

## **PART 4D – CITY MAYOR & EXECUTIVE PROCEDURE RULES**

This section includes changes approved by Council on 18 September 2014.

### **RULE 1 – The discharge of Executive Functions**

- a. The arrangements for the discharge of executive functions are set out in the Executive Arrangements (including the Scheme of Delegation) as adopted by the Council under Article 5 (the City Mayor and Executive) and as decided by the City Mayor under Part 3 of this Constitution (City Mayor). The City Mayor may decide how executive functions are to be exercised, and may provide for their discharge by:
  - i. the City Mayor
  - ii. the City Mayor & Executive as a whole;
  - iii. a Committee of the Executive;
  - iv. the Deputy City Mayor or an Assistant City Mayor ;
  - v. an officer;
  - vi. an area committee;
  - vii. joint arrangements or
  - viii. another authority
- b. A delegate (an individual or a body) may delegate further in accordance with Part 3 of the Constitution.
- c. Where an executive function has been delegated, that does not prevent the discharge of the function by the person or body who delegates.
- d. Where an executive function has been delegated to the Deputy City Mayor or an Assistant City Mayor s/he shall seek advice from relevant officers before taking a decision within her/his delegated authority. Where appropriate this should include taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about the legality.
- e. The City Mayor may amend the scheme of delegation as defined in Article 5 by amending the City Mayor's Scheme of Delegation shown on The City Mayor's Internet site and serving notice of the change to the Monitoring Officer. The Monitoring Officer will notify the body or individual affected by the change as soon as reasonably practicable on receipt of notice of the change. The change in delegation will take effect when the Monitoring Officer reports the change in delegation to the affected individual or body which will be as soon as practicable.

### **RULE 2 – The delegation of Executive Functions**

The City Mayor will maintain a written record of any delegations made from time to time , and will maintain it on the City Mayor's Internet site The record will contain the following information about executive functions:

- a. The names, addresses and wards of the people appointed to Deputy City Mayor and Assistant City Mayor roles by the City Mayor.
- b. The extent of any authority delegated to Executive members individually, including details of the limitation on their authority;
- c. The terms of reference and constitution of such Executive Committees as the City Mayor or Executive appoints and the names of the Deputy City Mayor or Assistant City Mayors appointed to them;
- d. The nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of the Deputy City Mayor or Assistant City Mayors appointed to any joint committee;
- e. The nature and extent of any delegation to any specific officer with details of any limitation on that delegation and the title of the officer to whom delegation is made.

### **RULE 3 – The Council’s Scheme of Delegations and Executive Functions**

The Council’s Scheme of Delegation will be subject to adoption by the Council, and may only be amended by the Council. It will contain the details required by this Constitution.

### **RULE 4 – Conflicts of Interest**

If the exercise of an executive function has been delegated to a Committee of the Executive, the Deputy City Mayor, an Assistant City Mayor or an officer, and should a conflict of interest prevent the exercise of the function, 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 of this Constitution.

### **RULE 5 – Executive meetings**

The meetings of the City Mayor & Executive and any of its Committees will be conducted in accordance with these Rules, but where any point of procedure is not covered, the matter shall be determined by the person presiding at the meeting. Such rulings shall not be challenged at any meeting.

### **RULE 6 – Consultation**

All reports to the City Mayor & Executive from any member of the Executive or an officer on proposals relating to the Budget, must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Committees, 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.

### **RULE 7 – Agenda for Meetings of the Executive**

- a. The City Mayor will decide upon the schedule for the meetings of the City Mayor & Executive. S/he may put on the agenda of any City Mayor & Executive meeting any matter which s/he wishes, whether or not authority has been delegated to the Executive, Committee of it or any member of officer in respect of that matter. The Monitoring Officer will comply with the City Mayor's request in this respect.
- b. Any member of the Executive may, with support from the City Mayor, require the Monitoring Officer to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration.
- c. The Monitoring Officer and/or Director of Finance may include an item for consideration on the agenda of an Executive meeting, for the consideration of a report from an officer.
- d. Urgent business –the Chair of a meeting can decide to accept an urgent item onto the agenda where, in their opinion, the item should be considered as a matter of urgency because of special circumstances which shall be specified in the minutes.

## **RULE 8 – Dates of meetings**

### **a. Cycle of Meetings**

At its Annual Meeting, the City Mayor shall inform Council of the schedule of meetings of the City Mayor & Executive for the Municipal year. Any variation will be published as soon as is practicable.

### **b. Variation of Dates**

The date and/or time of any ordinary meeting of the City Mayor & Executive may be varied by the City Mayor.

### **c. Cancellation**

The City Mayor may cancel any ordinary meeting of the City Mayor & Executive as s/he thinks fit.

## **RULE 9 – Special meetings**

In addition to the dates of meetings agreed by the Executive at its first ordinary meeting in the municipal year, the Executive may be summoned specially if so required by either:-

- (i) The City Mayor; or
- (ii) A written request to the Monitoring Officer signed by three members of the Executive, or

- (iii) The Monitoring Officer or Director of Finance in performance of their statutory duties; or
- (iv) Any two of the Head of the Paid Service, the Monitoring Officer or the Director of Finance, if of the opinion that a meeting needs to be called to consider a matter that requires a decision.

