

Part 1: Chapter 9

The Executive

Leader with Cabinet

9.1 Role

The Executive consists of a Leader and a Cabinet. The Executive will carry out all those County Council functions that are not the responsibility of any other part of the County Council, whether by law or under this Constitution.

9.2 Form and Composition

The Executive will consist of the Leader, and from two to nine County Councillors appointed to the Executive by the Leader.

9.3 Leader

The Leader will be a Councillor elected to the position of Leader by the County Council either at the first Annual Meeting of the County Council following an election of Members to the County Council, or if a vacancy arises in the position of Leader, at the first Meeting of the County Council following such vacancy for a term office expiring on the day of the next post election Annual Meeting of Members of the County Council which follows his or her election as Leader. The Leader will hold office until **one** of the following events occur:

9.3.1 he or she resigns as Leader;

9.3.2 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 the period of suspension);

9.3.3 he or she is no longer a Councillor;

9.3.4 he or she is removed from office by resolution of the County Council;

9.3.5 he or she is otherwise disqualified by law.

9.4 Deputy Leader

The Leader must appoint one of the members of his or her Cabinet to be his or her Deputy and he/she shall be referred to as the Deputy

Leader. The Deputy Leader shall hold office until the end of the term of office of the Leader, or until one of the following events occur:

- 9.4.1 he or she resigns as Deputy Leader;
- 9.4.2 The Leader in his/her absolute discretion, removes the Deputy Leader from office, who must give written notice of removal to the Chief Executive (the removal will take effect two working days after receipt of notice by the Chief Executive);
- 9.4.3 He or she is suspended from being a County Councillor under the provisions of the Local Government Act 2000 (although he or she may resume office at the end of the period of suspension);
- 9.4.4 He or she is no longer a County Councillor;
- 9.4.5 He or she is otherwise disqualified by law.

If for any reason there shall be a vacancy in the position of Deputy Leader, the Leader must appoint another Deputy Leader from among the members of the Cabinet.

If for any reason the Leader is unable to act, or the office of Leader is vacant, the Deputy Leader must act in his/her place.

9.5 **Absence of Leader and Deputy Leader**

If for whatever reason both the Leader and the Deputy Leader are unable to act or both positions are vacant, the Cabinet must either collectively act in the Leader's place or they must arrange for a member of the Cabinet to act in the place of the Leader.

9.6 **Other Members of the Executive (Cabinet)**

Scope

- 9.6.1 Only County Councillors may be appointed to Cabinet. There shall be no co-optees, and no deputies or substitutes for Executive Members. Neither the Chairman or Vice Chairman of the Council may be appointed to the Executive, and members of the Executive (including the Leader) may not be members of a Select (Overview and Scrutiny) Committee.
- 9.6.2 The Leader appoints members of the Cabinet. Responsibility for executive functions (portfolios) are set out in Part 2 of the Constitution Chapter 3, but may be varied by the Leader at any time.

9.6.3 The Executive will consist of the Leader and up to nine executive members. The Leader will appoint one of the Executive Members as a Deputy Leader. The Leader will notify the County Council of the persons appointed to the Executive by him or her at the Annual Meeting of the County Council. Any subsequent changes will be notified to members of the County Council by the Chief Executive.

9.7 Terms of office for other Executive Members

Other Executive members will hold office until one of the following events occur:

9.7.1 they resign from office;

9.7.2 they are suspended from being County Councillors under Part 3 of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);

9.7.3 they are no longer County Councillors;

9.7.4 they are removed from office by the Leader, who must give written notice of removal to the Chief Executive (the removal will take effect two working days after receipt of the notice by the Chief Executive);

9.7.5 they are otherwise disqualified by law.

9.8 Proceedings of the Executive

The Executive's proceedings shall take place in line with the Executive Procedure Rules, set out in Part 3, Chapter 2 of this Constitution.

9.9 Responsibility for functions

The Chief Executive will maintain a list as set out in Part 2, Chapter 3 of this Constitution, stating which individual members of the Cabinet or Committees of Cabinet are responsible for particular Executive functions as notified by the Leader.

9.10 Executive arrangements;

The following parts of this Constitution make up the Executive arrangements:

9.10.1 Part 1, Chapter 9 - The Executive;

9.10.2 Part 1, Chapter 10 – Area-based Committees and Panels including Joint Committee arrangements, statutory or otherwise;

- 9.10.3 Part 1, Chapter 12 - Select (Overview and Scrutiny) Committees;
- 9.10.4 Part 1, Chapter 13 - Decision Making;
- 9.10.5 Part 2, Chapter 2, Paragraph 2.2 - Local Choice Functions allocated to the Executive;
- 9.10.6 Part 2, Chapter 3 - Executive Functions;
- 9.10.7 Scrutiny Functions;
- 9.10.8 Part 3, Chapter 2 - Executive Procedures and Role of Executive;
- 9.10.9 Part 3, Chapter 3 – Scrutiny Procedures.