

## **SECTION 5**

### **5. THE CABINET**

#### **5.1 Introduction**

The Cabinet is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by Law or under this Constitution.

#### **5.2 Form and Composition of the Cabinet**

5.2.1 The Cabinet shall be politically balanced.

5.2.2 The rules of political balance in respect of the Cabinet will only apply to political groups which are comprised of 5 or more members of the Council.

5.2.3 The Cabinet will consist of the Leader together with 7 Councillors appointed to the Cabinet by the Leader after consultation with the leaders of the political groups which have 5 or more members.

5.2.4 In the event of a political group with 5 or more members declining, at the time when the Cabinet is being appointed, to take up any or all of its seats on the Cabinet the Leader may appoint councillors to fill the vacancies following further consultation with the Leaders of the other political groups with 5 or more members. The rules of political balance will not apply to the filling of such vacancies.

5.2.5 In the event of a political group which is entitled to a seat or seats in the Cabinet in accordance with paragraph 5.2.1 deciding to take up that seat or those seats (having previously decided not to do so), the Leader shall make such changes to the membership of the Cabinet as to ensure, so far as is reasonably possible, compliance with paragraph 5.2.1 above.

#### **5.3 Leader**

##### **5.3.1 Election**

The Leader will be a Councillor elected to the position of Leader by the Council in accordance with the provisions of Section 6 of this Constitution.

##### **5.3.2 Term of Office**

The Leader will hold office until the next ordinary election of Councillors.

##### **5.3.3 Role of the Leader**

The Leader will Chair meetings of the Cabinet and determine the portfolios of Members of the Cabinet. Further information is contained in Section 6.

#### 5.4 **Deputy Leader**

- 5.4.1 The Leader will appoint a Deputy Leader to act as Leader in the Leader's absence and may also if he/she thinks fit remove the Deputy Leader from Office at any time.
- 5.4.2 The Deputy Leader may exercise all of the functions of the Leader where the position is vacant or where the Leader is absent or otherwise unable to act.

#### 5.5 **Other Cabinet Members**

Other Cabinet Members will be Councillors appointed to the position of Cabinet Member by the Leader. Each Cabinet Member shall hold office until:

- 5.5.1 he/she resigns from that office; or
- 5.5.2 he/she is removed from that office by the Leader upon such notice (if any) as the Leader considers appropriate; or
- 5.5.3 he/she ceases to be a Councillor.

The Leader may at any time appoint a Cabinet Member to fill any vacancies.

#### 5.6 **Delegation of Functions**

The Cabinet may exercise Executive Functions itself or may otherwise make arrangements to delegate responsibility for their discharge. The Cabinet may delegate Executive Functions to:

- 5.6.1 The Leader;
- 5.6.2 a Committee of the Cabinet (comprising executive Members only);
- 5.6.3 an individual Cabinet Member;
- 5.6.4 a joint committee;
- 5.6.5 Another local authority or the executive of another local authority;
- 5.6.6 A delegated Officer.

#### 5.7 **Rules of Procedure and Debate**

The proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules in Section 5.8 below.

#### 5.8 **Cabinet Procedure Rules**

##### 5.8.1 **Meetings**

The Cabinet shall meet at least 10 times a year at such venues dates and times as shall be:

- (a) determined by the Cabinet; or

- (b) determined by the Chief Executive where possible after consultation with the Leader (or in his absence, the Deputy Leader or Deputy Leaders), being within 15 days following receipt of a written requisition signed by at least three members of the Cabinet stating the matter or matters to be considered at that meeting, or
- (c) exceptionally, determined by the Chief Executive where in his opinion, where possible after consultation with the Leader (or in his absence, the Deputy Leader or Deputy Leaders) there is an urgent matter or urgent matters which require the consideration of the Cabinet but no convenient meeting of the Cabinet has been arranged.

The Chief Executive shall maintain a diary of all future meetings of the Cabinet, and shall ensure that the dates of meetings of the Cabinet for the coming months are notified to all members of the Council and made available to the public.

#### 5.8.2 Quorum

The quorum at any meeting of the Cabinet shall be 50% of the whole number of members, rounded down. For the avoidance of doubt the whole number of Members does not include vacancies.

#### 5.8.3 Access to information

Meetings of the Cabinet shall be convened in accordance with the Access to Information Rules in Section 14 of this Constitution.

#### 5.8.4 Chairing of Cabinet meetings

The Leader shall decide who chairs meetings of the Cabinet except that, in the absence of both the Leader and the Deputy Leader(s), the members of the Cabinet present shall choose a person to chair the meeting.

#### 5.8.5 Public access

The Press and public shall be entitled to attend all meetings of the Cabinet except:

- (a) where the Cabinet resolves that the Press and public be excluded for the consideration of all or part of the consideration of a matter because the discussion of that matter is likely to result in the disclosure of exempt or confidential information, or
- (b) where the person chairing the meeting has ordered their removal in order to prevent disruption of the meeting.

#### 5.8.6 Attendance by members who are not Cabinet members

##### 5.8.6.1 Rights to attend

All Councillors have the right to attend Cabinet and Cabinet Committee meetings - therefore there is no restriction to observers attending except during consideration of any matter where the member having declared a personal and prejudicial interest would have been required by the Members' Code of Conduct to leave the meeting.

#### 5.8.6.2 Rights to address meetings

There should be no automatic right for observers to speak on any issue. The right of someone who is not a Cabinet member to speak is solely at the discretion of the chair of the meeting.

Accordingly it would be helpful for any Councillor who is not a Cabinet member to inform the Chair, in advance of the meeting, of that Member's wish to address the meeting, together with an explanation of the reasons behind the request.

Cabinet Members will always be called to speak first on an item. Whilst the Chair has discretion as to who else should be called, it is expected that priority would be given to a request from a Chair of a Scrutiny Committee or the Chair of Corporate Governance Committee to speak on a matter that was of direct concern or interest to that committee.

#### 5.8.6.3 Questions

Members who wish to ask formal questions of the Cabinet that are not related to items on the agenda should give at least three working days' notice of the question(s) upon which answers will be required.

#### 5.8.7 Attendance by officers

The Statutory Officers of the Council, or their nominees, shall be entitled to attend all meetings of the Cabinet and to speak on issues affecting their statutory responsibilities.

Corporate Directors shall be responsible for ensuring that they are present or represented at meetings of the Cabinet when necessary in order to assist the Cabinet in the conduct of its business and enable the efficient discharge of the decisions of the Cabinet

#### 5.8.8 Absence of Cabinet members

Substitutes are not permitted for Cabinet members. The absence of a Cabinet member for any reason shall not prevent consideration and determination of a matter.

#### 5.8.9 Business to be transacted

At each meeting of the Cabinet the following business will be conducted:

- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules set out in Part 4 of this Constitution;
- (ch) consideration of reports from Scrutiny Committees; and

(d) matters set out in the agenda for the meeting including.

#### 5.8.10 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

Reports to the Cabinet will normally appear in the name of the Cabinet member incorporating advice from appropriate officers. Exceptions will include a report from a Statutory Officer. The originator of a report will ensure that draft reports are the subject of consultation with the Chief Executive and any relevant Corporate Directors and Heads of Service, including in all cases the Chief Finance Officer and the Monitoring Officer.

#### 5.8.11 Cabinet Committees

These rules apply to Cabinet Committees, other than 5.8.1, 5.8.2 and 5.8.4

There are currently no cabinet committees however in the event that there shall be the quorum for a Cabinet Committee shall be two.