

## SECTION 5 THE EXECUTIVE

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## **CHAPTER 5.1 – EXECUTIVE TERMS OF REFERENCE**

### **5.1.1 The Role of the Executive**

The Executive (meaning the Leader and such Members as the Leader may appoint) 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.

### **5.1.2 The Membership of the Executive**

The Executive will consist of the Leader of the Council together with at least two, but not more than nine, Councillors appointed annually to the Executive by the Leader.

### **5.1.3 Leader**

The Leader will be a Councillor elected to the position of Leader by the Council at the relevant Annual Council Meeting. The Leader will hold office for a period of four years from the date of his/her appointment until the Annual Council meeting following this term (even if the Leader is not re-elected as a Councillor at the most recent elections) or until:-

- a) he/she resigns from the office; or
- b) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- c) he/she is no longer a Councillor (subject to caveat in [Rule 5.1.3](#)); or
- d) on the expiry date of the Leader's fixed term of office (4 years); or
- e) on the day that he/she is removed from office by resolution of Council.

### **5.1.4 Deputy Leader and Executive Members**

Executive Members including the Deputy Leader shall hold office until

- a) they are removed by the Leader; or
- b) they resign from office; or
- c) 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
- d) they are no longer Councillors

If for any reason the Leader is unable to act or the office of Leader is vacant the Deputy Leader must act in his/her place until the appointment of a new Leader by the Council.

### **5.1.5 Other Executive Members**

Other Executive members shall hold office until:

- a) they resign from office; or

- b) 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
- c) they are no longer Councillors; or
- d) they are removed from office by the Leader who must give written notice of any removal to the Proper Officer. The removal will take effect two working days after receipt of the notice by the Proper Officer; or
- e) they are removed from office, either individually or collectively, by resolution of the Council; or
- f) at the end of the fixed term of office (12 months.)

### **5.1.6 Deputy Executive Members**

The Leader may appoint Members as he determines to act as Deputy Executive Members. The Leader may also remove any Members from their role as Deputy Executive Member.

Deputy Executive Members will be able to attend meetings of the Executive and, at the invitation of the Leader of the Council, speak on matters which are of relevance to their role.

Deputy Executive Members can be quoted in press releases (on the understanding that each enjoys a special role as an advisor to the Executive and that they are expressing personal opinions and not speaking authoritatively on behalf of the Council.)

Members of the public and Members of the Council will be entitled to put questions to the Deputy Executive Members at meetings of the Council.

The detailed role of the Deputy Executive Members is set out in [Chapter 5.3](#).

### **5.1.7 Proceedings of the Executive**

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in [Chapter 5.4](#) of this Constitution.

### **5.1.8 Responsibility for Functions**

The Proper Officer will maintain a list, contained in Sections 5 and 11 of the Constitution outlining which individual members of the Executive, Committees of the Executive, Officers or joint arrangements are responsible for the exercise of particular Executive functions.

The Leader is responsible for deciding upon the number of Executive Members (up to a maximum of 10 including the Leader) and the responsibility for functions will be agreed and amended by the Leader during the year and will be reported to Council for information during the Leader's statement agenda item.

### **5.1.9. General Principles of Decision Making**

The Executive must make decisions which fall within its delegated powers as approved by the Council. It shall report and/or make recommendations in respect of the matters identified below which are outside its delegated powers.

#### **5.1.9.1 Key Decisions**

Under the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 Key Decisions are defined as decisions which:

- a) would result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- b) are significant in terms of its effect on communities living or working in an area comprising two or more Wards.

The Council has decided that significant expenditure or savings are those amounting to above £500,000.

#### **5.1.9.2**

The Executive is also responsible for implementing the budget and policy framework agreed by the Council. In doing so it will take decisions in accordance with this framework which are defined as local key decisions which:

- a) involve requests for Supplementary Capital or Revenue Estimates;
- b) involve requests for virements over £500,000;
- c) involve the application of Section 106 developers' contributions over £100,000;
- d) involve the acquisition or sale of assets (other than the sale of housing stock) and the rationalisation of assets in the interests of the efficient working of the Council, above the limits delegated to individual Executive Members (see [Chapter 5.5](#));
- e) involve the consideration of schemes included within the Capital Programme agreed by Council where there is significant discretion for options;
- f) involve the addition of a scheme to the Capital Programme not originally included or on a reserve list;
- g) involve the making of a Compulsory Purchase Order;
- h) involve the approval of Service Improvement Plans.

#### **5.1.9.3 Authority to Identify Key Decisions**

Deciding which matters constitute Key Decisions will be a matter for the relevant lead Officer to determine in consultation with the relevant Executive Member, having regard to the advice of the Monitoring Officer and Chief Finance Officer as appropriate.

#### **5.1.9.4 Limit on Executive Authority to Incur Expenditure**

The Executive may incur expenditure on individual contracts up to a maximum of £5m per annum (subject to a cumulative value of £25m over the life of the contract) and on individual capital schemes up to a maximum of £15m, subject to such expenditure being within Council approved budgets. Expenditure above these limits must be approved by Council.

#### **5.1.9.5 Decisions Outside the Executive's Authority**

The Executive may make any decision which falls within its delegated powers as approved by the Council. However, the Executive shall report and/or make recommendations on:-

- a) any proposals for a change in policy;
- b) any proposals for a significant change in Council strategy which has a bearing on the economic, social or environmental wellbeing of the community;

Such decisions will not be made unless reports have been made available to the public at least five days in advance.

#### **5.1.9.6 Procedure Rules for Taking Key Decisions**

A decision-taker may only take a Key Decision in accordance with the requirements of the Executive and Access to Information Rules set out in [Chapters 5.4](#) and 3.2 of this Constitution.

#### **5.1.10 Development of the Budget and Policy Framework**

The Executive shall be responsible for:

- a) the development of Council policies or review of existing policies, making recommendations to the Council in respect of policies comprising the Policy Framework (see Chapter 4.1);
- b) developing proposals for a significant change in Council Strategy which has a bearing on the economic, social or environmental wellbeing of the community;
- c) the preparation of documents which together make up the annual Budget for recommendation to Council;
- d) the preparation, monitoring and review of the Capital Programme, Capital Strategy and Asset Management Plan, for recommendation to Council;
- e) making recommendations to Council in respect of items which are contrary to, or not wholly in accordance with, the Budget and Policy Framework, or outside the financial limits set out in [Rules 5.1.9.1](#) and [5.1.9.2](#).
- f) the implementation and monitoring of Treasury Management Policies and practices

#### **5.1.11 Consideration of Other Matters Referred to the Executive**

The Executive shall be responsible for:

- a) taking decisions on matters relating to Executive functions referred to it by Officers or at a Member of the Executive's discretion;



- b) approving the level of discretionary fees and charges to be levied in any financial year;
- c) promoting the image and identity of the Council and effective working relations with a wide range of public and private partners;
- d) approving for publication a Forward Programme of Executive business, comprising at least four months work and to be published at least one month in advance of the start of the period the programme covers;
- e) taking the lead role in reviewing and implementing action in respect of the performance of all Council services;
- f) considering reports from the Overview and Scrutiny Committees;
- g) receiving quarterly reports monitoring the Council's budgets.

## CHAPTER 5.2 – THE EXECUTIVE - COMPOSITION AND AREAS OF RESPONSIBILITY

### 5.2.1 Current Membership

The Executive will consist of the Leader of the Council together with those Councillors as stated below:

Currently, neither the Leader nor members of the Executive have any onward limits on delegations.

The Executive for the 2023/24 Municipal Year consists of the following Members:

Councillor	Portfolio
Stephen Conway	Leader of the Council and Housing
Prue Bray	Deputy Leader and Executive Member for Children's Services
David Cornish	Executive Member for Business and Economic Development
Lindsay Ferris	Executive Member for Planning and Local Plan
Paul Fishwick	Executive Member for Active Travel, Transport and Highways
David Hare	Executive Member for Health & Wellbeing and Adult Services
Sarah Kerr	Executive Member for Climate Emergency and Resident Services
Ian Shenton	Executive Member for Environment, Sport and Leisure
Imogen Shepherd-Dubey	Executive Member for Finance
Rachel Bishop-Firth	Executive Member for Equalities, Inclusion and Fighting Poverty

Further details of each Executive Member's area of responsibility can be found within this chapter. Details of each Executive Member's address and ward information can be found on the Council's [website](#)

### 5.2.2 Executive Delegation Arrangement

The Scheme of Delegation as set out below is designed to enable efficient and effective decision making.

#### 5.2.2.1

Determination of whether or not any matter lies within the delegated powers of the Executive shall rest solely with the Chief Executive or in his/her absence the appropriate Director:

- a) delegated powers shall be exercisable only in accordance with approved policies of the Council, except that when a Committee (i.e. Licensing and Appeals or Planning) is acting in a quasi-judicial capacity, regard shall be taken of the approved policies of the Council but each matter must be determined on its merits;

- b) in exercising delegated powers, except as provided in Financial Regulations, the Executive shall not incur expenditure other than for which provision has been made in the approved budget for the relevant financial year;
- c) delegated powers include the power to institute legal action and/or proceedings as necessary to effect the discharge or regulation of the function.

### **5.2.3 Matters Reserved Solely To The Council**

The following matters are reserved solely to the Council and any decisions by the Executive or the Overview and Scrutiny Committees regarding any of the matters set out below shall be submitted as recommendations or stand referred to the Council for decision:

- a) adopting the Constitution and subsequent changes to it;
- b) adopting the local authority's Code of Conduct;
- c) agreeing the local authority's Policy Framework and Budget;
- d) taking decisions in respect of functions which are not the responsibility of the Executive;
- e) taking decisions in respect of functions which are not the responsibility of the Executive and which have not been delegated by the Council to Committees, Sub-committees or Officers;
- f) making appointments to Committees, negotiating forums with staff and trades unions and the Standards Committee;
- g) making appointments to the Executive where executive arrangements in the Constitution so provide;
- h) confirming the appointment of the Head of Paid Service.

### **5.2.4 Scheme of Delegation to The Executive**

Subject to the general reservation of powers to the Council, the Terms of Reference of the Executive shall be as follows and it shall have delegated authority to exercise and perform the Powers and Duties of the Council in relation to the following functions.

