

# **Cabinet Procedure Rules**



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## **Cabinet Procedure Rules**

### **1. Decision Making**

#### **1.1 Executive Decisions**

The arrangements for the discharge of the executive functions may be set out in the Executive Scheme of Delegation. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for executive functions to be discharged by:

- (a) the Cabinet as a whole;
- (b) a committee of the Cabinet;
- (c) an individual member of the Cabinet;
- (d) an Officer;
- (e) joint arrangements; or
- (f) another local authority.

#### **1.2 The Executive Scheme of Delegation**

At the Annual Business Meeting of the Council, (or the Ordinary Council meeting following the Annual Business Meeting, if the Leader is elected at the Annual Business Meeting), the Leader will present to the Council the Leaders Executive Scheme of Delegation for inclusion at Part 3 of this Constitution. The Executive Scheme of Delegation will contain the following information about executive functions in relation to the coming year:

- (a) the extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;
- (b) the Terms of Reference and Constitution of such Cabinet committees as the Leader appoints and the names of Cabinet members appointed to them;
- (c) the nature and extent of any delegation of executive functions to any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year; and
- (d) 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.

The Leader may make amendments to the Executive Scheme of Delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Director Law and

Governance and to the person, body or committee concerned. The notice must set out the extent of the amendment to the Executive Scheme of Delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole.

Where the Leader determines that delegation be withdrawn from a committee, notice will be deemed to be served on that committee when he/she has served it on its chair.

The Director Law and Governance will present a report to the next ordinary meeting of the Council setting out the changes made to the Executive Scheme of Delegation by the Leader.

### 1.3 Sub-delegation of Executive Functions

- (a) Unless the Leader directs otherwise 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 joint arrangements or an Officer.
- (b) Unless the Leader directs otherwise, any functions delegated to the Cabinet may be delegated further by the Cabinet 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 Cabinet 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 them.

### 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 Councillors 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 Councillors 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 Cabinet 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 Councillors in Part 5 of this Constitution.

#### 1.5 Cabinet decision making

- (a) Executive decisions which have been delegated to the Cabinet as a whole, by the Leader will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of this 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.

(c) Where executive decisions are delegated to an individual member of the Cabinet, at a public meeting, the following Cabinet Procedure Rules shall apply: 2.1, 2.2 (c), (g), (h), (i), 2.3 (e), (f), 2.5, 2.6 and 3

## 2. Cabinet Meetings

### 2.1 Chairing Cabinet Meetings

The Cabinet will appoint a person from among its members to preside at its meetings as Chair. The Cabinet will also appoint a Vice-Chair who will preside when the Chair is unable to attend the meeting.

### 2.2 Business at Cabinet Meetings

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

- (a) consideration of the Minutes of the last meeting;
- (b) announcements;
- (c) disclosures of interest, if any;
- (d) questions from members of the public;
- (e) Councillors' Items;
- (f) Questions from councillors;
- (g) matters referred to the Cabinet (whether by a Scrutiny Committee, by the Council or a Committee thereof) for reconsideration by the Cabinet
- (h) matters set out in the agenda for the meeting, which will 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.

- (i) Any operational report from the Chief Executive / Deputy Chief Executive, to be submitted and published as part of the Cabinet Agenda.
- (j) Unless otherwise determined by statute, the Chair may vary the order of the agenda at his/her discretion and allocate an appropriate time for the transaction of each item.

### 2.3 Cabinet Agenda Items

- (a) 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 Cabinet member or Officer in respect of that matter. The Director Law and Governance will comply with the Leader's request in this respect.
- (b) Any member of the Cabinet may require the Director Law and Governance 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 Director Law and Governance will comply.
- (c) The Director Law and Governance will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the full Council has resolved that an item be considered by the Cabinet. The Cabinet has the right to defer consideration of the item or to refer it elsewhere for consideration.
- (d) There will be a standing item on the agenda for each meeting of the Cabinet for matters referred by Scrutiny Committees, the Council and Committees of the Council, and individual councillors.
- (e) The Chair of the relevant Committee, or a nominated spokesperson, will be allocated up to 3 minutes to present the findings, conclusions and recommendations, subject to the Chair of the Cabinet having the discretion to extend the time as he / she thinks appropriate. The Cabinet has the right to defer consideration of the item or to refer it elsewhere for consideration. When considering a referral from a Scrutiny Committee, the Council or a Committee of the Council, the

Cabinet will not receive comment from any councillor or member of the public, other than the person presenting the referral.

- (f) Where the Scrutiny Committee makes a report or recommendations to the Cabinet, the Cabinet is under a duty to;
  - (i) consider the report or recommendations;
  - (ii) respond to the scrutiny committee indicating what (if any) action the Cabinet proposes, to take;
  - (iii) if the scrutiny committee has published the report or recommendations, to publish the response;
  - (iv) if the scrutiny committee provided a copy of the report or recommendations to a councillor, to provide the councillor with a copy of the response;

and to do so within two months beginning with the date on which the Cabinet received the report or recommendations.

- (g) Any councillor may place an Item on the agenda of a Cabinet meeting for consideration, by not later than 12 noon eight clear working days before the date of the meeting at which the item is to be considered. The notice of the meeting will give the name of the councillor who asked for the item to be considered. This councillor will be invited to attend the meeting and will be invited to speak. The Cabinet has the right to defer consideration of the item or to refer it elsewhere for consideration.
- (h) The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require a meeting to be called in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Deputy Chief Executive, Chief Finance 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.

