

## Section 6 – The Cabinet

### 1. Executive Arrangements

- 1.1 The role of the Council's Executive is to lead the preparation of the Council's policies and budget, to lead the community planning process and the attainment of best value, to implement the Council's policies and budget, to take in-year decisions on such and to be the focus for Local Strategic Partnerships.
- 1.2 The County Council's Executive comprises the Leader of the Council and a Cabinet of other members appointed by the Leader. The Leader of the Council and the Cabinet are collectively described as "The Cabinet". The Cabinet is not a Committee of the County Council.

### 2. Leader of the Council

- 2.1 The County Council shall appoint an elected member of the Council as the Leader of the Council at its annual meeting in the year of elections for elected members.
- 2.2 The Leader will serve for a four year term unless:
- they resign from the office;
  - they are suspended from being an elected member under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension)
  - they are no longer an elected member; or
  - they are removed from office by resolution of the Council.
- 2.3 If the serving Leader ceases to be Leader for one of the above reasons, the Council will elect a new Leader who will serve until the next election for elected members.

### 3. The Cabinet

- 3.1 The Leader shall specify the number of elected members in addition to themselves who comprise the Cabinet being not less than two and not more than nine. The Cabinet shall not be a Committee of the Council.
- 3.2 Cabinet Members responsibilities within their role are referred to as their Portfolio area, and they will on occasion be referred to as Portfolio Holders.



- 3.3 The Leader of the Council shall appoint elected members of the Council to serve on the Cabinet as Cabinet Members. Only elected members may be appointed to the Cabinet and there may be no Deputies or Substitutes for Cabinet Members.
- 3.4 The Chairman and Vice-Chairman of the County Council may not be members of the Cabinet and Cabinet Members may not be members of any of the Overview and Scrutiny Committees.
- 3.5 Cabinet Members will serve for a four-year term of office unless:
- they resign from office;
  - they are suspended from being elected members under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);
  - they are no longer an elected member;
  - they are removed from office by the Leader of the Council; or
  - the Leader of the Council resigns or is removed from office.
- 3.6 The Leader of the Council shall allocate to each Cabinet Member responsibilities relating to the executive functions of the Council as they shall decide. The Deputy Chief Executive and Director for Corporate Services shall maintain a list of these responsibilities and include it in the Constitution.

#### **4. The Deputy Leader**

- 4.1 The Leader of the Council shall designate one Cabinet Member as Deputy Leader who may, in any circumstances that Leader of the Council is unable to act, exercise the powers, duties and responsibilities of the Leader of the Council under the Constitution.
- 4.2 If the Leader of the Council ceases to hold the office, the Deputy Leader will act as Leader until a new Leader is appointed by the Council. Under these circumstances, the provisions of Paragraph 4.1 above shall not apply.
- 4.3 The Deputy Leader will hold office until the end of the Leader's term of office unless removed from the office by the Leader or they cease to be a Cabinet Member under Paragraphs 3.5 above.

#### **5. The Lead Member for Children's Services (LMCS)**

- 5.1 The Leader shall designate one Cabinet Member as the LMCS with responsibility for children's services.



## 5.2 The LMCS shall:

- have political responsibility for the strong, strategic leadership and effectiveness of children's services;
- have regard to the General Principles of the United Nations Convention on the Rights of the Child;
- perform a key role in defining the local vision and setting political priorities for children's services within the broader political context of the Council;
- support and challenge the Director of Children and Families and relevant members of their senior team, other Directors and local partners to ensure that the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers, are addressed; and
- Ensure that children and young people's views are taken into account in the development and delivery of local services which improve their outcomes and well-being.

## 6. Cabinet Support Members

### 6.1 Cabinet Support Members with a specific portfolio

There are two Cabinet Support Members with the following portfolios:

- Highways
- Public Health and Integrated Care

## 7. Role of the Cabinet

7.1 The Council's Cabinet will operate as the strategic policy and decision making body of the County Council carrying out such of the County Council's functions which are not the responsibility of any other part of the Council and which are allocated to the Cabinet by the Leader of the Council.

7.2 In support of those roles the Cabinet will consider and manage the exercise of all the functions and powers of the Council which are delegated to the Cabinet by the Leader and:

- after consulting with the appropriate Overview and Scrutiny Committee, consider and make recommendations to the full Council on any matters which it is the responsibility of the full Council to determine, (other than on matters which are by law not the responsibility of the Leader and Cabinet);



- consult as the Cabinet thinks fit on any matter.
- conduct reviews in respect of any service or function within the scope of the role of the Leader and/or Cabinet, subject to consultation with the appropriate Overview and Scrutiny Committee and to the participation of members of the appropriate Overview and Scrutiny Committee in individual reviews; and receive reports on reviews undertaken;
- refer such matters as the Cabinet may decide to any Overview and Scrutiny Committee for consideration and/or report and/or recommendation; and
- consider and respond to reports and recommendations from any Overview and Scrutiny Committee.

