

<b>Isle of Anglesey County Council</b>	
Report to:	<b>The Executive / full Council</b>
Date:	<b>02.03.2023 / 09.03.2023</b>
Subject:	<b>Job Sharing on the Executive</b>
Portfolio Holder(s):	<b>Leader Finance, Corporate Business and Customer Experience</b>
Head of Service / Director:	<b>Lynn Ball Director of Function (Council Business) / Monitoring Officer</b>
Report Author: Tel: E-mail:	<b>Mared Yaxley Solicitor (Corporate Governance) <a href="mailto:MaredYaxley@ynysmon.llyw.cymru">MaredYaxley@ynysmon.llyw.cymru</a></b>
Local Members:	<b>Not a local matter</b>

<b>A –Recommendation/s and reason/s</b>
<p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. For the Executive to recommend and for the Council to agree that Constitutional changes are made to : <ol style="list-style-type: none"> <li>a. allow for one or more members to job share as leader, deputy leader and as portfolio holders on the Executive;</li> <li>b. allow the maximum number of members on the Executive to be amended to reflect the statutory maximum numbers where Executive members share roles; and</li> <li>c. detail the arrangements in relation to quorum and voting when Executive members are job-sharing; <ol style="list-style-type: none"> <li>(a) in accordance with the wording in <b>Appendix 1</b> to this report, and</li> <li>(b) any further consequential amendments that are required as a result of this decision.</li> </ol> </li> </ol> </li>   <li>2. Should any changes be made by way of job-share arrangements and / or the number of individuals in receipt of a senior salary change due to job-share arrangements, the Council will inform the Independent Remuneration Panel for Wales (IRPW) and promptly publicise the same.</li> </ol> <p><b>Reasons:</b></p> <ol style="list-style-type: none"> <li><b>1. Legislative background</b> <ol style="list-style-type: none"> <li>1.1 The Local Government and Elections (Wales) Act 2021 includes a requirement that local authorities must include in their Executive arrangements provision enabling two or more councillors to share office on an Executive. <a href="#">Section 58 of the Act</a> also details that this provision must include job-sharing in the office of deputy leader and leader; and when such arrangements are exercised, the maximum number of members of an Executive are increased from the current maximum of 10 and consequential voting and quorum provisions will apply.</li> </ol> </li> </ol>

## A –Recommendation/s and reason/s

1.2 The setting up of Executive arrangements for local authorities in Wales is included in the Local Government Act 2000. [Schedule 7](#) of the 2021 Act changes the original provision of the 2000 Act by:

- Allowing more than one councillor to share office as Executive leader
- Requiring that Executive arrangements must include provision which enables either the authority or the Executive leader to determine the number of councillors to be appointed to the Executive
- Requiring that Executive arrangements must include provision for two or more councillors to share appointment to the Executive
- When members share office, they have one vote between them in respect of any matter
- If members share office and they attend a meeting in their capacity as an Executive member, they count only as one person for determining if the meeting is quorate
- Though leader and cabinet Executive in Wales may not exceed 10 members, if two or more councillors are elected to share office, this number can exceed 10 but not 13:
  - For 11 or 12 members, at least two of the members must have been elected/appointed to share office;
  - For 13 members, at least three members must have been elected/appointed to share office.

Welsh Ministers are able to pass Regulations to amend these numbers, though numbers are not to exceed 10 or 13 (respectively) on the Executive.

### 2. The current Constitutional position

2.1 Whilst the Council's Constitution includes provision for the Leader to share office (paragraph 2.7.3.4) and for two or more Councillors to share office as Executive Members (paragraph 2.7.5.5) – and further included in paragraph 2.7.9; there is no express provision for the Deputy Leader role to be shared.

2.2 The Constitution does not include details of how issues of quorum or voting will be affected where there is an arrangement for an office to be shared.

2.3 The Constitution does not detail how job-sharing arrangements will affect the overall number of members on the Executive.

