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A3 APPENDIX G

**ARTICLE 7 – THE CABINET (ALSO REFERRED TO AS THE EXECUTIVE)**

**7.01 Role and Responsibilities:**

The Cabinet will carry out all of the local authority's functions, known as Executive Functions, that are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

**7.02 Forms and Composition:**

The Cabinet will consist of the Leader of the Council together with other Councillors appointed to the Cabinet by the Leader. The Leader will determine the number of Councillors who may be appointed to the Cabinet subject to the statutory minimum requirement of two Councillors appointed to the Cabinet by the Leader and the statutory maximum number of ten members of the Cabinet.

**7.03 Leader of the Council:**

The Leader of the Council will be a Councillor elected to the position by the full Council. The election of the Leader will normally be carried out at the Annual Meeting of the Council following the District Council Elections. The Leader will hold office until the annual meeting of the Council following the next District Council elections or until:-

- (a) They resign from the office (only upon disqualification or resignation in accordance with Section 91B of the Local Government Act 2000); or
- (b) They cease to be a Councillor only; or
- (c) The Council passes a resolution removing the Leader from office at an earlier date. If the Council so passes a resolution to remove the Leader, a new Leader is to be elected at the meeting at which the Leader is removed from office or at a subsequent meeting.

Upon expiry of the fixed term the Leader will be eligible for re-election for subsequent fixed terms.

Upon the occurrence of a vacancy in the office of the Leader, the Council shall fill the vacancy at the next ordinary meeting of the Council. The person appointed to fill the vacancy shall hold office for the remainder of the original term subject to earlier termination as provided for above.

In the interim period between the vacancy in the office of the Leader and the next ordinary meeting of the Council, the Deputy Leader will act as Leader on an interim basis.

#### **7.04 Deputy Leader of the Council**

The Leader of the Council will appoint one of the members of the Cabinet to be his deputy. The Deputy Leader of the Council, unless he resigns as Deputy Leader or ceases to be a member of the authority, will hold office until the end of the term of office of the Leader of the Council. However, the Leader may, if he thinks fit, remove the Deputy Leader from office.

Where a vacancy occurs in the office of the Deputy Leader the Leader will appoint another person in his place.

If for any reason the Leader is permanently unable to act or the office of Leader is vacant, the Deputy Leader will act temporarily in his place until the next formal ordinary meeting of the Council when a new Leader will be elected.

If the Deputy Leader is also unable to act or the office is vacant the Cabinet will act in the Leader's place or will arrange for a member of the Cabinet to act in his place.

#### **7.05 Other Cabinet Members (also known as Portfolio Holders)**

Other Cabinet members shall hold office until:

- (a) they resign from office; or
- (b) they are no longer Councillors; or
- (c) they are removed from office by the Leader who must give written notice of any removal to the Chief Executive. The removal will take effect two working days after receipt of the notice by the Chief Executive.

#### **7.06 Proceedings of the Cabinet**

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out below at 7.08.

#### **7.07 Responsibility for Executive Functions**

The arrangements for the discharge of Executive Functions are contained in Part 3 of the Constitution.

The Executive functions may be discharged by:

- (i) the Cabinet as a whole;
- (ii) a Committee of the Cabinet, where appointed by the Leader;
- (iii) an individual member of the Cabinet;
- (iv) an officer;
- (v) an area committee;

- (vii) joint arrangements; or
- (viii) another local authority.

Part 3 of the Constitution will be maintained and kept up to date with the agreement of the Leader of the Council, setting out which Members of Cabinet, Committees of the Cabinet, Officers or joint arrangements are responsible for the exercise of particular Executive Functions.

## **7.08 Cabinet Procedure Rules**

### **1. MEETINGS**

#### **1.1 Cabinet Meetings**

The Cabinet will meet at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices (the Town Hall) or another location to be agreed by the Leader.

#### **1.2 Meetings of the Council**

Meetings of the Cabinet and their committees must be held in public except where confidential or exempt information is to be discussed.

#### **1.3 Quorum**

The quorum for a meeting of the Cabinet shall be three including the Leader or in his absence the Deputy Leader.

#### **1.4 Chairmanship**

The Leader (or in his absence the Deputy Leader) will preside at any meeting of the Cabinet at which he is present.

#### **1.5 Who may Attend?**

- (i) Subject to the Access to Information Rules and the provisions of the Members' Code of Conduct, any Councillor may attend meetings of the Cabinet. They may not speak without the consent of the Leader, or in any case vote.
- (ii) The Leader or Deputy Leader of the opposition groups may, as of right, attend meetings of the Cabinet and participate fully in the discussion on all agenda items, but cannot vote. If requested by the Leader or Deputy Leader of an opposition group to do so, the minutes of the meeting of Cabinet on a particular matter will record their Group's opposition to all, or part, of a decision.
- (iii) Meetings of the Cabinet shall have in attendance the Chief Executive, the Chief Financial Officer (or his Deputy), the Monitoring Officer (or his Deputy) and other relevant

Corporate Directors in the light of items to be discussed, or their nominated representatives, at the discretion of the Chief Executive.

- (iv) The Chief Financial Officer and Monitoring Officer have the right to attend and present a report to discharge their statutory duties whenever necessary.
- (v) The Constitution includes no provision for substitute members at meetings of the Executive.

