

APPENDIX 7

[Text shown struck through is for deletion and text shown in italics and underlined is for insertion or addition]

Part Three, Section D Terms of Reference: The Cabinet & Cabinet Bodies

SECTION 1 - CABINET FUNCTIONS

1. The Cabinet

1.1 The Cabinet shall have the functions as follows:

- (a) To exercise the powers and duties of the Council, except
 - (i) where the exercise of such powers and duties is reserved to the Council;
 - (ii) to the extent that statutory provisions preclude the Cabinet from discharging any responsibility;
 - (iii) where different constitutional arrangements for particular functions and responsibilities have been made; or
 - (iv) where powers and duties are delegated to a committee or to an officer.
- (b) *With the agreement of the Leader*, to enter into new, or confirm existing, joint arrangements with the Cabinets of other local authorities with the agreement of the Leader.

2. Individual Cabinet Members

2.1 Individual Cabinet Members have powers allocated by the *Leader* ~~Constitution~~ to exercise those functions of the Cabinet which fall within that Cabinet Member's specific portfolio responsibilities.

2.2 On the production of each monthly update to the Forward Plan the Leader shall indicate which decisions –

- (a) may ~~only~~ be taken by the Cabinet Meeting, or
- (b) may be taken by a Cabinet Committee, or
- (c) may be taken by the Leader personally, or
- (d) may be taken by an individual Cabinet Member or Members.

If there is any doubt as to which portfolio would cover any proposed decision by a Cabinet Member, the matter shall be referred to the Leader to determine the appropriate portfolio.

2.3 At any time before a decision on the Forward Plan has been taken, the Leader may allocate that decision to a different body or person within paragraph 2.2 (a) to (d) above.

2.4 ~~The Leader may determine at any time before that decision is taken by an individual Cabinet Member that any proposed decision (of any description) shall be referred to a Cabinet Meeting for decision. The Leader or the Cabinet Meeting may determine that any decision (of any description) previously allocated by the Leader to the Cabinet Meeting shall be referred instead to an individual Cabinet Member for decision. The Cabinet Meeting, when considering any matter referred to it, and with the Leader's agreement, may delegate any aspect of the matter to an individual Cabinet Member or to an officer for decision but not so as to conflict with any decision already taken by the Cabinet Meeting. At a Cabinet meeting the Leader may reserve any aspect of the matter for his/her own decision at the time or subsequently.~~

2.5 An individual Cabinet Member may refer any decision, within that Member's responsibilities, to a meeting of the Cabinet or to the Leader for determination.

2.6 The Leader may take any key decision that has become urgent including ~~a decision within sub paragraph 2.2 (a) above,~~ in accordance with the procedures on urgent decisions in paragraph 1.7 of The Protocol on Decision-Making. The Leader may take such a decision alone but will consult with any other Cabinet Member(s) having relevant portfolio responsibilities so far as is practicable. ~~Where the decision might have been taken by an individual Cabinet Member this power should only be used where relevant Cabinet Member is not available and the matter is genuinely urgent.~~

3. Assistant Cabinet Members

3.1 The Council may appoint Assistant Cabinet Members to provide an effective link between the Cabinet and other Councillors and to assist Cabinet Members generally and with specific roles within their portfolio.

3.2 The Assistant Cabinet Members:-

- (a) May not take Cabinet decisions
- (b) May have specific areas of focus within the relevant portfolio area
- (c) Will be able to substitute in certain circumstances for the Cabinet Members but not if a decision is to be made as part of the Cabinet arrangements
- (d) Can attend and participate in the absence of the relevant Cabinet Member at meetings of the Cabinet with the permission of the Leader but cannot vote
- (e) Cannot participate in a Scrutiny Panel or Review that is examining an area of policy within the relevant Cabinet Member portfolio responsibilities
- (f) May put questions to Cabinet Members at Council Question time but not in respect of the portfolio to which they have responsibility as an Assistant Cabinet Member
- (g) Assistant Cabinet Members may not take part in Cabinet decision-making in any way.

