

ARTICLE 7 - THE CABINET

7.01 Role

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

7.02 Form and composition

The Cabinet will consist of the Leader of the Council together with the Deputy Leader and up to 8 other Councillors appointed to the Cabinet by the Leader.

7.03 The Leader

The Leader will be a Councillor elected to the position of Leader by the Annual Meeting of the Council, or a subsequent Council meeting if the Annual Meeting fails to elect the Leader.

The Leader will hold office from the day of his/her election as Leader for a four year term or until:

- a) the day when the Council holds its first Annual Meeting after the Leader's normal date of retirement as a Councillor; or
- b) s/he is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- c) s/he is removed from office as Leader by resolution of the Council.
- d) s/he resigns from office.

7.04 Deputy Leader

The Leader must appoint one of the other Cabinet members to be Deputy Leader.

7.05 Cabinet members

Subject to paragraph 7.03 other Cabinet members (including the Deputy Leader) shall hold office until:

- a) they resign from office; or
- b) 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); or
- c) they are no longer Councillors; or
- d) they are removed from the Cabinet by the Leader

7.06 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in [Appendix 1](#) to this Article. Generally, meetings will be held in public.

7.07 Delegation to individual members of the Cabinet

Individual members of the Cabinet (including the Leader and Deputy Leader) shall be responsible for the exercise of specific Cabinet functions set out in [Article 4 Appendix 1](#) Section 4. Otherwise Cabinet functions may be exercised only by the Cabinet, a Sub-Committee of Cabinet Members, or by officers, or by joint arrangements under a scheme of delegation approved by the Leader.

7.08 Appointments to Outside Bodies

The Council will be represented on a wide range of outside bodies. Such appointments are regarded as local choice functions and the Councillor appointed can either be a member of the Cabinet or another Councillor, subject to certain Outside Body appointments being deemed Portfolio Holder positions.

ARTICLE 7 – APPENDIX 1

CABINET PROCEDURE RULES

1.1 Membership of the Cabinet

1. The Cabinet does not function as a committee of the Council.
2. The Leader of the Council will appoint the Cabinet which will comprise:-
 - The Leader of the Council;
 - The Deputy Leader of the Council
 - Up to 8 other councillors.
3. The Cabinet has no power to co-opt other members onto the Cabinet.
4. No substitute Cabinet members are permitted.
5. In the event of a vacancy on the Cabinet, the Leader will appoint a new Cabinet member at the earliest opportunity. Pending a new appointment the Leader of the Council will allocate temporary responsibility for the vacant Cabinet member's portfolio, to one or more the remaining members of the Cabinet.
6. The Leader of the Council or in his absence the Deputy Leader may designate any Member of the Cabinet to take temporary responsibility for a Member's portfolio should that member be absent for other than a short period.
7. The Leader of the Council will allocate general portfolio responsibilities to each Member of the Cabinet.
8. The Leader of the Council will determine any detailed interpretation needed at any time on the contents of the portfolio.

1.2 The Role of the Cabinet

1. The role of the Cabinet is to:-
 - lead the preparation of the Council's policies and budget;
 - lead the community planning process and the attainment of best value;
 - implement the Council's policies and budget; and
 - take in-year decisions on such matters.
2. In support of the roles the Cabinet will:
 - a. consider and manage the exercise of all the functions and powers of the Council which are by law to be the responsibility of the Cabinet;
 - b. 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 Cabinet).
 - c. consider and respond to reports and recommendations from individual Scrutiny Panels or Select Committees.

1.3 Publication of Proposed Decisions and Decisions Taken

All proposed decisions taken will be published in accordance with the Access to Information Procedure Rules.

1.4 Conflict of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 3 of this Constitution.
- (b) If every 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 Part 3 of this Constitution.
- (c) If the exercise of a Cabinet 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 Part 3 of this Constitution.

1.5 Cabinet meetings — when and where?

The Cabinet will meet at least every four weeks at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

1.6 Public or private meetings of the Cabinet?

The Cabinet will hold all its meetings in public, subject to the consideration of confidential or exempt information in accordance with Rule 10 of the Access to information Rules in Article 3 of the Constitution.

1.7 Quorum

The quorum for a meeting of the Cabinet, or a committee of it, shall be 3.

1.8 How are decisions to be taken by the Cabinet?

- (a) Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in [Article 3](#) of the Constitution.
- (b) Where Cabinet decisions are delegated to a committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, the Deputy Leader, shall preside but in his absence, then a person appointed to do so by those present shall preside.

2.2 Who may attend?

Any member of the public may attend meetings of the Cabinet (but see qualification referred to in 1.7 above). Members of the Council may attend and speak with the permission of the Leader (or Chair) of Cabinet. The Cabinet may invite any individual member to address Cabinet on any matter but not vote.

2.3 What business?

- Consideration of the minutes of the last meeting ;
- Declarations of interest (if any);
- Any presentations by third parties/partner organisations;
- Matters referred to the Cabinet (either by full Council or scrutiny) for reconsideration through call-ins;
- Consideration of reports from scrutiny ;
- Consideration of any member reports
- Matters set out in the agenda for the meeting (i.e. officer reports) including key decisions;
- Urgent business.

2.4 Consultation

All reports to the Cabinet on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and scrutiny 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.

