

Executive Leader and Cabinet – Consequential Changes to the Constitution

1. Article 4 – The Full Council

- 1.1 In paragraph 2, the amendment of sub paragraph (d) by the deleting the words – ‘appointing the Leader, Deputy Leader and members of the Cabinet’ and their replacement by the words – ‘electing the Executive Leader’.

The appointment of the Deputy Leader and members of the Cabinet will be the responsibility of the Executive Leader.

2. Article 6 – Overview and Scrutiny

- 2.1 In paragraph 2, the amendment of sub-paragraph (ii) by deleting the word ‘Cabinet’ and its replacement by the words – ‘Executive Leader’.

The Executive Leader will be responsible the discharge of the authority’s executive functions.

- 2.2 In paragraph 2, the amendment of sub-paragraph (vi) by inserting the words ‘the Executive Leader’ before the words ‘the Cabinet’.

Executive decisions can also be made by the Executive Leader.

- 2.3 In paragraph 3, the amendment of sub-paragraph (a)(i) by inserting the words ‘the Executive Leader,’ before the words ‘and the Cabinet’.

The Executive Leader will be responsible the discharge of the authority’s executive functions.

- 2.4 In paragraph 3, the amendment of sub-paragraph (a)(iv) by inserting the words ‘the Executive Leader and’ before the words ‘members of the Cabinet’.

As above

- 2.5 In paragraph 3, the amendment of sub-paragraph (b)(i) by inserting the words ‘the Executive Leader,’ before the words ‘the Cabinet’.

As above

- 2.6 In paragraph 3, the amendment of sub-paragraph (b)(iii) by inserting the words ‘the Executive Leader,’ before the words ‘members of the Cabinet’.

As above

- 2.7 In paragraph 3, the amendment of sub-paragraph (b)(iv) by inserting the words ‘the Executive Leader,’ before the words ‘the Cabinet’.

As above

3. Article 7 – The Cabinet

- 3.1 In paragraph 1, the deletion of the heading and its replacement with the words ‘The Executive Leader and Cabinet’.

The Executive Leader will be responsible the discharge of the authority's executive functions.

- 3.2 In paragraph 1, the deletion of the words 'The Cabinet will carry out' and their replacement with the words 'The Executive Leader is responsible for the discharge of'.

As above

- 3.3 In paragraph 1, the deletion at the beginning of the second sentence of the words – 'The Cabinet' and their replacement by the words - 'The Executive Leader has arranged for the discharge of the executive functions by the Cabinet which, unless the Executive Leader otherwise directs'.

The Executive Leader can arrange for the discharge of executive functions by the Cabinet but retains authority to direct that any sub delegation of functions by the Cabinet etc. should not take place.

- 3.4 In paragraph 2, the deletion of the word 'Leader' and its replacement with the word 'Executive Leader' and the deletion of the word Council' by the words 'Executive Leader'.

The Executive Leader will be responsible for the size and composition of the Cabinet.

- 3.5 In paragraph 3, the deletion of all the words preceding sub-paragraph (a) and their replacement with the words – 'The Executive Leader will be a councillor and will be elected at the annual meeting of the Council in May 2011 and thereafter at the annual meeting when the Executive Leader's term of office comes to an end. The Executive Leader will hold office from the date of his/her election to that position until the day that:-'

- 3.6 In paragraph 3, the insertion of a new sub-paragraph (a) with the words 'the first annual meeting after the Executive Leader's normal day of retirement as a councillor' and the renumbering of the remaining sub-paragraphs accordingly.

The Executive Leader is elected for a period of up to 4 years or such lesser period if the person elected comes to an end of his/her term of office as a councillor. The Executive Leader remains in office after his/her term of office as a councillor comes to an end until the next ensuing annual meeting.

- 3.7 In paragraph 4, the deletion of all the words preceding sub-paragraph (a) and their replacement with the words – 'The Executive Leader shall appoint a councillor to be Deputy Executive Leader who shall be a member of the Cabinet. The Deputy Executive Leader will hold office from the date of his/her appointment to that position until the day that:-'

- 3.8 In paragraph 4, the insertion of a new sub-paragraph (a) with the words 'the end of the term of office of the Executive Leader' and the renumbering of the remaining sub-paragraphs accordingly.

