

Part Four, Section F Cabinet Procedure Rules

1. CABINET (EXECUTIVE) PROCEDURE RULES

1.1 The Operation of the Cabinet

Where these Cabinet Procedure Rules are silent the Council's Rules of Procedure for Committees will apply unless this would be clearly inconsistent with the functions of the Cabinet or its bodies.

1.2 Cabinet decisions

The arrangements for the discharge of Cabinet functions are set out in Part 3 of the Constitution. These arrangements provide for Cabinet functions to be discharged by:

- (a) the Cabinet as a whole;
- (b) a Committee of the Cabinet within delegated powers granted by resolution of the Cabinet;
- (c) an individual Cabinet Member within his/her specific portfolio responsibilities;
- (d) a Director or member of staff authorised by them in accordance with the Departmental Scheme of Delegations;
- (e) joint arrangements; or
- (f) another local authority

1.3 Key Decisions

(a) Key decisions may only be taken by the Cabinet, or a Committee of the Cabinet, or an individual Cabinet member or the Chief Executive as described below. Decision-making is allocated between these bodies/persons in accordance with Section 1 of the Cabinet Terms of Reference and the Cabinet collectively may also delegate specific decisions to these bodies/persons.

(b) When a key decision, which would otherwise have been taken by the Cabinet, has become genuinely urgent and unavoidable, and:

- (i) it is not practicable to call a meeting of the Cabinet, and
- (ii) the Leader is not available or not able to act for any reason,

then the Deputy Leader shall be authorised to take the decision.

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(c) If the Deputy Leader is not available, or not able to act for any reason, in the circumstances stated in (b), then the Chief Executive shall be authorised to take the decision.

(d) The Deputy Leader or the Chief Executive will comply with the “General Exception” or “Special Urgency” procedure, as appropriate, before taking the decision. The Deputy Leader or the Chief Executive will also:

(i) consult with the relevant Cabinet Member(s), so far as practicable, before taking the decision, and

(ii) inform the Leader as soon as possible after the decision is taken, and

(iii) report the decision to the next Cabinet meeting.

1.4 Sub-delegation of Cabinet Functions

(a) Where the Cabinet or a Committee of the Cabinet is responsible for a Cabinet function, they may delegate further to a Joint Committee or a Director.

(b) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the body who delegated.

1.5 The Council’s Scheme of Delegation and Cabinet Functions

(a) 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 15 and is set out in the Appendix to Part 3 of this Constitution.

1.6 Conflicts of Interest

(a) Where the Leader has a conflict of interest this should be dealt with as set out in the Members’ Code of Conduct in Part 5 of this Constitution.

(b) If any member of the Cabinet has a conflict of interest this shall be dealt with as set out in the Members’ Code of Conduct in Part 5 of this Constitution.

(c) If the exercise of an 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 Members’ Code of Conduct in Part 5 of this Constitution.

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1.7 Cabinet meetings – when and where

The Cabinet will meet in accordance with a programme of meetings according agreed by the Leader. The Cabinet shall meet at 7.30 p.m. in the Civic Centre, High Road or another location to be agreed by the Leader.

1.8 Public Meetings of the Cabinet

Meetings of the Cabinet takes decisions shall be open to the media and public unless the business under consideration is exempt or confidential as determined under by the Access to Information Procedure Rules set out in Part 4 of this Constitution.

1.9 Quorum

The quorum for a meeting of the Cabinet shall be 4. If the Cabinet intends to appoint a Cabinet committee, it shall at the same time determine the quorum of that committee.

1.10 Decisions Taken by the Cabinet

The Cabinet has chosen to reserve collective responsibility for taking the majority of Cabinet decisions to itself with the proviso that it may, from time to time, further delegate to any Committee of the Cabinet, a Cabinet member, or a Chief Officer under the scheme of delegation as outlined in Part 3 of this Constitution.

- (a) Cabinet 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 Cabinet decisions are delegated to a Committee of the Cabinet, or an individual Cabinet Member, or a specific decision is delegated to an officer, 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. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Appointment of a Chair

If the Leader is present he/she shall Chair the meeting. If the Leader is absent then the Deputy Leader shall Chair the meeting. In the absence of the Leader and Deputy Leader, then a Cabinet member shall be appointed to Chair the meeting by those Cabinet Members present. A member appointed to preside by this Procedure Rule shall stand down at the conclusion of the agenda item under discussion if the Leader or person nominated by the Leader to preside arrives.

2.2 Public or Private Meetings of the Cabinet

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Cabinet meetings will be held in public whenever the Cabinet is taking decisions or is discussing a matter which is due to be decided within the next 28 days and there is an officer present. These meetings will be governed by the Access to Information Procedure Rules in Part 4 of the Constitution.

Cabinet Members may meet in private in order to have early collective discussions on a wide range of options in relation to policy and/or budget matters. It will be for the Cabinet to determine on each occasion who may attend these meetings. Where officers attend these meetings a formal record will be kept and will be available under the Access to information Rules.

2.3 Business

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

- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) matters referred to the Cabinet for reconsideration by from the Overview and Scrutiny Committee in accordance with the provisions contained in the Scrutiny and Overview Procedure Rules or Budget and Policy Framework Rules set out in Part 4 of this Constitution;
- (d) matters set out in the agenda for the meeting, including reports and action lists from Cabinet Members. The agenda 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;
- (e) matters raised by members of the Cabinet.

2.4 Who can put Items on the Cabinet Agenda?

- (a) The Leader 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 about that matter. The proper officer will comply with the Leader's requests in this respect.
- (b) Any member of the Council may ask the proper officer to put an item on the agenda of a Cabinet meeting for consideration. Subject to the agreement of the Leader the item will be considered at the next available meeting of the Cabinet. However the number of items permitted per Cabinet meeting will have regard to the amount of business on the agenda

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- (c) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Overview and Scrutiny Committees. However the number of items permitted per Cabinet meeting will have regard to the amount of business on the agenda
- (d) The Chief Executive, 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, the Chief Financial Officer and the 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 Substitutes

- (a) With the exception of Assistant Cabinet members, who have limited rights of substitution set out in the terms of reference of the Cabinet, non-Cabinet Member cannot substitute for a Cabinet Member at a meeting of the Cabinet or any of its committees.
- (b) If a Cabinet Member is absent, the Leader will arrange for his/her duties to be carried out by another Member of the Cabinet, by a Committee of the Cabinet or by the Cabinet as a whole.

2.6 Rules of Debate at Cabinet Meetings

- (a) If two or more Members offer to speak, the person in the Chair shall call on one to speak.
- (b) When speaking, a member shall address the person in the Chair.
- (c) A member shall direct her or his speech to the question under discussion.
- (d) The ruling of the person in the Chair on the admissibility of a point of order or a personal explanation shall not be open to discussion.

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- (e) A motion or amendment, which is relevant to the work of the Cabinet, shall be discussed once it has been proposed and seconded.
- (f) All decisions are made by a simple majority of those members of the Cabinet present and voting. In the event of a tied vote the person in the Chair will have a casting vote regardless of whether they exercised their right to vote in the first instance.
- (g) The person in the Chair may permit two or more amendments or motions to be discussed together if he or she thinks that this will facilitate the efficient conduct of business. A separate vote shall be taken on each amendment or motion.
- (h) If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

2.7 Who may speak?

All members of the Council may attend meetings of the Cabinet or Cabinet Committees. A member of the Council who is not a Cabinet Member may only speak if invited to do so by the Leader and with the agreement of the Cabinet. Non-Cabinet Members will not have any right to vote in deciding the outcome of the matter under consideration.

2.8 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals about 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.