

PART 4 - PROCEDURAL RULES

SECTION B

EXECUTIVE PROCEDURE RULES

1. Members of the Executive

- 1.1 The Executive will consist of the Leader and Deputy Leader together with at least 1, but not more than 8, councillors appointed to the Executive by the Leader. The Leader will report the appointments, and any changes to these appointments, to the Council.

2. Executive Decisions

- 2.1 The arrangements for the discharge of Executive functions will be set out by the Leader. The Leader may provide for Executive functions to be discharged by:

- (i) the Leader him/herself;
- (ii) the Executive as a whole;
- (iii) a Committee of the Executive;
- (iv) an individual Member of the Executive;
- (vi) an officer;
- (vii) an Area Committee;
- (viii) joint arrangements; or
- (ix) another local authority.

- 2.2 The Leader will report the arrangements, and any changes to the arrangements, to the Council

3. Working Groups

- 3.1 The Leader/Executive may appoint such working groups as is considered appropriate.

4. The Leader's Scheme of Delegation of Executive Functions

- 4.1 The Leader's Scheme of Delegation of Executive Functions will be determined and/or amended by the Leader. The Leader will report the Scheme as determined, and any amendments to it, to the Council.

5. Executive Meetings

- 5.1 Meetings of the Executive will be set by the Leader and included in the calendar of meetings. The Leader may call meetings in addition to those in the agreed calendar of meetings. The Executive will normally meet at Surrey Heath House unless another location is agreed by the Leader with the Chief Executive.

6. Public or Private Meetings

- 6.1 All meetings of the Executive at which decisions are taken, whether or not they are key decisions within the meaning of the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012 will take place in public, except where the Executive is considering exempt business.

7. Quorum

- 7.1 The Quorum for a meeting of the Executive is half of the membership, rounded down, plus one, or three, whichever is the larger.

8. How Decisions are to be taken by The Executive

- 8.1 Executive decisions which are to be taken by the Executive as a whole will be taken at a meeting convened in accordance with the Access To Information Procedure Rules in Part 4 of this Constitution.
- 8.2 The Executive will deal with proposals relating to the policy framework or budget in accordance with the Budget and Policy Framework Rules in Part 4.

9. Date When Executive Decisions Take Effect

- 9.1 When decisions have been taken by the Executive, the Monitoring Officer will issue to all members of the Council a summary of the decisions as soon as reasonably practical, normally by 5 p.m. on the following working day.
- 9.2 Decisions taken by the Executive can be called-in for scrutiny by a Scrutiny Committee. The protocol for call-ins is set out in the Scrutiny Committee Procedure Rules in Part 4. Requests for call-ins must be submitted by 5pm on the fifth working day following the issue of the summary of decisions. Decisions of the Executive will take effect or be actioned six working days after the issue of the summary unless the call-in process has been triggered.
- 9.3 Where a decision of the Executive is considered by the Monitoring Officer and Chief Executive to be urgent, it can take effect immediately the summary of the decision is published. If the decision is subsequently called – in, the Scrutiny Committee may still review the decision although the outcome will be not affected.

10. Decisions by the Leader and Individual Portfolio Holders

- 10.1 Where the Leader or an individual Member of the Executive receives a report which he/she intends to take into account in making an Executive decision, then he/she will not make the decision until at least 5 clear days after receipt of that report.
- 10.2 The officer who prepared the report will, at the same time as giving the report to the Leader or an individual Member of the Executive, give a copy of it to all Members of the Council and make the report publicly available, unless the report is exempt.
- 10.3 As soon as reasonably practicable after an Executive decision has been taken by the Leader or an individual member of the Executive or a key decision taken by an officer, the Chief Executive will prepare a record of the decision, a statement of the reasons for it, any advice sought or received from officers, and the options considered.
- 10.4 The Access to Information Procedure Rules provisions apply to the making of decisions by the Leader or individual members of the Executive, and decisions will be taken at a meeting convened in accordance with those Rules.

11. Conduct of Executive Meetings

- 11.1 The Leader will chair meetings of the Executive at which he/she is present. In the Leader's absence, the Deputy Leader will preside. If both are absent, the Executive will appoint a person from those present to preside at the meeting.

12. Who May Attend

- 12.1 Members of the public may attend any meeting where decisions are being taken by the Leader, individual Portfolio Holder or the Executive except where exempt or confidential information may be considered.
- 12.2 Any member of the Council may attend a meeting where decisions are being taken by the Leader, individual Portfolio Holder or the Executive which is open to the public but shall sit separately from the decision makers so that it is clear to any members of the public who are decision makers. Attendance by any member at these meetings will be recorded in the minutes of the meeting.
- 12.3 A councillor who attends a meeting where decisions are being taken by the Leader, individual Portfolio Holder or the Executive may, when invited to do so by the Leader (or person presiding, as appropriate), speak at the meeting on an item the decision maker is considering before the decision is made.

13. Business at Executive Meetings

- 13.1 At each meeting of the Executive held in public the following business will usually be conducted:

- (a) apologies for absence;
- (b) consideration of the minutes of the last meeting;
- (c) declarations of interest, if any;
- (d) questions received in accordance with Public Speaking Procedure Rules, if any;
- (e) receive, debate and respond to any petitions presented in accordance with the Petition Scheme at Part 4 of this Constitution;
- (f) receive and respond to any questions received from Members under Rule 16 below:
- (g) matters referred to the Executive (by either a Scrutiny Committee or Council) for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny Committee Procedure Rules or the Budget and Policy Framework Rules;
- (h) consideration of reports and recommendations from Scrutiny Committees;
- (i) matters set out in the agenda for the meeting, which shall indicate which are Key Decisions;
- (j) recommendations of the Executive's Working Groups;
- (k) urgent Items, subject to the Access to Information Procedure Rules at Part 4.

14. Putting Items on the Executive Agenda

- 14.1 The Leader 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 Chief Executive will comply with the Leader's request in this respect.
- 14.2 Subject to the agreement of the Leader, any member of the Executive may ask the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration. The proper officer will comply with any such request.
- 14.3 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. The notice of the meeting will give the name of the member who asked for the item to be considered.

15. Application of Council Procedural Rules

The following Council Procedural Rules apply to meetings of the Executive with any references to 'the Council and Mayor' being substituted by 'the Executive and Leader or person presiding at the meeting'.

- (a) Cancellation of a Meeting - Rule 6
- (b) Duration of Meetings - Rule 9
- (c) Voting - Rule 16
- (d) Minutes - Rule 17
- (e) Record of Attendance - Rule 18
- (f) Members' conduct - Rules 20.5, 20.6 and 20.7
- (g) Disturbance by the Public - Rule 21

16. Questions by Members

- 16.1 A Member of the Council may ask the Leader, or a member of the Executive, a question on any matter which relates to an Executive function.
- 16.2 The question will be put and answered without debate. An answer given may be given orally; by reference to published material of the Council or that which is readily available to the members; or in writing.
- 16.3 The period for questions by Members will not last more than 15 minutes.

17. Conflicts of Interest

- 17.1 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 Part 5 of the Council's Constitution.
- 18.2 If every 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 the Council's Constitution.
- 18.3 If the exercise of an executive function has been delegated to a committee of the Executive, a Portfolio Holder or an officer, and a conflict of interest arises, then the function will be exercised in the first instance by the Executive and otherwise as set out in the Council's Code of Conduct for Members in Part 5.