

## **Section 4 - Cabinet arrangements**

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This section details the responsibilities of the Cabinet and the delegation arrangements.

### **3.4.1. The Leader**

3.4.2. The Leader of the Council determines:

- (a) the size of the Cabinet
- (b) the appointment of a Deputy
- (c) the appointment of Cabinet Members
- (d) the appointment of Deputy Cabinet Members
- (e) the appointment of Champions
- (f) the allocation of portfolios and responsibility to Cabinet Members
- (g) the Cabinet functions that can be carried out by Cabinet Members individually
- (h) the Cabinet function that can be carried out by the Chief Executive (section 7)

Where Cabinet Member portfolios cut across the various functions of the Council and in cases of uncertainty as to which Cabinet Member is responsible for any function, the Leader shall decide which Cabinet Member(s) will deal with it.

### **3.4.3. Cabinet functions**

3.4.4. The Cabinet shall make decisions in relation to all of the Council's areas of responsibility other than those specified as:

- (a) Council functions, or
- (b) Scrutiny functions, or
- (c) Functions cabinet has arranged to be exercised by or with another Council's Cabinet or Joint Committee or
- (d) local choice functions allocated to the Cabinet (as listed in Part 3 - Responsibility for functions) where the appropriate officer does not wish to exercise his/her delegated powers.

3.4.5. The Cabinet shall also formulate or prepare the documents consisting of the budget and policy framework and shall make recommendations to the Council on their implementation.

3.4.6. In relation to the budget documents once the overall budget has been agreed at the beginning of the year by the full Council, subsequent decisions of Cabinet that may impact on that budget need only be recommended back to full council:

- If the decision is likely to cause the Council's overall budget envelope to be exceeded, or
- If it is contrary to the Council's borrowing or capital expenditure budget.

### **3.4.7. Cabinet meeting**

3.4.8. A Cabinet meeting will be convened for decisions that are:

(a) key, or

(b) non-key; or

(c) of sufficient public interest that a decision at a public meeting is required, or

(d) reserved to the Cabinet by virtue of the financial procedure rules and associated guidance (see part 4 section 7).

### **3.4.9. Delegation of Cabinet functions**

3.4.10. The Leader can decide to delegate to individual Cabinet members key decisions that relate to their portfolio. Where individual Cabinet Members or Officers make decisions on any matter which is an executive function they must comply with the provisions in the access to information rules (part 4).

3.4.11. The Leader will notify the Chief Executive and the Monitoring Officer of these functions in writing. The Monitoring Officer will make sure that they are set out in part 7 of the Constitution and that the Council is informed at its next meeting. Changes to the functions of individual Cabinet members will only take effect when the Leader has notified the Monitoring Officer.

3.4.12. A Cabinet Member cannot take a decision contrary to the advice of the Chief Executive, Monitoring Officer, s.151 Officer or relevant Director(s) such a decision must be referred to a Cabinet meeting.

3.4.13. The Leader has decided to delegate to the Chief Executive all functions that fall outside the definitions above. The Chief Executive can only take non-key decisions under this general delegation. Key decisions can only be taken by the Chief Executive following a specific decision containing an officer delegation. The Monitoring Officer is responsible for consulting with the Leader and if applicable, the relevant Cabinet Member to assist the leader in determining whether any

matter is one that should be determined at a Cabinet meeting, an individual Cabinet Member or by the Chief Executive.

#### **3.4.14. Key decisions**

3.4.15. A key decision is a decision taken at a Cabinet meeting, by an individual Cabinet Member, or a Joint Committee of the Cabinet and is:

- Any decision in relation to an executive function which results in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A decision will be considered financially significant if it results in incurring expenditure or making savings of £500,000 or greater; unless the specific expenditure or savings have previously been agreed by full Council.
- Any other executive decision which in the opinion of the Monitoring Officer is likely to be significant having regard to:
  - (a) the number of residents/service users that will be affected in the Wards concerned;
  - (b) whether the impact is short term, long term or permanent;
  - (c) the impact on the community in terms of the economic, social and environmental well-being
- There may be an urgent need to take a key decision where 28 days' notice of it is impracticable in the circumstances. In that event the key decision may only be made in accordance with the general exception or special urgency provisions in the access to information rules (part 4).

