

# **Article 7**

## **The Executive**

### **Introduction**

**This Article sets out the basic composition of the Executive.**

**The Rules of Procedure set out and determine how the Executive will operate and include arrangements for meetings, individual decision-making, and the Allocation of Responsibilities.**

### **7.01 The Role of the Executive (also referred to as the Cabinet)**

The Executive will exercise all of the local authority functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

The Executive will have responsibility for approving the following local choice plans:

- The Food Law Enforcement Service Plan;
- The Plans and Strategies which comprise the Housing Investment Programme;
- Adult Learning Plan;
- Local Agenda 21 Strategy;
- Quality Protects Management Action Plan;

and any other non-statutory plans that, from time to time, may be considered their responsibility.

### **7.02 The Form and Composition of the Executive**

The Council will appoint the Leader of the Council. The Leader will determine the size and membership of the Executive, will appoint Members to the Executive and appoint one of those Members as the Deputy Leader. When determining the allocation of responsibilities (see Part 3 of the Constitution) the Leader will also determine any delegations to individual Members (of the Executive) who will be known as Portfolio Holders.

The Executive will consist of the Executive Leader together with at least two but not more than nine other Councillors

There may be no co-optees, deputies nor substitution of Executive Members. Neither the Mayor nor Deputy Mayor of the Council may be appointed to the Executive. Members of the Executive may not be Members of the Overview or Scrutiny Committee or one of its sub-committees.

Assistants to portfolio holders may be appointed by the Executive. Assistants will not be members of the Executive and will be unable to exercise any of the delegated powers of the portfolio holder. Assistants will be members of the Council.

### **7.03 The Leader**

The Leader will be a Councillor elected to the position of Leader by the Council.

The Leader will hold office until one of the following circumstances applies:

- (a) the Council holds its first meeting after the next whole Council elections following his/her election as Leader
- (b) he/she resigns from the office; or
- (c) he or she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he or she may be re-appointed at the end of the period of suspension); or
- (d) he or she is no longer a Councillor; or
- (e) he/she is removed from office by resolution of the Council following which the Council will elect a replacement Leader at the same or subsequent Council meeting.

### **7.04 Other Executive Members**

Other Executive Members shall be appointed to the Executive by the Leader and shall continue in their roles on the Executive until one of the following circumstances applies:

- (a) in the case of the Deputy Leader; the end of the term of office of the Leader
- (b) they resign from office; or
- (c) they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may be re-appointed at the end of the period of suspension); or
- (d) they are no longer Councillors; or

- (e) the Leader makes changes to the roles of Members of the Executive, or
- (f) they are removed from office by the Leader.

An Appendix to this Article lists the Councillors who have been appointed to the Executive and any portfolio responsibilities they hold.

Part 3A of the Constitution includes a full description of the responsibilities of portfolio holders.

#### **7.05 Vacancies in the Executive**

If at any time a Member, by virtue of Article 7.04, ceases to be a Member of the Executive, the responsibilities of that Member shall be carried out by the Executive collectively until such time as the Leader has appointed a replacement, or where appropriate, re-appointed the Member concerned.

In the event that all Members of the Executive are removed or have been disqualified from office, the Head of Paid Service shall, in the interim, carry out the Executive functions.

#### **7.06 Temporary Absence of Leader or other Portfolio Holder**

In the temporary absence of the Leader or other Portfolio Holder, decisions may be taken in accordance with the Scheme of delegation relating to Portfolio Holders set out in Part 3 of the Constitution and the Delegated Power of Portfolio Holders in the Appendix to the Executive Procedure Rules).

#### **7.07 Special Provision to take urgent action in an election year**

- (a) That following a Borough Election and until the day of the Annual Meeting the Leader or a Portfolio Holder will, if the political group to which they belong do not have a majority of members on the Council, consult and ensure consensus with the Leaders of one or more other groups that together form a majority of members on the Council;
- (b) That following a Borough Election and until the day of the Annual Meeting, if the Leader is not re-elected as a Councillor, the powers of the Leader shall be exercised by the Head of Paid Services in consultation with all group Leaders.

#### **7.08 Proceedings of the Executive**

Proceedings of the Executive will take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

## **7.09 Responsibility for Functions**

The Head of Paid Service will maintain a list in Part 3 of this Constitution setting out which individual Members of the Executive, committees of the Executive, officers or joint arrangements, are responsible for the exercise of particular Executive functions.

These will usually be agreed each year at the Annual Council Meeting but may also be amended by the Council in the course of the year.

## **7.10 Executive sub-committees**

The Executive may establish sub-committees to carry out Executive functions. Such committees must consist only of Executive members.

## **7.11 Advisory Panels**

The Executive may appoint Advisory Panels to assist in the carrying out of Executive functions. Any such panels may not exercise any Executive functions and may only give advice or make recommendations to the Executive, Portfolio Holders or Council as appropriate. Non-Executive Members may be members of such Panels. Specific Procedural Rules apply to these Panels (see part 4 - Advisory Panel and Consultative Forum Procedure Rules) unless specifically approved otherwise by the Executive. The rules on political proportionality will apply to membership of Panels. The terms of reference of all Advisory Panels are set out in Part 3A of the Constitution.

## **7.12 Consultative Forums**

The Executive may appoint Consultative Forums. These non-decision making bodies shall assist the Executive in consulting with service users, trades' unions and other interested parties. They may make recommendations to the Executive (or elsewhere as appropriate) if a majority of the Council members on the Forum agree. The Procedure Rules for Advisory Panels and Consultative Forums apply to these forums subject to specific changes for membership and method or operation proposed by each Forum and approved by Council. The rules on political proportionality will apply to the appointment of Councillors to the Forums.

## **7.13 Portfolio Holders Assistants**

Non-Executive Councillors may be appointed as Portfolio Holder Assistants. Portfolio Holder Assistants may not exercise any of the powers of a Portfolio Holder nor act in the absence of the Portfolio Holder. Confirmation of the

appointment of any Portfolio Holder Assistant must be given by the Executive at the next meeting of Cabinet.

#### **7.14 Non-Executive Cabinet Members**

The Leader may appoint a maximum of 4 Non-Executive Members of Cabinet from the Voluntary Sector and from elected Members. Non-Executive Members of Cabinet may speak but not vote on items before Cabinet in private and public meetings and have commensurate access to documents as full Cabinet Members except for draft Cabinet reports which will be restricted to Portfolio Holders and Non-Executive Members of the majority group.