

# Article 7 - The Cabinet

## THE ROLE OF THE CABINET

### 7.1 Role

The Cabinet will carry out all of the local authority's functions that are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

### 7.2 Form and composition

The Cabinet will consist of the –

- (i) The Leader of the Council ( "the Leader"); and
  - (ii) at least two but not more than nine Councillors ("other Cabinet Members") appointed from time to time by the Leader
- None of whom may be either the Mayor or Deputy Mayor at any time while being the Leader or other Cabinet Members

### 7.3 Leader

- (i) The Leader will be a Councillor elected to the position of Leader by the Council-
  - (a) subject in relation to 2010 to sub-paragraph (ii) below; and
  - (b) from time to time thereafter if the Leader ceases to hold office as such on any of the grounds specified in paragraph (iii) below
- (ii) A Councillor shall be elected as Leader at the Annual Meeting of the Council following elections in May 2010 and this paragraph shall take effect notwithstanding and in place of any other arrangements for the election and tenure of office of a Leader at any time prior to that date.
- (iii) The Leader will hold office as such until or unless –
  - (a) he/she resigns from the office; or
  - (b) he/she is suspended from being a Councillor pursuant to Part III (Conduct of local government members and employees) of the Local Government Act 2000,
  - (c) he/she ceases to be a Councillor (whether or not by virtue of any enactment relating to the duration, expiry of the term of office or retirement of Councillors) [see Note below]; or
  - (d) The Council passes a resolution expressly to remove him/her from the office of Leader being a resolution which, without prejudice to the application of the Council's Standing Order 8 (or any Standing Order or other provision from time to time having similar effect) shall be lodged for debate and copied to (i) the Leader, (ii) the leaders of all political parties represented on the Council [other than the Leader and the sponsors of

the resolution if any of them are leaders of such political parties], (iii) the Chief Executive of the Council and (iv) the Council's Monitoring Officer, not less than ten clear working days before the earliest meeting of the Council at which it can be considered

- (iv) If the Council passes a resolution of the kind provided for by paragraph (iii)(d) above, it may also elect a Councillor to the office of Leader at the meeting which passes that resolution (in which event the Councillor so elected shall immediately become the Leader ) or at a subsequent meeting which shall be convened as soon as is reasonably practical

NOTE – The effect of this Article 7.3(iii)(c) is that a Leader's term of office will expire on the same day that his/her term of office as a Councillor ends, and the first Annual Meeting of the Council after that date will be invited to elect a Leader as provided for by Article 7.3(ii).

#### **7.4 Other Cabinet Members.**

- (i) Other Cabinet Members shall be appointed and their portfolios and functions shall be determined from time to time by the Leader.
- (ii) The power of appointment by the Leader as respects other Cabinet Members shall include the power to remove any of them from the Cabinet and to determine whether or not to appoint one or more other Councillors in their places (subject in all such circumstances to the limitations upon numbers in paragraph 7.2 (ii) above)
- (iii) The power of the Leader to determine the functions of other Cabinet Members shall, subject to and in accordance with section 14 (Discharge of functions:general) and Section 17 (Discharge of functions: Section 11 (5) Executive) of the Local Government Act 2000, include determining Cabinet functions that are to be discharged by-
  - (a) the Cabinet as a whole;
  - (b) a committee of the Cabinet;
  - (c) one or more individual members of the Cabinet;or
  - (d) an officer of the Council,whether or not in consultation with one or more members of the Cabinet
- (iv) The Leader may from time to time appoint a Cabinet Member to be his/her deputy and the person so appointed shall be known and referred to as the Deputy Leader of the Council ("the Deputy Leader").
- (v) The power of appointment by the Leader of the Deputy Leader shall include power to remove him/her from the office of Deputy Leader and to determine whether or not to appoint another Cabinet Member thereto.
- (vi) Subject to paragraphs (i), (ii), (iv) and (v) above, a Cabinet Member shall hold office as such until or unless -
  - (a) he/she resigns from such office; or
  - (b) he/she is suspended from being a councillor pursuant to Part III (Conduct of Local Government Members and Employees) of the Local Government Act 2000) (although he/she shall be eligible to resume such office on appointment by the Leader at the expiry of the period of suspension); or

- (c) he/she is no longer a Councillor, whether or not by virtue of any enactment relating to the duration, expiry of the term of office or retirement of councillors”

## 7.5 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

## 7.6 Responsibility for functions

- (i) The Leader will maintain a list, a copy of which shall be kept in or annexed to Part 3 of this Constitution, setting out whether:
  - (a) the Cabinet as a whole;
  - (b) a committee of the Cabinet;
  - (c) one or more individual members of the Cabinet;
  - (d) an officer or officers of the Council, whether or not in consultation with one or more Cabinet Members; or
  - (e) one or more other local authorities (under arrangements with such authorities) to any extent;

have responsibility for the exercise of particular Cabinet or Executive functions

- (ii) The list to which paragraph (i) applies shall, in relation to matters to which items (b)-(e) of that paragraph relate, specify all committees, councillors, officers or other authorities by reference to their respective titles or names; and
- (iii) Where the Leader makes any change to the above arrangements for the exercise of executive functions it shall only take effect when it is notified in writing (including by email) to the Director of Law, HR and Asset Management, who will then promptly arrange for notification of the change to be given to all Councillors and Chief Officers.

## 7.7 Responsibility for Executive functions when no Leader is in post and no quorate Cabinet is in office

- (i) This paragraph shall apply for any period during which;
  - (a) no Councillor holds the position of Leader; and
  - (b) Fewer than three Councillors (or such other number of Councillors as from time to time shall be the quorum for a meeting of the Cabinet) hold the position of Cabinet Member
- (ii) In the circumstances to which sub-paragraph (i) above applies, the Chief Executive (or in his/her absence, the Deputy Chief Executive), in consultation with the leaders of all political groups represented on the Council, shall have delegated authority to act in respect of any Executive Function, provided that the Chief Executive or Deputy Chief Executive (as

the case may be) is of the opinion that to delay acting until after the likely conclusion of the period specified in sub-paragraph (i) above would not be in the public interest

- (iii) All decisions or other action taken by the Chief Executive or the Deputy Chief Executive pursuant to sub-paragraph (ii) above shall be promptly set out in a written record which shall include the reasons for the decision or other action and the conclusions as to the public interest which caused such decision or other action to be taken AND all such records shall be submitted to the Councillor who next holds the position of Leader as soon as is reasonably practicable after his or her election as Leader.