

## New executive arrangements

### Suggested amendments to Constitution

Where amendments are suggested to only part of a paragraph, only the relevant part is replicated in the amendment chart below.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Part 1, Summary and Explanation  (How the Council Operates)  Second paragraph, page 12	All Councillors meet together at meetings of the Council which are open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints one Councillor as the Council Leader. The Leader and eight other Councillors appointed by the Council form the Executive. The Council also appoints Committees, including seven area Committees to deal with local matters and nine overview and scrutiny committees to look at the effectiveness of the Executive and help develop Council policy.	All Councillors meet together at meetings of the Council which are open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council elects one Councillor as the Council Leader. The Leader and eight other Councillors appointed by him/her form the Executive. The Council also appoints Committees, including seven area Committees to deal with local matters and nine overview and scrutiny committees to look at the effectiveness of the Executive and help develop Council policy.	To reflect the proposals for new executive arrangements for the Council.
Part 1, Summary and Explanation  (How decisions are made)  Third paragraph, page 12	The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of a Leader appointed by the full Council, and eight other Councillors, who are appointed by the Council. ...  <i>Rest of paragraph to remain the same.</i>	The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of a Leader elected by the full Council, and eight other Councillors, who are appointed by the Leader. ...  <i>Rest of paragraph to remain the same.</i>	To reflect the proposals for new executive arrangements for the Council.  Under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007, the Leader must be elected by the Council and Executive Members may only be appointed by the Leader of the Council.

