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ARTICLE 10 – DISTRICT EXECUTIVES

TERMS OF REFERENCE AND DELEGATED POWERS

1 INTRODUCTION

- 1.1 This document sets out the Terms of Reference and delegated powers of District Executives in Oldham.
- 1.2 It covers the following topics:
- the constitution of District Executive
 - terms of reference and principles underlying District Executive
 - membership of District Executives
 - rules of procedure;
 - decision making;
 - arrangements for public attendance and participation;
 - relationship of District Executive with Overview & Scrutiny;
 - standards and conduct; and
 - allowances and reimbursement of expenses.

2 DISTRICT EXECUTIVE CONSTITUTION

- 2.1 There shall be 6 District Executives representing the different parts of the Borough as follows:-
- Oldham comprising of 7 wards: Coldhurst, Werneth, Alexandra, Medlock Vale, St Mary's, Waterhead and St James;
 - Failsworth and Hollinwood – 3 wards: Failsworth East, Failsworth West and Hollinwood;
 - Chadderton – 3 wards: Chadderton North, Chadderton South and Chadderton Central;
 - Saddleworth and Lees – 3 wards: Saddleworth West and Lees, Saddleworth North and Saddleworth South;
 - Royton – 2 wards: Royton North and Royton South; and
 - Shaw and Crompton – 2 wards: Shaw and Crompton.

3 TERMS OF REFERENCE

- 3.1 The Terms of Reference and delegated powers of the District Executive shall be to promote the economic, social and environmental well-being of their area by:

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- championing the area by raising issues of concern to residents and businesses with the Council and other organisations, and influencing how services are delivered and spending plans for the area;
- taking decisions about funding or other resources delegated to them by Council;
- developing and approving District Plans in consultation with neighbouring District Executives and relevant organisations in the statutory, private and third sector as appropriate. These will need to be set in the wider framework provided by the Oldham Plan and the Council's Corporate Plan;
- providing a community engagement framework through which local residents and businesses can connect with the Council and partner organisations on local issues, the delivery of services and proposals affecting the area;
- consulting on matters affecting the local community and expressing a view on matters affecting more than one area of the Borough;
- receiving petitions relevant to their area submitted to the Council, and if necessary pursuing issues further;
- advising the Council's Overview and Scrutiny Committees and Co-operative Commissions on matters of interest in the area and giving views on matters referred to them by the Commissions;
- producing an Annual Report on the work of the District Executive which will inform the District Delivery Plan for the next year.

3.2 The work of the District Executive will be based upon the following principles:

- encouraging the active participation of residents and local organisations in improving the quality of life in the area;
- enabling local communities opportunities to influence, decisions which affect them;
- ensuring that local needs are taken into account by decision makers;
- fostering good community relations between people of different ages, and ethnic and social backgrounds, both within the area and across the Borough;
- building partnership between the Council, communities and other organisations in working co-operatively for the benefit of the area.

3.3 The meetings of District Executives will comprise the following areas:

- 1) Public Questions.
- 2) Petitions.

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3) Making decisions about local resources and services delegated to them by the Council including decisions on Traffic Regulation Orders.

3.4 Any matter on a specific issue considered urgent and requiring a decision before the next meeting is delegated to the relevant Executive Director in consultation with the Chair of the District Executive. Consultation with other ward members is necessary.

4 MEMBERSHIP OF DISTRICT EXECUTIVE

4.1 All procedures shall be in accordance with the Council's Procedure Rules, as applied to Committees of the Council, contained in the Constitution unless stated otherwise below.

4.2 Membership

4.2.1 Elected members for the wards comprising the District Executive will all be members of the District Executive.

5 RULES OF PROCEDURE

5.1 Meetings

5.1.1 Meetings shall be held on such dates and times to be determined by the Council at the commencement of each Municipal Year and on such other dates as determined by the Chair of the District Executive.

5.2 Vice-Chair

5.2.1 Each District Executive shall appoint a Vice Chair at its first meeting of the Municipal Year and at the next ordinary meeting of the Committee if a vacancy occurs during the year.

5.2.2 If the Chair of a District Executive is absent from a meeting, the Vice-Chair, if present, will Chair the meeting. If both the Chair and Vice-Chair are absent, the Councillors present will select a member of the District Executive to Chair that meeting.

5.3 Quorum

5.3.1 A quorum shall be 7 Councillors on the District Executive with 7 wards, 3 Councillors on the District Executive with 3 wards and 3 Councillors for District Executive with 2 wards.

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5.4 Working Groups

- 5.4.1 District Executive may establish such working groups comprising of such membership and with such terms of reference as they shall determine.
- 5.4.2 In determining the membership of any working group, the District Executive will be mindful of the composition of the ward membership. The membership of any working group may include such external representatives as the District Executive considers appropriate, but such external representatives will be unable to vote on recommendations to the Executive.

