

Constitution

Part 2: Articles of the Constitution

Article 7: The Cabinet

7.1 Role

The Cabinet will 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 ("Executive Functions").

7.2 Form and Composition

7.2.1 The Cabinet will consist of:-

- (a) the Leader of the Council ("the Leader") appointed by the Council; and
- (b) at least two but not more than nine other Councillors appointed to the Cabinet by the Leader (subject to section 7.9 and job-sharing arrangements).

7.2.2 There may be no co-optees and no deputies or substitutes for members of the Cabinet, other in the case of family absence. Where a Councillor is appointed to the Cabinet on a temporary basis to cover the absence of a Cabinet Member exercising a right to family absence, then that appointment shall not count towards the numbers of members set out in section 7.2.1

7.3 Leader

7.3.1 Election

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

7.3.2 Term of office

The Leader is appointed on an annual basis at the Annual General Meeting of the Council. However, where the post of Leader becomes vacant between Annual General Meetings, then the Leader will be elected at the next Ordinary Meeting of the Full Council.

The Leader will hold office subject to annual election by the Council, or until:

- (a) he/she resigns from the office; or
- (b) he/she 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) he/she is no longer a Councillor; or
- (d) he/she is removed from office by resolution of the Council

7.3.3 Role of the Leader

The Leader will chair meetings of the Cabinet and will determine the appointment of individuals to the Cabinet and the number of, naming of, allocation of duties to and the allocation of individual portfolios within the Cabinet. Cabinet Members may be allocated specific portfolios and may take decisions in relation to Executive Functions within their portfolios in accordance with the Scheme of Delegation set out in this Constitution, as determined by the Leader of the Cabinet

7.4 **Deputy Leader**

7.4.1 The Leader 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.

7.4.2 The Deputy Leader will chair meetings of the Cabinet in the Leader's absence and may exercise all of the functions of the Leader where the Leader is absent or otherwise unable to act.

7.5 **Other Cabinet Members**

7.5.1 Other Cabinet Members will be Councillors elected to the position of Cabinet Member by the Leader.

7.5.2 Each Cabinet Member shall hold office until:

- (a) they resign from office; or
- (b) they are removed from office, either individually or collectively, by the Leader upon such notice (if any) as the Leader considers appropriate; or
- (c) 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
- (d) they cease to be a Councillor.

7.5.3 The Leader may at any time appoint a Cabinet Member to fill any vacancies.

7.6 **Proceedings of the Cabinet**

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution and the Council's Standing Orders

7.7 **Responsibility for Functions**

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

- (a) the Cabinet as a whole;

- (b) a sub-Committee of the Cabinet (comprising Cabinet Members only);
- (c) an individual Cabinet Member;
- (d) a joint committee;
- (e) another local authority or the executive of another local authority;
- (f) a Chief Officer.

7.7.2 In addition, the Leader has powers under section 15(4) of the Local Government Act 2000 to discharge personally or to arrange for discharge under others' delegated powers any Executive Functions not covered by the scheme of Delegation for the time being.

7.7.3 The Leader will maintain the scheme of delegation in Part 3 of this Constitution setting out which individual Cabinet Members, Committees of the Executive, officers or joint arrangements are responsible for the exercise of particular Executive Functions.

7.7.4 The Monitoring Officer and Head of Democratic Services will, at the direction of the Leader, draw up a written record of executive delegations made by the Leader for inclusion in the Council's scheme of delegation at Part 3 to this Constitution

7.7.5 The Leader may amend the scheme of delegation relating to Executive Functions at any time. In doing so, the Leader will give written notice of the amendments to the Monitoring Officer and Head of Democratic Services, who will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader

7.7.6 During any period when there is no Leader in post and no Cabinet Members, such as the period between the ordinary Council elections and the next Annual General Meeting, any Executive Functions which are too urgent to await the appointment of a new Leader and Cabinet shall be allocated to and discharged by the Chief Executive

7.8 Terms of Reference

The Terms of Reference of the Cabinet are set out in Part 3 of the Constitution.

