

## **PART 2**

### **Article 7 - The Cabinet**

#### **THE ROLE OF THE CABINET**

##### **7.1 Role**

The Cabinet will, unless otherwise delegated by the Leader of the Council, 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 the Mayor at any time while being the Leader or other Cabinet Members.

##### **7.3 Leader of the Council**

- (i) The Leader will be a Councillor elected to the position of Leader by the Council at the Annual Meeting of the Council following elections, if any.
- (ii) The Leader will hold office as such until or unless –
  - (a) he/she resigns from the office; or
  - (b) he/she is suspended/disqualified from being a Councillor pursuant to Part III (Conduct of Local Government Members and Employees) of the Local Government Act 2000 (as amended) and Localism Act 2011; or
  - (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); or
  - (d) The Council passes a resolution expressly to remove him/her from the office of Leader.

##### **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 with respect to 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 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”).
- (iv) 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.
- (v) 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/disqualified from being a councillor pursuant to Part III (Conduct of Local Government Members and Employees) of the Local Government Act 2000) (as amended) and Localism Act 2011 (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 Procedure Rules set out in Part 4 of this Constitution.

### **Criteria for Referral of Executive Functions and Matters**

All executive functions/matters may be referred by the Leader and/or Cabinet Members and Officers to Cabinet for consideration, determination and/or decision.

Generally only those executive functions/matters that fall into one or more of the following categories should be referred to Cabinet:

- (i) The matter under consideration is a high profile matter;
- (ii) The decision has a significant budgetary impact;
- (iii) There is a need or it is considered prudent to engage the public and/or raise public awareness; and/or
- (iv) The function/matter provides important performance management information.

## **7.6 Responsibility for functions**

- (i) The Leader may discharge any executive function, or

- (ii) may arrange for the discharge of any of those functions –
  - (a) by the Cabinet;
  - (b) by any Cabinet Member;
  - (c) by a committee of the Cabinet;
  - (d) by area committee; or
  - (e) by an officer of the authority.
  
- (iii) Where any functions may be discharged by the Cabinet, then, unless the Leader otherwise directs, the Cabinet may arrange for the discharge of any of those functions –
  - (a) by a committee of the Cabinet;
  - (b) by area committee; or
  - (c) by an officer of the authority.
  
- (iv) Where any functions may be discharged by a Cabinet Member, then, unless Leader otherwise directs, the member who may discharge the functions may arrange for the discharge of any of those functions –
  - (a) by area committee; or
  - (b) by an officer of the authority.
  
- (v) Where any functions may be discharged by area committee, then, unless the Leader otherwise directs, the committee may arrange for the discharge of any of those functions by an officer of the authority.
  
- (vi) Any arrangements made under paragraphs (ii) – (v) above does not prevent or otherwise prohibit the person/body making the arrangement from exercising those functions.

7.7 Responsibility for Cabinet functions when no Leader or Deputy 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 Assistant 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 Assistant 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.