

CHAPTER 2 – 2 - CABINET FUNCTIONS AND PROCEDURE RULES

The role of the Cabinet, comprising the Leader and between 2 and 9 Councillors (one of which must be appointed as Deputy Leader) appointed by the Leader is to provide strategic leadership to the Authority and to discharge executive functions which are called Cabinet functions throughout this Constitution.

Cabinet functions are any decisions relating to Council services which have not been reserved to Council or delegated to another Committee. To see what functions are carried out by Council, please see Council Functions and Procedure Rules.

Cabinet functions include “Local Choice functions” which are functions which the Council can choose whether they are carried out by Council or the Cabinet. These are shown in the Functions of the Cabinet below.

Cabinet functions can be discharged by:

- Cabinet as a whole
- Cabinet committee;
- A Portfolio Holder Cabinet Scheme of Delegation
- An Officer in line with the Cabinet Scheme of Delegation;
- Joint arrangements; or
- Another local authority in line with the Officer Scheme of Delegation

If a Cabinet function has been delegated to a Cabinet Member or Officer or it may still be discharged by Cabinet or a Committee of Cabinet.

1.0 Functions of Cabinet

	Functions of Cabinet	Delegations to Committees and Officers	Functions not to be carried out by Cabinet
1.1	To develop, determine, monitor, have oversight, form views and respond to all matters in relation to functions not reserved to Council, including but not limited to; service, policy, strategy, delivery, performance including complaints, operational asset management, staffing resources and budget monitoring.	Chief Officers Portfolio Holders	Any functions reserved to Council including any function which predates the Regulations. Impose conditions, terms, limitations or restrictions on approvals, consents, licences, permissions or registrations on a non executive function. Amend, modify, vary or revoke any plan or strategy except where authorised by the Constitution.

			<p>Approve/adopt a plan/strategy which is outside of the Budget and Policy Framework if Council has determined that Council should take that decision.</p> <p>Take a decision which is contrary to the Budget and Policy Framework</p> <p>Subject to any Regulations under s.20 of the Local Government Act 2000, make arrangements for the joint exercise of functions under s101(5) of the Local Government Act 1972 and make appointments to committees/joint committees under s.102 of the 1972 Act.</p>
1.2	Local Choice Functions (Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000).	Delegations to Committees and Officers	Exceptions to Delegations
1.3	Functions under a local Act (other than one specified or referred to in Reg 2 or Schedule 1 of the Regulations 2000).	Chief Officers	None
1.4	To determine appeals against any decision of the Authority.	Chief Officers	None
1.5	Obtaining of information as to interests in land.	Planning Committee Director for Growth and Regeneration.	None None
1.6	Any function relating to contaminated land.	Director for Growth and Regeneration.	None
1.7	The control of pollution or the management of air quality.	Director for Growth and Regeneration	None

1.8	To serve an abatement notice in respect of a statutory nuisance.	Director for Growth and Regeneration Assistant Director for Governance and Democracy	None None
1.9	To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Director for Growth and Regeneration	None
1.10	To inspect the authority's area to detect any statutory nuisance.	Director for Growth and Regeneration	None
1.11	To investigate any complaint about the existence of a statutory nuisance.	Director for Growth and Regeneration	None
1.12	To obtain particulars of persons interested in land.	Director for Growth and Regeneration	None

2.0 Conflicts of Interest

- 2.1 Where the Leader of the Council has a conflict of interest this should be dealt with as set out in the Member's Code of Conduct.
- 2.2 If any Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Member's Code of Conduct.
- 2.3 If the exercise of a Cabinet function has been delegated to a Committee of the Cabinet, a Cabinet Member or an Officer, and should a conflict of interest arise, then the function will be exercised by the Cabinet for Officer decisions and the Leader for Cabinet Member decisions.

Procedure Rules

3.0 Application of the Meetings General Procedure Rules

- 3.1 These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

4.0 Composition of Cabinet

4.1 The Cabinet shall consist of the Leader of the Council, and up to 9 other Councillors (one of whom shall be appointed the Deputy Leader) all of whom shall have undertaken mandatory training contained within the Members' Development Programme. Attendance must be for the duration of each training session, at least every other year. The Committee is not politically balanced.

4.2 A record of attendance at training sessions will be maintained by Democratic Services. The Leader of the Council is elected by Council, but the Leader is responsible for appointing the other Members of the Cabinet, and for notifying the Council of such appointments.

4.3 The Leader shall notify the Annual Council of his/her appointments to Cabinet and his/her Cabinet Scheme of Delegation.

No substitution arrangements will apply to the Cabinet, and neither the Mayor nor Deputy Mayor may be appointed to the Cabinet.

5.0 When will Cabinet meet

5.1 Cabinet shall meet in accordance with the Annual Calendar of Meetings. Meetings shall be held at 4pm however the Proper Officer shall change the time and date provided proper notification in accordance with the Access to Information Procedure Rules.

5.2 Extraordinary meetings may be called if considered necessary as determined by the Proper Officer following consultation with the Leader.

6.0 Quorum

6.1 The quorum for Cabinet shall be not less than half.

7.0 Who Chairs the Meeting

7.1 The Chair of Cabinet shall be the Leader. The Leader will also chair any Cabinet Committee at which he/she is present. In the absence of the Leader, the Deputy Leader shall take the chair. In the absence of both, another Cabinet Member shall be appointed to preside at the meeting.

8.0 Who can attend Cabinet

8.1 All meetings of the Cabinet shall be open to the public except where the item under discussion is considered exempt or confidential in accordance with the Access to Information Procedure Rules.

9.0 What business will be conducted at a meeting

9.1 Cabinet must consider at each ordinary meeting;

- matters referred to the Cabinet (whether by the Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Functions and Procedure Rules or the Budget and Policy Framework Procedure Rules.

- other matters set out in the agenda for the meeting, indicating which are key decisions and which are not in accordance with the Access to Information Procedure Rules.

9.2 Any Member of the Cabinet may ask the Leader that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. The Leader shall decide if it shall be added to the agenda.

9.3 At the discretion of the Leader of the Council (or in his/her absence the Deputy Leader) or by agreement by the Cabinet, a Member of the Council can be invited to take part in discussions at a meeting of the Cabinet on any particular item under consideration. The Member would not have voting rights.

Urgent items shall be considered in accordance with the Access to Information Procedure Rules.

10.0 **Cabinet Committees/Sub-Committees**

10.1 The Cabinet may appoint such Committees or Sub-Committees as it considers necessary and appropriate to assist in the discharge of its functions.

10.2 In making such appointments, the Cabinet must specify the name of the Committee/Sub-Committee, its membership (including its Chair and, if appropriate, Vice-Chair) and the terms of reference of the body.