

## **ARTICLE 6 - THE LEADER OF THE COUNCIL AND THE EXECUTIVE**

### **1 Role**

- 1.1 The Council has adopted the Leader and Executive (England) governance model for its executive (decision-making) arrangements. The Leader of the Council is responsible for the discharge of such functions which fall within the responsibility of the Executive of the Council i.e. all functions which, by law, must be the responsibility of the Executive, or which are not the responsibility of any other part of the Council, whether by law or under this Constitution ('executive functions'). The Leader may make such arrangements as the Leader thinks fit from time to time for the delegation and discharge of executive functions.

### **2 Form and Composition of the Executive**

- 2.1 The Leader of the Council is responsible for the appointment of the Executive which will consist of the Leader and not less than 2 and no more than 9 other Councillors, as determined by the Leader. (The current City of York Council Executive consists of 9 Councillors). The Leader will allocate areas of political responsibility to members of the Executive as the determined by the Leader from time to time. The Leader may change the size of Executive (within the above parameters) and appointments to it at any time. Executive Member portfolios are set out in Appendix 1. The Leader's powers of removal and appointment shall be exercisable by the Leader giving written notice to the Monitoring Officer.
- 2.2 Only Councillors may be appointed to the Executive by the Leader as above and there may be no co-optees and no deputies nor substitutes for Executive Members on the Executive.
- 2.3 Neither the Lord Mayor of York nor the Sheriff of York will be appointed to the Executive. Members of the Executive will not serve on the Overview and Scrutiny Committees or exercise scrutiny functions.

2.4 The Executive is not a Committee of the Council. Its composition is not required to be in accordance with the political balance of the Council.

2.5 The Executive collectively, or individual members of the Executive, or Officers, or in accordance with joint arrangements, will be responsible for the discharge of such functions of the Executive as are allocated by the Leader of the Council from time to time set out in Appendix 1 of this Constitution.

### **3 The Leader of the Council**

3.1 The Leader of the Council will be a Councillor elected to that position by Full Council for a term of four years or the balance of their current term of office as a Councillor. The Leader will hold office until the first meeting of the Council following the next regular election unless they:

- a. resign from the Office of Leader; or
- b. is disqualified from being or remaining a Councillor, or they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- c. is no longer a Councillor for any reason; or
- d. is removed from office by an ordinary resolution on notice by the Council at any time during the Leader's term of office (and in which case Council will elect a new Leader at that or a subsequent meeting) (see Council Procedure Rule 11); or
- e. the time period for which they were appointed has elapsed.

### **4 The Deputy Leader**

4.1 One of the members of the Executive will be designated by the Leader as Deputy Leader, to hold office until the end of the Leader's term of office, unless the Deputy Leader resigns,

ceases to be a member, is disqualified, or is removed by the Leader at any time.

- 4.2 If for any reason the Leader is unable to act, or the office of Leader is vacant, the Deputy Leader must act in the Leader's place. If the Deputy Leader is unable to act or the office is vacant, the Executive must act in the Leader's place or arrange for a member of the Executive to do so.

## **5 Other Executive Members**

- 5.1 An Executive Member shall hold office on the Executive until they:

- a. resign from office;
- b. are disqualified from being or remaining a Councillor, or they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);
- c. are no longer a Councillor for any reason; or
- d. are removed from office by the Leader of the Council under paragraph 2.1 above.

- 5.2 If any Executive Member, including the Leader, fails for 6 months to attend any meeting of the Executive, or any committee of it, then unless the failure was due to some reason approved by or on behalf of the Council, they shall cease to be a member of the Council in accordance with the provisions of the Local Government Act 1972. [Note – any Councillor (including a member of the Executive) becomes disqualified if they fail for 6 months to attend any meeting of the Authority without prior approval as above].

## **6 Responsibility for Executive Functions**

- 6.1 The Leader may exercise any Executive function.

- 6.2 The Leader will decide on the number, and extent of areas of responsibility of Executive Members and will decide on which members of the Executive such areas of responsibility shall be allocated.
- 6.3 The Leader will decide the extent to which responsibility for formal decision-making for functions of the Executive is held collectively by the Executive, by individual members of the Executive or officers.
- 6.4 Appendix 1 sets out the functions assigned to the Executive and Officers.
- 6.5 Unless delegated to an individual Officer or Executive Member, the Leader may determine that the responsibility of the Executive for the exercise of an executive function and decision-making is collective.
- 6.6 The Leader may at any time delegate any responsibility of the Leader, or the Executive, for the exercise of an executive function to any Executive Member with responsibility or any other individual member of the Executive, or Officer.
- 6.7 The Leader or Executive, in relation to an executive function, may specify that a particular decision which would otherwise fall within a power delegated to an Officer, in accordance with the Scheme of Delegation to Officers, shall not be exercised by that Officer, but shall be reserved or referred to the Leader, Executive or an individual Executive Member for that decision to be made.
- 6.8 An Officer may decide not to exercise any executive function delegated to them and invite the Leader or Executive to take a particular decision in relation to that function.

## **7 Proceedings of the Executive**

- 7.1 Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Appendix 4 of this Constitution.

**8 Committees of the Executive**

- 8.1 The Executive shall have power to establish one or more Committees of the Executive and to delegate powers to any such Committees which will be detailed in Appendix 1 of this Constitution.