

## Section 3 - Cabinet Functions

This section details the responsibilities of the cabinet and the delegation arrangements.

### **3.3.1 The leader**

3.3.2 The leader of the council determines:

- (a) the size of the cabinet
- (b) the appointment of a deputy
- (c) the appointment of cabinet members
- (d) the appointment of cabinet support members
- (e) the appointment of champions
- (f) the allocation of portfolios and responsibility to cabinet members
- (g) the cabinet functions that can be carried out by cabinet members individually (paragraph 3.3.11)
- (h) the cabinet function that can be carried out by the chief executive (section 7 of this part)

3.3.3 Where cabinet member portfolios cut across the various functions of the council and in cases of uncertainty as to which cabinet member is responsible for any function, the leader shall decide which cabinet member(s) will deal with it.

### **3.3.4 Cabinet functions**

3.3.5 The cabinet shall make decisions in relation to all of the council's areas of responsibility other than those specified as:

- (a) Council functions, or
- (b) Scrutiny functions, or
- (c) Functions cabinet has arranged to be exercised by or with another council's cabinet.

3.3.6 Cabinet shall also formulate or prepare the documents consisting of the budget and policy framework and shall make recommendations to Council on their implementation.

3.3.7 In relation to the budget documents once the overall budget has been agreed at the beginning of the year by full council, subsequent decisions of cabinet that may impact on that budget need only be recommended back to full council:

- If the decision is likely to cause the authority's overall budget envelope to be exceeded, or
- If it is contrary to the authority's borrowing or capital expenditure budget.

**3.3.8 Cabinet meeting**

3.3.9 A cabinet meeting will be convened for decisions that are:

- (a) key and relate to more than one cabinet portfolio, or
- (b) of sufficient public interest that a decision at a public meeting is required, or
- (c) reserved to cabinet by virtue of the financial procedure rules and associated guidance (see part 4 section 7).

**3.3.10 Delegation of cabinet functions**

3.3.11 The leader has decided to delegate to individual cabinet members key decisions that relate to their portfolio.

3.3.12 A cabinet member cannot take a decision contrary to the advice of the chief executive, monitoring officer, s.151 officer or relevant director(s) such a decision must be referred to a cabinet meeting.

3.3.13 The leader has decided to delegate to the chief executive all functions that fall outside the definitions above. The chief executive can only take non key decisions under this general delegation. Key decisions can only be taken by the chief executive following a specific decision containing an officer delegation. The monitoring officer is responsible for consulting with the leader and if applicable, the relevant cabinet member to assist the leader in determining whether any matter is one that should be determined at a cabinet meeting, an individual cabinet member or by the chief executive.

**3.3.14 Key decisions**

3.3.15 A key decision is a decision:-

taken at a cabinet meeting, by an individual cabinet member, or a joint committee of the executive;

and is:

- (i) Any decision in relation to an executive function which results in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned.

A threshold of £500,000 is regarded as significant.

- (ii) Any other executive decision which in the opinion of the monitoring officer is likely to be significant having regard to

- the strategic nature of the decision and / or
- whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards in Herefordshire) affected.

- (iii) Any substantive decision to bring forward proposals to Council to approve or amend an item within the budget and policy framework (not being subject to call-in).
- (iv) Any substantive decision made to approve or amend a policy framework where Council has granted the executive power to do so (being subject to call-in).