

**Report to the Leader of the County Council**  
**Report submitted by: Head of Legal and Democratic Services**  
**Date: 19 January 2017**

**Part I**

Electoral Divisions affected:  
All

**Delegation of Executive Functions to the Chief Executive**

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**Executive Summary**

This report proposes the delegation of executive functions to the Chief Executive between the period 8 May 2017 and the appointment of a new Leader by the Full Council.

**Recommendation**

The Leader of the County Council is asked to approve the delegation of executive functions to the Chief Executive from 8 May 2017 until the appointment of a new Leader by the Full Council.

**Background and Advice**

The County Council has previously received advice from counsel that the effect of local government legislation is that the period of office of members of a Council's Executive, including the Leader, comes to an end when they retire as Councillors on the fourth day after the Council elections. The next County Council elections will be held on 4 May 2017.

Having regard to Counsel's Opinion, it is proposed that all functions which are the responsibility of the Council's Cabinet and Cabinet Members be delegated to the Chief Executive, from 8 May 2017 until the appointment of a new Leader by the Full Council.

Such functions would be exercised by the Chief Executive only in exceptional circumstances on the grounds of urgency, where delay would significantly and materially prejudice the interests of the County Council or of the inhabitants of the County.

Further, such functions would only be exercised by the Chief Executive following consultation with the Leader (or in his or her absence the Deputy Leader) of the political group with an overall majority of seats following the election, or if there is no

majority political group, the Leaders (or in their absence the Deputy Leader) of all political groups on the Council.

In the event there is no Leader or Deputy Leader of any political group, the Chief Executive would consult with such representative or representatives of that group as she considers appropriate.

### **Consultations**

N/A

### **Implications:**

This item has the following implications, as indicated:

### **Risk management**

The proposed action is necessary to enable executive decisions to continue to be taken between the period of the retirement of the Council's Executive on the fourth day after the County Council elections and the appointment of a new Council Leader.

### **List of Background Papers**

| Paper             | Date          | Contact/Tel   |
|-------------------|---------------|---|
| Counsel's Opinion | 21 April 2005 | Chris Mather/Office of the Chief Executive/01772 533559 |

Reason for inclusion in Part II, if appropriate

N/A