Agenda Item No. 6

The Wiltshire Council

Implementation Executive Procedure Rules

1. Context

1.1. The Implementation Executive is established under the Wiltshire (Structural Change) Order 2008 ("the Order") [which came into force on 26 February 2008]. The Order provides for a single tier of local government for the county of Wiltshire in accordance with the proposal made by Wiltshire County Council and approved by the Secretary of State for Communities and Local Government ("the Secretary of State" on 5 December 2007).

1.2. The Implementation Executive is a committee of the Wiltshire council's executive tasked with the statutory responsibility of ensuring a smooth transition to a unitary council by preparing for and facilitating the economic, effective, efficient and timely transfer of the district councils' functions, property, rights and liabilities.

1.3. The Implementation Executive is responsible for regulating its own proceedings, subject to the requirements on voting set out at paragraph 9 below.

1.4. The functions of the Implementation Executive as set out below at paragraph 2 are exercisable only during the transitional period, beginning on the 26 February 2008 (effective date of the Order)] and ending on 1 April 2009.

1.5. The Implementation Executive will continue in being after 1 April 2009 to discharge the functions of the unitary council until the fourth day after the ordinary day of election of councillors in May 2009.

1.6. The Implementation Executive shall be subject to the Wiltshire council's Constitution (including its Protocols) for the time being in force ("the Constitution"), except in so far as this is inconsistent with these Rules, the terms of the Order or any other relevant enactment.

1.7. Words and expressions used in these Rules shall have the meaning assigned to them under the Order unless the context otherwise requires.

2. Terms of Reference

2.1. The Implementation Executive is responsible for the following:

- preparing for and facilitating the economic, effective, efficient and timely transfer of the district councils' functions, property, rights and liabilities ("the main transitional function")

- such other functions as specified by the Secretary of State

2.2. In exercising its functions the Implementation Executive shall:

- prepare, keep under review, and revise as necessary, an Implementation Plan, to include such plans, timetables and budgets as it considers necessary, including in particular the preparation of the budget for 2009/10.

- have regard to the information supplied by the Wiltshire Council to the Secretary of State in support of its proposal for single tier government in Wiltshire, particularly relating to strategic leadership, neighbourhood empowerment and value for money services.

- form an Implementation Team, including officers from both the Wiltshire council and each of the district councils, to assist the Implementation Executive in the discharge of its functions.

2.3. The Implementation Executive may by written notice to the proper officer of the Wiltshire council or any of the district councils require that council to take such action relevant to the above functions as may be specified in the notice.

3. Membership

3.1. The Implementation Executive shall consist of:

- the leader for the time being of the Wiltshire council's executive;

- 8 persons nominated by the Wiltshire council;

- 8 other persons, comprising 2 persons nominated by each of the 4 district councils (who may or may not be the leaders for the time being of those councils)

and in each case such persons must, for the time being, be members of the council by which they are nominated.

3.2. In making the nominations referred to above the councils shall, to the extent that it is practicable to do so, secure that at all times the Conservative Party, the Labour Party and the Liberal Democrats are each represented on the Implementation Executive by at least 1 member.

3.3. The leader of the Implementation Executive ("the IE Leader") shall be the leader for the time being of the Wiltshire council's executive.

3.4. The deputy leader of the Implementation Executive ("the IE Deputy Leader") shall be the deputy leader for the time being of the Wiltshire

council's executive.

ACCESS TO INFORMATION AND MEETINGS

4. Access to Implementation Executive Papers

4.1. All agenda and associated reports for the Implementation Executive will be available to the public in accordance with the relevant provisions of the Access to Information Procedure Rules at Part 5 of the Constitution.

5. Public Access to Meetings

5.1. All meetings of the Implementation Executive will be open to the public except where the public is excluded in accordance with the relevant provisions of the Access to Information Procedure Rules.

6. Public Participation

6.1. Any member of the public may submit a question or statement for consideration by the Implementation Executive.

6.2. Where a response is required at the meeting the question or statement should be received by the Chief Executive of the Wiltshire council by midday two working days before the meeting.

