

Woking Borough Council

# Executive Procedure Rules

Shaping the *future* of our borough



## **1. Executive Procedure Rules**

### **How does the Executive operate?**

#### **Who may make executive decisions?**

1.1 The Leader has responsibility for the discharge of all executive functions and may delegate any or all of these functions to:

- i) The Executive as a whole;
- ii) a Committee of the Executive;
- iii) an individual Member of the Executive;
- iv) an individual Member of the Council who may exercise powers in relation to his/her ward;
- v) an Officer;
- vi) another Local Authority; or
- vii) under joint arrangements.

#### **Allocation of Political Accountabilities by Leader**

1.2 The Leader may allocate to individual members of the Executive particular areas of political accountability. Any such individual will take responsibility for the explanation of identified areas of policy or service themes, but will not exercise executive functions in that respect. These individuals become known as Portfolio Holders.

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

1.3 The Executive, Committee of the Executive or an individual Member of the Executive may further delegate functions to an officer, in which case the Responsibility for Functions in Part 3 of the Constitution and the Scheme of Delegations to Officers shall be amended accordingly.

#### **Conflicts of Interest**

1.4 Conflicts of interest affecting the Leader or any member of the Executive shall be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

#### **Executive Meetings**

1.5 The Executive will meet at such times as the Leader shall determine. The Executive shall meet at the Civic Offices or another location to be agreed by the Leader.

#### **Quorum**

1.6 The quorum for a meeting of the Executive, or a Committee of it, shall be one-third of the number of members of the Executive (with such rounding-up as may be necessary to achieve whole numbers) or two (whichever is the greater).

#### **How are decisions to be taken by the Executive?**

1.7 Executive decisions which have been delegated to the Executive will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

## **2. How are Executive Meetings Conducted?**

### **Who presides?**

- 2.1** If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader will preside. In the absence of the Leader and the Deputy Leader, a person appointed to do so by those present shall preside.

### **Who may attend?**

- 2.2** Meetings of the Executive will be held in accordance with the Access to Information Rules in Part 4 of this Constitution

### **What is the order of business?**

- 2.3** At each meeting of the Executive, the following business will be conducted:

i) consideration of the minutes of the last meeting;

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ii) declarations of interest, if any;

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iii) matters referred to the Executive (whether by the 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;

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iv) consideration of reports from the Overview and Scrutiny Committee; and

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v) ; matters set out in the agenda for the meeting, and 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.

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### **Consultation**

- 2.4** All reports to the Executive from any member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the Overview and Scrutiny Committee, 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.

### **Who sets the Agenda?**

- 2.5** The Leader will decide upon the schedule for the meetings of the Executive. He/she may put on the agenda of any Executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive, a Committee of it or any member or officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.

Any member of the Council may ask the Leader to arrange that an item is placed on the agenda of the next available meeting of the Executive for consideration. The Leader is not obliged to comply with such requests.

The Proper Officer will make sure that an item is placed on the agenda of the next available meeting of the Executive where the Overview and Scrutiny Committee or the Full Council have resolved that an item be considered by the Executive.

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

### **3. Can members of the public ask questions?**

- 3.1** Members of the public, which for these purposes shall mean persons living or working in the Borough, may ask questions of members of the Executive at meetings of the Executive.

#### **What is the procedure for asking questions?**

- 3.2** Questions will be asked in the order notice of them was received, except that the Leader may group together similar questions.

#### **How do I raise a question?**

- 3.3** A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than 12 noon, seven days before the day of the meeting. Each question must give the name and address of the questioner and should specify the member to whom the question is to be put.

#### **How many questions can I raise?**

- 3.4** At any one meeting no person may submit more than three questions and no more than three questions may be asked on behalf of one organisation.

#### **What questions can I ask the Executive?**

- 3.5** The Chief Executive may reject a question if it:
- i) is not about a matter for which the Council has a responsibility or which affects the Borough;
  - ii) is defamatory, frivolous or offensive;
  - iii) requires the disclosure of confidential or exempt information.

#### **How are the questions recorded?**

- 3.6** The Chief Executive will enter each question in a book open to public inspection and will immediately send a copy of the question to the Leader and the member to whom the question is to be put. If no particular member has been specified as the person to whom the question is to be put, the question shall be put to the Leader. Rejected questions will include reasons for rejection.