5.5 Individual Councillor Budgets

- 5.5.1 Councillors are allocated an individual budget on a yearly basis. In order for a Councillor to allocate their individual budget, each Councillor will be required to have attended at least 50% of the Local Leaders Programme.

5.6 Agenda and Minutes

- 5.6.1 The Access to Information Procedure Rules set out in Part 4 of the Council's Constitution will apply to District Executives. Agendas for all District Executive meetings will be publicised at least five clear days prior to the meeting and copies of the agenda, reports and Minutes for each meeting will be available for public inspection.
- 5.6.2 A record of decisions will be taken and a summary of the proceedings will be created as the Minutes of the meeting. The Minutes will not be verbatim nor will they include all comments made but will give a flavour of the debate and the reasoning behind decisions reached.
- 5.6.3 The agenda will be prepared by the Chair with support from the relevant officers. Other members of the District Executive may request items to be considered for the agenda, by contacting the Chair or District Co-ordinator.
- 5.6.4 The agenda must allocate time at each meeting for the Youth Council representative.

5.7 Duration of meetings

- 5.7.1 At the discretion of the Chair, elements of the meeting may be time limited. The setting out of time bands provides the Chair, and the designated Officers advising them, with a framework to work from. Unless there are exceptional circumstances, District Executive meetings will not finish later than 9.30 pm, and meetings will not last longer than two hours.

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6 DECISION MAKING

6.1 District Executive Links to Existing Delegated Arrangements

- 6.1.1 District Executives are another point of decision making within the delegated arrangements existing within the Council.
- 6.1.2 To enable swift decision making District Executive meetings will mirror the Borough's Cabinet model. The District Executive will be made up of local ward Councillors and will involve localised decision making.
- 6.1.3 Decisions made under the powers delegated to the District Executive about local matters may be acted upon immediately. These decisions are binding upon the Council and shall be shown as "Resolved" within the Minutes.
- 6.1.4 Decisions made on other matters may require ratification or further consideration by Officers or the Cabinet before implementation and may not be implemented. In the latter case the Officer responsible will advise the District Executive of the reasons why the recommendation has not been implemented. These decisions shall be shown as "Recommended" within the Minutes. The District Co-ordinator shall report back to the next District Executive with the outcomes of the District Executive recommendations. The Cabinet and Executive Director have the duty to respond to recommendations in a timely manner.
- 6.1.5 The District Executive will, once a Cabinet sub-committee has been established, have the opportunity to bid to take over the running of services or assets within their District Executive Area.
- 6.1.6 Traffic Regulation Orders requiring approval to advertise will be the responsibility of the District Executive. A decision to propose a Traffic Regulation Order and the contents of any such Order are delegated to the District Executive.
- 6.1.7 Area Petitions will be the responsibility of the District Executive and will be processed as per the Petitions protocol as detailed at Part 5 section F of the Constitution. A copy of the revised Petitions Protocol is attached at Appendix A.

6.2 Using Delegated Powers

- 6.2.1 The delegation of decisions to the District Executive will not affect the availability or direction of advice from officers. The important features of the District Executive arrangements are that:-
- it is clear who makes the decisions;

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- those responsible for decisions are publicly accountable to the area;
- the process of decision making is open to examination by members of the public; and
- decisions are timely and sensitive to the needs and aspirations of the area.

6.3 Voting on Matters Delegated to the District Executive by the Council

- 6.3.1 When decisions about matters delegated by the Council to the District Executive are to be taken, they will be decided by a vote amongst the Councillors present at the meeting. Decisions on these matters will be arrived at by a simple majority of the Councillors present and voting. In the event of equality of votes, the Chair has the casting vote.
- 6.3.2 For decisions about matters delegated by the Council to the District Executive, any Councillor may request that her/his vote be recorded.
- 6.3.3 Where the District Executive is invited to elect a representative of the District Executive to serve on another body the views of all members of the District Executive will be sought.

6.4 Delegated Budgets

- 6.4.1 The Local Government Act 2000 requires the Council's Cabinet to place limitations on the powers and expenditure devolved to District Executives. At the commencement of each financial year the Cabinet will devolve to each District Executive an annual maximum budget to be expended on promoting the economic, social and environmental well-being of their area.
- 6.4.2 District Executives may only incur or approve expenditure related to the Council's functions in respect of executive powers in accordance with the powers delegated. All expenditure must comply with the Council's Budget and Policy Framework and Financial Procedure Rules contained in the Constitution.
- 6.4.3 District Executives must not expend this budget in a way which will incur ongoing costs beyond the end of the current financial year without the prior written and recorded approval of the Council's Section 151 officer. Expenditure must not be incurred beyond the end of the financial year in which the budgets are allocated.
- 6.4.4 Decisions on the allocation of delegated budgets must be made in accordance with the rules for voting on matters delegated to the District Executive by the Council, as set out in paragraph 6.3 above.