#### **5.2.4.1 Financial Responsibilities:**

- a) to recommend to the Council the overall Budget and the level of Council Tax;
- b) to identify issues, which represent a major change in financial policy for reference to the Council;
- c) to recommend to the Council the allocation of resources to service areas;
- d) to approve the level of discretionary fees and charges to be levied in any financial year;

- e) to recommend approval of the Capital Programme and Capital Strategy to the Council.

#### **5.2.4.2 Policy Formulation and Development**

- a) to exercise overall responsibility for the corporate working of the Council and its performance including areas allocated to specific Executive Member portfolios;
- b) to consider any amendments to the Council's Vision, Values and corporate or service objectives;
- c) to consider matters relating to the Council's image, profile and reputation;
- d) to commission and consider reports on consultation with residents and partner agencies;
- e) to be responsible for the community planning process and the action resulting from it;
- e) to be responsible for business planning throughout the Council ensuring that service and financial planning are integrated;
- f) to approve service plans;
- g) to consider and make recommendations to the Council on all statutory plans and others which must, according to the Constitution, be approved by the Council;
- h) to approve Service Improvement Plans and implement and monitor actions;
- i) to be responsible for performance management, monitoring and evaluation;
- j) to determine and agree proposals for the market testing and/or outsourcing of services.

#### **5.2.4.3 Procedural Matters**

To recommend to the Constitution Review Working Group on the making, revocation or modification of Rules of Procedure, Terms of Reference, Financial Regulations and Procurement and Contract Regulations and Delegated Powers.

### **5.2.5 General Responsibilities of Executive Members**

#### **5.2.5.1**

As directed by the Executive, to be the Lead Member for the development and implementation of key projects and plans within their remit.

#### **5.2.5.2**

To ensure that appropriate reports are brought to the Executive to:

- a) monitor and evaluate progress on key projects;
- b) monitor and evaluate performance of services within their remit;

- c) consider service improvement plans.

**5.2.5.3**

To attend meetings of the Overview and Scrutiny Management Committee and its Committees as reasonably required.

**5.2.5.4**

To foster good working relations with the Chief Executive and Directors where issues cover more than one service area to foster collaborative working.

**5.2.5.5**

To hold the Chief Executive and Directors to account for the performance of the Council's departments and the execution of the Council's policies.

**5.2.5.6**

To ensure oversight and sign-off of draft reports and papers within Executive Members' portfolios.

**5.2.5.7**

To engender good working relations with external partners, involving those partners in decision making wherever appropriate.

**5.2.5.8**

To seek to implement the corporate policies of the Council, integrating the Council's overall objectives into the work falling within their remit.

**5.2.5.9**

To oversee the production of service plans, ensuring that service and financial planning are integrated.

**5.2.5.10**

To oversee and agree consultation arrangements with residents, service users and other stakeholders on major projects falling within their remit.

**5.2.5.11**

To seek to ensure that the highest standards of probity are achieved in the work covered by their remit.

**5.2.5.12**

To seek to ensure that policies and strategies meet the needs of all residents/service users and that minority groups are not excluded from participating in Council activities or accessing Council services.

**5.2.5.13**

To be the point of contact for all press enquiries relating to areas covered by their portfolio.

**5.2.5.14**

To be responsible for mentoring, supporting and developing their Deputy Executive Members if any are appointed.

**5.2.5.15**

To establish, monitor and report monthly on high level performance indicators.

### **5.2.5.16**

To seek to implement the Council's climate change policies, integrating consideration of climate change into the work falling within their remit.

## **Specific Responsibilities of Executive Members**

### **5.2.6 Leader of The Council and Executive Member for Housing**

#### **5.2.6.1**

To take responsibility and provide leadership for all the Council's activities.

#### **5.2.6.2**

To appoint up to nine members of the Executive and Deputy Executive members as required (appointments to be on an annual basis).

#### **5.2.6.3**

To make all other appointments as required.

#### **5.2.6.4**

To make changes to the composition of the Executive within the municipal year as necessary.

#### **5.2.6.5**

To make changes and reallocations in the responsibilities of Executive and Deputy Executive Members within the municipal year as necessary.

#### **5.2.6.6**

To give specific responsibilities, targets, strategies and objectives to Executive Members, monitor their performance and make changes as necessary.

#### **5.2.6.7**

To present to the Executive the Forward Programme of Executive business covering no less than four months.

#### **5.2.6.8**

To ensure that the Forward Programme is updated monthly in accordance with statutory requirements.

#### **5.2.6.9**

To oversee and be responsible for policy co-ordination and strategy and for the preparation of the Council's Corporate Strategy and Plan and its enumeration in the medium term financial plan, for both the development of future Corporate Strategy and the operationalising and delivery of the current strategy as set out in the Corporate Delivery Plan, across the Council. To be responsible for the development, analysis and interpretation of both internal and external Insights that will enable the Council to make informed decisions for the delivery and continued relevance of the strategy to the residents and businesses across Wokingham Borough.

**5.2.6.10**

To work with the Chief Executive, Directors, Assistant Directors, staff, Executive (and Deputy Executive Members if appointed) to achieve the Council's Service Plans and meet the Council's financial targets.

**5.2.6.11**

To be responsible for overseeing the production of the service plans of the Communications Service.

**5.2.6.12**

To promote and oversee the Council's Communications and Marketing Strategy.

**5.2.6.13**

To seek to raise the profile of the Council in both a county, regional and national framework.

**5.2.6.14**

To lead on Member training and mentoring.

**5.2.6.15**

With the Chief Executive, to develop the Council's organisation and to take responsibility for approving it.

**5.2.6.16**

To ensure that there is an appropriate level of consultation, communication and participation by residents, community groups, businesses and public sector.

**5.2.6.17**

To chair the board of Wokingham Borough Council (Holdings) Limited and to oversee the operation of all Council owned companies and their subsidiaries by working with the Holding Company, and to be responsible for the Borough's housing companies in order to deliver the Council's ambition for the delivery of social housing and housing for residents on a median income and below to aspire to rent or buy.

**5.2.6.18**

To hold the Chief Executive to account for performance and implementation across the Council, including the actions of officers, whilst ensuring that, together with the Chief Executive, there is a healthy and productive relationship between Members and officers.

**5.2.6.19**

To hold regular meetings with the Chief Executive, Directors, and Assistant Directors to monitor their performance and the Council's overall performance.

**5.2.6.20**

To attend whatever meetings are being held in the Council as the Leader deems necessary in order to gain understanding of all that is taking place.

**5.2.6.21**

To oversee and work with all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

**5.2.6.22**

To oversee the work of the Council's Housing Services and ensure they are carried out efficiently and effectively.

**5.2.6.23**

To lead on the Commissioning Strategy for Housing.

**5.2.6.24**

To take responsibility for the development of new or revised Housing policies with due regard to corporate objectives, including equal opportunities and social inclusion.

**5.2.6.25**

To develop the Council's strategy for the delivery of housing to meet different demographic needs, including affordable housing schemes.

**5.2.6.26**

To develop a strategy to ensure the availability of sites for a pipeline to supply the Council's housing companies, including seeking external funding for development opportunities.

**5.2.6.27**

To take responsibility for overseeing the Affordable Housing Strategy and implementing the Council's statutory housing functions; including responsibility for the overall management of the housing stock.

**5.2.6.28**

To work with and advise the affordable housing Working Group as to requirements.

**5.2.6.29**

To take responsibility for the preparation for and implementation of agreed action plans from inspections including Housing Inspectorate reviews.

**5.2.6.30**

To be responsible for Tenant Services including monitoring liaison with tenants through discussion with the Council's representatives on the Tenant and Landlord Improvement Panel.

**5.2.6.31**

To ensure an effective communication and stakeholder engagement framework is built into each housing development scheme.

**5.2.6.32**

To take responsibility for overseeing the development of the contract procurement strategy within the Housing portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

**5.2.6.33**

To act as the primary press spokesperson on all matters relating to the whole of the Housing portfolio.



**5.2.6.34**

To lead on the relationship with Town and Parish Councils and other external partners.

**5.2.6.35**

To be responsible with the Executive Member for Finance for overseeing the Council's Asset Strategy regarding all Council owned property, to take a lead role in acquisition and/or disposal of assets in line with Council policies, and to advise other Members of Council policy and targets in respect of asset management.

**5.2.6.36**

To be responsible with the Executive Member for Finance for overseeing the Council's overall corporate contract procurement strategy, including ensuring corporate and consistent standards for procuring, monitoring and evaluating such contracts that take into account timeliness and value for money.

**5.2.6.37**

To deputise for Executive Members as and when required.

**5.2.7 Executive Member for Business and Economic Development**

**5.2.7.1**

To oversee and develop the Economic Development Strategy and build good working relationships with local businesses.

**5.2.7.2**

To lead on the Local Enterprise Partnership.

**5.2.7.3**

To lead on economic recovery within the Borough.

**5.2.7.4**

To act as the primary press spokesperson on all matters relating to the whole of the Business and Economic Development portfolio and matters relating to Regeneration.

**5.2.7.5**

To ensure that decisions and policies within the Business and Economic Development portfolio are in accordance with the Council's Equal Opportunities Policy.

**5.2.7.6**

To take responsibility for overseeing the development of the contract procurement strategy within the Business and Economic Development portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

**5.2.7.7**

To take on or transfer any other function, responsibility or role which the Leader may deem from time to time appropriate.

**5.2.7.8**

To work with all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

## **5.2.8 Deputy Leader and Executive Member for Children's Services**

### **5.2.8.1**

To deputise for the Leader of the Council in all his or her responsibilities, undertake all the Leader's statutory functions in his/her absence, and deal with specific tasks allocated by the Leader.

### **5.2.8.2**

To take on or transfer any other function, responsibility or role which the Leader may deem from time to time appropriate.

### **5.2.8.3**

To work with all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

### **5.2.8.4**

To liaise with school governors, headteachers and other relevant stakeholders including teachers, parents and diocesan representatives, as well as with Government, and regional and national bodies.

### **5.2.8.5**

To oversee the work of the Education Service and ensuring that it meets the needs of schools, colleges, academies, and other stakeholders and is provided efficiently and effectively.

