SECTION 5

5. THE CABINET ("EXECUTIVE")

5.1 Introduction

The Cabinet is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

5.2 Form and Composition of the Executive

The Executive will consist of:

5.2.1 the Leader(s) of the Council (the "Leader(s)"); and

5.2.2 at least two, but not more than nine, other Councillors appointed to the Cabinet by the Leader(s).

5.3 Leader(s)

5.3.1 Election

In accordance with Standing Orders, the Leader(s) of the Council will be a Councillor elected to the position of Leader(s) of the Council. The Leader(s) will hold office until:

(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 is no longer a Councillor;

(d) the next local government election, save that the Council may remove the Leader(s) from office at an earlier date, but only in the event of a vote of no confidence in the Leader(s) or a change in political control of the Council.

5.3.2 Role of the Leader(s)

The Leader(s) will chair meetings of the Cabinet and determine the portfolios of Members of the Cabinet. Further information is contained in **Section 6**.

5.4 Deputy Leader(s)

5.4.1 The Leader(s) will appoint a Deputy Leader(s) to act as Leader(s) in the Leader(s)'s absence and may also, if he/she thinks fit, remove the Deputy Leader(s) from Office at any time.

5.4.2 The Deputy Leader(s) may exercise all of the functions of the Leader(s) where the position is vacant or where the Leader(s) is absent or otherwise unable to act.

5.5 Other Cabinet Members

Other Cabinet Members will be Councillors elected to the position of Cabinet Member by the Leader(s). Each Cabinet Member shall hold office until:

(a) he/she resigns from that office; or

(b) they are removed from office by the Leader(s) who must give written notice of any removal to the Proper Officer. The removal will take effect two working days after receipt of the notice by the Proper Officer or

(c) he/she ceases to be a Councillor;

(d) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension).

The Leader(s) may at any time appoint a Cabinet Member to fill any vacancies.

5.6 Delegation of Functions

The Leader(s) may provide for Executive Functions to be discharged by:

(a) the Cabinet as a whole;

(b) a Committee of the Cabinet (comprising Cabinet Members only);

(c) an individual Cabinet Member;

(d) an Officer

(e) a joint Ccommittee;

(f) another Local Authority or the Executive of another Local Authority;

5.7 Cabinet Support Members / Assistants to the Cabinet

5.7.1 Other Councillors may, from time to time, be designated by the Leader as Cabinet Support Members. Such Councillors will not be a Member of the Cabinet and will not participate in Cabinet decision making, but may work closely with a Cabinet Member. He/she will not be a Member of the Scrutiny Committee relating to the specific responsibilities of the Cabinet Member he/she is assisting or any other areas to which they are assigned.

5.7.2 A Cabinet Support Member / Assistant to the Cabinet may support the Cabinet Member through the delegation of tasks as agreed for his/her area of responsibility, including attending / chairing meetings; speaking / opening events; reading and commenting on papers; meeting officers; agreeing press releases / comments and carrying out interviews; represent the Council on appropriate groups. A Cabinet Support Member / Assistant to the Cabinet will not, however, have delegated powers and will not be entitled to speak or vote at Cabinet meetings or Committee meetings nor deputise for the Cabinet Member when the Cabinet Member is called to appear at the Scrutiny Committee.

5.8 Job Sharing Arrangements for Executive Leaders and Members

The Local Government and Elections (Wales) Act 2021 (Sections 58 and 60) advises that Local Authorities are required to include in their Executive arrangements provision enabling two or more Councillors to share office on an Executive including the office of Executive Leader. The provisions to include changing the maximum number of Members of an Executive when Members of the Executive share office and in respect of voting and quorum where Members of an Executive share office.

5.9 Rules of Procedure and Debate

The proceedings of the Cabinet shall take place in accordance with the Executive Procedure Rules in **Section 5.10** below.

5.10 Cabinet Procedure Rules

5.10.1 The Council's Scheme of Delegation and Executive Functions

(a) The Leader(s) may amend the scheme of delegation relating to Executive Functions at any time. In doing so the Leader(s) will give written notice to the Monitoring Officer and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body or Committee. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader(s).

(b) Where the Leader(s) seeks to withdraw delegation from a Committee of the Cabinet, notice will be deemed to be served on that Committee when he has served it on its Chair.

5.10.2 Conflicts of Interest

(a) Where the Leader(s) has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in **Section 19** of this Constitution.

(b) If any Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in **Section 19** of this Constitution.

(c) If the exercise of an Executive Function has been delegated to a Committee of the Cabinet, an individual Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and in accordance with the Council's Code of Conduct for Members in **Section 19** of this Constitution.

5.10.3 Cabinet Meetings – When and Where?

The frequency and timing of meetings of the Cabinet will be determined by the Leader(s). The Cabinet will meet at the Council's main offices or another location to be agreed by the Leader(s).

5.10.4 Public or Private Meetings of the Cabinet?

The Cabinet will hold its meetings in public, except in the circumstances set out in the Access to Information Procedure Rules in **Section 15**, i.e. where confidential or exempt information is being discussed.

5.10.5 Quorum

The quorum for a meeting of the Cabinet, or a Committee of it, shall be three.

5.10.6 Remote Attendance

(a) Members will be regarded as present at a meeting where they attend that meeting by remote means in accordance with the Council's Procedure for Multi-Location Meetings.

(b) For the purposes of section 5.10.6(a), attendance "by remote means" means attendance in a different physical location to that of other participants and participating through an online meeting platform.

5.10.7 How are Decisions to be Taken by the Cabinet?

(a) Executive Decisions made by the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in **Section 15** of this Constitution.

(b) Where Executive Decisions are delegated to a Committee of the Cabinet, the rules applying to Executive Decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

How are Cabinet Meetings Conducted?

5.10.8 Who Presides?

(a) The Leader(s) will preside at any meeting of the Cabinet or its Committees at which he/she is present and may appoint another person to do so in his absence.

(b) The Leader(s) may appoint the Chairs of any sub-committees of the Cabinet and other persons to preside in the absence of that Chair.

5.10.9 Who May Attend?

These details are set out in the Access to Information Procedure Rules in **Section 15** of this Constitution. See also **Section 3** in relation to Member participation in meetings.

5.10.10 What Business?

At each meeting of the Cabinet the following business will be conducted:

(a) consideration of the minutes of the last meeting;

(b) declarations of interest, if any;

(c) matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council for reconsideration by the Cabinet) in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in **Sections 7 and 16** of this Constitution;

(d) consideration of reports from Scrutiny Committees;

(e) consideration of reports from Cabinet Committees (if any have been appointed);

(f) reports from Cabinet Members;

(g) “exempt” or “confidential” reports;

(h) urgent reports.

5.10.11 Consultation

All reports to the Cabinet from any Member of the Cabinet or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation undertaken with stakeholders and with the relevant Scrutiny Committee(s) and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as

appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

5.10.12 Who can put Items on the Cabinet Agenda?

The Leader(s) will decide upon the schedule of the meetings of the Cabinet. The Leader(s) may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or any Member or officer in respect of that matter. The Proper Officer will comply with the Leader(s)'s requests in this respect.

Any member of the Cabinet may require the Proper Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.

There will be a standing item on the agenda of each meeting of the Cabinet for matters referred to it by Council or Scrutiny Committees.

Any Member of the Council may ask the Leader(s) to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader(s) agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Member who asked for the item to be considered and this individual will be invited to attend the meeting, whether or not it is a public meeting, and will be allowed to address the meeting in relation to that item. However, there may only be up to three such items per Cabinet meeting.

The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.