

CHAPTER 5.1 – EXECUTIVE TERMS OF REFERENCE

5.1.1 The Role of the Executive

The Executive (meaning the Leader and such Members as the Leader may appoint) 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.

5.1.2 The Membership of the Executive

The Executive will consist of the Leader of the Council together with at least two, but not more than nine, Councillors appointed annually to the Executive by the Leader.

5.1.3 Leader

The Leader will be a Councillor elected to the position of Leader by the Council at the relevant Annual Council Meeting. The Leader will hold office for a period of four years from the date of his/her appointment until the Annual Council meeting following this term (even if the Leader is not re-elected as a Councillor at the most recent elections) or 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 (subject to caveat in [Rule 5.1.3](#)); or
- d) on the expiry date of the Leader's fixed term of office (4 years); or
- e) on the day that he/she is removed from office by resolution of Council.

5.1.4 Deputy Leader and Executive Members

Executive Members including the Deputy Leader shall hold office until

- a) they are removed by 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

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 until the appointment of a new Leader by the Council.

5.1.5 Other Executive Members

Other Executive 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 must give written notice of any removal to the Proper Officer. The removal will take effect two working days after receipt of the notice by the Proper Officer; or
- e) they are removed from office, either individually or collectively, by resolution of the Council; or
- f) at the end of the fixed term of office (12 months.)

5.1.6 Deputy Executive Members

The Leader may appoint Members as he determines to act as Deputy Executive Members. The Leader may also remove any Members from their role as Deputy Executive Member.

Deputy Executive Members will be able to attend meetings of the Executive and, at the invitation of the Leader of the Council, speak on matters which are of relevance to their role.

Deputy Executive Members can be quoted in press releases (on the understanding that each enjoys a special role as an advisor to the Executive and that they are expressing personal opinions and not speaking authoritatively on behalf of the Council.)

Members of the public and Members of the Council will be entitled to put questions to the Deputy Executive Members at meetings of the Council.

The detailed role of the Deputy Executive Members is set out in [Chapter 5.3](#).

5.1.7 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in [Chapter 5.4](#) of this Constitution.

5.1.8 Responsibility for Functions

The Proper Officer will maintain a list, contained in Sections 5 and 11 of the Constitution outlining which individual members of the Executive, Committees of the Executive, Officers or joint arrangements are responsible for the exercise of particular Executive functions.

The Leader is responsible for deciding upon the number of Executive Members (up to a maximum of 10 including the Leader) and the responsibility for functions will be agreed and amended by the Leader during the year and will be reported to Council for information during the Leader's statement agenda item.

5.1.9. General Principles of Decision Making

The Executive must make decisions which fall within its delegated powers as approved by the Council. It shall report and/or make recommendations in respect of the matters identified below which are outside its delegated powers.

5.1.9.1 Key Decisions

Under the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 Key Decisions are defined as decisions which:

- a) would result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- b) are significant in terms of its effect on communities living or working in an area comprising two or more Wards.

The Council has decided that significant expenditure or savings are those amounting to above £500,000.

5.1.9.2

The Executive is also responsible for implementing the budget and policy framework agreed by the Council. In doing so it will take decisions in accordance with this framework which are defined as local key significant decisions which:

- a) involve requests for Supplementary Capital or Revenue Estimates;
- b) involve requests for virements over £500,000;
- c) involve the application of Section 106 developers' contributions over £100,000;
- d) involve the acquisition or sale of assets (other than the sale of housing stock) and the rationalisation of assets in the interests of the efficient working of the Council, above the limits delegated to individual Executive Members (see [Chapter 5.5](#));
- e) involve the consideration of schemes included within the Capital Programme agreed by Council where there is significant discretion for options;
- f) involve the addition of a scheme to the Capital Programme not originally included or on a reserve list;
- g) involve the making of a Compulsory Purchase Order;
- h) involve the approval of Service Improvement Plans.

5.1.9.3 Authority to Identify Key Decisions

Deciding which matters constitute Key Decisions will be a matter for the relevant lead Officer to determine in consultation with the relevant Executive Member, having regard to the advice of the Monitoring Officer and Chief Finance Officer as appropriate.

5.1.9.4 Limit on Executive Authority to Incur Expenditure

The Executive may incur expenditure on individual contracts up to a maximum of £5m per annum (subject to a cumulative value of £25m over the life of the contract) and on individual capital schemes up to a maximum of £15m, subject to such expenditure being

within Council approved budgets. Expenditure above these limits must be approved by Council.

5.1.9.5 Decisions Outside the Executive's Authority

The Executive may make any decision which falls within its delegated powers as approved by the Council. However, the Executive shall report and/or make recommendations on:-

- a) any proposals for a change in policy;
- b) any proposals for a significant change in Council strategy which has a bearing on the economic, social or environmental wellbeing of the community;

Such decisions will not be made unless reports have been made available to the public at least five days in advance.

5.1.9.6 Procedure Rules for Taking Key Decisions

A decision-taker may only take a Key Decision in accordance with the requirements of the Executive and Access to Information Rules set out in [Chapters 5.4](#) and 3.2 of this Constitution.

5.1.10 Development of the Budget and Policy Framework

The Executive shall be responsible for:

- a) the development of Council policies or review of existing policies, making recommendations to the Council in respect of policies comprising the Policy Framework (see Chapter 4.1);
- b) developing proposals for a significant change in Council Strategy which has a bearing on the economic, social or environmental wellbeing of the community;
- c) the preparation of documents which together make up the annual Budget for recommendation to Council;
- d) the preparation, monitoring and review of the Capital Programme, Capital Strategy and Asset Management Plan, for recommendation to Council;
- e) making recommendations to Council in respect of items which are contrary to, or not wholly in accordance with, the Budget and Policy Framework, or outside the financial limits set out in [Rules 5.1.9.1](#) and [5.1.9.2](#).
- f) the implementation and monitoring of Treasury Management Policies and practices

5.1.11 Consideration of Other Matters Referred to the Executive

The Executive shall be responsible for:

- a) taking decisions on matters relating to Executive functions referred to it by Officers or at a Member of the Executive's discretion;
- b) approving the level of discretionary fees and charges to be levied in any financial year;

- c) promoting the image and identity of the Council and effective working relations with a wide range of public and private partners;
- d) approving for publication a Forward Programme of Executive business, comprising at least four months work and to be published at least one month in advance of the start of the period the programme covers;
- e) taking the lead role in reviewing and implementing action in respect of the performance of all Council services;
- f) considering reports from the Overview and Scrutiny Committees;
- g) receiving quarterly reports monitoring the Council's budgets.