

### **Options on the working arrangements of a shadow cabinet**

#### **1.0 Introduction**

Councils have diverse working arrangements and procedures for shadow cabinets. Some establish explicit shadow cabinets whereas others appoint opposition spokespersons who carry out the duties and functions of a shadow cabinet. As such, outlined below are four proposals on the possible working arrangements for a shadow cabinet. The proposals were informed by a comparative analysis of the practices and procedures at councils in both West Midlands and beyond.

#### **1.1 Option One**

This option is modelled along part 4 of the Oxfordshire County Council Constitution. This is mainly because Oxfordshire County Council has a comprehensive procedure on the roles and rights of shadow cabinet members. The Constitution clearly provides for the appointment and membership of a shadow cabinet by the Opposition. This is complemented by the Protocol on Councillors' Rights and Responsibilities. The Protocol on Councillors' Rights and Responsibilities of Oxfordshire County Council state as follows: -

#### **1.2. Opposition Leader, Deputy Leader and Shadow Cabinet**

The largest political group on the Council which is not the Group(s) from which the Cabinet is drawn will be officially recognised by the Council as the Opposition. The Opposition may appoint a Leader, Deputy Leader, and other Councillors (not being more than the number of Councillors in the Council's Cabinet) to shadow the responsibilities of the Leader and Deputy Leader of the Council and the other Cabinet.

Collectively these Opposition Councillors will be termed the Shadow Cabinet. Only one member of the Opposition may be appointed to shadow any one Cabinet position.

### **1.3 Rights of the Shadow Cabinet to Make Opposition Statements at Cabinet Meetings**

At meetings of the Cabinet or any committee of the Cabinet or when an individual member of the Cabinet is taking decisions in accordance with the rules set out in the Constitution, Shadow Cabinet Councillors will have the right to attend and make a formal Opposition statement on a matter under consideration.

This right will extend only to the Shadow Cabinet member in relation to the functions of the Cabinet for which they are the shadow. Notice by the Shadow Cabinet of the intention to make a statement shall be given by 9 am on the working day before the meeting.

Such a statement may be made at any time during the consideration of that item at the meeting and shall not exceed a period of five minutes. However, this will not prevent the person presiding inviting the Shadow Cabinet member to make any additional comment during the consideration of that item of business.

If the Shadow Cabinet member is unable to attend, then the right can be exercised by the Leader or Deputy Leader of the Opposition. For the avoidance of doubt, the rights are additional to any other rights of members to address the Cabinet.

## **1.4 Rights of Shadow Cabinet Members to Private Briefings**

The Shadow Cabinet members shall have the right to request private briefings from Officers and in such cases the procedures set out under political activity in the Oxfordshire Protocol on Member/Officer Relations will apply. This will not prevent, by mutual agreement, attendance by Shadow Cabinet members at the whole or part of any private briefings arranged for Cabinet and/or Scrutiny members where this would lead to the most efficient and effective use of officers' time.

## **1.5 Option Two**

This option is anchored on Article 8 of the Constitution for Stoke-on-Trent City Council. Stoke-on-Trent City Council is regarded as Sandwell's 'CIPFA nearest neighbor'. The Constitution provides for the roles and functions of the Shadow Cabinet. These are as follows: -

### **1.5.1 Role and Function**

The Shadow Cabinet will have collective responsibility for providing an effective Political challenge to the controlling Executive (Cabinet) and for contributing constructively to the achievement of the City Council's corporate and service objectives and priorities. These responsibilities should be undertaken in a positive manner, maintaining respect always.

The Shadow Cabinet has no power to make any formal decisions on behalf of the Council and meets and operates in addition to the formal Overview and Scrutiny process.

The Shadow Cabinet will assist in ensuring effective arrangements for Overview and Scrutiny. The Shadow Cabinet should maintain effective relationships with the Cabinet and Cabinet Support Members, Corporate Directors and Officers of the Council.

### **1.5.2 Form and Composition**

The Leader of the largest opposition Group may choose to form a Shadow Cabinet of the Council and will notify the Council of the names of the members nominated to form a Shadow Cabinet and of any changes to its membership which may occur. Such meetings will take place in private.

