

ROTHERHAM BOROUGH COUNCIL

EXECUTIVE PROCEDURE RULES

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PART I
THE OPERATION OF THE EXECUTIVE, ETC.

1 The operation of the executive

Who may make executive decisions?

- (1) The arrangements for the discharge of executive functions are set out in Article 7 of the constitution, these Executive Procedure Rules and the Responsibility for Functions, as approved by Council.
- (2) The Leader of the Council may decide how executive functions that are not set out in the above executive arrangements are to be exercised.
- (3) The Leader may discharge any executive function and shall approve the Responsibility for Functions as regards executive functions, which may provide for such functions to be discharged by:-
 - the Cabinet as a whole;
 - a committee of the Cabinet;
 - an individual member of the Cabinet;
 - an officer;
 - joint arrangements with another local authority; or
 - another local authority.

Sub-delegation of executive functions

- (4) Subject to any statutory provisions and except where the Leader specifies otherwise, where executive functions have been delegated to the Cabinet, they may be delegated further to any of the individuals or other bodies described in procedure rule 1(3).
- (5) Unless the Leader specifies otherwise, where executive functions have been delegated to a committee of the Cabinet or to an individual Cabinet Member, they may be delegated further to an officer.
- (6) The fact that executive functions have been delegated does not prevent the discharge of those functions by the delegator.

2 Responsibility for Functions for Members and Officers

- (1) The Responsibility for Functions for Members and Officers may only be amended by the Leader as regards executive functions and will contain the details required in Article 5 of the Constitution.

- (2) Amendments to the Responsibility for Functions, as regards executive functions will be reported to all members of the Council in accordance with Council Procedure Rules.

3 Conflicts of Interest

- (1) A conflict of interest could either be a Disclosable Pecuniary Interest within the meaning of the Localism Act 2011 or an other relevant personal interest which might lead a member of the public reasonably to conclude that the councillor may not make a decision in the public interest.
- (2) If a Member of the Cabinet has a conflict of interest in relation to a matter for his or her consideration, the Leader of the Council will substitute or in his absence the Deputy Leader.
- (3) If both the Leader or Deputy Leader are absent or if they themselves have a conflict of interest then the Cabinet Member with responsibility for resources is authorised to substitute.
- (4) Where all of the above have a conflict of interest then the matter will be referred to the full Cabinet.

PART II
EXECUTIVE MEETINGS AND RECORDS OF EXECUTIVE DECISIONS

4 Cabinet meetings

Frequency of meetings

- (1) The Cabinet will meet in accordance with the agreed calendar of meetings.

Quorum

- (2) The quorum for a meeting of the Cabinet shall be four. The quorum for a meeting of a committee of the Cabinet shall be one-third of the committee's membership.

Executive decisions

- (3) Cabinet decisions which have been delegated to the Cabinet as a whole or a committee of the Cabinet will be taken at a meeting convened in accordance with the *Access to Information Rules*.
- (4) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by the committee will be the same as those applying to those taken by the Cabinet as a whole.

5 The conduct of executive meetings

Chairing meetings

- (1) Meetings of the Cabinet will be chaired by the Leader, or in his or her absence, by the Deputy Leader. In the absence of both the Leader and Deputy Leader, the Cabinet shall choose another Cabinet Member to preside.

Others' attendance at executive meetings

- (2) All members of the public have a right to attend the public part of Cabinet meetings and speak, in accordance with Schedule 2 to these procedure rules, at the discretion of the Chair. The Chair of the Overview and Scrutiny Management Board may attend Cabinet meetings, and, at the invitation of the chair, may speak but not vote.
- (3) The *Access to Information Rules* govern who may attend meetings of the Cabinet held in public.
- (4) Twenty minutes at the beginning of each Cabinet meeting will be reserved for questions from the public, in accordance with the procedure to be found at Schedule 2 to these Executive Procedure Rules.

Consultation

- (5) All reports to the Cabinet, from any member of the Cabinet 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 details of the outcome of that consultation.
- (6) Reports about other matters must set out the details and outcome of consultation as appropriate.
- (7) The level of consultation required will be appropriate to the nature of the matter under consideration.

