

## **Article 6 – The Cabinet**

### **6.1 Role**

The Cabinet is the political leadership of the local authority. It has a key role in delivering services, proposing the budget and policy framework to the Council and in promoting and complying with the Council's aims and strategic priorities. The Leader can appoint up to nine Members to the Cabinet, one of whom must be a Deputy Leader and the Leader decides whether decision-making powers will be undertaken collectively or by individual Members within Cabinet.

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

### **6.2 Leader of the Council**

The Leader must be elected by the Council at its Annual Meeting following the Local Government Elections for a period of 4 years or up to the end of his/her term of office as a Councillor whichever is shorter. The Leader will hold office until:-

- a. he/she resigns from the office; or
- b. he/she is suspended from being a Councillor under Part 3 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; or
- d. by resolution of the Council, in which case a new Leader will be elected either at the meeting approving the resolution or at a subsequent meeting.

**(Note:** Upon any change in the political control of the Council, the Leader will resign from office without the need for 6.3(d) above to be invoked.)

### **6.3 Other Cabinet Members**

Cabinet Members shall be appointed annually by the Leader and will hold office until:

- a. they resign from office; or
- b. they are suspended from being a Councillor under Part 3 of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- c. they are no longer a Councillor; or

- d. they are removed from office by the Leader who must give notice in writing of any removal to the Chief Executive. The removal will take effect two working days after the receipt of the notice by the Chief Executive .

#### **6.4 Responsibility for Functions**

The Leader notifies the Cabinet and Full Council which of the individual Cabinet Members, Committees of the Cabinet and employees or joint arrangements are responsible for the exercise of particular Cabinet functions.

#### **6.5 Responsibilities of Cabinet Members**

The current responsibilities of Cabinet Members are shown in Part 3.

#### **6.6 The purpose of the Cabinet:**

- a. Responsibility for proposing, consulting on, developing, monitoring, reviewing and advising the Full Council on the budget and the policy framework.
- b. To be responsible for all decisions relating to the implementation of Council policy.
- c. Making decisions on expenditure provided they are within the budget set by the Full Council and in accordance with the Financial Regulations and may vary budgets within limits as decided from time to time.

The Cabinet is responsible for:

- d. Monitoring the lawful, proper and efficient conduct of the Council's financial affairs, including the extent to which budgets and financial policies are being and will be met, requiring or approving any remedial action to be taken where it considers it to be necessary and appropriate.
- e. Approving, monitoring and reviewing the Council's human resources policies.
- f. Approving, monitoring and reviewing the provision of services to the Council delivered by external or internal suppliers.
- g. Advising the Council on strategic matters in relation to corporate governance, community governance and community strategy.
- h. Monitoring and reviewing issues relating to area working.
- i. Carrying out all functions in respect of the organisation of schools under the Education and Inspections Act 2006 or any subsequent amending legislation.

- j. Exercising the Council's emergency functions in the event of a major emergency incident in the area, or in a neighbouring area, if it affects or might affect the residents, business or economy of the area, subject to the urgent action provisions being used as necessary.
- k. Making recommendations to the Full Council on any topic when directed by the Council.
- l. Discharge all operational functions of the Council except so far as specifically allocated to Full Council or any other Committee or Sub-Committee.

**6.7** The Council delegates its powers and duties to the Cabinet so far as it is necessary to discharge these responsibilities set out in Part 3.

**6.8 The Cabinet may carry out the functions set out in Article 6.6:**

- a. Itself;
- b. Through a Committee of the Cabinet, which may co-opt other Councillors or persons who if so co-opted will not be voting members.
- c. By delegating its power to an individual Cabinet Member (subject to rules to be approved by Council from time to time - see Procedure for decision-Making by Individual Cabinet Members in Part 3).
- d. By delegating its power to an employee, who shall exercise that power in accordance with the scheme of delegation to employees set out in Part 3.
- e. For the purposes of this Constitution, decisions made by the Cabinet itself or by a Committee of the Cabinet are called Amber Decisions
- f. For the purposes of this Constitution, decisions made by an Individual Cabinet Member are called Green Decisions.

- 6.9**
- a. From time to time, Full Council may appoint time limited cross party Steering Groups whose role and remit will be to oversee a specific emerging subject matter including consideration of policy, strategy and detail including regular monitoring and scrutiny in accordance with approved Terms of Reference to ensure relevant targets and key milestones are met. The consideration of any recommendations of Steering Groups, including options appraisal, must be formally reported to and approved by the Cabinet or appropriate Cabinet Panel.
  - b. Steering Groups will discharge their responsibility for functions in accordance with the Full Council Meetings Procedure Rules set out in Part 4.

NB: Certain functions listed in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments of these Regulations cannot be exercised by the Cabinet.

### **6.10 Urgent Decisions outside the Budget or Policy Framework**

An urgent decision which is contrary to the Policy Framework or budget adopted by the Council may be taken by the Cabinet if the Chair of the Scrutiny Board agrees that the decision is urgent. If no such Chair is available (or willing) then the Mayor or in his/her absence the Deputy Mayor may agree that it is urgent before a decision is taken.

### **6.11 Urgent Business**

Where an urgent decision on a matter delegated to the Cabinet is required but it is not feasible to arrange a meeting of the Cabinet, the appropriate Director, in conjunction with the Head of Paid Service is authorised to take the appropriate urgent action provided that the action shall have first been discussed with and approved in writing by the Leader (or in the Leader's absence, the Deputy Leader) and two other Cabinet Members and the Chair and Vice-Chair of the Scrutiny Board or their nominees.

The written authorisation must include details of the proposal and the justification for the course of action. Expenditure must be within existing budgets. Any action taken under this rule must be reported to the next available meeting of the Cabinet for information. Such decisions will not be subject to the usual Call In procedures set out in Part 4, although they may be examined after implementation to determine whether the justification for the course of action was appropriate.