

Article 7 – The Executive

7.01 Role

The Executive to be called “the Cabinet” will exercise all of the local authority’s functions which are not the responsibility of any other part of the local authority, by law or under this Constitution and subject (in the case of executive functions only) to the Leader determining to make the decision personally or that it should be undertaken by an individual Cabinet Member, by an Officer, or under joint arrangements.

7.02 Form

The Executive will consist of the Leader together with at least two but not more than nine councillors appointed to the Executive by the Leader.

7.03 Leader

The Leader will be a councillor elected to the position of Leader by the Council. The Leader will hold office until the day on which the Council holds its first annual meeting after the Leader’s normal day of retirement as a councillor, or until:

- (a) he/she resigns from office;
- (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;
- (d) he/she is removed from office by resolution of the Council.

7.04 Other Executive Members

Other Executive members will be councillors elected annually to the position by the Council. They shall hold office until:

- (a) they resign from office;
- (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;

- (d) they are removed from office, either individually or collectively, by the Leader, by giving notice in writing to the executive member and the Chief Executive.

7.05 Deputy Leader

The Leader shall appoint one member of the Executive to be Deputy Leader who shall exercise the functions of the Leader in their absence. If the Deputy Leader is unable to act or the office is vacant, then the Executive must act in the Leader's place or must arrange for a Member of the Executive to act in their place, until a decision is made by the Council to appoint a new Leader.

7.06 Deputy Cabinet Members

The Council shall appoint five Deputy Cabinet Members to assist the work of the Cabinet. The Deputy Cabinet Members are not members of the Executive and are not entitled to vote at meetings of the Executive. At the request of the Leader or of a Portfolio Holder, they may attend meetings and events on their behalf.

The responsibilities of the Deputy Cabinet Members shall be: -

- To have a core role in adding capacity to one or more of the Cabinet portfolios
- To have other leadership support responsibilities as directed by the Leader, Deputy Leader or Cabinet Secretary.
- To have specific responsibility for a defined range of responsibilities within the Portfolio on behalf of the Portfolio Holder.
- To attend briefings and other related activities as required.
- To take responsibility for working with lead officers within the relevant directorate to bring key projects, particularly those necessary to deliver the Sunderland Way of Working, to effective fruition.
- To play a leading role in supporting effective member engagement in all relevant Portfolio matters.
- To represent the Portfolio whenever required.
- To address questions to Council on all matters within their core remit.
- On the mandate of the Leader or Portfolio Holder to consider the development of policy, practice and approach and then work with all necessary interests to achieve required outcomes.

- To support the Council's drive to greater decentralisation of decision-making on key services. This will include close and constructive liaison with Area Committees, Area Boards, relevant service leads and partner agencies in order to ensure that this agenda is delivered effectively.
- To assist with appropriate consultation with scrutiny as directed by the Leader or relevant Portfolio Holder.

In addition to the generic Deputy Cabinet Member role described above, Deputy Cabinet Members will have direct responsibility for specific areas of the Portfolio to which they are attached.

7.07 Inability of Whole Executive to Act

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

7.08 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.

7.09 Responsibility for functions

A list will be maintained in Part 3 of this Constitution setting out which individual members of the Executive, committees of the Executive, officers or joint arrangements are responsible for the exercise of particular executive functions.

The Leader will be invited before each annual meeting of the Council to consider at this stage whether he wishes to make any amendments to the arrangements for the exercise of executive functions by executive members, officers or under joint arrangements. Any such arrangements will be reported to Council for information. The Leader may also make amendments during the course of the Council year (in compliance with the decision-making requirements for individual members) which shall also be reported to Council for information.

7.10 Emergency Committee of Cabinet

The Emergency Committee of Cabinet will consist of the Leader, the Deputy Leader and the appropriate Portfolio Holder.

7.11 School Organisation Committee of Cabinet

Cabinet is the decision-making body for school organisation proposals, with the exception of certain proposals for the establishment of new schools, which

must be referred to the Schools Adjudicator for decision in specific prescribed circumstances. In addition, proposals must be deferred to the Schools Adjudicator following a determination by the Local Authority, if a request for a referral is made by certain prescribed persons laid down in the Act and Regulations. (Schools Adjudicators are appointed by the Secretary of State, but work alone and are independent of the DfES).

The School Organisation Committee of Cabinet will consider school organisation proposals and will consist of five Members, including the Children's Services Portfolio Holder.