

CABINET PROCEDURE RULES

1. MEMBERS OF THE CABINET

- 1.1 The Cabinet will consist of the Leader and Deputy Leader together with at least 1, but not more than 8, councillors appointed to the Cabinet by the Leader, who will report the appointments, and any changes to those appointments, to the Council in accordance with Article 7 of the Council's Constitution.

2. WHO MAY MAKE CABINET DECISIONS

- 2.1 The arrangements for the discharge of Cabinet functions may be set out by the Leader. The Leader may provide for Cabinet functions to be discharged by:

- (a) The Leader himself
- (b) The Cabinet as a whole
- (c) An individual member of the Cabinet
- (d) An individual member of the Council
- (e) A member of staff
- (f) Joint arrangements or
- (g) Another local authority

- 2.2 In the absence of the Leader, the Deputy Leader is authorised to exercise all the powers of the Leader.

- 2.3 Individual members of the Cabinet will be appointed by the Leader to exercise specific Cabinet Areas of Responsibility and these are **listed at Annex A**.

3. THE LEADER'S SCHEME OF DELEGATION FOR CABINET FUNCTIONS

- 3.1 The Leader's scheme of delegation for Executive functions is set out in Part 3 of the Council's Constitution. It may only be agreed or amended by the Leader.

- 3.2 No staff member may take a Key Decision as defined in Article 13 of the Council's Constitution.

- 3.3 The Leader has decided the extent to which individual members of the Cabinet may take decisions (see 2.3 above) and only the Leader can agree changes to this. No individual member may take a Key Decision as defined in Article 13 of the Council's Constitution.

- 3.4 In the absence of a Cabinet Member, the Leader can take any decision which the Cabinet Member could have taken. If an issue crosses Cabinet areas of responsibility, the Leader will decide which Cabinet Member should be consulted or take a delegated decision.

4. CABINET MEETINGS – WHEN AND WHERE

- 4.1 The Cabinet will normally meet in public approximately every six weeks on dates and at times to be agreed by the Leader. The Cabinet will

normally meet at the Council Offices unless another location is agreed by the Leader with the Chief Executive.

5. PUBLIC OR PRIVATE MEETINGS

- 5.1 All meetings at which decisions are taken on Cabinet functions, whether or not they are Key Decisions within the meaning of the Local Authorities (“Cabinet”/Executive Arrangements)(Access To Information)(England) Regulations 2000, will take place in public, except when the decision maker is considering exempt business.
- 5.2 Other meetings of the Cabinet, such as those to receive briefings from staff, to discuss the forward planning of business or give preliminary consideration to issues likely to arise in the future, will take place in private.

6. QUORUM

- 6.1 The quorum for a meeting of the Cabinet is 3.

7. HOW DECISIONS ARE TO BE TAKEN BY THE CABINET

- 7.1 Meetings at which Cabinet decisions are to be taken will be convened in accordance with the Access to Information Rules in Part 4 of this Constitution.
- 7.2 Where Cabinet decisions are delegated to an individual member of the Cabinet, such a decision may only be taken after the member taking the decision has received and considered a written report on the issue concerned from the Council’s Management Team. A copy of such reports will also be sent at the same time to the Leader and the Chairman of the Overview and Scrutiny Committee.

8. DATE WHEN CABINET DECISIONS TAKE EFFECT

- 8.1 Decisions taken by the Cabinet or an individual member of the Cabinet, which can be called in for consideration under the Overview and Scrutiny Procedure Rules, shall take effect and be actioned five working days after the date on which the record of the decision is made and published.
- 8.2 Urgent decisions - that is, decisions taken by the Cabinet or individual member of the Cabinet without three days’ notice being given but which the Chairman of the Overview and Scrutiny Committee agrees are urgent, shall take effect immediately the record of the decision is made and published.

9. CONDUCT OF CABINET MEETINGS

- 9.1 The Leader of the Council will preside at any meeting of the Cabinet at which he is present. In his absence, the Deputy Leader will preside. If both are absent, the Cabinet will appoint a person from those present to preside at the meeting. Standing Orders 1-5, 9 and 16-27 (but not 19 and 23.1) of the Standing Orders for Council apply to the conduct of meetings of the Cabinet.

10. WHO MAY ATTEND

10.1 Members of the public may attend any meeting convened to take Cabinet decisions, except where the matter under consideration qualifies under the grounds to exclude the press and public set out in the Access to Information Rules in Part 4 of this Constitution.

10.2 Any councillor may attend a meeting which is open to the public but shall sit separately from the members of the Cabinet so that it is clear to any members of the public who the members of the Cabinet are. Attendance by any councillor at Cabinet meetings will be recorded in the minutes of the meeting.

Provided that they have notified the Leader, or the person presiding, before the start of the meeting of their wish to speak, a councillor who attends a public meeting of the Cabinet may, when invited to do so by the person presiding, speak at the meeting on an item relating to their ward before the Cabinet/individual Cabinet member makes its decision.

10.3 Provided that they have notified the Leader that they wish to do so before the start of the meeting, the Leader of any minority political group attending any meeting at which a key decision is to be taken may speak, at a point in the discussion considered appropriate by the Leader, to put forward their view on that key decision before the decision is made.

10.4 Provided that they have notified the Leader that they wish to do so before the start of the meeting, the Chairman of the Overview and Scrutiny Committee who attends a meeting of the Cabinet (or in the absence of the Chairman the Vice-Chairman) may address the Cabinet in support of a report or recommendation from the Overview and Scrutiny Committee which is being considered at that meeting.

11. BUSINESS AT CABINET MEETINGS

11.1 At each meeting of the Cabinet held in public, the following business will usually be conducted:

- (a) apologies for absence;
- (b) consideration of the minutes of the last meeting;
- (c) declarations of interest, if any;
- (d) Petitions, if any matters referred to the Cabinet (by either the Overview and Scrutiny Committee or Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (e) consideration of reports and recommendations from the Overview and Scrutiny Committee;
- (f) Local Plan Working Party minutes and recommendations, if any;
- (g) matters set out in the agenda for the meeting which are Key Decisions;

- (h) Finance reports, if any;
- (i) All other matters on the agenda
- (j) A report of any decisions taken by individual members of the Cabinet;
- (k) Issues for future meetings;
- (l) Urgent Items.

12. PUTTING ITEMS ON THE CABINET AGENDA

- 12.1 The Leader may put on the agenda of any Cabinet meeting any matter which he wishes, whether or not authority has been delegated to the Cabinet, a committee of it, or any councillor or staff member in respect of that matter. The Proper Officer will comply with the Leader's request in this respect.
- 12.2 Any member of the Cabinet may ask the Proper Officer to ensure that an item is put for consideration by the Cabinet on the agenda of the next available Cabinet meeting. The Proper Officer will comply with any such request.
- 12.3 Any councillor may ask the Leader 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. The notice of the meeting will give the name of the councillor who asked for the item to be considered.

13. CONFLICTS OF INTEREST

- 13.1 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 the Council's Constitution.
- 13.2 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 the Council's Constitution.
- 13.3 If the exercise of a Cabinet function has been delegated to a committee of the Cabinet, an individual councillor or a staff member, and a conflict of interest arises, then the function will be exercised in the first instance by the Cabinet and otherwise as set out in the Council's Code of Conduct for Members in part 5 of the Council's Constitution.