

CABINET PROCEDURE RULES

1. How the Cabinet Operates

1.1 Cabinet arrangements

- (i) The Council has decided that the Cabinet will comprise 8 Members including the Leader, all of whom will be appointed by the Council.
- (ii) There are six Portfolio Holders who have delegated powers to take Cabinet decisions in their areas of responsibility.
- (iii) The Leader or Deputy Leader may act in the absence of a Portfolio Holder.
- (iv) Cabinet functions are defined in Part 3 of this Constitution.
- (v) All Cabinet decisions are, unless urgent, made in accordance with Para 16 of the Access to Information Rules.
- (vi) The Council has appointed named Councillors to the Cabinet.
- (vii) The Leader will be appointed annually by the Council at its Annual Meeting in May.

1.2 Sub-delegation of Cabinet functions

- (a) Where the Cabinet, a Committee of the Cabinet or an individual member of the Cabinet (Portfolio Holder) is responsible for a Cabinet function, they may delegate further to an Area Committee, Joint arrangements, a Committee of the Cabinet or an officer.
- (b) A Committee of the Cabinet to whom functions have been delegated may delegate further to an officer.
- (c) Where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.3 The Council's scheme of delegation and Cabinet functions

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.

1.4 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 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.

Note: A brief summary of the Code of Conduct requirement is:

- Declare personal and other interests to the Monitoring Officer or the Head of Legal and Democratic Services.
- At any meeting of the Council, the Cabinet, Committee, Sub-Committee, Area Committee or Advisory Group declare a personal and/or prejudicial interest and in the case of a prejudicial interest leave the room and not participate unless dispensation has been granted by the Standards Committee and if allowed to make an Cabinet decision must ensure that the written statement of the decision records that interest.
- Scrutiny Councillors must not scrutinise decisions of a Committee or Sub-Committee of which they were a member except as otherwise provided within the Code of Conduct.

1.5 **When and where the Cabinet meets**

The Cabinet will meet at least 14 times per year normally at 7 pm but otherwise at times to be agreed by the Leader. The Cabinet shall normally meet at the Council's main offices but another location may be agreed by the Leader.

1.6 **Public or Private meetings of the Cabinet**

All meetings of the Cabinet will be held in public unless considering exempt or confidential information.

1.7 **Quorum**

The quorum of the Cabinet is a matter of local choice – see Schedule 1 to the Local Government Act 2000.

The Quorum for a meeting of the Cabinet, or a Committee of it, shall be one third of the members.

1.8 **How decisions are taken by the Cabinet**

- (a) Cabinet decisions will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where Cabinet decisions are delegated to a Committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. **CONDUCT OF CABINET MEETINGS**

2.1 **Chairing the meeting**

The Leader will be Chairman at any meeting of the Cabinet at which he/she is present. In his/her absence the Deputy Leader will chair the meeting. In the absence of both the Cabinet will elect a Chairman from amongst the membership present.

2.2 **Attendance**

These details are set out in the Access to Information Rules in Part 4 of this Constitution.

2.3 **Business**

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

- (i) confirm the minutes/decisions of the last meeting;
- (ii) declarations of interest, if any;
- (iii) matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for consideration 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;
- (iv) consideration of reports from Scrutiny Committees;
- (v) recommendations from Overview Groups, Advisory Groups, Area Committees or Council;
- (vi) proposals or questions from Councillors submitted in accordance with para 2.5;
- (vii) matters set out in the agenda for the meeting 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;

- (viii) any question or petition from the public in accordance with the Council's procedure Rules; and
- (ix) any call in of decisions of the Cabinet, a Committee of the Cabinet or a Portfolio Holder not already actioned.

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 relevant 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.

2.5 **Cabinet agenda items**

The Council will confirm the normal schedule for the meetings of the Cabinet.

- (i) The Head of Legal and Democratic Services will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet.
- (ii) Any member of the Council may ask the Head of Legal and Democratic Services to put an item on the agenda of a Cabinet meeting for consideration by giving not less than 8 clear working days notice in writing before the meeting not counting weekends, Bank Holidays, the date on which the notice is sent nor the day of the meeting. The notice of the meeting will give the name of the Councillor or Councillors who asked for the item to be considered. The individual(s) will be invited to attend the meeting and speak on the item.
- (iii) 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 Head of Legal and Democratic Services 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 and the Head of Legal and Democratic Services shall comply.

- (iv) Every matter to be included in the agenda for a meeting of the Cabinet shall be relevant to some matter in relation to which the Cabinet has powers or duties.
- (v) A member of the public may submit a petition to the Cabinet in accordance with the procedure set out in Schedule 1 to these Cabinet Procedure Rules.
- (vi) A member of the public may submit a question to the Cabinet in accordance with the procedure set out in Schedule 2 to these Cabinet Procedure Rules.

2.6 Decisions of the Cabinet and Portfolio Holders

- (i) Within three working days of a meeting of the Cabinet or a decision by a Portfolio Holders the Head of Legal and Democratic Services will notify all Councillors of the decisions; and
- (ii) decisions of the Cabinet are not acted on (unless urgent) for three working days of notification of decisions.

2.7 Call-in of decisions of the Cabinet

This shall be carried out in accordance with Section 16 of the Scrutiny Procedure Rules.

