

Article 8 – The Cabinet

The Cabinet is at the heart of the day-to-day decision making process. It also has a key role in proposing the budget and policy framework to the Council. It includes provision for decision-making by individual Councillors.

8.1 Form and composition

The Cabinet will consist of the Leader together with at least two but not more than nine Councillors appointed to the Cabinet by the Leader

8.2 Cabinet Membership

Portfolio	Cabinet Member
Economic Development & Growth	Councillor Kelham Cooke (Leader)
Finance and Waste Services	Councillor Adam Stokes (Deputy Leader)
Leisure	Councillor Barry Dobson
People and Safer Communities	Councillor Annie Mason
Housing and Property	Councillor Robert Reid
Planning and Planning Policy	Councillor Nick Robins
Culture and Visitor Economy	Councillor Rosemary Trollope-Bellew
Corporate Governance and Licensing	Councillor Linda Wootten

Leader's Scheme of Delegation

The Leader has delegated authority to the Cabinet, when sitting together as a committee, to make such Key Decisions as are required. The Cabinet will also make recommendations to Council, and, where appropriate the Cabinet may make Non-Key Decisions. Cabinet Members continue to retain authority to make Non-Key Decisions on matters that fall within their remit.

Leader – Councillor Kelham Cooke

The Chairman of the Cabinet and responsible for organisational vision and priorities and key strategic direction, including oversight of the delivery of the South Kesteven Corporate Plan 2020-23 and achieving the vision to make “South Kesteven the best District in which to live, work and to invest”. The role also includes representing the Council on key, high level and strategic joint working and partnership arrangements between public sector partners e.g. LEP, LGA, DCN.

Cabinet Member for Economic Development and Growth. This role is responsible for key public-private strategic commercial ventures, partnerships and projects as well as supporting the delivery of strategic business investments in Grantham, Stamford, Bourne and the Deepings. Also oversees the close working of the private sector on potential joint venture/partnership schemes.

Chairman of LeisureSK, Director of LeisureSK and Director of Gravitas Housing Limited.

The portfolio has a key focus in driving and delivering the Growth and our Economy priority in the Corporate Plan 2020-23.

Remit:

- Agricultural and Rural Economy
- Business and Enterprise
- Business Continuity and Emergency Planning
- Business Trade
- Business Transformation
- Climate Change
- Communications and Consultation
- Corporate Plan and Corporate Plan Performance
- Delivery of strategic; retail, housing and industrial developments
- Economic Growth and Investment
- Future High Street Fund
- Grants and Assistance
- Information Technology, Digital Connectivity and Digital Infrastructure
- Public-private strategic commercial ventures, partnerships and projects
- Skills
- Town Centre Development and Partnerships

**Deputy Leader and Cabinet Member for Finance and Waste Services –
Councillor Adam Stokes**

Acting as the Deputy Representative of the Council in the absence of the Leader of the Council.

The role is responsible for working with the statutory (section 151) officer to ensure effective use of financial resources in supporting and facilitating the delivery of Council objectives as set out in the Corporate Plan 2020-23 while setting and delivering a balanced and sustainable budget.

The remit includes a strategic role in delivering best value for money for South Kesteven residents via the implementation, development and regular review of financial governance frameworks, investment policies, forward planning and forecasting. Consideration of pooling arrangements, business rate retention models and efficiency plans.

The portfolio holder's role also involves working collaboratively with all other portfolios in budget preparation and risk management to enable optimum use of available financial resources.

The portfolio includes oversight of waste collection, with a drive to support residents and businesses to “reduce, reuse and recycle” as part of the implementation and review of key environmental protection strategies and programmes.

Vice-Chairman of InvestSK and Director of LeisureSK.

This cabinet portfolio contributes primarily to 'High Performing Council' but effective delivery of this portfolio underpins all of the Councils objectives.

Remit:

- Audit and accountability
- Benefit Claims
- Budget preparation and Council tax
- Business Rate Relief
- Charitable Rate Relief
- Commercial, Industrial and Clinical Waste Collection and Management
- Council tax collection
- Domestic Waste and Recycling Management
- Finance and accountancy
- Fraud investigation
- Grants and subscriptions
- Non-Domestic rates
- Procurement
- Risk management
- Rural Rate Relief
- Street Scene and Cleaning

Cabinet Member for Leisure - Councillor Barry Dobson

A key focus of this portfolio is to drive and oversee the development of the Leisure Transformation Programme, which will see significant investment in South Kesteven's leisure portfolio over the coming years, meaning that residents across the District will be able to access modern, high quality leisure facilities.

