

## **Part Four – The Executive**

### **Section One – The Leadership Team and Executive Authority**

#### **RESPONSIBILITIES**

- I.01 The Leadership Team is the Council's executive, which is the part of the Council responsible for most of the major service, financial and policy decisions. In fact it is responsible for undertaking all of the Council's functions, except for those functions that the law specifies are the responsibility of full Council or which are delegated by the Council to committees, sub-committees (if any) or officers.

#### **THE LEADER OF THE COUNCIL**

- I.02 The Leader is a Councillor who is elected by the Council to the position of Leader of the Council, in normal circumstances at the Annual Council Meeting immediately following the Borough Elections every four years. The Leader holds office until:
- (a) he or she resigns from the office;
  - (b) he or she is suspended from being a Councillor (although he or she may resume office at the end of the period of suspension);
  - (c) he or she is no longer a Councillor;
  - (d) he or she is removed from office by resolution of the Full Council; or
  - (e) 6.30pm on the day of the Annual Council Meeting immediately following the next Borough Elections after his or her election as Leader.

#### **THE DEPUTY LEADER**

- I.03 The Leader will appoint one of the Lead Members to be his or her deputy. The Deputy Leader holds office until:
- (a) he or she resigns from office;
  - (b) he or she is suspended from being a Councillor (although he or she may resume office at the end of the period of suspension);
  - (c) he or she is no longer a Councillor;
  - (d) he or she is removed from office by the Leader; or
  - (e) the end of the term of office of the Leader.

#### **LEAD MEMBERS**

- I.04 The Leader appoints the Leadership Team, which can comprise up to a maximum of ten councillors (including the Leader), and must notify the Head of Governance and Mayoralty of any such appointments. Notice of the appointment will be made public within two working days, at which point the appointment becomes effective.

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- I.05 Individual Councillors who are members of the Leadership Team are known as Lead Members and they hold office until:
- (a) they resign from office; or
  - (b) they are suspended from being Councillors (although they may resume office at the end of the period of suspension); or
  - (c) he or she is no longer a Councillor; or
  - (d) he or she is removed from office by the Leader; or
  - (e) the end of the term of office of the Leader.
- I.06 As circumstances require, and to cover planned and unplanned absences, the Leader may assign executive portfolio responsibilities from one Lead Member to another and will notify the Head of Governance and Mayoralty accordingly.

### **PROJECT CHAMPIONS**

- I.07 Other members of the Council may, from time-to-time, be designated by the Leader (and notified as such to the Head of Governance and Mayoralty) as a 'Project Champion' for a specified project or policy issue. Such a councillor will not be a member of the Leadership Team and cannot make executive decisions, but will work with and support the relevant Lead Member.
- I.08 A Project Champion can attend the public part of any Leadership Team meeting in the same way as any other non-executive councillor and can speak with the permission of the chair (but not vote).
- I.09 Project Champions should not be involved in scrutinising issues or policies in which they have been actively involved which will in normal circumstances mean that they should not serve on the scrutiny committee charged with scrutinising that service area.

### **THE LEADERSHIP TEAM**

- I.10 The Leadership Team usually meets on a monthly basis, but the Leader keeps this arrangement under review. The Leader or, in his/her absence, the Deputy Leader chairs the meetings.
- I.11 Councillors who are not members of the Leadership Team cannot make any executive decisions, nor can they act as substitutes for Lead Members. In the absence of Lead Members, the Leader (and/or Deputy Leader in the Leader's absence) will act on their behalf or determine which Lead Member will cover an absent colleague's responsibilities.

### **THE DELEGATION OF EXECUTIVE AUTHORITY**

- I.12 The functions set out in Part 4, Section 2 of this Constitution have been delegated by the Leader to the Lead Member and/or executive director or director.
- I.13 If for any reason the Leader is unable to act or the office of Leader is vacant the Deputy Leader will act in his or her place.
- I.14 The Leader keeps the Executive's scheme of delegation under review and notifies the Head of Governance and Mayoralty of any alterations. The latter will ensure that:

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- (i) all Councillors are informed of those alterations;
- (ii) the Constitution is amended accordingly;
- (iii) the alterations are published; and
- (iv) a report is made annually to the full Council on the changes that have been made during the previous twelve months.