#### 2.4 Speaking at Cabinet Meetings

- (a) Any councillor may speak once on any item (with the exception of a referral from a Scrutiny Committee, the Council or a Committee of the Council, unless presenting that referral) being considered by the Cabinet. Each speech shall be limited to a maximum of three minutes.
- (b) In order that members of the public may ask questions of Cabinet members and comment on items before the Cabinet, Council Procedure Rules 9.1 - 9.9 and 9.11, suitably reworded, shall apply to meetings of the Cabinet.
- (c) Any councillor may ask a question of any Cabinet member on issues within their portfolio. 15 Minutes will be allocated at each ordinary meeting of the Cabinet to allow questions to be asked and answered.

Every question, which will be limited to one part, will be asked and answered without discussion. Upon receiving the answer, the councillor who put the question shall be allowed one supplementary question to the Cabinet member who has replied to his or her original question, provided that it is relevant to the original question and does not introduce any new subject matter.

The answer to a councillor's question may be given orally and directly, by reference to published material of the Council which is readily available to councillors, or in writing after the meeting (when the answer will be circulated to all councillors). The supplementary question will be asked and answered orally.

Questions and the oral replies to them will be recorded as part of the Minutes of the Meeting.

Each councillor may ask no more than two questions, not including supplementary questions. Where a written answer is to be supplied after the meeting at which the question is asked, if possible the written answer be included as an Annex to the minutes.

No Question will exceed one minute and no answer will exceed two minutes.

If a questioner, who has submitted a written question is unable to be present, the question will be read out by the Director Law and Governance and a written reply provided by the Cabinet member concerned to the questioner.

## 2.5 Speaking at Delegated Decision Meetings



(a) Any councillor may speak once on any item (with the exception of a referral from a Scrutiny Committee, the Council or a Committee of the Council, unless presenting that referral) being considered by an individual Cabinet member. Each speech shall be limited to a maximum of three minutes.

(b) In order that members of the public may comment on items before an individual Cabinet member (with the exception of a referral from a Scrutiny Committee, the Council or a Committee of the Council), Council Procedure Rule 9.11, suitably reworded, shall apply.

## 2.5 Quorum

- (a) The quorum for a meeting of the Cabinet shall be 3.
- (b) The quorum for a meeting of a committee of the Cabinet shall be one quarter of the total number of members of the committee, or two, whichever is the larger.

## 2.6 Location and Time of Cabinet Meetings, Meetings of Cabinet Committees and Delegated Decisions

The Cabinet, Cabinet Committees and Delegated Decisions shall be held at a location and time to be determined by the Leader in the case of Cabinet meetings, the Chair in the case of a Cabinet Committee and the responsible Cabinet member in the case of a delegated decision. Meetings shall not start earlier than 10.00am. When considering where meetings should be held, due regard should be had to the ability of the public to access the meeting.

## 3. Conflicts of Interest

3.1 Members of the Cabinet are under a duty to base their decision making on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public.

3.2 A Cabinet member has a potential conflict of interest where any business of the meeting relates to or is likely to affect the subject matter of:

- (a) a disclosable pecuniary interest as described at ~~Part 2 Paragraph A~~Appendix B of the Councillors Code of Conduct and section 30(3) of the Localism Act 2011; or
- (b) ~~a~~Other Registerable Interest (ORI), or Non Registerable Interest (NRI) (personal interest) as described at ~~Part 2 Paragraph B~~Appendix B of the Councillors' Code of ~~C~~onduct

- (c) A Cabinet member, or Ward Councillor who has a disclosable pecuniary interest, must when prompted by the agenda item, at the commencement of that consideration, or when the interest becomes apparent disclose to the meeting the existence and nature of that interest and unless a dispensation has been granted by the Council's Standards Committee:
- (i) not participate in any discussion of that matter at the meeting;
  - (ii) not vote on that matter at the meeting; and
  - (iii) leave the room whilst that matter is being debated/considered.

(d) A Cabinet, or Ward Councillor member who has an other, or non registerable interest, must when prompted by the agenda item, at the commencement of that consideration, or when the interest becomes apparent, disclose to the meeting the existence and nature of that interest and unless a dispensation has been granted by the Council's Standards Committee:

- (i) not participate in any debate as a member of the body considering the matter;
- (ii) not vote on that matter at the meeting; and
- (iii) leave the room, whilst that matter is being considered, after having exercise any ability to address the meeting as a member of the public.

Note: A councillor may speak on the matter, only if members of the public are also allowed to speak at the meeting, and if they choose to do so they will need to register to speak in accordance with these Procedure Rules.

- 3.4 Where a councillor is present at the meeting where that councillor is to be called upon to make a decision in the public interest, and that councillor considers they have fettered their discretion in some other way before leaving the room he or she may first exercise the ability to address the meeting as a ward councillor or member of the public in accordance with these Procedure Rules.

#### **4. Cabinet Advisory Groups**

- 4.1 The Cabinet or individual Cabinet members may appoint Cabinet Advisory Groups to examine and advise on topics selected by Cabinet, or by a Cabinet member. The Advisory Group's specific remit / terms of reference and membership will be determined by the Cabinet / Cabinet Member.

- 4.2 Cabinet Advisory Groups are informal meetings which are not defined in legislation and have no decision making or spending powers. The Cabinet or the individual Cabinet member can decide, having regard to the issues being considered, whether an Advisory Group should take place in public.
- 4.3 Cabinet Advisory Groups enable councillors who are not members of the Cabinet to be more closely involved with issues of greatest importance to the Council. Cabinet Advisory Groups may also include non-councillors and Officers.
- 4.4 Cabinet Advisory Groups will report to the Cabinet / Cabinet Member.
- 5. Cabinet Committees and Sub-Committees**
- 5.1 Cabinet committees and sub-committees can only comprise members of the Cabinet. There is no power to appoint or co-opt other councillors or other individuals.