

# Terms of Reference and Delegation of Duties to the Cabinet

## Executive (Cabinet)

1. The Executive will exercise all of the local authority functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.
2. The Executive will have responsibility for approving plans which are not the responsibility of Council and any other non-statutory plans that, from time to time, may be considered their responsibility.
3. The Cabinet is responsible for the following functions:
  - 3.1. Development of proposals for the budget (including the capital and revenue budgets, the fixing of the Council Tax Base, and the level of Council Tax) and the financial strategy for the Council;
  - 3.2. Monitoring the implementation of the budget and financial strategy;
  - 3.3. Recommending major new policies (and amendments to existing policies) to the Council for approval as part of the Council's Policy Framework and implementing those approved by Council;
  - 3.4. Approving policies that are not part of the policy framework;
  - 3.5. Management of the Council's Capital Programme;  
  
All key decisions – namely:
    - 3.6. an executive decision which is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates; or
    - 3.7. an executive decision which is likely to be significant in terms of its effects on communities living or working in an area of two or more wards of the Borough;
    - 3.8. a decision is significant for the purposes of above if it involves expenditure or the making of savings of an amount in excess of £1m for capital expenditure or £500,000 for revenue expenditure or, where expenditure or savings are less than the amounts specified above, they constitute more than 50% of the budget attributable to the service in question;
  - 3.9. award of contracts over £500,000 and all matters reserved to the Executive under the Contract Procedure Rules this may be done via the Procurement Forward Plan;
  - 3.10. variations between budgets as required by the Financial Regulations;
  - 3.11. making all non-key decisions which are referred to the Executive by the relevant

Portfolio Holder or Director;

3.12. Determination of recommendations and references from the Council or any of its Committees or sub-committees and which the Cabinet considers are appropriate for collective decision;

3.13. Approval of HRA Rents.

## **Cabinet Members' (Portfolio Holders) appointment and term of office**

4. Other Executive Members shall be appointed to the Executive by the Leader and shall continue in their roles on the Executive until one of the following circumstances applies:

4.1. in the case of the Deputy Leader; the end of the term of office of the Leader

4.2. they resign from office; or

4.3. they are no longer Councillors; or

4.4. the Leader makes changes to the roles of Members of the Executive, or

4.5. they are removed from office by the Leader.

### **5. Vacancies in the Executive**

5.1. If at any time a Member ceases to be a Member of the Executive, the responsibilities of that Member shall be carried out by the Executive collectively until such time as the Leader has appointed a replacement, or where appropriate, re-appointed the Member concerned.

5.2. In the event that all Members of the Executive are removed or have been disqualified from office, the Head of Paid Service shall, in the interim, carry out the Executive functions.

### **6. Temporary Absence of Leader or other Portfolio Holder**

6.1. In the temporary absence of the Leader or other Portfolio Holder, decisions may be taken in accordance with the Scheme of delegation relating to Portfolio Holders set out in this Constitution.

### **7. Special Provision to take urgent action in an election year**

7.1. That following a Borough Election and until the day of the Annual Council Meeting the Leader or a Portfolio Holder will, if the political group to which they belong do not have a majority of members on the Council, consult and ensure consensus with the Leaders of one or more other groups that together form a majority of members on the Council;

- 7.2. That following a Borough Election and until the day of the Annual Council Meeting, if the Leader is not re-elected as a Councillor, the powers of the Leader shall be exercised by the Head of Paid Services in consultation with all group Leaders.

## **8. Proceedings of the Executive**

- 8.1. Proceedings of the Executive will take place in accordance with the Executive Procedure Rules.