

EXECUTIVE PROCEDURE RULES (EPR)

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EXECUTIVE PROCEDURE RULES

NB. These rules apply to formal meetings of the executive either meeting as a cabinet, as a committee, or formally taking decisions as an individual executive member.

EPR1

HOW DOES THE EXECUTIVE OPERATE?

EPR1.1

Who may make executive decisions?

The Mayor will decide how executive functions are to be exercised. They may be discharged by:

- (i) the Mayor
- (ii) the executive as a whole (i.e. by the cabinet);
- (iii) a committee of the executive (i.e. a committee of the cabinet);
- (iv) an individual member of the executive;
- (v) an officer;
- (vi) an area committee;
- (vii) joint arrangements; or
- (viii) another local authority.

EPR1.2

Delegation by the Mayor

The Mayor will provide a written scheme of delegations for inclusion in the council's scheme of delegation at part 3 to this constitution. The document will contain the following information about executive functions in relation to the coming year:

- (i) the names, addresses and wards of the people appointed to the executive;
- (ii) the extent of any authority delegated to executive members individually, including details of the limitation on their authority;

- (iii) the terms of reference and constitution of such executive committees as the Mayor appoints;
- (iv) 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
- (vi) 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.

EPR1.3

Sub-delegation of executive functions

- (a) 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.
- (b) Unless the Mayor directs otherwise, a committee of the executive to whom functions have been delegated may delegate further to an officer.
- (c) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

EPR1.4

The Mayor's scheme of delegation and executive functions

- (a) The Mayor's scheme of delegation will contain the details required in Article 5 (The Mayor and the executive) and set out in part 3 of this constitution.
- (b) The Mayor may amend the scheme of delegation relating to executive functions at any time during the year. To do so, they must give written notice to the proper officer 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 proper officer will present a report to the next ordinary meeting of the full Council setting out the changes made.

- (c) Where the Mayor seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when it has been served on its chair.

EPR1.5 Conflicts of Interest

If the exercise of an executive function has been delegated to the deputy mayor, an executive member, a committee of the executive, 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. All members should have regard to the principles in the council's **Code of Conduct for Members** in part 5 of this constitution.

EPR1.6 Executive meetings – when and where?

The executive will meet at least four times per year at times to be agreed by the Mayor.

EPR1.7 Public meetings of the executive

All meetings of the executive will be held in public subject to the **Access to Information Rules (APR)** in part 4 of this constitution which set out the requirements covering public meetings.

EPR1.8 Quorum

The quorum for a meeting of the executive (meeting collectively as the cabinet), or a committee of it, shall be either the Mayor plus one other or determined by the ordinary rules of quorum (CMR8) (whichever is the less).

EPR1.9 How are decisions to be taken by the Executive?

- (a) 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 Rules (APR)** in part 4.

- (b) Where executive decisions are delegated to a committee of the executive the rules applying to executive decisions shall be the same as those applying to those taken by the executive as a whole.

EPR2

HOW ARE EXECUTIVE MEETINGS CONDUCTED?

EPR2.1

Who presides?

The Mayor will preside at any meeting of the executive (meeting collectively as the cabinet) or its committees at which they are present, or may appoint another executive member to do so or if no such appointment has been made, then the committee will elect one of its members to preside.

EPR2.2

Who may attend?

Any member of the press and public can attend executive meetings as per the details set out in the **Access to Information Rules** (APR) in part 4 of this constitution.

EPR2.3

What business?

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

- (i) public forum (see EPR3 below);
- (ii) declarations of interest, if any;
- (iii) matters referred to the executive (whether by an overview and scrutiny committee or by the full Council) for reconsideration by the executive in accordance with the provisions contained in the **Overview and Scrutiny Procedure Rules** (OSR) or the **Budget and Policy Framework Procedure Rules** (BPR) set out in part 4 of this constitution;
- (iv) consideration of reports from overview and scrutiny committees, the chair or their nominee has the right to speak to give the view of a committee when making a referral (without the need to give notice); and

- (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 Rules (APR)** set out in part 4 of this constitution.

EPR2.4 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 overview and 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.

EPR2.5 Who can put items on the executive agenda?

The Mayor will decide upon the schedule for the meetings of the executive. The Mayor may put on the agenda of any executive meeting any matter which he 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 requests by the Mayor in this respect.

- (1) Any member of the executive may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the executive for consideration. If he receives such a request the proper officer will comply.
- (2) The proper officer will make sure that an item is placed on the agenda of the next available meeting of the executive where a relevant overview and scrutiny committee or the full Council have resolved that an item be considered by the executive. However, there may only be up to **three** such items on any one agenda.
- (3) The monitoring officer / proper officer and / or the chief finance 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 circumstances, where any two of the head of paid service, chief finance officer and proper 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.

