

APPENDIX D

Article 7 – The Executive

References:

Section 11 and schedule 1 paragraphs 1, 2, 3, Local Government Act 2000
Chapters 4, 14 and 15, DETR Guidance

7.01 Role

The executive will carry out all of the authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.02 Form and composition

The executive will consist of the executive leader, together with up to nine councillors including a deputy leader appointed to the executive by the leader.

7.03 Leader

The Leader will be a Councillor elected to the position of Leader by the Council and the leader's term of office starts on the day of the Council election Annual Meeting.

The Leader will hold office until:

- (a) they resign from office; or
 - (b) they are 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; or
 - (d) the day of the next Council election Annual Meeting which follows his/her election as leader unless either (a) (b) or (c) occurs prior to that time.
- If the Council passes a resolution to remove the Leader, a new Leader is to be elected-
 - (a) at the meeting at which the Leader is removed from office, or
 - (b) at a subsequent meeting.

7.04 Other executive members

- The Leader can determine the number of councillors who may be appointed to the executive up to the permitted maximum

- The Leader may if he/she thinks fit, remove and replace any executive member at any time.

Only councillors may be appointed to the executive. There may not be co-optees and nor are deputies or substitutes for executive members permitted. Neither the Mayor nor the Deputy Mayor may be appointed to the executive and members of the executive (including the leader) may not be members of an overview and scrutiny committee.

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) the end of term of office of the leader; or
 - (e) the next Council election Annual Meeting of the Council unless they are removed from office, either individually or collectively, by the leader unless either (a) (b) (c) or (d) occurs prior to that time
- The Leader may if he/she thinks fit, remove the Deputy Leader from office at any time.
 - Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in his/her place by no later than the next meeting of Full Council.
 - If for any reason the leader is unable to act or the office of the Leader is vacant, the Deputy Leader must take his/her place.

If for any reason the Leader is unable to act or the office of the Leader is vacant, and the Deputy Leader is unable to act or the office of the Deputy Leader is vacant, the executive must act in the executive leader's place or must arrange for a member of the executive to act in his place.

7.05 Proceedings of the executive

The Leader will maintain a list in Part 3, Section 3.2 of this Constitution. The list will set out which individual members of the executive including the Deputy Leader, committees of the executive, area environment sub-committees, officers or joint arrangements are responsible for the exercise of particular executive functions and their terms of reference.

7.06 Responsibility for functions

The Leader will maintain a list in Part 3 of this Constitution setting out which individual members of the executive, committees of the executive, area

environment sub-committees, officers or joint arrangements are responsible for the exercise of particular executive functions.

7.07 Executive arrangements in the event of no leader being elected

If a situation arises where no political party has overall control on the Council and the Council is unable to elect a Leader the following arrangements will apply:

- i. The leaders of the political parties represented on the Council will form a Cabinet.
- ii. The Council will set the policy framework and budget and delegate power to the Chief Executive and other officers to take the majority of executive decisions, under political guidance from the Cabinet.
- iii. The Chief Executive and Cabinet will be held to account by the Business Management Overview and Scrutiny Committee.
- iv. The Chief Executive will be responsible for ensuring the introduction of these arrangements in the circumstances set out.

7.08 Assistant Cabinet Members

Other Councillors may, from time to time, be designated by the Leader as Assistant Cabinet Members. Such Councillors will not be a member of the Executive and will not participate in Executive decision making but may work closely with an Executive Member. He or she will not be a member of the Business Management Overview and Scrutiny Committee, nor any Overview and Scrutiny, Panel, Task and Finish Group relating to the specific responsibilities of the Executive Member he or she is assisting or any other area to which they are assigned, but will be able to serve on unrelated Overview and Scrutiny Committee, Panel, Task and Finish Groups.

An Assistant Cabinet Member may represent the relevant Executive Member at briefing meetings. He or she will not have delegated powers and will not be entitled to speak or vote at Cabinet meetings or Cabinet Committee meetings, nor deputise for the Cabinet Member when the Cabinet Member is called to appear at Overview and Scrutiny Committees.

The Leader will advise the Head of Governance in writing of the names of designated Assistant Cabinet Members and of the Cabinet Member they will assist. The Head of Governance will report the designation to the next meeting of the Council.