

Article 7 – the Cabinet

7.01 Role

The Cabinet will carry out all of the local authority's functions which are not the specific responsibility of any other part of the local authority, whether by law or under this Constitution.

7.02 Form and composition

The Leader will determine the size of the Cabinet within statutory limits. The Leader will appoint between 2 and 9 other councillors (referred to as Cabinet Members) to the Cabinet and allocate areas of responsibility (portfolios) to them. The Leader and Cabinet Members collectively form the Cabinet. None of the members of the Cabinet will be members of the Overview and Scrutiny Committee.

~~7.03 The role and operation of Panels and Forums~~

~~— Panels and forums may be either permanent or ad hoc groups set up to assist and advise the Cabinet. They are subject to the same scrutiny by the Overview and Scrutiny Committee as the Cabinet itself.~~

~~— *Panels* — These are defined as groups of councillors and/or staff set up by the Cabinet to develop, for example, a particular policy or project. Their life span is likely to be that of the duration of the task they have been set, but they might have a role in monitoring and review. They will be chaired by an elected councillor. They have no direct executive responsibility beyond that delegated to them by the Cabinet.~~

~~— *Forums* — These include representatives of outside interests facilitated by the Council discussing specific areas of activity. Forums may have a permanent role to ensure that specific policies are properly considered, co-ordinated and delivered. They will be an important vehicle for ensuring the involvement of the community in policy development and review.~~

~~— They will be set up by the Cabinet who will define their terms of reference and responsibilities and they may sit in public. They will not have any direct executive role. Forums will be chaired by an elected councillor.~~

7.04 Leader

The Leader will be a councillor elected to the position of Leader by a majority vote of the Council. The Leader will hold office until:

- (a) he/she resigns from the office; or

- (b) he/she is suspended from being a councillor under relevant statutory provisions (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a councillor; or
- (d) he/she is removed from office by resolution of the Council provided that notice of any motion which would have the effect of removing him/her from office is delivered in writing to the office of the Chief Executive 10 clear days before the relevant Council meeting, signed by at least 10 councillors who reflect the proportion of seats of the political groups on the Council; or
- (e) the election of another Leader at the next post-election Annual Council meeting;

7.05 **The Leader and the Cabinet**

The Leader

- (a) determines the scheme of delegation for the discharge of the executive functions of the Council
- (b) has responsibility for the smooth running of the Cabinet
- (c) chairs all meetings of the Cabinet
- (d) may appoint Special Advisers to assist Cabinet Members in consultation with Cabinet Members, and
- (e) has responsibility for the allocation of portfolios to the Cabinet members and may vary them at his/her discretion.

7.06 **The Deputy Leader**

The Leader shall appoint one of the Cabinet Members to be the Deputy Leader. The Deputy Leader will hold office until:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a councillor under relevant statutory provisions (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a councillor; or
- (d) he/she is removed from office by the Leader

The Deputy Leader will carry out the functions of the Leader when he/she is absent.

7.07 **The Cabinet Members**

Cabinet Members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being councillors under relevant statutory provisions (although they may resume office at the end of the period of suspension); or
- (c) they are no longer councillors; or
- (d) they are removed from office, either individually or collectively, by the Leader

During their period as a Cabinet Member each councillor will be expected to work closely with designated staff. This will require an effective system of relevant information provision to those councillors. Responsibility for the identification of such information lies with the designated staff who will also be expected to brief the appropriate councillor on important operational items which may be happening as part of delegated Council business. Councillors expected to speak at Cabinet meetings, or called in to speak at the Overview and Scrutiny Committee meetings, must also be briefed by appropriate staff who will be entitled to accompany them at such meetings and able to speak there in their own right.

The generic role of a Cabinet Member will include:

- (i) Collective responsibility for policy implementation as a Cabinet Member
- (ii) Specific responsibility for introducing reports and speaking at the Cabinet on issues within allocated portfolios
- (iii) Occasional responsibility for speaking on behalf of the Council at outside meetings where councillor attendance is required
- (iv) An acceptance of the need to be well informed, and where appropriate to undergo training about relevant current issues
- (v) Responding to media requests as appropriate in relation to topical issues. In this respect each councillor should attend media training sessions
- (vi) Speaking at Council meetings and answering questions on issues relevant to the allocated portfolio
- (vii) Chairing forums or panels as designated by the Cabinet
- (viii) Attendance at the Overview and Scrutiny Committee when requested to speak on particular performance issues

~~The allocation of portfolios is set out in Table 2.~~

7.08 Proceedings of the Cabinet

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

Comment [PC1]: Link

7.09 Responsibility for functions

The Leader will maintain a list in Part 3 of this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular executive functions.

7.10 References

Section 11, 15 and Schedule 1 (paragraph 2) Local Government Act 2000
Chapters 4, 14 and 15 DETR Guidance.

