

Part 3

Section 3

Executive Functions

1. **Introduction**

1.1 Ipswich Borough Council has a Leader and Cabinet type of Executive.

1.2 The Leader and Cabinet as a whole are known as the Executive.

2. **Appointment and Term of Office of the Executive**

2.1 At its Annual Meeting, the Council will if necessary, by ordinary resolution, elect a Leader of the Council from amongst the Councillors.

The Leader of the Council will then appoint:

- A member of the Executive to be known as the Deputy Leader; and
- Up to 8 Councillors as ordinary members of the Executive.

The Leader may remove Councillors from the Executive at any time.

2.2 Neither the Mayor nor the Deputy Mayor may be given any appointment listed in 2.1.

2.3 The term of office of the Leader starts on the day of his/her election as Leader and ends on the day of the next post-election annual meeting four years hence, unless he/she is removed from office or resigns, ceases to be a member or is disqualified from being a Councillor before that day.

2.4 The Council may remove the Leader by ordinary resolution on notice during his or her term of office. If the Council passes such a resolution to remove the Leader, it will elect a new Leader at that or a subsequent meeting.

2.5 Appointments as Leader or as a member of the Executive are not subject to any statutory provisions or other rules about political balance.

3. **Meetings of the Executive**

3.1 Whenever it meets, the Executive will normally follow the same rules of procedure that apply to ordinary Council Committees. The following additional provisions apply:

3.1.1 the Executive will meet at least four times a year;

3.1.2 meetings will be held at the Council's main offices or at another venue decided by the Leader.

3.1.3 the agenda for each meeting of the Executive will contain any item which has been approved by any one of the following:

- the Leader
- a Portfolio Holder

- the Monitoring Officer
- the Section 151 Officer
- Overview and Scrutiny Committee
- Full Council

3.2 The Leader will chair meetings of the Executive. If the Leader is absent then the Deputy Leader will chair the meeting. If both are absent then the meeting will appoint another member of the Executive to preside.

3.3 The quorum for meetings of the Executive is three if the Leader is present, or four if the Leader is not present.

3.4 Subject to any contrary provision in any Code of Conduct, any Councillor may attend any part of any meeting of the Executive.

3.5 Any Councillor who is not a member of the Executive may (subject to the law of bias and the Code of Conduct) submit question(s) to be asked at any meeting of the Executive. Questions must relate to an item on the agenda for that meeting. These questions will be dealt with orally at the meeting. (Questions submitted under this paragraph must be received by the Monitoring Officer no later than 10am on the day of the Executive meeting.)

4. Functions and Delegations

4.1 All Executive Functions may be exercised by the Executive.

4.2 The Executive may delegate any Function exercisable by them to a committee of the Executive or to an officer.

4.3 The Leader may from time to time appoint any member of the Executive to a portfolio. No more than seven of the ordinary members of the Executive may hold portfolios at any one time. Each Portfolio Holder will take a particular interest in the areas within his or her portfolio. Whenever a report is presented to the Executive the Portfolio Holder for the subject of the report will usually present that report.

4.4 The Leader, the Deputy Leader and any holder of a portfolio may personally discharge Executive Functions in accordance with the provisions set out in paragraph 5 below.

4.5 A member of the Executive who is entitled to discharge a Function may delegate that Function to an officer. Any such delegation must be in writing and a copy of the delegation must be given to the Monitoring Officer.

4.6 Whenever the Leader appoints anyone to or removes anyone from a portfolio or whenever the Leader changes the remit of any portfolio, the Leader must promptly record the appointment in writing and a copy must be given to the Monitoring Officer who must arrange for it to be published.

- 4.7 The Executive may from time to time appoint committees of the Executive.
- 4.8 The Executive shall propose the budget and policy framework for approval by the Council.
- 4.9 The Executive shall carry out all of the Council's functions and take all decisions except:
- (a) those reserved to Council, the Planning and Development Committee, the Licensing and Regulatory Committee and the Audit and Governance Committee.
- 4.10 The Executive shall agree the policies of the Council relation to Human Resources matters including, by way of example, those relating to:
- disciplinary matters;
 - grievance matters;
 - recruitment and selection;
 - absence management;
 - organisational change;
 - early retirement.

