

## **12A CABINET DECISION-MAKING**

### **Recommendation:**

**(1) That the Leader of the Council be given delegated authority to appoint members to fill any vacancy which occurs on the Cabinet during the period from 8 May 2006 to 18 May 2006 as a result of the District Council elections on 4 May 2006 so as to maintain a quorum of five members for any urgent decision making required during that period;**

**(2) That, in the event of the Cabinet not being quorate following the elections on 4 May 2006, any appointments be made as a matter of urgency to secure a quorum on the recommendation of the Group Leader of the political group which currently holds the vacated seat, namely;**

**Councillor S. Barnes – by the Labour Group**

**Councillor R. Glozier – by the Conservative Group**

**Councillor D. Jacobs – by the Liberal Democrats Group;**

**(3) That if any of the Councillors listed in (2) above is re-elected on 4 May 2006, the Leader of the Council be authorised to re-appoint them to the Cabinet until the Annual Council meeting subject to their signing of a declaration of acceptance of office;**

**(4) That, in the event that there is no Group Leader or Deputy Group Leader available to nominate, the Leader of the Council be authorised to make such appointments as maintain the best party balance which is achievable in the circumstances;**

**(5) The the Leader of the Council be further authorised to appoint a Deputy Leader if he considers one to be necessary in the circumstances prevailing, such appointment to be made from any political group and from within the Cabinet membership prior to polling day; and**

**(6) That the current vacancies in respect of the Housing and Civil Engineering Portfolios be disregarded for this exercise.**

12A.1 (Leader of the Council) The current quorum for Cabinet meetings is five portfolio holders. At present, there is one vacancy on the Cabinet following the resignation of Councillor M Heavens. The Housing Portfolio is currently being covered by the Leader of the Council. The absence due to health reasons of Councillor D Spinks has also resulted in the Civil Engineering Portfolio being covered by Councillor R. Glozier in addition to the Planning & Economic Development Portfolio.

12A.2 Of the remaining Cabinet members, three are standing for re-election on 4 May 2006. Contingency planning indicates that if all three are not re-elected, the Cabinet will lose a quorum and be unable to make any urgent decisions after the three Councillors cease to members. The date in question is from 8 May 2006 (namely the commencement of the fourth day following election day. Up to 8 May

the three Cabinet members, even if not re-elected, would be able to participate but not afterwards.

12A.3 As it is possible that the Cabinet will need to meet between 8 May and the annual Council meeting, authority is sought to delegate the appointment of replacement Cabinet members to the Leader of the Council. Such appointments would operate only until the Annual Council meeting when cabinet membership would be reviewed anyway. To preserve pro rata balance on the Cabinet, which is a requirement of the Constitution, the Council should authorise the Leader on the basis that all three vacancies should be filled, each to be a successor from the same political group.

12A.4 The two other vacancies could be filled by the same means or set aside for this purpose. The latter course is recommended.

12A.5 Recommendation (3) deals with the position were any of the three Cabinet members to be re-elected. There is an argument that on grounds of continuity they should be re-appointed provided that they have signed a declaration of acceptance of office beforehand.

12A.6 The appointment of a Deputy Leader can be delegated to the Leader, but only if he considers it necessary. It is suggested that a current Cabinet member might be more appropriate than any new appointment.

12A.7 In accordance with Section 100(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council's Procedure Rules, the Chairman has permitted on grounds of urgency, consideration of this item as this is the last meeting of the Council before the period in question.

**Background Papers:** Nil