

## **Chapter 2 Part 3: THE EXECUTIVE (CABINET)**

### **3.1 Rules**

3.1.1 The following Rules apply to the Cabinet, a Committee, Sub-Committee or Joint Committee of the Cabinet:-

- i. Council Procedure Rules 4 to 7 and Rules 12 to 21
- ii. The Cabinet Procedure Rules
- iii. The Access to Information Procedure Rules.

### **3.2 The Leader**

3.2.1 The Leader is elected by full Council and holds office for a period of four years from the date of their election at the Annual Meeting of the Council or earlier if they:

- i. Resign from the office of Leader; or
- ii. Are no longer a Councillor; or
- iii. Are removed from office by a resolution of the Council.

3.2.2 The Deputy Leader will assume responsibility of the Leader where there is a vacancy until the next Council Meeting, where the Council will elect a Leader.

3.2.3 Where both the Leader and Deputy Leader cease to hold office at the same time, the Council's Mayor shall call a meeting of Council as soon as possible to elect a new Leader.

### **3.3 Functions and Responsibilities**

3.3.1 The Leader is responsible together with the rest of the Executive for those functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

3.3.2 Only the Leader will exercise the following functions -

- i. Appointment of the Deputy Leader;
- ii. Appointment of the Cabinet;
- iii. Allocation of portfolio responsibilities;

- iv. Producing and maintaining the Scheme of Delegation set out in Chapter 3 Part 1 detailing who will discharge functions;
- v. To provide leadership to the Cabinet and chair Cabinet meetings;
- vi. To ensure that Cabinet Members work collaboratively with the Council's Overview and Scrutiny Committee, to support the Council's Scrutiny function and to carefully consider the recommendations of the Overview and Scrutiny Committee in the formulation and development of the Council policy;
- vii. To ensure that Members of Cabinet abide by the Codes and Protocols set out in the Constitution;
- viii. To ensure Members of the Cabinet receive information, training and regular updates, to take account of changes in the law, policy and procedure and to encourage development and continuous improvement;
- ix. The Leader will provide strategic leadership to the Council to implement Council's policy and budget decisions;
- x. To ensure effective arrangements for consultation and community planning and to lead in developing the Council's partnerships with other organisations;
- xi. To ensure effective communication and explanation of all Executive/Cabinet decisions and recommendations to Council;
- xii. To ensure that the decisions of Cabinet are made within the budgetary framework and financial limits set by the Council;
- xiii. To ensure the preparation and publication of a forward plan, in line with statutory requirements, which sets out the details of any matters which they consider are likely to be the subject of a Key Decision;
- xiv. To be the main Member representative of the Council, with other Portfolio Holders in dealing with the community, business, voluntary sector and other local and national organisations, other than in respect of ceremonial events;
- xv. To ensure effective liaison with other political groups within the Council;
- xvi. To represent the Council on relevant outside organisations, regional and national bodies, partnerships and working groups and to pursue matters of interest to the Council and its communities;

- xvii. To work with Portfolio Holders to consider and agree actions to ensure effective delivery of services within their portfolios against the agreed policies of the Council, and to ensure the delivery of the Cabinet's responsibilities and the delivery of objectives as outlined in the Corporate Plan;
- xviii. To be responsible for their own personal development and undergo appropriate development and continuous improvement;
- xix. To provide mentoring and support to Cabinet Members;
- xx. To represent the Council at Derbyshire and Nottinghamshire Leader meetings concerning devolution.

### **3.4 The Deputy Leader**

- 3.4.1 The Deputy Leader will be a Councillor appointment to the position by the Leader.
- 3.4.2 If for any reason the Leader is unable to act, or the office of the Leader is vacant, the Deputy Leader must act and exercise all functions reserved to the Leader in their absence.
- 3.4.3 If for any reason the Leader and Deputy Leader are unable to act, or their offices are vacant, the remaining Cabinet Members may act collectively or appoint an interim Leader until the next Council meeting where a new Leader will be elected.

