

## SECTION 5

### THE CABINET

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#### 5.1 Role and functions

5.1.1 The Cabinet is accountable to the full Council. It carries out all of the Council's functions (known as executive functions) which are not allocated to another part of the Council by law or by this Constitution. Some of the Cabinet's functions are delegated ~~to the Community Partnerships,~~ to individual Cabinet members (known as Portfolio-holders), to officers or to other bodies. For further information on Cabinet delegations, see 5.6 below and Section 18 (Responsibility for Functions).

5.1.2 The Cabinet has the following specific functions:

- To be responsible for the strategic management and direction of the Council in the pursuit of its corporate objectives
- To develop proposals for the Council's Budget and Policy Framework for approval by full Council as set out in 5.6 below
- To implement the Budget and Policy Framework, and any other policies, plans and strategies agreed by the Council
- To approve the Council's Corporate Delivery Plan and Operational Plans
- To manage and monitor the performance of the Council's functions, and to act on proposals for improvements
- To be responsible for the overall management of the Council's financial, property and other resources, in accordance with the Financial Procedure Rules set out in Section 21
- To be responsible for the overall management of the Council's personnel functions, including health and safety matters
- To monitor and keep under review the policies, plans, documents and strategies making up the Policy Framework, and any others adopted by the Council from time to time

- To be responsible for the overall management of and the determination of significant issues ( set out in section 24) concerning the Wells Recreational Ground Trust

**5.1.3** The Cabinet has the power (delegated from full Council under Section 18, Schedule 5) to appoint representatives of the Council to sit on outside bodies where the purpose of the outside body relates to an executive function.

## **5.2 Membership**

**5.2.1** The Cabinet consists of the Leader of the Council, the Deputy Leader and up to eight other members all appointed by the Leader. Further details relating to the Leader, Deputy Leader and members of the Cabinet are given in Section 6.

**5.2.2** Neither the Chair nor the Vice Chair of the Council may be appointed to the Cabinet.

**5.2.3** Each member of the Cabinet may take responsibility for a particular area of the Council's services ("a Portfolio"). The Leader will decide from time to time which areas of responsibility will be allocated to individual Cabinet members (known as "Portfolio-holders" when acting in this capacity). Details of the Portfolio-holders' current areas of responsibility are set out in the Cabinet Scheme of Delegation in Section 18, Schedule 6.

## **5.3 Meetings**

**5.3.1** The Cabinet will meet at least nine times per year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader. Scheduled meetings may be cancelled for good reason at the discretion of the Leader.

**5.3.2** Extraordinary meetings may be called from time to time if the Leader decides that the Cabinet should consider any issue before its next scheduled meeting.

**5.3.3** Meetings of the Cabinet will normally be open to the public in accordance with the rules for conducting meetings set out in Section 15 and the access to information rules in Section 16. The rules in Sections 15 and 16 will apply generally to meetings of Cabinet, unless this Section contains different provisions on any point.

**5.3.4** Meetings will be chaired by the Leader, or in his/her absence, the Deputy Leader.

## 5.4 Agenda for meetings

5.4.1 The Leader may put on the agenda of any Cabinet meeting any matter which he/she thinks that the Cabinet should consider, whether or not the Cabinet has authority to make decisions about it.

5.4.2 The following may require items to be put on the agenda of a Cabinet meeting:

- (a) any member of the Cabinet.
- (b) full Council
- (c) Scrutiny Board in the exercise of its powers to call in executive decisions under Section 7
- (d) the Wells Recreation Ground Trust Committee

5.4.3 The Chief Executive, the Monitoring Officer or the S151 Officer may require an item to be put on the agenda of a Cabinet meeting if any of them consider this necessary as part of their statutory duties. The relevant officer(s) may also require that an extraordinary meeting be held to consider the item as a matter of urgency.

## 5.5 Cabinet Decisions

5.5.1 The Cabinet may make decisions collectively at its meetings, but it also has the power to delegate executive decisions to any of the following, as permitted by law:

- (a) a committee of the Council
- (b) an individual member of the Cabinet (Portfolio-holder)
- ~~(c) a Community Partnership~~
- ~~(cd)~~ an officer
- ~~(de)~~ a committee or other body set up jointly with one or more other local authorities to exercise executive functions
- ~~(ef)~~ another local authority or its executive

5.5.2 All executive decisions which are Key Decisions will be made by the Cabinet as a whole unless they are urgent and fall within the criteria set out in Section 17, when they may be made by an individual member of the Cabinet in accordance with the procedures set out in that Section.

### **Key Decisions are executive decisions which are likely:-**

- (a) to result in the Council incurring significant expenditure or making significant savings (in terms of the Council's budget for the service or functions to which the decision relates)

(b) to be significant in terms of their effect on communities living or working in an area covering two or more wards in the Council's area

In deciding whether expenditure or savings are significant under (a) above, it shall be taken into account whether the amount involved is likely to exceed 2% of the total sum budgeted to be received by the Council in council tax for the current financial year.