Alongside this the remit also includes responsibility for ongoing delivery of leisure services, including leisure centres (via our new company LeisureSK Ltd.), and sports development across the District alongside the business and community skills agenda. This Cabinet Member is also Chairman of LeisureSK Ltd.

This portfolio has a key focus on promoting the positive wellbeing of our residents and is a key part of our Healthy and Strong Communities priority in the Corporate Plan 2020-23.

Remit:

- Leisure Centres
- LeisureSK Ltd
- Leisure Development Programme
- Sports and Physical Activity Development

Cabinet Member for People and Safer Communities – Councillor Annie Mason

This role is responsible for leading South Kesteven's input in to the strategic health agenda and its impact on local communities in relation to health and inequalities and future service provision. The role has a focus on promoting positive physical and particularly mental health in our communities as we emerge from the Covid-19 pandemic and includes the development of strong partnerships with other agencies including the Police, Health services and Lincolnshire County Council to ensure that our communities' needs are being understood, planned for and met.

This portfolio has been crucial in working with and supporting the community during the Covid-19 pandemic and will also be central to supporting the community in the recovery and beyond and will involve engaging with, supporting and equipping local community and voluntary groups.

In addition the remit includes developing community cohesion and working with partners in promoting and supporting increased community safety alongside our statutory partners is a key part of the portfolio.

The Cabinet Member is also responsible for Customer Services, HR and organisational development functions within the Council.

The portfolio primarily contributes to the Healthy and Strong Communities Priority, but also contributes to High Performing Council through Customer Services and HR.

Remit:

- Anti-social behaviour and CCTV
- Community Cohesion
- Community Funding & Volunteering
- Community Right to Bid
- Community Safety and Local Policing
- Customer Services
- Mental Health
- Environmental Health
- Equalities and Diversity
- Health & Wellbeing
- HR and organisational development
- Safeguarding

Cabinet Member for Housing and Property – Councillor Robert Reid

This portfolio is responsible for the delivery of the housing strategy, with a key focus on delivering high quality housing service to the tenants of over 6,000 Council owned properties. Therefore, the Portfolio Holder is the lead in driving our housing improvement programme. In addition to this the remit includes the delivery of new Council housing across the District via the housing revenue account (HRA) capital programme as part of the delivery of the HRA business plan.

Another key part of the housing strategy that falls within this remit is to tackle homelessness, including working with other Districts as part of the innovative 'Change4Lincs' programme.

In addition the remit includes the ensuring effective management of our physical assets through the Council's property portfolio, which will include overseeing both investment in and disposal of current assets and acquisition of new ones to ensure the Council has a portfolio that meets its operational and strategic needs now and for the future.

Director of EnvironmentSK and Gravitas Housing Limited

This portfolio primarily contributes the 'Housing that meets the needs of All Residents' priority and also contributes to the 'High Performing Council' priority through the property elements.

Remit:

- Asset Management Strategy
- Assisted Garden Maintenance Scheme
- Car Parks
- Empty Homes Assistance and Discount
- Essential Home Repair Assistance
- Estate and Grounds Maintenance
- Flooding
- Homelessness
- Housing Management, Improvement and Repairs
- Disabled Facilities Grant
- Housing Partnership
- Landlords Forum
- Property Services
- Soft Facilities Management
- Street Lighting and Parking Permits
- Street Services and Green Open Space Management

Cabinet Member for Planning and Planning Policy – Councillor Nick Robins

This portfolio includes responsibility for the crucial planning policy and development management functions of the Council, with a particular focus on ensuring that the Council has the internal infrastructure and systems in place to meet the growth ambitions set out in the Local Plan to 2036, and also to undertake and deliver a review of key elements of the Local Plan.

The role will also include working alongside communities and other partners to support delivery of Neighbourhood Plans across the District to enable the delivery of that growth that meets the needs of existing and future residents.

The Cabinet Member will work with the Chairman of Planning Committee to oversee the implementation of the Planning Review, and with officers to oversee investment

and improvement in key functions identified within the review including in enforcement and conservation.

The portfolio will play a key role in supporting the delivery of the growth ambitions of the Council and contribute to 'Growth and Our Economy' and 'Housing that meets the needs of All Residents'.