Adding items to the Cabinet's agenda

- (8) The Leader may put on the agenda of any Cabinet meeting any matter which he or she wishes (whether or not authority has been delegated to the Cabinet, a committee of the Cabinet or any member or officer in respect of that matter) and the Democratic Services Manager will comply with the Leader's instructions in that respect.
- (9) The Democratic Services Manager will, subject to the agreement of the Leader, comply with a Cabinet member's request to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for its consideration.
- (10) Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet.
- (11) The Monitoring Officer or the Section 151/Chief Finance Officer (or both) may, following consultation with the Leader, include an item for consideration on the agenda of a Cabinet meeting, and may require the Democratic Services Manager to call such a meeting in pursuance of their statutory duties.
- (12) Notwithstanding procedure rule 5(11), where any two of the Chief Executive, the Monitoring Officer and the Section 151/Chief Finance Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may, following consultation with the Leader, instruct the Democratic Services Manager to include the matter as an item on the agenda of the next scheduled meeting of the Cabinet.

- (13) If a decision on the matter is required before the Cabinet is next scheduled to meet, the officers entitled to include an item on the agenda under procedure rule 5(12) may also, following consultation with the Leader, require the Democratic Services Manager to convene an extraordinary meeting of the Cabinet to consider the matter.

6 Recording executive decisions

Executive decisions made at meetings

- (1) As soon as reasonably practicable following a Cabinet meeting held in public or in private, the Democratic Services Manager (or an officer designated by him/her) will prepare a minute in respect of every executive decision made at the meeting.
- (2) A minute prepared under procedure rule 6(1) will record –
- the decision;
 - the reasons for the decision;
 - details of any alternative options considered and rejected when the decision was made;
 - any disclosable pecuniary interests and other relevant personal interests declared by a member of the Cabinet participating in the making of the decision; and
 - any dispensation granted to a member who declared a disclosable pecuniary interest or personal interest.

Executive decisions made by individual executive members

- (3) Within three working days following the making of an executive decision by an individual member of the Cabinet, the member concerned will instruct the Democratic Services Manager to prepare a statement (or in his or her absence prepare the statement himself or herself) in respect of that decision.
- (4) A statement prepared under procedure rule 6(3) will record –
- the decision;
 - the reasons for the decision;
 - details of any alternative options considered and rejected by the member when he or she made the decision;
 - any disclosable pecuniary interests and other relevant personal interests declared by the Cabinet Member or a member who was consulted by the Cabinet member in relation to the decision; and
 - any dispensation granted to a member who was consulted by the Cabinet Member in respect of a disclosable pecuniary interest or a personal interest.

- (5) As soon as reasonably practicable following the making of an executive decision by an officer, the officer must produce a written statement in respect of that decision.
- (6) A statement prepared under procedure rule 6(5) will record –
- the decision;
 - the reasons for the decision;
 - details of any alternative options considered and rejected by the officer when he or she made the decision;
 - any disclosable pecuniary interests and other relevant personal interests declared by any Cabinet Member who was consulted by the officer in relation to the decision; and
 - in respect of any declared conflict of interest, a note of dispensation granted by the Council’s Head of Paid Service.
- (7) For the purposes of procedure rules 6(5) and (6) above an executive decision includes decisions made under specific delegation from a meeting of a decision making body but does not include decisions which are administrative or operational in nature or decisions about the awarding of contracts which are of a value less than £250,000.
- (8) After a meeting of a decision-making body at which an executive decision has been made, or after an individual executive member or officer has made an executive decision the proper officer must ensure that a copy of;
- any records prepared in accordance with the requirements of this Rule; and
 - any report considered at the meeting or, as the case may be, considered by the individual member or officer and relevant to a decision recorded in accordance with the requirements of this Rule or, where only part of the report is relevant to such a decision, that part; and
 - any background papers
- must be available for inspection by members of the public, as soon as is reasonably practicable, at the offices of Council and on the Council’s website.
- (9) This Rule does not require the disclosure of exempt or confidential information.

