

Report to the Council

Committee: Overview and Scrutiny

Date: 19 December 2006

Chairman: Cabinet Quorum

Item: 13

CABINET QUORUM - CONSTITUTIONAL CHANGES

Recommendations:

- (1) That the procedure for protecting the Cabinet quorum set out in the Appendix to this report be approved; and**
- (2) That the procedure be published in the Council's Constitution.**

Report:

1. On 24 April 2006 (Minute 95) the Council made a series of decisions regarding Cabinet membership. These decisions arose from a number of exceptional circumstances, which placed a Cabinet quorum at risk. This situation resulted from:
 - (a) the absence due to long term illness of one Cabinet member;
 - (b) the resignation of a Cabinet member in April 2006; and
 - (c) other Cabinet members being subject to re-election at the May 2006 elections.
2. The need for a Cabinet quorum was given added importance because in April/May 2006, the Cabinet was faced with urgent decisions on the future of the waste management contract.
3. The enclosed procedure is designed to deal with the following situations:
 - (a) where portfolio holders are, by reason of illness or other reason, unable to undertake their duties/or where they die in office;
 - (b) where portfolio holders resign, either as Councillors or members of the Cabinet;
 - (c) where there is no quorum for the Cabinet after elections;
 - (d) where the Cabinet is constituted from one political group, an alliance of political groups or, pro rata, from all political groups.
4. The procedure also establishes arrangements, for filling Cabinet vacancies and delegated authority for the Leader of the Council to take action and enable a Cabinet quorum in urgent circumstances.

5. This procedure should be incorporated in the Council's Constitution and reported to the Overview and Scrutiny Committee and the Council for approval.
6. We have considered the recommendations of the Constitutional Affairs Standing Scrutiny Panel and have made one change to the Appendix, namely to add reference to death in office, under Section 1. We recommend accordingly.