

D. Cabinet Procedure Rules

1. How Does the Cabinet Operate?

1.1 Who may make Cabinet decisions?

The arrangements for the discharge of executive functions are set out in the Council's Standing Orders, Scheme of Delegation, Powers and Duties relating to Cabinet and Cabinet portfolios and Powers and Duties of Committees and Area Fora which form Part 7 of this Constitution.

In the absence of a specific delegation in the above documents, executive decisions will only be made by the Cabinet.

At the first meeting of the Cabinet, 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 and set out in Part 7 of 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 authority delegated to Executive Cabinet Members individually, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such Executive committees as the Leader appoints and the names of Executive Cabinet Members appointed to them;
- (iv) the nature and extent of any delegation of executive functions to Area Fora, any other authority or any joint arrangements and the names of those Executive Cabinet Members appointed to any joint committee for the coming year;
- (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; and
- (vii) the portfolios assigned to members of the Cabinet.

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 Fora, 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

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.

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 of the Cabinet 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

- (a) The Cabinet will meet at least six times per year at times to be agreed by the Leader. The Cabinet will meet at the Council's designated office or another location to be agreed by the Leader.
- (b) The Cabinet will meet in public subject to the Access to Information Procedure Rules in Part 4 of this Constitution.
- (c) 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 Procedure Rules in Part 4 of this Constitution.

1.7 Quorum

The quorum for a meeting of the Cabinet or a committee of the Cabinet will be two Executive Cabinet Members, including the Leader of the Council, if present.

2. How Are Cabinet Meetings Conducted?

2.1 Who Presides?

The Leader will preside at any meeting of the Cabinet or committee of the Cabinet at which he/she is present, or in his/her absence the Deputy Leader will preside. In the absence of the Leader/Deputy Leader, the Leader may appoint another person to do so.

2.2 Who May Attend?

With respect to public meetings of the Cabinet, opposition spokespersons and other non-executive members appointed by the Council, members of the press and public may attend subject to the provisions of the Local Government (Access to Information) Act 1985 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

In relation to private meetings of the Cabinet, any member may attend only if invited to do so.

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) declarations of interest, if any;
- (iii) matters referred to the Cabinet (whether by a 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;

The Cabinet has to consider the report and recommendations and to respond indicating what (if any) action the Authority/Cabinet proposes to take and to provide the response (if the original scrutiny report has been published by the scrutiny committee). If a matter considered by a scrutiny committee is via a member's request then the member should receive a copy of the response.

- (iv) consideration of reports from Scrutiny Committees; and
- (v) matters set out in the agenda for the meeting, which shall indicate those that are key decisions and those that 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 what consultation has or is planned to take place.

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 the Cabinet, any member of the Cabinet or an officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.

Any member of the Cabinet may ask the Leader to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.

The Proper Officer will make sure that an item is placed on the agenda for the next available meeting of the Cabinet where a relevant Scrutiny Committee or the full Council has resolved that an item be considered by the Cabinet and the Cabinet will respond within two months of the request being made.

The Head of Paid Services, the Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of an Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties.