

SCOTLAND EXCEL
CHIEF EXECUTIVE OFFICERS MANAGEMENT GROUP
PROCEDURES

1.0 Introduction

- 1.1 The Chief Executive Officers Management Group (“the Group”) comprises six Chief Executives from the Member Authorities of Scotland Excel. The Chief Executive of Renfrewshire Council is a standing member of the Group due to Renfrewshire Council being the lead authority for Scotland Excel. The other five members of the Group are appointed annually by the Scotland Excel Joint Committee although membership can be renewed. The matters to be dealt with by the Group are set out in the Terms and Conditions signed by each Member Authority and Scotland Excel’s Scheme of Delegations and Procedural Standing Orders.
- 1.2 The main responsibility for the Management Group is for the overall supervision and for the monitoring of the performance of the Director of Scotland Excel in delivering Scotland Excel’s annual business plan objectives. The Management Group is also responsible for making decisions in a number of areas, particularly regarding the appointment of Associate Members and the commodities to be included on the Product Range.
- 1.3 In terms of section 56 of the Local Government (Scotland) Act 1973, delegations can only be exercised by an officer and not a group of officers. Therefore any decision will be taken in the name of the Chair or the Chair’s Nominee

2.0 Definitions

- 2.1 “the Chair” means the Chief Executive of Renfrewshire Council or his Nominee.

“the Clerk” means the Director of Corporate Services of Renfrewshire Council or his nominee.

“Constituent Authority” means any of the Member Authorities of Scotland Excel.

“the Executive Sub-Committee means the Sub-Committee created in terms of Clause 3.4 of the Terms and Conditions signed by each Member Authority.

“Joint Committee” means the Scotland Excel Joint Committee formed under section 57 of the Local Government (Scotland) Act 1973 for the

purpose of regulating the joint discharge of the functions by the Constituent Authorities.

“Member” means any of the Chief Executives of Constituent Authorities appointed to be members of the Group.

“Nominee” means a person of at least Chief Officer level nominated by a Member to act in place of that Member to the extent permitted in these Procedures. A Nominee need not be from the same Constituent Authority as the nominating Member.

- 2.2 The Interpretation Act 1978 applies to these Procedures in the same way as it applies to an Act Parliament.

3.0 Start

- 3.1 These procedures apply from the date they are approved by the Joint Committee. The Joint Committee may make changes to these procedures from time to time.

4.0 Meetings

- 4.1 The first meeting of the Group shall take place as soon as reasonably practicable after the first meeting of the Joint Committee on a date and at a venue determined by the Clerk.
- 4.2 The Group shall meet not less than 4 times in each calendar year (not less than 3 times in 2008). Other than the first meeting arranged in terms of paragraph 4.1 the dates, times and venues for meetings of the Group shall be decided by the Group. Meetings organised in terms of Paragraphs 4.1 and 4.2 this shall be Ordinary Meetings of the Group.
- 4.3 In addition, the Clerk shall convene a meeting of the Group if requested in writing to do so by at least 3 Members (not including Nominees) of the Group. Any request to the Clerk to convene a meeting in terms of this paragraph must specify the business to be dealt with at that meeting. Meetings organised in terms of this paragraph 4.3 shall be Special Meetings of the Group.
- 4.4 Where the Clerk receives a request that complies with the requirements of paragraph 4.3 above, the Clerk shall convene a meeting of the Group within 14 days from the date when the Clerk receives the written request. The Clerk shall determine the time, date and venue for a Special Meeting following consultation with the Chair, if available.

5.0 Notice of Meetings

- 5.1 Subject to paragraph 5.2 below, at least 7 clear days notice of an meeting shall be given by the Clerk to each Member.
- 5.2 Subject to the agreement of the Chair or his Nominee, meetings may be convened at shorter notice if any Member considers it necessary to do so.
- 5.3 A notice of meeting shall contain:-
- a) a note of the time, date and venue for the meeting
 - b) a list of the business to be transacted at the meeting
- 5.4 The Chair may permit an item of business to be transacted at any meeting notwithstanding that the item of business was not mentioned in the notice calling the meeting.
- 5.5 Failure of a Member to receive a notice of a meeting shall not invalidate that meeting or any business conducted at the meeting.
- 5.6 Notices of meetings may be issued by facsimile or electronic mail instead of by post.

6.0 Quorum

- 6.1 The quorum for any business conducted by the Group shall be 3 Members or their Nominees including the Chair or the Chair's Nominee.
- 6.2 If 10 minutes after the time stated in the notice calling the meeting a quorum is not present the meeting shall stand adjourned until such time and date as may be determined by the Clerk in consultation with the Chair, or where the Chair is not present, in consultation with the other Members present. The Clerk shall minute the reason for the adjournment of the meeting.
- 6.3 If less than a quorum is present at the consideration of an item, that item cannot be dealt with at the meeting.
- 6.4 The Chair may prior to the commencement of a meeting request any Nominee intending to participate in the meeting to provide evidence that they have been nominated by a Member.

7.0 Minutes of Meetings

- 7.1 The Clerk shall minute all meetings of the Group.

- 7.2 The Minutes shall record the names of the Members or their Nominees who attended the meeting. The Minutes shall also record the Members or their Nominees who intimate their apologies for non-attendance at a meeting to the Clerk before the meeting.
- 7.3 The Minutes shall be printed and circulated by the Clerk to all Members 7 clear days before the next meeting of the Group.
- 7.4 The Minutes shall be presented to the next meeting of the Group and corrected if necessary.

8.0 Procedures at Meetings

- 8.1 The Chair or his Nominee shall chair the meeting.
- 8.2 In the event of the Chair or his Nominee not being present the meeting shall stand adjourned.
- 8.3 Deference shall at all times be paid to the authority of the Chair.
- 8.4 The Chair shall decide all matters of order, competency and relevancy and the Chair's ruling shall be final and shall not be open for discussion.
- 8.5 At the discretion of the Chair, Members or their Nominees may attend meetings by using a telephone or video conferencing system. Members or Nominees so attending shall be deemed to be present.
- 8.6 Decisions will be taken by the Group by reaching consensus among those Members or Nominees present. Decisions taken in this way will be regarded as being decisions of the Chair.
- 8.7 Where a consensus cannot be reached on any item, the Chair will decide either to continue the matter for further consideration or may decide to refer the matter to the Executive Sub-Committee for determination. The decisions of the Chair regarding whether to continue or determine the item and then on the determination of an item shall be final.

9.0 Written Decisions

- 9.1 Any decision capable of being made by the Group at a meeting may instead be approved by all Members or Nominees in writing.
- 9.2 A Notice of a proposed written decision shall be issued by the Clerk in writing (including by facsimile or electronic mail) and shall be sent to all Members at the address given to the Clerk for this purpose.

- 9.3 Written decisions may only be dealt with on a Member's behalf by a Nominee if a Member has advised the Clerk prior to the issuing of the Notice that the matter is to be dealt with by the Member's Nominee.
- 9.4 The Notice of the written decision shall stipulate the date by which the signed decision must be returned to the Clerk. The period of time allowed for return of the written decision shall be determined by the Clerk in consultation with the Chair and shall be reasonable in the context of the urgency of the decision. If no response has been received from a Member within the stipulated period of time the Clerk may but shall not be obliged to make enquiries as to the reasons why there has been no response.

10.0 Advice and Information

- 10.1 At any meeting of the Group, the Chair may permit any person who is not a Member or Nominee to attend the meeting and to address the Group for the purposes of informing or advising the Members on any matter before them.

11.0 Conflict of Interest

- 11.1 A Member or Nominee may not participate in any discussion or be involved in any decision either at a meeting of the Group or by way of written resolution in which that Member or Nominee has or appears to have a conflict of interest.
- 11.2 It is the responsibility of each individual Member or Nominee to bring any possible conflict of interest for the attention of the Chair and the Chair shall consult with the Clerk on how to deal with the matter.
- 11.3 The Chair may permit a Member or Nominee to participate in a discussion or be involved in a decision where the Chair believes it to be correct to do so having taken into account the remoteness of the possibility that there is an actual conflict of interest.
- 11.4 Any Member or Nominee prevented from participating in a decision of the Group or who has withdrawn from the meeting due to a conflict of interest may not be counted in the quorum present at the part of the meeting where that matter was being considered.
- 11.5 Where a Member or Nominee is prevented from participating in a written resolution procedure because of a conflict of interest that Member or Nominee will be disregarded for the purposes of establishing that all Members or Nominees have signed the resolution.

