

## **ARTICLE 7 - THE EXECUTIVE**

### **7.01 Role and Responsibilities**

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 and the local choice functions set out in Part 3 of this constitution.

Where the Leader or the Executive are responsible for an Executive Function they may delegate that function pursuant to section 15 of the Local Government Act 2000 as set out in Part 3 of this constitution which sets out which individual members of the Executive, committees of the Executive, officers or joint arrangements are responsible for the exercise of particular Executive functions

### **7.02 Form and Composition**

The Executive will consist of between three and 10 Councillors and will include the Leader of the Council appointed by the Council. The other members of the Executive will be appointed by the Leader of the Council including a Deputy Leader.

### **7.03 Leader**

The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until:

- (a) he/she resigns from the office or as a Councillor; or
- (b) he/she is disqualified from being a Councillor; or
- (c) the next Annual Council meeting after completing his/her term of office as a Councillor or until such other date as the Council may specify; and
- (d) he/she is removed from office by resolution of the Council.
- (e) if removed from office by virtue of any regulations made pursuant to the Local Government Act 2000 or the Localism Act 2011

NB: The person who is elected as Leader of the Council remains a member of the Council during the period that he or she is appointed as Leader of Council, except where the person ceases to be Councillor by virtue of resignation or disqualification.

### **7.04 Deputy Leader**

The Leader will appoint a Deputy Leader of the Council from among those Councillors appointed to the Executive. The person appointed as Deputy Leader shall, unless they resign as Deputy Leader, hold office until the end of any term of office of the Leader of the Council specified by the Council.

The Deputy Leader may be removed from office by the Leader of the Council if the latter thinks fit and the Leader must then appoint another person to be Deputy Leader.

### **7.05 Deputy Leader – Powers to Act**

If, for any reason, the Leader of Council is unable to act or that office is vacant, the Deputy Leader must act in the Leader of Council's place.

#### **7.06 Leader and Deputy Leader – Unable to Act**

If, for any reason, the Leader of the Council 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 a member of the Executive to act in the Leader's place until such time that the Council appoints a new Leader of Council.

#### **7.07 Other Executive Members**

Other executive members shall hold office until:

- (a) they resign from office or as a Councillor; or
- (b) they are disqualified as Councillors;
- (c) the next Annual Council meeting but may be re-appointed the Leader of the Council for further terms of office; and
- (d) they are removed from office, either individually or collectively, by the Leader of the Council.

#### **7.08 Portfolio Holder Assistants**

The Leader of the Council shall also, at his or her discretion, appoint Portfolio Holder Assistants on an annual basis in accordance with the Executive Procedure Rules contained in the Constitution.

#### **7.09 Proceedings of the Executive**

Proceedings of the executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

Any function which is the responsibility of the Executive may not be discharged by the Council.

The Cabinet is responsible for determining the content of the plans and strategies not requiring the assent of the Full Council.

The Cabinet is responsible for proposing to Council the adoption of plans and strategies reserved to the Council by statute or this Constitution.

#### **7.11 Portfolio Holder Advisory Groups**

... For the purposes of carrying out any Executive function any member of the Executive may convene a Portfolio Holder Advisory Group. Details of the arrangements for such groups are set out in the Appendix 1 to this Article.

#### **7.12 Executive Committees**

The Cabinet may, from time to time, appoint Committees comprising solely members of the Cabinet to assist in the carrying out of the terms of reference. These shall be

reviewed annually and re-appointed as appropriate. Details of current Cabinet Committees and their Terms of Reference are set out in Appendix 2 to this Article

### **7.13 Assistant Portfolio Holders**

The Leader of the Council may appoint Assistant Portfolio Holders who shall –

- (a) assist the designated Cabinet Member in shaping and developing the strategic priorities of the Council as it relates to the allocated portfolio.
- (b) assist the designated Cabinet Member in monitoring performance in specified areas relating to the allocated portfolio.
- (c) where appropriate and where permissible under the Council's Constitution, represent the designated Cabinet Member at meetings or visits.

Such appointments shall be at the discretion of the Leader and shall be notified to Council at its Annual Meeting. The term of office of any Assistant Portfolio Holders shall be for one year from the Annual Council meeting concerned but may be varied by the Leader at any time.

Assistant Portfolio Holders shall not be members of the Cabinet, or any Cabinet Committee and may not exercise any executive powers. Assistant Portfolio Holders may be invited to speak at Cabinet or Cabinet Committee meetings on matters where they assisted Cabinet members but may not vote.

**ARTICLE 7  
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APPENDIX 1**

**PORTFOLIO HOLDER ADVISORY GROUPS**

**1. Purpose of Portfolio Holder Advisory Groups**

Portfolio Holder Advisory Groups may be established for the purpose of advising members of the Executive on executive functions.