### 3. The proposal

3.1 It is proposed that the Constitution be amended to reflect and provide for the statutory changes included in the 2021 Act (detailed above), as further detailed in accordance with the tracked changes in **Appendix 1**, together with any other consequential constitutional changes that arise.

3.2 The changes include detailing that:

3.2.1 More than one person can job-share the role of Leader, Deputy Leader and Portfolio Holder on the Executive:

3.2.1.1 The Council appoints to the role of Leader. The arrangements of how

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to share the duties and responsibility of the role of Leader will be made amongst the Councillors job-sharing the role.

3.2.1.2 The Leader appoints the members of the Executive including appointing to the role of Deputy Leader and allocating Portfolios. The arrangements of how to share the duties and responsibility of those roles between two or more Councillors will be directed by the Leader, or if the Leader is indisposed, the Councillors job-sharing will discuss amongst each other.

3.2.2 Where there is more than one Executive Member sharing office (the office of Leader or Deputy Leader or Portfolio Holder), if they are attending a meeting in their capacity as Executive member,

3.2.2.1 they will have one vote between them (the vote is allocated to the job-sharing arrangement and not to the individuals themselves) and

3.2.2.2 they only count as one person for the purpose of calculating the quorum.

3.2.3 Where there is a job-share arrangement, the total number of members on the Executive rises above the usual statutory maximum, in accordance with the statutory provision.

3.2.4 Voting: In meetings of the Executive, each Executive role has a vote.

- Leader(s) could be appointed as Leader(s) or as Leader(s) and Portfolio Holder(s); that role will have one vote - each person carrying out that role does not. The vote is allocated to the job-sharing arrangement and not to the individuals themselves.
- Deputy Leader(s) are appointed by the Leader from amongst Councillors already appointed on the Executive as Portfolio Holders. The role of Deputy Leader does not in itself carry a separate vote and so a job-share arrangement for the role of Deputy wouldn't affect voting at Executive meetings. The vote is linked to the Portfolio.
- Each Portfolio has a vote. As the vote is allocated to the job-sharing arrangement and not to the individuals themselves, only one vote could be cast in relation to each Portfolio and the Councillors within that job-share would need to decide in advance who would cast the vote on behalf of the Portfolio.

### **4. Effect on remuneration and senior salary roles within the Council**

4.1 Part 6 of the Constitution details the payments available to local authority members, in accordance with the determinations made by The Independent Remuneration Panel for Wales. All Councillors are entitled to a basic salary. Senior salaries (which include the basic salary) are payments to members who are executive, chairs of committees and the leader of the opposition.

4.2 The Independent Remuneration Panel for Wales provides annual reports detailing the basic and senior salaries payable to Councillors. It also details the maximum

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number of senior salaries available within each Council.

4.3 At present, a maximum of 17 senior salaries (inclusive of civic salaries) may be paid by the Isle of Anglesey County Council. 15 senior salaries are currently paid and the details of these amounts/the individuals in receipt of the same are included in the Schedule of Member Remuneration in Part 6 of the Council's Constitution.

4.4 For job-share arrangements, the Schedule within Part 6 of the Constitution details (paragraph 10):

### “10.0 Job Share arrangements

*10.1 For members of the Executive: Each “sharer” will be paid an appropriate proportion of the salary of the Population Group.*

*10.2 The statutory maximum for cabinets cannot be exceeded so each job sharer will count toward the maximum.*

*10.3 Under the Measure, it is the number of persons in receipt of a senior salary, not the number of senior salary posts that count towards the cap. Therefore, for all job share arrangements the senior salary cap will be increased subject to the statutory maximum of 50% of the council's membership.*

*10.4 The Independent Remuneration Panel for Wales must be informed of the details of any job share arrangements.”*

4.5 If a job share occurs between current members of the Executive, E.g. should there be more than one deputy leader appointed from among the Portfolio Holders, this would not affect the number of senior salaries paid and would not affect the total sum paid by way of senior salaries. As regards the financial implication of such an arrangement, the Schedule details (paragraph 2.7): *“If the Council chooses to have more than one remunerated deputy leader, the difference between the senior salary for the deputy leader and other Executive members should be divided by the number of deputy leaders and added to the senior salary for other executive members in order to calculate the senior salary payable to each deputy leader.”* There would not be any cost implication of such an arrangement; the same amount would be paid in proportions to the number of individuals appointed to the role.