### **THE COUNCIL'S BUDGETARY AND STRATEGIC FRAMEWORK**

- I.15 The Leadership Team is responsible for the preparation of the Council's budget and the various plans and strategies that constitute the Council's strategic framework.
- I.16 In preparing the Council's budget and strategic plans, the Leadership Team will consult with relevant stakeholders, partner agencies and local people.
- I.17 The Leadership Team is also required to consult with the Overview and Scrutiny Committee as it draws up its budgetary and strategic plans, and to give proper consideration to any responses. In this respect, the Leadership Team needs to give advance notification to that Committee to allow the consideration of draft plans and strategies to be built into the Annual Scrutiny Work Programme.
- I.18 Having considered the views and recommendations of the Overview and Scrutiny Committee and other interested parties including local people, the Leadership Team will then present the budget, plans and/or strategies to the full Council for adoption.

### **KEY DECISIONS AND EXECUTIVE DECISIONS**

- I.19 Executive decisions (i.e. decisions that do not, by law, have to be taken by full Council or one of its committees) are taken either by the full Leadership Team, an individual Lead Member or by an officer who has the constitutional authority to make that decision.
- I.20 Those executive decisions which fall within the following definition are known as Key Decisions and, unless specifically delegated by the Leader, will be taken by the Leadership Team or by a Lead Member (as provided in Section 2 below):

A Key Decision is an executive decision which is likely:

- (a) to result in significant income or expenditure as follows:
    - contracts, capital expenditure and/or the disposal of property or interests in property (e.g. leases) with a total value of £1.5 million or more;
    - revenue expenditure or income of £500,000 or more; and
    - the making of individual grants of £50,000 or more; and/or
  - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards.
- I.21 A decision will be a Key Decision by virtue of its 'significant local impact' (as per paragraph I.20(b) above) if the impact is felt across two or more wards and it satisfies one or more of the following criteria:

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- (i) it is contentious, i.e. a proposal to which a substantial number of local people and/or their local councillors are already known to object; and/or
- (ii) it entails demonstrable social, economic or environmental impact to a substantial number of local people, or significant risks for the Council; and/or
- (iii) it entails the closure or significant change to the provision of any Council service, school or education facility which impacts principally on one or more vulnerable groups.

### Notes:

- (a) *In normal circumstances 'substantial number' is interpreted as hundreds (rather than tens) of people (across two or more wards).*
  - (b) *Any disputes over the interpretation of these criteria will be determined by the Monitoring Officer. Where a challenge is made but the decision properly remains an officer decision, the senior officer responsible for the service will make all reasonable efforts to engage with interested councillors and residents before the decision is made.*
  - (c) *Other than in the circumstances envisaged at paragraph 1.21(iii) above, where a decision is only likely to have a significant impact on a small number of people the matter will not be a Key Decision but the decision-maker should ensure those people and their ward councillors are informed of the forthcoming decision in sufficient time to give their views. Decisions on the sale of property interests with a value of £1.5million or more will always be Key Decisions. Those below this will not be, other than in exceptional circumstances based on the criteria above.*
  - (d) *Decisions on statutory lease extensions are delegated to the Executive Director of Housing and Social Investment so do not fall within the Key Decision or Executive Decision definitions, as approved by Council at its meeting on 3 March 2021.*
  - (e) *The decision to begin a procurement exercise and the procurement strategy which informs it should be agreed through a Key Decision if it is likely to result in the award of a contract valued £1.5 million or more.*
- I.22 Any matter that does not fall within the above definition is delegated to the relevant Council officer (in accordance with Part 7, Section 2 of the Constitution), albeit that any officer can, where he/she sees fit to do so, consult with the relevant Lead Member prior to taking any decision falling within his/her delegated authority. Furthermore the Leader or any Lead Member can give notice that they wish themselves to take, or for the Leadership Team to take, any executive decision within their portfolio that would otherwise fall within an officer's delegated authority (i.e. 'recall' a specific delegated matter) subject to the usual requirements around advance publicity on the Forward Plan (see more below).
- I.23 Executive decisions (see paragraph 1.19 above) that do not fall within the Key Decision definition above but which involve income or expenditure of £100,000 or more will be taken by the relevant Executive Director (and are referred to as 'Executive Decisions').

