

## ARTICLE 7 - THE CABINET

### *References:*

*S.11 and Schedule 1 paras 1,2 and 3 Local Government Act 2000  
Chapters 4, 14 and 15, DETR Guidance*

### **7.01 Role and Function**

The Cabinet will have all the functions of the Council that are not the responsibility of any other part of the Council, whether by virtue of law or this Constitution.

### **7.02 Form and Composition**

The Cabinet will consist of the Cabinet Leader together with at least 2, but not more than 9, Councillors appointed to the Cabinet by the Cabinet Leader.

### **7.03 Cabinet Leader**

The Cabinet Leader will be a Councillor elected to the office of Cabinet Leader for four years (or until the end of their normal term of office as a councillor) by the Council Meeting. The Cabinet Leader will hold office until -

- (a) he/she resigns from office; or
- (b) he/she is suspended from being a Councillor; or
- (c) he/she ceases to be a Councillor; or
- (d) or until he/she is removed from office by resolution of the Council Meeting.

### **7.04 Deputy Cabinet Leader/other Cabinet Councillors**

Only Councillors may be appointed to the Cabinet by the Cabinet Leader. One of the members of the Cabinet shall be nominated by the Cabinet Leader as Deputy Cabinet Leader. There will be no co-opted members and no deputies or substitutes for Cabinet members. Neither the Mayor nor Deputy Mayor of the Council may be appointed to the Cabinet and members of the Cabinet (including the Cabinet Leader) may not be members of a Scrutiny Committee.

Other Cabinet Councillors, including the Deputy Cabinet Leader, shall hold office until -

- (a) they resign from office; or
- (b) they are suspended from being Councillors; or
- (c) they cease to be Councillors; or
- (d) they are removed from office by the Cabinet Leader. The Leader will report any removal to the Council and the Cabinet at the earliest opportunity

### **7.05 Proceedings of the Cabinet**

Proceedings of the Cabinet shall take place in accordance with the **Cabinet Procedure Rules (Part 5 PR 3)**.

### **7.06 Scheme of Cabinet Delegation**

The Leader may exercise all the Executive powers of the Council or may arrange for those functions to be discharged by the Cabinet, Cabinet Members, Area Committees, Cabinet Members and Officers. Where the Leader arranges for the discharge of Executive functions, the arrangements in this Constitution for the discharge of Executive functions will be approved by the Leader.

The Monitoring Officer will maintain a list setting out which individual members of the Cabinet, Cabinet Committees, officers or joint arrangements are responsible for the discharge of particular Executive functions. The list will be available for public inspection on the Council's website.

### **7.07 Access to Information**

The Cabinet will comply with the Access to Information Rules (**Part 5 PR7**) to the extent that those rules are expressed to apply to the Cabinet.

### **7.08 Public Question Time**

A 'public question time' will be held at meetings of Cabinet in accordance with the agreed Code of Practice (**Part 6 CP5**).

### **7.09 Substitute Members**

Substitutes are not permitted for the Cabinet.

Substitutes are permitted for a Cabinet Committee. Members can appoint their own substitute from other members of the Cabinet who are not already members, provided that they inform Democratic Services prior to the commencement of the meeting.

A member wishing to arrange a substitute for a particular meeting is not required to give a reason for his or her proposed absence.

A notice to the effect that a member will not be able to attend a meeting may be withdrawn only with the agreement of the arranged substitute member (if any).