Table 2: Cabinet Portfolios for 2016/2017

Name	Role and Portfolio
Tony Dignum	Leader of the Council
Eileen Lintill	Deputy Leader of the Council Cabinet Member Community Services
Bruce Finch	Cabinet Member Business Improvement Services
Gillian Keegan	Cabinet Member Commercial Services
Roger Barrow	Cabinet Member Environment
Philippa Hardwick	Cabinet Member Finance and Governance
Susan Taylor	Cabinet Member Housing and Planning

Article 8 – Regulatory and other Committees

8.01 Regulatory and other committees

The Council will appoint the following committees

- Overview and Scrutiny Committee
- Planning Committee
- Alcohol & Entertainment Licensing Committee
- General Licensing Committee
- Standards Committee
- Corporate Governance and Audit Committee
- Investigation and Disciplinary Committee
- Appeals Committee
- Independent Remuneration Panel
- Parish Remuneration Panel

The Council may appoint other Committees, including Area Committees, and Panels and Forums.

Their terms of reference and delegated powers are set out in Part 3 of this Constitution.

8.02 References

Sections 101 and 102 Local Government Act 1972.
Section 6 Licensing Act 2003
Section 53 Local Government Act 2000
Section 18 Local Government & Housing Act 1989

~~Article 9 – The Standards Committee~~

Comment [PC2]: This has a lot in common with, but is subtly different from the ToR of the Standards Committee in Part 3 of the Constitution. Since the Standards Committee is listed in Article 8, it seems unnecessary to set out this detail here. I suggest that this is consolidated in Part 3 of the Constitution.

~~9.01 Standards Committee~~

~~The Council meeting will establish a Standards Committee.~~

~~9.02 Composition~~

~~Membership: The Standards Committee will be composed of a total of:~~

~~seven members of Chichester District Council, excluding the Leader;~~

~~Three parish councillors nominated by the three Sub Districts of the Chichester District Association of Local Councils shall be co-opted in a non-voting capacity~~

~~The Independent Persons appointed by the Council in accordance with section 28(7) of the Localism Act 2011 are invited to attend meetings of the Committee in an advisory capacity~~

~~(b) Chairman of the Committee: The Chairman will be appointed by the Council from the district council members of the Committee.~~

~~(c) Vice Chairman of the Committee: The Vice Chairman will be appointed by the Council from the district council members of the Committee.~~

~~9.03 Role and Function~~

~~The Standards Committee will have the following roles and functions in relation to members of Chichester District Council and all parish councils within the District:-:~~

~~(a) promoting and maintaining high standards of conduct by councillors and co-opted members;~~

~~(b) assisting the councillors and co-opted members to observe the Members' Code of Conduct;~~

~~(c) advising the Council on the adoption, revision or replacement of the Members' Code of Conduct and its interpretation;~~

~~_____ (d) _____ reviewing the operation of the Members' Code of Conduct;~~

~~_____ (e) _____ advising parish councils in the Chichester District as to their obligations in respect of Members' conduct;~~

~~_____ (f) _____ advising, training or arranging to train councillors and co-opted members of the district and parish councils on matters relating to the Members' Code of Conduct;~~

~~_____ (g) _____ investigating and making decisions on certain complaints of misconduct by Members through its Assessment and Hearing Sub-Committees;~~

~~_____ (h) _____ such other functions as Chichester District Council decides.~~

~~9.04 _____ Quorum of Meetings: There must be at least 3 voting members present.~~

~~_____ Where parish council matters are being discussed – there must be at least one parish councillor present who is not also a district councillor.~~

~~9.05 _____ Voting Rights: Only members of the Committee who are elected members of Chichester District Council are entitled to vote at the meetings.~~

~~9.06 _____ Agenda, Reports and Minutes of the Standards Committee: These must be circulated to all members of Chichester District Council, and to all parish councils in the District.~~

~~9.07 _____ Further information about the Standards Committee is set out in Part 3 of this Constitution.~~

~~9.08 _____ References~~

~~_____ Sections 101, 102 Local Government Act 1972~~

~~_____ Sections 53-55 and Section 81(5) Local Government Act 2000.~~

~~_____ Chapter 7 Localism Act 2011.~~

Article 10 – Area Committees

10.01 – Area committees to be appointed

~~The Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.~~

~~The Council will consult with relevant parish and town councils and the chairmen of relevant parish meetings when considering whether and how to establish any area committees.~~

10.02 – Area Committees – access to information

~~Area Committees will comply with the Access to Information Procedure Rules in Part 4 of this Constitution.~~

10.03 – Cabinet members on Area Committees

~~A member of the Cabinet may serve on an Area Committee if otherwise eligible to do so as a councillor.~~

10.04 – References

~~Part VA Local Government Act 1972.~~

~~Section 13 Local Government and Housing Act 1989.~~

~~Section 18 Local Government Act 2000.~~

~~Regulations 4, 5, 16A Local Government (Committees and Political Groups) Regulations 1990~~

~~The Local Authorities (Functions and Responsibilities) (England) Regulations 2000~~

~~Chapter 6 DETR Guidance.~~