

# Part 2

## Articles of the Constitution



## Article 7: The Executive

### THE ROLE OF THE EXECUTIVE

#### 7.1 Role

The Executive will exercise all of the local authority's functions which are not the responsibility of any other part of the local authority, by law or under this Constitution. The Executive will provide leadership to the overall activities of the Council.

#### 7.2 Form and composition

The Executive will consist of the Leader of the Council, the Deputy Leader of the Council and up to eight other Executive Members to be appointed by the Council.

#### 7.3 Leader of the Council

The Leader will be a councillor elected to the position by the Council. The Leader will be elected for a four year term from the first annual meeting of Council following a local election until the annual general meeting of the Council following the next election.

During this four year term, the Leader will continue to hold office unless:-

- (a) he/she resigns from the office; or
- (b) he/she is 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) he/she is removed from office by resolution of the Council

#### 7.4 Deputy Leader of the Council

The Leader will appoint a Deputy Leader of the Council for the same four year term of office, with powers to act in the Leader's absence.

During this four year term, the Deputy Leader will continue to hold office unless:-

- (a) he/she resigns from the office; or
- (b) he/she is 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) he/she is removed from office by resolution of the Council.

#### 7.5 Other Executive Councillors

Other Executive Councillors shall hold office until:

- (a) the next annual meeting of the Council (unless re-elected thereat); or
- (b) they resign from office; or
- (c) 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
- (d) they are no longer Councillors; or
- (e) they are removed from office, either individually or collectively, by resolution of the Council.

#### 7.6 Portfolio Holders

7.6.1 The functions of the Executive shall be divided into portfolios determined by the Leader of the Council. The Leader will settle Portfolios in his or her absolute discretion from time to time.

7.6.2 The Leader will allocate portfolios of functions to individual Members of the Executive ("Portfolio Holders"). Within the scope of their allocated portfolio of functions, Portfolio Holders will –

- (a) exercise regular monitoring of the budget and other resources;
- (b) monitor performance;

- (c) strive to deliver corporate objectives;
- (d) seek to achieve best value in the services for which they are responsible;
- (e) have regard to the Council's policies and strategic objectives; and
- (f) provide an annual presentation to full council for up to ten minutes on the current achievements, aims and challenges which are ongoing within their portfolio area before allowing for Member questions for up to ten minutes on this presentation.

## 7.7 Delegation of Executive Functions/Key Decisions

7.7.1 The Leader, after consultation with Portfolio Holders and the Chief Executive, will table at every meeting of the Executive a list of what he/she considers are key decisions (via the published Executive Forward Plan) and once this list has been approved such decisions shall not be taken other than by the full Executive.

7.7.2 A key decision is an Executive decision which is either -

- (a) likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates.

For this purpose "significant expenditure or savings" shall mean:

**Revenue** – Any contract or proposal with an annual payment of more than £50,000; and

**Capital** – Any project with a value in excess of £100,000); or

- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority, in the opinion of the Monitoring Officer (or the Democratic Services Manager in his/her absence), in consultation with the respective local Ward Member(s).

7.7.3 Where a decision relates to an Executive Member's local ward, that Member may take part in the discussion, but will abstain from any vote on the item.

## 7.8 Delegation to Portfolio Holders

- 7.8.1 Each Portfolio Holder may take any decision other than a key decision which is both within his/her remit and does not contravene the Policy and Budget Framework in Part 4 of the Constitution.
- 7.8.2 Before taking a decision under this delegation a Portfolio Holder shall, so far as is reasonable practicable, consult any Member whose ward is particularly affected by that decision and shall arrange for a copy of any report which he/she intends to take into account in coming to a decision to be made available to the Chairman of the relevant Scrutiny Panel and to the local Ward Member(s) if it relates to a local issue.
- 7.8.3 No portfolio holder may sanction expenditure within their own ward without the co-signature of the Leader or Deputy Leader.
- 7.8.4 A form summarising any such decision and signed by the Portfolio Holder, together with a record of any report or other information which was taken into account by the decision-maker, shall be sent to the Monitoring Officer immediately.
- 7.8.5 The Monitoring Officer will notify all Members of the Council of all decisions made by portfolio holders within two working days of their having been made.
- p7.8.6 All forms sent to the Monitoring Officer in accordance with (d) above shall be kept in a register which shall be tabled at all meetings of the Executive and be available for public inspection.
- 7.8.7 If any decision relates to a local issue a Member whose ward is particularly affected may, within five working days of such notification being given, ask that the decision be referred to the full Executive for consideration. If the decision is of general application to the whole District any Member may require the decision to come before the Executive for determination.
- 7.8.8 Until the Executive has considered a decision which is the subject of a requisition under **7.8.7** above it shall not be implemented.

## 7.9 Call in

- 7.9.1 A decision made by the Executive, one of its Committees or a Portfolio Holder, may be 'called in' for consideration by the Scrutiny Committee. Such a call in will take precedence over a request by an individual Member for reconsideration by the Executive under paragraph **7.8.7** above.
- 7.9.2 Notice of all such decisions will be sent by email to all Members within two working days of being made. The notice will bear the date on which it is published and will specify that the decision(s) which it records will come into force five working days after that date unless it is called in.
- 7.9.3 Within that period, any five Members may call in such a decision by requesting the Democratic Services Manager to convene a meeting of the relevant Scrutiny Panel to consider it.

## 7.7 Proceedings of the Executive

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

## 7.8 Responsibility for Functions

The Leader of the Council 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.

### Schedule:

### Description of Executive Arrangements

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The following parts of this Constitution constitute the Executive arrangements:

1. Article 6 (Scrutiny) and the Overview and Scrutiny Procedure Rules;
2. Article 7 (The Executive) and the Executive Procedure Rules;
3. Article 11 (Joint arrangements);
4. Article 13 (Decision making) and the Access to Information Procedure Rules;  
and
5. Part 3 (Delegation Scheme);