



<b>Title:</b>	<b>Constitution of the Council (Part 3C: Cabinet etc)</b>
<b>Owner:</b>	<b>John Teasdale</b>
<b>Date of version:</b>	<b>12<sup>th</sup> December 2022</b>
<b>Review due:</b>	<b>Annually as required</b>
<b>Approved by Monitoring Officer:</b>	<b>John Teasdale</b>

**Adopted by Full Council on 12<sup>th</sup> December 2022**



# FUNCTIONS, PROCEDURES AND DELEGATIONS OF CABINET, THE LEADER & CABINET MEMBERS

## 1 INTRODUCTION

- 1.1 The Cabinet is the Council’s “Executive” for the purpose of the Local Government Act 2000.
- 1.2 All powers and functions of the Borough Council (“Executive Functions” and “Local Choice Functions” allocated to the Executive) other than those expressly reserved to the Full Council or one of its Committees, Sub-Committees or Panels will be exercised by the Cabinet, the Leader, Cabinet Members, Joint Committees or Council officers as follows.

## 2 FUNCTIONS OF THE CABINET

- 2.1 The Cabinet will:
  - 2.1.1 Discuss and recommend policies and strategies requiring approval by the Council;
  - 2.1.2 Formulate the Council’s budget and make recommendations to the Council for its approval.
- 2.2 The Cabinet may exercise any Executive Function, subject to any actions being in accordance with the law, the Council’s Policy Framework (as defined in Part 2: Articles) and the Council’s budget. This includes the power to:
  - 2.2.1 Fix any charges for services provided under Executive Functions;
  - 2.2.2 Authorise entry into any contractual arrangement;

- 2.2.3 Authorise any court proceedings, enforcement action or other procedures to enforce the law or to protect the Borough Council's or the public's interests;
- 2.2.4 Take policy or strategic decisions related to service delivery;

## 3 PROCEDURES OF THE CABINET

### THE CABINET CAN AMEND THE PROCEDURES WHICH IT FOLLOWS

#### MEMBERSHIP

- 3.1 Membership will comprise of the Leader of the Council and the Cabinet Members appointed by the Leader of the Council. It is not required to be politically balanced and must not include the Mayor or the Deputy Mayor.

#### MEETINGS

- 3.2 All meetings of the Cabinet shall be held at the Town Hall Burton upon Trent at 6.30pm unless different arrangements are agreed by the Cabinet in consultation with the Proper officer.
- 3.3 The Cabinet will meet as often as may be required to perform the functions of the Cabinet. Ordinarily the Cabinet meets monthly.

#### CHAIRMAN AND VICE-CHAIRMAN

- 3.4 The Leader of the Council shall preside as Chairman over meetings of the Cabinet.
- 3.5 The Cabinet Member appointed as Deputy Leader shall be Vice-Chairman and shall deputise in the absence of the Leader of the Council
- 3.6 Where both the Leader and Deputy Leader are absent from a Cabinet meeting, Cabinet shall elect a chairman for that meeting.

## RIGHT TO ATTEND

- 3.7 Meetings of the Cabinet shall be open to the public unless confidential or exempt information is likely to be disclosed or a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting. Reasonable facilities will be made available for any person attending the meeting for the purpose of reporting the proceedings, so far as practicable.
- 3.8 All Councillors formally appointed to the Cabinet have the right to attend and to vote at meetings of the Cabinet.
- 3.9 Other Councillors who are not formal members of the Cabinet may attend meetings of the Cabinet, except where Exempt Information is likely to be disclosed. If Exempt Information is likely to be disclosed, they can only attend such meetings if they can demonstrate that their attendance is necessary to perform their duties as a Councillor. If they do attend, they may ask the Chairman for consent to speak (giving reasons). The Chairman may seek the views of the Cabinet before making a decision. If the Chairman gives such consent, the Councillor may take part in the debate when invited to do so by the Chairman (but may not vote).

## QUORUM

- 3.10 A quorum shall be no less than 2 members (or one quarter of the total membership if greater).

## REPORTING ARRANGEMENTS

- 3.11 Where necessary the Cabinet will make reports and recommendations to a Scrutiny Committee and/or the Full Council arising from the outcome of their work.

## APPLICATION OF COUNCIL MEETING PROCEDURE RULES

- 3.12 Save where inconsistent with these Rules, proceedings at Cabinet will be governed as set out in Rule 23 of the Council Meeting Procedure Rules – see Part 3A.

## 4 FUNCTIONS OF THE LEADER AND CABINET MEMBERS

- 4.1 The Leader or any Cabinet Member (other than a Cabinet Member Without Portfolio) may, subject to any actions being in accordance with the law, the Council's Policy Framework (as defined in Part 2: Articles) and the Council's budget, exercise any Executive Function not allocated to the full Cabinet or to Borough Council officers.
- 4.2 This includes the power to:
  - 4.2.1 Fix any charges for services provided under Executive Functions
  - 4.2.2 Authorise entry into any contractual arrangement
  - 4.2.3 Authorise any court proceedings, enforcement action or other procedures to enforce the law or to protect the Borough Council's or the public's interests
  - 4.2.4 Take policy or strategic decisions related to service delivery.
- 4.3 The Leader may allocate and subsequently reallocate functions under this section between himself and Cabinet Members, but any failure to make such an allocation shall not invalidate any decision. The current allocation of functions is set out in Part 3Ca.
- 4.4 Any Cabinet Member Without Portfolio shall not exercise any executive function individually.
- 4.5 The Leader may appoint Cabinet Support Members, from time to time, who may be allocated tasks set by Cabinet but will not take executive decisions.
- 4.6 The Leader shall appoint one of the Cabinet Members to be the Deputy Leader of the Council who shall exercise all of the powers of the Leader of the Council in their absence.

## 5 PROCEDURES OF THE LEADER AND CABINET MEMBERS

THE CABINET CAN AMEND THE PROCEDURES WHICH THE LEADER & CABINET MEMBERS FOLLOW

- 5.1 The Leader and Cabinet Members make their individual decisions in private (not at meetings).
- 5.2 Formal decisions taken by the Leader and Cabinet Members are recorded on an Executive Decision Record.

## 6 DELEGATION TO JOINT EXECUTIVE COMMITTEES

THE CABINET CAN AMEND THE DELEGATIONS TO JOINT EXECUTIVE COMMITTEES

- 6.1 The Cabinet has delegated some of its functions to a Joint LEP Supervisory Board as set out in Part 3Cb of this Constitution.

## 7 DELEGATION TO OFFICERS

THE CABINET CAN AMEND THE DELEGATION OF ITS FUNCTIONS TO OFFICERS

- 7.1 The Cabinet has delegated some of its functions to Officers of the Council. These functions are included within the functions of Officers set out in Part 3Z.

## 8 STAFFORDSHIRE LEADERS BOARD

- 8.1 The purpose of Staffordshire Leaders Board ('the Board') is to establish a Joint Committee of the local authorities in Staffordshire to explore opportunities for

improved joint working and to develop and implement plans for devolution from Government.

- 8.2 The Leader of the Council will be named as the Principal Member to attend meetings of the Board.
- 8.3 The Leader will attend meetings in the mode and frequency required as stipulated in the constitution for the Board and as notified by the appointed Secretary for the Board.
- 8.4 The Leader will name a substitute Cabinet Member to attend meetings in their absence should they not be available for a meeting of the Board.
- 8.5 The Leader and any substitute Cabinet Member will adhere to the constitution of the Board, as amended or revised.