

SECTION 2 - THE CABINET

Composition: Leader and Cabinet of up to 9 Members of the Council.

Terms of Reference:

The Cabinet is the Council's Executive, and, as such, has responsibility for all executive functions.

Under the Local Government Act 2000, all functions are, by default, executive functions, unless there is express provision to the contrary in the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, or in other legislation. Non-executive functions are either reserved to Full Council or fall within the terms of reference of the Committees of Council as set out in this Constitution.

Local Choice Functions

Schedule 2 of the Local Authorities (Functions and Responsibilities) Regulations 2000 makes provision for certain functions, sometimes known as "local choice functions" to be either executive or non-executive functions. The following local choice functions are exercisable by Cabinet:

- Any function related to contaminated land
- The discharge of any function relating to the control of pollution or the management of air quality
- The service of an abatement notice in respect of a statutory nuisance
- The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area
- The inspection of the Council's area to detect any statutory nuisance
- The investigation of any complaint as to the existence of a statutory nuisance
- The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976
- The appointment of any individual to any outside body where the appointment is made by virtue of the individual's membership of Cabinet
- The making of agreements with other local authorities for the placing of staff at the disposal of those authorities

For the avoidance of doubt, the following local choice functions are exercisable by Council or its Committees:

- The determination of an appeal against any decision made by or on behalf of the Council
- The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land
- The appointment of any individual to any office other than an office in which he is employed by the Council, or to any outside body other than where the appointment is made by virtue of the individual's membership of Cabinet