

### **3. THE ROLE OF CABINET**

#### **Functions**

- 3.1 The Local Government Act 2000 provides that the functions of a local authority are the responsibility of its Cabinet (referred to in the Act as the Executive) except for those which the law requires to be performed by the Council; provided that the decisions taken in respect of such a function is within the Council's approved Budget and Policy Framework.
- 3.2 The Local Authorities (Functions and Responsibilities) (England) (Regulations) 2000 (the Regulations) lists the different functions which can be categorised as:
- (a) Schedule 1: Functions which must not be the responsibility of the Cabinet – these are known as (Council Functions);
  - (b) Schedule 2: Functions which may be the responsibility of the Cabinet or of the Council – these are known as (Local Choice) functions;
  - (c) Schedule 3: Functions which may not be the sole responsibility of the Cabinet; and
  - (d) Schedule 4: Circumstances in which functions which would normally be the responsibility of the Cabinet, are not to be the responsibility of the Cabinet.
- 3.3 As such, the Council has the discretion to decide which of those functions which fall under Schedule 2 of the Regulations will be the responsibility of the Council and which will be the responsibility of the Cabinet.
- 3.4 Where a function is not specified in the Regulations it is considered to be an executive function.

#### **Executive Functions**

- 3.5 The Executive functions include particularly:
- (a) Making (Key Decisions) in respect of executive functions;
  - (b) Recommending the rate of Council Tax and related policies to Council for approval (the Budget);
  - (c) Recommending the policies in the Key Policy Framework to Council for approval (the Policy Framework);
  - (d) Making decisions on local choice functions, unless these have been reserved by Council to itself;
  - (e) Exercising the Council's shareholder function in respect of companies wholly owned by the Council, or in which the Council has an interest.
- 3.6 Responsibility for executive functions rests with the Leader who will decide which functions they will perform personally and which will be delegated, if any, to:
- (a) The Cabinet as a whole;

- (b) A Cabinet Committee;
- (c) Individual Cabinet Members;
- (d) Officers;
- (e) Another local authority under (joint arrangements) or any other body or person permitted by law.

3.7 A decision on any delegated executive function may be referred to the whole Cabinet when:

- (a) The Leader, Cabinet Committee, Cabinet Member or officer believes that due to the contentious or 'political' nature of the matter it should be considered and decided by the whole Cabinet; or
- (b) The Cabinet Member takes a different view of the proposal in question and feels unable to be associated with it;
- (c) The Cabinet Member or officer believes that they are conflicted or may be accused of bias;
- (d) The decision covers two portfolio areas (known as cross-cutting).

3.8 Additionally, under the Localism Act 2011 a Cabinet member cannot deal with any matter in which they have a Disclosable Pecuniary Interest and must take no action other than referring the matter to the Monitoring Officer and Leader.