### **3.5 The Cabinet**

- 3.5.1 The Cabinet comprises the Leader, the Deputy Leader and up to eight other Councillors (Cabinet Members) appointed to the Cabinet by the Leader.
- 3.5.2. The Leader appoints the Deputy Leader and also six Cabinet Members as Portfolio Holders who have full voting rights on the Cabinet's business. The remaining two Cabinet Members are 'without portfolio' but have voting rights on the Cabinet's business.

### **3.6 Functions & Responsibilities**

- 3.6.1 The Cabinet discharges those functions of a local authority specified in local government legislation as the Executive functions of an authority to be exercised by its Executive or Cabinet; including functions that may be (but need not be) the responsibility of an Executive or Cabinet referred to in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2007. No functions of the Cabinet (other than those required under the law to be exercised by the Leader) shall be exercised other than by way of a meeting of the Cabinet unless an express delegation is in place.
- 3.6.2 The Cabinet determines those matters within the Terms of Reference of the Cabinet Portfolios set out below on the basis of collective decision-making. Individual Portfolio Holders do not have delegated authority to determine matters within their remit.

### **3.7 Functions Reserved to the Cabinet**

The following functions are reserved to the Cabinet:-

- 3.7.1 To determine responses on behalf of the Council within the remit of the Portfolios to any government, local authority or other consultation and the launch of consultation exercises on behalf of the Council, except for day-to-day technical and operational consultations which amount to Administrative Decisions made by Officers.
- 3.7.2 To consider establishment changes referred for decision outside delegated authority.

### **3.8 The Portfolios**

The Cabinet Portfolios are:-

- 3.8.1 Resources and Personnel Policy
- 3.8.2 Economic Development & Asset Management
- 3.8.3 Housing
- 3.8.4 Leisure & Health
- 3.8.5 Environment & Climate Change
- 3.8.6 Community Safety

### **3.9 The Portfolio General Terms of Reference**

Matters within the General Terms of Reference of the Portfolios and the specific Terms of Reference of each Portfolio are determined by the Cabinet collectively. Portfolio Holders are not delegated authority to determine any matter within the remit of their Portfolio. The general Terms of Reference for each Portfolio are:-

- 3.9.1 To provide strategic direction to any delivery body established by the Council;
- 3.9.2 To keep the policies of their portfolio under review;
- 3.9.3 To consider and recommend the letting of contracts to third parties where the value of the contract exceeds delegation limits as set out in procurement Procedure Rules. (where within Budget);
- 3.9.4 To identify and recommend opportunities for future income generation and cost savings;
- 3.9.5 To examine further procurement and collaborative working opportunities with the private sector and other local authorities;
- 3.9.6 To recommend responses on behalf of the Council to any government, local authority or other consultation;
- 3.9.7 To consider and recommend ways of achieving reductions in ongoing financial commitments through a review of essential and desired services and service levels.

### **3.10 Resources & Personnel Policy Portfolio**

The Resources and Personnel Policy Portfolio specific Terms of Reference are:-

- 3.10.1 To keep the Council's resources under review.
- 3.10.2 To consider and recommend to the Council the level of Council house rents, service charges and the level of Council tax.
- 3.10.3 To consider and recommend to the Council the overall capital programme and revenue budget.
- 3.10.4 To consider and recommend requests for supplementary capital and revenue estimate.
- 3.10.5 To consider and recommend write off debts in excess of the current limit for delegation contained within Financial Regulations.

- 3.10.6 To consider and recommend loan repayment postponements.
- 3.10.7 To consider and recommend the use of the Insurance Fund.
- 3.10.8 To consider and recommend the appointment of the Council's bankers.
- 3.10.9 To consider and recommend virement between budget heads above any limits prescribed in Financial Regulations.
- 3.10.10 To consider and recommend the letting of contracts to third parties where the value of the contract exceeds delegation limits as set out in procurement Procedure Rules.
- 3.10.11 To consider and recommend the means to attract external sources of funding into the Borough across the whole range of the Council's services and Statutory functions.
- 3.10.12 To consider in detail those areas of the revenue budgets affecting the General Fund and Housing Revenue Account (HRA) which are judged to be of the highest risk and monitor the position of the Council in relation to those areas.
- 3.10.13 To examine in detail the proposals for budgetary control and consider such plans as are deemed to be required to bring about necessary controls, especially on the effects on employees and services.
- 3.10.14 To receive at regular intervals information as to revenue and capital budgetary monitoring.
- 3.10.15 To receive and recommend responses to updates on government and external funding issues which have a direct effect on the budgetary position.
- 3.10.16. To receive regular updates on welfare benefit reforms and the effects on Council tenants and Council tax payers.
- 3.10.17 To monitor the effects of the countywide business rates pooling arrangement on the finances of the Council.
- 3.10.18 To review the People Strategy and any other policy or strategy concerning human resources.
- 3.10.19 To consider and identify issues relating to the Council's establishment structure and employees, including significant changes to local terms and conditions and the discretionary elements of both national and local conditions of service.
- 3.10.20 Consideration of the draft Pay Policy before submission to Council.

