

ARTICLE 6 – THE EXECUTIVE

6.1 Role/Terms of Reference

- (a) The Executive is responsible for the discharge of those executive functions allocated to it by the Leader.
- (b) It will take the lead on recommending to Full Council matters as identified in the Policy Framework and Budgetary Framework – Part 2 of the Constitution.

6.2 Membership

- (a) The Executive will consist of the Leader together with at least 2, but not more than 9, Members appointed to the Executive by the Leader.
- (b) The following Members shall not be appointed to the Executive:
 - (i) the Chairman and Vice-Chairman of Full Council; and
 - (ii) any Member appointed for the time being to any Overview and Scrutiny Committee.
- (c) The quorum of the Executive is 3.

6.3 Appointment of Chairman and Vice-Chairman

The Leader shall be the Chairman of the Executive. The Deputy Leader shall be the Vice-Chairman of the Executive.

6.4 Meetings

- (a) The number of ordinary meetings of the Executive each year will normally be determined by the Executive.
- (b) The Leader shall have the power to call one or more special meeting(s) of the Executive.
- (c) The Leader may determine that a meeting should be cancelled for insufficient business.

6.5 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the relevant parts of the Council and Committee Procedural Rules and the Executive Procedural Rules - Part 2 of this Constitution.

6.6 Substitutes and Lead Members

- (a) There shall be no power to appoint substitutes to the Executive.
- (b) The Leader shall be entitled to appoint up to six members of the controlling group as lead members.
- (c) Lead members are not members of the Executive but are appointed to work alongside the Executive, providing additional leadership capacity and support for Executive members.

- (d) Lead members may also be members of an overview committee but shall not be appointed to a scrutiny committee.

6.7 Executive Committees

- (a) The Leader and/or the Executive (unless the Leader otherwise directs) may appoint one or more Executive Committees and may arrange for the discharge of any of its functions/powers by any Executive Committee appointed by it.
- (b) An Executive Committee shall not discharge any functions other than those conferred on it by the Executive.
- (c) The Chairman and Vice-Chairman of an Executive Committee shall be appointed by the Executive Committee unless the Executive expressly determines otherwise.

- (d) The Executive shall normally determine the:

- (i) terms of reference;
- (ii) arrangements for the holding and frequency of meetings;
- (iii) size of membership; and
- (iv) quorum,

of any Executive Committee but in the absence of such determination such matters may be determined by the Executive Committee itself provided that in no circumstance shall a quorum be less than three (3) Executive Members.

6.8 The Leader

- (a) An election to the office of Leader will usually be held by the Council at the post-election annual meeting but may be held at an earlier meeting of Council if at such an earlier meeting Members expressly resolve otherwise.
- (b) The Leader will be elected by a simple majority of Members present at the Full Council meeting at which the election takes place. In the event of a tie, the Member chairing the meeting will have a casting vote.
- (c) The Leader's term of office starts on her/his day of election as Leader.
- (d) Unless Full Council resolve otherwise, the Leader's term of office will normally be annual, expiring at the start of the next annual meeting of the Council following his/her previous election.
- (e) Full Council can resolve to remove the Leader by a simple majority vote at any time. In this case, the Leader's term of office ends on the day of his/her removal. In the event that Council by resolution removes the Leader, the Council will normally seek to elect a new Leader at the same meeting at which the Leader is removed but may do so at a subsequent meeting.

- (f) The Leader remains a member of the Council during his/her term of office as Leader however the Leader may cease to be a councillor in certain circumstances including disqualification and resignation.
- (g) The Leader has the powers as set out in Part 3 – Functions of the Council, of the Constitution.

6.9 **The Deputy Leader**

- (a) The Deputy Leader's key role is to deputise for the Leader when s/he is unable to act and/or to act as the Leader if the post of Leader is vacant.
- (b) The Leader shall at all times ensure that one of the Members appointed by him/her to the Executive is appointed as Deputy Leader.
- (c) The Leader may at any time (and from time to time) remove the appointed Deputy Leader from office. Upon the removal of a Deputy Leader the Leader must appoint another person in her/his place.
- (d) The Leader shall ensure that the Head of Paid Service is notified in writing without delay as to the identity of the Deputy Leader upon her/his appointment or replacement (as the case may be).
- (e) Unless the Deputy Leader resigns, is removed by the Leader or ceases to be a Member, the Deputy Leader shall hold office until the end of the term of office of the Leader.
- (f) If, for any reason, the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in her/his place.
- (g) The Deputy Leader has the powers as set out in Part 3 – Functions of the Council of this Constitution.

