

ARTICLE 7 – THE EXECUTIVE LEADER AND THE EXECUTIVE

7.01 Role of the Executive

All of the Council's functions are exercised by the Executive arm of the Council unless the law makes specific provision to the contrary. Where the law provides the Council with a choice, this Constitution determines whether a function may be exercised by the Executive.

7.02 Form and Composition

The Executive Cabinet consists of an Executive Leader and a Deputy Executive Leader together with between two and eight other Councillors appointed as members of the Executive by the Executive Leader. The Executive Leader is also Leader of the Executive Cabinet. The Mayor and the Deputy Mayor may not be appointed as Executive Members.

In the event of the Executive Leader being unable to discharge his/her duties as Leader due to absence, the Deputy Leader shall assume those duties until the Leader is able to resume his/her duties or full Council appoints a new Executive Leader.

7.03 Executive Leader

The Executive Leader is a Councillor who is elected to the position by the Council for a term of four years at its Annual Meeting. The Executive Leader holds office for that term or until he or she:

- (a) resigns from office;
- (b) is suspended from being a Councillor under Part III of the Local Government Act 2000; or
- (c) ceases to be a Councillor;
- (d) is removed from the office by resolution of the Council

If the Executive Leader is suspended from being a Councillor the Council may re-appoint him as Executive Leader at the end of the suspension.

If the Office of Executive Leader becomes vacant, the Council shall fill the vacancy as soon as reasonably practicable and the person elected shall hold office in accordance with the provisions of this Article.

7.04 Other Executive Members

The other Executive Members are appointed each year by the Executive Leader. Every Executive Member holds office until he or she:

- (a) resigns from office;
- (b) is suspended from being a Councillor under Part III of the Local Government Act 2000;
- (c) ceases to be a Councillor or;
- (d) is removed from the office by the Executive Leader who must give written notice to the Chief Executive of any such removal.

Any vacancy in the office of an Executive Member (other than the Executive Leader), may be filled by the Executive Leader. The person appointed then holds office in accordance with the provisions of this Article. Written notice of any such appointment by the Executive leader must be given to the Chief Executive.

If there are fewer than two Executive Members (excluding the Executive Leader) then the Executive Leader must fill those vacancies as soon as practicable to ensure that there are at least two such Members.

7.05 Proceedings of the Executive

The Executive Cabinet may make Procedure Rules to govern its meetings and decision making processes. Those rules (if any) appear at Appendix 5 to this Constitution.

7.06 Responsibility for Functions

The functions of the Executive do not all have to be discharged by the full Executive Cabinet.

- (a) The Executive Leader can allocate any of the functions of the Executive among:
- i) the Executive Cabinet itself;
 - ii) particular Executive Members including the Executive Leader and Deputy Executive Leader positions;
 - iii) Committees of the Executive;
 - iv) Council Officers.
- (b) In the case of functions that have not been allocated by the Council, the Executive Leader may:
- i) exercise them himself or herself; or
 - ii) arrange for them to be discharged by:
 - the Executive Cabinet;
 - one or more other Executive Members ;
 - Committees of the Executive;
 - Council Officers.
- (c) Functions which are dischargeable by the Executive Cabinet may then be delegated by it to Committees of the Executive or to Council Officers.
- (d) Functions which are dischargeable by Committees of the Executive or by individual Executive Members may then be delegated by those Committees or Executive Members to Council Officers.

The functions of the Executive which have been delegated are set out in Appendix 2 part D of the Constitution.

7.07 Lead Members

The Council may also appoint such number of other Councillors as he/she may think fit to assist the Council and the Executive Members. These Councillors, known as Lead Members, are, however, not members of the Executive and may be members of the Overview and Scrutiny Committee.

Each Lead Member holds office until he or she:

- (a) resigns from office;
- (b) is suspended from being a Councillor under Part III of the Local Government Act 2000;
- (c) ceases to be a Councillor; or
- (d) is removed from the office by resolution of the Council,
whichever first occurs.

The specific responsibilities of Lead Members are set out in Part F of Appendix 2 to this Constitution.

7.08 Scheme of Delegation

The Executive Leader has responsibility for the Scheme of Delegation to Executive Members and the scheme of Delegation to Officers. Any changes to those delegations, must be the subject of a formal Executive Leader decision and reported to the next meeting of the Council as a Constitutional change. The carrying out of all delegated powers by individual members of the Cabinet or by officers of the Council must be in accordance with Council Procedure Rules and Financial Regulations.