- 3.10.21 To receive reports on post-entry training and development for employees including apprenticeships and Members and to consider and recommend the Training and Development Policy.
- 3.10.22 Consider and recommend the Job Evaluation Scheme and pay structure arising from it, to Council, as appropriate.
- 3.10.23 To receive recommendations from the Local Joint Consultative Committee.
- 3.10.24 To consider functions conferred on the Council by part 4 of the Local Government and Public Involvement in Health Act 2007 in respect of the receipt of petitions and the institution, conduct and determination of a Community Governance review.
- 3.10.25 To consider the Health and Safety at Work Policy.
- 3.10.26 To develop, any other policy (other than those policy documents reserved to the full Council) within the remit of the Portfolio and without prejudice to the generality of the foregoing to develop.
- 3.10.27 To consider and develop the Emergency Plan.
- 3.10.28 To consider and recommend the Information Technology Strategy.
- 3.10.29 ~~To consider and recommend the Asset Management Strategy.~~
- 3.10.30 To consider and recommend the Council's Equality and Diversity Strategy and action plan and monitor the implementation of it.
- 3.10.31 To consider and recommend the Capital Strategy.
- 3.10.32 To consider and recommend the Sustainable Communities Strategy.
- 3.10.33 To consider and recommend other such policies and strategies as Council may from time to time decide should be adopted.
- 3.10.34 To consider and monitor progress on the Corporate Plan.
- 3.10.35 To consider and recommend in relation to the exercise of the Council's shareholder / Member function in respect of its wholly or partly owned companies.

### **3.11 Economic Development & Asset Management Portfolio**

The Economic Development & Asset Management Portfolio specific Terms of Reference are:-

- 3.11.1 To monitor progress on economic development, regeneration and levelling up strategies
- 3.11.2 To monitor the impact of significant external projects on the Council's services.
- 3.11.3 To develop, any other policy (other than those policy documents reserved to the full Council) within the remit of the portfolio and without prejudice to the generality of the foregoing to develop.
- 3.11.4 In association with the Planning Committee to propose matters of planning policy to the Council in accordance with Part II of the Town and Country Planning Act 1990.
- 3.11.5 To consider and recommend authorisation of the supplementary planning documents, development briefs and other documents under the local development scheme.
- 3.11.6 To consider and recommend the means to attract external sources of funding into the Borough across the whole range of the Council's services and Statutory functions.
- 3.11.7 To consider all matters relating to the Strategic Location for Growth and the wider area including the boundaries of the site, the retention of open space, the promotion of employment, integration with the proposed and existing infrastructure including road improvements, the tram and rail links and the suitable mix of development within the site.
- 3.11.8 To consider and make recommendations to acquire, appropriate and dispose of land or property and of interests in or over land.
- 3.11.9 To consider and make recommendations to let, negotiate and settle leases and rents for Council owned land or property. (excluding Council Houses).
- 3.11.10 To consider and make recommendations to the policies with regards to the Council's land, buildings and assets.
- 3.11.11 To consider and recommend investment in, improvement of and carbon reduction of the Council's housing stock.
- 3.11.12 To consider and recommend housing building schemes.
- 3.11.13 To consider and recommend the making of compulsory purchase orders and carry out all procedures.
- 3.11.14 To consider and recommend the making of conservation areas.



