

Part 2.1 - The Cabinet

1. Overview

- 1.1 The members of the Authority are collectively referred to as “the Cabinet”.
- 1.2 The Cabinet is responsible for exercising all decision-making powers on behalf of the Authority except where the decision relates to a Mayoral Function (see Part 2.2 below).
- 1.3 The Cabinet may delegate the responsibility for a decision to a committee of the Authority, an officer of the Authority, another combined authority or a local authority.

2. Cabinet Members

- 2.1 The Cabinet comprises the following members (“Cabinet Members”):
 - 2.1.1 the Mayor;
 - 2.1.2 an elected member¹ from each constituent council as appointed by that constituent council (“Constituent Council Cabinet Member”);
 - 2.1.3 the Chair of the Authority’s Business Board as appointed by the Cabinet (“Business Board Cabinet Member”); and
 - 2.1.4 a representative of the Community and Voluntary Sector as appointed by the Cabinet (“CVS Cabinet Member”)

3. Substitute Cabinet Members

- 3.1 Each constituent council will also appoint two elected members to represent the constituent council in the absence of its Constituent Council Cabinet Member (who shall each be referred to as a “Substitute Constituent Council Cabinet Member”).
- 3.2 The Cabinet shall also appoint a member of the Business Board to attend Cabinet in the absence of the Business Board Cabinet Member (who shall be referred to as a “Substitute Business Board Cabinet Member”).
- 3.3 The Cabinet shall also appoint a representative of the Community and Voluntary Sector to attend Cabinet in the absence of the CVS Member (who shall be referred to as a “Substitute CVS Cabinet Member”).
- 3.4 The members appointed pursuant to this paragraph are referred to as “Substitute Cabinet Members”.

4. Term of Membership

- 4.1 A person may resign as a Cabinet Member or Substitute Cabinet Member by serving notice (in writing or electronically) on the Authority’s Monitoring Officer and the resignation shall take effect on receipt of the notice by the Monitoring Officer.

¹ For the purposes of these provisions an elected mayor of a constituent council is to be treated as an elected member of that council.

- 4.2 A Constituent Council Cabinet Member or Substitute Council Cabinet Member shall also cease to be a Cabinet Member or Substitute Member if:
- 4.2.1 they cease to be a member of the constituent council that appointed them; or
 - 4.2.2 the constituent council which appointed them terminates their appointment

In either case, the constituent council must give written notice to the Monitoring Officer and such termination takes effect at the end of the period of one week beginning with the date on which the notice is given or such longer period (not exceeding one month) as is specified in the notice.

- 4.3 Where a Constituent Council Cabinet Member's or Substitute Council Cabinet Member's appointment ceases by virtue of paragraphs 4.1 or 4.2 above, the constituent council that made the appointment must, as soon as practicable appoint another of its elected members in that person's place and such appointment takes effect at the end of the period of one week beginning with the date on which notice of the appointment is given to the Authority's Monitoring Officer or such longer period (not exceeding one month) as may be specified in the notice.
- 4.4 The Cabinet may at any time terminate the appointment of a Business Board Cabinet Member or Substitute Business Board and then shall appoint another member of the Business Board as a replacement to that position as soon as reasonably practicable.
- 4.5 The Cabinet may at any time terminate the appointment of a CVS Cabinet Member or Substitute CVS Cabinet Member and then shall appoint a replacement to that position as soon as reasonably practicable.

5. Cabinet Meetings

- 5.1 Cabinet Decisions will be taken at meetings of the Cabinet. Cabinet meetings will be conducted in accordance with the principles set out below and the Cabinet Procedure Rules at Part 3.1 of this Constitution.
- 5.2 In the subsequent paragraphs of this Part a reference to a Constituent Council Cabinet Member shall include a Substitute Constituent Council Cabinet Member acting in the absence of the relevant Constituent Council Cabinet Member.