4.6 If a Councillor (currently in receipt of the basic salary only) is appointed to job share as Portfolio Holder on the Executive, that individual would share the appropriate proportion of the senior salary allocated to a member of the Executive with the other Portfolio Holder. There would be two persons carrying out the one senior salary post whilst sharing the senior salary remuneration amount. This arrangement would not affect the total sum paid by way of senior salaries but it would result in an additional person being in receipt of a senior salary (it is the number of persons in receipt of a senior salary, not the number of senior salary posts that count towards the cap); on the basis of the current numbers, this would take the Council to sixteen senior salaries (which remains below the current cap of 17). Again, there would not be any cost implication of such an arrangement; the same amount would be paid in proportions to the number of individuals appointed

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<p>to the role.</p> <p>4.7 The Schedule details (paragraph 2.8) that “A Senior Salary may not be paid to more than the number of members specified by the Independent Remuneration Panel for Wales in its Annual Report and cannot exceed fifty percent of the total membership of the authority, unless the consent of Welsh Ministers has been obtained.”</p> <p>4.8 Schedule 3 to the IRPW’s annual report details “Any changes to the schedule during the year must be promptly publicised in the above manner and all changes notified to Panel Secretariat promptly”. If any changes were made to the Executive arrangements, including job-sharing among the Executive members, the IRPW would need to be informed.</p>

<b>B – What other options did you consider and why did you reject them and/or opt for this option?</b>
Statutory changes have come into effect due to the Local Government and Elections (Wales) Act 2021. The Constitution must be adapted to reflect these statutory changes.

<b>C – Why is this a decision for the Executive?</b>
Changes to the Constitution will only be approved by full Council after consideration of the proposal by the Executive. (Paragraph 2.15.2 of the Council’s Constitution)

<b>Ch – Is this decision consistent with policy approved by the full Council?</b>
The changes to the Council’s Constitution are in line with the amended statutory provisions.

<b>D – Is this decision within the budget approved by the Council?</b>
<p>No current budget implications.</p> <p>Should job-sharing be exercised between Executive members, any arrangement must be considered in accordance with Part 6 of the Constitution (Remuneration for Members) and subject to the provisions of the Independent Remuneration Panel for Wales.</p> <p>A job-share arrangement between members in itself would not have a cost implication as the “additional” part of the salary would be paid in proportion to the number of individuals involved in the job share.</p>

<b>Dd – Assessing the potential impact (if relevant):</b>		
1	How does this decision impact on our long term needs as an Island?	Allowing Executive Members to job-share could result in a more diverse Executive as the responsibility would be shared between Councillors, and this could result in individuals who would not consider an Executive role (perhaps due to other responsibilities such as family or work) being able to contribute.
2	Is this a decision which it is envisaged will prevent future costs / dependencies on the Authority? If so, how?	This proposed decision is cost neutral
3	Have we been working collaboratively with other organisations to come to this	No but changes in the recent Local

Dd – Assessing the potential impact (if relevant):		
	decision? If so, please advise whom.	Government and Elections (Wales) Act 2021 have now provided this opportunity for flexibility.
4	Have Anglesey citizens played a part in drafting this way forward, including those directly affected by the decision? Please explain how.	No. There should be no direct impact on citizens
5	Note any potential impact that this decision would have on the groups protected under the Equality Act 2010.	It could have a positive impact –as detailed in box 1 above.
6	If this is a strategic decision, note any potential impact that the decision would have on those experiencing socio-economic disadvantage.	Not relevant
7	Note any potential impact that this decision would have on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.	The proposal could have a positive effect to the extent that it could give more opportunity to practice for members who would like to gain confidence in speaking Welsh at public meetings.