- 3.9 In paragraph 4, the amendment of sub-paragraph (d) by the deletion of the words 'resolution of the Council' by the words 'the Executive Leader'.

The Deputy Executive Leader will be appointed by the Executive Leader and holds office for the same period as the latter holds that position, except that he/she can be removed from office by the Executive Leader.

- 3.10 In paragraph 5, the deletion of all the words preceding sub-paragraph (a) and their replacement with the words – ‘Other councillors will be appointed to the Cabinet by the Executive Leader and will hold office until the day that:-’
- 3.11 In paragraph 5, the amendment of sub-paragraph (d) by the deletion of the words ‘resolution of the Council’ by the words ‘the Executive Leader’.

Other members of the Cabinet will be appointed by the Executive Leader and may be removed from office by him/her at any time.

- 3.12 In paragraph 6, the deletion of the words up to and including ‘by the Council and’ and their replacement with the words ‘Any vacancy in the position of the Executive Leader shall be filled by the Council at the meeting that the Executive Leader ceases to hold office or at a subsequent meeting. Any vacancy in the position of Deputy Executive Leader or member of the Cabinet will be filled by the Executive Leader.’, followed by a new sentence comprising the remaining words in the sub-paragraph.

Vacancies will be filled by the Council and Executive Leader as appropriate.

- 3.13 In paragraph 8, the deletion of the word ‘Leader’ and its replacement by the words ‘Executive Leader’.
- 3.14 In paragraph 8, the numbering of the existing words as sub-paragraph (a) and the addition of the following words ‘(b) If for any reason the Executive Leader is unable to act or that office is vacant, the Deputy Executive Leader will act in his/her place. If for any reason both the Executive Leader and Deputy Executive Leader are unable to act or those offices are vacant, the Cabinet will act in place of the Executive Leader or will arrange for a member of the Cabinet to do so.’

The Executive Leader will be responsible the discharge of the authority’s executive functions, or if he is unavailable the Deputy Executive Leader, or if both are unavailable, the Cabinet or a member of the Cabinet.

4. Part 3 – Responsibility for Functions

- 4.1 In paragraph 1, the deletion of the word ‘Cabinet’ in lines 3, 4, 5 and 6 and its replacement by the words ‘Executive Leader’.

As above.

- 4.2 In paragraph 2, the deletion of the word ‘Cabinet’ in the second and third bullet points and its replacement with the words ‘Executive Leader’.

As above.

- 4.3 In Table 1, the deletion of the word ‘Cabinet’ in each of the boxes where this occurs in the second column and its replacement with the words ‘Executive Leader’

As above.

- 4.4 In Table 1, the deletion of the words ‘8 members of the Cabinet’ in each of the boxes where this occurs in the third column and their replacement with the words ‘Members of the Cabinet appointed by the Executive Leader’.

As above.

- 4.5 In Table 3, the deletion of the table and its replacement with the following table –

Who is Responsible?	Membership	Functions	Onward Limit of Delegations
Executive Leader		All functions of the Council which are not the responsibility of any other part of the Council as defined in the constitution	Cabinet and executive councillors
Executive Leader		Appointment of Deputy Executive Leader and members of the Cabinet and allocations of executive responsibilities	
Deputy Executive Leader		All functions of Executive Leader in his/her absence or that position being vacant	
Cabinet	As appointed by Executive Leader	All functions of the Council delegated by Executive Leader	As determined by Cabinet to sub committees and executive councillors
Executive Councillors		Responsible for functions delegated to executive councillors by the Executive Leader or Cabinet as specified in Table 4 of Part 3 of the constitution	

The Executive Leader will be responsible the discharge of the authority's executive functions, or if he is unavailable the Deputy Executive Leader, or if both are unavailable, the Cabinet or a member of the Cabinet.

- 4.6 In Table 4, the deletion of the words 'and this source has' in the second sentence of the second paragraph and their replacement with the words 'and Section 14 of the Local Government Act 2000 and these sources have'.

The authority for the Executive Leader and Cabinet to delegate responsibility now is to be found in the Local Government Act.

