decision [see the Select Committee Procedure Rules in Part 4 of the Constitution].
- 3.5 Group Leaders or their nominees shall be entitled to speak (but not vote) on any matter before the Executive.
- 3.6 Chairmen of Select Committees or their nominees shall be entitled to speak (but not vote) when the Executive considers any report back to the Executive on a specific matter.
- 3.7 The quorum for a meeting of the Executive shall be 3 and will normally include either the Leader of the Council or the Deputy Leader.

3.8 If the Leader of the Council is present, he/she will preside at the meeting. If he/she is absent, then the Deputy Leader will preside. In the absence of them both, the Leader of the Council may appoint another person to preside but if no such appointment is made then those of the Executive present shall decide.

#### 4. BUSINESS CONDUCTED AT MEETINGS OF THE EXECUTIVE

4.1 At each meeting of the Executive the following will be on the agenda:-

- (i) Declarations of interests;
- (ii) Decision Notices of the last meeting;
- (iii) Matters referred to the Executive (whether by a select committee or by the Council) for reconsideration by the Executive under the call-in procedure contained within the Select Committee Procedure;
- (iv) Questions to the Executive
  - a. from Members
  - b. from the Public
- (v) Petitions received from members of the public;
- (vi) Reports from Select Committees; and
- (vii) Reports of officers or members of the Executive which shall indicate those which fall within the definition of key decision and those which do not, in accordance with the Access to Information Procedure Rules.

4.2 The Executive may require any portfolio holder, the Chief Executive or Strategic Director to report to the Executive on any matter that is within their area of responsibility.

4.3 The Leader of the Council after consultation with the Monitoring Officer will decide upon the calendar and agenda for the meetings of the Executive. The Monitoring Officer will comply with the Leader's requests in this respect.

4.4 Any member of the Executive may request the Leader of the Council to arrange for an item to be placed on the agenda of the next available meeting of the Executive for consideration.

4.5 An item will be placed on the agenda of the next available meeting of the Executive where a relevant Select Committee or the full Council have resolved that an item be considered by the Executive.

4.6 The Monitoring Officer and/or the Chief Finance Officer may require an item to be included for consideration on the agenda of the Executive. If there is no meeting of the Executive soon enough to deal with the issue, then the person

entitled to include the item may also require that a meeting be convened at which the matter will be considered.

- 4.7 If a petition is received from members of the public, it will be referred to the Executive member with relevant portfolio. After consulting with the Monitoring Officer, they will refer it to the next most convenient meeting of full Council, of the Executive, relevant Committee or Area Board as appropriate. They will also decide on an appropriate lead person for the petition, this could be a signatory to the petition, a member who has expressed support for the petition, or the most appropriate officer and they will have the right to speak to it.

## 5. **TAKING EXECUTIVE DECISIONS**

5.1 The Executive has no power to:-

- (a) Take decisions on matters reserved to the full Council
- (b) Take decisions on matters that may not by law be determined by the Executive
- (c) Vary any delegation that must be approved by full Council

### **Collectively**

- 5.2 Subject to the above limitations, the Executive may collectively take any decision on any matter within the scope of the Executive's role.
- 5.3 The Executive may establish one or more sub-groups for specified task and finish time-limited purposes. Such sub-groups may be given delegated powers and shall report on any decisions taken to the Executive. The Leader of the Council shall appoint the Chairman and members of the sub-group from amongst the members of the Executive.

### **Individually**

- 5.4 The Executive may delegate decisions to individual portfolio holders. These are set out in Table 4a of Part 3 of the Constitution. These decisions may include key decisions and will be recorded in the same manner as all individual executive decisions as set out in Rule 22.3 of the Access to Information Procedure Rules.
- 5.5 The Executive may add or vary or delete any delegation and shall update the delegations at not less than annual intervals and shall report to the Council on any changes that are made.
- 5.6 Delegations of less than six months duration will not be recorded in Table 4a.

## **Officer Delegations**

- 5.7 The Executive or a member of it may delegate to the Chief Executive and Executive Directors, power to take decisions and may add, vary or delete any delegation at any time.
- 5.8 The Executive will update the relevant delegations to officers at not less than annual intervals and will report to the Council on any changes so made.
- 5.9 The introduction to Tables 5 – 8 in Part 3 of the Constitution specify circumstances in which the Chief Executive or a Executive Director may delegate Executive functions to an officer in accordance with the Scheme to be approved by the Executive. The Executive shall keep such schemes under review and may from time to time add to, vary or delete any delegations provided for therein.
- 5.10 Delegations of less than 6 months duration will not be recorded in the Officer Delegation Scheme.