6.3. A maximum of 15 minutes will be allowed during each meeting for questions and statements.

7. Attendance by Members

7.1. Any Member of any of the 5 Councils may attend any meeting of the Implementation Executive and, with the agreement of the person presiding, contribute to the discussions.

DECISION MAKING

8. Principles of Decision-Making

8.1. All decisions of the Implementation Executive will comply with the principles of decision - making as set out within Article 13 of the Constitution.

9. Voting

9.1. Any questions to be decided by the Implementation Executive shall be decided by the majority of those present and voting at the meeting at which the question is put with each member (including the IE Leader), having one vote.

9.2. In the case of an equality of votes, the person presiding at the meeting shall have a casting vote, in addition to any other vote they may have.

10. Delegation

10.1. The Implementation Executive may delegate its responsibilities to a sub-committee of the Implementation Executive or to an officer of any of the 5 councils and may agree a scheme of delegation for that purpose.

11. Quorum

11.1. The quorum of the Implementation Executive shall be at least 5 members.

MANAGING THE BUSINESS

12. Location and frequency of meetings

12.1. Unless otherwise agreed by the Implementation Executive, meetings shall be held monthly at County Hall, Trowbridge commencing at 4 pm.

12.2. The IE Leader may at any time call an extraordinary meeting. Any member of the Implementation Executive may request the IE Leader to call an extraordinary meeting and the IE Leader shall do so if he or she is satisfied that this will assist in the efficient and transparent conduct of business.

13. Briefings

13.1. A joint briefing shall be arranged for all members of the Implementation Executive prior to the commencement of the formal meeting. Otherwise it will be for each council to determine their own briefing arrangements.

14. Setting Agenda

14.1. The Implementation Executive shall agree a Forward Work Plan and the agenda for meetings will be set in accordance with the Plan, including any reports from the Joint Transition Scrutiny Board.

14.2. The IE Leader may include such other items on the agenda as he or she considers necessary.

14.3. The Monitoring Officer and / or Chief Financial Officer of the Wiltshire council may require an item to be included on the agenda or require a meeting of the Implementation Executive to be called.

15. Conduct of meetings

15.1. The IE Leader shall preside at all meetings of the Implementation Executive and in his or her absence the IE Deputy Leader shall preside.

15.2. The person presiding shall exercise their discretion in the application of these Rules with a view to ensuring the efficient and transparent conduct of business.

16. Rules of Debate

16.1. The rules of debate for all meetings of the Implementation Executive shall be in accordance with Part 4 of the Constitution.

17. Reporting

17.1. The minutes of meetings of the Implementation Executive shall be reported to the next meeting of the Wiltshire council. The IE Leader or his or her nominee shall be available to answer any questions arising from the minutes. For the avoidance of doubt the district council members of the Implementation Executive are welcome to attend any meeting of the Wiltshire council in connection with the reporting of the Implementation Executive's business.

17.2. For the avoidance of doubt during the transitional period the Wiltshire council will be responsible for the approval of the 2009/10 budget and plans comprising the budget and policy framework in accordance with the Constitution.

JOINT SCRUTINY ARANGEMENTS

18. Statement of arrangements

18.1. Under proposals agreed by all 5 councils a Joint Transition Scrutiny Board representing all five councils and the main political groups will meet on a monthly basis. It will conduct the majority of its work through member task groups. The Joint Transition Scrutiny Board has agreed that its work will include the scrutiny of proposals for the development of front line and support services at individual workstream and project levels within the Transition Programme.

19. Reporting Requirements

19.1. The Implementation Executive will receive reports and recommendations from the Joint Transition Scrutiny Board.

19.2. Each of the 5 councils shall make arrangements to ensure that, at least once in each 3 month period from 1 April 2008, their respective councils receive a report on the matters that the Joint Transition Scrutiny Board has considered during that period and the conclusions (if any) reached concerning them.