

West Suffolk Shadow Council

Article 6 – The Shadow Executive (Cabinet)

6.1 Role

6.1.1 The Shadow Executive will carry out all functions which are delegated to it or fall within its own scope of responsibility, including the monitoring of the Implementation Plan and the appointment of the Implementation Team.

6.2 Form and Composition

6.2.1 The Shadow Executive will consist of no more than 15 persons and shall include:

- The two persons who are for the time being the Leaders of Forest Heath District Council and St Edmundsbury Borough Council
- At least three persons nominated by Forest Heath District Council, each of whom is for the time being a member of that Council.
- At least three persons nominated by St Edmundsbury Borough Council, each of whom is for the time being a member of that Council.

6.2.2 Only councillors will be appointed to the Shadow Executive. There will be no co-optees, no deputies and no substitutes for Shadow Executive members. The Leader and Portfolio Holders may not be members of the Shadow Scrutiny Committee. The Chairman and Vice-Chairman of the Shadow Council may not be members of the Shadow Executive.

6.3 The Leader

6.3.1 The Leader of the Shadow Council shall be elected by the Shadow Council from the members of the Shadow Executive. The Leader of the Shadow Council will be the Chairman of the Shadow Executive and will hold office until:

- a) They resign from the office of Leader; or
- b) They are removed from office by ordinary resolution on notice of the Shadow Council; or
- c) They are no longer a councillor.
- d) The first Annual Meeting of the new West Suffolk Council in 2019.

6.3.2 When a vacancy arises in the office of the Leader, the Shadow Council shall fill the vacancy at the next ordinary meeting of the Shadow Council, or at a special or extraordinary meeting summoned for the purpose; or, if the

vacancy occurs as a result of the removal of the Leader by resolution of the Shadow Council, at the meeting at which that resolution was passed or a subsequent meeting. The councillor appointed to fill the vacancy shall hold office for the remainder of the original term, subject to the rules on earlier termination in 6.3.1 above.

6.3.3 The Leader shall appoint another member of the Shadow Executive as Deputy Leader to act when the Leader is unable to act or the office of Leader is vacant. The Leader may, if he or she thinks fit, remove the Deputy Leader from office. Where there is a vacancy in the office of Deputy Leader, the Leader must appoint another person to be Deputy Leader. Unless he or she is removed by the Leader, resigns as Deputy Leader or ceases to be a member of the council, the Deputy Leader shall hold office until the end of the Leader's term of office.

6.4 Other Shadow Executive Members (the Portfolio Holders)

6.4.1 The Shadow Executive will be appointed at the first meeting of the Shadow Council. Once appointed, the Leader may, if they wish, appoint Portfolio Holders from amongst members of the Shadow Executive to take responsibility with regards to specific areas of activity of the Shadow Council. If an announcement is not made at a meeting of the Shadow Council, the Leader may give written notice to the Interim Monitoring Officer of Portfolio Holder appointments or changes. Such changes will come into effect two days after receipt of the notice by the Interim Monitoring Officer and be notified to the next meeting of the Shadow Council.

Only the Shadow Council has the authority to appoint members of the Shadow Executive, and any portfolio appointments must be made from members of the Shadow Executive.

6.4.3 Portfolio Holders shall retain responsibility for their areas until:

- a) they resign from office; or
- b) they are no longer councillors; or
- c) they are no longer members of the Shadow Executive; or
- d) their responsibilities are amended by the Leader giving written notice of the removal to the Interim Monitoring Officer. The removal will take effect two working days after receipt of the notice by the Monitoring Officer.

6.4.4 If for any reason the Leader is unable to act or the office of Leader is vacant, and the Deputy Leader is unable to act of

the office of Deputy Leader is vacant, the Shadow Executive must act in the Leader's place

6.5 Functions of the Shadow Executive

6.5.1 The Shadow Executive has the following functions:-

- a) to make 'key decisions' as defined in Article 12 and published in the Decisions Plan;
- b) to formulate the budget and policy framework for submission to the Shadow Council in accordance with the budget and policy framework procedure rules in Part 4 of the Constitution;
- c) to implement the approved budget and policy framework;
- d) to determine recommendations and other matters referred to it by its committees, sub-committees or Shadow council;
- e) to carry out all of the functions which by law the executive must carry out or has chosen to carry out and which have not been delegated elsewhere;
- f) to ensure the publication of, and to consider, the plan of items likely to come before it for decision at least 28 days before the decision is due to be made.
- g) to monitor delivery of the implementation plan.
- h) to appoint an Implementation Team, consisting of Officers of Forest Heath District Council and St Edmundsbury Borough Council, who shall be responsible for delivering the Implementation Plan and assisting the Shadow Council and its Executive.