7.9 Job-Sharing

7.9.1 Two or more Councillors may be elected by the Council to share the office of Leader, where they have mutually agreed to stand for election as Leader on the basis of a job-sharing arrangement. Any reference within legislation or the Constitution to the Leader shall include "Leaders", where they have been elected under this provision.

7.9.2 Two or more Councillors may be appointed by the Leader to share the office of Cabinet Member. Any reference within legislation or the Constitution to an individual Cabinet Member shall include "Cabinet Members", where they have been appointed under this provision.

7.9.3 The appointment of Cabinet Members on a job-sharing basis and the arrangements for sharing the role is a matter for the Leader to determine, provided that the number of Cabinet Member posts that can be filled on a job-sharing basis cannot exceed three.

7.9.4 When making appointments on a job-sharing basis the Leader should consider matters including how:-

- (a) this could increase the diversity in the Cabinet to best reflect the diversity in the Council's area;
- (b) job-sharing members will be supported to ensure they can maintain a reasonable work life balance;
- (c) those arrangements may offer opportunities for succession planning in the Cabinet.

Job-sharing arrangements should not be used solely as a means of increasing the number of Cabinet Members or to create roles for job-sharing members which equate to workloads greater than if the Cabinet position was held by an individual member

- 7.9.5 If two or more Councillors are elected to share office as Leader or are appointed by the Leader to share the office of Cabinet Member the number of members of the Cabinet may exceed 10 but not 13; where the number of members of the Cabinet is 11 or 12, at least two of the members must have been elected or appointed to share office; and where the number of members of the Cabinet is 13, at least three of the members must have been elected or appointed to share office.
- 7.9.6 The members of the Cabinet who share the same office have between them one vote in respect of any matter on which they have a right to vote because they are a member of the Cabinet. Where both members are in attendance at any meeting and a vote is cast they must decide between them in advance who will cast their vote and inform the chair of the meeting. If one member of a job-sharing arrangement attends a meeting in their capacity as a Cabinet Member and the meeting requires a vote, then the attending member must cast their vote in the manner agreed with their job-sharing partners. If the job-sharing partners cannot agree on how their shared vote should be cast at any meeting, then that vote shall be treated as invalid and disregarded for the purposes of decision-making.
- 7.9.7 In the event that job-sharing Cabinet Members are unable to agree on any individual decision delegated to them under the scheme of delegation in relation to an Executive Function within their joint portfolio, then that decision shall be referred to and determined by the Leader.
- 7.9.8 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 purpose of determining whether the meeting is quorate. However, they will both be recorded as having attended the meeting and they both may speak at the meeting.
- 7.9.9 The treatment of job-sharing partners as if they were one member for the purposes of voting and the quorum requirements for meetings they attend as Cabinet Members does not apply to any meetings they attend in their roles as Councillors

7.10 Executive Support Members

- 7.10.1 Other Councillors may, from time to time, be designated by the Leader as Executive Support Members. Such Councillors will not be a Member of the Cabinet [and will not participate in Executive decision-making, but may work closely with a Cabinet Member. He/she will not be a Member of the Overview and Scrutiny Committee relating to the specific responsibilities of the Cabinet Member he/she is assisting or any other areas to which they are assigned.
- 7.10.2 An Executive Support Member 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 interviews and representing the Council on appropriate groups. An Executive Support Member will not, however, have delegated powers and will not be entitled to speak or vote at Cabinet or any Cabinet sub-Committee meetings nor deputise for the

Cabinet Member when the Cabinet Member is called to appear at Overview and Scrutiny Committee.

7.10.3 Neither the Presiding Member nor the Deputy Presiding Member can be appointed as Executive Assistants. Also, the Mayor and Deputy Mayor may not be appointed as Executive Assistants.