

THE CONSTITUTION - SECTION 5

5 The Executive Board

5.1 Introduction

The Executive Board is appointed to 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.

5.2 Form and Composition of the Executive Board

The Executive Board will consist of:

- 5.2.1 the Leader of the Council (the "Leader"); and
- 5.2.2 at least two but not more than nine other Councillors appointed to the Executive Board by the Council.

5.3 Leader

Election

The Leader will be a Councillor elected to the position of Leader by the Council.

Term of Office

The Leader is appointed on an annual basis at the annual meeting of the Council.

Role of the Leader

The Leader will Chair meetings of the Executive Board and determine the portfolios of Members of the Executive Board. Further information is contained in Section 6.

5.4 Deputy Leader

- 5.2.1 The Council will appoint one of the Executive Board Members as a Deputy Leader to act as Leader in the Leader's absence.
- 5.2.2 The Deputy Leader may exercise all of the functions of the Leader where the position is vacant or where the Leader is absent or otherwise unable to act.

5.5 Other Executive Board Members

Other Executive Board Members will be Councillors elected to the position of Executive Board Member by the Council. Each Executive Board Member shall hold office until:

- 5.5.1 he/she resigns from that office; or
- 5.5.2 he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- 5.5.3 he/she is removed from that office by the Leader upon such notice (if any) as the Leader considers appropriate and notice in writing is given to the Chief Officer Governance & Customer; or
- 5.5.4 he/she ceases to be a Councillor.

5.6 Delegation of Functions

The Executive Board may exercise Executive Functions or may otherwise make arrangements to delegate responsibility for their discharge to:

- 5.6.1 a Committee of the Executive Board (comprising executive Members only);
- 5.6.2 an individual Executive Board Member;
- 5.6.3 a joint committee;
- 5.6.4 another local authority or the executive of another local authority;
- 5.6.5 a Chief Officer.

5.7 Rules of Procedure and Debate

The proceedings of the Executive Board shall take place in accordance with the Executive Procedure Rules in Section 5.8 below.

5.8 Executive Board Procedure Rules

How does the Executive Board Operate?

5.8.1 Delegation by the Executive Board

Following the annual meeting the Monitoring Officer, in consultation with the Leader will prepare and submit for approval an Executive Scheme of Delegations setting out the delegations of Executive Functions, including, where the principle has been approved as part of the Council's Executive Arrangements the delegated authority of each Member of the Executive Board, and thereafter keep this under review and submit updates to the Scheme as appropriate. In addition, the Leader has powers under s.15(4) of the Local Government Act 2000 to discharge personally or to arrange for discharge under others' delegated powers any Executive functions not covered by the Scheme of Delegations for the time being.

5.8.2 Sub-Delegation of Executive Functions

5.8.2.1 Where the Executive Board, a committee of the Executive Board or an individual Member of the Executive Board is responsible for an Executive Function, they may delegate further to joint arrangements or an Officer.

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

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

5.8.3 The Council's Scheme of Delegation and Executive Functions

5.8.3.1 The Leader may amend the scheme of delegation relating to Executive Functions at any time. In doing so the Leader will give written notice to the Chief Officer Governance & Customer 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 or committee. The Chief Officer Governance & Customer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

5.8.3.1 Where the Leader seeks to withdraw delegation from a committee of the Executive, notice will be deemed to be served on that committee when he has served it on its chair.

5.8.4 Conflicts of Interest

Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 17 of this Constitution.

5.8.4.1 If any Member of the Executive Board has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 17 of this Constitution.

5.8.4.2 If the exercise of an Executive Function has been delegated to a committee of the Executive Board, an individual Member or an Officer, and should a conflict of interest arise, 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 Council's Code of Conduct for Members in Section 17 of this Constitution.

5.8.5 Executive Board Meetings

The Executive Board will meet at least 10 times each year. The Executive Board will meet at the Council's main offices or another location to be agreed by the Leader.

