

Chapter 6 – The Executive

6.1 Role

6.1.1 The Leader and the Executive will carry out all of the council's functions which are not the responsibility of any other part of the council, whether by law or under this Constitution.

6.2 Form and composition

6.2.1 The Executive will be chaired by the Leader. It will consist of the Leader and no fewer than two and up to nine other Members appointed by the Leader, one of whom shall be designated Deputy Leader and all of whom will be known as Executive Members.

6.2.2 Only Members will be appointed to the Executive. There will be no co-optees, no deputies and no substitutes for Executive Members. The Leader and Executive Members may not be members of any scrutiny committee. The Chairman and Vice Chairman of the Council may not be members of the Executive.

6.3 The Leader

6.3.1 The Leader will be a Member elected to the position by the Council at its first annual meeting following the local government elections. The Leader will hold office until:

- (a) the next post-election annual meeting of the Council;
or
- (b) he or she resigns from the office of Leader; or
- (c) he or she is removed from office by ordinary resolution on notice of the Council; or
- (d) he/she is no longer a Member of the Council.

6.3.2 When a vacancy arises in the office of the Leader, the Council shall fill the vacancy at the next ordinary meeting of

the Council, at an extraordinary meeting summoned for the purpose or, if the vacancy occurs as a result of the removal of the Leader by resolution of the Council, at the meeting at which that resolution was passed or a subsequent meeting. The Member appointed to fill the vacancy shall hold office for the remainder of the original term, subject to the rules on earlier termination in 6.3.1 above.

6.3.3 The Leader must appoint another member of the Executive as Deputy Leader to act when the Leader is unable to act or the office of Leader is vacant. The Leader may, if he or she thinks fit, remove the Deputy Leader from office.

6.3.4 The Deputy Leader shall hold office until the end of the Leader's term of office unless he or she is removed by the Leader, resigns as Deputy Leader or ceases to be a Member of the Council.

6.4 Other Executive Members

6.4.1 The Leader will usually announce the Executive Members at the annual meeting of the Council. Appointments, re-appointments and the removal of Executive Members announced in this way will take immediate effect. If the announcement is not made at the annual meeting, the Leader will give written notice to the Monitoring Officer of the appointments of Executive Members as soon as practicable after the annual meeting and the re-appointments, appointments and removals made in this way will take effect two working days after receipt of the notice by the Monitoring Officer.

6.4.2 The Leader may also appoint Executive Members during the civic year to fill any vacancy or increase the size of the Executive (up to the maximum number set out in 6.2.1 above) by giving written notice to the Monitoring Officer. These appointments shall take effect two working days after receipt of the notice by the Monitoring Officer.

6.4.3 Executive Members shall hold office until:

(a) they resign from office; or

- (b) they are no longer Members of the Council; or
- (c) they are removed by means of the Leader's notification at or as soon as practicable after the next annual meeting; or
- (d) they are removed from office by the Leader giving written notice of the removal to the Monitoring Officer. The removal will take effect two working days after receipt of the notice by the Monitoring Officer.

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

6.5 Functions of the Executive

6.5.1 The role of the Executive is to:

- (a) make key decisions as defined in Part 2, Chapter 11 and published in the Forward Plan;
- (b) formulate the annual budget and Policy Framework for submission to Council in accordance with the budget and Policy Framework procedure rules in Part 4 of the Constitution;
- (c) implement the approved budget and Policy Framework;
- (d) determine recommendations and other matters referred to it by committees, sub-committees or the Council;
- (e) carry out all of the functions which by law the Executive must carry out or it has chosen to carry out and which have not been delegated elsewhere; and
- (f) ensure the publication of, and to consider, the plan of items likely to come before it for decision at least 28 days before the decision is due to be made.

6.5.2 The Executive may carry out its functions:

- (a) itself and only by itself if so determined by law;
- (b) by delegating power to an individual member of the Executive, to be exercised in accordance with the rules set out in Part 4D, section 3 of this Constitution;
- (c) by delegating power to an officer, who shall exercise that power in accordance with the scheme of delegation to officers contained in Part 3 of the Constitution; or
- (d) by delegating power to a joint committee, area committee or another local authority.

6.5.3 A list of portfolio responsibilities will be maintained by the Leader and will set out the responsibilities of individual members of the Executive. The full list is in Part 3E of the Constitution. In addition the responsibilities of officers and joint arrangements for the exercise of particular Executive functions will be maintained. The Leader is empowered to amend the portfolios during the civic year.

6.6 Meetings of the Executive

6.6.1 The Executive will hold public meetings as frequently as is required for the effective discharge of its functions on dates and at times agreed by the Leader. Meetings will be conducted in accordance with the Executive Procedure rules set out in Part 4D of the Constitution. Meetings will usually be held at the council's offices in Hertford but can be held at other locations determined by the Leader.

6.6.2 To ensure it is briefed and/or consulted upon its functions, the Executive may hold other informal (not public) meetings as are necessary for it to carry out its work effectively. To ensure transparency and facilitate good scrutiny, matters discussed at these meetings that are intended to be put to the Executive for decision will, unless a decision is required urgently, be included in the Forward Plan.