## **THE FORWARD PLAN**

- I.24 The Council will give at least 28 calendar days notice of any Key Decision or Executive Decision. The Council publishes these notices in a document called 'The Forward Plan'. [The Forward Plan is available on the Council website](#) and contains the following information:
- (i) the subject matter of the decision to be made;
  - (ii) where the decision-taker is an individual Lead Member, that Lead Member's name, and title; where the decision maker is the Leadership Team or another executive decision-making body, its name and a list of its members; and where the decision maker is an officer his/her name and title;
  - (iii) if a meeting at which the decision is to be taken is to be held in private, the reasons for that;
  - (iv) the date on which, or the period within which, the decision is to be made;
  - (v) a list of the documents submitted to the decision maker for consideration in relation to the decision to be made;
  - (vi) the address from which copies of, or extracts from, any document listed is available;
  - (vii) other documents relevant to those matters that are to be submitted to the decision maker; and
  - (viii) the procedure for requesting details of those documents (if any) as they become available.
- I.25 The Forward Plan is updated on an ongoing basis by the addition or amendment of new items which will be the subject of future decisions or by the deletion of planned decisions that will no longer be required. At the point that a new item is added to the Forward Plan, at least 28 days before the decision is to be taken, there will rarely be any written report drafted or available.

## **LEADERSHIP TEAM MEETINGS AND DECISIONS**

- I.26 Where a Leadership Team decision is required, officers will first ensure that notice of this has been added to the Forward Plan. After that the following procedure applies:
- (i) The item is placed on the agenda for an upcoming Leadership Team meeting. In due course the agenda is then published giving five clear working days notice of the meeting, and all Councillors are notified.
  - (ii) Any councillor can attend a Leadership Team meeting and the the Leader may:
    - (i) permit them to speak; or
    - (ii) where the Overview and Scrutiny Committee so requests, refer the matter to the relevant scrutiny committee.
  - (iii) The decision is then made (or not made) by the Leadership Team.
  - (iv) Up until 5.00pm on the day following the Leadership Team meeting, the decision can be called-in by the Overview and Scrutiny Committee (see Part 5, Section 3 of the Constitution). If the Head of Governance and Mayoralty receives no call-in requisition – supported in writing by a majority of the appointed members of

the Overview & Scrutiny Committee – by this deadline, then the decision will be implemented.

- (v) Where a decision is called-in, the Head of Governance and Mayoralty notifies the Chair of the Overview and Scrutiny Committee and implementation of the decision will be deferred for five days to allow the Overview and Scrutiny Committee to arrange for consideration of the matter. If Scrutiny has not considered the matter within this period, the Leadership Team can implement the decision. Where the Overview and Scrutiny Committee (or a Scrutiny Committee charged by the Overview and Scrutiny Committee) does consider the matter it can decide whether or not to recommend reconsideration or may, where the proposal is contrary to the Council's budgetary and strategic framework, refer the matter to full Council.
- (vi) Where Scrutiny or the full Council recommends reconsideration, the decision will be placed on the agenda for the next Leadership Team meeting and the Overview and Scrutiny Committee (or the Scrutiny Committee that was charged by the Overview and Scrutiny Committee to consider the issue) is invited to make representations at that meeting before the final decision is made.
- (vii) The minutes of Leadership Team meetings provide the formal written statement of the executive decisions taken at such meetings and these will include, in part by reference to the report upon which the decision was based:
  - a record of the decision, including the date it was made;
  - a record of the reasons for the decision;
  - details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
  - a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and
  - in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive.

### **CONSIDERATION OF EXEMPT OR CONFIDENTIAL PAPERS AT LEADERSHIP TEAM MEETINGS**

- I.27 At least 28 days clear notice is given of any part of a meeting where exempt or confidential papers are to be considered. This is done as and when each decision item is added to the Forward Plan, identifying the date the decision will be taken and whether or not the report will include any exempt or confidential papers which might call for consideration in private session.

### **DECISIONS BY INDIVIDUAL LEAD MEMBERS**

- I.28 Where an individual Lead Member Key Decision is required, the relevant senior officer will first ensure it has been added to the Forward Plan. After this the following procedure applies:
- (i) The report dealing with the matter upon which the decision is needed will be produced and published at least five clear days before the decision is to be taken.