### **5.2.8.6**

To review the Council's Children's Services policies and strategies and advising the Executive, and where appropriate making recommendations to Council.

### **5.2.8.7**

To take responsibility for overseeing transitional arrangements when children become adults, in conjunction with the Executive Member for Health, Wellbeing and Adult Services.

### **5.2.8.8**

To ensure that schools are fully consulted on changes in policy and practice.

### **5.2.8.9**

To ensure the continued work and development of the Council as a provider and commissioner of Early Years and Childcare services and children's centres.

### **5.2.8.10**

To oversee the Council's youth service and activities and, as required, to represent the interests of the youth service on Children's Partnership Boards.

### **5.2.8.11**

To be responsible for the planning and provision of school places and recommend changes in school organisation to the Council.

### **5.2.8.12**

To establish or recommend the establishment of new and Re-sited Schools as appropriate.

**5.2.8.13**

To oversee the School Admission Process.

**5.2.8.14**

To oversee school improvement plans.

**5.2.8.15**

To oversee school development and refurbishment plans and their capital investments.

**5.2.8.16**

To be responsible for working with academies and free schools in the Borough.

**5.2.8.17**

To oversee the production of all statutory and service plans within the remit of the service.

**5.2.8.18**

To take responsibility for overseeing and preparing for inspections and reviews.

**5.2.8.19**

To report on evaluation and review of services as necessary.

**5.2.8.20**

To work closely with all relevant service areas to ensure the most cost effective home to school transport is provided.

**5.2.8.21**

To lead on the implementation of school development and delivery of the 0-16 school places sufficiency duty, as well as strategies including sufficiency of child-care places and post-16 places.

**5.2.8.22**

To ensure a fully costed model of traded and support services to schools, colleges, academies and free schools is delivered.

**5.2.8.23**

To act as the primary press spokesperson on all matters relating to the whole of the Children's Services portfolio.

**5.2.8.24**

To set the policy direction for all aspects of Children's Services based on best evidence.

**5.2.8.25**

To undertake the statutory responsibility for Children's Services and Safeguarding, including early help and protection, children in care, care leavers, adoption and fostering, youth offending services, and services for children and young adults with disability.

**5.2.8.26**

To work collaboratively with the Executive Member for Health, Wellbeing and Adult Services to ensure the needs of young people, and children and young adults with disabilities and/or with their families are met.

**5.2.8.27**

To hold the Director of Children's Services, Assistant Directors, and managers to account for the performance and improvement of the services and sufficiency duties.

**5.2.8.28**

To champion children-in-care leavers' needs and ensure that the importance of their wellbeing and educational attainment is recognised and owned across the whole Council and by all elected Members and Officers.

**5.2.8.29**

To oversee the Council's role in lifelong learning and playing a full part in the work of the Lifelong Learning Partnership.

**5.2.8.30**

To set strategic direction for the adult education offer.

**5.2.8.31**

To attend meetings of the Local Safeguarding Board.

**5.2.8.32**

To work with the relevant Directors, the Leader and the Executive Member for Finance to produce a 3-year rolling budget with the emphasis on the first 12 month which adequately cover the costs within the Executive Member's areas of responsibility.

**5.2.8.33**

To ensure there is regular performance monitoring with directors against the agreed annual budget.

**5.2.8.34**

To ensure timely reporting of both over and under spend against agreed budget.

**5.2.8.35**

To ensure the preparation of supplementary budget estimates and justification for any overspend against agreed budget.

**5.2.8.36**

To take overall responsibility for all financial matters within the portfolio.

**5.2.8.37**

To take responsibility for overseeing the development of the contract procurement strategy within the Children's Services portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

**5.2.8.38**

To take on or transfer any other function, responsibility, or role which the Leader may deem from time to time appropriate.

**5.2.8.39**

To work with all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

## **5.2.9 Executive Member for Climate Emergency and Resident Services**

### **5.2.9.1**

To oversee and develop the Council's approach to climate issues, including energy efficiency and the management of a Carbon Reduction Plan.

### **5.2.9.2**

To develop, in conjunction with other Executive Members and Directors, the Council's approach to setting the strategy for playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030.

### **5.2.9.3**

To take the lead in ensuring the carbon neutrality strategy is continuously developed and the elements within it are achieved.

### **5.2.9.4**

To take the lead in developing solar farms and other forms of renewable energy in the Borough.

### **5.2.9.5**

To work with the Executive member for the Environment, Sport, and Leisure to develop a coherent long-term strategy for waste collection and recycling in order to achieve 70% recycling, increasing recyclables whilst at the same time maintaining the budget envelope.

### **5.2.9.6**

To work with the Executive member for Highways and Transport to ensure that electric vehicle charging points are available and increasing.

### **5.2.9.7**

To develop a daily information base for the Leader and Chief Executive on residents' concerns and queries.

### **5.2.9.8**

To be responsible for developing the Council's E-government strategy and for meeting government targets for electronic delivery of services.

### **5.2.9.9**

To be responsible for advising the Executive on the development and performance of Customer Services.

### **5.2.9.10**

To work with the relevant Directors and the Executive Member for Housing to produce a 3-year rolling budget with the emphasis on the first 12 month which adequately cover the costs within the Executive Member's areas of responsibility.

### **5.2.9.11**

To ensure there is regular performance monitoring with directors against the agreed annual budget.

### **5.2.9.12**

To ensure timely reporting of both over and under spend against agreed budget.

**5.2.9.13**

To ensure the preparation of supplementary budget estimates and justification for any overspend against agreed budget.

**5.2.9.14**

To take overall responsibility for all financial matters within the portfolio.

**5.2.9.15**

To take responsibility for overseeing the development of the contract procurement strategy within Climate Emergency and Resident Services portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

**5.2.9.16**

To develop the arts and culture strategy of the Council and to oversee its implementation.

**5.2.9.17**

To be responsible for overseeing the Council's IT function and re-design of the website

**5.2.9.18**

To provide management direction for the following services areas; Libraries and Registrars.

**5.2.9.19**

To develop and manage the Council's approach to domestic violence.

**5.2.9.20**

To act as the primary press spokesperson on all matters relating to the whole of the Climate and Resident Services portfolio.

**5.2.9.21**

To take on or transfer any other function, responsibility, or role which the Leader may deem from time to time appropriate.

**5.2.9.22**

To work with Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

**5.2.10 Executive Member for Environment, Sport, and Leisure**

**5.2.10.1**

To be the primary lead on the work of the Environment Service and all the Council's environmental functions within that service.

**5.2.10.2**

To provide management direction for the following services areas; Community Environmental, Community Safety Partnerships (CSP) and Public Protection.

**5.2.10.3**

To oversee waste collection and recycling services, in conjunctions with the Executive member for Climate Emergency and Resident Services to develop a coherent long-term

strategy for waste collection and recycling in order to achieve 70% recycling, increasing recyclables whilst at the same time maintaining the budget envelope.

**5.2.10.4**

To ensure that all enforcement functions across the council and partners are joined up to deliver the most effective outcomes for the residents of Wokingham Borough.

**5.2.10.5**

To develop and manage the Council's approach to antisocial behaviour.

**5.2.10.6**

To represent the Council on the Re3 Joint Waste Disposal Board with a view to getting the best value for money for the Borough's residents and increasing the recyclables.

**5.2.10.7**

To ensure that the staff organisation is correct so as to fully exploit the opportunities for recycling and waste collection, whilst achieving the highest levels of resident satisfaction.

**5.2.10.8**

To oversee appropriate open space, country parks, SANG and playground provision and maintenance.

**5.2.10.9**

To oversee the development of new country parks in accordance with the Core Strategy.

**5.2.10.10**

To oversee the Leisure and Sports Development strategies and to maintain the Borough's position as the Healthiest local Authority.

**5.2.10.11**

To oversee the Public Rights of Way function, including Greenways. To ensure the Council is represented on the Local Access Forum and undertakes liaison with local interest groups.

**5.2.10.12**

To oversee and lead in the development and maintenance of play areas.

**5.2.10.13**

To oversee and lead in tree maintenance on Council land, Countryside services, grounds maintenance and street cleansing.

**5.2.10.14**

To take responsibility for monitoring gully and pavement maintenance plans.

**5.2.10.15**

To discharge the Council's functions in respect of community resilience and be responsible for advising the Executive in relation to such issues.

**5.2.10.16**

To assist the Executive Member for Climate Emergency and Resident Services in the Council's approach to climate issues, including energy efficiency and the management of a Carbon Reduction Plan.

**5.2.10.17**

To act as the primary press spokesperson on all matters relating to the Environment, Sport and Leisure portfolio.

**5.2.10.18**

To work with the relevant Directors and the Executive Member for Finance to produce a 3-year rolling budget with the emphasis on the first 12 months which adequately cover the costs within the Executive Member's areas of responsibility.

**5.2.10.19**

To ensure there is regular performance monitoring with directors against the agreed annual budget.

**5.2.10.20**

To ensure timely reporting of both over and under spend against agreed budget.

**5.2.10.21**

To ensure the preparation of supplementary budget estimates and justification for any overspend against agreed budget.

**5.2.10.22**

To take overall responsibility for all financial matters within the portfolio.

**5.2.10.23**

To take responsibility for overseeing the development of the contract procurement strategy within the Environment, Sport and Leisure portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

**5.2.10.24**

To develop and manage the Council's approach to:

- Anti Social Behaviour
- Community Safety
- Crime Reduction
- Prevent

**5.2.10.25**

To take the lead in reducing single use plastics within Wokingham Borough.

**5.2.10.26**

To oversee the Council's Tree Policy with the Executive Member for Planning and Local Plan and to work with the Executive Member for Planning and Local Plan to ensure that 300,000 trees are planted in the Borough with a coherent maintenance plan for their development.



#### **5.2.10.27**

To take on or transfer any other function, responsibility or role which the Leader may deem from time to time appropriate.

#### **5.2.10.28**

To work with all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

#### **5.2.10.29**

To identify the areas in the Borough where air quality is poor, measure it, create a strategy for improving it and monitor performance.