## **6. CONFLICTS OF INTEREST**

- 6.1 Where any member of the Executive has a Code of Conduct interest or conflict of interest, this will be declared and dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- 6.2 If every member of the Executive has an interest, this will also be dealt with as set out in the Council's Code of Conduct and if of a personal and prejudicial nature, an application may be made to the Standards Committee for dispensation.
- 6.3 Where a member of the Executive has power to make an individual decision and a conflict of interest or prejudicial interest arises, the decision can be taken by the Leader or Deputy Leader of the Council instead.
- 6.4 If the exercise of an executive function has been delegated to an officer and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Officers' Code of Conduct and the Officer Delegation Scheme.

## **7. KEY DECISIONS AND THE FORWARD PLAN**

- 7.1 The Leader of the Council is responsible for producing a Forward Plan of key decisions as required by the Access to Information Rules set out later in this Part 4 of the Constitution.
- 7.2 High Peak Borough Council considers the following to be key decisions:-
  - (i) A report proposing changes or additions to the Budget and policy framework (as defined in the Constitution),

- (ii) A report in connection with the preparation of the annual Revenue Budget;
- (iii) A report in connection with the preparation of the Capital Programme;
- (iv) A report proposing specific action which is outside the Budget and policy framework, annual Revenue Budget or Capital Programme previously approved by the Council;
- (v) A report in connection with the Best Value Performance Plan, which requires a decision to be made by the Executive;
- (vi) Any decision to spend £10,000 or more over the Council approved budget for any budget item; any decision to spend over £60,000 revenue or £150,000 capital that is within budget, or any decision to vire more than these amounts from one budget head to another, or any decision which would result in a saving of £10,000 to any budget head;
- (vii) A report proposing action which the originator of the report, in consultation with his or her Chief Officer, and in consultation with the relevant portfolio holder, believes may have a significant impact on communities living or working in an area comprising one or more Wards.

## **8. PUBLICATION OF DECISION NOTICES**

- 8.1 Decision Notices will be published in accordance with the Access to Information Rules and within five days of the date they were made. For the purposes of this paragraph “published” means putting the Decision Notices on the Intranet and web site and making copies available for inspection at the Council Offices at Buxton Town Hall and Municipal Buildings, Glossop on request.
- 8.2 The Decision Notices will indicate whether or not the decision is subject to the call-in procedure. If it is then it will not be implemented for a further three clear days during which period any three Select Committee members may call-in the decision as set out in the Select Committee Procedure Rules.

## **9. DEPARTURES FROM POLICY / BUDGETS**

- 9.1 The Executive must work within the policies of the Council and the budgets (capital and revenue) approved by the Council. The approval of the Council is normally required to any decision of the Executive which departs from policy or budget.
- 9.2 To allow the business of the Council to remain streamlined, the Executive will have flexibility to approve minor departures from Council policy.

- 9.3 The Executive may approve revenue expenditure of up to £60,000 on any one item or series of items for which no provision has been made in the budget.
- 9.4 The Executive may approve capital expenditure of up to £150,000 on any one item or series of items for which no provision has been made in the budget provided that virement from elsewhere in the Capital Programme or the necessary resources are identified.
- 9.5 In cases of special urgency falling outside the above, the Executive may approve expenditure without the need for Council approval if the Leaders of all political groups on the Council (or in their absence their deputy or other member of the political group appearing, in the view of the Monitoring Officer, to have sufficient authority) signify their agreement in writing.
- 9.6 In any case where the Executive act within the provisions set out in paragraphs 9.2 – 9.5 above, the Decision Notices of the Executive will clearly identify the action taken and the fact that it is a departure from policy / budget as the case may be.

## 10. **RECOMMENDATIONS TO COUNCIL**

- 10.1 The Executive shall submit to the Council only:
- (i) Its recommendations to the Council which require Council approval, or
  - (ii) Reports on matters it wishes the Council to consider.
- 10.2 Reports of the Executive will be in the name of the Executive Member who is to present it to the Council.

## 11. **OUTSIDE BODIES**

- 11.1 The Executive shall appoint members to outside bodies as set out in Article 10 in Part 2 of the Constitution.

## 12. **SUBSTITUTES**

- 12.1 No substitutes may be appointed to meetings of the Executive.

## 13. **Role and responsibility of Assistant Executive Members as detailed in Appendix A.**

## 14. **DECLARATIONS OF INTERESTS**

- 14.1 Executive members are subject to the same rules as other Councillors in respect of the declaration of interests.