<b>Provision in Constitution</b>	<b>Current Wording</b>	<b>Proposed Amendment</b>	<b>Reason(s)</b>
<p>Article 4.02(d) Functions of the Full Council Page 23</p>	<p>(d) appointing the Leader and other members of the Executive;</p>	<p>(d) electing the Leader of the Executive;</p>	<p>To reflect the proposals for new executive arrangements for the Council.  Under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007, Executive Members may only be appointed by the Leader of the Council.</p>
<p>Article 7.02, second para (The Executive, Form and Composition) Page 30</p>	<p>The Executive will consist of the Leader together with at least 2, but not more than 9, Councillors appointed to the Executive by the Council. Should any member(s) of the Executive cease to hold office as such, or in the opinion of the Leader become disabled (temporarily or permanently) from performing the duties of their office, the Leader may remove them from office, and/or may appoint any other Councillor(s) to the Executive, and Councillors so appointed shall hold office until the next meeting of the Council. In no case, however, shall the total membership of the Executive (including the Leader) exceed 10. The Leader's powers of removal/appointment shall be exercisable by giving written notice to The Head of Legal and Democratic Services.</p>	<p>The Executive will consist of the Leader elected by the Council, together with at least 2, but not more than 9, Councillors appointed to the Executive by the Leader. Should any member(s) of the Executive cease to hold office as such, or in the opinion of the Leader become disabled (temporarily or permanently) from performing the duties of their office, the Leader may remove them from office, and/or may appoint any other Councillor(s) to the Executive. In no case, however, shall the total membership of the Executive (including the Leader) exceed 10. The Leader's powers of removal/appointment shall be exercisable by giving written notice to The Assistant Chief Executive (Legal and Democratic Services).</p>	<p>To reflect the proposals for new executive arrangements for the Council.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Article 7.03 (Leader)  Page 30</p>	<p>The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until:</p> <p>(a) he/she resigns from the office; or</p> <p>(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</p> <p>(c) he/she is no longer a Councillor; or</p> <p>(d) he/she is removed from office by resolution of the Council.</p>	<p>The Leader will be a Councillor elected to the position of Leader by the Council at its post-election annual meeting. The Leader will hold office until:</p> <p>(a) he/she resigns from the office; or</p> <p>(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</p> <p>(c) he/she is no longer a Councillor; or</p> <p>(d) the day of the post-election annual meeting which follows his/her election as Leader.</p>	<p>Original sub paragraph (d) proposed to be removed as the optional provision for the Council to be able to remove an Executive Leader by resolution during the four year term is not part of the proposals being recommended to full Council on 17.12.08.</p> <p>A new sub para (d) is proposed to reflect the Leader's statutory four year term of office under the new executive arrangements.</p>
<p>Article 7.04 (d) (Other Executive Members)  Page 30/31</p>	<p>Other Executive Members shall hold office until:</p> <p>(a) they resign from office; or</p> <p>(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</p> <p>(c) they are no longer Councillors; or</p> <p>(d) they are removed from office, either individually or collectively, by resolution of the Council, or by the Leader under 7.02 above.</p>	<p>Other Executive Members shall hold office until:</p> <p>(a) they resign from office; or</p> <p>(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</p> <p>(c) they are no longer Councillors; or</p> <p>(d) they are removed from office, either individually or collectively, by the Leader under 7.02 above.</p>	<p>To reflect the proposals for new executive arrangements for the Council.</p> <p>Under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007, the Council has no role in the appointment and removal of Councillors to and from the Executive.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Part 3</p> <p>'Responsibility for Functions'</p> <p>Explanatory Introduction, para 3</p> <p>Page 53</p>	<p>3. <i>Now that the County Council is operating new structures under the Local Government Act 2000, the position is not so simple. Instead of all functions being those of the County Council, there is a fundamental division of functions between those which are the responsibility of the Executive, and those which are not. The functions which are not the responsibility of the Executive remain subject to the decision making framework set out in the Local Government Act 1972, as explained in the previous paragraph. The functions which are the responsibility of the Executive will generally be covered in "Executive Arrangements", under which they may be discharged by the Executive itself, committees of the Executive, individual Executive members, or officers. Again there is a structure of sub-delegation whereby, for example, an individual Executive member who is given powers by the executive arrangements may delegate to an officer. It is also possible for some of these powers not to be referred to in the executive arrangements at all, in which case they become powers which the Leader can either exercise personally or allocate to the Executive (or to Executive committees and individual Executive members or officers). However, whilst the above will apply to any powers which have not been dealt with in Part 3, the aim is for Part 3 of the Constitution, as part of the executive arrangements, to explicitly allocate all of the powers of the Council.</i></p>	<p>3. <i>The County Council is operating an executive structure under the Local Government Act 2000 (as amended), the position is not so simple. Instead of all functions being those of the County Council, there is a fundamental division of functions between those which are the responsibility of the Executive, and those which are not. The functions which are not the responsibility of the Executive remain subject to the decision making framework set out in the Local Government Act 1972, as explained in the previous paragraph. The functions which are the responsibility of the Executive will be covered in "Executive Arrangements", and which the Leader can either exercise personally or allocate to the Executive itself, committees of the Executive, individual Executive members, or officers. Again there is a structure of sub-delegation whereby, for example, an individual Executive member who is given powers by the Leader may (unless the Leader otherwise directs) delegate to an officer.</i></p>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007, more particularly to reflect that there is no provision now for executive functions not allocated under executive arrangements to be subsequently allocated by the Leader – all executive functions must now be allocated by the Leader.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Part 3</p> <p>'Responsibility for Functions'</p> <p>Explanatory Introduction, para 5</p> <p>Page 53</p>	<p>5. <i>Local authorities operating executive arrangements must divide all of their functions between those which are the responsibility of the Executive and those which are not. In large part, this is done by legislation. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) lists no less than 171 specific powers of local authorities which must not be the responsibility of the Executive. A separate list in the same regulations contains 21 local authority powers which councils may decide either to give to the Executive or not: these are referred to as "local choice functions", since it is open to local authorities to choose locally whether to allocate them to the Executive or not. Having said that, the Government has provided detailed guidance to local authorities on the allocation of these powers. Seven of these 21 are purely district council functions, so North Yorkshire County Council has only 14 to decide locally: this is done by paragraph 4 of Part 3.</i></p>	<p>5. <i>Local authorities operating executive arrangements must divide all of their functions between those which are the responsibility of the Executive and those which are not. In large part, this is done by legislation. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) lists powers of local authorities which are not the responsibility of the Executive. A separate list in the same regulations contains local authority powers which councils may decide either to give to the Executive or not: these are referred to as "local choice functions". It is open to local authorities to choose locally whether to allocate them to the Executive or not. The Government has provided detailed guidance to local authorities on the allocation of these powers. Paragraph 4 of Part 3 deals with local choice functions.</i></p>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007.</p>
<p>Part 3</p> <p>'Responsibility for Functions'</p> <p>Explanatory Introduction</p> <p>Diagram on page 55 of Constitution</p>	<p><i>See Schedule 1 to this amendment chart.</i></p>	<p><i>See Schedule 2 to this amendment chart.</i></p>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to reflect that there is no provision now for executive functions not allocated under executive arrangements to be subsequently allocated by the Leader – all executive functions must now be allocated by the Leader.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Part 3 'Responsibility for Functions'  pg 56 of Constitution	<b>1.3</b> Functions which are the responsibility of the Executive may be delegated to a committee of the Executive, an area committee, an individual member of the Executive, an Officer or another local authority.	<b>1.3</b> Functions which are the responsibility of the Executive may be discharged by the Leader or allocated by him/her to the Executive, a committee of the Executive, an individual member of the Executive, or an Officer. Executive functions may also be delegated to an area committee or another local authority or its executive, or joint arrangements entered into, in accordance with the relevant statutory requirements.	To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to reflect that there is no provision now for executive functions not allocated under executive arrangements to be subsequently allocated by the Leader – all executive functions must now be allocated by the Leader.
Part 3 'Delegation of Executive Functions'  – first paragraph  pg 97 of Constitution	This list is maintained under Article 7.06 of the Constitution, and records delegation of executive functions to: <ul style="list-style-type: none"> <li>▪ committees of the Executive</li> <li>▪ individual Executive Members</li> <li>▪ area committees</li> <li>▪ joint committees</li> <li>▪ officers</li> <li>▪ other local authorities</li> <li>▪ the Appeals Committee</li> </ul>	<i>Insert a paragraph before existing first paragraph, as follows:</i>  Any functions which, under Executive arrangements, are the responsibility of the Executive, may be discharged by the Leader personally or allocated by him/her to the Executive, individual Executive Members, Executive Committees or Officers. Sub-delegations may also be made, eg to area committees.  This list is maintained under Article 7.06 of the Constitution, and records the delegation (under the above processes) of executive functions to: <ul style="list-style-type: none"> <li>▪ committees of the Executive</li> <li>▪ individual Executive Members</li> <li>▪ area committees</li> <li>▪ joint committees</li> <li>▪ officers</li> <li>▪ other local authorities</li> <li>▪ the Appeals Committee</li> </ul>	To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to reflect the fact that the Leader is responsible for discharging executive functions or for allocating them to the executive, individual executive members, executive committees or officers.