### **5.2.11 Executive Member for Health, Wellbeing and Adult Services**

#### **5.2.11.1**

To oversee the work of the Council's Adult Social Care and ensure they are carried out efficiently and effectively.

#### **5.2.11.2**

To be the Executive Member responsible for:

- a) overseeing the production of all statutory and service plans within the remit of the service;
- b) joint working with health organisations and the voluntary sector;
- c) taking forward the Council's Better Government for Older People's Strategy;
- d) preparation for and implementation of agreed action plans from inspections including joint reviews and CQC reviews;
- e) developing a range of partnerships and initiatives in liaison with community groups, e.g., the Carers' Strategy.

#### **5.2.11.3**

To be responsible for the development of new or revised Adult Social Services policies with due regard to corporate objectives, including equal opportunities and social inclusion.

#### **5.2.11.4**

To advise the Council on forthcoming developments in the Health Legislation including Public Health responsibilities.

#### **5.2.11.5**

To oversee the production and development of the Council's future strategy for Social Care.

#### **5.2.11.6**

To be responsible for overseeing Optalis, the Council's Social Care Company from a service commissioning perspective.

**5.2.11.7**

To represent the Council as determined by the Executive on outside bodies and in discussions/negotiations with regional, national and government bodies.

**5.2.11.8**

To lead on the Commissioning Strategy for Adult Social Care and Health.

**5.2.11.9**

Responsible for overseeing transitional arrangements when children become adults, in conjunction with the Executive Member for Children's Services.

**5.2.11.10**

To work collaboratively with the Executive Members for Children's Services and Finance and Housing to ensure the needs of young people, and children and young adults with disabilities and/or with their families are met.

**5.2.11.11**

To ensure that decisions and policies within the Adult Social Care, Health and Wellbeing portfolio are in accordance with the Council's Equal Opportunities Policy.

**5.2.11.12**

To hold the Director of Adult Services to account for the performance and improvement of the services and sufficiency duties.

**5.2.11.13**

To lead on engagement with the community and voluntary sector.

**5.2.11.14**

To act as the primary press spokesperson on all matters relating to the whole of the Adult Social Care, Health and Wellbeing.

**5.2.11.15**

To work with the relevant Directors and the Executive Member for Finance and Housing to produce a 3-year rolling budget with the emphasis on the first 12 month which adequately cover the costs within the Executive Member's areas of responsibility.

**5.2.11.16**

To ensure there is regular performance monitoring with directors against the agreed annual budget.

**5.2.11.17**

To ensure timely reporting of both over and under spend against agreed budget.

**5.2.11.18**

To ensure the preparation of supplementary budget estimates and justification for any overspend against agreed budget.

**5.2.11.19**

To take overall responsibility for all financial matters within the portfolio.

#### **5.2.11.20**

To take responsibility for overseeing the development of the contract procurement strategy within the Health, Wellbeing and Adult Services portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

#### **5.2.11.21**

To take on or transfer any other function, responsibility or role which the Leader may deem from time to time appropriate.

#### **5.2.11.22**

To work with all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

### **5.2.12 Executive Member for Active Travel, Transport and Highways**

#### **5.2.12.1**

To take responsibility for monitoring highway maintenance plans, including street scene and signage, and winter road maintenance plan.

#### **5.2.12.2**

To minimise congestion through street works through the full implementation of the Street Works permit scheme and ensuring that road works are done at night.

#### **5.2.12.3**

To develop and implement the Council's congestion and intelligent traffic scheme strategies.

#### **5.2.12.4**

To re-establish a Highways Department and ensure the appointment of a director or assistant director of highways.

#### **5.2.12.5**

To oversee the production of a Community, School and Subsidised Transport Strategy in conjunction with other members of the Executive, including park and ride services, bus service provision, concessionary fares, and ticketing policy. To procure the best possible services for residents and service users.

#### **5.2.12.6**

To represent the Council, as determined by the Executive, on outside bodies and in discussions/negotiations with regional, national and government bodies.

#### **5.2.12.7**

To take responsibility for parking policy, implementation, and management, including, but not limited to, keeping under review Civil Parking Enforcement, Traffic Regulation Orders and residents' parking permits.

#### **5.2.12.8**

To liaise with the Executive Member for Business and Economic Development to jointly resolve Highways issues that indirectly affect the regeneration of Wokingham Town Centre.

**5.2.12.9**

To liaise with the train operating companies, Network Rail, and aviation bodies on strategic planning.

**5.2.12.10**

To draft responses to rail and aviation consultations.

**5.2.12.11**

To lead on developing access to railway stations.

**5.2.12.12**

To lead on surface access to airports.

**5.2.12.13**

To act as the Wokingham Borough Council representative on relevant rail and air transport bodies.

**5.2.12.14**

To oversee the production of the Council's Local Transport Plan.

**5.2.12.15**

To work closely with all relevant service areas to ensure the most cost effective home to school transport is provided.

**5.2.12.16**

To act as the primary press spokesperson on all matters relating to the whole of the Highways and Transport portfolio.

**5.2.12.17**

To oversee the production of all statutory and service plans within the remit of Highways and Transportation Services, and to recommend to the Executive new or amended policies in respect to these services. To advise the Executive in relation to operational highways and transport policies and programmes.

**5.2.12.18**

To take responsibility for Strategic Highways Planning issues, overseeing the production and implementation of the Council's Highways Infrastructure Strategy.

**5.2.12.19**

To work with the relevant Directors and the Executive Member for Finance to produce a 3-year rolling budget with the emphasis on the first 12 month which adequately cover the costs within the Executive Member's areas of responsibility.

**5.2.12.20**

To ensure there is regular performance monitoring with directors against the agreed annual budget.

**5.2.12.21**

To ensure timely reporting of both over and under spend against agreed budget.

**5.2.12.22**

To ensure the preparation of supplementary budget estimates and justification for any overspend against agreed budget.

**5.2.12.23**

To take overall responsibility for all financial matters within the portfolio.

**5.2.12.24**

To take responsibility for overseeing the development of the contract procurement strategy within the Active Travel, Transport and Highways portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

**5.2.12.25**

To take on or transfer any other function, responsibility or role which the Leader may deem from time to time appropriate.

**5.2.12.26**

To work with all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

**5.2.13 Executive Member for Planning and Local Plan**

**5.2.13.1**

To take responsibility for Strategic Planning for the development areas of the Borough.

**5.2.13.2**

To oversee the production of all documents included within the development plan and supporting plans and guidance.

**5.2.13.3**

To oversee the production of all statutory and service plans within the remit of Planning, Planning Enforcement and Land Use. To recommend to the Executive new or amended policies in respect of these services.

**5.2.13.4**

To identify and address flooding and drainage problems within the Borough, and to oversee the production of a flooding and drainage strategy and the link this has to the Core Strategy.

**5.2.13.5**

To oversee the Council's Tree Policy with the Executive Member for Environment, Sport and Leisure and to work with the Executive Member for Environment, Sport and Leisure to ensure that 300,000 trees are planted in the Borough with a coherent maintenance plan for their development.

**5.2.13.6**

To be responsible for overseeing the Building Control functions.

**5.2.13.7**

To develop and oversee the implementation of a Minerals and Waste Plan.

**5.2.13.8**

To oversee the Council's strategic planning approach to gypsies and travellers.

**5.2.13.9**

To develop rural housing and build a structure for applications to be undertaken and fulfilled.

**5.2.13.10**

To oversee Planning and Development consultations.

**5.2.13.11**

To oversee S106, CIL and any other developer contributions.

**5.2.13.12**

To ensure high-quality and effective delivery of planning permissions that have been granted, ensuring compliance with planning conditions and utilising enforcement where necessary.

**5.2.13.13**

To provide oversight of developments to ensure a minimum of disruption and inconvenience to residents, businesses, and those using private and public transport.

**5.2.13.14**

To ensure delivery of the adopted development plan, including monitoring the housing land supply.

**5.2.13.15**

To represent the Council as determined by the Executive on outside bodies and in discussions/negotiations with regional, national and government bodies.

**5.2.13.16**

To hold the Director of Place and Growth to account for the performance and improvement of the services and sufficiency duties.

**5.2.13.17**

To act as the primary press spokesperson on all matters relating to the whole of the Planning and Enforcement portfolio.

**5.2.13.18**

To work with the relevant Directors and the Executive Member for Finance to produce a 3-year rolling budget with the emphasis on the first 12 months which adequately cover the costs within the Executive Member's areas of responsibility.

**5.2.13.19**

To ensure there is regular performance monitoring with directors against the agreed annual budget.

**5.2.13.20**

To ensure timely reporting of both over and under spend against agreed budget.

**5.2.13.21**

To ensure the preparation of supplementary budget estimates and justification for any overspend against agreed budget.

**5.2.13.22**

To take overall responsibility for all financial matters within the portfolio.

**5.2.13.23**

To take responsibility for overseeing the development of the contract procurement strategy within the Planning and Local Plan portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

**5.2.13.24**

To take on or transfer any other function, responsibility or role which the Leader may deem from time to time appropriate.

**5.2.13.25**

To oversee all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

**5.2.14 Executive Member for Finance**

**5.2.14.1**

To be responsible for overseeing the preparation of the Council's three year rolling budget and its presentation to Council.

**5.2.14.2**

To act as the Member coordinator for:

- a) monitoring of the Council's budget in line with policy decisions;
- b) ensuring appropriate financial information is brought to the Executive for decision.

**5.2.14.3**

To oversee the production of the Council's budget timetable.

**5.2.14.4**

To oversee the workings of the Council's finance functions, advising the Internal Audit and Investigations Service as appropriate and making appropriate recommendations to the Executive on improvements.

**5.2.14.5**

To oversee the production of the Council's annual review of fees and charges and the development of policy in this respect.

**5.2.14.6**

To oversee the preparations for setting the Council Tax.

**5.2.14.7**

To be responsible for the production and presentation to the Executive of the Council's Capital Strategy and three/five year Capital Programme, and for monitoring and evaluating performance against targets set by the Executive.

**5.2.14.8**

To monitor the financial impact of the organisational development of the Council including any structural changes or initiatives.

**5.2.14.9**

To be responsible for the financial monitoring of WBC-owned companies.