4. Deputy Leader of the Council

- 4.1 The ~~Leader Council~~ shall appoint a Deputy Leader of the Council from among the Cabinet Members (other than the Leader) and the Deputy Leader may carry out the deputising functions below in addition to having the responsibilities of one of the Cabinet Member portfolios
- 4.2 The Deputy Leader may at the request of the Leader and in the Leader's absence:
 - (a) deputise for the Leader by chairing meetings of the Cabinet and Leadership meetings
 - (b) act as spokesperson on all matters that are the responsibility of the Cabinet
 - (c) represent the Council with regard to Member level contacts or meetings with Central Government and any regional, national or international organisations.

4.3 In the event that the Leader is unable to act or the office of Leader is vacant, the Deputy Leader may exercise all the functions of the Leader under this Constitution.

SECTION 2 - COMMITTEES OF THE CABINET

The Cabinet may delegate any of its functions to a Committee of the Cabinet. Committees of the Cabinet shall report to the Cabinet. The Cabinet may establish decision-making

Committees, which may only include Cabinet Members. The Cabinet may establish advisory Committees, the membership of which need not be limited to Cabinet Members. The Cabinet may change them, abolish them, or create further ones, at its own discretion.

Committees established by the Cabinet shall be empowered to perform their functions with immediate effect unless the Cabinet imposes any express restriction when they are established. Unless stated otherwise, all Decision-Making Committees will continue in operation until expressly abolished by the Cabinet and all Advisory or Consultative Committees will continue in operation only until the first meeting of the Cabinet in the next municipal year following their establishment when they must be expressly renewed or they cease to exist.

The establishment, abolition or cessation of Committees and the amendment of their terms of reference will be reported to full Council in due course for noting in the Council's Constitution.

The functions of the Cabinet under this Section shall be exercised with the agreement of the Leader and may be exercised by the Leader personally.

The following Committees are established:

Decision-Making Committees of the Cabinet

1. Cabinet Procurement Committee (Quorum 2)

The terms of reference of the Committee are:

- a) To exercise the functions of the Cabinet in respect of all contracts for procurement for works, goods or services in accordance with the Contract Procedure Rules set out in Part 4 of this Constitution except for those matters expressly delegated to any other body or person.
- b) To undertake particular powers included within (a) as follows:
 - (i) waiver of Contract Procedure Rules where appropriate;
 - (ii) acceptance of tenders/award of contracts where appropriate;

- (iii) approving variations, extensions and novations of contracts where appropriate;
 - (iv) annual review of Contract Procedure Rules;
 - (v) receive quarterly reports of the Director of Adults, Culture and Community Services and the Director of Children and Young People's Services in relation to 'spot contracts'; and
 - (vi) agreeing approved lists of contractors.
- c) To oversee the process and receive reports at key milestones in respect of procurement of strategic service areas,
- d) To advise the Cabinet on all matters concerned with procurement generally.

2. Cabinet Voluntary Sector Committee (Quorum 2)

The terms of reference of the Committee are:

- a) To consider officer recommendations for future funding and agree the awarding of grant aid to the voluntary and community sector;
- b) To review funding to organisations where there is a potential breach of conditions of grant aid and/or service level agreement;
- c) To advise the Cabinet on variations to the overall grant aid policy;
- d) To advise the Cabinet on all aspects of the Council's relationship with the Voluntary Sector including the management and use of the community buildings portfolio.

SECTION 3 - LEADER'S CONFERENCES

1. The Leader of the Council may at any time convene special conferences on particular issues. The terms of reference and membership of such conferences or meetings shall be specified by the Leader when convening such meetings.
2. The Leader shall hold meetings with Cabinet Members, Chairs and other Members as she/he may consider appropriate to recommend:
 - (a) action to achieve declared policies and guidelines;

- (b) the settlement of conflicts between Services;
 - (c) advice and guidance to be given to the Council, its committees, sub-committees or panels upon any matter within the purview of the Council, which will assist those bodies to discharge the Council's functions in accordance with their Terms of Reference.
3. The Leader's Conference meeting shall be provided with such advice, guidance and information appertaining to the Council's functions as may be necessary to enable it to give full and proper consideration to matters coming within its Terms of Reference.

SECTION 4 – CREATION OF NEW BODIES

Creation of New Cabinet Bodies

Proposals for the creation of new bodies exercising Cabinet functions to exist for more than three months shall be submitted to the Cabinet and the Leader with details of the proposed membership, terms of reference and comments by the Head of Local Democracy & Members Services on the staffing implications.