#### **RULE 10 – Notice of meetings**

Notice of the time and place of a public City Mayor & Executive meeting shall be published by the Monitoring Officer at the Council's offices at least five clear days before the meeting unless a special meeting is called within five days in which case the required notice must be given as soon as the special meeting is called. (Five clear days excludes the day of notice, the day of the meeting, Bank Holidays, Saturdays and Sundays.)

#### **RULE 11 – Absence of Chair from meetings**

- a. Where the City Mayor is absent from a meeting the Deputy City Mayor shall take the Chair's place.
- b. Should the City Mayor arrive at a meeting which is in progress with the Deputy City Mayor in the Chair, the City Mayor shall from a convenient point preside over the meeting.
- c. Where neither the City Mayor or Deputy City Mayor are present, the Executive shall elect one of their number to preside over the meeting. If at such a meeting, the City Mayor (or the Deputy City Mayor, if the City Mayor is absent) which is in progress s/he shall from a convenient point preside over the meeting.

#### **RULE 12 – Call-in of Executive Decisions**

- a. This Rule applies to Executive decisions by the City Mayor or Executive, any Committee of the Executive, the Deputy City Mayor, Assistant City Mayor or Officer. This Rule does not override Rule 17 of the Access to Information Procedure Rules.
- b. After such an Executive decision has been taken by the City Mayor or Executive, subject to the exceptions within this Rule, a Scrutiny Committee or any five Councillors may request formally that the decision be called-in for a further review by giving notice in writing to the Monitoring Officer within five working days of the decision, the deadline for receipt being 5pm on the fifth working day after the date of the publication of the Executive decision.
- c. A request under this Rule for call-in of an Executive decision must:
  - i. be in writing (all Members signing such a notice should sign and print their name on the notice in the interests of clarity)

- ii. specify a sponsor and a seconder
  - iii. specify reasons for the call-in
- d. No call-in may be made if the decision maker decides when making a decision that the matter is urgent for specified reasons. Where a decision is made as part of a response to a declared emergency, the decision will be deemed urgent and no call in may be made.
- e. No call-in shall be made in respect of the following decisions:-
- (i) Matters of procedure, to include:-
    - (a) election of Chair/Vice-Chair;
    - (b) exclusion of the press and public;
    - (c) dates and/or times of meetings;
    - (d) matters relating to the membership, functions and terms of reference of the Executive or the delegation of executive decisions.
    - (e) a decision that no objection may be made on grounds of urgency.
    - (e) a recommendation to Council in respect of proposals under Rule 1.2 of the Budget and Policy Framework Procedure Rules
  - (ii) Items submitted for information only.
- f. Where a decision has been called-in, no further *legally binding* action shall be taken on it and it shall stand referred to a meeting of the Full Council, unless either:
- The Decision Maker and the relevant Scrutiny Committee (or, via the Monitoring Officer, the Scrutiny Committee Chair and Vice Chair unanimously) come to an agreement; or
  - The call-in is withdrawn.
- A decision called-in under this Procedure Rule must be referred to a meeting of the Full Council, but shall prior to this be referred to the relevant Scrutiny Committee(s) if programmed, or Special Scrutiny Committee(s) if summoned in accordance with Scrutiny Procedure Rule 4.
- g. Withdrawal of a call-in under this Rule can be by:

Five Member call-in:

- i. The sponsor and seconder, via the Monitoring Officer, or
- ii. By a resolution of the relevant Scrutiny Committee

Scrutiny call-in:

- ii. By a resolution of the relevant Scrutiny Committee, or
  - iii. By unanimous agreement of the Scrutiny Committee's Chair and Vice Chair, via the Monitoring Officer who shall have delegated authority for this purpose.
- h. When considering a matter called-in, the Council may either:
- Support the Executive's decision, in which case it shall be confirmed with immediate effect; or
  - Recommend a different decision to the decision maker.
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- i. Following consideration of a 'call-in' by Council under this Rule the original decision will be deemed to be revived in its entirety. Any agreement by an Executive Decision maker to change the original decision will require a further formal Executive Decision.
- j. The Executive's decision after considering a Council recommendation may not be subject of a further call-in.

**RULE 13 – Quorum**

A quorum for a meeting of the City Mayor & Executive or an Executive Committee shall be three.

**RULE 14 – Procedure at meetings**

- a. The procedure to be followed at meetings of Executive shall be in accordance with these Rules, but where a point of procedure arises which is not covered, the matter shall be determined by the City Mayor or other person presiding at the meeting. Such rulings shall not be challenged at any meeting.
- b. In determining procedure, the person presiding at the meeting shall have regard to the Council Procedure Rules for the conduct of meetings and debate.
- c. The City Mayor may adopt from time to time a protocol for members of the public to ask questions at public City Mayor & Executive before decisions are taken, to promote an inclusive and open approach to decision making.

**RULE 15 – RECORDING OF PROCEEDINGS**

.All requests to record / capture the proceedings of any Council meeting will be considered in accordance with the Council's policy attached as Appendix 8 to Part 5 of the Council's Constitution.