

## CHAPTER 5 - CABINET

### A THE CABINET

#### ROLE

- 1 The Council's Cabinet will operate as the strategic policy and decision making body of the Council carrying out such of the Council's functions which are not the responsibility of any other part of the Council and which are allocated to the Cabinet by the Leader of the Council.

#### FORM AND COMPOSITION

- 2 The Council's Cabinet will consist of the Leader of the Council and between one and six other Councillors appointed by the Leader.

#### CHANGE OF FORM OF CABINET

- 3 The Council will take reasonable steps to consult local electors and other interested persons in drawing up proposals, in line with Sefton's Consultation Standards.

#### ELECTION OF LEADER

- 4 The Leader will be a Councillor elected to the position of Leader at a special meeting of the Council. The Leader will hold office for a four year period unless:
  - (a) he/she resigns from the office; or
  - (b) he/she is no longer a Councillor; or
  - (c) he/she is removed from office by resolution of the Council.
- 5 If the serving Leader ceases to be Leader for one of the above reasons, the Council will elect a new Leader.

#### ROLE OF THE LEADER

- 6 The Leader will carry out the following roles:
  - a) lead and chair the Cabinet;
  - b) provide political leadership;
  - c) provide community leadership; and

- d) in the name of the Cabinet, propose the general budget and policy plans to the Council.

#### DEPUTY EXECUTIVE LEADER

- 7 The Leader will nominate one Member of the Cabinet as his/her deputy. The Deputy Leader will act as Leader if the post of Leader is vacant or if for any reason the Leader is unable to act. The Deputy Leader will hold office until the end of the Leader's term of office unless removed by the Leader or, for any of the reasons set out in paragraph 4 a) to c) above.
- 8 If the Leader or Deputy Executive Leader is unable to act or both positions are vacant the Cabinet must act in the Leader's place or arrange for a Member of the Cabinet to act in his/her place.

#### OTHER CABINET MEMBERS

- 9 The Leader will nominate up to nine Members to the Cabinet and the number of Members he/she is appointing to Cabinet, their names and portfolios will be notified by the Leader to the Council.
- 10 The Cabinet Members will hold office until the Leader's term of office expires, unless removed by the Leader or for any of the reasons set out in paragraph 4 a) to c) above.

#### RESPONSIBILITY FOR FUNCTIONS

- 11 The Leader will maintain a list in this Constitution setting out which individual Members of the Cabinet, Officers, Area Committees or joint arrangements are responsible for the exercise of particular executive functions.
- 12 Current Cabinet portfolios are:
  - (a) Children, Schools, Families and Leisure
  - (b) Communities and Environment;
  - (c) Corporate Services and Performance;
  - (d) Older People & Health; and
  - (e) Regeneration and Tourism;
  - (f) Transportation.

## PROCEEDINGS OF THE CABINET

- 13 Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in the Constitution.

## RESPONSIBILITY FOR FUNCTIONS

- 14 The Head of Corporate Legal Services will maintain a list in the Constitution setting out which individual members of the Cabinet, Committees of the Cabinet, Area Committees, officers or joint arrangements are responsible for the exercise of particular executive functions.

## B RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

- 15 The responsibility for functions which may be (but need not be) the responsibility of the Executive set out in Schedule 2 of the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, are set out below:-

<b>Function</b>	<b>Decision Making Body</b>	<b>Delegation of Functions</b>
16 Any function relating to contaminated land	Cabinet	Financial issues relating to contaminated land (Council's own land); - Strategic Director – Place
17 The appointment of any individual:-  (a) to any office other than an office in which he is employed by the Authority;  (b) to any body other than:-  (i) the Authority;  (ii) a joint Committee or Sub-Committee of such a body; or  (c) to any Committee or Sub-Committee of such a body and the revocation of any	Cabinet	-

<b>Function</b>	<b>Decision Making Body</b>	<b>Delegation of Functions</b>
such appointment		
18 The making of agreements with other Local Authorities for the placing of staff at the disposal of those other authorities	Cabinet	-
19 Any function of the Local Authority in their capacity as harbour Authority	Cabinet	-

## C AUTHORISATION OF EXPENDITURE

### POWER TO APPROVE EXPENDITURE

20 To authorise expenditure in connection with Capital Schemes, within the Capital Programme approved by the Council, and on particular items for which provision has previously been made by the Council in the Revenue Estimates, provided that where the Council's Standing Orders require tenders to be obtained, the tender accepted is in accordance with the following limits:

21	DECISION MAKING LEVEL	Limit	Highest Scoring Tender under a Quality/Price basis of evaluation
22	Chief Officers	Up to £75,000	Chief Officer to agree the basis of evaluation in line with Financial Procedure Rules.
23	Chief Officers	Up to £150,000	Cabinet Member to formally approve the basis of evaluation
24	Cabinet Member	Up to £500,000	Cabinet to formally approve the basis of evaluation.
25	Cabinet	Above £500,000	Above £500,000

- 26 All tenders should be evaluated on the basis of quality and price to ensure value for money is obtained.

