

Cabinet Procedure Rules

1. HOW DOES THE CABINET OPERATE?

1.1 Who may make Executive decisions?

The arrangements for the discharge of executive functions are set out in the Executive arrangements adopted by the Council. The arrangements or the Leader may provide for Cabinet functions to be discharged by:

- i) 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; or
- vii) another Local Authority.

1.2 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/her for inclusion in the Council's Scheme of Delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about Cabinet 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 Portfolio Holders individually, including details of the limitation on their authority;
- iii) 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 Portfolio Holders appointed to any joint committee for the coming year; and
- iv) the nature of an extension 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.

1.3 Sub-delegation of Executive functions

- a) Where the Cabinet or an individual member of the Cabinet is responsible for an executive function, they may delegate further to an Area Committee, joint arrangements or an officer.
- b) Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to an officer.
- c) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Council's Scheme of Delegation and Cabinet functions

- a) Subject to b) 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 Article 7 and set out in Part 3 of this Constitution.

- b) If the Leader is able to decide whether to delegate executive functions, he/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 Chief Executive 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 Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- c) Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chairman.

1.5 **Conflicts of Interest**

- a) 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 5 of this Constitution.
- b) 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 5 of this Constitution.
- c) If the exercise of a Cabinet function has been delegated to an individual Member or an officer, and should a conflict of interest arise, 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 5 of this Constitution.

1.6 **Cabinet meetings – when and where?**

The Cabinet will meet up to 10 times per year at times 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.

1.7 **Public or private meetings of the Cabinet?**

Generally meetings of the Cabinet will be public except in the circumstances described in The Access to Information Rules in Part 4 of this Constitution.

1.8 **Quorum**

The quorum for a meeting of the Cabinet shall be a minimum of three of the total number of Members of the Cabinet (including the Leader).

1.9 **How are decisions to be taken by the Cabinet?**

Executive 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 in Part 4 of the Constitution.

2 **HOW ARE CABINET MEETINGS CONDUCTED?**

2.1 **Who presides?**

If the Leader is present he/she will preside. In his/her absence the Deputy Leader will preside and in his/her absence then a person appointed by the Leader to do so shall preside.

2.2 **Who may attend?**

Subject to the Access to Information Rules in Part 4 of this Constitution, other Members or the public may attend Cabinet meetings. With the consent of the Leader, a non-Portfolio Holder may address the Cabinet on an item on its agenda.

2.3 **What business?**

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

- i) consideration of the minutes of the last meeting;
- ii) matters referred to the Cabinet (whether by the Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- iii) consideration of reports from the Scrutiny Committee; and
- iv) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

2.4 **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 the Scrutiny Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 **Who can put items on the Cabinet agenda?**

The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or any Member or officer in respect of that matter. The Chief Executive will comply with the Leader's requests in this respect.

Any Member of the Cabinet may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the Chief Executive will comply.

The Chief Executive, Deputy Chief Executive or any Director may place an item on the agenda that they feel the Cabinet needs to have a view or take a decision on.

The Monitoring Officer and/or the S151 Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties.

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.

3 **HOW ARE DECISIONS MADE BY INDIVIDUAL PORTFOLIO HOLDERS?**

3.1 **The time and place?**

A time and place will be designated and publicised for the place at which decisions will be made. The place will be at the main offices of the Council.

3.2 **Who may attend?**

Generally the public and other Members will be able to attend when decisions are made except in the circumstances described in Section 10 of the Access to Information Procedure Rules.

3.3 What business?

An agenda will be prepared and publicised for the meeting setting out the decision that the Member will be considering. A written report from officers will be considered by the Member and discussed with officers.

3.4 Who can put items on the agenda?

Either the Leader, the Portfolio Holder or Chief Officers may put items on the agenda.

3.5 Who presides?

The Portfolio Holder will preside.