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

The Cabinet will consist of:

5.2.1 the Leader(s) of the Council (the "Leader"); and

5.2.2 at least two but not more than nine other Councillors appointed to the Cabinet by the Leader.

5.3 Leader

5.3.1 Election

(a) The Leader will be a Councillor elected to the position of Leader by the Council.

(b) Two or more Councillors may be elected to the position of Leader by the Council.

5.3.2 Term of Office

The Leader(s) is/are appointed for the term of the Council.

5.3.3 Role of the Leader(s)

The Leader(s) will Chair meetings of the Cabinet and determine the portfolios of Members of the Cabinet. Further information is contained in Section 13.

5.4 Deputy Leader

5.4.1 The Leader(s) 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(s) where the position is vacant or where the Leader(s) is/are absent or otherwise unable to act.

5.5 Other Cabinet Members

Other Cabinet Members will be Councillors elected to the position of Cabinet Member by the Leader(s). 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(s) may at any time appoint a Cabinet Member to fill any vacancies.

5.6 Delegation of Functions

The Leader(s) may exercise Executive Functions himself/herself or may otherwise make arrangements to delegate responsibility for their discharge. The Leader(s) may delegate Executive Functions to:

5.6.1 the Cabinet as a whole;

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 Assistants to the Cabinet

5.7.1 Other Councillors may, from time to time, be designated by the Leader(s) as Assistants to the Executive. Such Councillors will not be:

(a) a Member of the Cabinet

(b) the Chairman and Vice-Chairman of the Council

5.7.2 Assistants to the Cabinet will not participate in Executive Decision making, but may work closely with a Cabinet Member.

5.7.3 An Assistant to the Cabinet may support the Cabinet Member through the delegation of tasks as agreed for his/her area of responsibility, including attending/chairing meetings; speaking/opening events; reading and commenting on papers; meeting Officers; agreeing press releases/comments and carrying out interview; representative the Council on appropriate groups. A Cabinet Support Member will not, however, have delegated powers and will not be entitles vote at Cabinet Meetings or Cabinet Committee Meetings nor deputise for the Cabinet Member when the Cabinet Member is called to appear at an Overview and Scrutiny Committee. Assistants to the Cabinet will be entitled to attend and speak at any meeting of the Cabinet or a committee of the Cabinet Executive.

5.8 Rules of Procedure and Debate

The proceedings of the Cabinet shall take place in accordance with the Executive Procedure Rules in Section 5.9 below.

5.9 Cabinet Procedure Rules

5.9.1 Delegation by the Leader

Following the annual meeting of the Council, the Head of Democratic Services, at the direction of the Leader(s), will draw up a written record of executive delegations made by the Leader(s) for inclusion in the Council's scheme of delegation at Section 13 to

this Constitution. This will contain the following information about Executive Functions in relation to the coming year:

(a) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;

(b) the terms of reference and constitution of such Cabinet committees as the Leader(s) appoints and the names of Cabinet Members appointed to them;

(c) the nature and extent of any delegation of Executive Functions to any other authority or any joint arrangements;

(d) the nature and extent of any delegation to Officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made; and

5.9.2 Sub-Delegation of Executive Functions

(a) Where the Cabinet, a committee of the Cabinet or an individual Member of the Cabinet is responsible for an Executive Function, they may delegate further to joint arrangements or an Officer.

(b) Unless the Leader(s) directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader(s) may delegate further to an Officer.

(c) Where Executive Functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

5.9.3 The Council's Scheme of Delegation and Executive Functions

(a) The Leader(s) may amend the scheme of delegation relating to Executive Functions at any time. In doing so the Leader(s) will give written notice to the Head of Democratic Services and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body or committee. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

(b) Where the Leader(s) seeks to withdraw delegation from a committee of the Cabinet, notice will be deemed to be served on that committee when he has served it on its chair.

5.9.4 Conflicts of Interest

(a) Where the Leader(s) has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 18 of this Constitution.

