

## **EXECUTIVE PROCEDURE RULES**

### **1.0 How Does the Executive Operate?**

#### **1.1 Who May Make Executive Decisions?**

Functions which are the responsibility of the Executive may be exercised by the Mayor. The Mayor may also delegate authority to exercise those functions to the extent he/she wishes as detailed below:

- i) to the Executive as a whole
- ii) to a committee of the Executive
- iii) to an individual member of the Executive
- iv) to an Officer
- v) to a Neighbourhood Forum
- vi) to joint arrangements
- vii) to another Local Authority

The Mayor may also appoint working groups of Members, including members not on the Executive to advise the Executive on any matter for which the Executive has responsibility. When establishing a working group the Mayor will specify its Terms of Reference and the number of group members. The Mayor will also indicate a time frame for it to operate. The Mayor will consult Group Leaders on the membership of the working groups.

#### **1.2 Delegation by the Executive**

At the annual meeting of the Council, the Mayor will present to the Council, a written record of delegations made by him/her for inclusion in the Council's scheme of delegation. The document presented by the Mayor must contain the following information in relation to the following year insofar as they relate to Executive functions:

- i) the names, and wards of the people appointed to the Executive by the Mayor
- ii) the extent of any authority delegated to those Executive members individually, including details of the limitation on their authority
- iii) the terms of reference and constitution of such Executive committees as the Mayor appoints, and the names of the Executive members he/she appoints to them
- iv) the nature and extent of any delegation of Executive functions to Neighbourhood Forum, any other Authority or any joint

- arrangements, and the names of those Executive members appointed to any joint committee for the coming year,
- v) the nature and extent of any delegation of Executive functions to Officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made

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

- a) if the Mayor delegates functions to the Executive, and unless he/she directs otherwise and, then the Executive may delegate further to a committee of the Executive, to an Officer, to any joint arrangements, to another Authority or to Neighbourhood Forums.
- b) If the Mayor delegates functions to a committee of the Executive or a Neighbourhood Forum, and unless he/she directs otherwise, the committee or Neighbourhood Forum may delegate further to an Officer.
- c) Where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the body or person who delegated them.

### **1.4 The Council's Scheme of Delegation and Executive Functions**

The Council's scheme of delegation will be adopted by the Council at its annual meeting. It will contain the details required in Article 7 and set out in Part 3 of this Constitution. During the year, amendments to the Scheme of Delegation in relation to Executive functions may be effected as follows:

- a) The Mayor may amend the scheme of delegation of Executive functions at any time during the year [subject to the proviso in paragraph 1.1 above]. To do so, the Mayor must give written notice to the Monitoring Officer and report these changes to the next ordinary Council meeting. Where the Mayor wants to withdraw or amend delegation to a committee, notice will be served on that Committee when it has been served on its Chair.
- b) The notice to the Monitoring Officer must set out the amendment to the scheme of delegation as contained in Part 3 of this Constitution and whether it entails the withdrawal of delegation from any person, body, Committee, or the Executive as a whole. The amendment will

take effect on service of the notice by the Mayor on the Monitoring Officer.

### 1.5 **Conflicts of Interest**

- a) Where the Mayor has a conflict of interest, this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- b) If any Member of the Executive has a conflict of interest, this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- c) If the exercise of an Executive function has been delegated to a committee of the Executive, 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, or otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

### 1.6 **Executive Meetings – When and Where**

The Executive will meet on such occasions and times to be determined by the Mayor. The Executive will meet at the Town Hall, Watford or another location to be determined by the Mayor.

### 1.7 **Public or Private Meetings of the Executive**

All meetings of the Executive will be held in public unless the Executive is deciding on matters which are exempt or confidential within the terms of the Access to Information Rules as set out in Part 4 of this Constitution.

Except where the Access to Information Rules in Part 4 of this Constitution require that a decision of the Executive at a meeting needs to be in public, the Executive may, at any time, during the course of a meeting decide by a majority of those present to exclude the public.

### 1.8 **Quorum**

The quorum for a meeting of the Executive or a Committee of it, shall be two.

### 1.9 **How are Decisions to be Taken by the Executive?**

- a) Executive members may speak as often as the Chair may consider reasonable and make motions without notice and without requiring a seconder.
- b) Every question at the meeting shall be determined by a majority of the votes of the members of the Executive present and voting on that question. Voting shall be by show of hands unless any member of the Executive present demands a recorded vote, whereupon the names of the members voting for, against and abstaining will be recorded in the Minutes.