**5.2.14.10**

To be responsible for overseeing and monitoring the Treasury Management Strategy and alerting the Executive to issues of concern.

**5.2.14.11**

To be responsible for monitoring and ensuring the effective implementation of the Council's Revenues and Benefits function, including any new processes or initiatives.

**5.2.14.12**

To be responsible for monitoring the Council's Procurement function.

**5.2.14.13**

To take responsibility for overseeing the delivery of planned savings.

**5.2.14.14**

To oversee the Governance department including Legal Services, Internal Audit and Democratic and Electoral Services), and to ensure that services to Members from those areas are kept under review and that Members are provided with all the services they reasonably need.

**5.2.14.15**

To hold the Director of Resources and Assets to account for the performance and improvement of the services and sufficiency duties.

**5.2.14.16**

To act as the primary press spokesperson on all matters relating to the whole of the Finance.

**5.2.14.17**

To oversee the projects relating to the regeneration of the Borough's Town Centres and other related projects across the Borough, including the Wokingham Town Centre Regeneration.

**5.2.14.18**

To work with the relevant Directors to produce a 3-year rolling budget with the emphasis on the first 12 month which adequately cover the costs within the Executive Member's areas of responsibility.



**5.2.14.19**

To ensure there is regular performance monitoring with directors against the agreed annual budget.

**5.2.14.20**

To ensure timely reporting of both over and under spend against agreed budget.

**5.2.14.21**

To ensure the preparation of supplementary budget estimates and justification for any overspend against agreed budget.

**5.2.14.22**

To take overall responsibility for all financial matters within the portfolio.

**5.2.14.23**

To take responsibility for overseeing the development of the contract procurement strategy within the Finance portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

**5.2.14.24**

To oversee the implementation of the Council's Investment Strategy, including oversight of the Council's Investment Portfolio, in conjunction with the Leader.

**5.2.14.25**

To be responsible with the Leader for overseeing the Council's Asset Strategy regarding all Council owned property, to take a lead role in acquisition and/or disposal of assets in line with Council policies, and to advise other Members of Council policy and targets in respect of asset management.

**5.2.14.26**

To oversee the development and implementation of the Council's Lettings Strategy, including the Town Centre Regeneration Lettings Strategy, in consultation with the Leader of the Council, and the Executive Member for Business and Economic Development

**5.2.14.27**

To take on or transfer any other function, responsibility or role which the Leader may deem from time to time appropriate.

**5.2.14.28**

To work with all Executive Members to develop the Council's external funding strategy to maximise income from Government and other sources.

**5.2.14.29**

To be responsible with the Leader for overseeing the Council's overall corporate contract procurement strategy, including ensuring corporate and consistent standards for procuring, monitoring and evaluating such contracts that take into account timeliness and value for money.

## **5.2.15 Executive Member for Equalities, Inclusion and Fighting Poverty**

### **5.2.15.1**

To oversee and take responsibility for the development of the Council's policy and strategic response to both Poverty and Equalities within the Borough. This will include their drafting, stakeholder engagement and buy-in, and gaining approval of the Council's Executive.

### **5.2.15.2**

To develop and implement the Council's human resources strategy, to ensure that all employees have performance objectives and targets, career development plans and appraisals.

### **5.2.15.3**

To oversee all aspects of the Council's human resources function, including oversight of proposed reports for the Personnel Board at draft stage, making recommendations for the improvement of the service.

### **5.2.15.4**

To provide management direction for Community Engagement with all communities.

### **5.2.15.5**

To increase the profile of the service teams in the community, working in conjunction with the Voluntary Sector, Town and Parish Councils and wider stakeholders.

### **5.2.15.6**

To create a sense of shared purpose and vision with our Town and Parish councils, delivering a strong partnership approach to community and funding problems.

### **5.2.15.7**

To optimise all income streams across the service identifying further monetisation opportunities to support the Councils support of the community and customer requirements.

### **5.2.15.8**

To aid in managing, motivating, developing, coaching and appraising team members to maximise their individual and collective performance, fulfil their potential, embedding personal development to deliver a high-performance culture within the service(s).

### **5.2.15.9**

To act as the primary press spokesperson on all matters relating to the whole of the Equalities, Inclusion and Fighting Poverty portfolio.

### **5.2.15.10**

To take on or transfer any other function, responsibility or role which the Leader may deem from time to time appropriate.

### **5.2.15.11**

To work with all Executive Members to develop the Council's external funding strategy to maximise income from government and other sources.

**5.2.15.12**

To take responsibility for overseeing the development of the contract procurement strategy within the Equalities, Inclusion and Fighting Poverty portfolio, including ensuring corporate and consistent standards for monitoring and evaluation of such contracts, and paying attention to timeliness and value for money.

**CHAPTER 5.3 – DEPUTY EXECUTIVE MEMBERS**

No Deputy Executive Members have been appointed for the 2022/23 Municipal Year.

## CHAPTER 5.4 - EXECUTIVE PROCEDURE RULES

### 5.4.1 Function and Composition of the Executive

- a) The Executive (meaning the Leader and such Members as the Leader may appoint) is the part of the Council which is responsible for making all decisions within the approved Budget and Policy Framework as approved by Council. The Terms of Reference of the Executive and the responsibilities of Executive Members can be found in [Chapters 5.1](#) and [5.2](#);
- b) The Leader will be chosen from the membership of the Council and will be appointed at the relevant Annual Meeting of the Council.
- c) The Leader will appoint an Executive of at least two but no more than nine Members and will decide on the delegations to be made to them and the scope of their respective portfolios, deputising arrangements and the Scheme of Delegation to Officers (Chapter 11.3). The Leader has the right to remove any Executive Member from his or her position.
- d) The Leader must appoint one of his or her appointed Executive to act as Deputy Leader of the Council and make any other Executive appointments required by law.
- e) The Leader will chair Executive meetings and the Deputy Leader will act as the Vice Chairman in his or her absence.
- f) The Executive cannot include the Mayor or Deputy Mayor and Members of the Executive cannot be members of the Council's Overview and Scrutiny Committees or the Audit Committee but may be members of any Working Groups or other Committees and Sub-Committees of the Council.

#### 5.4.1.1 Who May Make Executive Decisions?

Executive functions may be discharged by:-

- a) the Executive as a whole;
- b) a Committee of the Executive;
- c) an individual member of the Executive;
- d) an Officer (as set out in Chapter 11.3);
- e) joint arrangements; or
- f) another local authority.

#### 5.4.2 Delegation by the Leader

At the Annual meeting of the Council, the Leader will inform the Council in writing of delegations made by him or her for inclusion in the Council's scheme of delegation at [Chapter 5.2](#) to this Constitution.

The document presented by the Leader will be for Council to note and will contain the following information about Executive functions in relation to the coming year:-

- a) the names, addresses and Wards of the people appointed to the Executive by the Leader;
- b) the extent of any authority delegated to Executive Members individually, including details of the limitation on their authority;
- c) the terms of reference and constitution of such Executive Committees as the Leader appoints and the names of Executive Members appointed to them;
- d) the nature and extent of any delegation of Executive functions to any other authority or any joint arrangements and the names of those Executive Members appointed to any joint Committee for the coming year; and
- e) the nature and extent of any delegation to Officers, over and above those already included in the Scheme of Delegation (Chapter 11.3), with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.

Changes to the portfolios and other delegations during the year may be made by the Leader during his or her statement to Council agenda item. Any changes to portfolios and delegations will take effect on the day after the relevant Council meeting.

#### **5.4.3 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, unless the Leader directs otherwise, delegate further to an Area Committee, joint arrangements or an Officer.
- b) Unless the Leader directs otherwise, a Committee of the Executive or individual Member of the Executive to whom functions have been delegated by the Leader 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 or by the Leader him/herself who retains the authority to make any Executive decision.

#### **5.4.4 Decisions by Individual Members of the Executive**

- a) Where an individual Member of the Executive receives a report which he/she intends to take into account in making any Key Decision, then he/she will not make the decision until the publicity requirements set out in [Rule 5.4.10](#) have been complied with.
- b) Copies of any such reports will be sent to the Members of the relevant Overview and Scrutiny Committees if appropriate and the Leader of the Opposition. Any Member can request copies of any reports. Members of the public will be entitled to view copies of reports in accordance with the Access to Information Procedure Rules (Chapter 3.2).

- c) After each decision has been taken, the Executive Member, Director, or nominated Officer, will finalise and sign a Decision Sheet. The Decision Sheet shall contain a record of the decision, including the date it was made, a statement of the reasons for it and any alternative options considered and rejected. The Decision Sheet will then be circulated to all Members of the Council and made available for public inspection as soon as reasonably practicable. The provisions of Rules 3.2.7 and 3.2.8 of the Access to Information Procedure Rules (Chapter 3.2) relating to access to minutes and background papers will also apply to the making of decisions by individual Members of the Executive. This does not require the disclosure of exempt or confidential information.
- d) Further information relating to the protocol for Decision Making by Individual Members of the Executive can be found at [Chapter 5.5](#).

#### **5.4.5 Executive Decisions Taken by Officers**

Where an Officer has made a decision which is an Executive decision the Officer must, as soon as reasonably practicable, produce a written statement which must include:

- a) a record of the decision including the date it was made;
- b) a record of the reasons for the decision;
- c) details of any alternative options considered and rejected by the Officer when making the decision;
- d) a record of any conflict of interest declared by any Executive Member who was consulted by the Officer which relates to the decision; and
- e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

#### **5.4.6 The Council's Scheme of Delegation and Executive Functions**

- a) Subject to b) below the Council's scheme of delegation will be subject to adoption by the Council as part of its Constitution and may only be amended by the Council, except that the Chief Executive, in consultation with the Leader of the Council, is authorised to make in-year changes to the Scheme of Delegation to Officers to enable all Directors to authorise Council Officers to carry out duties in pursuance of new legislation, such power not to be exercised to carry out functions not in accordance with Council policy.

The Scheme of Delegation to Officers sets out the extent to which the functions and duties of the Council are delegated to the Council's Officers to carry out, the conditions and principles by which such authority will be exercised and limitations to it. (See Chapter 11.3.)

- b) If the Leader has authority to decide whether to delegate Executive functions, he/she 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 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 Council setting out the changes made by the Leader in order that, if agreed, they can be incorporated into the Scheme of Delegation.