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Part 3</p> <p>'Delegation of Executive Functions'</p> <p>para 1.1</p> <p>pg 97 of Constitution</p>	<p><b>1. Committees of the Executive</b></p> <p><b>1.1</b> The Council's Executive arrangements delegate to the committees set out in the Register of Executive Committees the executive functions there specified.</p>	<p><b>1. Committees of the Executive</b></p> <p><b>1.1</b> The Leader delegates to the committees set out in the Register of Executive Committees the executive functions there specified.</p>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to reflect the fact that the Leader is responsible for discharging executive functions or for allocating them to the executive, individual executive members, executive committees or officers. It is assumed that the Leader will delegate executive functions under the new executive arrangements as currently delegated by the existing executive arrangements.</p>
<p>Part 3</p> <p>'Delegation of Executive Functions'</p> <p>para 2.1</p> <p>pg 97 of Constitution</p>	<p><b>2.1</b> The Council's Executive arrangements delegate to individual Executive Members the Executive functions set out in the Executive Members Delegation Scheme.</p>	<p><b>2.1</b> The Leader delegates to individual Executive Members the Executive functions set out in the Executive Members' Delegation Scheme.</p>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to reflect the fact that the Leader is responsible for discharging executive functions or for allocating them to the executive, individual executive members, executive committees or officers. It is assumed that the Leader will delegate executive functions under the new executive arrangements as currently delegated by the existing executive arrangements.</p> <p>Also, a grammatical correction.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Part 3 'Delegation of Executive Functions'  para 2.5  pg 97 of Constitution	<b>2.5</b> Individual Executive Members with decision making powers may delegate decisions to area committees, or to Officers.	<b>2.5</b> Individual Executive Members with decision making powers may delegate decisions to area committees, other local authorities or their executives or to Officers.	To reflect the strict legal position under the Local Government Act 2000 as amended and relevant regulations made under it.
Part 3 'Delegation of Executive Functions'  para 4.1  pg 98 of Constitution	<b>4.1</b> The Council's Executive arrangements delegate to Officers the executive functions which are contained in the Officers Delegation Scheme and <u>not</u> marked *. (This marking is to distinguish executive and non-executive functions in the Officers Delegation Scheme).	<b>4.1</b> The Leader delegates to Officers the executive functions which are contained in the Officers' Delegation Scheme and <u>not</u> marked *. (This marking is to distinguish executive and non-executive functions in the Officers' Delegation Scheme).	To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to reflect the fact that the Leader is responsible for discharging executive functions or for allocating them to the executive, individual executive members, executive committees or officers. It is assumed that the Leader will delegate executive functions under the new executive arrangements as currently delegated by the existing executive arrangements.  Also, a grammatical correction.



Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
Part 3 'Delegation of Executive Functions'  para 4.2  pg 98 of Constitution	<p><b>4.2</b> The delegation of these powers operates under Section 15 of the Local Government Act 2000 and all other powers enabling the Executive.</p>	<p><b>4.2</b> The delegation of these powers operates under Section 14 of the Local Government Act 2000 and all other powers enabling the Executive.</p>	<p>To amend the statutory reference as changed under the amended Local Government Act 2000.</p>
Council Procedure Rule 1.2  Pg 130 of Constitution	<p><b>1.2 Appointment of Leader and Executive</b></p> <p>At the annual meeting of the Council in an election year, the Council will:</p> <p>(a) elect the Leader;</p> <p>(b) agree the number of Members to be appointed to the Executive and appoint those Members.</p>	<p><b>1.2 Election of Leader and Appointment of Executive</b></p> <p>At the annual meeting of the Council in an election year, the Council will:</p> <p>(a) elect the Leader, to hold office for a four year period (until the day of the post-election annual meeting following his/her election as leader). The Leader will agree the number of Members to be appointed to the Executive and appoint those Members.</p>	<p>To reflect the proposals for new executive arrangements for the Council.</p> <p>Under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007, Executive Members may only be appointed by the Leader.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Council Procedure Rule 2.3 (a) (vii)</p> <p>Pg 133 of Constitution</p>	<p><b>2.3 Order of Business</b></p> <p>(a) The order of business at County Council meetings shall be:</p> <p>... <i>[earlier text to remain same]</i></p> <p>(vii) at the annual meeting in an election year, to appoint the Leader, Members to the Executive or to serve on committees of the Council and/or as representatives of the Council on other bodies unless power to make those appointments has been delegated to other bodies or persons.</p> <p>.... <i>[later text to remain same]</i></p>	<p><b>2.3 Order of Business</b></p> <p>(a) The order of business at County Council meetings shall be:</p> <p>... <i>[earlier text to remain same]</i></p> <p>(vii) at the annual meeting in an election year, to elect the Leader, and appoint Members to serve on committees of the Council and/or as representatives of the Council on other bodies unless power to make those appointments has been delegated to other bodies or persons.</p> <p>.... <i>[later text to remain same]</i></p>	<p>To reflect the proposals for new executive arrangements for the Council.</p> <p>Under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007, Executive Members may only be appointed by the Leader.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Executive Procedure Rule 1.1</p> <p>Pg 183 of Constitution</p>	<p><b>1.1 Who may make executive decisions?</b></p> <p>The arrangements for the discharge of executive functions are set out in the executive arrangements adopted by the Council (see Part 3 of the Constitution). In respect of any not set out there, the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for executive functions to be discharged by:</p> <ul style="list-style-type: none"> <li>(a) the Executive as a whole;</li> <li>(b) a committee of the Executive;</li> <li>(c) an individual member of the Executive;</li> <li>(d) an Officer;</li> <li>(e) an area committee;</li> <li>(f) joint arrangements; or</li> <li>(g) another local authority.</li> </ul>	<p><b>1.1 Who may make executive decisions?</b></p> <p>Functions which are the responsibility of the Executive may be discharged by:</p> <ul style="list-style-type: none"> <li>(a) the Leader;</li> <li>(b) the Executive as a whole;</li> <li>(c) a committee of the Executive;</li> <li>(d) an individual member of the Executive;</li> <li>(e) an Officer;</li> <li>(f) an area committee;</li> <li>(g) joint arrangements; or</li> <li>(h) another local authority or its executive.</li> </ul> <p>Arrangements for such discharge of executive functions are set out below.</p>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to clarify that whereas currently all delegations of executive functions are done via the executive arrangements themselves, under the new executive arrangements the Leader is responsible for discharging executive functions or for allocating them to the executive, individual executive members, executive committees or officers.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Executive Procedure Rule 1.2</p> <p>Pg 183 of Constitution</p>	<p><b>1.2 Delegation by the Leader</b></p> <p><i>Note: This paragraph only applies if, in future, functions are delegated by the Leader. Presently, all delegations operate by virtue of the executive arrangements set out in Part 3.</i></p> <p>The Leader will maintain a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document maintained by the Leader will contain the following information about executive functions:</p> <ul style="list-style-type: none"> <li>(a) the names, addresses and electoral divisions of the people appointed to the Executive;</li> <li>(b) the extent of any authority delegated to Executive Members individually, including details of the limitation on their authority;</li> <li>(c) the terms of reference and Constitution of such Executive committees as the Leader appoints and the names of Executive Members appointed to them;</li> <li>(d) the nature and extent of any delegation of executive functions to area committees (collectively or individually), any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and</li> <li>(e) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.</li> </ul>	<p><b>1.2 Delegation by the Leader</b></p> <p>The Leader may discharge any functions which, under executive arrangements adopted by the Council (see Part 3 of the Constitution), are executive functions or may arrange for the discharge of any of those functions by:</p> <ul style="list-style-type: none"> <li>(a) the Executive as a whole;</li> <li>(b) a committee of the Executive;</li> <li>(c) an individual member of the Executive;</li> <li>(d) an Officer;</li> </ul> <p>The Leader will maintain a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document maintained by the Leader will contain the following information about executive functions:</p> <ul style="list-style-type: none"> <li>(a) the names, addresses and electoral divisions of the people appointed to the Executive;</li> <li>(b) the extent of any authority delegated to Executive Members individually, including details of the limitation on their authority;</li> <li>(c) the terms of reference and Constitution of such Executive committees as the Leader appoints and the names of Executive Members appointed to them;</li> <li>(d) the nature and extent of any delegation of executive functions to area committees (collectively or individually), any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and</li> <li>(e) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.</li> </ul>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to clarify that whereas currently all delegations of executive functions are done via the executive arrangements themselves, under the new executive arrangements the Leader is responsible for discharging executive functions or for allocating them to the executive, individual executive members, executive committees or officers.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Executive Procedure Rule 1.3</p> <p>Pg 184 of Constitution</p>	<p><b>1.3 Sub-delegation of Executive Functions</b></p> <p>(a) Where the Executive, a committee of the Executive or an individual member of the Executive is responsible for an executive function, they may delegate to an area committee, joint arrangements or an Officer.</p> <p>(b) Unless the Council directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive or to an officer.</p> <p>(c) Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an Officer.</p> <p>(d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.</p>	<p><b>1.3 Sub-delegation of Executive Functions</b></p> <p>(a) Where the Executive, a committee of the Executive or an individual member of the Executive is responsible for an executive function, they may delegate to an area committee, another local authority or its executive, joint arrangements or an Officer.</p> <p>(b) Unless the Leader directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive or to an Officer.</p> <p>(c) Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an Officer.</p> <p>(d) Unless the Leader directs otherwise, an individual Member of the Executive to whom functions have been delegated by the Leader may delegate further to an Officer.</p> <p>(e) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.</p>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to clarify that whereas currently all delegations of executive functions are done via the executive arrangements themselves, under the new executive arrangements the Leader is responsible for discharging executive functions or for allocating them to the executive, individual executive members, executive committees or officers and that further sub-delegation is legally permissible.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Executive Procedure Rule 1.4</p> <p>Pg 184 of Constitution</p>	<p><b>1.4 The Council's Scheme of Delegation and Executive Functions</b></p> <p>(a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.</p> <p>(b) If the Leader is able to decide whether to delegate executive functions, he/she may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.</p> <p>(c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its Chairman.</p>	<p><b>1.4 The Council's Scheme of Delegation and Executive Functions</b></p> <p>(a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.</p> <p>(b) As the Leader is able to decide whether to delegate executive functions, he/she may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.</p> <p>(c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its Chairman.</p>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007; more particularly to clarify that whereas currently all delegations of executive functions are done via the executive arrangements themselves, under the new executive arrangements the Leader is responsible for discharging executive functions or for allocating them to the executive, individual executive members, executive committees or officers and that further sub-delegation is legally permissible.</p>

