

## Part One: Chapter 6 - The Executive

### Form of Executive

- 6.1 The Executive will be in the form of an Executive Leader and Executive, as provided for in the Local Government and Public Involvement in Health Act 2007.

### Form and composition

- 6.2 The Executive will consist of six members, including the Executive Leader of the Council, subject to the provisions of paragraph 6.16.
- 6.3 Except where otherwise provided for by legislation or in this Constitution, the Executive will be responsible for all functions of and matters affecting the Council. Such duties, particularly in respect of those functions referred to in Regulations 3 and 4 of the Local Authorities (Functions and Responsibilities) Regulations 2000, are set out in more detail in Part 2 of this Constitution.

### Meetings

- 6.4 Proceedings of meetings of the Executive will take place in accordance with the provisions of the Council's Standing Orders with respect to Meetings as set out in Part 4 of this Constitution.
- 6.5 The Chief Executive Officer will be responsible for calling all Executive meetings in accordance with the provisions contained within the Council's Standing Orders for Meetings.
- 6.6 Meetings of the Executive and any of its Committees or Sub-Committees at which Key Decisions are to be taken, will be held in public except in those circumstances, as provided for in the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012, where meetings may be held in private. The Executive may determine whether meetings relating to matters that are not Key Decisions will be held in public or private.
- 6.7 The quorum for meetings of the Executive will be three.

### Responsibility for functions and delegations

- 6.8 The Chief Executive Officer will maintain the information set out in Part Two of this Constitution to show which individual members of the Executive, Committees or Sub-Committees of the Executive, officers or through joint arrangements are responsible for the exercise of particular functions.
- 6.9 The Chief Executive Officer will be responsible for ensuring that a register of powers delegated to individual councillors and employees is maintained at all times. This Register of Delegations will be placed on deposit at the offices of the Borough Council and will be available for public inspection during normal office hours.

## Executive Leader

- 6.10 The Executive Leader will act as the principal political leader of the Council. The particular duties and responsibilities assigned to the role will be as described in Appendix 4 to Part 1 of this Constitution. The Executive Leader will be a Councillor elected by the Council at the Annual Meeting of the Council in accordance with the Council's Standing Orders for Meetings. The Executive Leader of the Council will be eligible to stand for re-election.
- 6.11 The term of office of the Executive Leader will be for four years or until one of the following events occur:
- a) he or she resigns from office;
  - b) he or she is suspended from being a Councillor under Part 3 of the Local Government Act 2000 (although he or she may resume office at the end of any period of suspension);
  - c) he or she is no longer a councillor; and
  - d) he or she is removed from office by resolution of the Council.

## The Executive

- 6.12 The Executive Leader will appoint the members of the Executive at its Annual Meeting.
- 6.13 The Executive Leader of the Council will allocate responsibility for the functions of the Executive between the members of the Executive.
- 6.14 The Executive Leader of the Council will appoint a Deputy Executive Leader from amongst the members of the Executive. The Deputy Executive Leader will, in addition to any other responsibilities arising from his/her membership of the Executive, have all the powers and duties of the Executive Leader in the Executive Leader's absence.
- 6.15 The term of office of each member of the Executive will be two years or until one of the following events occur:
- a) he or she resigns from the office;
  - b) he or she is suspended from being a Councillor under Part Three of the Local Government Act 2000;
  - c) he or she is no longer a Councillor; and
  - d) he or she is removed from office by resolution of the Council.
- 6.16 The Executive Leader may, however, at his own volition, amend the number of members of the Executive, subject to any legislative requirements applicable to changes to the Council's Constitution or its Executive arrangements.

## Appointment of the Council's Chief Executive Officer, Directors and Chief Officers

- 6.17 The roles of the Executive and the Council in the recruitment of the Council's Chief Executive Officer, Directors, Chief Officers and Deputy/Assistant Chief Officers will be in accordance Chapter 10 of this part of the Constitution and with the provisions contained in the Standing Orders with respect to the Appointment, Dismissal and Discipline of Employees, set out in Part Four of this Constitution.

