

Cabinet Procedure Rules

1.0 How Does the Cabinet Operate?

1.1 Who may make Executive decisions?

The Leader may provide for Executive 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 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 portfolio, including any authority delegated to portfolio holders individually, with details of any 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 Executive 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; and
- (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.

In the event of such a document not being so presented those matters within (ii) to (vi) previously in place shall continue in effect, and appointments under (i) shall be made accordingly, until any changes are made subsequently in accordance with these Rules and reported to a meeting of the Council.

1.3 Sub-delegation of Executive functions

- (a) Where the Cabinet, a Committee of 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 a Committee of the Cabinet or to an officer.
- (c) Unless the Leader directs otherwise, a Committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.

- (d) Even where Executive 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 Executive 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) The Leader is able to decide whether to delegate Executive functions, and 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 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.
- (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 an Executive function has been delegated to a Committee of the Cabinet, 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 at least 12 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?

Meetings of the Cabinet shall be public except as permitted under Rule 11 of the Access to Information Procedure Rules.

1.8 Quorum

The quorum for a meeting of the Cabinet, or a Committee of it, shall be one half of the total number of members.

1.9 How are decisions to be taken by the Cabinet?

- (a) 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.
- (b) Where Executive decisions are delegated to a Committee of the Cabinet, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2.0 How are Cabinet Meetings Conducted?

2.1 Who presides?

The Leader will preside at any meeting of the Cabinet or its Committees at which he/she is present, or may appoint another person to do so and if the Leader does not appoint another person to preside, then the Deputy Leader will preside. If he/she is also absent, then a person appointed to do so by those present shall preside.

2.2 What business?

At each meeting of the Cabinet the Leader (or the person acting in his or her absence) will decide the order of business to be conducted.

2.3 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. 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.

2.4 Who can put items on the Cabinet agenda?

The Leader, or Cabinet member nominated by 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 proper officer will comply with the Leader's requests in this respect.

The proper officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Overview and Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet.

Any member of the Council may ask the Leader, in writing, to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting, whether or not it is a public meeting.

The Monitoring Officer and/or the Chief Financial 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 Financial 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.

2.5 Presentation of petitions at Cabinet meetings

Under the Council's Petitions Scheme, it is possible for Council to refer without debate to Cabinet a petition containing 1,000 or more signatures if that petition relates to an issue for which the executive has responsibility.

The person who presented the petition at the meeting of Council prior to it being referred to Cabinet will be able to re-present the petition at the meeting of Cabinet at which the petition is considered, and will have up to five minutes to do so.

[See further:-

For election of Leader, see Article 7.

For role of Deputy Leader, see Article 7.

For Overview and Scrutiny Committees, see Article 6.]