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- (ii) The Overview and Scrutiny Committee will be notified and will have no less than the above five clear working days to comment on the matter to the relevant Lead Member and/or senior officer.
- (iii) Provided 28 days has elapsed, and subject to (i) and (ii) above, a decision is then made by the Lead Member; and
- (iv) As soon as reasonably practicable after an individual Lead Member has made an executive decision, the Council will produce a written statement of that decision which includes the following:
  - a record of the decision including the date it was made;
  - a record of the reasons for the decision;
  - details of any alternative options considered and rejected by the Member when making the decision;
  - a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision; and
  - in respect of any declared conflict of interest, a note of dispensation granted by the Monitoring Officer.
- (v) The decision is not implemented for a further five working days, during which time it can be called-in by the Overview and Scrutiny Committee. If the Head of Governance and Mayoralty receives no call-in requisition - supported in writing by a majority of the appointed members of the Overview and Scrutiny Committee – during this time, then the decision will be implemented.
- (vi) Where a decision is called-in, the Head of Governance and Mayoralty notifies the relevant scrutiny committee chair and Lead Member, who defers implementing the decision for a further five working days to allow the scrutiny committee to consider the matter. If the scrutiny committee has not considered the matter within this period, the Lead Member can implement the decision. Where the scrutiny committee has considered the matter, it can decide whether or not to recommend reconsideration or may, in some circumstances, refer the matter to full Council.
- (vii) Where the scrutiny committee or the full Council recommends reconsideration, the decision is placed on the agenda for the next Leadership Team meeting and the scrutiny committee is invited to make representations at that meeting before the final decision is made.

#### **EXECUTIVE DECISIONS TAKEN BY OFFICERS**

- I.29 Please see paragraph I.23 above, and I.24-I.25 which cover the notice given to such decisions.
- I.30 The report dealing with the matter upon which the decision is needed will be produced and published at least five clear days before the decision is to be taken.
- I.31 As soon as reasonably practicable after an individual officer has made an Executive Decision, the Council will produce a written statement of that decision which includes the following:

- a record of the decision including the date it was made;
- a record of the reasons for the decision;
- details of any alternative options considered and rejected by the officer when making the decision;
- a record of any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision; and
- in respect of any declared conflict of interest, a note of dispensation granted by the Monitoring Officer.

## **URGENCY PROVISIONS**

### **Standard Urgency Procedure ('General Exception')**

- I.32 Where, on the grounds of urgency, publication of the intention to make a Key Decision is impracticable, that decision may still be made provided:
- the chair of the Overview and Scrutiny Committee has been informed in writing (or, if there is no such person, each member of the Overview and Scrutiny Committee) of the matter about which the decision is to be made;
  - a copy of the notice given to the Chair of the Overview and Scrutiny Committee (or, in his or her absence, the vice-chair) has been made available at the Council offices and published on the Council's website; and
  - five clear working days have elapsed following the day on which the notice was made available.
- I.33 As soon as reasonably practicable after this has been done the Council will publish a notice at the Council offices and on its website setting out the reasons why this urgency provision has been used (i.e. why compliance with Regulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 is impracticable).

### **Special Urgency**

- I.34 Where an urgent Key Decision is required but compliance with the above is impracticable, the decision may still be made provided the decision maker has obtained the agreement of the Chair of the Overview and Scrutiny Committee (or, if there is no such person or if the Chair of the Committee is unable to act, the Mayor) that the making of the decision is urgent and cannot reasonably be deferred and, thereafter, published a notice at the Council offices and on the website setting out the reasons that the decision is urgent and cannot reasonably be deferred.
- I.35 The Leader reports quarterly to full Council on how often these urgency procedures are used, together with the details in each case.

### **Urgency in relation to Executive Decisions taken by Officers**

- I.36 Where, on the grounds of urgency, publication of the intention to make an officer Executive Decision is impracticable, that decision may still be made provided the chair of the Overview and Scrutiny Committee has been informed in writing (or, if there is



no such person, each member of the Overview and Scrutiny Committee) of the matter about which the decision is to be made.

**OFFICER ADVICE, REPORTS AND BRIEFINGS**

- I.37 Officers are responsible for providing professional advice to the Leadership Team or Lead Member who will be taking a decision. This will usually take the form of a report setting out the issue, policy context, options available including identification of risks, opportunities and mitigations, results of consultation, any legal or financial considerations, relevant statutory duties or other requirements (e.g. the public sector equality duty), and other professional advice including on the costs and feasibility of implementing decisions.
  
- I.38 Senior Council officers bringing forward reports for Leadership Team or Lead Member decision are expected to engage with service users, local people, ward councillors, scrutiny councillors and other stakeholders in the development of proposals as appropriate and to demonstrate that any feedback has been considered before any firm recommendation is developed. Report authors are also responsible for providing any mitigations required to address any issues raised by the professional advice contained within the report.