

## **Part 2 – The Articles**

### **Chapter 6 – The Cabinet**

#### **1. Role and Legal Status**

- 1.1 The Cabinet is a committee established under Section 11 of the Local Government Act 2000, as amended by the Public Involvement in Health Act 2007. The political balance requirements of Section 15 of the Local Government and Housing Act 1989 do not apply when determining membership.
- 1.2 The legislation allows for executive functions to be discharged by:
  - (a) The Leader;
  - (b) The Cabinet as a body;
  - (c) A Committee of the Cabinet;
  - (d) An individual Member of the Cabinet;
  - (e) An Officer;
  - (f) Joint arrangements, partnership boards and other such bodies;
  - (g) Another local authority;
  - (h) Area Committees.
- 1.3 Under the Council’s strengthened Leader model of executive governance, all executive decisions are taken by the collective Cabinet or delegated to other committees of the Council or to officers.
- 1.4 The Cabinet will carry out all of the Council’s functions which are not the responsibility of any other part of the Authority, whether by law or under the Constitution.
- 1.5 All executive functions not expressed to be within the remit of the Cabinet or another committee shall be deemed to be delegated to officers.

#### **2. Responsibility for Functions**

- 2.1 The Cabinet has responsibility for the following functions:
  - (i) All “key decisions” and other major issues affecting the Council, particularly strategic, financial, policy related and corporate management matters, within the overall policy framework set by the Assembly.
  - (ii) Setting the Council Tax Base.
  - (iii) Setting rents in respect of Council dwellings and related properties.
  - (iv) Assessing and determining charges and fees.

- (v) Making policy regarding all employees in respect of pay and conditions of service and disciplinary matters, subject to the provisions of the respective National Conditions of Service and any appropriate legislation.
- (vi) Making Compulsory Purchase Orders (CPOs) and confirming unopposed CPOs.
- (vii) Considering recommendations from other Member meetings, on issues which are the Cabinet's responsibility.
- (viii) Determining the scope and programme and agreeing the outcomes of all Best Value Reviews.
- (ix) Making appointments to any committees, sub-committees, joint committees and other bodies within the remit of the Cabinet.
- (x) Resolving and determining, on advice from the Chief Executive, any disputes of Chief Officers in respect of any delegated authority.
- (xi) Naming of buildings and roads for which the Council is responsible, except for those delegated to officers by Minute 62 (29 September 2009) and Minute 91 (17 January 2012).
- (xii) Receiving reports on corporate performance monitoring information.
- (xiii) Approving procurements and awarding of contracts in accordance with the Contract Rules set out in this Constitution.
- (xiv) Approving financial matters in accordance with the Financial Rules set out in this Constitution.
- (xv) Approving land matters in accordance with the Land Acquisition and Disposal Rules set out in this Constitution.
- (xvi) Reviewing corporate policies and strategies as appropriate.
- (xvii) Appointing the Discretionary Business Rate Relief Appeal Panel which shall consist of three Cabinet Members, one of whom shall be the Cabinet Member with portfolio responsibility for finance, to determine appeals against decisions in respect of applications for Discretionary Business Rate Relief.
- (xviii) To approve business plans and other strategic plans and strategies for council owned companies.
- (xix) Receiving reports on the performance of council owned companies.
- (xx) Considering recommendations from the Shareholder Panel and Investment Panel on other strategic matters pertaining to council owned companies, which are the Cabinet's responsibility.
- (xxi) Receive periodic reports on the Council's Investment and Acquisition Strategy, and to approve investment programme and schemes, which are the Cabinet's responsibility.

- (xxii) Approving the investment budget and the land and property acquisition budget to support the delivery of the Investment and Acquisition Strategy,

### **3. Form and composition of the Cabinet**

- 3.1 The Leader will appoint the Cabinet Members (at least one of whom shall be his/her deputy) and the Cabinet will total between 3 and 10 Councillors, including the Leader and Deputy Leader(s).
- 3.2 Cabinet Members may not hold the office of Mayor or be members of the Overview and Scrutiny Committee.
- 3.3 The quorum shall be three Members.

### **4. Leader**

- 4.1 The Leader shall be elected at the Annual Meeting of the Assembly following the four-yearly whole Council elections. The Leader will be elected for the full four-year term subject to the following provisions:
- (a) He/she resigns from the 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, except where the Leader fails to be returned as a Councillor following an election. Unless the Leader resigns, is disqualified or is otherwise removed from office he/she shall continue as Leader until the day of the Annual Meeting of the Assembly following the election; or until
  - (d) He/she is removed from office by a resolution of the Assembly on a notice of motion of no confidence in accordance with the provisions set out Part 2, Chapter 4 of this Constitution

### **5. Deputy Leader(s) and Other Cabinet Members**

- 5.1 The Leader shall appoint his/her Cabinet Members, at least one of whom shall also be appointed as Deputy Leader, by notifying the Chief Executive in writing of such appointment. Only Councillors may be appointed to the Cabinet. Cabinet members appointed by the Leader shall hold office until the next whole Council elections unless:
- (a) They resign from office, by notification in writing to the Leader who shall, in turn, notify the Chief Executive. The resignation shall take effect immediately after receipt of the notice by the Leader;
  - (b) They are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);
  - (c) They are no longer a Councillor; or