Remit:

- Building Control Partnership
- Conservation
- Land Charges
- Local Plan
- Neighbourhood Planning
- Planning and Planning Services
- Planning Enforcement
- Supplementary Planning Documents
- Street Naming and Numbering

Cabinet Member for Culture and Visitor Economy – Councillor Rosemary Trollope-Bellew

The Cabinet Member is responsible for cultural services including the Arts, Cultural Services, Heritage, markets, parks and expanding into the visitor economy. The portfolio has a key role as part of the Covid-19 recovery plan as many of the services and outcomes have been significantly impacted during the pandemic and related restrictions.

Therefore, the Cabinet Member is responsible for overseeing the arts and cultural recovery plan, including phased re-opening of and investment in arts centres and other venues and the delivery of outreach events across the District.

In addition the portfolio holder is also responsible for oversight of the historic markets in the District, who successfully delivered during the pandemic as the service adapts and continues to develop and grow in the recovery period.

The remit also includes overseeing the development and delivery of the Tourism Strategic framework which will promote South Kesteven as a great place to visit and invest in, driving growth in tourism businesses and visitor attractions.

Director of LeisureSK Ltd

The portfolio primarily contributes to the 'Growth and Our Economy' and 'Health and Strong Communities' priorities in the Corporate Plan.

Remit:

- The Arts
- Cultural Services

- Heritage
- Historic Parks and Gardens
- Markets and Fairs
- Shop Front Designs and Funding
- Public Realm
- Public Conveniences
- Visitor Economy

Cabinet Member for Corporate Governance and Licensing – Councillor Linda Wootten

This portfolio is directly responsible for embedding a culture of effective governance and scrutiny across the organisation.

Key outputs from the portfolio will be the review and development of the constitution as the key document that underpins all of SKDCs activity and implementation of the action plan from the Good Governance review, including increased understanding of the role of Members and Officers.

The remit also includes oversight of key existing services, including in Governance, Data Protection and Legal and Democratic Services and will include a focus this year on continuing to encourage public engagement in democratic meetings through the increased use of technology to webcast Council meetings and explore hybrid options as and when legislation allows.

The portfolio also includes continuing to develop a positive and proactive approach to Parish and Town Council liaison and to encourage engagement with local democracy via these routes.

The portfolio primarily contributes to the ‘High Performing Council’ priority in the Corporate Plan 2020-23, but also impacts on the delivery of all other priorities through the successful implementation of the constitution review.

Remit:

- Corporate Peer Challenge
- Governance and Data Protection
- Legal and Democratic Services
- Licensing Services
- Parish and Town Council Liaison

The Scheme of Delegation relating to the Council’s Officers is set out in Article 16 of the Council’s Constitution and the Chief Executive is delegated with the authority to authorise offices in accordance with that Article.

8.3 Leader with Cabinet

(a) Role

The Cabinet will carry out all of the local authority's functions that are not the responsibility of any other part of the local authority, whether by law or under this Constitution provided the matter is not one that a Council's Cabinet is by law precluded from resolving.

(b) Leader

The Leader will be a Councillor elected to the position by the Council. The Leader will hold office until

- (i) He or she resigns from the office
- (ii) He or she is no longer a Councillor
- (iii) The expiry of a four year term which will be extended to end on the day of the next post-election annual meeting of the Council.
- (iv) A Cabinet leader may only be removed from office by resolution of the Council in accordance with Section 9IA or Regulations under section 9ID of the Local Government Act 2000 (as amended).

The Leader will

- Determine the size of the Cabinet
- Appoint members to the Cabinet
- Allocate Portfolio areas to Cabinet Members
- Allocate decision-making power to Cabinet and individual Cabinet Members
- Remove and replace Cabinet Members.

(c) Deputy Leader

The Deputy Leader will be a Councillor who is appointed to the position by the Leader of the Council.

- Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in his or her place.
- If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader will act in his or her place until a new Leader can be elected by Council.
- If for any reason the Leader is unable to act or the office of Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Cabinet must act in the Leader's place, or arrange for a Cabinet Member to act in his or her place until a new Leader can be elected.

8.4 Other Cabinet Members (including the Deputy Leader)

Only Councillors may be appointed to the Cabinet. There may be no co-optees and no substitutes for Cabinet members. Neither the Chairman nor Vice-Chairman of the Council may be appointed to the Cabinet. Members of the Cabinet (including the Leader) may not be members of the Overview and Scrutiny Committees.