- 5.5.3** Portfolio-holders may make executive decisions, other than Key Decisions, relating to matters falling within their areas of responsibility. Details of these areas of responsibility, and of the rules applying to decision-making by Portfolio-holders, are set out in the Cabinet Scheme of Delegations set out in Section 18, Schedule 6. Portfolio-holders may make Key Decisions which are urgent in the circumstances set out in Section 17.
- 5.5.4** Many day-to-day decisions relating to executive functions have been delegated by the Cabinet to officers of the Council. These are listed in the Scheme of Delegation to Officers set out in Section 18, Schedule 1, which is reviewed and approved each year at the Annual Meeting of the full Council.
- 5.5.5** Details of any decisions or functions which have been delegated by the Cabinet to any of the other people or bodies listed in 5.5.1 are also included in Section 18. The Leader will report any new delegations or changes to the scope of existing delegations to full Council and to the Monitoring Officer, and Section 18 will be updated as necessary.
- 5.5.6** All Key Decisions must be included in the Cabinet's Forward Plan (see 5.7 below). No Key Decision may be taken unless it has been included in a Forward Plan that has been available to the public for at least five working days, unless it is urgent and made in accordance with the procedures in Section 17.
- 5.5.7** In order to allow Scrutiny Board to call in decisions for review in line with the criteria set out in Section 7, executive decisions will not normally be implemented until five clear working days have expired after the date of publication of the decision in accordance with the Access to Information Rules in Section 16. Decisions which are urgent will not be subject to call-in and may be implemented immediately, provided that the criteria and procedures set out in Section 17 are complied with.
- 5.5.8** Decisions made by Cabinet, by individual Portfolio-holders or by any other person or body exercising an executive function, will be recorded and made available to the public in accordance with the Access to Information Rules in Section 16. All records of Portfolio-holder decisions will also be sent by e-mail to all members of the Council, and published on the Council's web-site, as soon as they are available, in accordance with Section 7.5.4.

## **5.6 Budget and Policy Framework**

- 5.6.1** The Cabinet is responsible for proposing to full Council the Budget and Policy Framework, and the individual strategic policies making up the Policy Framework from time to time as set out in Section 4.1.1. It is responsible for implementing these after their adoption by full Council, and for taking decisions on resources and priorities in order to deliver the Budget and Policy Framework within the financial limits set by the Council. Full Council is responsible for approving the Budget and Policy Framework, and any changes to any part of these, except as set out in 5.6.6 below.
- 5.6.2** The Cabinet will notify the Chair of Scrutiny Board of the timetable for developing the Budget and any plan, policy or strategy comprised in the Policy Framework and will consult Scrutiny Board for its views on any initial proposals in respect of any of these (allowing a reasonable time for consultation). These views will be taken into account in developing proposals for full Council, and will be reported to full Council. Other consultation may be carried out by Cabinet as it thinks appropriate.
- 5.6.3** All proposals to Cabinet relating to the Budget and Policy Framework will contain details of the nature and extent of consultation with stakeholders and Scrutiny Board, and the outcome of that consultation.
- 5.6.4** All decisions relating to Cabinet functions, including those delegated under 5.5.1 above, will be taken in line with the Budget and Policy Framework. However, budget transfers will be permitted as set out in the Financial Procedure Rules in Section 21 or in any virement scheme adopted by the Council.
- 5.6.5** If the Cabinet or any other person or body carrying out an executive function wishes to make a decision which may be contrary to the Budget or Policy Framework, they will take advice from the S151 Officer and/or the Monitoring Officer. If it is so contrary, it will be referred to full Council for a decision unless it is urgent, in which case the rules in Section 17 will apply.
- 5.6.6** The Cabinet may change parts of the individual policies, programmes, plans and strategies making up the Policy Framework if authority to do so has been delegated by full Council. Any such changes will be reported to the next meeting of full Council.

## **5.7 Forward Plan**

- 5.7.1** A Forward Plan will be prepared on behalf of the Cabinet giving details of all the Key Decisions likely to be taken by the Cabinet over at least

the next four months, and where reasonably practicable, over a period of twelve months. This will be updated on a monthly basis, with a new Forward Plan being produced at least 14 days before the start of the period which it covers. The current plan will be included as an agenda item for information at each meeting of Cabinet. Each Forward Plan will contain the following details in respect of each Key Decision:

- The subject of the decision
- The person or body likely to take the decision
- The date by which the decision is likely to be made
- Details of any consultation carried out or proposed, including the groups who have been or will be consulted, and how the consultation has been or will be carried out
- A contact officer through whom members of the public may make representations to the Cabinet, and the date by which this must be done.
- A list of documents to be considered by the decision-taker in relation to the matter

**5.7.2** Each current Forward Plan will be made available to the public and may be inspected at all reasonable hours at the Council's main office. A copy will also be provided for the agenda of each meeting of Scrutiny Board so that Scrutiny Board can comment as it thinks appropriate in relation to any Key Decision during the relevant consultation period.

**5.7.3** The Chief Executive will publish a notice annually in at least one newspaper circulated in the Council's area, between 14 and 21 days before the first Forward Plan of that year comes into effect, giving the information in relation to the Forward Plan required by the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 or otherwise required by law.

## **5.8 Reports and recommendations from Scrutiny Board**

**5.8.1** The agenda for Cabinet meetings shall include an item on issues arising from Scrutiny Board, when any reports from Scrutiny Board other than those relating to specific items on the agenda shall be considered. Reports from Scrutiny Board will normally be considered within two months of receipt.

**5.8.2** The Cabinet will respond in writing, through the Leader to the Chair of Scrutiny Board, to any recommendations made by the Board, giving details of what action will be taken and by what date. If Cabinet does not agree with any recommendation, or is unable to implement it for any reason, the response will explain the reasons for this.