

CONSTITUTIONAL AMENDMENTS REQUIRED TO IMPLEMENT THE LEADER AND CABINET (ENGLAND) FORM OF EXECUTIVE FROM 6 MAY 2010

CONSTITUTION PART 1 (SUMMARY AND EXPLANATION)

Section 1.3 (page 6), paragraph 3 – amend to read:-

“All Councillors meet together as the full Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council’s overall policies and set the budget each year. The Council appoints a Leader of the Council for a four year term of office, and annually an Overview and Scrutiny Committee, Regulatory Committees, a Standards Committee, and other statutory, advisory and consultative bodies. The Leader of the Council in turn appoints a Deputy Leader and other Cabinet Members.”

Section 1.4 (page 6), second sentence – amend to read:-

“The Executive is made up of the Leader and between two and nine other Members of the Council (‘the Cabinet’).”

CONSTITUTION PART 2 (ARTICLES)

Article 4.02 (page 16, functions of the full Council), sub-paragraph (d) – amend to read:-

“(d) appointing the Leader of the Council;”

Article 7.02 (page 22, form and composition of the Executive), first sentence – amend to read:-

“The Executive will consist of the Leader and between two and nine other Councillors (Lead Members – one of whom will be appointed by the Leader as Deputy Leader) called ‘the Cabinet’ appointed by the Leader.”

Article 7.03 (page 22, Leader and Deputy Leader) – amend to read:-

“The Leader of the Council

The Leader will be a Councillor appointed to that position.

The Leader will be appointed by the Council at the Annual Council Meeting following the ordinary Council elections or, if a Leader is not appointed at the Annual meeting, at a subsequent Council meeting, and will hold office until:

- a) The Annual Council Meeting following the next ordinary Council elections, save that the Council may by resolution remove the Leader at an earlier date as described at (e) below;
- b) s/he resigns from office;
- c) s/he is suspended from being a Councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension);
- d) s/he is no longer a Councillor; or
- e) s/he ceases to be Leader upon the election of a replacement Leader, upon a motion signed by at least 25% of Councillors and delivered to the Chief Executive at least 10 days prior to the meeting at which the motion is to be considered.

The Deputy Leader

The Deputy Leader will be a Councillor appointed to that position by the Leader.

The Leader shall appoint a Deputy Leader from among the Cabinet members.

The Leader may replace the Deputy Leader at any time but otherwise the Deputy Leader shall remain in post for the duration of the Leader's term of office, unless:

- a) s/he resigns from office;
- b) s/he is suspended from being a Councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension); or
- c) s/he is no longer a Councillor

The Deputy Leader shall have authority to exercise the Leader's powers only in the event that the Leader is unable to act at any time."

Article 7.04 (page 22, other Executive Members) – amend to read:-

"The Leader shall appoint between two and nine other serving Councillors to be members of the Cabinet (called Lead Members) alongside the Leader him/herself. The Leader may allocate to each Cabinet member a portfolio of responsibility for Council business relating to their role as an Executive Member (see 7.05 below).

One of the Cabinet Members shall be the Deputy Leader.

The Leader may replace or remove a Cabinet member, and/or may vary or delete their portfolio responsibilities at any time.

Executive Members shall hold office until:

- a) They are removed or replaced by the Leader;
- b) They resign from office;

- c) 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
- d) They are no longer Councillors.

In the case of a vacancy arising in any post of Cabinet Member the Leader may appoint a Councillor to the vacant post at his/her discretion.”

Article 7.05 (page 23, Cabinet responsibilities) – amend to read:-

“The Executive will have the following Portfolios:

[Information to be inserted as and when the Leader of the Council appointed following the May 2010 Council elections has appointed his/her Cabinet and allocated any portfolios of responsibility to those Cabinet Members].

The above portfolios may be subject to change from time to time at the discretion of the Leader and will be updated by the Monitoring Officer as soon as reasonable practicable when so advised by the Leader.”

