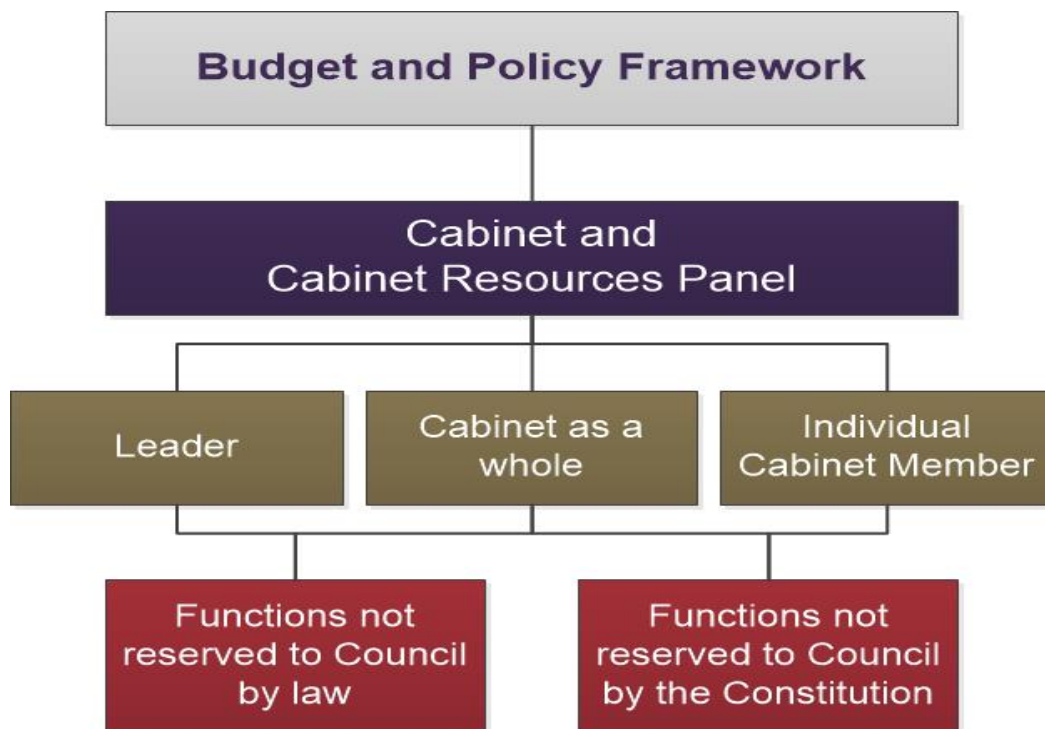


## Article 6 – The Cabinet



### 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 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 Form and Composition of the Executive

The Executive (which is also known as the Cabinet) will consist of:-

1. the Leader of the Council (the "Leader"); and
2. at least two but not more than 9 Councillors appointed to the Cabinet by the Leader.

The Cabinet cannot include the Mayor or Deputy Mayor and there will be no substitutes or co-optees for Cabinet Members.

Members of the Cabinet cannot be members of Scrutiny Board or Scrutiny Panel, Audit and Risk Committee, Planning Committee or Licensing and Regulatory Committee.

### **6.3 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 their term of office as a Councillor whichever is shorter. The Leader will hold office until: -

- a. they resign from the office; or
- b. they are disqualified from being a Councillor; or
- c. they are no longer a Councillor; or
- d. where the Council passes a resolution removing them from office.

in the event of any casual vacancy in the position of Leader the Deputy Leader shall act in the Leader's place until the appointment of a new Leader by the Council.

**(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.)

### **6.4 Responsibilities of the Leader of the Council**

To lead the Council and the Cabinet in the governance of the City of Wolverhampton and the strategic management of the Council in order to achieve the Council's vision. Within this overall role, the Leader of the Council will: -

- a. Represent and promote the City and the interests of its citizens to the outside world.
- b. Make statements, or nominate another Member to make statements, on issues or matters at Council Meetings.
- c. Head, or nominate another Member to head, delegations of Members and appropriate Employees from the Council to meet Ministers or other representatives of central government.
- d. Co-ordinate working arrangements/relationships with the Council's partners and other agencies within the City in the achievement of the best possible standards of living for its citizens.
- e. Take action needed, including the authorisation of financial and other resources, in response to any incidents which result in the City Council's Emergency Planning Procedures being activated.

- f. Take any executive decisions that have not been allocated, or exercise any functions that have been delegated to an executive member, in their absence or otherwise as the Leader considers appropriate in consultation with the Deputy Leader and/or the relevant Cabinet Member where appropriate.

## **6.5 Deputy Leader**

### **Appointment**

The Leader may designate one of the members of the Cabinet as Deputy Leader.

### **Duties of the Deputy Leader**

The Deputy Leader may exercise all the functions of the Leader where the position is vacant or where the Leader is absent or is otherwise unable to act.

### **Removal from Office**

The Leader may, if they think fit, remove the Deputy Leader from office at any time.

## **6.6 Appointment of Cabinet Members and Allocation of Cabinet Portfolios**

The Leader may also appoint up to a further eight other Councillors as Cabinet Members. The Leader together with the Deputy Leader and the Cabinet Member(s) appointed by the Leader will form the Cabinet.

The appointment of the Deputy Leader and Cabinet Member(s) shall take effect upon the date that written notification of such an appointment is received by the Chief Executive. The Leader shall report upon any such appointment at the next available Full Council meeting.

The Leader will determine those matters reserved to full Cabinet and the content of each Cabinet Member portfolio so as to ensure that the Executive Functions of the City Council are properly and effectively discharged.

The Leader may remove the Deputy Leader and any Cabinet Member from office. Such removal from office will take effect upon the date that written notification is received by the Chief Executive. The Leader shall report upon any such removal from office and the appointment of Cabinet Members at the next available Full Council meeting.

The Leader shall report upon the allocation of Executive Functions within the Cabinet or any changes to such arrangements at the next available Full Council meeting.

The Leader may, as they see fit, delegate Executive Powers to employees and may amend such a scheme of delegation from time to time. Any such arrangements shall take effect upon the date that written notification is received by the Chief Executive. The Leader shall report upon any such scheme of delegation or any changes to it at the next available Full Council meeting.

### **6.7 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 disqualified from being a Councillor;
- 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 immediately after the receipt of the notice by the Chief Executive.

### **6.8 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.

### **6.9 Responsibilities of Cabinet Members**

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

### **6.10 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 vire budgets within limits as decided from time to time.

The Cabinet is responsible for:

- a. 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.

- b. Approving, monitoring and reviewing the Council's human resources policies.
- c. Approving, monitoring and reviewing the provision of services to the Council delivered by external or internal suppliers.
- d. Advising the Council on strategic matters in relation to corporate governance, community governance and community strategy.
- e. Monitoring and reviewing issues relating to area working.
- f. Carrying out all functions in respect of the organisation of schools under the Education and Inspections Act 2006 or any subsequent amending legislation.
- g. 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.
- h. Making recommendations to the Full Council on any topic when directed by the Council.
- i. Discharge all operational functions of the Council except so far as specifically allocated to Full Council or any other Committee or Sub-Committee.

**6.11** 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.

**6.12 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.

- 6.13**
- 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.

(**Note:** 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).

#### **6.14 Proceedings of the Cabinet**

The proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules in Part 4 of this Constitution.

#### **6.15 Quorum**

The quorum for a meeting of the Cabinet shall be three voting members of the Cabinet.