5.8.6 Public or Private Meetings of the Executive Board

The Executive Board will hold its meetings in public, except in the circumstances set out in the Access to Information Procedure Rules in Section 14, for example where confidential or exempt information is being discussed.

5.8.7 Quorum

5.8.7.1 The quorum for a meeting of the Executive Board shall be five including the Leader or Deputy Leader.

5.8.7.2 The quorum for a meeting of a committee of the Executive Board shall be a minimum of two.

5.8.8. Remote Attendance

Remote attendance is permitted at all meetings, committees and sub-committees of the Executive Board provided that those participating are able to speak to and be heard by each other and in meetings which are webcast to also be able to see and be seen by each other

5.8.9 How are Decisions to be Taken by the Executive Board?

5.8.9.1 Executive Decisions made by the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Section 14 of this Constitution.

5.8.9.2 Where Executive Decisions are delegated to a committee of the Executive Board, the rules applying to Executive Decisions taken by them shall be the same as those applying to those taken by the Executive Board as a whole.

5.8.10 Call in of decisions of the Executive Board

Rules

- (a) Where a decision is made by the Executive Board, an individual Member of the Executive Board or a Committee of the Executive Board or under joint arrangements, the decision shall be published by the Chief Officer Governance & Customer, including where possible by electronic means, and shall be available at the main offices of the Council normally within 3 clear working days of it being made. All Members will be sent copies of the records of all such decisions within the same time scale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented, on the expiry of five clear working days after the publication of the decision, unless a Scrutiny Committee objects to it and calls it in for review.
- (c) During that period the Monitoring Officer shall call-in a decision for scrutiny by a Scrutiny Committee if so requested in the specified format by any five non-Executive Members and, shall then notify the decision taker of the call-in.
- (d) The notice of call-in shall:-
 - (i) set out the relevant decision(s);
 - (ii) the reasons for call-in together with all supporting evidence on which it is intended to rely;
 - (iii) be signed the five non-Executive members.
- (e) The Monitoring Officer shall refer the notice of call-in to the most appropriate Scrutiny Committee.
- (f) In the case of a call-in of an Executive Board decision, the Scrutiny Committee shall meet within a timescale which will enable any referral of the decision back to the Executive Board to be included in the statutory notice for the next scheduled meeting of the Executive Board.
- (g) In the case of a call-in of a Lead Member decision, the Scrutiny Committee shall meet within a timescale which will enable any referral of the decision back to the Lead Member to be considered within a maximum of 18 working days from publication of the original decision.
- (h) Pending consideration by the Scrutiny Committee of a notice of call-in the decision may not be implemented.

- (i) If, having considered the decision, the Scrutiny Committee is still concerned about it, then it may refer it back to the decision making body for reconsideration, this shall be by way of a report submitted by the Scrutiny Committee Chair to the Executive Board or Lead Member setting out the reasons for not supporting the decision. If referred to the decision maker they shall then reconsider within the timescales set out in paragraphs (f) and (g) above, amending the decision or not, before adopting a final decision. A decision made by either the Executive Board or a Lead Member following reconsideration in accordance with this procedure may not be subject to a further call-in.
- (j) If following the call-in of a decision, a Scrutiny Committee does not meet within the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Scrutiny Committee meeting, or in the case of the call-in of an Executive Board decision on the date of the next scheduled meeting provided it is during the following calendar month, or the expiry of 18 working days from the date of publication of the original decision, whichever is the earlier.
- (k) The Monitoring Officer may veto any request for call-in if it falls outside the remit of this scheme.
- (l) Save in exceptional circumstances all Members requesting a matter be called in must attend the meeting at which the matter is being considered.

Call-In and Urgency

- (m) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or other public interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.
- (n) The operation of the provisions relating to call-in and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.

How are Executive Board Meeting Conducted?

