# Article 6 – The Leader of the Council and Cabinet

6.1 **Role**

The Council has adopted the Leader and Cabinet (Executive) (England) governance model for its cabinet (decision-making) arrangements. The Leader of the Council is responsible for the discharge of such functions as are the responsibility of the Cabinet of the Council i.e. all functions which, by law, must be the responsibility of the Cabinet, or which are not the responsibility of any other part of the Council, whether by law or under this Constitution ('cabinet functions'). The Leader may make such arrangements as the Leader thinks fit from time to time for the delegation and discharge of cabinet functions.

6.2 **Form and Composition of Cabinet**

(a)     The Leader of the Council is responsible for the appointment of the Cabinet which will consist of the Leader and not less than 2 nor more than 9 other Councillors, as the Leader shall determine. (The current Derbyshire County Council Cabinet consists of 7 Councillors).The Leader will allocate areas of political responsibility to members of the Cabinet as the Leader shall determine from time to time. The Leader may change the size of Cabinet (within the above parameters) and appointments to it at any time. Cabinet Member portfolios are set out in Appendix 1.

(b)     One of the members of the Cabinet will be designated by the Leader as Deputy Leader, to hold office until the end of the Leader's term of office, unless the Deputy Leader resigns, ceases to be a member, is disqualified, or is removed by the Leader at any time.

(c)     If for any reason the Leader is unable to act, or the office of Leader is vacant, the Deputy Leader must act in the Leader's place. If the Deputy Leader is unable to act or the office is vacant, the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to do so.

(d)     The Cabinet is not a Committee of the Council. Its composition is not required to be in accordance with the political balance of the Council.

(e)     The Cabinet collectively, or individual members of the Cabinet, or officers, or in accordance with joint arrangements, will be

responsible for the discharge of such functions of the executive as are allocated by the Leader of the Council from time to time (set out in Appendix 1).

6.3 **Leader**

The Leader of the Council will be a Councillor elected to that position by the County Council. The Leader will hold office until the first meeting of the Council following the next regular election unless he or she:

(a) resigns from the office of Leader; or

(b) is disqualified from being or remaining a Councillor; or

(c) is no longer a Councillor of the Council for any reason; or

(d) is removed from office by an ordinary resolution on notice by the County Council at any time during the Leader's term of office (and in which case Council will elect a new Leader at that or a subsequent meeting).

The role of the Leader is set out in the Leader of the Council Member Role Profile set out in Appendix 17.

6.4 **Other Cabinet Members**

(a) Only Councillors may be appointed to the Cabinet by the Leader as above and there may be no co-optees and no Deputies nor Substitutes for Cabinet Members upon the Cabinet.

(b) Neither the Chairman of the Council, the Civic Chairman nor the Vice-Chairman of the Council will be appointed to the Cabinet. Members of the Cabinet will not serve on the Improvement and Scrutiny Committees or exercise scrutiny functions.

(c) A Cabinet Member shall hold office in the Cabinet until he/she:

(i) resigns from office;

(ii) is disqualified from being or remaining a member or is no longer a Councillor for any reason; or

(iii) is removed from office by the Leader of the Council.

(d) If any Cabinet Member, including the Leader, fails for 6 months to attend any meeting of the Cabinet, or any committee of it, then

unless the failure was due to some reason approved by or on behalf of the Council, he/she shall cease to be a member of the Council in accordance with the provisions of the Local Government Act 1972.

[Note – any Councillor becomes disqualified if he or she fails for 6 months to attend any meeting of the Authority without prior approval as above].

6.5 **Cabinet Members with Responsibility**

(a) The Leader will decide on the number, and extent of areas of responsibility of Cabinet Members and will decide to which members of the Cabinet such areas of responsibility shall be allocated; and

(b) The Leader will decide the extent to which responsibility for formal decision-making for functions of the cabinet is held collectively by the Cabinet, by individual members of the Cabinet or officers.

6.6 **Member Role Profiles**

Member Role Profiles governing how Cabinet Members should carry out their responsibilities are contained in Appendix 17.

6.7 **Proceedings of the Cabinet**

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Appendix 4 of this Constitution.

6.8 **Responsibility for functions**

(a) Appendix 1 sets out the functions assigned to the Cabinet and officers;

(b) Unless delegated to an individual officer or Cabinet member, the Leader may determine that the responsibility of the Cabinet for the exercise of a cabinet function and decision-making is collective;

(c) The Leader may at any time delegate any responsibility of the Leader or the Cabinet for the exercise of a cabinet function to any Cabinet Member with responsibility or any other individual member of the Cabinet, or officer;

(d) The Leader or Cabinet, in relation to a cabinet function, may specify that a particular decision which would otherwise fall within a power delegated to an officer in accordance with the Scheme of

Delegation to Officers shall not be exercised by that officer but shall be reserved or referred to the Leader, Cabinet or an individual Cabinet member for that decision to be made.

(e)   An officer may decide not to exercise any cabinet function delegated to him/her and invite the Leader or Cabinet to take a particular decision in relation to that function.