

PART 2 – ARTICLES OF THE CONSTITUTION

Article 7 – The Cabinet (Executive)

7.1 Role

The Cabinet will arrange for the discharge of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.2 Form and composition

Cabinet

(a) ~~Subject to paragraph (b) below, the~~ Cabinet will consist of the Leader together with no more than nine other Councillors (the total number of members of the Cabinet may not exceed 10).

(b) If two or more councillors are elected to share office as Leader or are appointed to share the office of Cabinet member ('Cabinet Job Sharers'), the total number of members of the Cabinet may be increased to:

(i) 11 or 12, if at least 2 of the members have been elected or appointed to share office; or

~~(ii)~~ 13, if at least 3 of the members have been elected or appointed to share office.

~~(b)(c)~~ The Council elects the Leader.

~~(d) The Council Leader appoints not less than two but no more than nine councillors to the Cabinet (excluding the Leader);~~ the other members of the Cabinet.

7.3 Leader

~~(i)~~ The Leader will be a Councillor elected to the position of leader by the Council. Two or more Councillors may be elected by the Council to share the office of Leader, if they mutually make an arrangement to stand for election as leader on the basis of a job sharing arrangement.

~~(ii)~~ The Leader will hold office until:

(a) he/she resigns from the office; or

(b) he/she is suspended from being a Councillor or from being Leader or from being a member of the Cabinet 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; or
- (e) the day of the next regular election.

7.4 Other Cabinet Members

- (i) Cabinet members (other than the Leader) will be Councillors appointed by the ~~Council~~ Leader. Two or more Councillors may be appointed to share the office of Cabinet member.
- (ii) There may be no co-optees and no deputies or substitutes for members of the Cabinet (other than the Leader). Neither the Lord Mayor nor Deputy-Lord Mayor may be appointed to the Cabinet, and Cabinet Members (including the Leader) may not be members of a Scrutiny Committee.
- (iii) A Councillor appointed as a Cabinet Member shall hold office until:
 - (a) he or she resigns from office; or
 - (b) he or she is suspended from being a councillor or from being a member of the Cabinet under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
 - (c) he or she is no longer a councillor; or
 - (d) he/she is removed from office by resolution of the Council; or
 - (e) the day of the next regular election.

7.5 Assistants to the Cabinet Members

The ~~Cabinet Leader~~ may appoint Councillors to act as ~~a~~ Assistants to the Cabinet as ~~the Cabinet~~ ~~he/she~~ considers reasonably necessary and appropriate. Neither the Lord Mayor nor Deputy Lord Mayor may be appointed as Assistants to the Cabinet.

An Assistant to the Cabinet is not a member of the Cabinet. Their role will be:

- (a) to assist the Cabinet collectively; and
- (b) to liaise with the Chairs and members of relevant Scrutiny Committees;
~~and~~
- ~~(b) to act as observers at meetings of the Cabinet or a committee of the Cabinet~~

in accordance with the detailed Role Description set out in Appendix A.

Assistants to the Cabinet may attend, and speak at, any meeting of the Cabinet or a committee of the Cabinet, but may not vote on any matters before the Cabinet, neither may they substitute for a Cabinet Member at a meeting of the Cabinet nor in any decision-making role.

7.6 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules, as set out in Part 4 of this Constitution.

7.7 Responsibility for functions

Part 3 of the Constitution sets out the provisions made with respect to the allocation of any functions which are the responsibility of the Cabinet among the following persons:-

- (a) the Cabinet;
- (b) any member of the Cabinet;
- (c) any committee of the Cabinet; and
- (d) any officers of the authority.

Where such allocation has been made the body to which or the person to whom a function has been allocated in accordance with that provision may discharge that function or may be authorised to make arrangements for the discharge of those functions, as set out in the Cabinet Procedure Rules.

