

7. ARTICLE 7 – THE LEADER AND CABINET

7.1 Introduction

Medway Council has decided to adopt the Leader and Cabinet form of executive, and the Cabinet is at the heart of the decision-making process.

Chapter 4 sets the rules for how the Leader and Cabinet will operate. These include arrangements for meetings, individual decision-making, and the scheme of delegation and sub-delegation of functions.

The Cabinet (meaning the Leader and such other Members of the Council as the Leader may appoint) will carry out all the authority's functions which are not the responsibility of any other part of the Council, whether by law or under this constitution.

7.2 Role

The Leader may take decisions on every matter that is not assigned to anyone else by this constitution. The Leader may however, make arrangements to delegate some matters to the Cabinet, a Cabinet Committee, individual Cabinet members, or to employees.

7.3 Form and composition

The Cabinet will consist of the Leader together with not less than two but not more than nine other members of the Council appointed by the Leader. There are no co-optees, deputies or substitution of Cabinet members.

7.4 Leader

The Leader will be a Councillor elected by the Council at the Annual Meeting of the Full Council following on from the ordinary election of all Councillors. The Leader will hold office for four years and will remain in position until the day of the next Annual Meeting following the ordinary election of the Councillors unless:

- (a) he/she resigns; or
- (b) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a Councillor except where the Leader fails to be returned as a Councillor following an ordinary election of all Councillors when unless the Leader resigns, is disqualified or is otherwise removed from office he/she shall continue as Leader until the day of the Annual Meeting; or
- (d) until the Council passes a resolution to remove the Leader.

7.5 Deputy Leader and Cabinet members

Only Councillors may be appointed to the Cabinet. Neither the Mayor nor Deputy Mayor of the Council may be appointed to the Cabinet. The Leader and Cabinet members may not be members of an Overview and Scrutiny Committee.

The Leader must appoint one Member of the Cabinet to be his deputy. The Deputy Leader, unless he resigns as Deputy Leader, is removed by the Leader, is suspended following a standards investigation, or ceases to be a Member of the Council, will hold office until the end of the term of office of the Leader.

Cabinet members appointed by the Leader shall hold office until:

- (a) they resign; or
- (b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (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 by the Leader who must deliver written notice of any removal to the Chief Executive and to the Cabinet member concerned. The removal will take effect immediately after receipt of the notice by the proper officer.

If for any reason the Leader is unable to act or the office of Leader is vacant the Deputy Leader must act in his place.

If for any reason the Leader is unable to act or the office of the Leader is vacant **and** the Deputy Leader is unable to act or the office of Deputy Leader is vacant the Cabinet must act in the Leader's place or must arrange for a Member of the Cabinet to act in his place.

In the event of there being no Leader, Deputy Leader or Cabinet Members, executive functions shall in the interim be carried out by the Chief Executive subject to the Access to Information Rules.

7.6 Proceedings of the Cabinet

The Cabinet will operate in accordance with the rules set out in chapter 4 of this constitution.

7.7 Responsibility for functions

The Leader will maintain the list in chapter 3 of this constitution setting out whether any individual members of the Cabinet, Committees of the Cabinet, employees or joint arrangements have responsibility for any matters that would otherwise be the responsibility of the Leader and Cabinet, and if so who.

References:

Section 11 and schedule 1, paragraphs 1,2,3, Local Government Act 2000
Chapters 4, 14, and 15, DETR Guidance