E – Who did you consult?		What did they say?
1	Chief Executive / Leadership Team (LT) (mandatory)	Yes, consulted; their contribution is included in the final report / Appendix 1
2	Finance / Section 151 (mandatory)	Yes, consulted; his contribution is included in the final report / Appendix 1
3	Legal / Monitoring Officer (mandatory)	Report Author
4	Human Resources (HR)	
5	Property	
6	Information Communication Technology (ICT)	
7	Procurement	
8	Scrutiny	
9	Local Members	

F - Appendices:
Appendix 1 – Proposed amended wording for Article 7 and the Executive Procedure Rules in the Council's Constitution

Ff - Background papers (please contact the author of the Report for any further information):
None

## 2.7 Article 7 – The Leader and The Executive

### 2.7.1 Role

The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

### 2.7.2 Form and composition

The Executive will consist of the Leader together with at least 2, but no more than 9 other Councillors, [\(unless there is job-sharing between Executive members, and the provision of paragraph 2.7.9 below applies\)](#), to include [the role of a Deputy Leader](#); all of whom shall be appointed to the Executive by the Leader.

### 2.7.3 The Leader

The leader will be a Councillor [\(or more than one – see paragraph 2.7.3.4 below\)](#) elected to the position of Leader by the Council at its first Annual Meeting after the ordinary local government elections.

#### 2.7.3.1 Term of office of the Leader

2.7.3.1.1 The Leader's term of office will be for the duration of the term of the Council, subject to paragraph 2.7.3.3 below.

#### 2.7.3.2 Election of the Leader

2.7.3.2.1 Each candidate who wishes to be considered to be appointed Leader must make a written presentation (manifesto) and oral presentation of his/her vision and values to the County Council. Every candidate to be Leader has to be nominated and seconded by 2 fellow elected Councillors. Each nomination and manifesto must be in writing and must be presented to the Chief Executive before 5pm on the 7th day (5th working day) after the ordinary local government elections, (which will be at least 5 working days before the first meeting).

2.7.3.2.2 At the first meeting of the Annual Meeting after the ordinary local government elections the nominated persons are asked in alphabetical order to present their proposals and programmes to the Council. They should be prepared to take questions from the newly elected membership.

2.7.3.2.3 If there are two or more nominations for Leader the decision will be made after the presentations and by secret ballot and rule of procedure paragraph 4.1.18.5 "recorded vote" will be suspended for this purpose. If there are two candidates the successful candidate must secure more than 50% of the votes cast. For elections where there are three or more candidates, then (if necessary) the candidate receiving the lowest number of votes is eliminated and a new ballot is held with the process to be repeated until one candidate receives more than 50% of the votes cast. In the event of two or more candidates receiving an equal lowest number of votes no candidate will be eliminated and a new ballot will be held. Officers are responsible for the collection and counting of votes and for declaring the result of the secret ballot(s). After the declaration(s) the ballot papers

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will be kept in the custody of the Chief Executive or a specified officer on his/her behalf and after the meeting destroyed.

2.7.3.2.4 If there is only one nomination for Leader, that single candidate will make his/her presentation of his/her vision and values to the Council and the decision will be made by a show of hands.

2.7.3.2.5 If a Leader dies, resigns, is suspended, is no longer a Councillor or is removed from office, the election of a new Leader will follow a similar procedure as is detailed in 2.7.3.2.1 to 2.7.3.2.4 inclusive and take place at the next meeting of the Council, annual meeting, ordinary or extraordinary, whichever is the earliest.

### 2.7.3.3 Termination of Leader's period of office

The Leader's period of office will end if:-

2.7.3.3.1 he/she resigns from the office; or

2.7.3.3.2 he/she is suspended from being a Councillor under Part III of the Local Government Act 2000; or

2.7.3.3.3 he/she is no longer a Councillor; or

2.7.3.3.4 he/she is removed from office by resolution of the Council on an issue of confidence – provided that the Council may only so resolve on an issue of confidence by a majority of two thirds of those present and voting; or

2.7.3.3.5 if the Leader ceases to be a member of the Council for any reason, or is suspended from such membership, the Deputy Leader will assume the office of the Leader until the election of a new Leader. In the event of a vote of no confidence in the Leader being successful or when a Leader resigns, the powers of the Leader are vested in and delegated to the Deputy Leader until the election of the new Leader.