Should a recorded vote be demanded after a show of hands and the vote be different, the results of the recorded vote will take precedence. The Chair shall decide the order in which Executive members are called to speak.

- c) When considering majority reports of Overview and Scrutiny Committees on policy and performance reviews the Executive will adopt the recommendations of the Committee unless to do so would either i) be in breach of the Council's adopted policy or budgetary framework or ii) it votes by a majority of those present not to adopt it and it sets out in the minutes of the meeting the reasons which it will report to Council.

### 2.0 **How Are Executive Meetings Conducted?**

#### 2.1 **Who Presides?**

If the Mayor is present, he/she shall preside. In his/her absence, if present the Deputy Mayor shall preside. If neither are present, then the person appointed to do so by those present shall preside.

#### 2.2 **Who May Attend Executive Meetings?**

- i) All Members of the Council may attend an Executive meeting, whether the meeting is held in public or private.

- ii) Where the meeting is held in public in accordance with the Access to Information Rules, any person may attend the meeting.
- iii) Where the Executive decides that a meeting is to be held in private, they may invite any person to attend a meeting and they will, at the start of the meeting, determine how and when that person should speak and when they should attend or leave the meeting.
- iv) When Executive meetings are held in public, The Chair may decide whether or not to allow Members who are not members of the Executive to speak, how long that Member can speak for and the general conduct of the meeting.

### 2.3 **What Business?**

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

- i) Consideration of the Minutes of the last meeting
- ii) Declarations of interest, if any
- iii) Petitions either direct to the Executive under Rule 2.4 below or referred from Council under Council Procedure Rule 12.4 above
- iv) Matters referred to the Executive (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution
- v) Consideration of reports from Overview and Scrutiny Committees
- vi) Consideration of reports from any Member Panels established by the Mayor
- vii) Matters set out in the agenda for the meeting which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution

### 2.4 **Petitions**

A petition may be presented to the Executive for consideration if it contains 30 or more signatures and addresses of residents of or registered local government electors in Watford. The provisions as to petitions in the Council Procedure Rules in Part 4 of this Constitution are equally applicable to petitions to the Executive.

Petitions containing 29 signatures and addresses of residents of or registered Local Government electors in Watford or less will be placed on the Agenda and it will be at the Executive's discretion whether a petitioner may address the meeting, but there will be no right for a petitioner to speak.

## 2.5 **Consultation**

All Reports to the Executive on proposals relating to the budget or policy framework must contain details of consultation with stakeholders and the Overview and Scrutiny Committee and the outcome of that consultation. Reports on other matters must set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the matter under consideration.

## 2.6 **Who Can Put Items on the Executive Agenda?**

The Mayor will decide the schedule for meetings of the Executive and will be able to put on the agenda of any Executive meeting, a matter which he/she wishes. The Monitoring Officer will comply with the Mayor's request in this respect.

Any member of the Executive may require the Monitoring Officer to ensure that an item is placed on the agenda of the next available meeting of the Executive for consideration. If he/she receives such a request the Monitoring Officer will comply.

There will be a standing item on the agenda of each meeting of the Executive for matters referred by Overview and Scrutiny Committees. However, there may only be up to 4 such items per Executive meeting.

There will be a standing item on the agenda of each meeting of the Executive for matters referred by the Overview and Scrutiny Committee of decisions for the Executive to reconsider.

Any Member of the Council may request the Mayor to put an item on the Agenda of an Executive meeting for consideration. If the Mayor agrees, the item will be considered at the next available meeting of the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting whether or not it is a public meeting. However, there may only be up to 4 such items per Executive meeting. It will be for the Mayor to determine the order and preference of those 4 items.

The Monitoring Officer and/or Chief Finance Officer may include an item for consideration on the agenda of an Executive meeting and may require the Monitoring Officer 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 within an appropriate time scale to deal with the issue in question, then they may also require that a meeting be convened at which the matter will be considered.

## 2.7 **Behaviour at Executive Meetings**

The Council Procedure Rules in Part 4 of this Constitution in relation to disorderly conduct shall also apply to meetings of the Executive.

- 2.8 A Member of the Council attending a meeting of the Executive whether as a member of the Executive or not shall not disclose a matter dealt with by the Executive during any part of the meeting held in private without the express permission of the Mayor, or in the absence of the Mayor, the Deputy Mayor, unless the matter has already been communicated to the press with the authority of the Mayor.