

Article 6 – The Leader of the Council and Cabinet

(References: Section 9C, 9E and Schedule A1 (paragraphs 1, 2 and 3), Local Government Act 2000
Sections 44 and 67, Local Government and Public Health Involvement Act 2007)

6.01 Membership and Composition of the Cabinet

The Cabinet will consist of a maximum of ten members including:

- (i) the Leader of the Council; and
- (ii) at least two but no more than nine councillors appointed to the Cabinet by the Leader of the Council.

Only councillors may be appointed to the Cabinet. There may be no co-optees, deputies nor substitution of Cabinet members. Neither the Civic Mayor nor Deputy Civic Mayor of the Council may be appointed to the Cabinet. Members of the Cabinet may not be members of the Audit Committee and the Overview and Scrutiny Board or its sub-committee(s).

6.02 Role of Cabinet

The Cabinet is at the heart of the day-to-day decision-making process and have a key role in proposing the budget and policy framework to the Council (having taken into account the views of the Overview and Scrutiny Board or any of its committees). The Cabinet leads the implementation of Council policy within the Council's budget and policy framework and carries out all the Local Authority's functions which are not the responsibility of any other part of the Authority, whether by law or under this Constitution.

The Cabinet will lead the Council's corporate priority setting with input from the Overview and Scrutiny Board and other appropriate persons. It will be the focus of forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

6.03 The Leader of the Council

(a) Roles and Functions

The Leader of the Council will carry out the roles laid down in the Leader of the Council's Job Description as set out in Part 6 of this Constitution.

(b) Term of office

The Leader of the Council will be a councillor elected by the Council at the first annual meeting following the date of whole council elections. If the Council fails to elect the Leader of the Council at the annual meeting following the date of the whole council elections, the Leader is to be elected at a subsequent meeting of the Council. The Leader of the Council's term of office starts on the day of his/her election as Leader, continues for a four year term and ends on the day of the next annual meeting of the Council following the next whole council elections, unless:

- (i) he/she is removed from office by an ordinary resolution of the Council following the receipt of a Notice of Motion; or
- (ii) he/she resigns from the office (by notice in writing to the Chief Executive); or

- (iii) he/she ceases to be a councillor; or
- (iv) they are no longer qualified to be a member of the Council by virtue of Section 79 or Section 80 of the Local Government Act 1972 (see Article 2, paragraph 2.01(b)).

6.04 Other Cabinet members

(a) Term of Office

Members of the Cabinet will hold office until:

- (i) their appointment is terminated by the Leader of the Council (in accordance with paragraph (c) below); or
- (ii) the Leader of the Council is removed from office by an ordinary resolution of the Council; or
- (iii) they resign from the Cabinet (by notice in writing to the Chief Executive and copied to the Leader of the Council); or
- (iv) they cease to be a councillor; or
- (v) they are no longer qualified to be a member of the Council by virtue of Section 79 or Section 80 of the Local Government Act 1972 (see Article 2, paragraph 2.01(b)).

(b) Appointment by the Leader of the Council

The size and composition of the Cabinet will be solely a matter for the Leader of the Council to decide. He/she may choose to appoint councillors from any political group on the Council or those not in a political group. The Cabinet need not reflect the political balance of the Council as a whole. The Leader of the Council will give written notice to the Chief Executive of the appointments he/she makes to the Cabinet, the date on which they take effect, any portfolios of functions which have been allocated and which Cabinet member has been appointed as the lead member for Children's Services. The Leader of the Council will report these appointments to the Council as and when they are made.

(c) Removal from office

The Leader of the Council may remove members from the Cabinet as he/she sees fit. He/she will give written notice to the Chief Executive of any changes to the Cabinet, the date on which they take effect, and will report these changes to the Council as and when they are made.

(e) Inability for the whole Cabinet to act

If all the members of the Cabinet are unable to act for any reason, then the Council will appoint an interim Cabinet to discharge the relevant executive functions.

6.05 Deputy Leader

(a) Appointment

The Leader of the Council is required to appoint one of the members of the Cabinet to act as Deputy Leader. The Leader of the Council will give written notice of such appointment to the Chief Executive and will report this appointment to the Council as and when it is made.

(b) Term of office

The Deputy Leader will hold office until:

- (i) the end of the Leader of the Council's term of office unless the Deputy Leader is no longer a member of the Authority or the Cabinet; or
 - (ii) he/she is removed by the Leader of the Council from the office of Deputy Leader (in accordance with paragraph (d) below); or
 - (iii) the Leader of the Council is removed from office by an ordinary resolution of the Council; or
 - (iv) he/she resigns as Deputy Leader (by notice in writing to the Chief Executive and copied to the Leader of the Council); or
 - (v) he/she ceases to be a councillor; or
 - (vi) he/she is no longer qualified to be a member of the Council by virtue of Section 79 or Section 80 of the Local Government Act 1972 (see Article 2, paragraph 2.01(b)).
- (c) Duties of the Deputy Leader

If for any reason the Leader of the Council is unable to act, or the office of Leader of the Council is vacant, the Deputy Leader will act in his/her place until a new leader is elected or again able to act. If the Leader of the Council and Deputy Leader are unable to act or both their offices are vacant then the remaining members of the Cabinet must act in the Leader of the Council's place, or arrange for a member of the Cabinet to do so.

(d) Removal from office

The Leader of the Council may remove the Deputy Leader from office as he/she sees fit. He/she will give written notice to the Chief Executive of any changes to the office of Deputy Leader, the date on which it takes effect, and will report these changes to the Council as and when they are made.

6.06 Responsibility for functions

The Leader of the Council will maintain the list in Part 3 of this Constitution setting out whether the Cabinet itself or which individual members of the Cabinet, committees of the Cabinet (if any), area committees (if any) of the Authority, officers or joint arrangements (if any) are responsible for the exercise of particular executive functions.

6.07 Committees of the Cabinet and Working Parties

The Cabinet may appoint committees of three or more members of the Cabinet and may, where they have the power to do so, delegate powers to those committees. The Cabinet may appoint working parties comprising members of the Cabinet, other councillors, officers and other persons with relevant knowledge and experience to advise the Cabinet.

6.08 Shadow Cabinet

Normally, the Leader of the largest Political Group that does not form part of the Executive may choose to form a Shadow Cabinet by their nomination from amongst the Members of the Opposition. The Head of Governance Support shall be notified of the names of the Members nominated to form a Shadow Cabinet and of any changes in the membership of the Shadow Cabinet which may occur from time to time. The Shadow Cabinet will operate in accordance with the Local Protocol for Shadow Cabinet as set out in Part 5 of this Constitution.