



<b>Title:</b>	<b>Constitution of the Council (Part 3C: Cabinet etc)</b>
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# FUNCTIONS, PROCEDURES AND DELEGATIONS OF CABINET, THE LEADER & DEPUTY LEADERS

## 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 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, Deputy Leaders, Joint Committees or Council officers as follows.

## 2 FUNCTIONS OF THE CABINET

### ONLY FULL COUNCIL CAN AMEND THE 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.
- 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 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 Deputy Leaders 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 previously agreed by the Cabinet.
- 3.3 The Cabinet will meet so 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 Deputy Leader nominated by the Leader of the Council to deputise in their absence shall be the Vice-Chairman of the Cabinet.

#### RIGHT TO ATTEND

- 3.6 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.

- 3.7 All Councillors formally appointed to the Cabinet have the right to attend and to vote at meetings of the Cabinet.
- 3.8 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

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

## REPORTING ARRANGEMENTS

- 3.10 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

- 3.11 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 DEPUTY LEADERS

### ONLY FULL COUNCIL CAN AMEND THE FUNCTIONS OF THE LEADER & DEPUTY LEADERS

- 4.1 The Leader or any Deputy Leader (other than a Deputy Leader 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 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 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 functions under this section between himself and the Deputy Leaders, 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 Deputy Leader Without Portfolio shall not exercise any executive function individually.
- 4.5 The Leader shall appoint one of the Deputy Leaders to be the Deputy Leader of the Council who shall be able to exercise all of the powers of the Leader of the Council in their absence.

## 5 PROCEDURES OF THE LEADER AND DEPUTY LEADERS

### THE CABINET CAN AMEND THE PROCEDURES WHICH THE LEADER & DEPUTY LEADERS FOLLOW

- 5.1 The Leader and Deputy Leaders make their individual decisions in private (not at meetings).
- 5.2 Formal decisions taken by the Leader and Deputy Leaders 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 Staffordshire Parking Board as set out in Part 3Cb of this Constitution.
- 6.2 The Cabinet has delegated some of its functions to a Joint LEP Supervisory Board as set out in Part 3Cc 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.