

## Section 6 – The Executive

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## 1 Role

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.

### 1.1 Description of Executive Arrangements

The following parts of this constitution constitute the Executive Arrangements:

- a) Section 5 - Overview and Scrutiny Committee
- b) Section 6 - The Executive
- c) Section 19a - Scheme of Delegation (Executive).

## 2 Form and composition

The Executive will consist of the Leader together with at least 2, but not more than 9, councillors appointed to the Executive by the Leader. The meeting of all executive members shall be known as the Cabinet.

## 3 Quorum and Frequency of Meetings

- a) The quorum of the Cabinet shall be three members.
- b) Meetings will normally take place at least monthly, although this can be varied at the discretion of the Leader.

## 4 Leader

- 4.1 The Leader will be a councillor elected to the position of Leader by the Council. The Leader will hold office until:
  - a) the expiry of four years from the date of election to the office of Leader of the Council or until the first Council meeting after they stand for re-election as a Borough Councillor, whichever is the sooner, or
  - b) they resign from the office; or
  - c) they are no longer a councillor; or
  - d) they are removed from office by resolution
- 4.2 The Leader shall designate one member of the cabinet as Deputy Leader with full authority to act in the absence of the Leader.
- 4.3 In the event that the Leader ceases to be the Leader as a result of Paragraph 4.1 (b) and (c) above, the Council shall forthwith appoint a new Leader of the

Council and pending the appointment of a new Leader all powers and functions of the Leader shall be vested in the Deputy Leader.

## 5 Other executive members

Other executive members shall hold office until:

- a) they resign from office; or
- b) they are no longer councillors; or
- c) they are removed from office by the Leader who must give written notice of any removal to the Monitoring Officer. The removal will take effect two working days after receipt of the notice by the Monitoring Officer.

## 6 Responsibility for functions

The Leader will maintain a list (at Paragraph 9 below) in setting out which individual members of the executive, committees of the executive, officers or joint arrangements are responsible for the exercise of particular executive functions.

## 7 Response to government and other consultation

Before exercising the function of responding to consultation from the government and other bodies the Executive shall consult with committee chairs and other members outside the Executive as appropriate taking into account the matter concerned and the time available.

## 8 Executive Procedure Rules

### How does the executive operate?

#### 8.1 Who may make executive decisions?

The Leader has discretion to decide how executive functions are to be exercised. The Leader may provide for executive functions to be discharged by:

- a) the executive as a whole;
- b) a committee of the executive;
- c) an individual member of the executive;
- d) an officer;
- e) joint arrangements; or
- f) another local authority.

#### 8.2 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Section 19 of this constitution. The document presented by the Leader

will contain the following information about executive functions in relation to the coming year:

- a) the names of the councillors appointed to the executive by the Leader;
- b) the extent of any authority delegated to executive members individually, including details of the limitation on their authority;
- c) the terms of reference and constitution of such executive committees as the Leader appoints and the names of executive members appointed to them;
- d) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those executive members appointed to any joint committee for the coming year; and the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

### **8.3 Sub-delegation of executive functions**

- a) Where the executive, a committee of the executive or an individual member of the executive is responsible for an executive function, they may delegate further to an area committee, joint arrangements or an officer.
- b) If the Leader delegates functions to the executive, then the executive may delegate further to a committee of the executive or to an officer.
- c) Unless the Leader directs otherwise, a committee of the executive to whom functions have been delegated by the Leader may delegate further to an officer.
- d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### **8.4 Amendment of Executive Delegations**

- a) The Leader may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Chief Executive and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the executive as a whole. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

- b) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when it is served on its chair.

## **8.5 Conflicts of Interest**

- a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 26 of this Constitution.
- b) If every member of the executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 26 of this Constitution.
- c) If the exercise of an executive function has been delegated to a committee of the executive, an individual member or an officer, and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Section 26 of this Constitution.

## **How are the Executive Meetings Conducted?**

### **8.6 Who Presides?**

The Leader will preside at any meeting of the executive or its committees at which they are present, or may appoint another person to do so.

### **8.7 Consultation**

All reports to the executive from any member of the executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

### **8.8 Who can put items on the executive agenda?**

The Leader will decide upon the schedule for the meetings of the executive. The Leader may put on the agenda of any executive meeting any matter which they wish, whether or not authority has been delegated to the executive, a committee of it or any member or officer in respect of that matter. The Chief Executive will comply with the Leader's requests in this respect.

## **9 Cabinet Portfolios**

### **9.1 Leader of the Council Areas of Responsibility**

- a) Overall strategy and delivery of agreed Council priorities and objectives.
- b) Oversight of all Cabinet responsibilities.

- c) Building and developing relationships with partners at a local, regional, national and international level to pursue matters of interest to the Council and the community.
- d) Representing the interests of the Council and the wider community on the Local Enterprise Partnership, East Midlands Councils, and other key strategic local, regional and national bodies.
- e) Oversight of the Council's Partnership and Collaboration Agreements with key partners.
- f) Building and maintaining positive relationships with and between elected Members and employees.
- g) Promoting and encouraging effective corporate governance and the highest standards of probity.
- h) Emergency Planning.
- i) Responding to the 'Cost of Living' crisis.