- c) 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 Chairman.

#### **5.4.7 Conflicts of Interest**

- a) Where a 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 Chapter 9.2 of this Constitution.
- b) If Members of the Executive have a conflict of interest, which is likely to result in the meeting not being quorate, dispensation can be granted by the Head of Paid Service.
- c) 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 Chapter 9.2 of this Constitution.

#### **5.4.8 The Forward Programme**

A Forward Programme of Executive business, covering a period of at least four months, will be published at least 28 clear days before a Key Decision is made. The Forward Programme will be agreed by the Leader, or in his absence by the Deputy Leader, each month and a copy will be provided to all Members and published on the Council's website. The Forward Programme will meet the requirements of the 28 day "notice" as set out in the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012.

#### **5.4.9 Contents of Forward Programme**

The Forward Programme will contain matters which the Leader has reason to believe will be subject of a Key Decision to be taken by the Executive, a Committee of the Executive, individual Members of the Executive, Officers or under joint arrangements in the course of the discharge of an Executive function during the period covered by the programme. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- a) the matter in respect of which a decision is to be made;
- b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- c) the date on which, or the period within which, the decision will be taken;
- d) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;

- e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- f) that other documents relevant to those matters may be submitted to the decision maker; and
- g) the procedure for requesting details of those documents (if any) as they become available.

#### **5.4.10 Application of Access to Information Procedure Rules to the Executive**

If the Executive or its Committees meet to take a Key Decision then it must also comply with the Access to Information Procedure Rules (Chapter 3.2) unless [Rule 5.4.12](#) (general exception) or [Rule 5.4.13](#) (special urgency) apply. A Key Decision is as defined in [Rule 5.1.9](#) of this Constitution.

If the Executive or its Committees meet to discuss a Key Decision to be taken collectively, with an Officer other than a political assistant present, within 28 days of the date according to the Forward Programme by which it is to be decided, then it must also comply with the Access to Information Procedure Rules (Chapter 3.2) unless [Rule 5.4.12](#) (general exception) or [Rule 5.4.13](#) (special urgency) apply. This requirement does not include meetings, whose sole purpose is for Officers to brief Members.

#### **5.4.11 Procedure Before Taking Key Decisions**

Subject to [Rule 5.4.12](#) (general exception) and [Rule 5.4.13](#) (special urgency) below, a Key Decision may not be taken unless it is included in the Forward Programme, in accordance with [Rule 5.4.8](#), and has been published at least 28 clear days before the decision is made at the main Council Offices and on the Council's website.

#### **5.4.12 General Exception**

If a matter which is likely to be a Key Decision has not complied with [Rule 5.4.11](#), then subject to [Rule 5.4.13](#) (special urgency), the decision may still be taken if:

- a) the decision must be taken by such a date that it is impracticable to defer the decision until it has complied with [Rule 5.4.11](#);
- b) the Proper Officer has informed the Chairman of the Overview and Scrutiny Management Committee, or if there is no such person, each member of that Committee by notice in writing of the matter about which the decision is to be made;
- c) the Proper Officer has made copies of that notice available to the public at the main Council Offices and on the Council's website; and
- d) at least 5 clear days have elapsed following the day on which the Proper Officer complied with (b) and (c).

As soon as reasonably practicable following compliance with a)-d) above the Proper Officer must publish a notice setting out the reasons why compliance with [Rule 5.4.11](#) was impractical.



#### **5.4.13 Cases of Special Urgency**

If by virtue of the date by which a decision must be taken and [Rule 5.4.12](#) (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Chairman of the relevant Overview and Scrutiny Committee that the taking of the decision is urgent and cannot be reasonably deferred. If there is no Chairman of the relevant Overview and Scrutiny Committee, or if the Chairman is unable to act, then the agreement of the Mayor or in his/her absence the Deputy Mayor will suffice.

As soon as reasonably practicable after the decision maker has obtained the relevant agreement a notice must be published stating the reasons why the matter is urgent and cannot reasonably be deferred.

#### **5.4.14 Report to Council where the Key Decision Procedure has not been followed**

If the Overview and Scrutiny Management Committee thinks that a Key Decision has been taken which was not:

- a) publicised in accordance with [Rule 5.4.11](#); or
- b) the subject of the general exception procedure under [Rule 5.4.12](#); or
- c) the subject of an agreement with the Chairman of the Overview and Scrutiny Management Committee or the Mayor/Deputy Mayor under [Rule 5.4.13](#);

the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of the Committee when so requested by the Chairman or any five Members of the Council. Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Management Committee.

#### **5.4.15 Executive Reports to Council**

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council must set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a Key Decision the reasons for that opinion.

#### **5.4.16 Executive Reports on Special Urgency Decisions**

In any event the Leader must submit quarterly reports to the Council containing details of any Executive decisions taken where the making of the decision was agreed as urgent in accordance with [Rule 5.4.13](#) in the preceding three months. The report must include details of each decision made, and a summary of the matters in respect of which those decisions were taken.

#### **5.4.17 Record of Decisions**

As soon as reasonably practicable after any meeting of the Executive, or any of its Committees, whether held in public or private, the Chief Executive or, where no Officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting which will be circulated to all Members of the Council and made

available for public inspection. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

#### **5.4.18 Meetings of the Executive**

The Leader of Council will preside at any meeting of the Executive or its Committees at which he/she is present, or may appoint another person to do so.

The Executive will meet in public, unless confidential or exempt information is to be discussed, and the Access to Information Rules contained in Chapter 3.2 of this Constitution set out the requirements covering public meetings, including who may attend Executive meetings. In addition any Member of the Council may attend but not speak. The principles of decision making set out in Chapter 1.4 will apply to meetings of the Executive.

#### **5.4.19 Ordinary Meetings**

##### **Timing and Order of Business**

With the exception of the months of April, August and December, the Executive will meet at times to be agreed by the Leader. Meetings will only be held in the months of April, August and December to deal with urgent items. The Executive shall meet at the Council's main offices or another location to be agreed by the Leader.

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

- a) to nominate a person to preside if neither the Leader of the Council or the Deputy Leader are present;
- b) to approve the Minutes of the last meeting;
- c) to receive any apologies for absence;
- d) to receive any declarations of interest;
- e) to deal with any questions submitted by the public in accordance with [Rule 5.4.25](#);
- f) to deal with any questions submitted by Members in accordance with [Rule 5.4.36](#);
- g) to deal with any matters referred to the Executive (whether by the Overview and Scrutiny Committees 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 Chapters 6.2 (Scrutiny) and 1.5 (Budget and Policy Framework) of this Constitution;
- h) consideration of reports from the Overview and Scrutiny Committees and;
- i) consideration of matters set out in the agenda for the meeting, which shall indicate which are Key Decisions and which are not in accordance with the Access to Information Procedure rules set out in Chapter 3.2 of this Constitution.

## **5.4.20 Extraordinary Meetings**

### **Timing and Order of Business**

Extraordinary meetings of the Executive may be called at any time by the Executive Leader, or in his/her absence, the Deputy Leader, or by the Chief Executive if he/she considers it necessary or appropriate. The business to be conducted at an extraordinary meeting of the Executive shall usually be a single item only and there shall be no consideration of previous minutes. Public and Member questions will only be accepted at an extraordinary meeting of the Executive if they relate to the item(s) due to be discussed at that meeting.

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

- a) to elect a person to preside if neither the Executive Leader or the Deputy Leader are present;
- b) to receive any apologies for absence;
- c) to receive any declarations of interest;
- d) to deal with any questions submitted by the public in accordance with [Rule 5.4.25](#);
- e) to deal with any questions submitted by Members in accordance with [Rule 5.4.36](#);
- f) consideration of matters set out in the agenda.

Informal meetings of the Executive will be held for the purpose of briefing Members and these will be held in private.

The Executive will also decide whether meetings relating to matters which are not Key Decisions will be held in public or private.

### **5.4.21 Notice of Private Meeting of the Executive**

A private meeting is one where the public are to be excluded for some or all of the items under discussion because these items are either confidential or exempt. Notice of the intention to hold a private meeting of the Executive will be included within the Forward Programme in accordance with [Rules 5.4.8](#) and [5.4.9](#). The Forward Programme will include the reasons why the meeting is being held in private.

At least five clear working days before the meeting a further notice of the intention to hold a private meeting must be published which must include:

- a) a statement of the reasons for the meeting to be held in private;
- b) details of any representations received by the decision-making body about why the meeting should be open to the public; and
- c) a statement of its response to any such representations.

#### **5.4.22 Urgency Provisions**

Where the date by which a private meeting has to be held makes compliance with [Rule 5.4.20](#) impracticable, agreement of the Chairman of the relevant Overview and Scrutiny Committee that the meeting is urgent and cannot be reasonably deferred must be obtained. If there is no Chairman of the relevant Overview and Scrutiny Committee, or if the Chairman is unable to act, then the agreement of the Mayor or in his/her absence the Deputy Mayor will suffice.

As soon as reasonably practicable after the decision maker has obtained the relevant agreement a notice must be published stating the reasons why the matter is urgent and cannot reasonably be deferred.

#### **5.4.23 Quorum**

The quorum for a meeting of the Executive, or a Committee of it, shall be three Members of the Executive including the Leader.

If there is no quorum at the published start time for the meeting, a period of no more than 10 minutes will be allowed, and if there remains no quorum at the expiry of this period, the meeting will be declared null and void.

#### **5.4.24 Decisions 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 in Chapter 3.2 of the Constitution.
- b) 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.
- c) Where Executive decisions are delegated to an Individual Executive Member the rules as set out in [Rule 5.4.4](#) (Decisions by Individual Members of the Executive) and the Protocol for Decision Making by Individual Executive Members ([Chapter 5.5](#)) apply.

#### **5.4.25 Questions by the Public**

##### **General**

At ordinary meetings of the Executive or Committee of the Executive a resident or person who works in the Wokingham Borough may ask one question. At Extraordinary meetings of the Executive, questions will only be accepted if they relate to the item(s) due to be discussed at that meeting.

No question to the Executive should contain more than 200 words.

The time allotted to Public Questions will be limited to 30 minutes.

