

Article 7 - The Executive

7.01 Role

The Executive (which is also known as the Cabinet) will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this constitution.

7.02 Form and composition of the executive

The Executive will consist of:-

1. the Leader of the Council (the "Leader"); and
2. at least two but not more than 9 Councillors appointed to the Cabinet by the Leader.

The Cabinet cannot include the Mayor or Deputy Mayor and there will be no substitutes or co-optees for Cabinet Members.

Members of the Cabinet cannot be members of a Scrutiny Board Audit and Risk Committee, Planning Committee or Licensing and Regulatory Committee.

Detailed portfolios for each member of the Executive are contained in Part 3 (Responsibility for Functions) of the Constitution.

7.03 Leader of the Council

The Leader must be elected by the Council at its Annual Meeting following the Local Government Elections for a period of 4 years or up to the end of their term of office as a Councillor whichever is shorter. The Leader will hold office until: -

- a. they resign from the office; or
- b. they are disqualified from being a Councillor; or
- c. they are no longer a Councillor; or
- d. where the Council passes a resolution removing them from office.

in the event of any casual vacancy in the position of Leader the Deputy Leader shall act in the Leader's place until the appointment of a new Leader by the Council.

(**Note:** Upon any change in the political control of the Council, the Leader will resign from office without the need for 6.3(d) above to be invoked.)

Motion for the Removal of the Leader

A motion for the removal of the Leader by resolution of the Council as referred to in (a) above requires the support of at least six elected members of Council. The procedure for this is set out in the Council Procedure Rules (Standing Orders) under paragraph 13(1) (Written Notices of Motion from Members at Council Meetings) (Part 4 of the Council's Constitution). If such a resolution is passed, the Council will elect a new executive leader at the same meeting or at a subsequent meeting of the Council.

7.04 Statutory Deputy Leader

The Leader may designate one of the members of the Cabinet as Deputy Leader.

The statutory deputy executive leader, unless they resign as statutory deputy executive leader or ceases to be a member of the Council, will hold office until the end of the term of office of the executive leader.

The executive leader may, if they thinks fit, remove the statutory deputy executive leader from office.

Where a vacancy occurs in the office of statutory deputy executive leader, the executive leader must appoint another person in their place.

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

7.05 Inability of the Leader or Statutory Deputy Leader to act:

If for any reason:

- the executive leader is unable to act or the office of the executive leader is vacant, and
- the statutory deputy executive leader is unable to act or the office of the statutory deputy executive leader is vacant;

the executive must act collectively in the executive leader's place or must meet and agree a member of the executive to act in their place.

7.06 Appointment of Cabinet Members and Allocation of Cabinet Portfolios

The Leader may also appoint up to a further eight other Councillors as Cabinet Members. The Leader together with the Deputy Leader and the Cabinet Member(s) appointed by the Leader will form the Cabinet. The Leader may appoint one of these Cabinet Members to act as a second Deputy Leader.

The appointment of the Deputy Leader and Cabinet Member(s) shall take effect upon the date that written notification of such an appointment is received by the Proper Officer.

The Leader will determine those matters reserved to the executive and the content of each Cabinet Member portfolio so as to ensure that the Executive Functions of the Council are properly and effectively discharged.

The Leader may remove the Deputy Leader and any Cabinet Member from office. Such removal from office will take effect upon the date that written notification is received by the Proper Officer.

The Leader may, as they see fit, delegate Executive Powers to employees and may amend such a scheme of delegation from time to time. Any such arrangements shall take effect upon the date that written notification is received by the Proper Officer. The Leader shall report upon any such scheme of delegation or any changes to it at the next available Full Council meeting.

Where the Leader is removed mid-term or retires, their executive appointees shall continue in office until such time that a new Leader is appointed.

Cabinet Members shall be appointed annually by the Leader and will hold office until:

- a.
- (a) they are removed by the Leader; or
 - (b) they resign from office; or
 - (c) they are disqualified from being a councillor; or
 - (d) they are no longer councillors.

The Leader may appoint one of these other executive members to act as a second Deputy Leader.

7.07 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.

7.08 Responsibility for functions

All of the authority's executive functions shall vest in the executive leader and they will have the power to determine how these powers are to be discharged: either by themselves; or they can delegate them to the executive, a committee of the executive, individual cabinet members or officers. This includes the power of the executive leader to remove or replace members of the executive or to change their delegations.

The Leader will maintain a list in Part 3 of this Constitution setting out which individual cabinet members, committees of the Executive, officers or joint arrangements are responsible for the exercise of particular executive functions.