Quorum

- 5.3 For decisions to be taken at a meeting of Cabinet, the following Cabinet Members must be present:
- 5.3.1 at least 5 Constituent Council Cabinet Members; and
 - 5.3.2 the Mayor or the Deputy Mayor acting in the place of the Mayor (in which event and in accordance with paragraph 3.6 of Part 2.2 the Deputy Mayor shall not be treated as a Constituent Council Cabinet Member).

Chair

- 5.4 The Mayor shall be the Chair of the Cabinet. The Deputy Mayor shall act as the Chair of the Cabinet in the absence of the Mayor.

Voting rights and procedure

- 5.5 The following Cabinet Members are entitled to vote on decisions to be taken by Cabinet:
- 5.5.1 each Constituent Council Cabinet Member present at the meeting; and
 - 5.5.2 the Mayor (or in the absence of the Mayor) the Deputy Mayor.
- 5.6 The Mayor and each Constituent Council Cabinet Member shall each have one vote. Save for those matters set out below, Cabinet decisions will be taken by way of a simple majority. No Cabinet Member has a casting vote. If a vote is tied, then the proposal is not approved.

Matters requiring unanimity

- 5.7 A decision on the following matters can only be made with the approval of all seven Constituent Council Cabinet Members, and the Mayor or the Deputy Mayor acting in the absence of the Mayor (in which event and in accordance with paragraph 3.6 of Part 2.2 the Deputy Mayor shall not be treated as a Constituent Council Cabinet Member):
- 5.7.1 approval of, and any amendment to, the Authority's annual budget excluding those elements of the annual budget which relate to Mayoral functions;
 - 5.7.2 approval of, and any amendment to, the setting of any levy which the Authority shall apply to any constituent council;
 - 5.7.3 agreement to confer upon the Mayor a duty to produce a Spatial Development Strategy;
 - 5.7.4 approval or amendment of the Authority's constitution or standing orders;
 - 5.7.5 approval or amendment of such other plans and strategies as may be determined by the Authority and set out in its constitution or standing orders.

Matters requiring a special majority

- 5.8 Where there has been the necessary unanimous vote under paragraph 5.7.3 to confer upon the Mayor a duty to produce a Spatial Development Strategy, the adoption by the Mayor of a Spatial Development Strategy (and any amendment thereto) is subject to a Cabinet decision in which at least four Constituent Council Members vote in favour of the said adoption or amendment of the Spatial Development Strategy.
- 5.9 The Cabinet may amend the Local Transport Plan by a Cabinet decision in which a simple majority of the Constituent Council Cabinet Members present at the meeting vote in favour of the amendment.
- 5.10 Subject to the process set out at Part 2.2 the Cabinet may amend the Mayor's draft budget (or draft revised budget) by a Cabinet decision supported by at least five Constituent Council Cabinet Members.

- 5.11 Any Cabinet decision that might lead to a financial liability falling directly upon a constituent council may only be passed if the majority in favour includes the Constituent Council Cabinet Member appointed by the constituent council affected.

Matters requiring the consent of a Constituent Council Cabinet Member

- 5.12 Any Cabinet decision to exercise a function identified in Table 1 below may only be passed if the majority in favour includes each Constituent Council Cabinet Member whose constituent council's area contains any part of the land in relation to which the function is to be exercised.

Matters requiring the Mayor to be in the majority

- 5.13 Any Cabinet decision to exercise a function identified in Table 2 below may only be passed if the majority in favour includes the Mayor (or Deputy Mayor acting in the absence of the Mayor).

Mayoral review

- 5.14 The provisions of paragraph 5.15 to 5.16 do not apply to a Cabinet decision to exercise a function identified in Table 2 below.

- 5.15 If a Cabinet Decision is made but the Mayor votes against that decision, then the Mayor may seek a review ("Mayoral Review") of that decision by making an application to the Monitoring Officer within 24 hours of the decision being made. The request for a review must be in writing and should state the Mayor's reasons for disagreeing with the decision.

