

Article 7 – The Executive (“The Cabinet”)

7.01 Role

The Cabinet will carry out all of the local authority’s functions apart from those responsibilities that either the law of England or this Constitution assigns to any other part or person within this Authority.

7.02 Form and composition

The Cabinet will consist of the Leader of the Council (‘the Leader’) **elected by full Council** together with at least **two**, but not more than **nine** other **Councillors**.

7.03 Leader

The Leader will be a Councillor elected to the position of Leader of the Council at the Annual Meeting of the Council in the year of an ordinary election of Councillors. The Leader will hold office until the date of the Annual Meeting of Council in the next year of an ordinary election of Councillors (i.e. for a term of four years), unless:

- (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 ceases for any reason to be a Councillor**; or
- (d) he/she is removed from office by resolution of the Council.

7.04 Other Cabinet members

In each Council Year in which he or she holds office, the Leader will:

- (a) **within the prescribed limits, determine the exact number of Councillors to be appointed to the Cabinet for the ensuing Council Year;**
- (b) **be responsible for appointing them;**
- (c) **appoint one of them as Deputy Leader to act in his absence; and**
- (d) **allocate a range of functional responsibilities (called a portfolio) to each of them.**

Other Cabinet members, including the Deputy 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 cease for any reason to be a Councillor**; or
- (d) they are removed from office by the Leader who must give written notice of any removal to the proper officer who shall immediately give a copy of the notice to the Cabinet member in question and to the Chief Executive (unless it is clear that this has already been done). The removal will take immediate effect upon receipt of the notice by the proper officer.

7.05 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

7.06 Responsibility for functions

The Leader will maintain a list in Part 3 of this Constitution setting out which individual members of the Cabinet, Committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Executive functions.

References:

Section 11 and schedule 1, paragraphs 1, 2, 3, Local Government Act 2000

Chapters 4, 14 and 15, DLTR Guidance

[See further:-

On “proper officer”, see list of proper officer functions in Appendix 1 to Part 7.

For powers of Leader, see Cabinet Procedure Rules in Part 4.

For election of Leader and Deputy Leader by Council, see Council Procedure Rule 1.1.]