

# Section 6

## The Cabinet

### 6.1 Role

The Cabinet (acting in the capacity of an Executive) will carry out all of the Council's functions that it is required to do by law or be allowed to do under this Constitution. These are identified in Part 3 of this Constitution.

### 6.2 Form and Composition

- (a) The Cabinet will consist of the Leader of the Council (the Leader), together with at least 2 but not more than 9 Councillors appointed to the Cabinet by the Leader, one of which shall be the Deputy Leader should the Leader so determine that a Deputy be appointed.
- (b) The Leader shall determine the number of Cabinet members and the nature of their Portfolios.
- (c) The Leader shall report the form and composition of the Cabinet to the Annual Council Meeting each year and, should any changes occur during the municipal year, to the first available meeting of the Council thereafter.
- (d) The Cabinet may create such Committees (referred to as Cabinet Committees) for any such purposes if deemed necessary.

### 6.3 Leader

- (a) The Leader will be a Councillor elected to the position of the Leader by the Council, usually at the first Annual General Meeting (AGM) after the previous Leader's normal day of retirement as a Councillor. The Leader will hold office until the first AGM after their normal day of retirement as a Councillor or until any of the following events occur (if earlier):
  - (i) they resign from office, or
  - (ii) they are suspended from being a Councillor under Part III of the Local Government Act 2000 (as amended) (although they may resume office at the end of the period of suspension), or
  - (iii) they are no longer a Councillor, or
  - (iv) they are removed from office by resolution of the Council following consideration of a written motion of no confidence signed by a minimum of 25% of the membership of the Council.
- (b) If the Leader ceases to hold office under the provisions of 6.3(a)(i)-(iv) above, the Council shall elect a new Leader either at the Council meeting at

which they are removed or at a Council meeting to be called as soon as practicable.

- (c) For the avoidance of doubt, the same Councillor may be re-elected as Leader on one or more occasions if the Council so wishes.
- (d) The Leader shall not cease to be a member of the Council on their ordinary day of retirement as a Councillor but shall continue to be a member during their term of office as Leader.

#### **6.4 Other Cabinet Members**

- (a) Other Cabinet members shall be appointed by the Leader at the Annual Council Meeting and shall hold office for such time as the Leader determines or until any of the following events occur (if earlier):
  - (i) they resign from office, or
  - (ii) they are suspended from being a Councillor under Part III of the Local Government Act 2000 (as amended) (although they may resume office at the end of the period of suspension), or
  - (iii) they are no longer a Councillor, or
  - (iv) they are removed from office, either individually or collectively, by the Leader, or
  - (v) the Leader for the time being ceases to hold that office.
- (b) For the avoidance of doubt, the same Councillor may be re-appointed on one or more occasions if the Leader so wishes.
- (c) The Leader may co-opt any such Member as they deem appropriate to assist the Cabinet (or its Cabinet Committees) in its decision making. Such co-opted Members shall not have voting rights and shall not constitute a 'member' for the purposes of a quorum. The co-optee shall be an advisory appointment only.

#### **6.5 Deputy Leader**

The Leader shall appoint a member of the Cabinet as Deputy Leader who shall hold office until:

- (i) The Leader for the time being ceases to hold that office; or
- (ii) they resign from office; or
- (iii) they cease to be a member of the Cabinet; or
- (iv) they are removed from that office by the Leader.