

ARTICLE 7

The Executive

Changes recommended by the Constitution Review Working are marked below in ***bold italics***.

7.01 *Role*

The Executive 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*

'The Executive will consist of the Executive Leader with a Cabinet of at least 2, but not more than 9, other members appointed to the Executive by the Executive Leader. ***Executive members will be appointed by the Leader as soon as practicable following his/her election. Subsequent appointments may be announced at Cabinet or Council meetings. Appointments will take effect immediately upon the receipt of written notice of the appointment by the proper officer.*** The Chairman and Vice-Chairman of Council may not be appointed to the Cabinet.'

7.03 *Leader and Deputy Leader*

- i. The Leader will be a councillor elected by secret ballot to the position of Leader by the Council. Where there are three or more candidates for appointment and there is after balloting no candidate with a clear majority, meaning in this case the votes of ***more than 50% of members present and voting***, the candidate with the least number of votes shall withdraw and there shall be a fresh ballot of the remaining candidates; and so on as necessary until a candidate has that majority. In the event of an equality of votes whether in respect of appointment of a candidate with the greatest number of votes or the withdrawal of candidates with the least number of votes, (not resolved by the Chairman who shall have second or casting vote in the ***final ballot*** and also for any candidate in any ballot which is ***not a final ballot*** tying with any other or others with the least number of votes (the other or others withdrawing)), the matter shall be decided by the toss of a coin
- ii. The Leader shall be responsible for aggregating and allocating service responsibilities as he / she thinks fit, grouping those responsibilities into portfolios and allocating them to an appropriate portfolio holder. Any such allocations can be adjusted by the Leader as and when he / she thinks necessary.
- iii. ***The Leader shall appoint one member of the Cabinet to be the Deputy Leader to assume the full powers of the Leader in any circumstances in which the Leader is unable to act. The Deputy Leader will also act as Leader if the post of Leader is vacant. The Deputy Leader shall hold office in accordance with the provisions of Article 7.04 below.***

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- iv. 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; or
 - (d) he / she is removed from office by resolution of the Council in accordance with the procedure set out in Standing Order 12.1(b); or
 - (e) the annual meeting of the Council following **the normal date of his / her retirement as a councillor** unless previously removed by resolution of the Council in accordance with the Rules **referred to above. If continuing to hold office as a councillor**, he / she shall be eligible for re-election , unless removed from office under (d) above. In these circumstances a period of at least 12 months from the date of the council resolution must have passed before he / she can be nominated for re-election.

7.04 **The Deputy Leader and other Cabinet Members**

The Deputy Leader and other Cabinet members shall hold office until:

- (a) they resign from office; or
- (b) 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
- (c) they are no longer councillors; or
- (d) they are removed from office by the leader **who may announce the removal at a meeting of Cabinet or Council and shall give written notice of any removal to the proper officer. The removal will take effect immediately upon receipt of the notice by the proper officer**, or
- (e) they are removed from office following a vote of no confidence by Full Council following the procedure set out in Section 12.1 (b) of Council Standing Orders; or
- (f) they are removed from office en bloc by resolution of the Council in accordance with the Rules.

7.05 **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.

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7.06 *Responsibility for Functions*

Table 2A sets out details of particular executive functions or Cabinet portfolios prescribed by ***the Leader***. The Leader will maintain a list in Table 2B 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 which executive functions.