To the extent that the functions which are the responsibility of the Cabinet have not been allocated as set out above (but not further or otherwise) the Leader may discharge any of those functions or may determine the respective responsibilities of Cabinet, Cabinet Committees, Cabinet Members and officers in respect of the taking of particular Executive Decisions. The Leader shall notify the Proper Officer in writing of any such delegation of responsibilities and the Proper Officer will maintain a list setting out the respective responsibilities as they may be from time to time in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

~~Any person who or body which has arranged for the discharge of any functions in accordance with the powers conferred by section 15 of the Local Government Act 2000 shall notify the Proper Officer in writing of such arrangements and the Proper Officer will maintain a record of such arrangements as they may be from time to time in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.~~

Commented [AK1]: This is dealt with in the Cabinet Procedure Rules, Rule 1.2

7.8 During any period when there is no Cabinet, any functions which are the responsibility of the Cabinet shall be allocated to and discharged by the ~~Head of Paid Service~~Chief Executive or in his/her absence the Corporate Directors acting singularly or collectively provided that in discharging such functions the ~~Head of the Paid Chief Executive Service~~ or the Corporate Directors shall have regard to and comply with any protocol applying to the exercise of delegated powers in so far as that is reasonably practicable, and in consultation with any Councillor being the Leader of a political group in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

APPENDIX A – ASSISTANTS TO ~~THE CABINET MEMBERS~~ – ROLE DESCRIPTION

- 1 Assistants to ~~the~~ Cabinet ~~Members~~ are Members appointed by the ~~Cabinet Leader~~ to work with a Cabinet Member or Cabinet Members and assist ~~them with any function except decision making subject to the limitations below~~ in the discharge of the Cabinet's functions.
- 2 This includes taking forward particular projects or programmes. Most Assistant posts will range across the functions of ~~the a~~ Cabinet Member/s but it is a matter for each individual Cabinet Member/s, after discussion with the Leader of the ~~C~~ouncil, to establish any limits or conditions on the ways in which the Assistant will operate. Any limitations on the role of Assistant which ~~the a~~ Cabinet Member wishes to impose should be agreed with the Leader, a matter of record and, to be copied to the Leader of the Council and the Monitoring Officer.
- 3 The role of Assistant to ~~the~~ Cabinet ~~Member~~ does not attract a ~~special responsibility allowance senior salary under the Members' Remuneration Schedule.~~
- 4 Assistants to ~~the~~ Cabinet ~~Members~~ may:
 - (a) Undertake specific task, research and investigations and attend conferences, seminars and meetings, as requested by the Cabinet Member/s, so as to keep abreast of current policy and development initiatives.
 - (b) Attend Cabinet Briefings on behalf of a Cabinet Member.
 - (c) Attend and speak (but not vote) at Cabinet meetings ~~on behalf of a Cabinet Member.~~
 - (d) Attend formal and informal functions on behalf of a Cabinet Member, except for official openings or ceremonies or events where a formal speech is required, in which case, in the event of the absence of the Cabinet Member, the Lord Mayor or another Cabinet Member will normally represent the Council.
 - (e) Formally speak at events and functions on issues within his or her area of responsibility, where the Assistant has received a specific ~~named~~ invitation to speak.
 - (f) Liaise with non-executive members in order to ensure that the Cabinet Member is fully aware of issues which are of concern to Members.
 - (g) Appear before a Scrutiny Committee where the Cabinet Member cannot attend or where the Assistant has focused on the particular project or

programme. (However, the Scrutiny Committee may also request the Cabinet Member to attend on a further occasions).

~~(h) Be a member of a Scrutiny Committee which does not relate to his or her Cabinet Member's portfolio.~~

~~(i) Be a member of a Scrutiny Task and Finish Group.~~

5 However, an Assistant to a Cabinet Member cannot:

(a) Take decisions

(b) Deputise for a Cabinet Member at Council Meetings

(c) Be a member of ~~the any~~ Scrutiny Committee ~~which scrutinises his or her Cabinet Member's portfolio.~~