PART III
THE FORWARD PLAN OF KEY DECISIONS

7 Preparation of the Forward Plan of Key Decisions

Document publicising preparation of forward plan

- (1) The Assistant Director of Legal Services will arrange for the monthly publication of the plan of key decisions covering the forthcoming three months and shall circulate a copy of the plan to all councillors.

Notice period

- (2) The plan must be published at least 28 days before the key decision is made.

Contents of document

- (3) The document must state –
- (a) that a key decision is to be made on behalf of the relevant local authority;
 - (b) the matter in respect of which the decision is to be made;
 - (c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
 - (d) the date on which, or the period within which, the decision is to be made;
 - (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decisions is to be made;
 - (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
 - (g) that other documents relevant to those matters may be submitted to the decision maker; and
 - (h) the procedure for requesting details of those documents (if any) as they become available.

Meaning

- (4) A key decision means –
- any recommendation to Council to approve or vary the revenue or capital budget, being outside approved virement limits.
 - any executive decision which is likely: –

to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or

to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority

with the exception of:-

- (i) decisions which are a direct consequence of implementing a previous key decision and were contemplated by the decision maker when the original key decision was made;
- (ii) bids by the Council for funding of £400,000 or more where, if the bid should be successful, a further report seeking approval of the scheme will be submitted to Cabinet;
- (iii) expenditure for the day to day provision of services that was in the contemplation of the Council when the revenue budget was approved and is in the opinion of the Strategic Director of Finance and Customer Services inevitable; and
- (iv) expenditure that must be incurred to comply with the terms of contracts won by the Council in competition.

The Council has determined that decisions that will result in expenditure or savings with a gross effect of £400,000 or greater are to be considered significant.

- (5) If the date by which a key decision must be made makes it impracticable to comply with procedure rule 7(2), the key decision can only be made:-
 - if there are more than 5 clear days notice available; and
 - the Chair of the Overview and Scrutiny Management Board has been informed, or
- (6) If the date by which a key decision must be made makes it impractical to comply with procedure rule 7(5) the key decision can only be made:-
 - the Chair of the Overview and Scrutiny Management Board has agreed that the making of the key decision is urgent and it cannot reasonably be deferred; and
 - the requisite notices regarding the above requirements have been published.

**PART IV
REPORTS TO THE COUNCIL**

8 Reports to the Council

Executive decision not treated as key decision

- (1) The Overview and Scrutiny Management Board may require the decision-maker responsible for an executive decision to submit a report for consideration by the full Council, if the committee considers that the decision-maker should have treated the decision as a key decision but did not do so.
- (2) The decision-maker must submit the report to the full Council within such reasonable period as is specified by the committee.

Contents of report to full Council

- (3) The report must contain details of –
 - the decision-maker;
 - the decision and the reasons for the decision; and
 - if the Cabinet share the opinion of the decision-maker that the decision was not a key decision, the reasons for that opinion,

Annual report on urgent key decisions

- (4) Annually, the Leader will submit to the full Council a report containing details of urgent decisions taken in compliance with procedure rules 7(5) and 7(6) (special urgency).
- (5) A report submitted under procedure rule 8(4) will include –
 - particulars of each urgent decision made;
 - summary of the matters in respect of which each decision was made; and
 - the reasons used to justify the use of the urgency provisions.

PART V
THE POLICY FRAMEWORK

9 The policy framework and the executive

Development and implementation of plans and strategies

- (1) The Cabinet is responsible for developing the plans and strategies that are adopted or approved by the Council and comprise the policy framework.
- (2) Once the Council has adopted or approved a plan or strategy, the executive is responsible for implementing it.

