

# **ARTICLE 7 – THE LEADER, THE DEPUTY LEADER AND THE EXECUTIVE**

## **7.1 The Appointment of the Leader**

The Leader will be a councillor elected to the position by the Council. The Leader will hold office for four years from the first annual meeting of the Council following the Borough Council elections, expiring on the day of the post election annual meeting which follows his/her election as Leader, unless, at an earlier date:

- (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.

If there is a vacancy in the position of Leader, the Leader will be elected at the first meeting of the Council following such vacancy for a term of office expiring on the day of the post election annual meeting which follows his/her election, subject to (a) to (d) above.

## **7.2 The Role of the Leader**

The Leader 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, unless otherwise delegated by him/her. All delegations by the Leader will be set out in Part 3 of this Constitution.

The Leader will be Chairman of the Executive.

Only the Leader will exercise the following functions:

- (a) appointment of the Deputy Leader
- (b) appointment of the Executive
- (c) preparation of the Schedule of Key Decisions

### **7.3 The Appointment of the Deputy Leader**

The Deputy Leader will be a councillor appointed to the position of Deputy Leader by the Leader. The Deputy Leader will hold office until the end of the term of office of the Leader, or until:

- (a) he/she is removed from office by decision of the Leader; or
- (b) he/she resigns from the office; or
- (c) 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
- (d) he/she is no longer a councillor.

### **7.4 The Role of the Deputy Leader**

- (a) The Deputy Leader will be Vice-Chairman of the Executive.
- (b) If for any reason the Leader is unable to act, or the office of the Leader is vacant, the Deputy Leader must act in his/her place.

### **7.5 The Form and Composition of the Executive**

The Executive will consist of the Leader and Deputy Leader together with at least 1, but not more than 8, councillors appointed to the Executive by the Leader. The Leader will report the appointments, and any changes to these appointments, to the Council.

### **7.6 The Appointment of Executive Members**

Executive Members will be appointed by the Leader. They will hold office until the day of the post election annual meeting or until:

- (a) they are removed from office, either individually or collectively, by decision of the Leader; or
- (b) they resign from office; or
- (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.

## **7.7 The Role of the Executive**

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, as delegated by the Leader.

If for any reason the Leader is unable to act, or the office of the Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the remaining members of the Executive must either act collectively in the Leader's place or they must arrange for an Executive Member to act in the place of the Leader.

## **7.8 Responsibility for Functions**

- a) The Leader has responsibility for the discharge of all executive functions. He/she can delegate any/all of these functions (except those reserved functions) to:
  - (i) the Executive as a whole;
  - (ii) a committee of the Executive;
  - (iii) an individual member of the Executive;
  - (iv) an officer;
  - (v) an area committee;
  - (vi) joint arrangements;
  - (vii) local Member in relation to their ward, or
  - (viii) another local authority.
  
- b) The Leader will determine the individual portfolios to be allocated to the Portfolio Holders. A record shall be kept of:
  - (i) the names, addresses and electoral wards of the Members appointed to the Executive by the Leader;
  - (ii) the terms of reference and constitution of any executive committees that the Executive may appoint and the names of Executive Members appointed to them;
  - (iii) the nature and extent of any delegation of executive functions to area committees, individual Executive Members, individual local Members, any other authority or any joint arrangements and the names of those Members appointed to any joint committee.

Where the Leader, Executive, or a committee of the Executive, is responsible for an executive function, they may delegate further to an area committee, joint arrangements, an individual Executive Member, an individual local Member in relation to their ward, or an officer.

Part 3 of this Constitution sets out the responsibility for executive functions exercised by Executive Members. As and when the Leader amends the scheme of delegation in Part 3 relating to executive functions, the proper officer will report to the next meeting of the Council setting out the changes made by the Leader.