Other Cabinet Members, including the Deputy Leader, shall hold office until whichever of the following events shall first occur

- (i) They resign from office
- (ii) They are no longer Councillors
- (iii) They are removed from office, either individually or collectively, by resolution of the Council
- (iv) Until the next annual meeting of the Council
- (v) The Leader rearranges Portfolios and/or Cabinet members
- (vi) The Leader removes a Cabinet Member from his or her post

The Leader may at his or her discretion appoint Councillors to support Cabinet Members to assist with their work in shaping and developing the priorities of the Council so far as it relates to individual portfolios provided that any support member so appointed will not exercise any Executive function of a Cabinet Member and no special responsibility allowance can be made.

8.5 Proceedings of the Cabinet

8.5.1 Who may make Cabinet Decisions?

The arrangements for the discharge of Executive functions are set out below. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for Executive functions to be discharged by

The Cabinet as a whole

- (ii) A committee of the Cabinet
- (iii) An individual member of the Cabinet
- (iv) An officer
- (v) An area committee
- (vi) Joint arrangements

- (vii) Another local authority

8.5.2 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him or her for inclusion in the Council's scheme of delegation in Article 16 of this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year

- (i) The names, addresses and Wards of the people appointed to the Cabinet by the Leader
- (ii) The extent of any authority delegated to Cabinet members individually including details of the limitation on their authority
- (iii) The terms of reference and constitution of such Cabinet committees as the Leader appoints and the names of Cabinet Members appointed to them
- (iv) The nature and extent of any delegation of Cabinet functions to area committees, any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year
- (vi) The nature and extent of any delegation to officers with details of any limitation on that delegation and the title of the officer to whom the delegation is made

8.5.3 Sub-delegation of executive functions

- (i) Where the Cabinet, a Cabinet committee or an individual Cabinet member is responsible for an executive function, they may delegate further to an area committee, joint arrangements or an officer
- (ii) Unless the Council directs otherwise, the Cabinet may further delegate any functions that have been delegated to it by the Leader to a Cabinet committee or to an officer.
- (iii) Unless the Leader directs otherwise, a Cabinet committee to whom functions have been delegated by the Leader may delegate further to an officer.

8.5.4 The Council's scheme of delegation and Executive functions

- (i) Subject to (ii) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in this Article and set out in Article 16 of this Constitution.

- (ii) If the Leader is able to decide whether to delegate Executive functions, he or she may amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the Leader must give written notice to the proper officer and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (iii) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when the Leader has served it on its chairman.

8.5.5 Conflicts of Interest

- (i) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 2 of this Constitution.
- (ii) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 2 of this Constitution.
- (iii) If the exercise of an Executive function has been delegated to an Cabinet committee, an individual Cabinet member or an officer, and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 2 of this Constitution. In particular there should be
 - Early disclosure of any interest
 - A written record identifying the nature of the interest

8.5.6 Cabinet meetings

The Cabinet will meet at least 12 times per year to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

8.5.7 Attendance at Open Meetings of the Cabinet

Any Member of the Council may attend any open meeting of the Cabinet, its Committees and Sub Committees. That Member may speak and ask the relevant Cabinet Member questions (but not vote) on any item on the

agenda of the meeting. The Council Procedure Rule 4.11.4 relating to the length of speeches whereby no speech may exceed 5 minutes without the consent of the Leader or other chairman of the Cabinet meeting will apply.

8.5.8 Where there is a requirement to hold a Cabinet meeting in private

- (i) At least 28 clear days before a private meeting, the Cabinet must
 - Make available at the designated offices a notice of its intention to hold the meeting in private
 - Publish that notice on the website
- (ii) Any such notice must include a statement listing the reasons why the meeting is to be held in private
- (iii) At least five clear days before a private meeting, the Cabinet must
 - Make available at the designated offices a further notice of its intention to hold the meeting in private
 - Publish that notice on its website
- (iv) Any such notice must include
 - A statement of the reasons why the meeting is to be held in private
 - Details of any representations received by the Cabinet about why the meeting should be open to the public
 - A statement of its response to any such representations
- (v) Where the date by which a meeting must be held makes compliance with this requirement impracticable, the meeting may only be held in private where the Cabinet has complied with Rule 17.4.