Copies of all questions and the draft replies shall be prepared, laid round the table and made available to the public attending the meeting.

### **Can I ask my Question at the Meeting?**

- 3.7** The Leader will invite the questioner to put the question to himself/herself or the specified member. If a questioner who has submitted a written question is unable to be present, they may ask the Leader to put the question on their behalf. The Leader may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

The Leader or the specified member may state that his/her reply is in the terms of the draft or otherwise as he/she thinks fit.

The total time for public question-time shall be 30 minutes or such longer time as the Leader shall in his/her discretion allow.

### **Can I raise a supplementary question?**

- 3.8** A questioner who has put a question in person may also put one supplementary question without notice. A supplementary question must arise directly out of the original question or reply. The Leader may reject a supplementary question on any of the grounds in Rule 3.5 above.

The Leader or the specified member may reply to the supplementary question as he/she thinks fit.

### **Written Answers**

- 3.9** Any question which cannot be dealt with during public question-time through lack of time will be dealt with by a written answer.

### **Reference Elsewhere**

- 3.10** Unless the Leader decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to another Committee. Once seconded, such a motion will be voted on without discussion.

## **4. How are individual decisions made and documented?**

- 4.1** The Leader, or an individual Member, taking a decision on a matter shall comply with the following parts of the Executive Procedure Rules.

- 4.2** A clear audit trail of decision-making must be maintained for future reference.

### **Forward Plan**

- 4.3** Subject to the provisions of Access to Information Procedure Rules 15 (General Exception) and 16 (Special Urgency), a key decision shall not be taken by an individual Member unless details have been included in the Forward Plan.

### **Requirement for a Written Report**

- 4.4** A written report on the proposed decision shall be prepared by the relevant officer on his or her own initiative, or at the request of the Member.

- 4.5** The officer's report shall set out the following:

- i) The date of the proposed decision;

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- ii) Whether a key decision is to be taken;

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- iii) Whether the report contains confidential or exempt information;

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- iv) A description of the issue to be decided;

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- v) Any consultations undertaken, the method of consultation and a summary of any representations received;

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- vi) The officer's recommendations and the reasons for them;

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- vii) Implications arising from the decision; and

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- viii) A list of background papers.

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**4.6** Subject to the provisions on confidential and exempt information and special urgency set out in the Council's Access to Information Procedure Rules, the Proper Officer shall at least five clear days prior to the date that the proposed decision is scheduled to be taken:

- i) forward a copy of the report by e-mail to the relevant Member and all other councillors; and

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- ii) make the report publicly available.

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### **Taking the Decision**

**4.7** The decision shall be taken by the Member on the scheduled date in the presence of the relevant officers (which shall always include a Democratic Services Officer).

**4.8** Prior to taking the decision, the Member will be required to disclose any personal and/or prejudicial interests in the matter under consideration.

### **How is the decision recorded?**

**4.9** After a decision has been taken by the Member, the Democratic Services Officer will prepare a record, including details of:

- iii) whether it was a key or non-key decision;

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- iv) the title of the item;

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- v) the name of the decision-maker;

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- vi) the date on which the decision was made;

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- vii) the date on which the decision will be implemented;

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- viii) any declarations of interest;

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- ix) the decision;

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- x) the reasons for the decision;

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- xi) details of any alternative options considered and rejected by the Member when making the decision;

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- xii) a record of any conflict of interest declared by any Executive member who is

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consulted by the Member making the decision which relates to that decision;

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xiii) a note of any dispensation granted in respect of any declared conflict of interest; and

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xiv) a list of the documents taken into account by the decision-maker, including the report of the relevant officer.

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**4.10** The decision shall be published by the Democratic Services Officer in draft form electronically, and shall otherwise be available at the Civic Offices, within 24 hours of the decision being made. All members of the Council shall receive electronic notification of such decision within the same timescale. This will enable Councillors to consider whether they wish to “call-in” the decision in accordance with Overview and Scrutiny Procedure Rules.

**4.11** The Proper Officer will maintain records of all decisions made, together with associated reports and background papers, in accordance with the Council’s Access to Information Procedure Rules.