(b) If any Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 18 of this Constitution.

(c) If the exercise of an Executive Function has been delegated to a committee of the Cabinet, an individual Member or an Officer, and should a conflict of interest arise, 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 Council's Code of Conduct for Members in Section 18 of this Constitution.

5.9.5 Cabinet Meetings – When and Where?

The frequency and timing of meetings of the Cabinet will be determined by the Leader. The Cabinet will meet at the Council's main offices or another location to be agreed by the Leader.

5.9.6 Public or Private Meetings of the Cabinet?

The Cabinet will hold its meetings in public, except in the circumstances set out in the Access to Information Procedure Rules in Section 14, for example where confidential or exempt information is being discussed.

5.9.7 Quorum

(a) The quorum for a meeting of the Cabinet shall be one quarter of the members including the Leader(s) or Deputy Leader.

(b) The quorum for a meeting of a committee of the Cabinet shall be 2.

For the avoidance of doubt presence will include presence through electronic means which allow the member to hear and speak at the meeting.

The failure of any technological provision whether that leads to a partial or complete loss of contact shall not invalidate any part of the deliberations or any vote taken. The Chairman may postpone the meeting if they deem that appropriate.

5.9.8 How are Decisions to be Taken by the Cabinet?

(a) Executive Decisions made by the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Section 14 of this Constitution.

(b) Where Executive Decisions are delegated to a committee of the Cabinet, the rules applying to Executive Decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

5.10 How are Cabinet Meeting Conducted?

5.10.1 Who Presides?

The Leader(s) will preside at any meeting of the Cabinet or its committees at which he is present. In his absence, the Deputy Leader(s) will preside. In his/her absence, then a person appointed to do so by those present shall preside.

5.10.2 Who May Attend?

These details are set out in the Access to Information Procedure Rules in Section 14 of this Constitution. See also Section 3 in relation to Member participation in meetings.

5.10.3 What Business?

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 Scrutiny Committees or by 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 Sections 7 and 15 of this Constitution;

(d) consideration of reports from Scrutiny Committees;

(e) consideration of reports from Cabinet Committees;

(f) reports from Officers of the Authority.

5.10.4 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 undertaken with stakeholders and with the 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.

5.10.5 Who can put Items on the Cabinet Agenda?

(a) The Leader(s) will decide upon the schedule for meetings of the Cabinet. He/she may put any matter on the agenda of any Cabinet meeting whether or not authority has been delegated to the Cabinet, a committee of it or any Member or Officer in respect of that matter.

(b) Any Member of the Cabinet may require the Head of Democratic Services to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.

(c) The Chief Executive, the Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require that such a meeting be convened in pursuance of their statutory duties.

(d) In other circumstances, where any two of the Chief Executive, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting 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 considered at which the matter will be considered.

5.11 Disturbance by the Public and Use of Social Media

5.11.1 The provisions in Council Procedure Rules in Section 4.30 in relation to disturbance by the public apply to meetings of the Cabinet.

5.11.2 The provisions in Council Procedure Rules in Section 4.31 relating to the use of social media apply to meetings of the Cabinet.

5.12 Job sharing by Leaders and Cabinet Members

5.12.1 Any election or appointment to the Cabinet (including the Leader(s)) may include the election of two or more Councillors to share office.

5.12.2 Where two or more Members have been elected or appointed to share the same office on the Cabinet the Maximum number of members of the Cabinet, including the leader(s), will be:

5.12.2.1 12, where at least two of the members have been elected or appointed to share office; or

5.12.2.2 13, where at least three of the members have been elected or appointed to share office.

5.12.3 The members of the Cabinet who share the same office will have one vote between them in respect of any matter on which they have a right to vote because they are a member of the Cabinet.

5.12.4 Where any meeting is attended by more than one of the members who share the same office and those members are attending in their capacity as a member of the Cabinet, they together count only as one person for the purposes of determining whether the meeting is quorate.