## 15. **CONSULTATION**

- 15.1 Reports to the Executive must contain details of the nature and extent of any consultation and the outcome of that consultation.
- 15.2 Each portfolio holder may from time to time make arrangements for consultation with persons or bodies who are not members of the Council, about any matter within their portfolio but such consultative or advisory arrangements shall not give rise to any delegated powers being vested in any person or body so consulted or asked to advise.

## 16. **Questions by Members**

16.1 If written notice by email is given to the Monitoring Officer by 5.00 pm four clear days (not including public holidays) before the Executive Meeting, a member of the Council may ask the Leader of the Council 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

16.2 The question will be put and answered without discussion.

16.3 Answers shall be in writing and circulated to all members of the Council.

16.4 If the information is in a publication of the Council or other published work, a reference to that publication will be deemed a sufficient answer.

16.5 A member asking a question under this Rule may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

## 17. **Questions by the Public**

### **General**

17.1 Members of the public who are on the register of electors for High Peak may ask questions of members of the Executive at ordinary meetings of the Executive. The maximum period of time for questions by the public at an Executive meeting shall be 15 minutes. This may be extended at the chair's discretion

### **Order of Questions**

17.2 Questions will be asked in the order in which they were received, except that the Chair may group together similar questions.



### **Notice of Questions**

17.3 A question may only be asked if notice has been given in writing or by email to the Monitoring Officer no later than 5.00 pm four clear working days before the Executive Meeting. The notice must give the name and address of the questioner.

### **Number of Questions**

17.4 At any one meeting no person may submit more than one question, and no more than one question may be asked on behalf of one organisation.

### **Scope of Questions**

17.5 The Monitoring Officer may reject a question if it is not about a matter for which the Council has a responsibility, or which does not affect the Borough; is defamatory, frivolous or offensive; is substantially the same as a question which has been put at a meeting of the Council in the past six months; or requires the disclosure of confidential or exempt information.

### **Asking the Question at the Meeting**

17.6 The Chair will invite the questioner to put the question to the member named in the notice. If the questioner who has submitted a written question is unable to be present, he/she may ask the Chair to put the question on his/her behalf. In the absence of the questioner, the Chair may ask the question on the questioner's behalf, indicate that a written reply will be given, or decide that the question will not be dealt with.

### **Supplementary Question**

17.7 A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his/her original question. A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds set out above.

### **Written Answers**

17.8 Any questions not answered at the end of the time allocated for questions by the public will be answered in writing. Any question that cannot be dealt with during public question time because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

## Record of Questions

17.9 The Monitoring Officer will keep a record, open to public inspection, of all public questions received and will immediately send a copy of the question to the member to whom it is to be put.

Rejected questions will include reasons for the rejection. Copies of all questions will be circulated to all members and will be made available to the public attending the meeting. The Monitoring Officer will be responsible for sending to the questioner a copy of the answer provided at the Council Meeting as soon as practicable after the Executive Meeting.

## Appendix A

### Assistant Executive Member Role Description

The key responsibilities for the role of an Assistant Executive Member are identified as follows:

Executive Assistants will provide general political support to the Executive and will, mainly, achieve this by supporting particular Executive Councillors' portfolios and areas of executive work and be responsible in the first instance to a named Portfolio Holder. Their roles will include the following:

1. Development of policy in areas allocated by the Executive including leading policy development in particular areas of the Portfolio Holder's responsibilities. This will involve attending weekly briefings with executive councillors and/or senior officers, contributing to the discussions of key issues facing the leadership of the council and its partners.

2. Assisting Executive Councillors in all elements of work within their portfolios, including:

(i) carrying out research and providing advice on executive functions, including briefings to support portfolio decisions;

(ii) supporting liaison between the Executive Councillors and other Councillors, Corporate Directors and the Overview and Scrutiny function, and external organisations;

(iii) representing the Executive Councillors at internal meetings and at consultation events with the voluntary sector, business and other partners, service users and citizens;

(iv) representing the Executive Councillor and the Council at external meetings ensuring that the Council is represented at as many events as possible.

3. Development of knowledge, experience and expertise in the portfolio of the Executive Councillor through:

1. (i) attending conferences and development events for their portfolio area;

2. (ii) visiting frontline delivery points for the portfolio area;

3. (iii) reading and research as appropriate to keep up to date with issues in the portfolio area.

Assistant Executive Members do not have delegated authority to take executive decisions in relation to any executive functions.