

How does the Cabinet work?

Legislation introduced in 2002 required the Council to institute "Executive" (Cabinet) decision making. Statutory processes and safeguards describe the way in which this must take place. The essence of the process is to ensure open government, full consultation and clear responsibility for decisions taken.

1. What is the Cabinet?

The Council at its Annual Meeting elects one councillor as Leader of the Council. The Leader then appoints a team of councillors to form the Cabinet, who together will make decisions about Council policy. The Leader allocates to each Cabinet member a portfolio of responsibility so individual Cabinet members are also known as "portfolio holders". In addition to the Leader, there are presently 9 Cabinet portfolios.

2. Who makes the decisions?

- Many Cabinet decisions are made by the relevant portfolio holder. These decisions are known as "single-member" decisions. Occasionally, two or more portfolio holders might collaborate to make a joint decision, which is still known as a "single-member" decision because each Cabinet member takes responsibility for the aspects of the decision relating to their own portfolio.
- Where a decision would involve several portfolios, or where there is political or other sensitivity, an issue may be added to the agenda for the Cabinet meeting. This meeting is held in public and, as with all committee meetings of the Council, members of the public are encouraged to attend and to ask questions, bring submissions or make statements. The Cabinet aims to engage fully with the public in all aspects of its responsibilities. The Cabinet take joint responsibility for decisions taken although one Cabinet member (usually the relevant portfolio holder) sponsors the recommendations for each item.

3. What is a Key Decision?

Key Decisions are "those decisions which are of significance either in money terms (to be spent or saved) or in terms of community impact. They do not include the day-to-day operational service management decisions taken by Officers"

A "Key Decision" is defined in the Constitution as one which is likely to:

- a) result in the local authority incurring expenditure or the making of savings over a financial threshold of £500k; and/or
- b) be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

A proposed decision which is a Key Decision must follow the statutory executive decision-making process. This will normally mean that the decision must be taken by the Cabinet or by a Cabinet member. In exceptional circumstances the decision may be taken by a delegated officer but must still follow the statutory executive decision-making process.

The statutory executive decision-making process is set out in The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Council is required to provide notice within statutory timescales of its intention to make a Key Decision. Notice of Key Decisions must be published at least 28 clear days (including weekends and bank holidays) before they are to be taken. The Constitution requires that they are published on the Executive forward plan.

4. What is the Policy and Budget Framework?

The Council has a statutory duty to decide the framework within which Cabinet decisions can be made. This is called the Policy and Budget Framework (PBF). The list of policies which comprise the PBF is laid down in statute and in the Council's constitution.

Once adopted by Council, the PBF forms the framework within which the Cabinet must operate. Cabinet decisions may not contradict the Council's PBF. Should the Cabinet wish to amend a policy which is part of the PBF, it must recommend the change to Council. Then, at a later meeting, Council will consider the Cabinet recommendation.

5. What is the Executive Forward Plan?

The Executive Forward Plan (EFP) gives advance notice of issues requiring Executive decisions and the month in which it is anticipated each decision will be made. The Plan is published on the Council's website and is updated regularly. Cabinet decisions cannot normally be made unless previously published in the Forward Plan, although provision is made in the Council's constitution to allow for decisions that are urgent.

6. How is consultation ensured?

It is required by law that all papers being made available to the decision maker/s must be published at least 5 clear working days before the anticipated decision. In the case of Cabinet meetings, this is achieved by publication of the agenda for the meeting; in the case of single-member decisions, this is achieved by publishing the papers in a Weekly List.

In both cases, there is then a statutory 5 clear working days period of public consultation before the decision may be made, during which representations can be made to influence the eventual outcome. In the case of Cabinet decisions, other councillors and the public may make representations or ask a question at the meeting to influence the Cabinet before they consider the issue. You should be aware that the Council's speaking scheme has deadlines which are set out in the agenda and on the Council's website.

7. What is the Weekly List?

The Weekly List acts as both agenda and minutes for single-member decisions. Once the papers and recommendations are published on a specific day in the week (normally Friday), the decision may be made no sooner than 5 clear working days after publication. The decision itself, once made, is published in a subsequent Weekly List.

8. What is Call-in?

Once a Cabinet decision has been taken, it cannot be immediately implemented. The decision must first be published.

- In the case of a single-member decision, the decision document is published online as soon as possible after the decision is made and is then also reported in the next available Weekly List.
- In the case of Cabinet meetings, the decision documents are published online as soon as possible after the meeting and are then also reported in the minutes which are published in due course.

Once the decision has been published, before it can be implemented there is a 5 clear working-day call-in period, during which any 9 councillors can call-in the decision to be reconsidered. If called in, a decision must be considered first by a Policy Development and Scrutiny (PDS) Panel (or Council in exceptional circumstances) and then if upheld by the Panel, it must be reconsidered by the original decision-maker. A second ("replacement") decision must be made

and published, which is not subject to call-in. The replacement decision may or may not be the same as the original decision.

If there is no call-in, then the decision can be implemented immediately. If it is called in but not upheld, then it is effective from that date.

9. *How can I engage with the Cabinet process?*

To stay informed about the latest Cabinet initiatives, you can:

- Read the Executive Forward Plan online, which gives you advance notice of issues in which you may have an interest or specialist knowledge;
- Read Cabinet agendas and minutes when they are published;
- Read the Weekly List to stay abreast of papers published for consultation and to see what decisions have been made;
- Discuss with Cabinet members any issues in which you have a particular interest, so that you can influence the decision;
- Attend Cabinet meetings to hear the debate and register to speak or ask a question if you have a particular interest.

For further information on any of the issues in this covered in this fact sheet, please contact Marie Todd, Senior Democratic Services Officer, Democratic Services on 01225 394414
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