- (a) It shall be competent for a member of the Executive, whether acting on a personal basis under the terms of the scheme of delegation approved by the Cabinet or in any other connection, to establish such advisory groups.
- (b) Such groups may comprise members of the Executive, other members of the Council, representatives of other organisations, officers of this or other Councils or individual members of the community;
- (c) Each political group represented on the Council shall be invited to submit a representative to serve on any such group;
- (d) Advisory Groups may be established to carry out the following tasks:
  - (i) to advise a member of the Cabinet on the exercise of executive functions, including decision-making;
  - (ii) to act as a means of consultation on executive functions between the Cabinet member and the Council and the local community; and
  - (iii) to assist the Executive in developing or reviewing services or policy.

**2. Limitations on the Operation of Advisory Groups**

- (a) Advisory Groups shall be advisory only and may not exercise any decision-making powers, these being vested in the Executive in accordance with the Constitution;
- (b) The Executive will, through the appropriate member of the Cabinet, ensure that the Overview and Scrutiny Committee are advised of the establishment of such a group and of the outcome of its discussions;
- (c) Advisory Groups shall be reviewed annually and disbanded once their allotted tasks are completed; and
- (d) The Executive will record the advice of the Advisory Group and indicate its response to views expressed in the recording of its decisions.

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**APPENDIX 2**

**COMMITTEES OF THE EXECUTIVE - TERMS OF REFERENCE**

**1. FINANCE AND PERFORMANCE MANAGEMENT**

- 1.1 To advise and make recommendations to the Cabinet on the annual budget for Council services, the Capital Programme and the setting of the Council tax.
- 1.2 To monitor expenditure by the Cabinet and other Committees within the framework of the Council's budgetary policy and financial objectives and to keep the Cabinet informed of the Council's overall position.
- 1.3 To consider the financial management aspects of the annual Statutory Statement of Accounts, in particular, any significant variations from the Council's budget for the year in question and the medium term financial strategy.
- 1.4 To receive final draft reports from External Audit (including the Audit Management letter and the External Audit Plan) from time to time received by the Council and to make recommendations thereon to the Cabinet.
- 1.5 To consider the work programme of Internal Audit and to make recommendations thereon to the Audit and Governance Committee.
- 1.6 To advise and make recommendations to the Cabinet on risk management and insurance issues.
- 1.7 To be responsible for corporate performance management and the preparation of any plans related to this function.
- 1.8 This Committee comprises no less than 5 Cabinet members and is chaired by the Portfolio Holder for Finance and Economic Development. A Vice-Chairman may also be appointed by the Council from members of the Cabinet.

**2. NORTH WEALD AIRFIELD AND ASSETS MANAGEMENT CABINET COMMITTEE  
NEW TERMS OF REFERENCE**

- 2.1 To monitor and submit recommendations to the Cabinet as appropriate on:
  - (a) Strategic land use issues relating to the future development of the Airfield
  - (b) Strategic matters relating to the business, recreational and other activities conducted there
  - (c) Proposals for redevelopment of the Airfield or its disposal
- 2.2 The Committee's terms of reference shall not extend to decision-making on existing Council activities on the site which shall remain the prerogative of the relevant Portfolio Holders within the Cabinet or the Cabinet itself.

- 2.3 The Committee is chaired by the Portfolio Holder for Finance and Economic Development and a Vice-Chairman will be appointed by the Council from members of the Cabinet.
- 2.4 To consider and make recommendations to the Cabinet, on proposals brought forward by the officers' Asset Management Co-ordinating Group in respect of Council-owned property assets which are suitable for disposal, redevelopment or rationalisation in order to secure a financial return to the Council or an improvement in service provision and
- 2.5 In carrying out its responsibilities under 2.4 above, the Cabinet Committee shall have regard:
- (i) to the impact of the LDF Spatial Strategy as it develops;
  - (ii) to the opportunities for disposing of property where it is in the best interest of the District for these to be transferred to more appropriate ownership or disposed of by leasehold in order to secure a financial return to the Council;
  - (iii) to the suitability of sites for transfer to registered social landlords;
  - (iv) to partnership schemes which would either assist in the delivery of infrastructure projects or unlock the potential of property holdings of partner bodies.

### **3. LOCAL PLAN CABINET COMMITTEE – TERMS OF REFERENCE**

- 3.1 To oversee and submit recommendations to the Cabinet as appropriate on:
- (a) agreement of documentation for consultation on the draft plan/preferred option and documentation to seek pre-submission representations on the proposed Local Plan;
  - (b) the final form of the Council's Local Plan (i.e. the version to be submitted to the Planning Inspectorate for Examination in Public); and
  - (c) responses that should be made to any representations received following consultation on the Local Plan and related documents and supplementary planning documents.
- 3.2 To be responsible for all aspects (except those matters specified in 3.1 above) including but not restricted to:
- (a) monitoring of the achievement of milestones within the Local Plan and Community Infrastructure Levy preparation and review process;
  - (b) agreement of engagement strategies for consultation periods as necessary;
  - (c) agreement of documentation for consultation on the Issues and Options; and
  - (d) agreement of draft options and policy wording to be used as the basis for Sustainability Appraisal.
- 3.3 To note, receive and, if necessary, agree officer reports on consultants' studies which contribute to the establishment of an up-to-date evidence base to influence preparation of the Local Plan.