#### **5.4.26 Order of Questions**

Questions by the Public will be asked in the order they were received, except that the Leader may at his/her discretion group together similar questions.

#### **5.4.27 Notice of Question**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive by no later than 10.00 am on the seventh working day before the meeting in question (excluding the day of the meeting). Each question must give the name and contact details of the questioner and, must name the Executive Member to whom it is to be put.

A question may be submitted on a matter included in the Public Session of a particular meeting's Agenda, (except in relation to 'business' matters such as approval of the minutes) provided that notice to this effect is received by the Chief Executive by no later than 10.00 am two working days prior to the meeting.

Questions relating to urgent matters may be submitted in writing to the Democratic Services Manager by no later than 10.00 am two working days before the meeting and must receive the consent of the Leader of the Council and Member to whom the question is to be put. Questions of this nature may only relate to urgent issues which have arisen since the publication of the Agenda.

#### **5.4.28 Number of Questions**

At any one meeting no person may submit more than one question. Although there are no restrictions on the number of questions that can be submitted at a meeting, only up to the first ten questions submitted on any subject or report will receive an oral response and the opportunity for a supplementary question to be asked. Any questions submitted which do not receive an oral response at the meeting will receive a written answer in accordance with [Rule 5.4.33](#).

#### **5.4.29 Scope of Questions**

The Chief Executive and/or the Leader may reject a question if it:

- a) is not about a matter for which the local authority has a responsibility for or which affects the Borough;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has already been put at or submitted to the meeting or at a previous meeting of the Council or Executive or any other Committee in the past six months\*;
- d) requires the disclosure of confidential or exempt information; or
- e) relates to a planning or licensing application before it has been determined by the Planning Committee or Licensing and Appeals Committee or by Officers under delegated powers.

\*Should a question be rejected under section c) questioners will be informed that the same question or substantially same question has been received in the past six months and will be provided with a copy of the answer that was previously provided.

If a question is rejected a response will be given to the questioner setting out the reasons for the rejection.

### **5.4.30 Record of Questions**

The Chief Executive will compile a list of questions submitted which will be open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Copies of all questions will be circulated to all Members and will be set out in the agenda. Details of all questions and answers will also be recorded in the Minutes of the meeting.

### **5.4.31 Asking the Question at the Meeting**

At the appropriate time, the Chairman will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, he/she may nominate a person who is not already asking a question to put the question on his/her behalf. Alternatively the Chairman may put the question on their behalf, or may indicate that a written reply will be given.

### **5.4.32 Supplementary Question**

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his/her original question but must not include any new subject matter. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in [Rule 5.4.29](#) or if he/she feels that new subject matter is being introduced.

### **No person asking a question shall speak for longer than one minute.**

If the Chairman considers that the questioner is making a statement he/she may rule that the questioner be not further heard.

### **5.4.33 Written Answers**

Any question which cannot be dealt with during public question time, either because

- a) of lack of time;
- b) non-attendance of the Member to whom it was to be put;
- c) Member answering the question requires further information; or
- d) there had already been 10 questions asked at the meeting on the same subject or report

will be deemed to have been put, and shall be the subject of a written reply within seven working days to the person asking the question. The answer shall also be recorded in the Minutes of the meeting.

If the Chairman deems it appropriate, in the absence of the Member to whom a question was to be put, the question can be put to any other Executive Member.

### **5.4.34 Response**

An answer may take the form of:

- a) a direct oral answer;
- b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

- c) where the reply cannot conveniently be given orally, (including where such an answer would require the disclosure of exempt information) a written answer will be circulated to the questioner within seven working days and included within the Minutes of the meeting. Please note this deadline does not apply to supplementary questions, which can take longer to respond to, due to the often complex nature of the subject matter.

No person answering a question shall speak for longer than two minutes

#### **5.4.35 Exempt Information**

The provisions of this Rule shall not require the disclosure of any exempt information as defined in paragraphs 1 to 7 of Part I of Schedule 12A of the Local Government Act 1972 (as amended) and set out in the Access to Information Rules of Procedure.

#### **5.4.36 Rules of Procedure for Questions by Members**

##### **Questions on Notice by Members**

A Member of the Council may ask the appropriate Executive Member one question on any matter in relation to which the Council has powers or duties or which affects the Wokingham Borough and which falls within the terms of reference of the Executive. At Extraordinary meetings of the Executive questions will only be accepted if they relate to the item(s) due to be discussed at that meeting.

No question to the Executive should contain more than 200 words.

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive by no later than 10.00 am on the seventh working day before the meeting in question (excluding the day of the meeting). Each question must give the name of the questioner, and must name the Executive Member to whom it is to be put.

A question may be submitted on a matter included in the Public Session of a particular meeting's Agenda, (except in relation to 'business' matters such as approval of the minutes) provided that notice to this effect is received by the Chief Executive by no later than 10.00 am two working days prior to the meeting.

Questions relating to urgent matters may be submitted in writing to the Democratic Services Manager by no later than 10.00 am two working days before the meeting, and must receive the consent of the Leader of the Council and Executive Member to whom the question is to be put. Questions of this nature may only relate to urgent issues which have arisen since the publication of the Agenda.

Where a Member is unable through absence to put a question, the question shall be deemed to have been put and an answer given which will be recorded in the Minutes of the meeting.

##### **5.4.37 Scope of Questions**

The Chief Executive and/or Leader may reject a question if it:

- a) is not about a matter for which the local authority has a responsibility for or which affects the Borough;

- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has been put at or submitted to a meeting of the Council or Executive or any other Committee in the past six months; or.
- d) relates to a planning or licensing application before it has been determined by the Planning Committee or Licensing and Appeals Committee or by Officers under delegated powers.

If a question is rejected a response will be given to the questioner setting out the reasons for the rejection

#### **5.4.38 Response**

An answer may take the form of:

- a) a direct oral answer;
- b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) where the reply cannot conveniently be given orally, (including where such an answer would require the disclosure of exempt information) a written answer will be circulated to the questioner within seven working days and included within the minutes of the meeting. Please note this deadline does not apply to supplementary questions, which can take longer to respond to, due to the often complex nature of the subject matter.

No person answering a question shall speak for longer than two minutes.

#### **5.4.39 Supplementary Questions**

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his/her original question. A supplementary question must arise directly out of the original question or the reply and must not introduce any new subject matter. The Leader may reject a supplementary question on any of the grounds in [Rule 5.4.37](#) above. No person asking a supplementary question shall speak for longer than one minute. If the Chairman considers that the questioner is making a statement he/she may rule that the questioner be not further heard.

#### **5.4.40 Length of Question Time**

The time allotted to questions submitted under notice, including those relating to urgent issues, shall not exceed 20 minutes. Any question not answered within the allotted time shall be the subject of a written reply within seven working days to the person asking the question and the reply shall be recorded in the Minutes of the Meeting.

#### **5.4.41 Procedure for Questions Relating to Part 2 Reports**

Member questions relating to Part 2 (containing exempt information) reports will be taken immediately after the meeting has resolved to exclude the press and public. A full written answer will be circulated to the questioner, with a summary in the Minutes. Other than these special provisions, the normal rules relating to the submission of, and answer to, the question, will apply.



#### **5.4.42 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 the relevant Overview and Scrutiny Committee, 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.

#### **5.4.43 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 Proper Officer will comply with the Leader's requests in this respect.

There will be a standing item on the agenda of each meeting of the Executive for matters referred by the Overview and Scrutiny Committees.

#### **5.4.44 Disturbance by Public**

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

## **CHAPTER 5.5 - PROTOCOL FOR DECISION MAKING BY INDIVIDUAL EXECUTIVE MEMBERS**

### **5.5.1 List of Items Delegated to Individual Executive Members**

The process for Individual Executive Member decisions shall be as follows:

The following is a list of items that are delegated to Individual Executive Members:

- a) Council's responses to Government and other consultation documents;
- b) In year appointments to outside bodies joint committees and various bodies (with the exception of regulatory bodies i.e. Police and Fire Authority which need to be decided by Council);
- c) Decisions relating to specific plans, strategies and policies that the Council is required to produce and that do not need Council approval which also includes Planning Advices Notes;
- d) Writing off of irrecoverable amounts above £25,000;
- e) Awarding of grants within approved resources to public and voluntary bodies within the approved budget limit;
- f) Approval of those leases which are not delegated to the Assistant Director Business Services;
- g) Approving Procurement Business Cases that have a total ascertainable value of £500,000 or more up to the limits specified in [Rule 5.1.9.4](#). The default option is Executive approval. In exceptional circumstances, where this is not practical and delay will have negative financial consequences, approval by two Executive Members is allowed. This should be the Executive Member for the relevant Service area together with the Executive Member with responsibility for Finance, unless the relevant Executive Member is responsible for Finance, in which case the approval must be carried out in conjunction with the Deputy Leader of the Council, or if the Deputy Leader is the Executive Member with responsibility for Finance, or if they are unavailable, in which case the approval must be carried out in conjunction with the Leader of the Council. An explanation of the exceptional circumstances must be included within the Individual Executive Member Decision Report;
- h) Designation of Local Nature Reserves to Town or Parish Councils in consultation with the appropriate Director;
- i) Declaring property as surplus to requirements and, where the value is between £150,000 to £500,000, disposing of such property;
- j) All decisions relating to Highway matters which are within the approved budget and policy framework, provided they are supported by the local Ward Member(s) and appropriate Town or Parish Council and within the remit of the Executive;

- k) Requests for voluntary redundancies that can be met within existing budgets.
- l) In-year increases above inflation to fees and charges subject to no adverse on-going budgetary implications and in consultation with the Chief Finance Officer and the Executive Member for Finance. The Deputy Chief Executive, in consultation with the Lead Member for Finance and the Lead Member for Leisure, may approve reductions, discounts and/or promotions for fees and charges within Sports and Leisure, up to £100 per fee or charge.
- m) In exceptional circumstances fees and charges may be increased, reduced or waived for a specified period to promote a service or facility subject to there being no on-going budgetary implications and in consultation with the Chief Finance Officer and the Executive Member for Finance. This may include introducing a casual charge for the purpose of defraying costs of a special event. The Deputy Chief Executive, in consultation with the Lead Member for Finance and the Lead Member for Leisure, may approve reductions, discounts and/or promotions for fees and charges within Sports and Leisure, up to £100 per fee or charge.
- n) Designation of a neighbourhood area following consultation with the local Ward Member(s) and appropriate Town or Parish Council.
- o) future spend approval of available S106 developer contributions in relation to the Council's My Journey travel programme.

