

Article 7 – The Executive

References:

*Section 11 and schedule 1 paragraphs 1, 2, 3, Local Government Act 2000
Chapters 4, 14 and 15, DETR Guidance*

7.01 Role

The executive will carry out all of the authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.02 Form and composition

The executive will consist of the executive leader together with nine councillors appointed to the executive by the Council.

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
- (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a councillor; or
- (d) the next Annual Meeting of the Council unless removed from office by resolution of the Council.

7.04 Other executive members

Only councillors may be appointed to the executive. There may be no co-optees and no deputies or substitutes for executive members. Neither the Mayor nor Deputy Mayor may be appointed to the executive and members of the executive (including the leader) may not be members of an overview and scrutiny committee.

Other executive members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or

- (c) they are no longer councillors; or
- (d) the next Annual Meeting of the Council unless they are removed from office, either individually or collectively, by resolution of the Council.

7.05 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.

7.06 Responsibility for functions

The leader will maintain a list in Part 3 of this Constitution setting out which individual members of the executive, committees of the executive, area environment sub-committees, officers or joint arrangements are responsible for the exercise of particular executive functions.

7.07 Executive arrangements in the event of no leader being elected

If a situation arises where no political party has overall control on the Council and the Council is unable to elect a leader the following arrangements will apply:

- i. The leaders of the political parties represented on the Council will form a Cabinet.
- ii. The Council will set the policy framework and budget and delegate power to the Chief Executive and other officers to take the majority of executive decisions, under political guidance from the Cabinet.
- iii. The Chief Executive and Cabinet will be held to account by the Cabinet Overview and Scrutiny Committee.
- iv. The Chief Executive will be responsible for ensuring the introduction of these arrangements in the circumstances set out.

7.08 Assistant Cabinet Members

Other Councillors may, from time to time, be designated by the Leader as Assistant Cabinet Members. Such Councillors will not be a member of the Executive and will not participate in Executive decision making but may work closely with an Executive Member. He or she will not be a member of the Business Management Overview and Scrutiny Sub-Committee, nor any Overview and Scrutiny, Panel, Task and Finish Group relating to the specific responsibilities of the Executive Member he or she is assisting or any other area to which they are assigned, but will be able to serve on unrelated Overview and Scrutiny, Panel, Task and Finish Groups.

An Assistant Cabinet Member may represent the relevant Executive Member at briefing meetings. He or she will not have delegated powers and will not be entitled to speak or vote at Cabinet meetings or Cabinet Committee meetings nor deputise for the Cabinet Member when the Cabinet Member is called to appear at Overview and Scrutiny Committees.

The Leader will advise the Democratic Services Manager in writing of the names of designated Assistant Cabinet Members and of the Cabinet Member they will assist. The Democratic Services Manager will report the designation to the next meeting of the Council.

7.09 Observer/Adviser Status

The Leader may offer observer/adviser status at Cabinet and Cabinet Committee meetings to the Barnet Primary Care Trust. The granting and acceptance of such status would enable the Chief Executive of the Barnet Primary Care Trust to attend meetings of the Executive and sit with Officers in order to observe the proceedings and speak on matters which fall within or are relevant to the scope of the public responsibilities of the Barnet Primary Care Trust and/or the Chief Executive's own professional expertise.

The right for the Chief Executive of the Barnet Primary Care Trust to attend Executive meetings in this capacity would also extend to the part of such meetings from which the press and public are excluded under Section 100A(4) of the Local Government Act 1972, insofar as the matters under consideration fall within or are relevant to the scope of the public responsibilities of the Barnet Primary Care Trust and/or the Chief Executive's own professional expertise. The Chief Executive of the Barnet Primary Care Trust will not be entitled to vote on any item of business or procedural issue being considered by the Cabinet or Cabinet Committee and will be asked to sign an appropriate confidentiality agreement in relation to information and discussions disclosed in the part of any meeting from which the press and public are excluded.