5. Committees of the Executive

- 5.1 There are currently no Committees of the Executive appointed.

6. Decisions by Portfolio Holders

- 6.1 This scheme has effect under Section 15 of the Local Government Act 2000.

- 6.2 In this scheme reference to a 'Portfolio Holder' is a reference to the Leader, the Deputy Leader or to any member of the Executive designated by the Leader from time to time as a Portfolio Holder.

- 6.3 General power to make decisions

- 6.3.1 Each Executive member shall be responsible for specific areas of work, to be called a Portfolio. A Portfolio Holder may make any decision on an Executive Function which they reasonably consider relates to their portfolio. A list of the Portfolio Responsibilities is set out at the end of this section.

- 6.4 Limits on decision making:

- 6.4.1 before taking a decision, a Portfolio Holder shall receive advice from appropriate officer(s) and consult with the Leaders of all Political Groups (or their deputies if they are unavailable);

- 6.4.2 no Portfolio Holder may make a decision contrary to a policy approved by full Council;
- 6.4.3 no Portfolio Holder may make a decision if they have a personal and prejudicial interest in it;
- 6.4.4 no Portfolio Holder may make a decision which is contrary to:
- any statutory restrictions;
 - Financial Regulations;
 - Contract Standing Orders;
 - Portfolio Holders may not take a decision if the likely financial consequences of that decision would involve exceeding the relevant budgetary provision unless this is specifically authorised by paragraph 6.6.
- 6.5 The law provides that Portfolio Holders are not allowed to sign contracts, although they may authorise officers to do so.
- 6.6 Financial delegations:
- 6.6.1 no Portfolio Holder may exercise any financial delegations contained in this section without considering a written report approved by the Section 151 Officer;
- 6.6.2 in making a decision on any financial delegations contained in this section, the Portfolio Holder shall comply with Financial Regulations;
- 6.6.3 the Finance Portfolio Holder may authorise supplementary estimates of up to £25,000;
- 6.6.4 the Finance Portfolio Holder may authorise budgets to be carried forward to the next financial year;
- 6.6.5 the Finance Portfolio Holder may write off bad debts of up to £10,000;
- 6.6.6 the Leader may take any decision under this paragraph if the Finance Portfolio Holder is not available or cannot be contacted.

7. **Procedure**

- 7.1 This procedure must be followed whenever a Portfolio Holder takes any decision.
- 7.2 No decision may be taken by a Portfolio Holder unless the Portfolio Holder has received a report from an officer setting out the issues surrounding the decision in a way that the Portfolio Holder considers satisfactory. If a decision is urgent then the report may be oral and, if necessary, taken by telephone with a summary of the advice being sent by email, normally within one

working day.

- 7.3 All decisions taken by Portfolio Holders must be properly recorded in accordance with arrangements approved by the Monitoring Officer.
- 7.4 Portfolio Holders may decide to refer any question to Executive.
- 7.5 Before making a decision which a Portfolio Holder considers to have strategic importance or important financial impact he or she shall consult other relevant Portfolio Holders including the Leader and the Finance Portfolio Holder.

8. **Financial Decisions**

- 8.1 In connection with decisions which are the responsibility of the Executive, the Executive have full authority to vire money between budget headings.
- 8.2 The Executive does not have the power to alter or take decisions contrary to the Council's Treasury Management Strategy, or to change that Strategy.

9. **Local Choice Functions which will be the responsibility of the Executive**

- 9.1 Any function relating to contaminated land.
- 9.2 The discharge of any function relating to the control of pollution or the management of air quality.
- 9.3 The service of an abatement notice in respect of a statutory nuisance.
- 9.4 The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
- 9.5 The inspection of the authority's area to detect any statutory nuisance.
- 9.6 The investigation of any complaint as to the existence of a statutory nuisance.
- 9.7 The making of agreements for the execution of highway works.
- 9.8 The Council's functions under sections 4 and 5 of the Ipswich Market Act 2004.
- 9.9 Appointments to the Board of Ipswich Buses Limited.

NOTE: A list of Portfolio Responsibilities may be seen on the Council's website.