5.8.11 Who Presides?

The Leader will preside at any meeting of the Executive Board or its committees at which he is present. In his absence, the Deputy Leader will preside. In his/her absence, then a person appointed to do so by those present shall preside.

5.8.12 Who May Attend?

These details are set out in the Access to Information Procedure Rules in Section 14 of this Constitution.

5.8.13 What Business?

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

- 5.8.13.1 consideration of the minutes of the last meeting;
- 5.8.13.2 declarations of interest, if any;
- 5.8.13.3 public and/or member questions;
- 5.8.13.4 matters referred to the Executive Board (whether by Scrutiny Committees or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Sections 7 and 15 of this Constitution;
- 5.8.13.5 consideration of reports from Scrutiny Committees;
- 5.8.13.6 consideration of reports from Executive Committees;
- 5.8.13.7 reports from Executive Members or Officers of the Authority.

5.8.14 Consultation

All reports to the Executive Board from any Member of the Executive Board or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation undertaken with stakeholders and with the Scrutiny Committee or other consultees and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

5.8.15 Who can put Items on the Executive Board Agenda?

- 5.8.15.1 The Leader will decide upon the schedule for meetings of the Executive Board. He/she may put any matter on the agenda of any Executive Board meeting whether or not authority has been delegated to the Executive Board, a committee of it, an Executive Member or Officer in respect of that matter.
- 5.8.15.2 Any Member of the Executive may require the Chief Officer Governance & Customer to make sure that an item is placed on the agenda of the next available meeting of the Executive Board for consideration.
- 5.8.15.3 The Head of Paid Service, the Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive Board meeting and may require that such a meeting be convened in pursuance of their statutory duties.
- 5.8.15.4 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 Board needs to be called to consider a matter that requires a decision they may jointly include an item on the agenda of an Executive Board meeting. If

there is no meeting 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 called at which the matter will be considered.

5.8.16 Public questions

Each ordinary meeting of the Executive Board shall include an opportunity for members of the public to ask questions in respect of matters for which it has functional responsibility and the following provisions shall apply:-

- (a) Questions must be submitted in writing to the Chief Officer Governance & Customer no later than 5pm five clear working days (i.e. excluding weekends and bank holidays) prior to the meeting of the Executive Board.
- (b) Questions will be accepted in the absolute discretion of the Chair and will not be permitted in the following instances:-
 - (i) the question seeks information which has already been the subject of a public question whether at a meeting of the full Council or the Executive Board;
 - (ii) the question relates to judicial or quasi-judicial matters;
 - (iii) the question relates to an individual application, appeal or other decision;
 - (iv) the question relates to an employee of the Council;
 - (v) the question relates to party political matters;
 - (vi) the matter relates to matters which are exempt by virtue of Schedule 12A of the Local Government Act 1972 (or any re-enactment or amendment thereof);
 - (vii) the question is vexatious, repetitive or unduly lengthy.
- (c) Only one question per person may be submitted.
- (d) The time allowed for public questions shall not exceed 15 minutes.
- (e) Each question shall be put and answered.

5.8.17 Member Questions

Each ordinary meeting of the Executive Board shall include an opportunity for Councillors to ask questions in respect of matters for which it has functional responsibility and the following provisions shall apply:-

- (a) questions shall be submitted in writing to the Chief Officer Governance & Customer at least 5 clear working days prior to the meeting of the Executive Board;
- (b) only one question per Councillor may be submitted;
- (c) if the question relates to urgent matters, the Councillor must obtain the consent of the Chair and the Executive Member to whom the question is to be put and

the content of the question shall be given to the Chief Officer Governance & Customer by 4 pm on the previous working day;

- (d) each question shall be put and answered;
- (e) one supplementary question without notice may be asked of the Member of the Executive Board to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

5.8.18 Disturbance by the Public, Filming and Use of Social Media

- (a) If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.
- (b) If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.
- (c) Filming and use of social media is permitted during meetings so long as there is no disturbance to the conduct of the meeting.