

Article 7 – The Leader and Cabinet

7.01 Role

The Cabinet will carry out all of the Local Authority's functions which are not the responsibility of any other part of the Local Authority, by law or under this Constitution.

7.02 Form and composition

The Cabinet will consist of the Leader together with at least two, but not more than nine, councillors appointed by the Leader to the Cabinet. The current Cabinet is set out in paragraph 3 of Part 3 of this Constitution.

7.03 Leader

The Leader of the Council shall be elected by the Council and shall be the Leader of the Cabinet. The Leader will hold office until the day of the next Annual Meeting and remains a member of the Council until that date unless:

- (a) he/she resigns from the office; or
- (b) he/she is disqualified from being a Councillor
- (c) a resolution is passed that ceases his/her term of office before the period has come to an end, provided that no such resolution may be moved unless a written Notice of Motion signed by not less than one half of the members for the time being of the Council is delivered to the Chief Operating Officer by no later than 12 noon on the Monday of the week preceeding the meeting. Such resolution to include a motion to appoint another named Councillor as Leader.

This provision would be applicable in circumstances such as a Leader wishing to step down, political change or the Council wishing to remove a Leader from office.

The Leader shall appoint a Deputy Leader for the same term of office as the Leader and up to eight other Councillors for an appropriate term of office who together will comprise the Cabinet of up to 10 Councillors. The Leader has power to remove the Deputy Leader and Cabinet Members.

The Leader may discharge any functions of the Cabinet himself/herself, or may arrange for them to be discharged by:

- the Cabinet collectively
- the Deputy Leader
- another member of the Cabinet
- a Committee of the Cabinet
- the Chief Operating Officer
- a named officer or postholder

The extent of any delegation by the Leader in accordance with the above powers must be recorded in the Scheme of Delegation to Cabinet and Portfolio Holders, or the Scheme of Delegation to Chief Officers, as appropriate, and any amendments to the Schemes must be reported to Members by way of updates to this Constitution. Any delegation to any Committees of the Cabinet must be similarly reported.

In the event of the Leader being unable to discharge his/her duties as Leader due to absence, the Deputy Leader shall assume those duties until the Leader is able to resume his/her duties or the Council appoints a new Leader.

Where a decision in respect of a function of the Cabinet that has not been delegated in accordance with the above powers is urgent and cannot await the next meeting of the Cabinet, the decision shall be taken by the Leader, or in his/her absence, the Deputy Leader, and shall be reported to the next available meeting of the Cabinet or in the "Members Update".

For the avoidance of doubt, delegations made by the Leader will remain in force unless and until they are amended or replaced notwithstanding the end of the term of office of the Leader who made those arrangements.

7.04 Other Cabinet members

Other Cabinet members shall hold office until:

- (a) they resign from office; or
- (b) they are no longer councillors; or
- (c) they are removed from office by the Leader, who must give written notice of any removal to the Chief Operating 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

All Councillors in the Cabinet have specific responsibilities delegated by the Leader, and may with the approval of the Leader delegate functions to Officers.

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.

The carrying out of all functions by individual members of the Cabinet under the Scheme of Delegation to them shall be in accordance with relevant requirements set out in the Constitution.