

2. CABINET PROCEDURE RULES

Executive Functions

The Cabinet is the Council's Executive body and is responsible for carrying out those functions which by law or under this constitution are designated as executive functions.

The Leader decides how the executive functions shall be discharged. This may be by:

- (a) the Cabinet as a whole;
- (b) a Committee of the Cabinet;
- (c) an individual Member of the Cabinet;
- (d) an officer;
- (e) an area committee;
- (f) joint arrangements; or
- (g) another local authority.

Delegation by the Leader

The Cabinet shall consist of the Leader, as Chairman and not more than nine other members appointed by the Leader.

The Leader shall announce the initial appointments to Cabinet at the Annual Meeting of the Council.

The Leader appoints one of the members of the Cabinet (a Portfolio Holder) to be his or her deputy and be Vice-Chairman of Cabinet.

The Deputy Leader will hold office until the end of the term of office of Leader (unless the person resigns as a Deputy Leader, ceases to be a councillor or is disqualified or removed from Cabinet by the Leader).

The Leader may, if he or she thinks fit, remove the Deputy Leader from office, but must then appoint another person in his or her place. The Leader may at any time remove Portfolio Holders from the Cabinet and change Portfolio Holders' areas of responsibility.

The Leader will report to the Council on all appointments and changes to the Cabinet. No member of the Cabinet may also serve as a member of The Overview and Scrutiny Committee, the two policy committees, or the Audit and Governance Committee.

Absent Leader

If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in the Leader's place. If the Deputy Leader is unable to act or the office is vacant, the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to do so.

Removal of Leader from office

The Leader may be removed during the four year term of office by way of resolution by a simple majority of the Council. If the Council passes a resolution to remove the Leader, a new Leader is to be elected: -

- (a) at the meeting at which the Leader is removed from office, or
- (b) at a subsequent meeting.

Appointment of Cabinet Committees

- (1) The Leader or Cabinet may appoint Cabinet Committees on a continuing or ad hoc basis to deal with any matter relevant to the business or responsibility of the Cabinet, and may delegate authority for action to such Committees. No member may be appointed to or serve on a Committee of the Cabinet unless that member is at that time a member of the Cabinet.
- (2) Each Committee may appoint Sub-Committees on a continuing or ad hoc basis to consider any matter relevant to the business or responsibility of the Committee, subject, in all cases, to no objection being raised by the Leader or Cabinet to the principle of the appointment of a Sub-Committee in each case, and to the terms of reference. If the Leader or Cabinet raises objection in respect of a body to deal with non-executive functions, the matter will be referred to Council for determination.
- (3) Only a member of a Sub-Committee who is a member of the parent Committee may be elected as Chairman of that Sub-Committee, but this requirement shall not debar the election (in the absence of the Chairman) of a member who is not a member of the parent Committee to preside at a particular meeting.

Meetings of the Cabinet and its Committees

Meetings of the Cabinet and its Committees will be determined by the Leader in consultation with the Chief Executive.

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 set out in Part 4 of this Constitution.

These rules also apply to executive decisions which have been delegated.

Quorum

The quorum of Cabinet shall be three Members, and at every Committee of the Cabinet two Members.

Conduct of Cabinet Meetings

The Leader will preside at any meeting of the Cabinet or its committees or may appoint another person to do so. If the Leader is not present and has not appointed another person to preside at the meeting the Members of the Cabinet who are present shall choose a Member to preside.

Management of Cabinet Business

At each meeting of the Cabinet or a Committee of a Cabinet the following business will be conducted:

- (a) Leader's announcements
- (b) Apologies for Absence
- (c) Minutes of the Last Meeting – confirmation as a correct record and signing
- (d) Matters referred to the Cabinet
- (e) Consideration of reports from Cabinet Sub-Committees/Overview and Scrutiny Committees/Audit and Governance Committee
- (f) Matters set out on the Agenda of the Meeting which will indicate which are key decisions and which are not in accordance with the Access to Information Rules set out in Part 4 of this Constitution.

Items on the Cabinet Agenda

The person presiding at a meeting of the Cabinet or its Committees may vary the Order of the Agenda or adjourn matters for further consideration.

Members

A member shall be entitled to request that an item be placed on the agenda of a meeting of the Cabinet or its Committees provided that (a) the particulars thereof are given to the Strategic Director: Resources at least 14 working days prior to the date of the meeting (b) no member (other than the person presiding) may give notice of more than one item of business for any one meeting. The Chairman shall determine whether to take the item on the agenda. The agenda for the meeting will give the name of the Councillor who asked for the item to be considered.

Officers

The Head of Paid Service, the Monitoring Officer and/or the Section 151 Officer may include an item for consideration on the Agenda of the Cabinet or its sub-committees and may require that such a meeting to be convened in pursuance of their statutory duties.