### 2.7.3.4 The Leader may share office

2.7.3.4.1 Two or more Councillors may be elected by the Council to share office as Executive Leader, [if they mutually make an arrangement to stand for election as Leader on the basis of a job sharing arrangement](#), and references in any enactment, and in this Constitution, to a Leader shall be construed as including a Leader elected by virtue of this provision.

[2.7.3.4.2 Where two or more Councillors share office as Leader, they will decide amongst themselves how the duties and responsibilities of the Leader are to be carried out.](#)

### 2.7.4 The Deputy Leader

[2.7.4.1](#) The Deputy Leader will be a Councillor ([or more than one – see paragraph 2.7.4.3 below](#)) appointed to the position of Deputy Leader by the Leader as specified in 4.1.1.2.6. He/she shall be a member of the Executive.

[2.7.4.2](#) The Deputy Leader's period of office will end if:-



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2.7.4.2.1 he/she resigns from the office; or

2.7.4.2.2 he/she is suspended from being a Councillor under Part III of the Local Government Act 2000; or

2.7.4.2.3 he/she is no longer a Councillor; or

2.7.4.2.4 he/she is removed from office by the Leader who must give written notice of any removal to the Chief Executive.

### 2.7.4.3 The Deputy Leader may share office

2.7.4.3.1 Two or more Executive Members may be appointed by the Leader to share office as a Deputy Leader and references in any enactment, and in this Constitution, to a Deputy Leader shall be construed as including Deputy Leaders selected by virtue of this provision.

2.7.4.3.2 Where two or more Councillors share office as Deputy Leader, the Leader will select, on an ad hoc basis, how the role will be carried out by the Councillors. Should the Leader be indisposed, the Deputy Leaders will decide amongst themselves how the duties and responsibilities of the Deputy Leader are to be carried out.

## 2.7.5 Other Executive members

2.7.5.1 Other Executive members shall be appointed to office by the Leader and shall hold office until:

2.7.5.1.1 they resign from office; or

2.7.5.1.2 they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or

2.7.5.1.3 they are no longer Councillors; or

2.7.5.1.4 they are removed from office by the Leader who must give written notice of any removal to the Chief Executive.

### 2.7.5.2 Executive Members may share office

2.7.5.2.1 Two or more Councillors may be appointed by the Leader to share office as an Executive Member and references in any enactment, and in this Constitution, to an Executive Member shall be construed as including Executive Members elected by virtue of this provision.

2.7.5.2.2 Where two or more Councillors share an office as Portfolio Holders on the Executive, the Leader will select, on an ad hoc basis, how the role will be carried out by the Councillors. Should the Leader be indisposed, the Executive Members sharing that office will decide amongst themselves how the duties and responsibilities of the Portfolio Holder are to be carried out.

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### 2.7.6 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4.4 of this Constitution.

### 2.7.7 Responsibility for functions

The Leader will maintain a list in Part 3 of this Constitution setting out which individual members of the Executive, Committees of the Executive or Officers are responsible for the exercise of particular executive functions.

### 2.7.8 Appointment of Assistants to the Executive

2.7.8.1 The Council authorises the appointment of no more than three Councillors to be appointed at any one time as Assistants to the Executive, to assist the Executive in discharging functions which are the responsibility of the Executive.

2.7.8.2 Assistants to the Executive are appointed by the Executive Leader.

2.7.8.3 The Executive Leader may specify

- a) the number of Assistants to the Executive that may be appointed, within the overall cap of 3 as set out by Council (this includes the possibility of not appointing any Assistants to the Executive);
- b) any appointment process for selecting Assistants to the Executive;
- c) the individuals selected as Assistants to the Executive;
- d) the term of office for any Assistant to the Executive, and
- e) the responsibilities and duties for any Assistant to the Executive.