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6.4.5 Details of the expenditure incurred by the District Executive must be recorded and reported at each District Executive meeting. At the first meeting of the municipal year, after Annual Council, a report will be prepared summarising the previous year's expenditure.

6.5 Service Delivery

6.5.1 The District Executive can make a recommendation in respect of service delivery matters for consideration by Officers of the Council, the Council's Cabinet as appropriate.

6.6 Community Call-In Pilot

6.6.1 For a pilot period of 12 months, a Community Call-In process is available to allow local residents to challenge a decision taken by their District Executive. 100 signatures from people who live in the District Executive area will trigger a call-in. The threshold will be reduced to 50 if the call-in is sponsored by an elected member from a ward impacted upon by the decision.

6.6.2 If a call-in is made, the decision will be suspended until reconsideration. The call-in will be considered by an Overview and Scrutiny committee or sub-committee who will review the decision. The committee will not include any members who were involved in the decision the subject matter of the call-in.

6.6.3 The Overview and Scrutiny Committee will consider the decision and may call members and officers to give evidence on the reasoning of the decision. The committee will make recommendations back to the District Executive before any further decision is made on the matter. If the Overview and Scrutiny Committee make no recommendation on the subject matter of the call-in, the decision can be implemented immediately upon the Overview and Scrutiny Committee making such a decision.

6.6.4 The request for call-in must be sent to the proper officer for Overview and Scrutiny within 10 days of the District Executive minutes being published. The District Executive may exempt a decision from call-in if the decision is urgent.

7 ARRANGEMENTS FOR PUBLIC ATTENDANCE AND PARTICIPATION

7.1 Public Access to the District Executive

7.1.1 All of the proceedings of District Partnerships will be in public unless there is a need to exclude the press and public for the reasons permitted under the Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Access to Information Act 1985, and as further amended at any time.

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7.1.2 Members of the public are welcome to attend District Executive meetings as per the Access to Information rules applicable to all Committees of the Council.

7.2 Public Question Time

7.2.1 Public questions can be submitted to Constitutional Services just up to 15 minutes prior to the published start time of the meeting.

7.3 Venues

7.3.1 In compiling proposals for meetings of the District Executive, the Chairs and Officers shall seek potential venues which:

- the residents of the area will see as part of their areas;
- are located to give convenient access to people who want to attend the meetings;
- are warm, secure, have good public transport access and, if necessary, have secure parking arrangements;
- have enough space and seating to fit in the numbers which might be expected to attend, taking account of whether matters of considerable public interest are to be discussed;
- are accessible to wheelchair users and other people with impaired mobility;
- have satisfactory acoustics and allow for the appropriate use of information technology in conducting the meeting;
- do not present risks to health and safety; and are covered by satisfactory public liability insurance; and
- do not incur excess costs.

7.4 Councillor Report

There will be a requirement for each member to produce a Councillor report each year in November.

8 RELATIONSHIP WITH OVERVIEW & SCRUTINY

8.1 As District Executives are not politically balanced they cannot formally discharge the Overview and Scrutiny functions themselves, but this does not mean they have no role in Overview and Scrutiny. The Overview and Scrutiny Committees may seek District Executives' views on particular issues and invite them to present findings back to the Committees for consideration. District Executives are also able to identify issues of local or general concern and recommend to the

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Overview and Scrutiny Committees that these items are considered for overview or scrutiny.

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9 STANDARDS AND CONDUCT

9.1 Conduct at District Executive meetings

9.1.1 It is essential that the meetings are conducted purposefully, and with mutual respect amongst all parties. To allow smooth running of the District Executive meetings the Chair's ruling at any time may not be questioned and will be final.

9.1.2 If any person interrupts the proceedings, the Chair can

- Warn the person that his/her conduct is interrupting the proceedings and that this could result in them being asked to leave;
- Ask any persons present to leave the meeting if s/he considers their conduct to be detrimental to the meeting. Such persons must leave when requested to do so by the Chair or their attendance at future meetings may not be permitted;
- Order that the room in which the meeting is taking place is cleared completely and the meeting suspended.

9.1.3 If the District Executive meeting is held in a Council building and a member of the public refuses to leave when asked to do so after being warned s/he may be treated as trespassing on Council premises and the Council can use reasonable force to stop the person trespassing.

9.2 Standards of Conduct at District Executive Members

9.2.1 The requirements about standards of conduct for Councillors are contained in the Council's adopted Code of Conduct for Councillors, which all Councillors agree to be bound by on taking office, and in the Protocol on Member/Officer Relations contained in the Constitution.

10 ALLOWANCES AND REIMBURSEMENT OF EXPENSES

10.1 The District Executive Chairs shall be entitled to a Special Responsibility Allowance if allocated in accordance with the Members Allowances Scheme.