

Forest Heath District Council

Article 6 – The Cabinet

6.1 Role

6.1.1 The Leader and Cabinet will 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.

6.2 Form and Composition

6.2.1 The Cabinet ~~will be chaired by the Leader. It~~ will comprise the Leader and no fewer than two and up to nine other councillors appointed to the Cabinet by the Leader, one of whom shall be designated Deputy Leader and all of whom are to be known as Portfolio Holders. Only councillors will be appointed to the Cabinet. There will be no co-optees, no deputies and no substitutes for Cabinet members. The Leader and Portfolio Holders may not be members of any scrutiny committee. The Chairman and Vice-Chairman of the Council may not be members of the Cabinet.

6.3 The Leader

6.3.1 The Leader will be a councillor elected to the position by the Council at its first annual meeting following the local government elections. The Leader will hold office until

- a) The next post-election annual meeting of the Council; or
- b) ~~He/she/They~~ resigns from the office of Leader; or
- c) ~~He/she/They are~~ removed from office by ordinary resolution on notice of the Council; or
- d) ~~He/she is/They are~~ no longer a councillor.

6.3.2 When a vacancy arises in the office of the Leader, the Council shall fill the vacancy at the next ordinary meeting of the Council, or at a special or extraordinary meeting summoned for the purpose; or, if the vacancy occurs as a result of the removal of the Leader by resolution of the Council, at the meeting at which that resolution was passed or a subsequent meeting. The councillor appointed to fill the vacancy shall hold office for the remainder of the original term, subject to the rules on earlier termination in 6.3.1 above.

6.3.3 The Leader shall appoint another member of the Cabinet as Deputy Leader to act when the Leader is unable to act or the office of Leader is vacant. The Leader may, if he or she thinks fit, remove the Deputy Leader from office. Where there is a vacancy in the office of Deputy Leader, the Leader

Appendix A

must appoint another person to be Deputy Leader. Unless he or she is removed by the Leader, resigns as Deputy Leader or ceases to be a member of the council, the Deputy Leader shall hold office until the end of the Leader's term of office.

~~6.3.4 The Leader remains a member of the Council during his or her term of office as Leader and any enactment that provides for him or her to retire earlier as a councillor does not apply.~~

6.4 Other Cabinet Members (the Portfolio Holders)

6.4.1 The Leader will usually announce the Portfolio Holders at the annual meeting of the council. Re-appointments, appointments and the removal of Portfolio Holders announced in this way will take immediate effect. If the announcement is not made at the annual meeting, the Leader will give written notice to the Monitoring Officer of the Portfolio Holders as soon as practicable after the annual meeting and the re-appointments, appointments and removals made in this way will take effect two working days after receipt of the notice by the Monitoring Officer.

6.4.2 The Leader may also appoint Portfolio Holders during the municipal year to fill any vacancy or increase the size of the Cabinet (up to the maximum number set out in 6.2.1 above) by giving written notice to the Monitoring Officer. These appointments shall take effect two working days after receipt of the notice by the Monitoring Officer.

6.4.3 Portfolio Holders shall hold office until: -

- a) they resign from office; or
- b) they are no longer councillors; or
- c) they are removed by means of the Leader's notification at or as soon as practicable after the next annual meeting; or
- d) they are removed from office by the Leader giving written notice of the removal to the Monitoring Officer. The removal will take effect two working days after receipt of the notice by the Monitoring Officer.

6.4.4 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 Portfolio Holder to act in his/her place.

6.5 Functions of the Cabinet

6.5.1 The Cabinet has the following functions: -

Appendix A

- a) to make 'key decisions' as defined in Article 12 and published in the decisions plan;
- b) to formulate the budget and policy framework for submission to Council in accordance with the budget and policy framework procedure rules in Part 4 of the constitution;
- c) to implement the approved budget and policy framework;
- d) to determine recommendations and other matters referred to it by committees, sub-committees or council;
- e) to carry out all of the functions which by law the executive must carry out or has chosen to carry out and which have not been delegated elsewhere;
- f) to ensure the publication of, and to consider, the plan of items likely to come before it for decision at least 28 days before the decision is due to be made.
- g) To authorise funding from the Council's Capital Investment Fund, up to the value of £2m (in line with the Council's Growth Investment Strategy).

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6.5.2 The Cabinet may carry out its functions:-

- a) itself;
- b) by delegating power to an individual member of the Cabinet, to be exercised in accordance with the rules in Appendix B to this Article 6;
- c) by delegating power to an officer, who shall exercise that power in accordance with the scheme of delegation to officers contained in Part 3 of the constitution;
- d) by delegating power to a joint committee, area committee or another local authority.

6.5.3 The list of portfolio responsibilities will be maintained by the Leader and will set out which individual members of the Cabinet, officers and joint arrangements are responsible for the exercise of particular Cabinet functions. The full list is in Part 3 of the constitution and a brief list of portfolio responsibilities forms Appendix A to this Article 6. The Leader is empowered to amend the portfolios during the administrative year.

6.6 Meetings of the Cabinet

6.6.1 The Cabinet will hold public meetings as frequently as is required for the effective discharge of its functions on dates and at times agreed by the Leader. Meetings will be conducted in accordance with the Cabinet Procedure rules set out in Part 4 of the constitution. Meetings will usually take place through the agreed joint committee structure outlined in Part 3 of the Constitution. ~~Meetings will usually be held~~

Appendix A

~~at the District Council Offices in Mildenhall but can be held at other locations agreed by the Leader.~~

- 6.6.2 To ensure it is briefed and/or consulted upon its functions, the Cabinet may hold other informal (not public) meetings as are necessary for it to carry out its work effectively. However, to ensure transparency and facilitate good scrutiny, matters discussed at these meetings that are intended to be put to Cabinet or Council for decision will, unless a decision is required urgently, be included in the decisions plan which is referred to the appropriate committee (normally a scrutiny committee) before a recommendation is made to Cabinet/Council (see paragraph 7.2.5(a) of Article 7 Overview and Scrutiny).

Appendix A

List of Portfolio Responsibilities

The Leader

- Leadership and strategic direction of the Council
- External relations and communications
- Strategic economic development

Families and Communities

- Corporate communications
- Corporate strategy/planning and co-ordination
- Crime and community safety
- Customer services, access and engagement
- Equalities and diversity
- Families and communities
- Future of public services and service integration
- Health

Housing

(This Portfolio is the responsibility of the whole Cabinet (with the Portfolio Holder for Housing at St Edmundsbury Borough Council being the shared lead Councillor))

- Choice based lettings
- Homelessness advice
- Public health
- Safeguarding
- Social care
- Strategic housing (including private sector housing and Disabled Facilities Grants (DFG) policy)

Leisure and Culture

- Heritage and culture
- Parks and open spaces (including trees)
- Sport

Operations

- Car parking
- CCTV
- Cemeteries
- Fleet management
- Grounds maintenance
- Land drainage
- Markets (delivery)
- Operations
- Property services and estate management
- Public conveniences
- Refuse/recycling
- Street scene
- Tourism (operations)

Appendix A

Planning and Growth

- Building control
- Conservation
- Development control
- Economic development
- Enforcement
- Environmental health
- Growth areas and regeneration
- Licensing
- Planning policy
- Rural development
- Tourism (strategic)
- Town centres

Resources and Performance

- Business development/commercial
- Cabinet management and support
- Civic office (Mayor)
- Democratic services (including members' support)
- Financial services (including audit)
- Health and safety
- Human resources (including payroll)
- ICT
- Learning and development
- Legal services
- Performance and risk management
- Procurement
- Scrutiny management and support

Appendix B

Procedure for decision-making by individual Portfolio Holders

1. Individual Cabinet members are empowered (subject to the exceptions listed below) to make Cabinet decisions within the Policy and Budget Framework in respect of their own portfolio area of responsibility.
2. Individual Cabinet members are empowered to authorise funding from the Council's Capital Investment Fund, up to the value of £0.5m (in line with the Council's Growth Investment Strategy).

The exceptions are as follows:

- 1.1 A decision that is a departure from the agreed Strategic Plan except where this falls within current agreed policy.
 - 1.2 Decisions solely in relation to the Cabinet Member's own ward including, for example, making a grant, unless this is agreed by the Leader. This does not prevent the use of the Cabinet Member's Locality Budget.
 - 1.3 Where the Leader has indicated before a decision is either taken by the Portfolio Holder or implemented that he requires the decision to be taken collectively by the Cabinet. Notification of this by the Leader must be made to the Assistant Director (HR, Legal & Democratic Services).
 - 1.4 A decision in which the Cabinet member has either a disclosable pecuniary interest or some other conflict of interest.
 - 1.5 Those decisions delegated to an officer unless the officer refers the decision to the Cabinet member.
 - 1.6 A decision which in the view of the Chief Executive is one which should properly be treated as a key decision (except where it is funded from the Capital Investment Fund, where it may be made by the Portfolio Holder in accordance with 2. above).
3. The Cabinet may delegate any decision to an individual Cabinet member who must then follow the procedure in this document in making that decision.
 4. The decisions must be made in consultation with officers deemed appropriate by the Chief Executive and the Cabinet member must take into account the professional, legal and financial implications and any advice given by those officers.

Appendix A

5. Where there are significant cross-cutting implications the decision should be made in consultation with other appropriate portfolio holder(s).
6. Where a decision has significant impact on an individual ward the Cabinet member should consult the appropriate ward member.
7. Where it is not clear in which portfolio an issue sits, the Leader shall decide. If the appropriate portfolio holder is unavailable and a decision needs to be taken urgently, then the Leader may take the decision in consultation with the Chief Executive.

Notification and Publication

Wherever possible, 5 clear working days' notice of the intention to make a decision under these delegated powers will be given to all Members of the Council, by notice sent electronically and published on the Council website together with any supporting report.

Where 5 clear working days' notice is not practicable for exceptional reasons relating to the urgent need to action the decision the Cabinet Member should give notification of the intent to make the decision as soon as possible explaining the reasons for the short notice.

The decision must be recorded on the appropriate form prepared and published by Democratic Services. The decision will be published and may not be implemented until after either:

- the call-in period (5 working days after the date of publication) has expired; or
- a call-in process has been completed.

Call-in, using the procedure in the Council Procedure Rules, may be made within 5 days of the decision being published and the usual process shall be followed.