2.7.8.4 Any Assistants to the Executive of a Council may not include the Chairman or Vice Chairman of the Council, nor any member of the Council's Scrutiny Committees;

2.7.8.5 An Assistant to the Executive of a Council is not a member of the Executive of the Council.

2.7.8.6 An Assistant to the Executive shall not be remunerated. Any application for remuneration for Assistants to the Executive shall be authorised by full Council before being submitted to the Independent Remuneration Panel for Wales (or equivalent).

2.7.9 Sharing office as The Leader or and a members of the Executive may share office.

2.7.9.1 The role of Leader and other roles on the Executive may be shared by more than one individual.

2.7.9.2 If two or more Councillors are elected to share office as Executive Leader (see paragraph 2.7.3.4 above) or are appointed to the Executive to share office (see paragraphs 2.7.4.3 and 2.7.5.2 above), the number of members of the Executive may be increased to—

- (a) 11 or 12, if at least two of the members have been elected or appointed to share office;
- or
- (b) 13, if at least three of the members have been elected or appointed to share office.

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2.7.9.3 Individuals sharing an Executive role will have one vote between them in respect of any matter on which they have a right to vote because they are a member of the Executive. The vote is allocated to the job sharing arrangement and not to an individual, so the Executive members subject to the job sharing arrangement should have appropriate preparatory discussions, subject to paragraph 2.7.9.7 below.

2.7.9.4 If two or more members sharing an Executive role attend an Executive meeting, in their capacity as a member of the Executive, they should all be recorded as having attended the meeting and all may speak at the meeting. However, where a vote is required in respect of an Executive decision, they must decide between them in advance who will cast their vote and inform the Chair of the meeting.

2.7.9.5 If an individual that shares an Executive role attends a meeting of the Executive, in their capacity as a member of the Executive, and a vote is required in respect of an Executive decision, then the attending Executive member must cast their vote taking into account preparatory discussions with the member(s) with whom they share the role.

2.7.9.6 In the absence of agreement between the individuals within a job share arrangement, their vote shall not be counted.

2.7.9.7 If one of the Executive members that share an Executive role has a personal and prejudicial interest in a matter, the non-conflicted Executive member should cast the vote without having had any preparatory discussions about the matter with the other Executive member within the job-share.

2.7.9.8 Any arrangements for job-sharing will be made in accordance with the provisions of the Members' Schedule of Remuneration included in Part 6 of the Constitution.

## **4.4 Executive Procedure Rules**

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

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

The Leader may provide for executive functions to be discharged by:

- 4.4.1.1.1 the Executive as a whole
- 4.4.1.1.2 a Committee of the Executive
- 4.4.1.1.3 an individual Member of the Executive
- 4.4.1.1.4 an Officer
- 4.4.1.1.5 an Area Committee
- 4.4.1.1.6 Joint Arrangements; or
- 4.4.1.1.7 another Local Authority

#### **4.4.1.2 Delegation by the Leader**

At the Annual Meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:-

- 4.4.1.2.1 the names, addresses and electoral divisions of the people appointed to the Executive by the Leader;
- 4.4.1.2.2 the extent of any authority delegated to Executive Members individually, including details of the limitation on their authority;
- 4.4.1.2.3 the terms of reference and constitution of such Executive Committees as the Leader appoints and the names of Executive Members appointed to them;
- 4.4.1.2.4 the nature and extent of any delegation of executive functions to Area Committees, any other Authority or any Joint Arrangements and the names of those Executive Members appointed to any Joint Committee for the coming year; and
- 4.4.1.2.5 the nature and extent of any delegation to Officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.

#### **4.4.1.3 Sub-delegation of executive functions**

4.4.1.3.1 Where the Executive, a Committee of the Executive or an individual Member of the Executive is responsible for an executive function, they may delegate further to an Area Committee, Joint Arrangements or an Officer.

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4.4.1.3.2 Unless the Council directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a Committee of the Executive or to an Officer.

4.4.1.3.3 Unless the Leader directs otherwise, a Committee of the Executive to whom functions have been delegated by the Leader may delegate further to an Officer.

