

APPENDIX 2

[the words recommended for deletion are shown struck through and the words recommended for addition or insertion are shown in italics and underlined]

Part H.1 The Executive Article

Article 15 - The Executive

15.01. Role

The Executive will carry out all of the local authority's functions that are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

15.02. Form and Composition

The Executive will consist of the Executive Leader together with 9 other councillors ("Executive Members") appointed to the Executive by the Council

15.03. Leader

The Leader will be a councillor elected to the position of Leader by the Council. The Leader may exercise powers delegated by the Executive within the specific portfolio responsibilities allocated to the Leader as set out in **Part H** of this Constitution.

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; or
- (e) He/she is removed from office in the manner described in 15.05 below; or
- (f) ~~The end of the municipal~~ *Annual Meeting following the year* in which he/she is elected to the position of Leader save that the Council may remove the leader from office at an earlier date in the event of a change in political control of the Council.

Council Election Year Provisions:

In a Council Election Year the provisions below will apply in place of (f) above in the period between Election day and the Annual Meeting:

- (i) If the Leader is re-elected as a councillor, and if there is no change in the political group having an overall majority of councillors after the Elections, then the Leader shall continue in office until the Annual Meeting of the Council and may exercise executive functions in accordance with (ii) below but only in cases of urgency,
- (ii) All executive decisions shall be made by the Leader and those Executive Members re-elected as councillors acting collectively as The Executive in accordance with the provisions of Part H.2 (Executive Procedures) and Part D.2 (Urgency Procedures) so far as practicable. Individual Executive Members shall not take decisions under these provisions.
- (iii) If the Leader ceases to be within the political group having an overall majority of councillors after the Elections, then the Leader and Executive Members shall not continue in office and delegated power is granted to the Chief Executive to exercise all "executive" functions of the Council in consultation with the representative of the largest political group of councillors (or groups in the event of a parity of councillors) but only in cases of urgency,
- (iv) If there is no change in the political group having an overall majority of councillors after the Elections but the Leader is not re-elected as a councillor, then the Leader and Executive Members shall not continue in office and

delegated power is granted to the Chief Executive to exercise all "executive" functions of the Council in consultation with those of the former Executive Members who are re-elected as councillors to exercise all "executive" functions of the Council IN ACCORDANCE WITH (ii) ABOVE (EXCEPT FOR THE REFERENCE TO THE LEADER) but only in cases of urgency.

15.04. Other Executive Members

Each Executive Member will be elected by the Council to cover one of the specific portfolio responsibilities (other than that of the Leader) set out in **Part H**. Individual Executive Members may exercise powers delegated by the Executive within their specific portfolio responsibilities as set out in **Part H**. Executive Members shall hold office until one of the events (a) to (f) but in a Council Election Year the Provisions above will apply in place of paragraph (f) in the period between Election day and the Annual Meeting:

- (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, either individually or collectively, by resolution of the Council; or
- (e) They are removed from office in the manner described in 15.05 below; or
- (f) ~~The end of the municipal~~ Annual Meeting following the year in which he/she is elected to the position of Executive member save that the Council may remove all members of the Executive at an earlier date in the event of a change in political control of the Council.

15.05. Votes of No Confidence

A member of the Executive shall cease to hold office as an Executive member if a vote of no confidence, of which notice appears on the agenda, is carried at a meeting of the full council by

a majority of the members of the whole council then present. The responsibilities of that member shall be carried out by the Executive collectively until such time as the appointment of a replacement or the reappointment of the member concerned by full Council. In the event of all members of the Executive having been removed from office in this way at any time, Executive functions shall in the interim be carried out by the Chief Executive in consultation with the Mayor.

15.06. Proceedings of the Executive

Proceedings of the Executive and decisions by individual Executive Members shall take place in accordance with the **Executive Procedure Rules** set out in **Part H**.

15.07. Responsibility for Functions

The Leader will maintain a list in **Part H** of this Constitution setting out which individual Executive Members, Committees of the Executive or officers are responsible for the exercise of particular Executive functions.