In accordance with the relevant legislation relating to the composition of a Cabinet (Local Government Act 2000) and the City Council's Constitution in relation to the composition of the Cabinet (Article 7 Paragraph 7.02), the Shadow Cabinet shall comprise of no more than the number of members permissible for the Cabinet, i.e.10 Members.

### **1.6 Option Three**

This option is modelled along Dudley Council which is also Sandwell's 'CIPFA nearest neighbor'. It is the practice of Dudley Council to submit a report to the Annual Meeting of the Council in May each year on the appointment and designation of Cabinet Members. At the same time, the main Opposition Group nominates their lead spokespersons, and these are recorded in the minutes. In effect, this is the "Shadow Cabinet".

The opposition spokespersons attend meetings of Cabinet. Directors are responsible for updating their relevant Cabinet Member and Shadow Cabinet Spokesperson on the financial performance of their Directorate.

## **1.7 Option 4**

Option 4 is informed by Appendix 4 of the Constitution of Staffordshire Council which is also located in West Midlands. The Constitution provides for the appointment of the Shadow Cabinet. It states as follows:

### **1.7.1 Composition**

The Council will recognise the existence of political groups and the “Leader of the Opposition” shall be the Leader of the largest political group on the Council (excluding the political group of the Leader of the Council). The Leader of the Opposition may choose to form a Shadow Cabinet by their nomination from amongst the members of the Council. The Leader of the Opposition shall notify the Council and the Chief Executive of the names of the members nominated to form a Shadow Cabinet and of any changes in the membership of the Shadow Cabinet which may occur from time to time.

### **1.7.2 Role**

The Shadow Cabinet will have collective responsibility for providing an effective challenge to the controlling Executive (Cabinet) and for contributing constructively to the achievement of the County Council’s corporate and service objectives and priorities. These responsibilities should be undertaken in a positive manner, maintaining respect always.

### **1.7.3 Number of members**

The Shadow Cabinet shall comprise of the Leader of the Opposition, Shadow Deputy Leader and no more than three of the Shadow Cabinet Members.

#### **1.7.4 Functions**

- Effectively to call to account or challenge the Majority Group on the County Council at meetings of the County Council, Committees, Panels and on other occasions as appropriate.
- To meet regularly and ensure good communications with other members to inform the effective performance of the Shadow Cabinet's role.
- To maintain effective relationships with the Cabinet and their Support Members, the Corporate Directors and other relevant senior officers, and to meet them, as required, to ensure that members of the Shadow Cabinet are sufficiently and effectively briefed on service and relevant corporate areas and any other relevant issues pertaining to the County Council.
- To assist in ensuring effective arrangements for overview and scrutiny.
- To ensure effective contact with community representatives and other local stakeholders, as appropriate, and to represent their views in the performance of the Shadow Cabinet's role.

#### **2.0 Special Responsibility Allowance**

Special Responsibility Allowances for members of the Shadow cabinet vary from council to council. In 2023, the Independent Remuneration Panel recommended that should the Council be minded to formally recognise Shadow Cabinet roles, that an allowance of 10% of the Leaders allowance be included within the scheme for all shadow cabinet members. For comparative purposes, listed below are the rates used by various councils.

<b>Council</b>	<b>Special Responsibility Allowance</b>
Croydon Council	£5,615 <sup>1</sup> (up to six positions)
Cannock Chase District Council	£1,282
Oxfordshire County Council	£ 3,156.00
Dudley Metropolitan Borough Council	£ 6,853 <sup>2</sup> .
Walsall Council	Does not pay Special Responsibility Allowance <sup>3</sup> for Shadow Cabinet members.

---

<sup>1</sup> Croydon Council- Councillor's Basic and Special Responsibility Allowances.

<sup>2</sup> The Special Responsibility Allowances payable to Opposition Party Leaders, Deputy Leaders and Opposition Spokespersons shall be applicable only where their political group is ten or more elected members in number.

<sup>3</sup> An allowance is paid to Group Leaders subject to them having a minimum of six members. When they reach this point, they also qualify from a Group PA who generally assists the Group Leader.