THE CABINET (EXECUTIVE)

1.1 Form of Executive

The Executive shall be in the form of a Leader and Cabinet executive as provided in section 11 (2A) of the Local Government Act 2000.

1.1A Responsibilities of the Cabinet

The terms of reference of the Cabinet, alongside the Local Choice Functions annex at Section 2 of the Constitution shows the general responsibilities of the Cabinet, alongside the extent of the Executive's responsibilities for functions that Schedule 2 to the Local Authorities (Functions and Responsibilities) Regulations 2000 provides may be (but need not be) the responsibility of the executive.

The Council's Key Policy Framework at Section 2 of the Constitution show the extent of the Executive's responsibilities for functions that Schedules 3 and 4 to the Regulations provides are not to be the sole responsibility of the executive. (These are plans or strategies specified in the Regulations, and includes other plans or strategies that the Council has determined it should decide whether to adopt or approve).

1.2 Membership and Powers of Cabinet

The Cabinet shall comprise the Leader and a minimum of two other Councillors appointed to it by the Leader, up to a maximum within the limits laid down by legislation.

The Leader shall decide the extent to which Executive powers are to be discharged by themself, by the Cabinet, by a member or members of the Cabinet, or by an officer of the authority. The Leader may amend their decisions in this respect at any time by giving notice to the Chief Executive. These Delegations are set out in Section 2 of the Constitution.

The Cabinet may delegate any of its functions to a committee of the Cabinet or to officers of the Council, subject to compliance with legislation and this Constitution.

Arrangements for executive decision making are set out in Section 2 of the Constitution.

1.3 Cabinet Meetings

Procedures for holding and convening Cabinet meetings are laid down in the Council's Standing Orders for Meetings.

1.4 Leader - Duties and Appointment

The Leader of the Council shall be the principal political leader in all respects.

The Leader of the Council shall be appointed by the Council under the procedures in Standing Orders for Meetings. The Leader of the Council shall be eligible for re-election.

The Council may terminate the appointment of the Leader under the procedures in Section 4 of the Constitution, provided that no proposal to terminate their appointment shall be made solely for the purpose of resolving a single dispute under paragraph 1.14 below.

1.5 Cabinet members - Duties and Appointment

The procedure for:

i) deciding the content of Portfolios,
ii) appointing, and terminating the appointment of, Cabinet members, and
iii) deciding the duties and responsibilities of Cabinet members,

shall be as set out in Standing Orders for Meetings.

Members of the Cabinet shall take collective responsibility for those issues determined by Cabinet.

1.6 Deputy Leader - Duties and Appointment

The Leader shall appoint a Deputy Leader, as set out in Standing Orders for Meetings. In addition to any other responsibilities arising from their membership of the Cabinet, if the Leader is for any reason unable to act, or the office of Leader is vacant, the Deputy Leader must act in their place.

1.7 Notification of Cabinet Appointments

The Chief Executive shall make arrangements to notify all Councillors of Cabinet appointments and make such other arrangements as are necessary to bring the appointment and responsibilities of those councillors to the attention of the public.

1.8 Decision making by the Executive

Arrangements for Executive Decision Making are set out in Section 2 of the Constitution.

The specific duties of the Leader, Cabinet and Portfolio Holders and set out in Section 3 of the Constitution.

1.9 Absence of Cabinet member from Cabinet meeting

Where a Cabinet Member is absent from a Cabinet meeting, the procedures laid down in Standing Orders for Meetings shall apply.

1.10 Interests of Cabinet Members

Standing Orders for Meetings lay down the procedure where a Cabinet member has a disclosable pecuniary interest or a non-pecuniary interest in a matter which is to be considered by the Cabinet.

Where a decision in which they have a disclosable pecuniary interest, or a non-pecuniary interest and Standing Orders do not permit them to make the

decision, is delegated to the Cabinet member personally, it shall be referred to the Leader. The Leader may either:

i) make the decision themself, or
ii) refer the matter to Cabinet for determination, or
iii) delegate responsibility to another Cabinet member or an Officer.

The Deputy Leader shall deal with any matters in which the Leader has an interest of the above nature.

In all cases the member with the interest shall take no part in consideration of the issue, either at its determination or in discussions or negotiations leading up to the decision being made, and shall comply in all respects with the requirements of the law and the Council's Standing Orders.

1.11 Decisions outside or not wholly in accordance with Policy and Budget, and key decisions not in the forward plan

Subject to the provisions relating to urgent decisions in the Constitution, all Executive decisions shall be in accordance with the Council's approved policies and budgets (or authorised under Financial Regulations if not within budget).

Urgent decisions:

Section 4 prescribes the procedure where it is considered that a decision on any matter that is contrary to, or not wholly in accordance with, policy or budget and Financial Regulations, is required urgently in the interests of the functions and services administered by the Council.

Section 4 also prescribes the procedure for making a decision which is a key decision and which has not been included in the forward plan for decision at the appropriate time.

1.12 Scrutiny of Executive Decisions

Executive decisions may be reviewed under the "call-in" provisions in Section 4.

1.13 Executive's role in setting Strategy, Policy, and the Budget

The Council shall be responsible for determining the strategic direction, policies and strategies, overall budgets and taxation levels of the Council. The Executive shall make recommendations to the Council on these matters.

1.14 Disputes between Council and Executive

If the Council is unwilling to adopt a policy, proposal or a budget submitted to it by the Executive, the arrangements for resolving the disagreement shall be as set out in Section 4.