

## **SECTION 6**

### **THE CABINET**

#### **1. Executive Arrangements**

- 1.1 The role of the Council's Executive is to lead the preparation of the Council's policies and budget, to lead the community planning process and the attainment of best value, to implement the Council's policies and budget, to take in-year decisions on such and to be the focus for Local Strategic Partnerships.
- 1.2 The County Council's Executive comprises the Leader of the Council and a Cabinet of other Members appointed by the Leader. The Leader of the Council and the Cabinet are collectively described as "The Cabinet". The Cabinet is not a Committee of the County Council.

#### **2. Leader of the Council**

- 2.1 The County Council shall appoint a Member of the Council as the Leader of the Council at its annual meeting in the year of elections for County Councillors.
- 2.2 The Leader will serve for a four year term unless:-
- They resign from the office;
  - 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)
  - They are no longer a Councillor; or
  - They are removed from office by resolution of the Council.
- 2.3 If the serving Leader ceases to be Leader for one of the above reasons, the Council will elect a new Leader who will serve until the next election for County Councillors.

#### **3. The Cabinet**

- 3.1 The Leader shall specify the number of Members in addition to himself who comprise the Cabinet being not less than two and not more than nine. The Cabinet shall not be a Committee of the Council.
- 3.2 The Leader of the Council shall appoint Members of the Council to serve on the Cabinet as Cabinet Members. Only Councillors may be appointed to the Cabinet and there may be no Deputies or Substitutes for Cabinet Members.
- 3.3 The Chairman and Vice-Chairman of the County Council may not be Members of the Cabinet and Cabinet Members may not be Members of any of the Scrutiny Committees.
- 3.4 Cabinet Members will serve for a four year term of office unless:-
- They resign from office;
  - They are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);

- They are no longer a Councillor;
- They are removed from office by the Leader of the Council; or
- The Leader of the Council resigns or is removed from office.

3.5 The Leader of the Council shall allocate to each Cabinet Member responsibilities relating to the executive functions of the Council as he shall decide. The Director of Democracy, Law and Transformation shall maintain a list of these responsibilities and include it in the Constitution.

#### **4. The Deputy Leader**

4.1 The Leader of the Council shall designate one Cabinet Member as Deputy Leader who may, in any circumstances that Leader of the Council is unable to act, exercise the powers, duties and responsibilities of the Leader of the Council under the Constitution.

4.2 If the Leader of the Council ceases to hold the office, the Deputy Leader will act as Leader until a new Leader is appointed by the Council. Under these circumstances, the provisions of Paragraph 3.4 above shall not apply.

4.3 The Deputy Leader will hold office until the end of the Leader's term of office unless removed from the office by the Leader or they cease to be a Cabinet Member under Paragraphs 3.4 above.

#### **5. Role of the Cabinet**

5.1 The Council's Cabinet will operate as the strategic policy and decision making body of the County Council carrying out such of the County Council's functions which are not the responsibility of any other part of the Council and which are allocated to the Cabinet by the Leader of the Council.

5.2 In support of those roles the Cabinet will consider and manage the exercise of all the functions and powers of the Council which are delegated to the Cabinet by the Leader and:-

- After consulting with the appropriate Scrutiny Committee, consider and make recommendations to the full Council on any matters which it is the responsibility of the full Council to determine, (other than on matters which are by law not the responsibility of the Leader and Cabinet);
- Determine an annual programme for the preparation of reports and recommendations to the Council on such matters;
- Consult as the Cabinet thinks fit on any matter.
- Conduct reviews in respect of any service or function within the scope of the role of the Leader and/or Cabinet, subject to consultation with the appropriate Scrutiny Committee and to the participation of members of the appropriate Scrutiny Committee in individual reviews; and receive reports on reviews undertaken.
- Refer such matters as the Cabinet may decide to any Scrutiny Committee for consideration and/or report and/or recommendation.
- Consider and respond to reports and recommendations from any Scrutiny Committee.

5.3 The Cabinet shall appoint Members to serve on the various bodies upon which the County Council is entitled to appoint representatives subject to any relevant

statutory provision relating to political balance. The Cabinet may also remove an appointee from the office if and when required.

- 5.4 No member of the Council other than the Cabinet Member in question shall be appointed to or serve on any Body advising or being consulted by that Portfolio Holder.
- 5.5 The Cabinet will as appropriate or necessary in the circumstances seek the advice of the Chief Executive, the Director of Democracy, Law and Transformation the relevant Chief Officer and/or the Director of Finance and Resources on any matter and shall have regard to any advice so given.