- 4.7 In Table 4, the deletion of the word 'Leader' in the third paragraph and its replacement with the words 'Executive Leader'.

- 4.8 In Table 4, the deletion of the words 'Leader' and 'Deputy Leader' in the fourth paragraph and their replacement with the words 'Executive Leader' and Deputy Executive Leader' respectively.

The Executive Leader will be responsible the discharge of the authority's executive functions, or if he is unavailable the Deputy Executive Leader, or if both are unavailable, the Cabinet or a member of the Cabinet.

- 4.9 In Table 4, in the list of powers delegated by or on the recommendation of the Cabinet, the deletion of the word 'Leader' wherever this occurs and its replacement with the words 'Executive Leader'.

As above.

5. Part 4 – Rules of Procedure Council Procedure Rules

- 5.1 In sub-paragraph 1.1(vi), the deletion of the word 'Leader' and its replacement with the word 'Executive Leader'.
- 5.2 The deletion of sub-paragraph 1.1(vii) (appointment of the Deputy Leader).
- 5.3 In sub-paragraph 2(v), the deletion of the words 'Leader, Deputy Leader' and their replacement with the words 'Executive Leader, Deputy Executive Leader'.

As above.

- 5.4 In sub-paragraphs 8.1, 8.2, 8.3 and 8.5, the deletion of the word 'Leader' and its replacement with the words 'Executive Leader'.

As above.

- 5.5 In sub-paragraphs 12.1 and 12.2, the deletion of the word 'Leader' and its replacement with the words 'Executive Leader'.

As above.

- 5.6 In paragraph 23, the deletion of the words 'Leader, Deputy Leader' and their replacement with the words 'Executive Leader, Deputy Executive Leader'.

As above.

- 5.7 In paragraph 28, the deletion of the words 'the Cabinet' and its replacement with the word 'an'.

- 5.8 In paragraph 28, the addition of the following words after the first sentence 'The Executive Leader may vary the membership of the Cabinet at any time and may fill any vacancy that arises.'

The Executive Leader will be responsible for appointing the Cabinet.

6. Access to Information Procedure Rules

- 6.1 In paragraph 12, the deletion in the first sentence of the words 'Cabinet and its committees' and their replacement with the words 'Executive Leader, Cabinet, its committees and executive councillors'.

This reflects the position whereby individual councillors can take decisions.

- 6.2 In paragraph 12, the deletion in the second sentence of the words 'the Cabinet' and their replacement with the words 'Executive Leader, Cabinet, its committees and executive councillors propose'.

This reflects the position whereby individual councillors can take decisions.

- 6.3 In paragraph 12, the addition in the fourth sentence after the words 'with an officer present' of the words 'or the Executive Leader or an executive councillor propose to take a key decision'.

This reflects the position whereby individual councillors can take decisions.

- 6.4 In sub-paragraph 14.1, the deletion of the word 'Leader' and its replacement with the words 'Executive Leader'.

- 6.5 In sub-paragraph 14.2, the deletion of the word 'Leader' and its replacement with the words 'Executive Leader' and the insertion in the second line before the words 'the Cabinet' of the word 'himself/herself'.

As above.

- 6.6 In sub-paragraph 17.1, the deletion of the word 'Cabinet' and its replacement with the words 'Executive Leader'.

This reflects the situation whereby the Executive Leader will be responsible for the discharge of executive responsibilities as opposed to the Cabinet.

- 6.7 In sub-paragraph 17.2, the deletion in the heading of the word 'Cabinet's' and its replacement with the words 'Executive Leader's', the deletion of the word 'Cabinet' in the first sentence by the words 'Executive Leader' and the word 'Leader' in the last sentence by the words 'Executive Leader'.

This reflects the situation whereby the Executive Leader will be responsible for the discharge of executive responsibilities as opposed to the Cabinet.

- 6.8 In sub-paragraph 17.3, the deletion of the word 'Leader' and its replacement with the words 'Executive Leader'.

As above.

- 6.9 In paragraph 18, the addition after the words 'or its committees' of the words 'or a decision is taken by the Executive Leader or an executive councillor' and the deletion of the words 'at that meeting' in the second and third sentences.