6.5.2 The Shadow Executive may carry out its functions:-

- a) itself;
- b) by delegating power to an individual member of the Shadow Executive, to be exercised in accordance with the rules in Appendix A to this Article 6;
- c) by delegating power to an officer, who shall exercise that power in accordance with the Scheme of Delegation to Officers contained in Part 3 of the Constitution;
- d) by delegating power to a joint committee, area committee or another local authority.

6.5.3 The list of portfolio responsibilities will be maintained by the Leader and will set out which individual members of the Shadow Executive, officers and joint arrangements are responsible for the exercise of particular Cabinet functions. The Leader is empowered to amend the portfolios at any time, subject to compliance with the provisions of the Shadow Executive Procedure Rules.

6.6 Meetings of the Shadow Executive

- 6.6.1 The Shadow Executive will hold public meetings as frequently as is required for the effective discharge of its functions on dates and at times agreed by the Leader. Meetings will be conducted in accordance with the Shadow Executive Procedure rules set out in Part 4 of the Constitution.
- 6.6.2 To ensure it is briefed and/or consulted upon its functions, the Shadow Executive may hold other informal (not public) meetings as are necessary for it to carry out its work effectively. However, to ensure transparency and facilitate good scrutiny, matters discussed at these meetings that are intended to be put to Shadow Executive or Shadow Council for decision will, unless a decision is required urgently, be included in the Decisions Plan which is referred to the appropriate committee (normally a scrutiny committee) before a recommendation is made to Shadow Executive/Shadow Council.

Appendix A

Procedure for decision-making by individual Portfolio Holders

(This element of the Constitution is exercised at the discretion of the Leader of the Shadow Council and will be determined by them)

1. Individual Shadow Executive members are empowered (subject to the exceptions listed below) to make executive decisions within the Policy and Budget Framework in respect of their own portfolio area of responsibility, where such responsibility has been given.

The exceptions are as follows:

- 1.1 A decision that is a departure from the agreed Strategic Plan for West Suffolk Councils except where this falls within current agreed policy.
 - 1.2 Decisions solely in relation to the Executive Member's own ward including, for example, making a grant, unless this is agreed by the Leader.
 - 1.3 Where the Leader has indicated before a decision is either taken by the Portfolio Holder or implemented that he requires the decision to be taken collectively by the Cabinet. Notification of this by the Leader must be made to the Interim Monitoring Officer.
 - 1.4 A decision in which the Executive member has either a disclosable pecuniary interest or some other conflict of interest.
 - 1.5 Those decisions delegated to an officer unless the officer refers the decision to the Executive member.
 - 1.6 A decision which in the view of the Chief Executive is one which should properly be treated as a key decision.
2. The Shadow Executive may delegate any decision to an individual executive member who must then follow the procedure in this document in making that decision.
 3. The decisions must be made in consultation with officers deemed appropriate by the Chief Executive and the Executive member must take into account the professional, legal and financial implications and any advice given by those officers.
 4. Where there are significant cross-cutting implications the decision should be made in consultation with other appropriate portfolio holder(s).

5. Where a decision has significant impact on an individual ward the Executive member should consult the appropriate ward member.
6. Where it is not clear in which portfolio an issue sits, the Leader shall decide. If the appropriate portfolio holder is unavailable and a decision needs to be taken urgently, then the Leader may take the decision in consultation with the Chief Executive.

Notification and Publication

Wherever possible, 5 clear working days' notice of the intention to make a decision under these delegated powers will be given to all Members of the Shadow Council, by notice sent electronically and published on the Shadow Council website together with any supporting report.

Where 5 clear working days' notice is not practicable for exceptional reasons relating to the urgent need to action the decision the Shadow Cabinet Member should give notification of the intent to make the decision as soon as possible explaining the reasons for the short notice.

The decision must be recorded on the appropriate form prepared and published by Democratic Services. The decision will be published and may not be implemented until after either:

- the call-in period (5 working days after the date of publication) has expired; or
- a call-in process has been completed.

Call-in, using the procedure in the Shadow Council Procedure Rules, may be made within 5 days of the decision being published and the usual process shall be followed.