Provision in Constitution	Current Wording	Proposed Amendment	Reason(s)
<p>Executive Procedure Rule 2.1</p> <p>Pg 185 of Constitution</p>	<p><b>2.1 Who presides?</b></p> <p>(a) If the Leader is present, he/she will preside at meetings of the Executive.</p> <p>(b) The Executive may elect one of its members to be Deputy Leader of the Executive and any person so elected will preside at meetings of the Executive when the Leader is not present, and may also exercise the other functions of the Leader set out in these Rules in any case where the Leader is unavailable or unable to act.</p> <p>(c) In the absence of the Leader and of the Deputy Leader (if any) the members of the Executive present at the meeting shall elect one of their members to preside.</p>	<p><b>2.1 Who presides?</b></p> <p>(a) If the Leader is present, he/she will preside at meetings of the Executive.</p> <p>(b) The Leader may elect one of the Executive members to be Deputy Leader of the Executive and any person so elected will preside at meetings of the Executive when the Leader is not present, and may also exercise the other functions of the Leader set out in these Rules in any case where the Leader is unavailable or unable to act.</p> <p>(c) In the absence of the Leader and of the Deputy Leader (if any) the members of the Executive present at the meeting shall elect one of their members to preside.</p>	<p>To reflect the proposals for new executive arrangements for the Council, under the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007.</p>

**Functions**



**Executive Functions**

May be discharged by

or s/he may arrange for functions to be discharged by:

**Non-Executive Functions**