#### POWER TO APPROVE VIREMENT

##### CABINET MEMBER/COMMITTEES

- 27 Each Cabinet Member or Committee is authorised to approve virement up to a cumulative total of £250,000 or 2% of the portfolio's/ Committee's net budget, whichever is the greater.

##### CABINET MEMBER/COMMITTEE

- 28 After advice from the Head of Corporate Finance and ICT Strategy
- (a) to write off stores discrepancies, lost, damaged, surplus or obsolete stocks and equipment where the value exceeds £5,000 per item or group of associated items.
  - (b) to dispose of such surplus stocks and equipment on the best available terms.

#### D RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

##### LEADER OF THE COUNCIL

- 29 To Chair the Cabinet and to appoint between one and nine other Councillors as Cabinet Members.

##### CABINET

##### MATTERS UPON WHICH RECOMMENDATIONS ARE MADE TO COUNCIL

- 30 Those matters which have been reserved for determination by the Council in Chapter 4 of this Constitution.
- 31 Any matter where there is a statutory requirement for it to be considered by the full Council.
- 32 Any matter which the Head of the Paid Service, the Monitoring Officer or the Section 151 Officer determines should be considered by the full Council (including reports prepared in accordance with Section 114 of the Local Government Finance Act, 1988).
- 33 Approval of the Authority's Statement of Accounts and the Council's Treasury Policy and Strategy Statement.

MATTERS DELEGATED TO THE FULL CABINET \*

- 34 NB: At the meeting of Council on 29<sup>th</sup> May 2008 Members resolved that Cabinet should have a general power of competence to determine all executive functions (notwithstanding the general delegations set out below) or elsewhere within the Constitution.
- 35 Determination and implementation of policy of a strategic/corporate nature not delegated to Council (including the functions under the enactments specified in the first column of Schedule 1 to the Local Authority Social Services Act 1970 of a strategic/corporate nature).
- 36 The determination of matters which cross the portfolios of more than one Cabinet Member and which cannot be resolved by them jointly.
- 37 Matters within their portfolios which Cabinet Members require to be referred to the Cabinet.
- 38 Matters in which the relevant Cabinet Member has declared a pecuniary or other interest.
- 39 Any matter with strategic implications within a Cabinet Member's portfolio (i.e. within the Cabinet Member's individual terms of reference/delegations).
- 40 Responses to consultation papers issued by the Government and outside organisations on strategic and corporate matters.
- 41 Strategic matters relating to human resource management, employee relations, health and safety of employees and recruitment and training or matter
- 42 Requests for virement (above £250,000 or 2%) or the allocation of reserves and other special funds.
- 43 Any expenditure not contained within approved estimates.
- 44 The disposal (or alternative use) of land, buildings or other property assets held by the Authority or the allocation of the proceeds thereof.
- 45 To make recommendations on any matter which requires approval of full Council.
- 46 To make appointments to outside bodies as appropriate.
- 47 Implementation and monitoring of budget changes, including the approval of the entry of new schemes into the Capital Programme.

- 48 Where the Council has authorised the purchase of land, to approve the price, where this exceeds £80,000.
- 49 To authorise the taking of all necessary steps to safeguard the public interest in any kind of emergency situation. Where time does not permit the convening of the full Cabinet, these powers may be exercised by Leader of the Council or or his or her nominee (who must be a Cabinet Member).
- 50 To approve the acceptance of tenders where the lowest is not recommended (where expenditure is involved) or where the highest is not recommended (where income is involved) for schemes exceeding £150,000 up to a maximum of £500,000.
- 51 In respect of JNC officers, three Members of the Cabinet, appointed as a Committee of the Cabinet; the hearing and determining of grievances and appeals other than in relation to pay/grading matters. (Grievances and Appeals relating to a decision of the Cabinet will be heard and determined by the Appeals Committee).
- 52 To manage community involvement, including:-
- a) receiving reports from the Local Strategic Partnership;
  - b) receiving views of service consultation panels on issues of strategic/ corporate concern;
- 53 In relation to the conducting of service improvement reviews - to set the programme for reviews and consider recommendations from Overview and Scrutiny Committees.
- 54 Financial issues relating to contaminated land (Council's own land).
- 55 The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.
- 56 Any function of a local authority in their capacity as a harbour authority.
- 57 All steps necessary to obtain a Local Child Curfew.
- 58 Primary responsibility for the Authority's community consultation procedures including the formulation of community consultation strategies.
- 59 To determine the Council Tax Base.
- 60 To approve the financial implications in relation to personnel policies, including discretionary pay awards and those relating to terms and conditions of employment.

- 61 The making of orders relating to the compulsory purchase of land.
- 62 The approval of the Local Development Scheme and the Annual Monitoring Review which form part of the Local Development Framework.
- 63 In respect of the making or review of the following documents which form part of the Local Development Framework, under the planning legislation, and associated regulations and advice:
- a) Development Plan Document Options, except in relation to joint Development Plan Documents
  - b) Draft Development Plan Documents, except in relation to joint Development Plan Documents
  - c) Draft Supplementary Planning Documents
  - d) Sustainability Appraisal draft for public consultation and final Report for Development Plan and Supplementary Planning Documents, except in relation to joint Development Plan Documents
- 64 Strategic Environmental Assessment draft for public consultation and final Environment Report for Development Plan and Supplementary Planning Documents:
- a) the approval of these consultation documents and consideration of responses to them;
  - b) the determination of the validity of objections made to any of the above Development Plan Document consultation documents;
- 65 To take all necessary steps to manage and safeguard any shareholding the Council owns in a company including but not limited to granting permissions, giving consents, and selling the shareholding as appropriate and where the Council is the sole shareholder, delegated authority be given to grant permission for further shares in a company to be issued.

