

4. THE CABINET

Composition

- 4.1 The Cabinet will comprise the Leader together with such number of elected councillors as they may appoint to the Cabinet subject to a minimum of two and a maximum of nine.
- 4.2 The Leader will also appoint a Cabinet Member as a Deputy Leader of the Council.
- 4.3 Only elected councillors of the Council may be appointed to the Cabinet.
- 4.4 The Mayor and Deputy Mayor cannot be appointed to the Cabinet.
- 4.5 There shall be no co-opted members of the Cabinet and substitutes for Cabinet Members are not permitted.
- 4.6 The composition of the Cabinet is not subject to the political proportionality requirements set out in the Local Government and Housing Act 1989.

The Leader

- 4.7 The Leader will be a councillor elected as Leader by Council for a term not exceeding four years. The Leader will hold office until they:
 - (a) Resigns from the office of Leader; or
 - (b) Is no longer an elected councillor of the Council; or
 - (c) Removed from office by resolution of Council on receipt of a Notice of Motion in accordance with the requirements of the Council Procedure Rules set out under Part 2 of this Constitution; or
 - (d) Is removed from office by simple resolution of the Council at the meeting of Council following a change in political control of the Council, as signalled to the Monitoring Officer. A change in political control is a change in the composition of the various Political Groups such that a different Political Group or combination of Political Groups now comprise a majority of the membership of the Council; or
 - (e) Is disqualified from being a councillor.
- 4.8 Where the Leader no longer holds office, the Deputy Leader will undertake the role of Leader until such time as Council elects a councillor to the office of Leader.

Deputy Leader

- 4.9 The Deputy Leader may not vary the executive arrangements made by the Leader or any other arrangements made by the Leader for the discharge of executive functions under this Constitution except:
 - (a) Changes consequent on the dismissal of the Leader from office until such time as a new Leader is elected;

- (b) Where, in the opinion of the Chief Executive, the Leader is incapacitated for such period of time that the efficient operation of the Council would be significantly impaired.
- 4.10 The Deputy Leader shall be appointed by the Leader annually and will hold office until:
- (a) The next annual meeting of the Council; or
 - (b) They resign from office; or
 - (c) Until end of the Leader's term of office and the new Leader has been elected; or
 - (d) They are no longer an elected councillor of the Council; or
 - (e) They are removed from office by the Leader who must give written notice of any removal to the Chief Executive. The removal will take effect two clear working days after receipt of the notice by the Chief Executive;
 - (f) They are disqualified from being a councillor.

Cabinet Members

- 4.11 Cabinet Members are appointed by the Leader annually at the Annual Meeting and shall hold office until:
- (a) The next Annual Meeting of the Council; or
 - (b) They resign from office; or
 - (c) They are no longer an elected councillor of the Council; or
 - (d) They are removed from office by the Leader who must give written notice of any removal to the Chief Executive. The removal will take effect immediately.
- 4.12 The Leader may appoint a Cabinet Member as a Portfolio Holder with or without individual decision making authority.
- 4.13 The Leader will appoint a Cabinet Member as the Lead Member for Children's Services in accordance with the Children Act 2004.

Deputy Cabinet Members

- 4.14 The Leader may appoint non-Cabinet Members as Deputy Cabinet Members to advise and assist the Cabinet Members.
- 4.15 The total number of Deputy Cabinet Members cannot exceed the number of Cabinet Members.
- 4.16 Deputy Cabinet Members are not authorised to make decisions which are the responsibility of Cabinet Members They also do not have automatic speaking rights at meetings of Cabinet or Scrutiny and cannot sit of a scrutiny committee which scrutinises the portfolio area they support.

4.17 Deputy Cabinet Members do not receive a special responsibility allowance.

Portfolios

4.18 The Leader may allocate areas of responsibility to a Portfolio and assign a Portfolio to an individual Cabinet Member.

4.19 The Leader may change a Portfolio in any way for any reason at any time.

4.20 The Leader may reassign a Portfolio for any reason at any time.

4.21 The Leader may retain a Portfolio which is not assigned to a Cabinet Member.

4.22 The Leader will provide details of Portfolios and Portfolio Holders to the Monitoring Officer and shall notify the Monitoring Officer of any changes to a Portfolio or Portfolio Holder as soon as reasonably practicable.

4.23 As soon as reasonably practicable the Leader will report the details and allocation of Portfolios and any subsequent changes thereto to Council and shall publish the details and allocation of the Portfolios on the Council's website.

4.24 The Portfolios and the areas of responsibility they contain are set out on the Councils website and are available here: [The Portfolios.pdf](#).

The Scheme of Delegation to Cabinet Members

4.25 The Leader may delegate executive functions on such terms as they consider appropriate to Cabinet Members in accordance with their Portfolios.

4.26 In cases of uncertainty the Monitoring Officer in consultation with the Leader will decide which Cabinet Member should deal with a given matter.

4.27 The Leader's delegation to a Cabinet Member may include the following areas of responsibility:

- (a) To consider reports prepared by officers and to make any decisions in accordance with the requirements of this Constitution;
- (b) To consider draft reports to the Cabinet with the relevant Executive Director and/or other relevant senior officer;
- (c) To determine how expenditure on services should be undertaken within approved budgets;
- (d) To agree annual reports;
- (e) To develop and approve service plans of services, including future budget requirements;
- (f) To oversee the budget and performance for particular services in consultation with the relevant Executive Director;
- (g) To determine policies for particular services, which are consistent with the approved Policy Framework;

- (h) To agree responses to consultation papers (except for planning consultation papers) questions from councillor and the public at meetings;
- (i) To make payment of grants to outside bodies within the list approved by the Cabinet, except those which fall to the Cabinet itself to decide;
- (j) To approve decisions affecting a particular locality (ie which are not service-wide, council-wide or otherwise corporate).

The Scheme of Delegation to Officers

- 4.28 The Leader may delegate executive functions on such terms as they consider appropriate to identified officers in accordance with the Scheme of Delegation to Officers set out under Part 7 of this Constitution.
- 4.29 The Leader may change the Scheme of Delegation to Officers for any reason at any time.

Cabinet Committees

- 4.30 The Leader or Cabinet may establish a Cabinet Committee at any time to:
 - (a) Discharge executive functions on a single occasion or a continuing basis;
 - (b) Advise the Leader and / or the Cabinet as a whole.
- 4.31 The composition and terms of reference of a Cabinet Committee shall be determined by the Leader or Cabinet in consultation with the Monitoring Officer.
- 4.32 Details of any Cabinet Committee will be notified to Council and published on the Council's website.

Cabinet Meetings

- 4.33 Meetings of the Cabinet and any Cabinet Committee shall be conducted in accordance with the Cabinet Procedure Rules set out below under Section 5 and shall be open to the press and public in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.