

Executive Procedure Rules

The arrangements for the discharge of executive functions are set out in the Executive Terms of Reference.

The Forward Plan

Contents of the Forward Plan

The Forward Plan will contain matters which the Leader of the Council has reason to believe will require a key decision to be taken (as set out in the Executive Terms of Reference) during the period covered by the plan. Exempt information need not be included in a forward plan and confidential information cannot be included.

It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- the matter in respect of which a decision is to be made;
- the name and title of the individual making a decision, if any and where the decision taker is a body, its name and details of membership;
- the date or the period within which, the decision will be taken;
- the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- the means by which any such consultation is proposed to be undertaken;
- 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
- a list of the documents submitted to the decision taker for consideration in relation to the matter if any.

Period of the Forward Plan

The Leader of the Council will produce monthly a Forward Plan to cover the next period of four months, beginning with the first day of the coming month. The Forward Plan must be published at least 14 days before the start of the period covered.

Publicising the Forward Plan

The Chief Executive will publish once a year a notice in at least one newspaper circulating in the area, stating:

- that key decisions are to be taken on behalf of the Council;
- that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- that the plan will contain details of the key decisions to be made for the four month period following its publication;
- that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
- the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
- that other documents may be submitted to decision takers;
- the procedure for requesting details of documents (if any) as they become available; and
- the dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices.

Key Decisions not Included in the Forward Plan

If a matter which is likely to be a Key Decision has not been included in the Forward Plan, the decision may still be taken if:

- the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan.
- the Chief Executive has informed the Chairman of the Overview and Scrutiny Committee, in their absence the Vice –Chairman or in their absence each member of that Committee in writing of the matter about which the decision is to be made and that a notice is made available to the public at the offices of the Council; and
- at least 5 clear days have elapsed since the Chief Executive provided the information as set out above.

Urgent Key Decisions not Included in the Forward Plan

If by virtue of the date by which a decision must be taken the above provision cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the

agreement of the Chairman of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of the Overview and Scrutiny Committee, in their absence the Vice –Chairman or if they are unable to act, then the agreement of the Chairman of the Council, or in his absence the Vice-Chairman will suffice.

Political Group Leaders will be notified as soon as reasonably practicable when this provision is utilised and the Leader of the Council will report the issue to the next available meeting of the Council. If the next meeting of the Council is within 7 days of receipt of the written notice the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision.

Agendas for Executive Meetings

At each meeting of the Executive the following business will be conducted:

- elect a person to preside if the chairman and vice-chairman are not present;
- receive any apologies for absence;
- receive any announcements from the Chairman and/or the Leader;
- receive any declarations of interest from members;
- approve the minutes of the last meeting;
- consider any urgent items of business as agreed by Chairman
- deal with any business remaining from the last meeting;
- to report any petitions and requests to address the meeting on an item on the agenda, or to receive an address,
- any other business on the agenda, including referrals from Council, Committees, Executive Portfolio Holders
- pass a resolution to exclude the public for any items involving the likely disclosure of exempt or confidential information
- any other exempt business on the agenda

The Chairman, or the meeting by resolution, may vary the order of business.

Rights to request or require an agenda item

Members of Council

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 agenda for the meeting will give the name of the Councillor who asked for the item to be considered and will be invited to attend the meeting, to be able to address the Executive.

If an item is requested for inclusion on the agenda by a member of the Council (including a member of the Executive), then it will be included with such information as is available at the time, but it shall only be considered and decided if it is possible to produce a full report containing relevant information to enable a decision to be properly made.

The Executive will be able to defer any matter added to its agenda in this way, to enable a proper report to be prepared, and if this is the case the matter will normally be considered at the next meeting.

If there are several such items on the Executive's agenda it may decide to defer consideration of any of them, as it sees fit.

Monitoring and Section 151 Officers

The Chief Executive, Monitoring Officer and/or the Section 151 Officer may include an item for consideration on the agenda of an Executive meeting. The Monitoring Officer and Section 151 Officer may require the Chief Executive to call such a meeting in pursuance of their statutory duties.

In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and 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.