### **5.5.2 Publicity**

Where an individual Member of the Executive receives a report which he/she intends to take into account in making any Key Decision, then he/she will not make the decision until the publicity requirements set out in [Rule 5.4.10](#) have been complied with.

If an individual Member of the Executive is due to make a decision which is not deemed to be a Key Decision then the item will be included on the meeting schedule which will be sent out on a weekly basis and provide at least five clear days' notice of the date and time the decision will be made. These details will also be published on the Council's website.

### **5.5.3 Initial Consultation**

The relevant Director, or nominated Officer, will contact the appropriate Executive Member to gain their agreement to an item being taken as an Individual Decision and also the date, time and place of the meeting when the decision will be made. Democratic Services will also be notified of this information.

### **5.5.4 Contents of the Report**

The relevant Director, or nominated Officer, will produce a written report which will be sent to the Executive Member at least two weeks in advance of the decision being made. The report will include the following information:

- a) The name of the Executive Member within whose portfolio the issue falls;
- b) The issue to be decided with reasons for the decision;
- c) Other options considered (where appropriate)

- d) Recommendation;
- a) Financial Implications. This section of the report should also indicate whether or not the recommended decision is in accordance with the relevant budget and policy framework of the Council;
- f) Any comments received during the consultation process;
- g) If the report contains Confidential or Exempt information the reason why the report was deemed to contain such information;
- h) A list of background papers;
- i) Supporting information – a summary of the facts relating to the matter under consideration.

#### **5.5.5 Consultation on the Report**

Prior to the Executive Member receiving the report the relevant Director, or nominated Officer, will consult with:

- a) The Section 151 Officer (Director Finance and Resources or delegated representative);
- b) The Monitoring Officer (Director of Governance and Improvement Services or delegated representative);
- c) Leader of Council;

and include a summary of any comments received in the report.

#### **5.5.6 Publication of the Report**

The report will need to be e-mailed to Democratic Services who will be responsible for ensuring that the report is available for public inspection five clear days prior to the decision being taken. A copy of the report will also be sent to the members of the relevant Overview and Scrutiny Management Committees and the Leader of the Opposition and where appropriate, the relevant ward member and Town or Parish Council. All other Members can request copies of any reports. Reports will be printed on cream paper in order to make them easily identifiable.

#### **5.5.7 Arrangements for the Meeting**

The Executive Member shall make his/her decision in public unless exempt information is due to be discussed, with the appropriate Director, or nominated Officer. If the meeting is to be held in private then [Rule 5.4.21](#) must be complied with.

An Officer from Democratic Services will also be in attendance in order to provide a record of any decision taken. The date, time and place of the meeting will be agreed in advance between the Executive Member and the appropriate Director, or nominated Officer, and will be communicated to Democratic Services.

If the relevant Executive Member is not present at the meeting 30 minutes after the published start time of the meeting, the meeting will be declared null and void and rearranged for a later date.

#### **5.5.8 Speaking Rights at the Meeting**

Members and members of the public attending the meeting will not have any automatic speaking rights. However, comments and/or questions can be taken at the discretion of the Executive Member present.

#### **5.5.9 Nomination of a Deputy**

If for any reason an Executive Member is unavailable to make a decision, he/she can nominate either the Leader or Deputy Leader(s) of the Council to make the decision on their behalf at the agreed meeting.

#### **5.5.10 Publication of the Decision**

As soon as reasonably practicable after an individual Member has made an Executive decision, the Executive Member, Director, or nominated Officer, will finalise and sign the Decision Sheet. The Decision Sheet shall contain the following information:

- a) a record of the decision including the date it was made;
- b) a record of the reasons for the decision;
- c) details of any alternative options considered and rejected by the Member at the time of the decision;
- d) a record of any conflict of interest declared by any Executive Member who is consulted by a Member which relates to the decision; and
- e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

As soon as reasonably practicable the Decision Sheet will then be circulated to all Members of the Council, the relevant Town or Parish Council and made available for public inspection.

#### **5.5.11 Provision for a Call-in**

All Individual Executive Member decisions are subject to call-in. Democratic Services will inform the relevant Director if an item has been called-in in accordance with the Council's Constitution. If the item has not been called-in after five clear days have elapsed the decision can then be implemented.

## CHAPTER 5.6 - KEY DECISIONS BY THE EXECUTIVE

This Chapter to be deleted as now incorporated in [Rule 5.1.9](#).

## CHAPTER 5.7 - COMMITTEES AND SUB-COMMITTEES OF THE EXECUTIVE

### SHAREHOLDER COMMITTEE

#### 5.7.1 Overview

##### 5.7.1.1

The Shareholder Committee forms part of the overall governance arrangements for Wokingham Borough Council ("**the Council**") in relation to housing companies and other legal entities which are wholly or partly owned or controlled by the Council (including where such control comes about indirectly, such as via a loan agreement) (each a "Subsidiary" and together the "Subsidiaries").

#### 5.7.2 Membership

##### 5.7.2.1

The voting members of the Shareholder Committee will be set to 4 Executive Councillors consisting of:

- the Leader (as Chair).
- Deputy Leader.
- Executive Member for Business & Economic Development; and
- Executive Member for Finance

##### 5.7.2.2

Each Shareholder Committee member may nominate an alternate Executive Member to attend a meeting in their place.

##### 5.7.2.3

An opposition member will be invited to join the Committee as a non-voting member. The main opposition group leader will be invited to nominate their opposition member of the Committee. If the nominated opposition member is unable to attend a meeting of the Committee, they may appoint a substitute member to act in their place at the meeting. The appointment shall only take effect if the Member making the appointment, or in the Member's absence their Group Leader or Political Assistant, notifies the Head of Democratic & Electoral, or their representative, no later than midday of the day of the meeting that they will be unable to attend the meeting and the name of the appointed substitute Member.

##### 5.7.2.4

The Shareholder Committee will be supported by Council officers as required.

##### 5.7.2.5

The Shareholder Committee will appoint the Leader as Chair of the Shareholder Committee. If the Chair is not present at the start of a meeting of the Shareholder Committee, those members present will appoint one of the members present to chair that meeting.

### **5.7.2.6**

Additional advisors, who do not need to be officers or members of the Council, may be invited to attend the Shareholder Committee as required.

## **5.7.3 Role of the Shareholder Committee**

### **5.7.3.1**

The Shareholder Committee will have a role in ensuring proper governance of the Council's housing companies, such role to include:

- a) monitoring information from each Subsidiary, in particular on financial and other risks and escalating such risks within the Council as appropriate.
- b) exercising decisions relating to the Council's role as shareholder, member, owner, lender, or other position of significant control over the Subsidiary, where those decisions have been delegated to the Shareholder Committee; and
- c) making reports and recommendations to the Executive on areas outside of the Shareholder Committee's delegated authority.

### **5.7.3.2**

It is expected that each housing company will enter into a form of agreement with the Council (whether as owner, controller or lender) setting out the basis of the relationship between them (each a "Memorandum of Agreement").

### **5.7.3.3**

A detailed description of the Shareholder Committee's role in relation to each housing company will be set out in the relevant Memorandum of Agreement.

### **5.7.3.4**

Authority to make decisions on behalf of the Council is delegated to the Shareholder Committee for each housing company as follows:

- a) Altering in any respect the articles of association of a Subsidiary
- b) Altering the rights attaching to any of the shares in a Subsidiary
- c) Permitting the registration of any person as a shareholder or member of a Subsidiary
- d) Nominating directors to be appointed on the board of a Subsidiary and notifying a Subsidiary to remove directors from its board
- e) Increasing the amount of a Subsidiary's issued share capital
- f) Altering the name of any Subsidiary
- g) Adopting, reviewing or amending a Subsidiary's Business Plan Where a Subsidiary fails to produce a Business Plan as required by its Memorandum of Agreement, producing that Subsidiary's Business Plan

- h) Directing the board of a Subsidiary to take or to refrain from taking a particular action

#### **5.7.3.5**

Any Memorandum of Agreement entered into with a housing company may identify additional decisions which are delegated by Executive to the Shareholder Committee in relation to that Subsidiary only.

#### **5.7.3.6**

Decisions which are not delegated to the Shareholder Committee in accordance with 3.4 above will be taken through the usual decision-making processes in accordance with the Council's governance and constitutional framework. This will include decisions relating to the issue of loan capital in relation to any Subsidiary and to any approvals relating to any intra-group loans.

### **5.7.4. Operation of the Shareholder Committee**

#### **5.7.4.1**

The Shareholder Committee will meet three times per year, or more frequently if required.

#### **5.7.4.2**

The quorum for a meeting of the Shareholder Committee is a minimum of 3 members.

#### **5.7.4.3**

Meetings will be held in public or otherwise in line with the Council's democratic meeting protocol. There may be particular matters or agenda items which are required to be considered in private due to commercial confidentiality, and these will be handled in accordance with the Council's usual democratic protocol.

#### **5.7.4.4**

Minutes and agendas will be managed and published in accordance with the Council's usual democratic protocol.

#### **5.7.4.5**

The Shareholder Committee shall make its decisions as follows:

- a) At meetings of its members by consensus of those present, unless any member of the Shareholder Committee requires a vote, in which event a majority decision will be taken with each member of the Shareholder Committee present having a single vote. Advisors and officers present to support the Shareholder Committee will not have a vote. The Chair of the meeting has a casting vote in the event that there is no clear majority; or
- b) In cases of urgency, by a decision made by the Leader or by an alternate Executive Member nominated by the Leader.

#### **5.4.4.6**

After each meeting, the Chair shall approve the minutes and authorise the implementation of the Shareholder Committee's decisions, including where relevant the signature of any documents by appropriate Council signatories.



**5.4.4.7**

The Shareholder Committee will review the Terms of Reference annually and make any necessary recommendations to Executive.

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