## **6. Cabinet Decisions and Cabinet Member Decisions**

- 6.1 The Cabinet may collectively take any decision on any matter delegated to the Cabinet by the Leader or has been referred to the Cabinet by a Cabinet Member, the Chief Executive or any Chief Officer or is one which the Cabinet have specifically reserved for decision to them.
- 6.2 The Cabinet have no power to take decisions on matters reserved to the full Council or matters which may not by law be determined by the Cabinet or change the delegation of any Local choice Function.
- 6.3 The Leader may establish one or more Cabinet Sub-Committees on a task and finish basis. They shall appoint the Chairman and members of the Sub-Committee from amongst the Members of the Cabinet and may delegate powers to it. The details of any Sub-Committee and the powers delegated to it shall be recorded in this Constitution.
- 6.4 The Leader of the Council may also delegate specific decision making powers to a specified Cabinet Member. All such allocations are to be recorded by the Director of Democracy, Law and Transformation in the Constitution on the written notification by the Leader of the Council.
- 6.5 Cabinet Members may only take decisions within the approved budget and may not have delegated power to take key decisions, decisions that are by law not the responsibility of the Council's Executive or decisions that are reserved by the Leader to the Cabinet as a whole. No decision shall be made by a Cabinet Member who has a conflict of interest or where such action would be contrary to a Code of Conduct in any other way or would be unlawful.
- 6.6 The exercise of delegated powers by a Cabinet Member is always subject to the County Council's Budget and Policy Framework rules, the Call-in provisions in Section 7 (Select Committees), the Access to Information Rules (Section 13), and Financial Regulations (Section 14).
- 6.7 Delegated powers can only be exercised once the Cabinet Member has considered a written report from the Chief Officer concerned. Where appropriate, such written report shall include confirmation that the Chief Officer has received and considered advice from the relevant Statutory Officer.
- 6.8 The decision of the Portfolio Holder must be in writing, signed by him/her and by the Chief Officer concerned and include a record of the reasons for the decision, details of any alternative options considered and rejected at the time by the

Portfolio Holder, a record of any conflict of interest declared by any other Cabinet Member who is consulted in relation to the decision and a note of any dispensation granted by the Standards Committee in respect of any such declared conflict of interest. A copy of such decision must be given within 24 hours to the Director of Democracy, Law and Transformation.

- 6.9 The Leader may delegate to a Chief Officer any power or responsibility or function which it is in law the responsibility of the Cabinet to discharge and will maintain a scheme of such delegations in Section 11 of the Constitution.
- 6.10 Chief Officers may in turn delegate any responsibilities that have been allocated to them to an officer in accordance with a scheme to be approved by the Leader. The Leader will keep such schemes under review and may from time to time add to, vary or delete any such delegations.
- 6.11 Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated those functions.

## **7. Cabinet Meetings**

- 7.1 Cabinet decisions which are taken by the Cabinet as a whole will be taken at meetings convened in accordance with the Access to Information Rules in Section 13 of the Constitution. The Cabinet will normally meet at monthly intervals and at other times to be agreed by the Leader of the Council.
- 7.2 The quorum for a meeting of the Cabinet shall be three including the Leader of the Council, or if he is absent, the Deputy Leader. If the Leader of the Council is present he will preside and if he is absent the Deputy Leader will preside.
- 7.3 At each meeting of the Cabinet the following business will be conducted:-
- Confirmation of the minutes of the last meeting.
  - Declarations of interest, if any.
  - Any 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 or the Budget and Policy Framework Procedure Rules set out in this Constitution.
  - Consideration of reports from Scrutiny Committees; and
  - Any matters set out in the agenda for the meeting, and which shall indicate those which are key decisions and those which are not in accordance with the Access to Information Procedure rules set out in Section 13 of this Constitution.
- 7.4 The Cabinet may require any Cabinet Member or the Leader of the Council or Chief Officer to report to the Cabinet on any matter which the Cabinet specify and which is within its or his/her purview.
- 7.5 Any Cabinet Member may request the Leader of the Council to arrange for an item to be placed on the agenda of the next available meeting of the Cabinet for consideration.
- 7.6 The Monitoring Officer and/or the Finance Officer may require the Proper Officer to include an item for consideration 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.

- 7.5 The Director of Democracy, Law and Transformation will be the Proper Officer for matters relating to the membership and meetings of the Cabinet, including summoning meetings, circulating the Agenda and papers for such meetings, and recording every decision taken by the Cabinet itself. Such record shall include the reasons for such decision and any alternative options considered and rejected.

## **8. Conflicts of Interest**

- 8.1 Where the Leader and/or a Cabinet Member has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members.
- 8.2 If the exercise of an executive function has been delegated to an officer and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Officers' Code of Conduct in Section 11 of this Constitution.

## **9. Rights of attendance at Meetings of the Cabinet**

- 9.1 Any person entitled to do so by the Access to Information Rules in Section 13 of this Constitution may attend a Cabinet Meeting. A Councillor may attend a Cabinet meeting in accordance with the 'Local Member' provisions in Section 12 of this Constitution.
- 9.2 The Cabinet or the Leader of the Council may invite any individual to attend a meeting of the Cabinet to assist or advise the Cabinet but such individual shall not be a member of the Cabinet and shall not have any voting rights.
- 9.3 Up to two representatives nominated by the Corporate Review Committee shall be entitled to attend and speak (but not to vote) at a meeting of the Cabinet when it considers any reference back of a called-in decision.

## **10. Consultation**

- 10.1 Reports to the Cabinet from any Cabinet Member or an officer on proposals relating to the budget and policy framework must contain details of consultation with stakeholders and relevant Scrutiny Committee, and the outcome of that consultation.
- 10.2 Reports about other matters will set out the details and outcome of consultation as appropriate.
- 10.3 Each Cabinet Member may from time to time make arrangements for consultation with persons or bodies who are not members of the Council about any matter within the portfolio of that Cabinet Member. These arrangements shall not lead to any delegated powers being vested in any person or body so consulted or asked to advise.
- 10.4 The Leader may also establish (and disestablish) Boards comprising Members and officers to oversee specific projects, functions or services or to undertake reviews.

- 10.5 Boards do not have the power to take decisions on behalf of the Council and are informal structures not subject to the provisions regarding Access to Meetings and Information (except the additional rights of Access for Members).
- 10.6 A list of boards currently established, along with their terms of reference and Membership shall be maintained by the Director of Democracy, Law and Transformation and included in the Constitution.