

Article 6 – The Elected MayorLeader of the Council and CabinetExecutive

(References: Section 9C, 9E and Schedule A1 (paragraphs 1, 2 and 3), Local Government Act 2000
Sections 44 and 67, Local Government and Public Health Involvement Act 2007)

6.01 Membership and Composition of the CabinetExecutive

The CabinetExecutive will consist of a maximum of ten members including:

- (i) the Leader of the CouncilElected Mayor; and
- (ii) at least two but no more than nine councillors appointed to the CabinetExecutive by the Leader of the CouncilElected Mayor.

Only councillors may be appointed to the Cabinet. There may be no co-optees, deputies nor substitution of Cabinet members. Neither the Chairman/woman nor Vice-Chairman/woman of the Council may be appointed to the Cabinet. Members of the Cabinet may not be members of the Audit Committee and the Overview and Scrutiny Board or its sub-committee(s).

6.02 Role of CabinetExecutive

The CabinetExecutive ~~and its members (including the Elected Mayor)~~ are-is at the heart of the day-to-day decision-making process and have a key role in proposing the budget and policy framework to the Council (having taken into account the views of the Overview and Scrutiny Board or any of its committees). The ExecutiveCabinet leads the implementation of Council policy within the Council's budget and policy framework and carries out all the Local Authority's functions which are not the responsibility of any other part of the Authority, whether by law or under this Constitution.

The CabinetExecutive will lead the Council's corporate priority setting~~community planning process and the search for Best Value~~ with input from the Overview and Scrutiny Board and other appropriate persons. It will be the focus of forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

6.03 The Leader of the CouncilElected Mayor

- (a) Roles and Functions

The Leader of the CouncilElected Mayor will carry out the roles laid down in the Elected Mayor'sLeader of the Council's Job Description as set out in Part 6 of this Constitution.

- (b) Elected MayorTerm of office

The Leader of the Council as member of the Council will be a councillor elected by the Council at the first annual meeting following the date of whole council elections. If the Council fails to elect the Leader of the Council at the annual meeting following the date of the whole council elections, the Leader is to be elected at a subsequent meeting of the Council. The Leader of the Council's term of office starts on the day of his/her election as Leader, continues for a four year term and ends on the day of the next annual meeting of the Council following the next whole council elections, unless:

- (i) he/she is removed from office by an ordinary resolution of the Council following the receipt of a Notice of Motion; or
- (ii) he/she resigns from the office (by notice in writing to the Chief Executive); or
- (iii) he/she ceases to be a councillor; or
- (iv) they are no longer qualified to be a member of the Council by virtue of Section 79 or Section 80 of the Local Government Act 1972 (see Article 2, paragraph 2.01(b)).

~~The Elected Mayor will be treated as a councillor unless the law or context requires otherwise.~~

~~In particular, the Elected Mayor:~~

- ~~(i) is subject to the same rules about qualification and disqualification as any other councillor;~~
- ~~(ii) must follow the rules about disclosure of interests and comply with the Code of Conduct for Members set out in Part 5 of this Constitution;~~
- ~~(iii) may be a member of, attend and speak at any meeting of the Council, its committees and sub-committees, except the Overview and Scrutiny Board and its sub-committees (the Elected Mayor may only speak at a meeting of the Overview and Scrutiny Board or its sub-committees or Standards Committee when invited to do so and may not vote at those meetings);~~
- ~~(iv) will not be taken into account when calculating seat allocations on committees and sub-committees;~~
- ~~(v) is subject to the Members' Allowances Scheme set out in Part 6 of the Constitution; and~~
- ~~(vi) is subject to the same rules about casual vacancies as apply to all councillors.~~

~~(c) Title of Elected Mayor~~

~~The title of Elected Mayor may only be used by the elected mayor.~~

~~(d) The Elected Mayor and Civic/Ceremonial Precedence~~

~~Paragraph 4.06 of Article 4 sets out the Council's arrangements for first citizen and civic and ceremonial precedence.~~

6.04 The Executive~~Other Cabinet members other than the Elected Mayor~~

Torbay Council – Constitution Article 6 – The ~~Elected Mayor~~Leader of the Council and Cabinet Executive

~~(a)~~ Composition

~~Only councillors may be appointed to the Executive. There may be no co-optees, deputies nor substitution of Executive members. Neither the Chairman/woman nor Vice-chairman/woman of the Council may be appointed to the Executive. Members of the Executive may not be members of the Overview and Scrutiny Board or its sub-committee(s).~~

~~(a)~~ Term of Office

Members of the Cabinet Executive will hold office until ~~the earliest of the following:~~

- (i) their appointment is terminated by the Leader of the Council~~Elected Mayor~~ (in accordance with paragraph ~~(c)~~ below); or
- (ii) the Leader of the Council is removed from office by an ordinary resolution of the Council; or
- (iii) they resign from the Cabinet Executive (by notice in writing to the Chief Executive and copied to the Leader of the Council~~Elected Mayor~~); or
- ~~(iii) the Elected Mayor's term of office comes to an end (for whatever reason); or~~
- (iv) they cease to be a councillor; or
- (v) they are no longer qualified to be a member of the Council by virtue of Section 79 or Section 80 of the Local Government Act 1972 (see Article 2, paragraph 2.01(b)).

