

Appendix 2

Part 1 - Terms of Reference and Scheme of Delegation

1.2 Terms of Reference for Committees

Executive and Executive Portfolio holders

This part of the constitution together with the Executive Procedure Rules principally constitutes the Executive arrangements as set out in the Local Government Act 2000. The Executive arrangements set out here are interrelated to other parts of the constitution.

The Leader of the Council Executive is collectively responsible for all executive functions as defined in the Local Government Act 2000 as amended. These may be made by the Leader of the Council, the Executive collectively, exercised under joint or area arrangements or delegated to individual portfolio holders or council officers.

The Executive may not make decisions on matters which they are prohibited from making by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and other subsequent legislation.

The Executive shall only make decisions within the budget and policy framework except in cases as set out in the Executive Procedure Rules.

The Leader of the Council has determined:

The Executive shall collectively make all Key Decisions on behalf of Cherwell District Council. The Executive may choose to delegate these to a Portfolio Holder, officer, area committee or joint arrangements with another authority or refer them to the Leader of the Council for decision.

Executive Portfolio Holders shall in the first instance make all Non-Key Decisions within their portfolio area unless delegated in this constitution to an officer. The portfolio holder may decide to delegate these to an officer, area committee or joint arrangements with another authority or refer them to the Executive for collective consideration, who in turn may decide to refer it to the Leader of the Council for decision.

Officers shall take all decisions in the first instance delegated to them in this constitution within their area of responsibility. An officer may chose to refer a decision to a Portfolio Holder, who in turn may decide to refer to the Executive for collective decision, who in turn may decide to refer it to the Leader of the Council for decision.

Even where the Executive functions have been delegated, this does not prevent the discharge of delegated functions by the person or body who delegated them. This shall be the case should the decision maker find that a

conflict of interest has arisen, then the function will be exercised in the first instance by the person or body by whom the delegation was made.

These delegations may be amended by the Leader of the Council, however such amendments shall not take effect until after they are reported to council.

Executive Portfolio Holders

Areas of responsibility, known as Executive Portfolios are determined by the Council and are assigned by the Leader to individual members of the Executive whom he appoints. The Leader may re-allocate functions between portfolio holders during the Council year.

Part 2 – Meeting Procedure Rules

2.1 Council Procedure Rules

Annual Council Meeting

The annual council meeting will take place within 21 days of the retirement of the outgoing councillors on a date to be decided by the Council as part of the overall programme of meetings.

Agenda for Annual Council Meetings will be to:

- elect the Chairman of Council;
- elect the Vice-Chairman of Council
- receive apologies for absence;
- receive any announcements from the Chairman;
- approve the Minutes of the last meeting;
- elect the Leader of the Council if required.
- conduct any business concerning the establishment of and appointments to:
 - ~~– The Executive, including the appointment of Leader of the Council~~
 - The Overview and Scrutiny Committees
 - The Standards Committee
 - Such other committees as the Council consider appropriate
- ~~agree the Responsibility of Functions or such part of it as the Constitution determines it is for the Council to agree for the municipal year, including the allocation of functions to portfolio holders;~~
- receive a report on attendance during the previous year of Members at meetings of the Committees and Sub-committees;
- consider any other business set out in the agenda for the meeting.

2.8 Roles and Appointments

Leader of the Council

The Leader of the Council will be a councillor elected to that position by council. The Leader of the Council shall be the chairman of the Executive and shall have reserve powers to act in the absence or incapacity of any executive portfolio holder.

The leader will hold office for a four year term until:

- he resigns from the office; or
- he is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he may resume office at the end of the period of suspension); or
- he is no longer a councillor
- he is removed from office by resolution of the council, ~~save that this power may be exercised by the council only in the event of a change of political control of the council or a change in the leadership of the controlling political group notified to the Chief Executive in accordance with this constitution.~~

Executive Portfolio Holders

Areas of responsibility, known as executive portfolios are determined by the council and are assigned by the leader to individual members of the executive whom he appoints. The leader may re-allocate functions between portfolio holders during the council year and shall advise all members of the council of the change as soon as practicable after any change has taken place.

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

Executive portfolio holders shall hold office until:

- they resign
- they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although he may resume office at the end of the period of suspension); or
- they are no longer a councillor; or
- they are removed from office by the leader of the council who must give written notice of any removal to the chief executive. The removal will take effect two working days after receipt of the notice by the chief executive.