4.4.1.3.4 Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

4.4.1.3.5 Written notice must be given to the Chief Executive and to the person, body or Committee concerned of any sub-delegation or changes to such sub-delegations. The notice must set out the extent of the sub-delegation or changes to sub-delegation. The Chief Executive will maintain a record of the extent of any sub-delegation or changes to sub-delegation.

### **4.4.1.4 The Council's scheme of delegation and executive functions**

4.4.1.4.1 Subject to 4.4.1.4.2 below 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 in Article 2.7 and set out in Part 3 of this Constitution.

4.4.1.4.2 The Leader may amend the scheme of delegation relating to executive functions at any time during the year. To do so, The Leader must give written notice to the Chief Executive and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or the Executive as a whole. The Chief Executive will present a report to the next Ordinary Meeting of the Council setting out the changes made by the Leader.

4.4.1.4.3 Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chairperson.

### **4.4.1.5 Conflicts of Interest**

4.4.1.5.1 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 this Constitution.

4.4.1.5.2 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 this Constitution.

4.4.1.5.3 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 and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

### **4.4.1.6 Executive Meetings - when and where?**

The Executive will meet at least 12 times per year at times to be agreed by the Leader.

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The Executive shall meet at the Council's main offices or another location to be agreed by the Leader.

### **4.4.1.7 Public or private Meetings of the Executive?**

The Access to Information Procedure Rules in Part 4.2 of this Constitution set out the legal requirements covering public and private Meetings.

### **4.4.1.8 Quorum**

[4.4.1.8.1](#) The quorum for a Meeting of the Executive, or a Committee of it, shall be one quarter of the total number of Members of the Executive (including the Leader), or 3 including the Leader, whichever is the larger.

[4.4.1.8.2](#) Where roles on the Executive are subject to job-share arrangements, the members within that job-share arrangement will count only as one person (in meetings of the Executive and whenever they attend meetings in their capacity as an Executive member) for the purpose of calculating if the meeting is quorate.

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

4.4.1.9.1 Executive decisions which have been delegated to 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 the Constitution.

4.4.1.9.2 Where executive decisions are delegated to a Committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

[4.4.1.9.3](#) Where roles on the Executive are subject to job-share arrangements, the members within that job-share arrangement will have only one vote (in meetings of the Executive and whenever they attend meetings in their capacity as an Executive member).

### **4.4.2 How are the Executive Meetings Conducted?**

#### **4.4.2.1 Who presides?**

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

#### **4.4.2.2 Who may attend?**

These details are set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

#### **4.4.2.3 What business?**

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

4.4.2.3.1 consideration of the minutes of the last Meeting;

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4.4.2.3.2 declarations of interest, if any;

4.4.2.3.3 matters referred to the Executive (whether by Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

4.4.2.3.4 consideration of reports from Scrutiny Committees; and

4.4.2.3.5 urgent matters certified by the Chief Executive or any other Officer appointed by him to act on his behalf.

### **4.4.2.4 Consultation**

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 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.

### **4.4.2.5 Who can put items on the Executive agenda?**

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 Chief Executive will comply with the Leader's requests in this respect.

#### **Referrals to the Executive:**

4.4.2.5.1 Any Member of the Executive may require the Chief Executive to make sure 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 Chief Executive will comply.

4.4.2.5.2 There will be a standing item on the agenda of each meeting of the Executive for matters referred by Scrutiny Committees or full Council. However, there may only be up to 5 such items per Executive Meeting.

4.4.2.5.3 Any Member of the Council may put an item on the agenda of an Executive Meeting for consideration. The number of such items will be limited to no more than 5 per Meeting of the Executive and will be put on the Agenda in the order received by the Chief Executive. Items will be considered whenever possible 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 Councillor will be invited to attend the Meeting, whether or not it is a public Meeting and will have a right to speak but not to vote.

4.4.2.5.4 The Chief Executive, the Monitoring Officer and/or the S151 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. In other

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circumstances, where any two of the Chief Executive, the S151 Officer and the 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 soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a Meeting be convened at which the matter will be considered.