- 3.11.15 To consider and recommend supplementary planning documents, development briefs and other documents under the local development scheme.
- 3.11.16 To consider and recommend directions under Article 4 Town and Country Planning (General Permitted Development) order 1995.
- 3.11.17 The portfolio shall lead on plans for strategic development, economic development, levelling up and regeneration throughout the area.
- 3.11.18 To consider and recommend policies for Car Parking.
- 3.11.19 To consider and recommend in relation to the exercise of the Council's shareholder / Member function in respect of its wholly or partly owned companies.
- 3.11.20 To consider and recommend the Asset Management Strategy.
- 3.11.21 To consider and make recommendations in relation to Towns Fund Boards
- 3.11.22 To consider and make recommendations in relation to Levelling Up Funding (e.g. UK Shared Prosperity Fund)

### **3.12 Housing Portfolio**

The Housing Portfolio specific Terms of Reference are:-

- 3.12.1 To consider and recommend the Council policy relating to sales of Council houses.
- 3.12.2 To consider and recommend Council policy relating to council house rent collection.
- 3.12.3 To consider and recommend the policy to apply to the provision of funds for aids and adaptations to Council properties.
- 3.12.4 To consider and recommend housing buy backs.
- 3.12.5 To identify surplus housing assets or redevelopment potential within the housing stock.
- 3.12.6 To develop and recommend any other policy (other than those policy documents reserved to the full Council) within the remit of the portfolio and without prejudice to the generality of the foregoing to develop.
- 3.12.7 To consider and recommend the Homelessness Strategy.

- 3.12.8 To consider and recommend policies for the management of all buildings and lands held for housing purposes.
- 3.12.9 To consider and recommend the policy for allocating Council housing stock.
- 3.12.10 Any other such policies and strategies as Cabinet may from time to time decide should be developed.
- 3.12.11 To recommend the provision of assistance to Housing Associations, privately let housing accommodation, and payments to enable people to access such accommodation as the law may enable.
- 3.12.12 To recommend the declaration of renewal areas, criteria for discretionary housing facilities grants and provision of other grants as the law may permit from time to time.
- 3.12.13 To consider and recommend applications for aids and adaptations to Council housing above £30,000.

### **3.13 Leisure & Health Portfolio**

The Leisure & Health Portfolio specific Terms of Reference are:-

- 3.13.1 To consider and recommend policies to promote health, artistic, sporting and cultural activities within the Borough.
- 3.13.2 To develop, any other policy (other than those policy documents reserved to the full Council) within the remit of the portfolio and without prejudice to the generality of the foregoing to develop.
- 3.13.3 To consider and recommend policies for the management of all buildings and lands held for leisure purposes including leisure centres and museums.
- 3.13.4 To consider and recommend the arts and events and leisure strategies.
- 3.13.5 To consider and recommend the policy for events taking place in parks, open spaces and recreation grounds owned or managed by the Council.
- 3.13.6 Review and monitor the Council's arrangements that each Council service area has in place to respond to individuals, who may have mental health issues and need to access Council Services.
- 3.13.7 To consider and recommend twinning and friendship activities.

- 3.13.8 To consider and recommend events taking place in parks, open spaces and recreation grounds owned or managed by the Council.
- 3.13.9 Recommend such policies and action plans as are necessary to promote the physical and mental health of the population of Broxtowe.
- 3.13.10 Work in partnership with partner organisations and partnership structures including Nottinghamshire County Council Public Health department; integrated care systems such as the local Place based partnership and local primary care networks as well as the organisations represented within the Broxtowe partnership, to promote the health of the local population.
- 3.13.11 Develop and recommend plans and policies to prevent ill health occurring and promote the wider determinants of health.
- 3.13.12 Work to promote physical activity across Broxtowe.
- 3.13.13 Come forward with proposals to reduce loneliness and isolation, and promote social cohesion across Broxtowe.
- 3.13.14 Develop and work to implement plans to enable people to live well with dementia in Broxtowe.
- 3.13.15 Work to develop action and plans to reduce health inequalities.
- 3.3.16 To consider and recommend the letting of contracts to third parties where the value of the contract exceeds delegation limits as set out in procurement procedure rules (where within budget).