7.3 The Cabinet shall appoint members to serve on the various bodies upon which the County Council is entitled to appoint representatives, subject to any relevant statutory provision relating to political balance. The Cabinet may also remove an appointee from the office if and when required.

7.4 No member of the Council other than the Cabinet Member in question shall be appointed to, or serve on, any Body advising or being consulted by that Portfolio Holder.

7.5 The Cabinet will as appropriate or necessary in the circumstances seek the advice of the Chief Executive, the Deputy Chief Executive and Director for Corporate Services the relevant Chief Officer and/or the Director of Finance on any matter and shall have regard to any advice so given.

## **8. Cabinet Decisions and Cabinet Member Decisions**

8.1 The Cabinet may collectively take any decision on any matter delegated to the Cabinet by the Leader or has been referred to the Cabinet by a Cabinet Member, the Chief Executive or any Chief Officer or is one which the Cabinet have specifically reserved for decision to them. Key Decisions can only be taken by the Cabinet.

8.2 The Cabinet have no power to take decisions on matters reserved to the full Council or matters which may not, by law, be determined by the Cabinet or change the delegation of any Local Choice Function.

8.3 The Leader may establish one or more Cabinet Sub-Committees on a task and finish basis. They shall appoint the Chairman and members of the Sub-Committee from amongst the members of the Cabinet and may delegate powers to it. The details of any Sub-Committee and the



powers delegated to it shall be recorded in this Constitution. If there is a need to make a Sub-Committee permanent, this would need to be taken to Full Council for ratification.

- 8.4 The Leader of the Council may also delegate specific decision-making powers to a specified Cabinet Member. All such allocations are to be recorded by the Deputy Chief Executive and Director for Corporate Services in the Constitution on the written notification by the Leader of the Council.
- 8.5 Cabinet Members may only take decisions within the approved budget and may not have delegated power to take key decisions, decisions that are by law not the responsibility of the Council's Executive or decisions that are reserved by the Leader to the Cabinet as a whole. No decision shall be made by a Cabinet Member who has a conflict of interest or where such action would be contrary to a Code of Conduct in any other way or would be unlawful.
- 8.6 The exercise of delegated powers by a Cabinet Member is always subject to the County Council's Budget and Policy Framework Rules, the Call-in provisions in Section 7 (Overview and Scrutiny Committees), Section 12 (Access to Information Procedure Rules), Section 13 (Financial Regulations).
- 8.7 Delegated powers can only be exercised once the Cabinet Member has considered a written report from the Chief Officer concerned. Where appropriate, such written report shall include confirmation that the Chief Officer has received and considered advice from the relevant Statutory Officer.
- 8.8 The decision of the Portfolio Holder must be in writing, signed by them and by the Chief Officer concerned and include a record of the reasons for the decision, details of any alternative options considered and rejected at the time by the Portfolio Holder, a record of any conflict of interest declared by any other Cabinet Member who is consulted in relation to the decision and a note of any dispensation granted by the Standards Committee in respect of any such declared conflict of interest. A copy of such decision must be given within 24 hours to the Deputy Chief Executive and Director for Corporate Services.
- 8.9 The Leader may delegate to a Chief Officer any power or responsibility or function which it is in law the responsibility of the Cabinet to discharge and will maintain a scheme of such delegations in Section 10 (Officers) of the Constitution.



- 8.10 Chief Officers may in turn delegate any responsibilities that have been allocated to them to an officer in accordance with a scheme to be approved by the Leader. The Leader will keep such schemes under review and may from time to time add to, vary or delete any such delegations.
- 8.11 Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated those functions.

## **9. Delegations to all Cabinet Members**

9.1 Subject to Paragraph 9.2 below, to take a decision on any matter which is the responsibility of Cabinet under the Council's constitution and which falls within the Cabinet Member's portfolio (see table below for details of Cabinet Members' portfolio responsibilities) and which is not delegated to an officer(s) in the Council's Scheme of Delegation to officers.

9.2 This delegation does not extend to decisions of the following nature:

- Key Decisions (i.e. decisions which are significant either in financial terms or in their effects on communities living or working in an area comprising two or more electoral divisions in the county area).
- Decisions affecting more than one portfolio.
- Decisions which the portfolio holder considers more appropriate for a full Cabinet Decision.
- Decisions which are outside the Council's Budget or Policy Framework (if the Cabinet Member is in any doubt as to whether a decision is outside the Council's Budget or Policy Framework they should seek the advice of the Deputy Chief Executive and Director for Corporate Services).
- Decisions in relation to which the Cabinet Members has a Disclosable Pecuniary Interest or the taking of which by the Cabinet Member would otherwise involve a breach of the Council's Code of Conduct for Members.
- Decisions which are unlawful or would lead to the Council acting unlawfully.

9.3 For the avoidance of doubt this delegation replaces and supersedes any previous delegations to Cabinet Members where there is any inconsistency between the two.