This reflects the position whereby individual councillors can take decisions.

7. Budget and Policy Framework Procedure Rules

- 7.1 In sub-paragraphs 2(f) and (g), the deletion of the word 'Leader' and its replacement with the words 'Executive Leader'.

As above.

- 7.2 In sub-paragraphs 3(a) and (b), the insertion before the words 'the Cabinet' in the first line of each sub-paragraph of the words 'the Executive Leader,'.

This reflects the situation whereby the Executive Leader will be responsible for the discharge of executive responsibilities.

- 7.3 In sub-paragraph 4(a), the insertion before the words 'the Cabinet' in the first line of the words 'the Executive Leader,'.

This reflects the situation whereby the Executive Leader will be responsible for the discharge of executive responsibilities.

- 7.4 In sub-paragraph 5(b), the insertion before the words 'the Cabinet' in the first line of the words 'the Executive Leader,'.

This reflects the situation whereby the Executive Leader will be responsible for the discharge of executive responsibilities.

- 7.5 In paragraph 6, the insertion before the words 'the Cabinet' in the second line of the words 'the Executive Leader,'.

This reflects the situation whereby the Executive Leader will be responsible for the discharge of executive responsibilities.

7.6 In sub-paragraph 7(c)(i), the deletion in the first line of the word 'Cabinet' and its replacement with the word 'executive'.

7.7 In sub-paragraph 7(c)(iii), the deletion in the fourth line of the word 'Cabinet' and its replacement with the words 'executive decision taker'.

This reflects the position whereby individual councillors can take decisions.

8. Cabinet Procedure Rules

8.1 The deletion of the words 'Leader' and 'Deputy Leader' wherever they appear in the rules and their replacement with the words 'Executive Leader' and 'Deputy Executive Leader' respectively.

8.2 In sub-paragraph 1.1, the deletion of all of the words up to and including the words 'the Leader' and their replacement with the words 'The Executive Leader'.

This reflects the situation whereby the Executive Leader will be responsible for the discharge of executive responsibilities.

8.3 In sub-paragraph 1.2, the addition after the words 'the following year:-' of the words '(i) the name and ward of the Deputy Executive Leader' and the re-numbering of the following sub-paragraphs accordingly.

This reflects the situation whereby the Executive Leader will be responsible for the discharge of executive responsibilities.

8.4 In sub-paragraph 1.3(a), the deletion of the word 'Council' and its replacement by the words 'Executive Leader'.

8.5 In sub-paragraph 1.3(b), the deletion of the word 'Cabinet' and its replacement by the words 'Executive Leader'.

This reflects the situation whereby the Executive Leader will be responsible for the discharge of executive responsibilities.

7. Overview and Scrutiny Procedure Rules

7.1 The deletion of the word 'Leader' wherever it appears in the rules and its replacement with the words 'Executive Leader'.

7.2 In paragraph 14, the insertion before the words 'the Cabinet' in the first line of the words 'the Executive Leader,'.

7.3 In paragraph 15, the insertion before the words 'the Cabinet' in the second line of the words 'the Executive Leader,'.

This reflects the situation whereby the Executive Leader will be responsible for the discharge of executive responsibilities.

8. Officer Employment Procedure Rules

8.1 The deletion of the word 'Leader' wherever it appears in the rules and its replacement with the words 'Executive Leader'.

9. Protocol on Member/Employee Relations

- 9.1 In sub-paragraph 3.2, the deletion in the fourth sentence of the words 'Leader and other executive councillors are' by the words 'Executive Leader'.

This reflects the situation whereby the Executive Leader will be responsible for the discharge of executive responsibilities.

10. Protocol on Member/Employee Relations

- 10.1 The deletion of the words 'Leader' and 'Deputy Leader' wherever they appear in the rules and their replacement with the words 'Executive Leader' and Deputy Executive Leader' respectively.

11. Protocol for the Relationship between the Leader of the Council and the Chief Executive

- 11.1 The deletion of the words 'Leader' and 'Deputy Leader' wherever they appear in the rules and their replacement with the words 'Executive Leader' and Deputy Executive Leader' respectively.