

The Leader & Cabinet Rules

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1. The Leader

- 1.1. The **Leader** is appointed by Council for a four year term and, subject to 1.7, below holds office until the day after the Annual Meeting after the first full Council Elections after his/ her election and is responsible for the implementation of the Budget & Policy Framework and developing the Budget and Policy Framework.
- 1.2. All functions of the **Authority** are vested in the **Leader** except in so far as they are reserved to the **Council** by legislation or they are functions identified as those which may be made either by Council or the Leader, (as amended from time to time), and a decision has been made by Council that they are **Council functions**¹. These are detailed in the **Responsibility for Functions**.
- 1.3. The Leader may invite the Council to review and re-allocate the responsibility for these **Council functions** at any time.
- 1.4. The Leader may only take decisions, including **Key Decisions**, that are within the Council's **Budget and Policy Framework**.
- 1.5. The Leader may delegate any or all of his/ her functions, including the taking of **Key Decisions**, to the **Cabinet**, a sub-committee of cabinet, an individual cabinet member (including the Deputy Leader), an officer, a joint committee or another local authority. Delegations made by the Leader are detailed in the **Responsibility for Functions**.
- 1.6. Any changes to the delegations made by the Leader will be notified to the person or committee concerned² and to the **Proper Officer** who will report the changes to the next meeting of Council .
- 1.7. The Leader will continue in office unless he/she:-
 - 1.7.1. resigns from office
 - 1.7.2. is suspended from being a Councillor
 - 1.7.3. is no longer a Councillor
 - 1.7.4. is removed from office by resolution of the **Council** by way of motion of no confidence submitted with at least 10 working days notice which is signed by at least 25% of all Councillors

¹ These Council functions may be delegated to a committee, a sub-committee, a joint-committee or an officer

² Notice to any committee, including a Joint Committee will be effective if it is given to the Chairman of that committee

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- 1.7.5. is removed from office by resolution of the Council in the event of a change in political control of the Council

2. The Deputy Leader

- 2.1. The Leader will appoint one of the members of the Cabinet to act as his/her Deputy. The Deputy Leader must act in the place of the Leader if the Leader is for any reason unable to act or the office of Leader is vacant.
- 2.2. Subject to 3.8 below the Deputy Leader will hold office until the end of the term of office of the Leader
- 2.3. If a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in his/her place. The appointment will take effect when the Leader provides written confirmation of the appointment to the Head of Governance.

3. The Cabinet

- 3.1. The **Cabinet** is chaired by the **Leader** of the Council³ and between 2 and 9 other members (including the Deputy Leader) appointed by the **Leader**.
- 3.2. The Leader will provide notification of Cabinet appointments and replacements to the Proper Officer in writing as soon as is reasonably practicable after they have been made.
- 3.3. The **Cabinet**, or individual **cabinet members** (including the Deputy Leader) are responsible for day to day decision-making of (mainly) **Key Decisions**³ that have been delegated to them by the Leader either collectively or individually and implementing the policies and priorities in accordance with the **Budget and Policy Framework** which is determined by **Council**. Cabinet also has a key role in supporting the Leader in **Developing the Budget and Policy Framework**.
- 3.4. In the absence of the Leader Cabinet meetings are chaired by the Deputy Leader and in the absence of both the meeting shall elect a Chair from those Cabinet Members present.
- 3.5. If for any reason the Leader is unable to act or the office of Leader is vacant and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Cabinet must act in the Leader's place or must arrange for a member of the Cabinet to act in his/her place.
- 3.6. The **quorum** of the meeting is 4 and substitutes are not allowed.
- 3.7. Co-optees can be appointed to cabinet sub-committees⁴ but they cannot be given voting rights.
- 3.8. A **Cabinet member** (including the Deputy Leader) holds office until he/she:-
 - 3.8.1. resigns from office
 - 3.8.2. is suspended from being a Councillor
 - 3.8.3. is no longer a Councillor
 - 3.8.4. is removed by the Leader, this removal will take effect when the Leader gives written notice of it to the **Proper Officer**

³ In the absence of the Leader the Deputy Leader will chair the meeting. In the absence of the Deputy Chair the chair will be appointed by the members present at the meeting.

⁴ Co-optees can be appointed for a fixed term or as a standing member – there is a 1 month notice period on either side.