## Strategic Plans, Policy and Budget Setting

- 6.18 The Council will be responsible for the adoption of its Policy Framework and Budgets as set out in this Constitution. Once these have been adopted, it will be the responsibility of the Executive to implement them. The Executive will be responsible for initiating, preparing, amending and making recommendations to the Council on all matters relating to the Policy Framework and Budgets of the Council. The responsibilities of the Scrutiny Panels and of the ordinary committees in relation to the preparation of the Policy Framework and the Budget will be as consultees, representing the views of the community. The actual arrangements for determining these various issues will be in accordance with the provisions contained in Part Three of this Constitution.

## Notice of Key Decisions

- 6.19 The Executive Leader will be responsible for preparing the Notice of Key Decisions in accordance with the provisions set out in Part Three of this Constitution.

## Decision-making where an Executive member is absent

- 6.20 Where an Executive Member is absent or otherwise unable to act and action on any matter delegated to him/her is required, the Executive Leader may take that action himself or delegate responsibility for it to another Executive Member

## Records of decisions

- 6.20 Every decision of the Executive or an Executive Member must be taken and recorded in accordance with the Executive Arrangements (Decisions, Documents and Meetings) (England) Regulations 2012 and in accordance with the provisions set out in Part Three of this Constitution.

## The role of Proper Officers

- 6.21 The provisions set out in Part Three of this Constitution identify the Proper Officers' appointed by the Council, together with their roles and responsibilities in respect of the recording and timing of the publication of Executive decisions.

## Letting of contracts

- 6.22 Where any decision of the Executive relates to the letting of a contract, an employee or employees of the Council with delegated powers for this purpose must sign such a contract, in accordance with the Council's Standing Orders with respect to Contracts in Part Four of this Constitution. No members will sign contracts.

## Decisions outside the Policy Framework and Budget

- 6.23 All decisions taken by the Executive, Executive Members and employees should be in accordance with the Council's approved Policy Framework and budgets. In any case where the Chief Executive Officer, Monitoring Officer or Chief Finance Officer advises that a proposed decision is contrary to the Policy Framework or budget, the Executive will refer the matter to the Council for decision, unless it is urgent in which case it will be dealt with under the provisions of paragraph 6.24 below.

## Urgent decisions

- 6.24 The provisions in Part 3 of this Constitution will apply where it is considered that a decision on any matter is required urgently in the interests of the functions and services administered by the Council. These provisions will apply to decisions taken by the Executive, by individual members or, through delegated powers, by officers.

## Disputes

- 6.25 In the event that the Council is unwilling to adopt a policy, proposal or a budget submitted to it by the Executive, the arrangements for resolving such disagreement will be in accordance with the arrangements in Part 3 of this Constitution.

## Publicity

- 6.26 The Executive will have powers to issue press releases and carry out such other publicity initiatives as it deems necessary for the furtherance of the objectives of the Council. This will include the dissemination of any information relating to the functions and services of the Council and any action that the Council may take or wish to take for the benefit of residents and other interested parties within the Borough.

## Employee support

- 6.27 The Chief Executive Officer will ensure that appropriate arrangements are made to provide adequate employee support to the Executive and any other democratic meetings or processes.

## Opposition Spokesmen

- 6.28 Each political group not represented on the Executive may appoint spokesmen for executive functions. The number of such spokesmen appointed by any group shall include the group leader and may not exceed the number of members of the Executive. The group leader shall act as the group's spokesman on the areas of responsibility

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held by the Executive Leader and each other member so appointed shall act as their groups spokesman on one or more areas of Executive responsibility held by other members of the Executive. A group shall not appoint more than one spokesman for any one area of Executive responsibility. Such appointments may be made at the Annual Council meeting, at any other Council meeting or within seven days of any change in the areas of Executive responsibility by written notice from the group leader to the Chief Executive Officer. Where such appointments are made otherwise than at a Council meeting, the Council shall be advised of them at its next meeting.