Alteration or modification of plans and strategies

- (3) Subject to procedure rules 9(4) and 9(5), the executive may not alter or modify any plans or strategies that comprise the policy framework, and must take executive decisions in accordance with them.
- (4) Without the prior consent of the full Council, the executive may not take a decision that will have the effect of changing any plan or strategy comprised in the policy framework unless –
 - the decision is necessary to ensure compliance with the law, ministerial direction or government guidance;
 - the particular plan or strategy permits minor changes; or
 - the decision is necessary to meet a budgetary constraint (an overspend).
- (5) Without the prior consent of the full Council, the executive may not take a decision that falls outside the policy framework unless –
 - the decision may reasonably be regarded as urgent; and
 - the decision-maker has obtained from the Chair of the Overview and Scrutiny Management Board or, in his or her absence the Mayor or in his or her absence the Deputy Mayor a statement in writing that the decision needs to be made as a matter of urgency.
- (6) The executive shall note the chairman or Mayor's consent on the record of a decision made under procedure rule 9(5).

Reporting decisions falling outside policy framework

- (7) As soon as practicable after making a decision that falls outside the policy framework, the executive shall submit a report to the full Council, which includes details of –
- the decision;
 - the emergency or other circumstances in which the decision was made; and
 - the reasons for the decision.

10 Development of plans and strategies

Timetable for preparation of plans and strategies

- (1) In respect of any plan or strategy comprised in the policy framework, the Cabinet will determine the timetable for –
- (a) consulting as appropriate local stakeholders;
 - (b) preparing its initial proposals;
 - (c) consulting overview and scrutiny committees; and
 - (d) submitting the draft plan or strategy for the Council's adoption or approval.
- (2) Details of consultation with local stakeholders will be included in the relevant forward plan or plans that are available for inspection at the Town Hall.

Preparation of initial proposals

- (3) In preparing its initial proposals for a particular plan or strategy, the Cabinet will consider the outcome of any review of policy carried out by an overview and scrutiny committee in respect of the plan or strategy.
- (4) The Cabinet's initial proposals for the particular plan or strategy will be referred for the consideration of relevant overview and scrutiny committees, who may consult with local stakeholders in so far as the executive has not already consulted them.
- (5) Within such period specified by the Cabinet, the overview and scrutiny committees consulted by the Cabinet will report the outcome of their deliberations to the executive.
- (6) Having considered the views of local stakeholders and any overview and scrutiny committees' reports, the Cabinet may amend its initial proposals then recommend to the Council the adoption of its firm proposals for the particular plan or strategy.

11 Adoption or approval of plans and strategies

Adoption or approval

- (1) Having regard to the views of local stakeholders (where sought) and any overview and scrutiny committee reports, the Council will consider the Cabinet's firm proposals for the particular plan or strategy and may adopt them, propose amendments to them or refer them back to the executive for further consideration.
- (2) The Council's decision to adopt the Cabinet's firm proposals for a particular plan or strategy will take immediate effect.
- (3) If the Council has objections to the plan or strategy it must inform the Leader of them and request the reconsideration of the plan or strategy in the light of these objections.
- (4) The Leader must be given at least 5 working days to arrange for the plan or strategy with any proposed amendments to be resubmitted to the Council or notify the Council of any disagreement with the Council's objections together with reasons for any such amendments or disagreements.
- (5) The Council must when reconsidering the plan or strategy take into account any amendments made and the reasons for them and any disagreements with the Council's objections and the reasons for them
- (6) The Council's final decision on the adoption or approval of a particular plan or strategy will be of immediate effect and will be publicised at the Town Hall and on the Council's website.

Cabinet Member Portfolios (as at April 2019)

Leader of the Council (Councillor Chris Read)

The Leader has responsibility for overall leadership of the Council and representing the borough at a national regional and sub-regional level. The Leader will take personal responsibility for leading the drive towards corporate improvement, organisational and cultural change, and is responsible for the Council's governance and ethical framework.

