

Article 7 – The Executive and Cabinet

7.1 Functions of the Leader

In this Constitution Executive Functions consist of:-

- (a) Functions which the executive must in law exercise;
- (b) Functions which are not listed in Schedule 1 of the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 as amended; and
- (c) 'local choice' functions listed at Schedule 2 of those Regulations, where the Council has decided that they shall be exercised by the Executive.

All Executive functions are delegated to the Leader of Council who may then delegate those functions further to the Cabinet, Committees of the Cabinet, Cabinet Members and officers. The Leader retains responsibility for the functions so delegated and may exercise those functions in person regardless of the further delegation.

The Leader may also determine to appoint members of Cabinet (or himself) to External Bodies where representation on that External Body forms part of the portfolio of the Cabinet Member.

Cabinet Members are not authorised to further delegate their functions on to officers without the Leader's consent. Where any delegation under this part of the Constitution refers to specific legislation or regulations, it includes a reference to that legislation or those regulations as re-enacted, consolidated, modified or amended.

The Leader also has the power to take any action or make any decision where either Special Urgency under Part 2, rule 15, or Urgency under Part 3, rule 4 apply, subject to compliance with those provisions.

7.2 Leader

- (i) The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until:
 - (a) he/she resigns/retires 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; or
 - (d) he/she is removed from office by resolution of the Council.
- (ii) Other Cabinet Members shall hold office until:
 - (a) they resign from office; or

- (b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer Councillors; or
- (d) they are removed from office, either individually or collectively by the Leader.

7.3 Membership of the Cabinet

- (i) The Cabinet will consist of the Leader together with such other members of Council as he or she may appoint as Individual Cabinet Members to undertake Executive functions.

7.4 Functions of the Cabinet

Cabinet Members are expected:

- 7.4.1 To take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services.
- 7.4.2 To promote the Council's role as community leader, giving a 'voice' to the community in its external relations at local, regional and international level, and fostering good working relationships with the Council's partner organisations, Parish Councils and the relevant authorities for Police, Fire, Probation and Magistrates' Courts Services.
- 7.4.3 To take a leading role in promoting the economic, environmental and social well-being of the area.
- 7.4.4 To promote the Council's corporate and key strategies and the Community Strategy and approve such strategies and cross-cutting programmes which are not included within the Council's major policy and budget framework.
- 7.4.5 To review and recommend to Council changes to the Council's Constitution, protocols and procedure rules.
- 7.4.6 To lead the delivery of the Corporate Efficiency agenda within the Council.
- 7.4.7 To be responsible for the Council's overall budget and determine such actions as may be required to ensure that the overall budget remains within the total cash limit.
- 7.4.8 To determine any conflicts of opinion or decision which may arise between two or more Cabinet Members exercising delegated executive functions.

- 7.4.9 To commission reviews by and determine changes to policy proposed by the Overview and Scrutiny Committees and make recommendations to Council where proposed changes necessitate amendment of the Council's major policy and budget framework.
- 7.4.10 To scrutinise auditors' reports and letters, to consider reports from the Council's external auditor and internal auditor, where appropriate, and determine appropriate responses.
- 7.4.11 To appoint members to member/officer working groups aimed at developing initiatives or proposals for consideration by Cabinet..

7.5 Standing Working Groups

Cabinet shall operate the following Member/Officer Working Groups with the identified functions:

7.5.1 Corporate Strategy and Finance Group

- 7.5.1.1 To review the development of the Council's annual budget
- 7.5.1.2 To review the development of Corporate Strategy Initiatives
- 7.5.1.3 To identify budget and strategy initiatives to be brought forward for consideration by Cabinet or submitted to Overview and Scrutiny Committee for review.

7.5.2 Corporate Efficiency Board

- 7.5.2.1 To develop efficiency initiatives for consideration by Cabinet
- 7.5.2.2 To consider efficiency proposals put forward by the Council's Efficiency partner for take forward to Cabinet
- 7.5.2.2 To oversee the implementation of such efficiency measures as may be agreed by Cabinet.

7.6 Proceedings of the Cabinet

Proceedings of the Cabinet shall be conducted in accordance with the Council Procedure Rules, so far as applicable, and with Additional Cabinet Procedure Rules set out in Part 4 of this Constitution.

Any reports prepared for consideration in exempt session shall be managed in accordance with the provisions within the Access to Information Rules.

7.7 **Responsibility for functions**

Part 3 of this Constitution sets out

- (i) which individual Members of the Cabinet, Sub-Committees of the Cabinet, Area Committees, Officers or Joint Arrangements are responsible for the exercise of particular executive functions.
- (ii) all local choice functions which the Council decides should be undertaken by the Cabinet as executive functions, rather than by itself.