- (d) They are removed from office by the Leader, by notification of removal made in writing by the Leader to the Chief Executive and to the Cabinet Member concerned. The removal shall take effect immediately after receipt of the notice by the Chief Executive.
- 5.2 The Leader shall assign portfolios in defined areas of Council activity to the individual members of the Cabinet.
- 5.3 If for any reason the Leader is unable to act or the office of the Leader is vacant the Deputy Leader must act in his place.
- 5.4 If for any reason the Leader is unable to act or the office of the Leader is vacant and the Deputy Leader is unable to act or the office of the Deputy Leader is vacant, the Cabinet must act in the Leader's place or must arrange for a member of the Cabinet to act in his/her place.
- 5.5 In the event that the Leader appoints two or more Cabinet Members to the position of Deputy Leader, the Leader shall provide the Chief Executive with details of which Deputy Leader shall be nominated to act on his/her behalf in any given situation stipulated in this Constitution.
- 5.6 In the event that it is unclear which Deputy Leader has been nominated to act on the Leader's behalf in any given situation and it is not possible to seek clarification from the Leader, the Chief Executive shall nominate the Deputy Leader to act.
- 5.7 In the event that the 'nominated' Deputy Leader is unable to act on behalf of the Leader, the other shall automatically assume that responsibility.
- 6. Vacancies in the Cabinet**
- 6.1 If at any time a Councillor ceases to be a Member of the Cabinet, the portfolio responsibilities of that Member shall be carried out by the Cabinet collectively in so far as permitted by law until such time as the Leader shall have appointed a replacement or, where appropriate, re-appointed the Member concerned.
- 6.2 In the event of there being no Leader, Deputy Leader or Cabinet Members, executive functions shall in the interim be carried out by the Chief Executive in so far as is permitted by law.
- 7. Removal from Office of the Leader**
- 7.1 The Leader may only be removed from office by resolution of the Assembly in accordance with the provisions set out in section 13 of Part 2, Chapter 4 of this Constitution.
- 8. Policy Task Groups**
- 8.1 The Leader in consultation with the Chief Executive will appoint Policy Task Groups to examine policies and make recommendations to the Cabinet.
- 8.2 The Policy Task Group will be made up of a minimum of 6 and no more than 10 non-executive Members.

- 8.3 Policy Task Groups are advisory bodies to the Cabinet. Their role will be to:
- (a) Assist and advise the Leader and the Cabinet in the development of policy;
  - (b) Consider reviews of any existing policies, strategies or plans of the Council;
  - (c) Consider existing policies in the light of changes to legislation or national guidance;
  - (d) Consider proposals for new Council policy;
  - (e) Provide advice on policy direction.

8.4 The terms of reference of each Policy Task Group will be determined by the Leader in consultation with the Chief Executive.

## **9. Member Champions**

- 9.1 Up to five Member Champions will be appointed by the Leader to support the work of the Cabinet and promote and raise the profile for the cause for which they are a champion.
- 9.2 A Member Champion cannot be a Cabinet Member or the Chair or Deputy Chair of the Overview and Scrutiny Committee or the Health Scrutiny Committee.
- 9.3 The Leader may remove a Member Champion at any time.

## **10. Spokespersons and Lead Members**

- 10.1 The Leader (or in his/her absence the Deputy Leader) is the overall spokesperson for Cabinet issues at appropriate times (for example at the Assembly), but each Cabinet Member may speak on behalf of the Cabinet in a collective, as opposed to a personal, capacity.

## **11. Cabinet Decisions and Minutes**

- 11.1 Details of decisions made by Cabinet shall be circulated within two working days of the meeting in order to facilitate the call-in process detailed in Part 2, Chapter 8 of the Constitution.
- 11.2 The minutes of Cabinet meetings shall be published in draft form on the Council's website as soon as practicable after the meeting.

## **12. Cabinet and Shareholder Panel**

- 12.1 The Cabinet undertakes a shareholder role, acting on behalf of the Council. The Cabinet will exercise the strategic oversight of any companies owned wholly or partly by the Council. The Cabinet will in turn be advised by the Shareholder Panel. The statutory relationship is between the council owned companies and the Cabinet, as advised by the Shareholder Panel.

- 12.2 The Chief Executive in consultation with the Leader will appoint a Shareholder Panel comprising a membership of Cabinet members and key officers who will be responsible for reviewing the strategic business plans and performance of the council owned companies, and make recommendations to the Cabinet, where appropriate. The Chief Executive, in consultation with the Leader, may amend the membership of the Panel.
- 12.3 The Shareholder Panel is an advisory body to the Cabinet. Their role will be to:
- (a) Review, monitor and consider amendments to the long term strategic objectives via company business plans
  - (b) Review and monitor the financial performance, legal compliance and trading risks for each company.
  - (c) To consider all proposed significant capital or revenue investments by the Council and make recommendations to the Cabinet.
  - (d) To receive regular updates on all other matters covered by the business plans of the council owned companies.
  - (e) To give prior consideration and make recommendations to the Cabinet for approval, in respect of those matters which are the Cabinet's responsibility
- 12.4 The terms of reference of the Shareholder Panel will be determined by the Leader, on advice from the Chief Executive and the Monitoring Officer.