~~(b)~~ Appointment by the ~~Elected Mayor~~Leader of the Council

The size and composition of the Cabinet Executive will be solely a matter for the Leader of the Council~~Elected Mayor~~ to decide. He/she may choose to appoint councillors from any political group on the Council or those not in a political group. The Cabinet Executive need not reflect the political balance of the Council as a whole. The Leader of the Council~~Elected Mayor~~ will give written notice to the Chief Executive of the appointments he/she makes to the Cabinet, the date on which they take effect, any portfolios of functions which have been allocated and which Cabinet member has been appointed as the lead member for Children's Services. ~~The Leader of the Council Executive and~~ will report these appointments to the Council as and when they are made.

~~(c)~~ Removal from office

The ~~Elected Mayor~~Leader of the Council may remove members from the Cabinet Executive as he/she sees fit. He/she will give written notice to the Chief Executive of any changes to the Cabinet Executive, the date on which they take effect, and will report these changes to the Council as and when they are made.

(e) Inability for the whole Cabinet Executive to act

If all the members of the Cabinet Executive are unable to act for any reason, then the Council will appoint an interim Cabinet Executive to discharge the relevant executive functions.

6.05 Deputy Leader~~Mayor~~

(a) Appointment

The Leader of the Council~~Elected Mayor~~ is required to appoint one of the members of the Cabinet Executive to act as Deputy Mayor~~Leader~~. The ~~Elected Mayor~~Leader of the Council will give written notice of such appointment to the Chief Executive and will report this appointment to the Council as and when it is made.~~the appointment to the next meeting of the Council.~~

(b) Term of office

The Deputy Leader~~Mayor~~ will hold office until:

- (i) the end of the Elected MayorLeader of the Council's term of office unless the Deputy Leader~~Mayor~~ is no longer a member of the Authority or the Cabinet Executive; or
- (ii) he/she is removed by the Leader of the Council from the office of Deputy Leader (in accordance with paragraph (d) below); or
- (iii) the Leader of the Council is removed from office by an ordinary resolution of the Council; or
- ~~(iiiiv)~~ he/she resigns as Deputy Leader~~Mayor~~ (by notice in writing to the Chief Executive and copied to the Leader of the Council~~Elected Mayor~~); or
- ~~(ivii)~~ he/she ceases to be a councillor; or
- ~~(iv)~~ he/she is removed by the Elected Mayor from the office of Deputy Mayor (in accordance with paragraph (d) below); or
- ~~(vi)~~ he/she is no longer qualified to be a member of the Council by virtue of Section 79 or Section 80 of the Local Government Act 1972 (see Article 2, paragraph 2.01(b)).

(c) Duties of the Deputy Leader~~Mayor~~

If for any reason the Elected MayorLeader of the Council is unable to act, or the office of ~~elected mayor~~Leader of the Council is vacant, the Deputy Leader~~Mayor~~ will act in his/her place until a new leader~~mayor~~ is elected or again able to act. If the Elected MayorLeader of the Council and Deputy Mayor~~Leader~~ are unable to act or both their offices are vacant then ~~then~~ the remaining members of the Cabinet Executive must act in the Elected MayorLeader of the Council's place, or arrange for a member of the Executive Cabinet to do so.

(d) Removal from office

The Elected MayorLeader of the Council may remove the Deputy Leader~~Mayor~~ from office as he/she sees fit. He/she will give written notice to the Chief Executive of any changes to the office of Deputy Leader, the date on which it takes effect.~~Mayor~~ and will report these changes to the Council as and when they are made.

6.06 Responsibility for functions

The Leader of the Council~~Elected Mayor~~ will maintain the list in Part 3 of this Constitution setting out whether the Executive Cabinet itself or which individual members of the Cabinet Executive, committees of the Cabinet Executive (if any), area committees (if any) of the Authority, officers or joint arrangements (if any) are responsible for the exercise of particular executive functions.

6.07 Committees of the Executive Cabinet and Working Parties

The Executive Cabinet may appoint committees of three or more members of the Executive Cabinet and may, where they have the power to do so, delegate powers to those committees. The Cabinet Executive may appoint working parties comprising members of the Cabinet Executive, other councillors, officers and other persons with relevant knowledge and experience to advise the Cabinet Executive.