### **9.2 Corporate Resources and Performance Portfolio Areas of Responsibility**

- a) Deputising for the Leader in all matters.
- b) Budget strategy, financial management and local taxation.
- c) Asset Management, including the Council's investment property, sales and purchase of land.
- d) Information and Communications Technology, including digitalisation.
- e) Human resources, staff development and welfare.
- f) Customer experience and insight.
- g) Democratic services, governance.
- h) Member training and development.
- i) Communications and Social Media relations.

- j) Commercialisation, marketing and promotion.
- k) Transformation of Council Services.

## **9.3 Environmental Services Portfolio Areas of Responsibility**

- a) Maintenance of cemeteries and allotments.
- b) Waste management and recycling.
- c) Street cleansing.

## **9.4 Public Protection Portfolio Areas of Responsibility**

- a) Community protection, crime reduction and safeguarding.
- b) Modern slavery and hate crime.
- c) Food hygiene.
- d) Health and safety refutation.
- e) Private Sector housing and selective licensing.
- f) Environment prosecutions and enforcement.

## **9.5 Climate Change and Natural Habitat Portfolio Areas of Responsibility**

- a) Carbon management and climate change.
- b) Carbon sequestration (offsetting) through blue/green infrastructure.
- c) Maintenance and development of parks and open spaces.
- d) Provision of play parks, pitches and other play facilities.
- e) Tree planting, woodland and wildflower meadow areas.
- f) Air and water quality.
- g) Flood mitigation.

## **9.6 Sustainable Growth and Economy Portfolio Areas of Responsibility**

- a) Planning policy, development management, building control and land charges.
- b) Strategic development framework, including transport and community infrastructure, walkways and cycle-paths.
- c) Strategic Housing and addressing empty homes.
- d) Business growth, economic development, and inward investment.
- e) Workforce development, employment and skills opportunities.
- f) Town and local centre economy.

## **9.7 Lifestyles, Health and Wellbeing Portfolio Areas of Responsibility**

- a) Leisure Centres
- b) Sports Development and physical activity.
- c) Arts and culture, including Bonington theatre/cinema.
- d) Health Promotion and development.
- e) Social prescribing partnerships.
- f) Loneliness and isolation.
- g) Mental health, including dementia support.

## **9.8 Communities and Place Portfolio Areas of Responsibility**

- a) Heritage.
- b) Community Events.
- c) Engagement with the voluntary sector.
- d) Parish Council liaison.
- e) Senior's Council and other engagement forums.



- f) Rural affairs.

## **9.9 Life Chances and Vulnerability Portfolio Areas of Responsibility**

- a) Housing benefits and homelessness.
- b) Equalities, diversity and inclusion.
- c) Refugees and resettlement.
- d) Member champion for women and the disabled.
- e) Domestic violence.
- f) Social mobility, including linkages to its markers of health, education, housing, income, race and gender.
- g) Engagement and consultation with young people, including play, events and addressing child poverty.
- h) Youth Council and Youth Mayor.
- i) Youth unemployment and apprenticeships, including working with schools.

## **Delegations**

The Leader of the Council is empowered to exercise all executive functions of the Council.

### **10.1 Delegation to Executive**

The Executive is authorised to make new or replacement appointments to outside bodies which fall to be made from time to time during the year.

### **10.2 Delegations to Executive Members**

All Portfolio holders have the authority to:-

- a) Make all executive decisions, within their area of responsibility, on matters which are not reserved to Cabinet and within the limitations of the Financial Procedure Rules.
- b) Monitor service performance, within their area of responsibility and take action to improve performance where necessary, in conjunction with the relevant Director.

- c) Respond to consultation documents received by the Council within their area of responsibility.
- d) Approve policies and procedures within their area of responsibility.
- e) Authorise the commencement of any proceedings in connection with any offences within their area of responsibility.
- f) Determine fees and charges within their area of responsibility.
- g) Make recommendations to the Cabinet, within their area of responsibility, on matters reserved to Cabinet.

When taking decisions, professional advice from officers, including the statutory officers, should be taken into account.

### **10.3 Delegation to Officers**

The Leader has established an executive scheme of delegation which authorises certain executive matters to be delegated to officers. The Executive Scheme of Delegation can be found in Section 19 of this constitution.

### **11 Rules of Procedure**

- a) Paragraphs 4.7.2, 4.7.7, 4.7.13(d), 4.7.17, 4.7.18, 4.7.19, 4.7.20, 4.7.21, 4.7.22, 4.7.28, and 4.7.29 of the rules and procedure for Council (Section 4 of this constitution) shall apply to meetings of the Executive as they apply to Council meetings.
- b) References to "the Mayor and Deputy Mayor" shall apply to the Chair and Vice-Chair respectively of the Executive and references to the "Council Chamber" shall apply to the room in which the meeting is held.