

SECTION 5

5. THE EXECUTIVE (“CABINET”)

5.1 Introduction

The Executive is appointed to carry out all of the Council’s functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

5.2 Form and Composition of the Executive

The Executive will consist of:

- 5.2.1 the Leader of the Council (the “Leader”); and
- 5.2.2 at least two, but not more than nine, other Councillors appointed to the Executive by the Leader.

5.3 Leader

5.3.1 Election

In accordance with Standing Orders, the Leader of the Council will be a Councillor elected to the position of Leader of the Council. The Leader will hold office until:

- (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;
- (d) the next local government election, save that the Council may remove the Leader from office at an earlier date, but only in the event of a vote of no confidence in the Leader or a change in political control of the Council.

5.3.2 Role of the Leader

The Leader will Chair meetings of the Executive and determine the portfolios of Members of the Executive. Further information is contained in **Section 6**.

5.4 Deputy Leader

- 5.4.1 The Leader will appoint a Deputy Leader to act as Leader in the Leader’s absence and may also, if he/she thinks fit, remove the Deputy Leader from Office at any time.

5.4.2 The Deputy Leader may exercise all of the functions of the Leader where the position is vacant or where the Leader is absent or otherwise unable to act.

5.5 **Other Executive Members**

Other Executive Members will be Councillors elected to the position of Executive Member by the Leader. Each Executive Member shall hold office until:

- (a) he/she resigns from that office; or
- (b) they are removed from office by the Leader who must give written notice of any removal to the Proper Officer. The removal will take effect two working days after receipt of the notice by the Proper Officer or
- (c) he/she ceases to be a Councillor;
- (d) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension).

The Leader may at any time appoint an Executive Member to fill any vacancies.

5.6 **Delegation of Functions**

The Leader may provide for Executive Functions to be discharged by:

- (a) the Executive as a whole;
- (b) a Committee of the Executive (comprising Executive Members only);
- (c) an individual Executive Member;
- (d) an Officer
- (e) a joint Committee;
- (f) another Local Authority or the Executive of another Local Authority;

5.7 **Rules of Procedure and Debate**

The proceedings of the Executive shall take place in accordance with the Executive Procedure Rules in **Section 5.8** below.

5.8 **Executive Procedure Rules**

5.8.1 **The Council's Scheme of Delegation and Executive Functions**

- (a) The Leader may amend the scheme of delegation relating to Executive Functions at any time. In doing so the Leader will give

written notice to the Monitoring Officer and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body or Committee. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

- (b) Where the Leader seeks to withdraw delegation from a Committee of the Executive, notice will be deemed to be served on that Committee when he has served it on its Chairman.

5.8.2 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in **Section 18** of this Constitution.
- (b) If any Member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in **Section 18** of this Constitution.
- (c) If the exercise of an Executive Function has been delegated to a Committee of the Executive, an individual Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and in accordance with the Council's Code of Conduct for Members in **Section 18** of this Constitution.

5.8.3 Executive Meetings – When and Where?

The frequency and timing of meetings of the Executive will be determined by the Leader. The Executive will meet at the Council's main offices or another location to be agreed by the Leader.

5.8.4 Public or Private Meetings of the Executive?

The Executive will hold its meetings in public, except in the circumstances set out in the Access to Information Procedure Rules in **Section 14**, i.e. where confidential or exempt information is being discussed.

5.8.5 Quorum

The quorum for a meeting of the Executive, or a Committee of it, shall be three.

5.8.6 How are Decisions to be Taken by the Executive?

- (a) Executive Decisions made by the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in **Section 14** of this Constitution.

- (b) Where Executive Decisions are delegated to a Committee of the Executive, the rules applying to Executive Decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

How are Executive Meetings Conducted?

5.8.7 Who Presides?

- (a) The Leader will preside at any meeting of the Executive or its Committees at which he/she is present and may appoint another person to do so in his absence.
- (b) The Leader may appoint the Chairmen of any sub-committees of the Executive and other persons to preside in the absence of that Chairman.

5.8.8 Who May Attend?

These details are set out in the Access to Information Procedure Rules in **Section 14** of this Constitution. See also **Section 3** in relation to Member participation in meetings.

5.8.9 What Business?

At each meeting of the Executive the following business will be conducted:

- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) matters referred to the Executive (whether by a Scrutiny Committee or by the Council for reconsideration by the Executive) in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in **Sections 7 and 15** of this Constitution;
- (d) consideration of reports from Scrutiny Committees;
- (e) consideration of reports from Executive Committees (if any have been appointed);
- (f) reports from Executive Members;
- (g) “exempt” or “confidential” reports;
- (h) urgent reports.

5.8.10 Consultation

All reports to the Executive from any Member of the Executive or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation undertaken with stakeholders and with the relevant Scrutiny Committee(s) and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

5.8.11 Who can put Items on the Executive Agenda?

The Leader will decide upon the schedule of the meetings of the Executive. The Leader may put on the agenda of any Executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive, a Committee of it or any Member or officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.

Any member of the Executive may require the Proper Officer to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration.

There will be a standing item on the agenda of each meeting of the Executive for matters referred to it by Council or Scrutiny Committees.

Any Member of the Council may ask the Leader to put an item on the agenda of an Executive meeting for consideration, and if the Leader agrees, the item will be considered at the next available meeting of the Executive. The notice of the meeting will give the name of the Member who asked for the item to be considered and this individual will be invited to attend the meeting, whether or not it is a public meeting, and will be allowed to address the meeting in relation to that item. However, there may only be up to three such items per Executive meeting.

The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.