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## Chapter 3 – The Leader / Cabinet Executive

### Part 1 – The Leader / Cabinet Executive

#### Article 7 – The Leader / Cabinet Executive

##### 1. Role

- 1.1 The Council has decided to adopt the Leader and Cabinet form of executive. Chapter 3 sets the rules for how the Leader and Cabinet will operate. These include arrangements for meetings, individual decision-making, and the scheme of delegation and sub-delegation of functions. The Cabinet (meaning the Leader and such other Members of the Council as the Leader may appoint) will carry out all of the Authority's functions which are not the responsibility of any other part of the Authority, whether by law or under the Constitution. The Leader may take decisions on every matter that is not assigned to anyone else by this constitution. The Leader may however, make arrangements to delegate some matters to the Cabinet, a Cabinet Committee, individual Cabinet members, or to employees.

##### 2. Form and composition

- 2.1 The Cabinet will consist of the Leader together with such other number of Councillors as the Leader may determine (being not more than 9) appointed by the Leader. Such appointment as a Cabinet Member shall be effected by notice in writing from the Leader delivered to the Chief Executive. Only Councillors may be appointed to the Cabinet. Neither the Mayor nor Deputy Mayor of the Council may be appointed to the Cabinet. Cabinet members may not be members of an Overview and Scrutiny Committee. The Leader must appoint one Member of the Cabinet to be his/her deputy.

##### 3. Leader

- 3.1 The Leader will be a Councillor elected for a term of 4 years (subject to (a) – (d) below) to the position of Leader by the Council and he or she shall not be the Mayor or Deputy Mayor or a member of a Scrutiny Committee.:
- (a) He/she resigns from the office; or
  - (b) He/she is suspended from being a Councillor 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; except where the Leader fails to be returned as a Councillor following an election . Unless the Leader resigns, is disqualified or is otherwise removed from office he/she shall continue as Leader until the day of the Annual Meeting; or until
  - (d) He/she is removed from office by a resolution of Council on a notice of motion signed by fifteen Members and approved, without amendment, by the Council. Procedure Rule 18 (Chapter 2, Part 2) relating to Notice of Motion, applied to a notice of motion under this Rule.

##### 4. Other Executive / Cabinet Members

- 4.1 Cabinet members appointed by the Leader shall hold office until:
- (a) They resign from office; or
  - (b) They are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
  - (c) They are no longer Councillors; or

- (d) They are removed from office by the Leader, by notification of removal made in writing by the Leader to the Chief Executive and to the Cabinet member concerned. The removal will take effect immediately after receipt of the notice by the Chief Executive; .

## **5. Deputy Leader**

- 5.1 The Leader shall appoint a Cabinet Member to be Deputy Leader, by notifying the Chief Executive in writing of such appointment, ..
- 5.2 The Leader shall delegate to the Deputy Leader power to exercise any Executive Function which is exercisable by the Leader, to be exercised by the Deputy Leader when the Leader is unable to act by reason of absence or conflict of interest.
- 5.3 The Deputy Leader, unless he/she resigns as Deputy Leader, is removed by the Leader, is suspended following a standards investigation, or ceases to be a Member of the Council, will hold office until the end of term of office of the Leader.
- 5.4 If for any reason the Leader is unable to act or the office of the Leader is vacant the Deputy Leader must act in his place.
- 5.5 If for any reason the Leader is unable to act or the office of the Leader is vacant and the Deputy Leader is unable to act or the office of the Deputy Leader is vacant the Cabinet must act in the Leader's place or must arrange for a member of the Cabinet to act in his place.

## **6. Vacancies in the Executive / Cabinet**

- 6.1 If at any time a person shall, by virtue of this Article, cease to be a Member of the Cabinet, the responsibilities of that Member shall be carried out by the Leader / Cabinet collectively in so far as permitted by law until such time as the Leader shall have appointed a replacement or, where appropriate, re-appointed the Member concerned.
- 6.2 In the event of there being no Leader, Deputy Leader or Cabinet members, executive functions shall in the interim be carried out by the Chief Executive in so far as is permitted by law.

## **7. Removal from office**

- 7.1 The Leader may be removed from office by resolution of the Council, on a notice of motion signed by fifteen Members and approved, without amendment, by the Council. Procedure Rule 18 (Chapter 2, Part 2) relating to Notice of Motion, will be applied to a notice of motion under this Rule. If the Council passes such a resolution, a new Leader is to be elected:
- (a) At the meeting at which the Leader is removed from office; or
- (b) At a subsequent meeting
- 7.2 In the event that the Leader no longer holds office as described above, the Deputy Leader will carry out the role and duties of the Leader until the new Leader is elected by the Council.
- 7.3 Cabinet Members may be removed from office and a new Member appointed, either individually or collectively upon the decision of the Leader. Where 50% or more of the Membership of the Cabinet is to be changed, the Leader shall take a report to Full Council .
- 7.4 The Leader will notify the Chief Executive (the Proper Officer) and the Cabinet Member affected in writing as soon as it is practicable following the implementation of the decision.

## **8. Proceedings of the Executive / Cabinet**

- 8.1 Proceedings of the Cabinet shall take place in accordance with the Leader / Cabinet Procedure Rules set out in this Chapter.

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**9. Responsibility and delegation of functions of the Leader / Cabinet**

- 9.1 The Leader may discharge any of the functions of the Leader / Cabinet.
- 9.2 The Leader may delegate any of the functions of the Leader to the Cabinet, to a Committee of the Cabinet, to an individual Cabinet Member or to an Officer.
- 9.3 A Cabinet Committee may delegate the discharge of any of its functions to an individual Cabinet Member or to an Officer.
- 9.4 An individual Cabinet Member may delegate the discharge of any of his/her functions to an Officer.
- 9.5 Leader / Cabinet functions may also be delegated to an Area Committee, to a Joint Committee with one or more other authorities, or to another authority.
- 9.6 The Leader or Council may (subject to any regulations made under section 236 of the Local Government and Public Involvement in Health Act 2007) arrange for any Councillor to discharge any of their functions within his/her own ward. Such delegation has not been made.
- 9.7 Where such delegations have been made, the person who made the delegation or the Council, as the case may be, or any other person or Committee which is permitted by or under an enactment to discharge the function, may still exercise that function, notwithstanding the delegation.
- 9.8 The delegations made by the Leader are set out in this Chapter.