3.4 To agree options for joint or co-ordinated working with neighbouring Councils, which comply with the Council's duty to co-operate and which best meet the needs of this District.

3.5 To respond to the Planning Services Standing Scrutiny Standing Panel as appropriate.

3.6 To monitor within the budgetary provision for the Local Plan, as approved by the Cabinet and the Council.

3.7 The membership of the Committee will comprise of members of the Cabinet, the number to be determined by the Leader of the Council.

3.8 That the Committee will be chaired by the Portfolio Holder responsible for Planning matters.

N.B. (1) In the event that the Council's Cabinet is constituted according to the pro rata membership requirements of the Local Government and Housing Act 1989, any political group not having representation on the Committee by virtue of one of the named Cabinet portfolios shall nominate one member of the Cabinet to serve on this Committee.

(2) In the event that seats on the Cabinet are allocated by the Leader of Council solely to one political group, or to an alliance of one or more groups forming an administration, seats on the Sub Committee shall only be allocated to members of that group or alliance who have seats on the Cabinet.

#### **4. HOUSEBUILDING**

(a) To consider and recommend to the Cabinet the Development Strategy for the Council's Housebuilding Programme on an annual basis;

(b) To consider and sign-off development appraisals and financial appraisals produced by the Council's appointed Development Agent for sites previously identified by the Cabinet as having development potential and that could be included within the Council's Housebuilding Programme;

(c) To approve the submission of detailed planning applications, and/or if more appropriate outline planning applications, by the Council's appointed Development Agent for sites that the Cabinet Committee considers are suitable for development and viable, having regard to the development appraisals and financial appraisals for the sites;

(d) To invite ward members to attend meetings of the Cabinet Committee when potential development sites in their ward are under consideration, and to provide an opportunity for ward members to provide comments on proposed developments, before development appraisals and financial appraisals are signed-off and approvals to submit planning applications are given;

(e) To approve the subsequent development of sites considered suitable for development and viable that receive planning permission, subject to the acceptance of a satisfactory tender for the construction works;

(f) To approve, and include within financial appraisals, the use of the following sources of funding for the development of individual sites within the Council's Housebuilding Programme:

(i) the agreed Housing Capital Programme Budget for the Housebuilding Programme;

- (ii) capital receipts made available through the Council's Agreement with the Department of Communities and Local Government allowing the use of receipts from additional Right to Buy (RTB) sales as a result of the Government's increase in the maximum RTB Discount to be spent on housebuilding;
- (iii) financial contributions received from developers for the provision of affordable housing within the District, in lieu of on-site affordable housing provision, in compliance with Section 106 Planning Agreements; and
- (iv) grant funding received from the Homes and Communities Agency;
- (g) To approve the submission of the Council's Pre-Qualification Questionnaire to the Homes and Communities Agency (HCA), applying for Investment Partner status with the HCA;
- (h) To consider and accept tenders received for the construction works on sites included within the Council Housebuilding Programme;
- (i) To determine whether, in addition to the potential development sites already considered by the Cabinet, sites with development potential within the following categories should be added to either the Housebuilding Programme's Primary List or Reserve List and detailed development appraisals and financial appraisals undertaken by the Council's Development Agent:
  - (i) other specific garage sites comprising 6 or less garages;
  - (ii) specific garage sites where garage vacancies arise with no waiting list of applicants; and
  - (iii) specific areas of Council-owned land on housing sites considered to be surplus to requirements;
- (j) To determine whether sites on the Reserve List of potential development sites previously agreed by the Cabinet should be promoted to the Primary List, and detailed development appraisals and financial appraisals undertaken by the Council's Development Agent, due to:
  - (i) there being insufficient numbers of properties that can be viably developed from the Primary List of potential development sites to deliver a Housebuilding Programme of 120 new homes over a six-year period; and/or
  - (ii) the Cabinet subsequently deciding to increase the size of the Housebuilding Programme and there being insufficient numbers of properties that can be viably developed to deliver a larger Programme;
- (k) to monitor and report to the Cabinet on an annual basis:
  - (i) progress with the Council Housebuilding Programme; and
  - (ii) expenditure on the Housing Capital Programme Budget for the Council Housebuilding Programme, ensuring the use (within the required deadlines) of the capital receipts made available through the Council's Agreement with the Department of Communities and Local Government allowing the use of receipts from additional



Right to Buy (RTB) sales as a result of the Government's increase in the maximum RTB Discount to be spent on housebuilding.

4.3 The Committee will comprise the Portfolio Holders determined by the Leader

4.4 The Cabinet Committee will meet as and when required, as determined by the Housing Portfolio Holder in consultation with other Committee members.