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- 3.8.5. is removed from office by resolution of the **Council** by way of motion of no confidence submitted with at least 10 working days notice which is signed by at least 25% of all Councillors
- 3.8.6. is removed from office by resolution of the Council in the event of a change in political control of the Council

4. Notice of meetings/ Attendance at meetings

- 4.1. The time and date of **Cabinet meetings** are agreed in advance by **Annual Council**. Subject to 4.2 below additional meetings may be called, or the time and date of meetings may be changed by the **Proper Officer** at the request of the **Leader** or any **Statutory Officer** where a decision is an **Urgent Decision** or it is otherwise reasonable to do so.
- 4.2. The Proper Officer will give 5 clear working days of Cabinet meetings.
- 4.3. Cabinet meetings are held in public. When the meeting considers **confidential information** or **exempt information** (subject to the relevant **public interest tests**) then the meeting will consider that agenda item in **private** and, by resolution, members of the public, the press and, subject to 4.6 below, non-cabinet members of the Council may be excluded
- 4.4. The agenda and reports for all meetings will be made available to all Members
- 4.5. A copy of the **Agenda** and **reports** (except **confidential or exempt reports**) for all meetings, and the **Notice of Decisions** from previous meetings are placed on the Council's web-site as soon as they are published. A copy of the Agenda and all non confidential or non exempt reports will be available for inspection from **Civic Offices** as soon as the Agenda is published.
- 4.6. The **Group Leader** (and in their absence the **Deputy Group Leader**) of all minority groups on the Council can attend and speak on any item on the **Agenda**
- 4.7. The person chairing the Cabinet meeting may, in their absolute discretion, by prior agreement, allow a member to speak on an item when a decision about it will have a significant effect on their ward.
- 4.8. The Proper Officer will make arrangements to provide briefings for non cabinet members on agenda items during the week prior to the cabinet at such times and in such places as may be agreed from time to time by the **Chief Executive** and Group Leaders.

5. Business to be transacted at Cabinet meetings

Business to be transacted	
Agree terms of reference ⁵	✓
Elect a person to preside if the Leader and Deputy Leader are not present	✓ *
Receive any apologies for absence	✓ *
Receive any declarations of interest from Members	✓ *
Consideration of the Record of Decisions of the last meeting ⁶	✓ *
Appoint such sub-committees, etc. as the Cabinet consider are required to enable it to efficiently conduct its business and, in respect of those sub-committees agree the size and terms of reference and appoint the Chairman, Vice-Chairman and Members .	✓ **

⁵ At the first meeting after the Annual Council meeting.

⁶ The only part of the Record of Decisions that can be discussed is their accuracy. Once approved the Chairman will sign them as a correct record.

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Matters referred to the Leader from either Council ⁷ or any Scrutiny Committee ⁸ ;	✓
Consideration of reports from individual members ⁹ of the Cabinet or any Statutory Officer;	✓
Consideration of the Forward Plan; and	✓
matters set out in the agenda for the meeting (Key Decisions shall be identified).	✓

* Compulsory business, the order of which cannot be varied.

** Where there is a vacancy

6. Decision-making

- 6.1. All decisions, notwithstanding who takes them, will be made using the Principles of Decision-making
- 6.2. A Record of Decisions shall be made for all cabinet meetings and all Key Decisions taken, whether taken collectively or individually.
- 6.3. Where an individual or any decision-making body other than the Cabinet is inquorate because of a conflict of interest the decision will be taken by the Cabinet. If the Cabinet is inquorate because of a conflict of interest then the Proper Officer will be instructed to seek an appropriate dispensation from the Standards Committee.

7. Developing the Budget Framework

- 7.1. The Council is responsible for adopting the Budget & Policy Framework but the Leader is responsible for developing proposals and implementing it. The process for developing the Budget Framework is:-

Action	Timing
The Leader publishes his/ her draft budget and policy framework proposals in accordance with this timetable	By 31 st December
Consultation including referring proposals to the Efficient Effective Council Scrutiny Committee ¹⁰ and community and stakeholder groups	At least 4 weeks from publication of draft proposals
The Leader considers the responses from the budget consultation, including reports from the Efficient Effective Council Scrutiny Committee and Opposition Groups and may amend his/ her proposals	Pre 11 th March
The Leader will submit his/her final proposals (including responses to consultation) to Council for adoption	Pre 11 th March

⁷ Any resolution of Council referred to Cabinet for consideration will be considered, at latest, at the next scheduled meeting of the Cabinet

⁸ These may be limited by the Proper Officer depending upon the business to be transacted at the meeting

⁹ These may only be submitted with the agreement of the Leader

¹⁰ This committee must consider budget proposals proposed by any Opposition Group before Cabinet present their final proposals to Council

8. Developing the Policy Framework

- 8.1. Development of any element of the [Policy Framework](#) will be managed by the [Leader](#) in a similar way to the development of the [Budget Framework](#), see 7 above, in that proposals will be agreed by the [Leader](#) and consulted upon (for a minimum of 4 weeks) (including referring proposals to the relevant scrutiny committee before being re-considered by the [Leader](#) in the light of consultation responses and submitted to Council for adoption)