## E EXECUTIVE PROCEDURE RULES

### OPERATION OF THE CABINET

#### WHO MAY MAKE CABINET DECISIONS?

- 66 The arrangements for the discharge of executive functions as determined by the Leader are set out in this Constitution adopted by the Council. Those

arrangements may provide for executive functions to be delegated to or be discharged by:

- a) the Cabinet as a whole;
- b) a Committee of the Cabinet;
- c) an individual Member of the Cabinet;
- d) an officer;
- e) an Area Committee;
- f) joint arrangements; or
- g) another Local Authority.

#### ARRANGEMENTS FOR THE DISCHARGE OF EXECUTIVE FUNCTIONS

67 The Council at its adjourned annual meeting each year will note the arrangements as determined by the Leader for the discharge of executive functions and the delegation of those functions as provided in above.

#### CHANGES TO ARRANGEMENTS FOR THE DISCHARGE OF EXECUTIVE FUNCTIONS

68 The Leader may submit a report to a meeting of the Council at any time containing changes to the arrangements for the discharge of executive functions for inclusion in this Constitution.

#### CONFLICTS OF INTEREST

69 Where the Leader has a conflict of interest this should be dealt with as set out in the Member's Code of Conduct in Chapter 2 of this Constitution.

70 If every member of the Cabinet has a conflict of interest and this would prevent a decision being made then consideration should be given to requesting a dispensation.

71 If the exercise of an executive function has been delegated to a Committee of the Cabinet, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised by the person or body by whom the delegation was made.

#### ABSENCE OF A CABINET MEMBER

- 72 In the absence of any Cabinet Member or where he/she is unable to act, a designated Cabinet Member from the same Party Group is able, with the Leader's consent, to act on behalf of that Cabinet Member.

#### TIME AND PLACE OF CABINET MEETINGS

- 73 The Cabinet will meet on dates and at times to be agreed by the Cabinet. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Cabinet.

#### PUBLIC/PRIVATE MEETINGS OF THE CABINET

- 74 Meetings of the Cabinet will normally be held in public.
- 75 The Access to Information Rules in Chapter 12 of this Constitution set out the requirements covering public and private meetings.

#### QUORUM

- 76 The quorum for a meeting of the Cabinet shall be four. A Committee of the Cabinet must not transact business unless 50% of the membership are present.

#### DECISION MAKING BY THE CABINET

- 77 Executive decisions shall be taken in accordance with the principles set out in the Chapter 1, Section I.
- 78 Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Chapter 12 of the Constitution.
- 79 Where executive decisions are delegated to a Committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

#### CONDUCT OF CABINET MEETINGS

##### CHAIR OF THE MEETING

- 80 If the Leader is present he/she will preside. In his/her absence the Deputy Executive Leader shall preside. If neither the Leader nor Deputy are present the members of the Cabinet will elect a Chair for the meeting.

##### ENTITLEMENT TO ATTENDANCE

81 Attendance shall be as set out in the Access to Information Rules in Chapter 12 of the Constitution.

#### BUSINESS

82 At each meeting of the Cabinet the following business will be conducted:

- a) consideration of the Minutes of the last meeting;
- b) declarations of interest, if any;
- c) matters referred to the Cabinet (whether by Overview and Scrutiny Committees or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in this Constitution;
- d) consideration of reports from Overview and Scrutiny Committees;  
and
- e) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Chapter 12 of this Constitution.

#### CONSULTATION

83 All reports to the Cabinet from any Member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

#### THE CABINET AGENDA

84 The Leader may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or any Member or officer in respect of that matter. The Director of Corporate Commissioning will comply with the Leader's requests in this respect.

85 Any Member of the Cabinet may require the Director of Corporate Commissioning to make sure that an item is placed on the agenda of the next available meeting of the executive for consideration. If he/she receives such a request the Director of Corporate Commissioning will comply.

- 86 The Director of Corporate Commissioning will make sure that an item is placed on the agenda of the next available meeting of the executive where a relevant Overview and Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet. However, the number of such items on any one agenda shall be at the discretion of the Leader, subject to paragraph 25 of Chapter 6 of the Constitution.
- 87 Any Member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. [This Councillor will be invited to attend the meeting, whether or not it is a public meeting]. However, the Leader has discretion to limit the number of such items to be considered per Cabinet meeting.
- 88 The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Director of Corporate Commissioning to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an executive meeting. If there is no meeting of the executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

#### VOTING AT CABINET MEETINGS

- 89 Matters before the Cabinet shall be decided by a show of hands. In the case of an equality of votes the Chair shall have a second or casting vote.