## **2. AGENDA**

### **2.1 Members' Written Questions**

Any Member has the right to submit a written question to the Cabinet on any item on their agenda and to attend to present it at the meeting of the Cabinet when the item is to be considered. Such question shall be submitted at least 24 hours before this Cabinet meeting. The Member may withdraw their question at any time.

### **2.2 Order of Business**

At each meeting of the Executive 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 (by the Overview and Scrutiny Committees or the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 5 of this Constitution;
- (d) Any matter where the Overview and Scrutiny Committee or Council have resolved that an item be considered by the Cabinet. The Chief Executive will ensure that an item is placed on the agenda of the next available meeting;
- (e) Consideration of reports from the Overview and Scrutiny Committees;
- (f) Matters set out in the Agenda for the meeting and which shall indicate which are key decisions, and which are not, in accordance with the Access to Information Procedure Rules set out in Part 5 of this Constitution;
- (g) Key decisions, as indicated on the agenda for the meeting, in accordance with Access to Information Procedure Rules set out in Part 5 of this Constitution;
- (h) Any matter relating to an executive function that the Leader of the Council wishes to be included, whether or not authority has been delegated to the

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Cabinet, a Committee of it or any Member or Officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect;

- (i) Any matter relating to an executive function requested by a member of the Cabinet. The Chief Executive will be required to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration, subject to the issue in question not having been considered in the last six months;
- (j) Any matter relating to an executive function requested by a Member of the Council, subject to the agreement of the Leader of the Council. A Member may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, subject to the issue in question not having been considered in the last six months. If the Leader agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered who will also be invited to attend the meeting. There may only be up to two such items per Cabinet meeting;
- (k) Any matter included on the agenda by the Monitoring Officer and/or the Chief Financial Officer for consideration. They may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Chief Financial Officer and Monitoring Officer are of the opinion that a matter requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered; and
- (l) The Chief Executive or any member of Management Team may place an item on the agenda of any meeting of the Executive.

### 3. 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 Overview and 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.

Prior to all Cabinet Decisions, Ward Members must be consulted in specific ward related matters; the outcome of the consultation will be included within the body of the Report.

All reports to the Executive will include details of all appropriate officer advice in respect of the matter under consideration, in particular, advice from the Chief Executive, the Chief Financial Officer and/or the Monitoring Officer.

**4. CONDUCT**

**(a) Disturbance by Public – Removal of Member of the Public**

If a member of the public interrupts proceedings, the Leader will warn the person concerned. If he continues to interrupt, the Leader will order his removal from the meeting room.

**(b) Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Leader may call for that part to be cleared.

**5. PROCEDURES FOR PRIVATE MEETINGS OF THE CABINET**

The rules concerning private meetings of the Cabinet are set out in the Access to Information Procedure Rules in Part 5. This does not apply to Portfolio Holder Working Parties or Groups, who meet for specific subjects with cross party representation.

~~The process for appointing members of the Portfolio Holder Working Parties or Groups will require a letter to be sent to the Leader of each political group inviting them to identify members of their group who are interested in serving on the group.~~

**6. DECISIONS**

**6.1 Overlap of Interests**

- (a) In cases where there is an overlap in responsibilities between Portfolio Holders, the Leader of the Council shall advise of the relevant Portfolio Holder to make the decision.
- (b) Where any, or all, members of the Cabinet have an interest this should be dealt with in accordance with the Council's Code of Conduct for Members as set out in Part 5 of this Constitution.

**6.2 How are Decisions to be taken by the Cabinet?**

Cabinet decisions which have been retained to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules, as applicable in Part 5 of the Constitution.

After any meeting of the Cabinet, whether held in public or private, or with regards to decisions taken by individual members of the Cabinet, within their delegated powers, the Chief Executive, or, where no Officer was present, the person presiding at the

meeting, will produce a record of every decision taken at that meeting or by individual members of the Cabinet. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting. The record of decisions made at meetings will take the form of the minutes of the meeting.

Records of all decisions will be published as soon as practicable after they have been taken and made publicly available. In accordance with the Overview and Scrutiny Procedure Rules, decisions of the Cabinet, subject to certain exceptions, may not be implemented until the expiry of the call-in period.

## **7. PROCEDURES FOR PORTFOLIO HOLDER WORKING PARTIES**

Portfolio Holders can form working parties to examine and advise the Portfolio Holder under specific aspects of the Portfolio Holder's responsibility, for a period limited to delivery of the project.

The process for forming a Portfolio Holder Working Party will require a letter or personal email to be sent to the Leader of each political group inviting them to identify members of their group who are interested in serving on the working party.

The appointments of Members to serve on working parties will therefore have had regard to the suggestions of the Group Leaders and if necessary, the need to maintain a broad political balance within the membership thereof.

The Portfolio Holder will determine the size of the working party together with its terms of reference. The Portfolio Holder will also decide whether to involve relevant Ward Members and interested third parties in the work of the working party.

Any decision of a Portfolio Holder in respect of the administration of a working party cannot be called-in for scrutiny.

Any formal decision taken by the Portfolio Holder following the outcome of the Working Party will need to be formally recorded in accordance with Article 7 (7.08 Section 6.2) and include any declarations of interest as required by the Members' Code of Conduct and details of consultation undertaken with the relevant Ward Members.