2.5 Who can put items on the Cabinet agenda?

- a) The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the 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.
- b) Any member of the Cabinet may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the proper officer will comply.
- c) The proper officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant scrutiny Panel or the full council have resolved that an item be considered by the Cabinet.

- d) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Scrutiny.
- e) Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and 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. This individual will be invited to attend the meeting. However, such items must be relevant to the Cabinet's terms of reference and it (or any similar item) must not have been before the Cabinet in the previous 3 months.
- f) The Monitoring Officer and/or the Section 151 Officer may include an item for consideration on the agenda of Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Section 151 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 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

2.6 How is the Business actually conducted?

The procedures for the conducting of business shall be at the discretion of the Chairman, subject to members' agreement. However, where formal voting takes place, this shall be by way of show of hands with the Chairman having the casting vote in the event of an equality of votes.

ARTICLE 7 – APPENDIX 2

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

This Section contains particularly important rules regarding the Cabinet's decision making on policy and budgetary matters.

The budget and policy framework sets the context within which decision making by the Cabinet will take place.

1. The Framework for Cabinet Decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for Developing the Framework

The process by which the budget and policy framework shall be developed is:

- a) The Cabinet will publicise a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The Chairs of Scrutiny will also be notified. The consultation period shall in each instance be not less than 6 weeks.
- b) At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If Scrutiny wishes to respond to the Cabinet in that consultation process then it may do so. As the Scrutiny Panels have responsibility for fixing their own work programme, it is open to the Scrutiny Panel(s) to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from Scrutiny into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.
- c) Once the Cabinet has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.
- d) If the Council accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- e) The decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader.
- f) Where it makes an in principle decision in relation to a draft plan or strategy, it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.
- g) Where the Council gives instructions in accordance with sub-paragraph (f), it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the

Cabinet within which the Leader may -

- (i) submit a revision of the draft plan or strategy as amended by the Cabinet with the Cabinet's reasons for any amendment made to the draft plan or strategy, to the Council for its consideration; or
 - (ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- h) When the period specified by the Council, referred to in sub-paragraph (g), has expired, the Council must, when amending, approving or adopting the draft plan or strategy or, if there is one, a revised draft plan or strategy submitted to it by the Cabinet take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy submitted by the Cabinet, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections and the Cabinet reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.
- i) The Council's final decision shall then be made public in accordance with Article 4, and shall be implemented immediately;
- j) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3. Decisions outside the budget or policy framework

- a) Subject to the provisions of paragraph 5 (virement) the Cabinet, individual members of the Cabinet, any officers or joint arrangements discharging Cabinet functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.
- b) If the Cabinet, individual members of the Cabinet, any officers or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Section 151 Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent decisions outside the budget or policy framework

- a) The Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, area committees or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - (i) if it is not practical to convene a quorate meeting of the full Council; and
 - (ii) if the Chair of a relevant Scrutiny Panel agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the relevant Scrutiny Panel's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the relevant Scrutiny Panel the consent of the Deputy Chair will be sufficient.

Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. Virement

Virement between budget heads is an integral and important feature of budgetary control. It allows service providers to adapt to service changes within Council policy. The details of virement can be found in the section on Financial Procedure Rules in [Article 14](#) of the Constitution.

6. In-year changes to policy framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, an individual member of the Cabinet, officers or joint arrangements discharging Cabinet functions must be in line with it. Changes to any policy and strategy which make up the policy framework may be made within the general discretion of those bodies or individuals except those changes which relate to virements and supplementary estimates.

7. Call-in of decisions outside the budget or policy framework

- (a) Where a Scrutiny Panel is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Section 151 Officer.
- (b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Section 151 Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officers report and to prepare a report to Council in the event that the Monitoring Officer or the Section 151 Officer conclude that the decision was a departure, and to the Scrutiny Panel if the Monitoring Officer or the Section 151 Officer conclude that the

decision was not a departure.

- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Section 151 Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Scrutiny Panel may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 working days of the request by the Scrutiny Panel. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Section 151 Officer. The Council may either:
- (i) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way;
- or
- (ii) amend the Council's financial procedure rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way;
- or
- (iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer or Section 151 Officer.

8. Special Provisions regarding calculation of Budget and Precepts

- (a) Subject to sub-paragraph (e) below, where, before 8th February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year –
- i. estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
 - ii. estimates of other amounts to be used for the purposes of such a calculation;
 - iii. estimates of such a calculation; or
 - iv. amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the authority has any objections to them it must take the action set out in sub-paragraph (b) below.

- (b) Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph (a)(I) above, or issues a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- (c) Where the Council gives instructions in accordance with sub-paragraph (b) above, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may -
 - (i) Submit a revision of the estimates or amounts as amended by the executive, which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
 - (ii) Inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- (d) When the period specified by the Council, referred to in paragraph (c) above, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in sub-paragraph (a)(ii) above, or issuing a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992, take into account -
 - a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - b) the Cabinet's reasons for those amendments;
 - c) any disagreement that the Cabinet has with any of the Council's objections; and
 - d) the Cabinet's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.
- e) Paragraphs (a) to (d) above shall not apply in relation to -
 - a) calculations or substitute calculations which an authority is required to make in accordance with section 521, 52J, 52T or 52U of the Local Government Finance Act 1992; and
 - b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.