### **3.14 Environment & Climate Change Portfolio**

The Environment & Climate Portfolio Specific Terms of Reference are: -

- 3.14.1 To develop, any policy (other than those policy documents reserved to the full Council) within the remit of the portfolio and without prejudice to the generality of the foregoing to develop -
- 3.14.2 To consider and recommend management and recycling arrangements and policies.
- 3.14.3 To consider and recommend policies in respect of street cleansing and the removal of litter.
- 3.14.4 To consider and recommend policies regarding energy.
- 3.14.5 To consider and recommend policies regarding air quality.

- 3.14.6 To consider and recommend policies for allotments and cemeteries.
- 3.14.7 To consider and recommend the Energy Conservation Strategy.
- 3.14.8 To consider and recommend the Waste Management Strategy.
- 3.14.9 To consider and recommend policies in respect of stray dogs.
- 3.14.10 To consider and recommend Contaminated Land Strategy.
- 3.14.11 To consider and recommend applications for and amendments to waste transfer stations.
- 3.14.12 To lead on the development and implementation of the Climate Change Plan for Broxtowe Borough Council.
- 3.14.13 To take the climate change agenda forward and ensure that all departments are engaged in this process.
- 3.14.14 To lead on development and implementation of the Travel Plan.
- 3.14.15 To feed into the Nottinghamshire and Derbyshire Local Authority Energy Partnership, Nottinghamshire Climate Change Partnership and Broxtowe Borough Partnership.
- 3.14.16 To work in partnership with service providers to identify opportunities for the delivery of services, avoid duplication and maximise resources.
- 3.14.17 To keep under review the functions under the Environmental Protection Act 1990.
- 3.14.18 To consider and recommend all issues relating to environmental improvements.

### **3.15 Community Safety Portfolio**

The Community Safety Portfolio specific Terms of Reference are:-

- 3.15.1 To develop, any other policy (other than those policy documents reserved to the full Council) within the remit of the portfolio and without prejudice to the generality of the foregoing to develop.
- 3.15.2 To consider and recommend policies regarding transport, including the powers contained in the LG(MP)A 1978 in relation to hackney carriage and private hire licensing vehicles, but save those other functions in respect of

hackney carriage and private hire vehicles delegated to the Licensing and Appeals Committee.

- 3.15.3 To consider and recommend Anti-Social Behaviour Strategy and action plan;
- 3.15.4 To consider and recommend community safety policies as may be needed from time to time to ensure the safety of the population.
- 3.15.5 To consider, recommend and monitor the implementation of safeguarding and violence, serious violence and domestic violence policies and sanctuary scheme.
- 3.15.6 To consider and recommend the adoption of Local Strategic Partnership strategies and policies.
- 3.15.7 To consider and recommend Public protection strategies.
- 3.15.8 To consider and recommend the adoption of strategies and policies arising from the Anti-Social Behaviour, Crime and Policing Act 2014 including public space protection orders and fixed penalty notices and powers introduced by any subsequent legislation which offers tools and measures to regulate undesirable activity and behaviour.
- 3.15.9 To consider and recommend the adoption of Policies under the Scrap Metal Dealers Act 2013.
- 3.15.10 To consider and recommend enforcement under the Sunday Trading Act 1994.
- 3.15.11 To receive reports in relation to Nottinghamshire Police and Crime Panel.
- 3.15.12 To consider and recommend applications for vehicle operator's licences required for the Council's business.
- 3.15.13 To consider and recommend authorising objections to vehicle operator licence applications made by third parties.

### **3.16 The Policy Advisory Committee**

- 3.16.1 The Leader has established the Policy Advisory Committee, as a Committee of the Cabinet. The Policy Advisory Committee supports and assists the Cabinet in the development of policies and strategies including resources and personnel policy, economic development and asset management, housing, leisure and health, environment and climate change and community safety.

3.16.2 The Policy Advisory Committee may make recommendations to the Cabinet but has no decision-making powers.

### **3.17 Other Committees**

3.17.1 The Leader may establish such other Cabinet Committees as may be required from time to time, the terms of reference and membership of which shall be determined by the Leader.