- Overall leadership of the Council
- Overall coordination of the Council's response to Child Sexual Exploitation
- Overall responsibility for ensuring the Council sets and delivers a balanced budget
- Setting Corporate Policy including the Corporate Plan
- Reputation Management and corporate communication
- Corporate Improvement, Innovation and Organisational change
- To lead on Standards & Governance
- Overall responsibility for Corporate Governance, including signing the Council's Annual Governance Statement to confirm the Council has appropriate rules, policies and procedures in place and operating effectively for managing its business
- To lead the Council's formal Conciliation and Consultation arrangements
- Member of the Rotherham Together Partnership Board
- To lead on City Region activity and devolution, including as member of Sheffield City Region Combined Authority
- Customer Services
- Community Cohesion

Deputy Leader and Cabinet Member for Children and Young People's Services and Neighbourhood Working (Councillor Gordon Watson)

The Deputy Leader will support the Leader day to day activity to allow him to concentrate on strategic issues. The portfolio holder will have specific responsibilities around child safeguarding, child protection and incorporates education, lifelong learning and the prevention early and intervention strategy. The Deputy Leader will also take Cabinet responsibility for the Member Neighbourhood Working model.

- Statutory position as lead member for Children
- Chair of the Children and Young People's Partnership
- Children's Safeguarding and prevention and early intervention strategies
- Family intervention, fostering, adoption and looked after children including out of borough placements; corporate parenting lead

- Transitional arrangements from childhood to adulthood for young people with complex needs
- Lifelong Learning and lead member for Education & 14-19 Strategy including early years, schools, special schools, and pupil referral units.
- School catering; School place planning; School effectiveness; School music service; contributing to Children, Young People and Families partnership; The Family Steering Group; School Admissions and Appeals
- Early Help services including the Troubled Families agenda
- Children and Adolescent Mental Health Services (CAMHS)
- Neighbourhood Working Model
- Member Development and Member Services

Adult Social Care and Health (Councillor David Roche)

This portfolio retains the oversight and all commissioning activities and provision of adult social care, public health functions and the interface with NHS. The main thrust is to provide services in a personalised manner around the citizen and to lead on the integration of local health and adult social care services.

- Adult Social Services including adult safeguarding, services for older people, a range of services to meet the needs of people with learning disabilities, support for people with mental health issues and dementia, and services to support people with physical disabilities
- Arrangements from childhood to adulthood for people with complex needs
- Lead member for preparation of the Joint Strategic Needs Assessment with health partners
- Lead for liaison with health partners to lead on the integration of local health services including prevention/early intervention activity
- Chair of the Health and Wellbeing Board
- Health Watch Liaison
- Public Health, including overseeing the Health Protection Plan, prevention and improvement

Jobs and the Local Economy (Councillor Denise Lelliott)

This portfolio has an emphasis on delivering jobs and strengthening the local economy combining, as well as strategic responsibilities around planning.

- All matters relating to Planning (including the Local Plan), Building Regulations and Highways Development Control
- All matters relating to Transportation (including Transportation Planning, Transportation Strategy, Transportation Policy, Traffic Manager Statutory Duty, Public Transport, sustainable transport initiatives, (including Traffic Regulation Orders in relation to the issues within this portfolio)
- All matters relating to overall management of traffic movement
- Economic Development and Regeneration Strategy and Services

- Member of the Rotherham Together Partnership Economic Growth Board
- The development and Implementation of Economic Growth Regeneration projects including Inward Investment and Business Growth
- Town Centres, retail and commercial investment
- Major town centre projects and development
- Asset Management (alongside the Cabinet Member for Housing)
- Advising on the Council's bidding prospectus relating to economic and business growth schemes into City Region and national funding opportunities
- External Affairs relating to business growth and inward investment
- All matters relating to car parking (including enforcement, parking appeals and parking permits)
- Blue Badge Fraud Investigation
- Untaxed and Abandoned vehicle removal

Waste, Roads and Community Safety (Councillor Emma Hoddinott)

This portfolio oversees issues relating to community safety, including most of the council's enforcement activity, highways maintenance, and household waste services:

- Community Safety, Crime Reduction and Anti-Social Behaviour Strategies
- Chair of the Safer Rotherham Partnership
- Overall responsibility for Enforcement policy and performance (including Licensing)
- All matters relating to Waste Management, collection and recycling
- Highways schemes, repairs and maintenance including all highway inspection, design, network management, enforcement, winter maintenance, highways adoptions, highway licenses, public rights of way, street lighting (including design and build), winter maintenance, and road safety including educational initiatives, road safety strategy (including safety audits), Safety Camera Partnership, Pedestrian Crossing assessments, Local safety schemes (including vehicle activated signs and 20mph zones) and school safety schemes
- Highways Asset Management Policy and Strategy, highway claims, highway, utility company works (including scaffolding, skips, events and planning) and vehicle access crossing applications
- Maintenance of signs, bollards, benches, cenotaphs, street name plates, road markings, highway fencing and barriers
- Strategic lead in all matters relating to Domestic Violence and Abuse
- All matters relating to the deployment of portable CCTV
- Lead on Local Flood Authority duties
- All matters relating to Highway Drainage (including septic tank and cesspool emptying)
- Environmental health, food hygiene, cemeteries, crematorium and mortuary services
- All matters relating to Allotments

- All matters relating to Traffic Control Strategies (including Traffic Regulation Orders in relation to the issues within this portfolio), Intelligent Traffic Management (automated signs) and Signing Strategy

Cleaner, Greener Communities (Councillor Sarah Allen)

This portfolio oversees street cleansing and grounds maintenance services, including in parks and green spaces, culture and leisure services, and other aspects of work in communities:

- All matters relating to litter, street cleansing and grounds maintenance, including mechanical sweeping and litter collection and graffiti removal, and grounds maintenance of green spaces (Streetpride services unless specified in another portfolio)
- Representing the Council on partnerships as requested by the Leader, including Parish Council Liaison and the voluntary and community sectors
- Social Inclusion
- Cultural Services, including libraries, heritage, theatres and arts and service centres
- All matters relating to Leisure Services, recreation and sport
- Development of events programme in Parks, green spaces and recreational facilities
- The Food for People in Crisis and crisis loans schemes
- Community Cohesion (supporting the Leader)

Housing (Councillor Dominic Beck)

This portfolio is responsible for the council's housing stock and Rotherham Housing Strategy, increasing access to affordable housing and regulation of private sector landlords.

- Responsibility for management, improvement and adaptation of the housing stock
- Oversight of the Housing Revenue Account
- Housing Strategy and affordability policies
- Asset Management (in relation to Housing and HRA assets)
- Planning for future housing needs (alongside the Cabinet Member for Jobs and the Local Economy)
- Selective Licensing and regulation of private landlords

Corporate Services and Finance (Councillor Saghir Alam)

This portfolio is concerned with the proper and efficient working of the council and its processes. Specific responsibilities are:

- To lead on day to day working of financial activity (including Revenues and Benefits), and to support the Leader in development of the Budget and Capital Strategy
- Human resources strategies, policies and procedures
- To lead on all matters relating to Legal and Democratic Services
- To lead on the Corporate Performance Management arrangements
- To lead on ICT, particularly on new ways of working
- To lead on Internal Audit and Risk Management
- To be responsible for corporate Commissioning and Procurement strategies and implementation
- To lead on Health, Safety and Equalities at Work
- To lead on Emergency Planning issues

Schedule 2

Questions from the Public at Cabinet Meetings – Recommended Procedure

1. At the start of each meeting of the Cabinet, 20 minutes be allocated for members of the public (other than Members of the Council) to put questions.
2. Subject to 3 below, an individual shall be permitted to ask one question only.
3. Following the answer to the original question, a questioner may ask one supplementary question. This may not introduce any new issue and shall only be by way of seeking further or clearer information regarding the original question and the answer given.
4. Questions should only concern matters which are within the Council's area of responsibility or influence.
5. Questions:-
 - (a) Must be reasonable and fair.
 - (b) Must not be defamatory, offensive or abusive.
 - (c) Must not seek personal information regarding individual employees or users of Council services.
 - (d) Must not relate to individual employment issues.
 - (e) Must not relate to matters on which there is a pending right of appeal.
 - (f) Must not relate to matters subject to litigation.
6. The Chair may determine the validity of any question, in accordance with the above guidance or otherwise. The Chair may curtail any debate which is considered to be inappropriate or not constructive.
7. Subject to compliance with the above guidance, all individuals shall be treated equally and have fair access to the meeting.