Schedule 1 (page 41, description of Executive Arrangements) – insert at beginning:-

“The form of the Council’s Executive Arrangements is a ‘Leader and Cabinet (England)’ model as defined in section 11 of the Local Government Act 2000 (as amended).”

CONSTITUTION PART 3 (RESPONSIBILITY FOR FUNCTIONS)

Section 3.2.4 (page 78, responsibility for executive functions) – amend to read:-

“All executive functions of the Council are vested in the Leader of the Council. The Leader may exercise those functions him/herself, or may delegate specified executive functions to be exercised by the Cabinet meeting, a Cabinet committee, an individual Cabinet or ward member or an officer. The Leader may revoke any such delegations at any time.

The Leader will provide the Monitoring Officer with a list (‘The Executive Scheme of Delegation’) setting out who of the following (not specified in the delegations contained in Section 3.2.2 above) are responsible for particular executive functions:

- the Leader and Cabinet collectively; or
- an individual Cabinet Member; or
- committees of the Cabinet; or
- an officer; or

- a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007; or
- through joint arrangements.

If the Leader amends this scheme of delegation the Leader must provide the Monitoring Officer with an updated scheme within five working days.

In the event that the Leader wishes to delegate executive decision-making powers to an individual Cabinet Member or Members; or to a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007, s/he will first take advice from the Monitoring Officer as to the appropriate rules that will need to be in place to govern the exercise of such powers before they are so exercised.”

Section 3.2.5 (page 78) - insert new section:-

“3.2.5 Introduction of Leader and Cabinet (England) form of Executive - transitional arrangements

In relation to the introduction of the Leader and Cabinet (England) form of Executive Arrangements with effect from 6 May 2010, the Council has agreed that the executive delegations in place on 6 May 2010, as set out in sections 3.2 and 3.4 – 3.9 of this Constitution, shall continue to apply until such time as the Leader elected by the Council Meeting after the May 2010 Council elections shall amend those delegations.

The Leader of the Council in office immediately before the May 2010 Council elections shall remain in office until the Annual Meeting of the Council in May 2010 unless, after the elections, the Leader has ceased to be a councillor or ceased to be within the political group having an overall majority of councillors. In that case, the Leader shall not continue in office and the Chief Executive shall have delegated power to exercise all the executive functions of the Council but shall only take executive key decisions in cases of genuine urgency and after consultation with the Leader of the largest political group of councillors (or groups in the event of a parity of councillors). This delegation to the Chief Executive shall cease upon the election of the new Leader.”

Section 3.4.1 (page 95, the Cabinet), Membership - amend to read:-

“The Leader and at least two and not more than nine other Executive Members appointed by the Leader.”

CONSTITUTION PART 4.1 (COUNCIL PROCEDURE RULES)

Council Procedure Rule 1 (page 118, Annual Meeting of the Council), sub-paragraph 1.1.8 - amend to read:-

“1.1.8 note any appointment of Cabinet (Executive) Members made by the Leader of the Council.”

CONSTITUTION PART 4.4 (EXECUTIVE PROCEDURE RULES)

Executive Procedure Rule 1.1 (page 169, who may make executive decisions?), 5th bullet point - amend to read:-

“an area committee; or a ward councillor in accordance with section 236 of the Local Government and Public Involvement in Health Act 2007;”

Executive Procedure Rule 1.2 (page 169, the Executive Scheme of Delegation and executive functions), introductory paragraph and sub-paragraph (a) – amend to read:-

“At the Annual Meeting of the Council, and subsequently within five working days of agreeing any change to the delegation of any executive function, the Leader of the Council will present to the Council a written record of delegations made by the Leader for inclusion in the Council’s Scheme of Delegation. The document presented by the Leader must contain the following information in so far as it relates to executive functions:-

- a) The extent of any authority delegated to any individual Executive Member or ward councillor including details of the limitation on their authority.”