Volume of Business

If the volume of business for a meeting of the Executive is considered to be excessive, the Leader may defer consideration of items to a later meeting with the exception of:

- items referred to the Executive by the Council or an Overview and Scrutiny Committee, if the Council or Overview and Scrutiny Committee has requested they be dealt with at that meeting;
- reports of Statutory Officers may not be deferred unless the relevant Officer concurs;

Deferred items will be dealt with at the next ordinary Executive meeting or a Special Meeting convened for the purpose within 4 weeks.

Notice of Decisions made under Executive Arrangements

A summary notice of decisions made under the Executive arrangements shall generally be published on the next working day (or in any event as soon as possible) after such meetings and shall be sent to all Members of the Council.

Minutes of Executive Meetings

The minutes will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

Executive Portfolio Holder Decisions

Reports

Executive Portfolio Holders will receive reports on issues where they are asked to make a non key decision. Such reports shall be sent to the Executive Portfolio Holder and published 5 days before any decision may be made. Reports shall be publicly available unless they contain exempt or confidential information.

Decision Notice

As soon as reasonably practicable after an Executive Portfolio Holder decision has been taken on a non key decision (by the Executive Portfolio Holder or by an officer through delegation), he will instruct the relevant Officer to prepare and publish a record of the decision, a notice of the reasons for it and any alternative options considered and rejected.

Access to Documents

The provisions with regard to accessing agendas, minutes and background papers (as set out in the meeting procedure rules) and the provisions with regard to accessing documents in the control of the Executive (as set out in these procedure rules) shall apply to documents relating to Executive Portfolio Holder Decisions.

Consultation

All reports to the Executive arrangements must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation. The level of consultation required will be appropriate to the nature of the matter under consideration.

Access to Documents under the control of the Executive

All Members of the Council will be entitled to inspect any document which is in the possession or under the control of the Executive arrangements and/or contains material relating to any business previously transacted at a meeting unless:

- it contains exempt information falling within the categories of exempt information or confidential information; in which case the Councillor will need to demonstrate 'a need to know', or
- it contains the advice of a political adviser.

Budget and Policy Framework

Process for developing the Policy Framework

The Forward Plan will set out the timetable for making proposals to the Council to develop the budget and policy framework and the arrangements for consultation. Four months notice (and at least 6 weeks) will normally be provided.

At the end of that period, the Executive will then draw up proposals having regard to the consultation responses received. If an Overview and Scrutiny Committee wishes to respond to the Executive in that consultation process then it may do so. The report to the Council will reflect the comments made by consultees (in particular Overview and Scrutiny) and the Executive's response to them.

The proposals will be referred at the earliest opportunity to Council for decision.

Decisions outside the budget or policy framework

If the Executive or any Committees of the Executive arrangements discharging executive functions wish to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they wish to make would be contrary or not wholly in accordance with the policy framework, or budget.

If the advice of either of those Officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, except in the circumstances as set out below:

In-year changes

The Executive arrangements may make in-year changes to the Budget and Policy framework in the following circumstances only:

- Changes which will result in the closure or discontinuance of a service or part of service or level of service to meet a budgetary constraint;
- Changes which may be necessary to ensure compliance with the law, ministerial direction or government guidance;
- Changes which may vary or develop the policy framework provided they are consistent with its principles and which, with any virement or supplementary expenditure, that may be possible under the Council's Financial Procedure Rules, be implemented within budget for the year, provided such changes do not commit the Council to expenditure in subsequent financial years.

Urgent changes

A decision outside the budget and/or policy framework may be made under the Executive arrangements, if it is not practical to convene a quorate meeting of the full Council and if the Chairman of the Overview and Scrutiny Committee (or in their absence the Vice-Chairman or in the absence of both the Chairman of Council) agrees.

The reason why it is not practical to convene a quorate meeting of full Council and the consent of the Chairman of the Overview and Scrutiny Committee to the decision being taken as a matter of urgency must be noted in the record of the decision.

Following the decision, the decision taker will provide a full report to the next available Council Meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

Virement

The Executive arrangements discharging functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, they shall be entitled to vire across budget heads in accordance with the rules specified by the Council's Financial Procedure Rules.