

7 Article 7 – The Executive

7.1 Composition

The Executive shall consist of a Leader, together with a number of other Councillors appointed by the Council to the Executive to form a Cabinet.

7.2 General statement of functions

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.

7.3 The Leader

The Leader shall be a Councillor elected to the position of Leader by the Council annually at its Annual General Meeting.

7.4 The Cabinet

The Cabinet will consist of Councillors elected to the position of Executive Member by the Council annually at its Annual General Meeting.

7.5 Membership of the Cabinet shall reflect the political balance and proportion of seats held by each political group on the Full Council.

7.6 The Council shall determine annually at its Annual General Meeting the number of Councillors, which shall be at least two and not more than nine, to be appointed to the Executive to form a Cabinet in addition to the Leader.

7.7 Period of office and grounds for removal

The Leader and each Executive Member shall hold office until the end of the municipal year (which for the purposes of this provision shall be construed as running from the start of Annual Council to the start of the next Annual Council) for which they were appointed unless he or she –

- (a) resigns from that office;
- (b) is suspended from being a Councillor under or by virtue of Part III of the Local Government Act 2000, in which case they shall not hold office for the period of any such suspension;
- (c) ceases to be a Councillor for whatever reason or becomes disqualified from holding office as a Councillor;
- (d) is removed from office, individually or collectively, before the end of that term by resolution of the Council, but this may only

take place in the event of a change of political control of the Council; or

- (e) is required to cease holding office by a lawful change to this Constitution.

7.8 Powers of the Executive

The Leader and individual Executive Members shall have the capacity to exercise such decision-making powers as may be provided for under the Executive Delegations scheme approved by the Full Council and set out at Appendix 4 to this Constitution.

7.9 The Executive shall not appoint substitute Members.

7.10 Subject to Article 7.11, the Executive may appoint any person that it considers appropriate to assist an Executive Member, to attend any meeting of the Executive, or to speak on behalf of an Executive Member in their absence.

7.11 A person appointed to assist with any matter under Article 7.10 shall not-

- (a) hold any voting rights on the Executive;
- (b) take decisions on behalf of the Executive, and Member of the Executive or the Leader; or
- (c) take any part in any review, scrutiny or other consideration of that matter by the Overview and Scrutiny Committee, or of any of its Sub-Committees or Panels.

7.12 Specific Functions and Responsibilities of the Executive

(a) Community leadership

The Executive will-

- (i) lead the Community Planning process through the Area Committee structure or such other structure as the Council may from time to time determine;
- (ii) establish District-wide and local community alliances and partnerships to address local needs;
- (iii) prepare the North Devon Community Strategy; and
- (iv) make appointments to outside bodies in connection with functions which are the responsibility of the Executive.

(b) Best Value

The Executive will-

- (i) be responsible for the performance of the Council's general duty on Best Value;
- (ii) prepare and publish an annual Best Value Performance Plan;
- (iii) determine a programme of Best Value Service Reviews; and
- (iv) conduct Best Value Service Reviews and make such decisions as it considers necessary to implement the outcomes of any such Review, giving reasons for any decision not to implement any of its recommendations;

(c) Policy Framework and Budget

The Executive will-

- (i) lead the preparation of the Policy Framework and Budget of the Council;
- (ii) take decisions to implement the Policy and Budget Framework, within its own powers and functions and in accordance with the Scheme of Delegations approved by the Full Council;
- (iii) consider any report of the Overview and Scrutiny Committee on the review, or the development, of any policy;
- (iv) require the Leader of the Executive to prepare and publish, on a monthly basis, a Forward Plan which outlines the key decisions to be made within the four month period to which the plan refers.

(d) Operations

The Executive will: –

- (i) discharge any functions of the Council except –
 - (A) those functions described in Appendices to this Constitution as non-Executive functions or Local Choice functions not allocated to the Executive; and
 - (B) any other functions which are retained to the Full Council either by law or by resolution of the Full Council; and
- (ii) determine service level targets and monitor the performance of service delivery against both statutory and locally determined performance indicators.

7.13 Reports to the Executive

The Executive will receive reports-

- (i) on policy development, policy review or policy amendment from the Leader or Executive Member responsible for that policy Portfolio;
- (ii) on policy implementation, resource requirements, service operational issues and service performance from the Corporate Manager or appropriate officer holding responsibility for that Service;
- (iii) on the outcome of any Best Value Service Review; and
- (iv) of scrutiny of any decision of the Executive by the Overview and Scrutiny Committee, from the Chairman of that Committee.

7.14 Meetings of the Executive

All meetings of the Executive shall be open to the public and press, except that the Executive may exclude the public and press –

- (i) when confidential information is to be discussed;
- (ii) when exempt information within the meaning of Schedule 12A of the Local Government Act 1972 is to be discussed;
- (iii) when the meeting is to receive advice from a political advisor or assistant; or
- (iv) to maintain public order to prevent misbehaviour, and as provided by Article 3.6 of this Constitution.

7.15 Principles of Executive Decisions

In making any decision, the Executive will have regard to the following principles -

- (i) proportionality, that is, the need for any action taken to be proportionate to the desired outcome;
- (ii) the need for due consultation, and having due regard to professional advice from officers;
- (iii) respect for human rights;
- (iv) a presumption in favour of openness in the discharge of all functions of the Council; and
- (v) clarity of aims and desired outcomes.