EPR3

Public forum (including questions) at executive meetings

- (1) At the beginning of a meeting of the executive, up to **one hour** will be allowed for questions and representations on matters on the agenda. (See EPR4 (public forum) and EPR5 (questions) below).

Time limit - 1 hour

- (2) The order of business for public forum will be as follows:
- (i) public forum - notified by local residents in Bristol (petitions to be heard before statements)
 - (ii) questions by residents in Bristol
 - (iii) public forum - notified by councillors (petitions to be heard before statements)
 - (iv) questions by councillors.

EPR4

Public Forum (petitions and statements)

(1) Members of the public and members of council, provided they give notice in writing or by electronic mail to the proper officer (and include their name and address and details of the wording of the petition, and in the case of a statement, a copy of the submission), by no later than 12 noon of the working day before a meeting may present a petition or submit a statement to the executive. One statement per member of the public and one statement per member of the council shall be admissible. A maximum of one minute shall be allowed to present each petition and statement.

In respect of petitions a written reply will be provided to the lead petitioner within 10 working days following the meeting.

In respect of statements a written reply will be provided within 10 working days of the meeting if requested.

Notice required - 12 noon of the working day before the meeting

- (2) The time taken by the executive member in responding to each representation, and the nature of the response given will be at the discretion of the executive member.

EPR5

QUESTIONS FROM COUNCILLORS AND THE PUBLIC

EPR5.1

General

Questions may be asked of any member of the executive, by a member of council or a member of the public.

EPR5.2

Order of questions

Questions will be placed in the order notice of the questions were received by the proper officer and subject to EPR 3 (public forum) above

EPR5.3

Notice of questions

- (a) A question may be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than three clear working days before the day of the meeting. Questions must give the name and address of the questioner and must identify the executive member to whom it is to be put.

Notice required - 3 clear working days

- (b) Late urgent questions **may** be asked provided:

- the question relates to urgent matters; and
- the content of the question has been given to the proper officer by no later than **two hours** before the meeting.

Notice required - 2 hours before the meeting

EPR5.4

Number of questions submitted

A maximum of two questions per person may be asked and additionally, a maximum of two supplementary questions. A supplementary question must arise directly out of the original question or the reply.

EPR5.5

Response

- (1) (a) Replies to questions will be given verbally. If a reply cannot be given at the meeting (including due to lack of time) or if written confirmation of the verbal reply is requested by the questioner, a written reply will be provided within 10 working days of the meeting. The questions and replies will be

included in the minutes of the meeting.

- (b) Oral answers will be given to urgent questions asked under CPR10.3 (notice of questions).

EPR6

Scope of questions, statements and petitions

The Mayor, in consultation with the proper officer, may reject a question, statement or petition if it:

- is not about a matter for which the local authority has responsibility or which affects the city;
- is defamatory, frivolous or offensive.

The Mayor may also reject a question, statement or petition if it would require the disclosure of confidential or exempt information.

EPR 7

Procedure for decision making by the Mayor

- (a) The Mayor may take an Executive decision of the Council when required individually and not at a meeting of the Executive convened and conducted in accordance with EPR 1.

Such decisions must be either:

- (i) Decisions taken by the Mayor at the Health and Wellbeing Board;
or
 - (ii) Decisions taken by the Mayor at a committee of the Cabinet (such as the Property Board or the Learning City Partnership)
 - (iii) A non-key decision
- (b) An Executive decision taken by the Mayor in accordance with EPR 7.1 shall be in accordance with the procedure set out in this EPR 7.
- (c) The decision may only be made following consideration by the Mayor of a full report by the relevant officer(s) containing all relevant information, options and recommendations in the same format as would be required if the decision were to be taken at a meeting of the Executive; and

- (d) Where applicable the provisions of the Overview and Scrutiny Procedure Rules in relation to call-in, including the rules regarding urgent decisions, shall apply; and
- (e) Where applicable the provisions of the Access to Information Procedure Rules shall apply; and
- (f) The decision shall not be made until the Mayor has confirmed his agreement by signing a [Mayoral Decision proforma] which has first been completed with all relevant information and signed by the relevant [Chief Officers].
- (g) All Mayoral decisions taken in accordance with EPR 7 above shall be:-
 - (i) Recorded in a log held by the [Service Director Legal] and available for public inspection; and
 - (ii) Published on the Council's website;Save that no information which is 'exempt' or 'confidential' as defined in the Council's Access to Information Procedure Rules shall be published, included in the decision notice or available for public inspection.