6.10 **Other Executive Members**

- (a) Every other member of the Executive shall remain in office until s/he:-
 - (i) resigns from office;
 - (ii) is suspended from being a Member;
 - (iii) ceases to be a Member; or
 - (iv) is removed from office by decision of the Leader. Such removal should be notified in writing to the Head of Paid Service. The removal will be assumed to be effective upon receipt of such notice by the Head of Paid Service unless the Leader specifies otherwise in such notification.
- (b) The Leader shall be responsible for identifying from the Executive any Member who will perform a Portfolio Holder role. The number of Portfolio Holder posts shall be determined by the Leader and may be varied by him/her at any time and from time to time.
- (c) A Portfolio Holder will have responsibility for one or more areas of the Council's work. The specific responsibilities for each Portfolio Holder will be decided by the Leader.

6.11 Executive Member Advisory Panels

- (a) The Leader and/or any other Executive Member may from time to time arrange for the appointment of one or more Advisory Panels with whom s/he may consult for the purposes of helping to inform him/her in relation to the discharge of his/her portfolio responsibilities.
- (b) In particular, this may include:
 - (i) a planning advisory panel to provide advice in relation to issues arising in connection with the formulation and review of local plans;
 - (ii) other policy advisory panels which may involve members of the relevant overview and scrutiny committee and other non-Executive Members to assist in relevant policy formulation.
- (c) The membership of any Advisory Panel may include Members, Officers and/or any other persons. The Executive Member creating the Advisory Panel shall have absolute discretion in determining the size of any Advisory Panel and its membership (including whether Members are drawn from one or more political groups). However, in considering such membership, the Executive Member should have regard to the potential benefits associated with involving a range of representation. The Executive Member or his/her nominee shall chair the Advisory Panel. An Advisory Panel shall be informal, have no decision-making power and shall not constitute a Committee or Sub-Committee of the Council. The Executive Member can determine whether the public and/or other Members shall be allowed to attend a meeting of the Advisory Panel s/he has arranged and/or be part of any circulation list for documents prepared in relation to it.
- (d) The Executive Member shall notify the Head of Paid Service and the Monitoring Officer of any Advisory Panel and its membership. The Monitoring Officer shall maintain a list of such Advisory Panels which shall be open to public inspection.

6.12 Member rights to attend at and request items to be considered by the Executive

The Executive Procedure Rules in conjunction with the Council and Committee Procedure Rules - Part 2 of this Constitution contains rules relating to the rights of individual Members to:

- (a) attend and speak at the Executive; and
- (b) request an item be considered by the Executive.

6.13 Delegated powers and powers to recommend

- (a) The Leader will maintain an up to date list setting out the responsibilities of the following for the purpose of exercising and/or having the power to delegate or the power to make recommendations on the exercise of any executive powers:
 - (i) the Deputy Leader;

- (ii) an Executive Member;
- (iii) the Executive;
- (iv) any Executive Committee; and
- (v) any Area Committee.

This list shall form part of the Constitution and the Leader shall make arrangements to ensure that at all times an up to date version is provided to the Head of Paid Service and to the Monitoring Officer.

- (b) Arrangements agreed by the Leader for the general discharge of executive functions by Officers are normally incorporated within The Officer Scheme of Delegations - Part 3(2) of the Constitution. The Leader shall ensure that the Head of Paid Service and Monitoring Officer are notified of any change to such arrangements. Any general executive delegation to an Officer for a period in excess of 6 months shall normally be recorded in the Officer Scheme of Delegations. However, where an executive delegation to an Officer relates to a specific task or matter, then to the extent this delegation forms part of a recorded resolution relating to that task or matter and is not recorded in the Officer Scheme of Delegations then the record of resolution shall be deemed to form part of the Officer Scheme of Delegations and the Constitution.