8.5.9 Attendance at Private meetings of the Cabinet

a) Members

- (i) All members of the Cabinet may attend
- (ii) Notice of private meetings of the Cabinet will be served on the Chairmen of all Overview and Scrutiny Committees at the same time as notice is served on members of the Cabinet. Where an Overview and Scrutiny Committee does not have a Chairman, the notice will be served on all members of that Group and/or Committee
- (iii) Where a matter under consideration at a private meeting of the Cabinet is within the remit of an Overview and Scrutiny Committee, the Chairman of that Committee and/or the Vice-Chairman, may attend that private meeting with the consent of the person presiding, and speak if those present agree

- (iv) In addition to (iii) above, non-Cabinet Councillors will be permitted to attend private meetings of the Cabinet only by invitation of the Leader, and speak in relation to specific items on the agenda only if the Leader's prior consent has been obtained. Requests for such consent to speak shall be made in writing and delivered to the Leader or Chief Executive or other proper officer no later than noon on the preceding working day.

b) Officers

- (i) The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and their nominees are entitled to attend any meeting of the Cabinet. The Cabinet may not meet unless the Chief Executive has been given reasonable notice that a meeting is to take place
- (ii) A private Cabinet meeting may only take place in the presence of the Monitoring Officer or his or her nominee with responsibility for recording and publicising the decisions
- (iii) Other than the legal requirements, consideration will be given to the principles of decision-making set out in Article 17 of this Constitution

8.5.10 Quorum

The quorum for a meeting of the Cabinet, or a Committee of it, shall be one third of the total number of members of the Cabinet (including the Leader) or 3 including the Leader, whichever is the larger.

8.5.11 How decisions are to be taken by the Cabinet

- (i) Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules contained in Article 17 of the Constitution.
- (ii) Where Cabinet decisions are delegated to a Cabinet committee, the rules applying to Cabinet decisions taken by them shall be the same as those decisions taken by the Cabinet as a whole.

8.6 How Cabinet Meetings are conducted

8.6.1 Who presides?

If the Leader is present he or she will preside. In his or her absence, then a person appointed to do so by those present shall preside.

8.6.2 Business on the agenda

At each meeting of the Cabinet the following business will be conducted

- i) Consideration of the minutes of the last meeting
- ii) Disclosures of interest if any
- iii) Matters referred to the Cabinet (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in Articles 6 or 7 or the Budget and Policy Framework Procedure Rules set out in Article 4 of this Constitution
- (iv) Consideration of reports from Overview and Scrutiny Committees
- (v) Matters set out in the agenda for the meeting. The agenda must indicate which items are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Article 17 Decision Making of this Constitution
- (vi) Chairmen or Vice-Chairmen of Overview and Scrutiny Committees are able to speak at Cabinet meetings before debate of an item relevant to their Committee

8.6.3 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation. Unless in case of urgency, the Cabinet will consult with the relevant Overview and Scrutiny Committee on the following plans and strategies to be adopted by the Cabinet as a matter of local choice:

- Economic Development
- Housing Strategy
- Equality and Diversity in Employment Policy
- Health and Safety Policy
- Data Protection Policy
- Freedom of Information Publication Scheme
- Environmental Health Services Enforcement Policy
- Regulation of Investigatory Powers Act Policy
- All other future plans and strategies that feature in the Forward Plan as Policy Framework Proposals not within the Council's Policy Framework according to Article 4.1 of this Constitution.
- Key human resources and organisational development strategies and policies that have significant financial implications.

Reports about other matters will set out the details and outcomes of consultation where appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

8.7 Who can put items on the Cabinet agenda?

- 8.7.1** The Leader will decide upon the schedule for the meetings of the Cabinet. He or she may put on the agenda of any Cabinet meeting any matter that he or she wishes, whether or not authority has been delegated to the Cabinet, a Cabinet committee or any member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.
- 8.7.2** There will be a standing item on the agenda of each meeting of the Cabinet for matters referred to it by the Overview and Scrutiny Committees and from the Council. However there may only be up to 3 such items per Cabinet meeting.
- 8.7.3** The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

8.8 Responsibility for Functions

The Leader will maintain a list in this Constitution setting out which individual members of the Cabinet, Cabinet committees, officers or joint arrangements are responsible for the exercise of particular Executive functions.

8.9 Consideration of reports from external auditors

The Cabinet is to be responsible for the initial consideration of reports from the Council's external auditors with pertinent items being forwarded to the Governance and Audit Committee.