- 5.16 Where an application for review is made in accordance with paragraph 5.15, the Cabinet must reconsider the decision at a subsequent meeting (which shall generally be held at the expiry of the period during which a Cabinet decision may be called in by the Overview and Scrutiny Committee under Part 3.3 of this Constitution). At that meeting the Cabinet will consider the reasons for the request for the review and reconsider its original decision. The Cabinet must then vote on the question under consideration in accordance with paragraphs 5.5 to 5.12 above. The Authority must publish the reasons for any decision taken following a further vote on a question under these provisions. These must be published on the Authority's website as soon as reasonably practicable. A Cabinet decision made under this paragraph 5.16 shall not be subject to a further Mayoral Review.

Validity of proceedings

- 5.17 The proceedings of the Cabinet are not invalidated by any vacancy among the Cabinet Members or Substitute Members or by any defect in the appointment or qualifications of any Cabinet Member or Substitute Member.

6. Committees and other bodies

- 6.1 In addition to the committees and other bodies set out in this Part 2 of the Constitution the Cabinet may establish:

- 6.1.1 such other committees or subcommittees as it sees fit (which may include the co-option of any member of a constituent council or other persons); and

6.1.2 such advisory boards and ad-hoc working groups as it considers may be expedient to assist it.

7. Delegations

7.1 The Cabinet shall maintain and publish a scheme setting out where responsibility for the exercise of the Cabinet's functions is delegated:

7.1.1 to a committee or subcommittee;

7.1.2 to an officer of the Authority; or

7.1.3 by way of joint arrangements with another authority.

7.2 The delegations to officers are set out at Part 2.7 of this Constitution.

Table 1 – Cabinet decisions requiring the consent of the Constituent Council Cabinet Member

Statutory Provision	Description	Reference in Order
Section 6 of the Highways Act 1980	Power to enter into agreements with the Minister relating to construction, improvement or maintenance of trunk roads etc)	Art 21(1)
Section 8 of the Highways Act 1980	Power to enter into agreements with local highway authorities for the carrying out of certain highway works	Art 21(2)
Section 33, 33A & 36 of the Traffic Management Act 2004 & the Traffic Management Permit Scheme (England) Regulations 2007	Operation of permit schemes for carrying out of works in streets	Art 22
Section 39(2) and (3) of the Road Traffic Act 1988	Duties of local authorities in relation to measures designed to promote road safety and studies into vehicular accidents arising, etc	Art 23
Part 2 of the Traffic Management Act 2004 and Part 8 of the Road Traffic Regulation Act 1984 and associated regulations	Civil enforcement of bus lane contraventions	Art 25(1)
Section 9(2) of the Housing and Regeneration Act 2008	Acquisition of land	Art 34(5)
Sections 11, 12 and 17 of the Housing Act 1985	Acquisition of land for housing purposes and provision of amenities	Art 35(1)
Section 226 of the Town and Country Planning Act 1990	Compulsory acquisition of land for development and other planning purposes	Art 35(1)
Sections 334 to 337 and 341 of the Greater London Act 1999	Provisions relating to the adoption of a spatial development strategy);	Art 37(3)

Table 2 – Matters requiring the Mayor to be in the majority (ie new powers under the 2024 Order)

Statutory Provision	Description	Reference in the Order
Section 6 of the Highways Act 1980	Power to enter into agreements with the Minister relating to construction, improvement or maintenance of trunk roads etc)	Art 21(1)
Section 8 of the Highways Act 1980	Power to enter into agreements with local highway authorities for the carrying out of certain highway works	Art 21(2)
Section 33, 33A & 36 of the Traffic Management Act 2004 & the Traffic Management Permit Scheme (England) Regulations 2007	Operation of permit schemes for carrying out of works in streets	Art 22
Section 39(2) and (3) of the Road Traffic Act 1988	Duties of local authorities in relation to measures designed to promote road safety and studies into vehicular accidents arising, etc	Art 23
Part 2 of the Traffic Management Act 2004 and Part VIII of the Road Traffic Regulation Act 1984 and associated regulations	Civil enforcement of bus lane contraventions	Art 25(1)
Sections 226, 227, 229, 230(1)(a), 232, 233, 235, 236, 238, 239 and 241 of the Town and Country Planning Act 1990	Acquisition and appropriation of land for planning and public purposes.	Art 35(1) (f) to (p)