



Section D

CABINET PROCEDURE RULES

1. The Operation of the Cabinet

1.1 Who may make executive decisions?

The arrangements for the discharge of executive functions are set out and explained in Part 3 of the Constitution. The arrangements may provide for executive functions to be discharged by:

- (i) the Leader;
- (ii) The Cabinet as a whole;
- (iii) a committee of the Cabinet;
- (iv) An individual Member of the Cabinet;
- (v) An officer;
- (vi) A body acting under joint arrangements; or
- (vii) another local authority

1.2 Delegation by the Leader

At the Annual Meeting of the Council the Leader will present details of any allocation of executive functions and delegations made by him/her to officers for inclusion in or annexation to the Council's scheme of delegation and detail:

The Councillors appointed to the Cabinet and the individual portfolios allocated by the Leader. The extent of any authority delegated to Cabinet members individually including details of the limitation on their authority.

The terms of reference and constitution of such cabinet committees as the Leader appoints and the names of the Cabinet Members appointed to them.

The nature and extent of any delegation arrangements to any bodies acting under joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year.

The nature and extend of any delegation to officers with details of any limitation on that delegation.

1.3 Sub-delegation of Executive Functions

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 a body acting under a joint arrangement or an officer.

Where executive functions have been delegated, that does not prevent the discharge of the delegated functions by the person or body who made the delegation.

1.4 The Council's Scheme of Delegation to Officers and Details of Allocation of Executive Functions

- (a) Subject to (b) below, the Council's scheme of delegation to officers will be subject to adoption and/or amendment by the Council.
- (b) The Leader may amend the arrangements relating to the allocation of executive functions and if appropriate the scheme of delegations to officers at any time during the year having giving written notice to the Head of Local Democracy and to the person, body or committee concerned. The Head of Local Democracy will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

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 the 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 the Constitution.
- (c) If the exercise of an executive function has been delegated to a Committee of the Cabinet, an individual member or an officer, and a conflict of interest arises, 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.

2. Cabinet Meetings

- 2.1 The Cabinet will be scheduled to meet at least 7 times per year at times to be agreed by the Leader in the Town Hall or another location to be agreed by the Leader.
- 2.2 The Quorum for a meeting of the Cabinet shall be three.
- 2.3 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 Rules in Part 4 of this Constitution. Where executive decisions are delegated to a committee of the Cabinet, or a Cabinet member, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by Cabinet as a whole.
- 2.4 Members of the public and press may only be excluded in accordance with the Access to Information Rules in Part 4 of this Constitution.

3. Presiding at Cabinet meetings

- 3.1 The Leader will preside at any meeting of the Cabinet at which he/she is present. In his/her absence, the Deputy Leader will preside. In the absence of both the Leader and the Deputy Leader a person elected by those present shall preside.

4. Business to be conducted

- 4.1 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 the 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;
 - (iv) consideration of reports from the Scrutiny Committee; and
 - (v) matters set out in the agenda for the meeting, and 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.

- 4.2 The timetabling of the Cabinet agenda preparation process shall be as outlined in the Cabinet Schedule. Subject to compliance with all other provisions in these rules, the timetabling arrangements may be amended from time to time by the Cabinet Secretary.
- 4.3 The agenda shall generally be structured to arrange matters for consideration by reference to their service or theme area.
- 4.4 Matters on which the public have exercised their right of address may be advanced on the agenda.
- 4.5 The Lead Officer in all Cabinet matters shall be the Chief Executive or nominated representative.
- 4.6 Reporting on major policy and strategic matters should normally be made by the Chief Executive or relevant Director. Cabinet Members may also submit reports. The relevant Director or other responsible officer should normally make reports on service issues.
- 4.7 The Cabinet Secretary will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the Scrutiny Committee or the Full Council has resolved that an item be considered by the Cabinet.
- 4.8 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 the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, 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.

5. Consultation

- 5.1 All reports to the Cabinet from any member or officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and Scrutiny Committee, 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.

6. Access and provision of agenda papers

- 6.1 Councillors' rights of access to papers are no less than those of the press and public, with the addition that they may have papers containing confidential or exempt information.

- 6.2 All agendas, reports and minutes will normally be available via the Council's website within two working days of their publication.

7. Arrangements for Opposition Group Briefings

- 7.1 The Leader and Deputy Leader of the Opposition or, if established, the Shadow Cabinet, shall receive a briefing from the Chief Executive (or other appropriate Officer) on the Cabinet agenda and reports. The timing of this briefing is a matter for the Opposition to agree but would normally take place a day or two after the despatch of the agenda for ordinary Cabinet meetings.
- 7.2 In addition to the briefing described at 7.1 above, the Opposition Leader and Deputy Leader/Shadow Cabinet Members will have rights to briefings on other matters of importance affecting the Council. Briefings or information should be provided where matters are due to be reported direct to full Council or where Ward or other non-Cabinet Members have been consulted. Reference should be made to paragraph 5 of the Protocol for Member/Officer Relations in Part 5 of the Constitution dealing with the provision of information to Councillors).

8. Officer consultation with Cabinet Members

- 8.1 Cabinet Members are entitled to be consulted by Officers upon matters falling within the scope of their portfolios and may hold discussions with the relevant Officers with a view to progressing policies and service delivery objectives.

9. Notice of Key Decisions

- 9.1 Within two working days of the Cabinet meeting, the Cabinet Secretary will publish a Notice meeting the requirements of Rule 18.2 of the Access to Information Procedure Rules and Rules 18.1 and 18.2 of the Scrutiny Procedure Rules. The notice will be circulated to the Leader and Members of the Cabinet, the Opposition Leader and Deputy Leader and the Chairman and Members of the Scrutiny Committee. It will also be placed on the Council's website and otherwise available for inspection by Councillors and the public. Implementation of the decision may be made on the expiry of 5 working days after publication of the notice unless "called-in" by the Scrutiny Committee.

10 Clearance of draft minutes

- 10.1 The Cabinet Secretary shall have responsibility for drawing up the minutes of Cabinet meetings.
- 10.2 Draft minutes are to be circulated to the Chairman, the Chief Executive, Directors and any other relevant officers, and comments invited within a reasonable period of time.

- 10.3 The Cabinet Secretary shall take account of any comments and send a copy of any revised draft to the Chairman and Chief Executive. The minutes will in due course go before the next meeting of the Cabinet for approval as a correct record.
- 10.4 Cabinet minutes will be submitted to the Full Council along with the other minutes of meetings of Council Bodies. Any key decisions taken under Rule 16 of the Access to Information Procedure Rules will therefore be reported to the Council by this route.
- 11. Reports to Council**
- 11.1 The Cabinet Secretary shall have responsibility for drafting the Cabinet's reports to Council on matters requiring Council approval.
- 11.2 The Leader in whose name they will be made shall agree these reports. The Chairman of Cabinet will present the report to Council. The Leader may ask that a report be submitted to Council in the name of another Cabinet Member or an Officer and for that Cabinet Member or Officer to present the matter to Council.
- 12. Post Election Changes**
- 12.1 Following an election, interim arrangements shall be put in place to cover the post election period until the Annual Meeting of the Council when the Council elects a new Leader.
- 12.2 In the event that the Leader during this period no longer commands the support of a majority of the members of the council, the Leader (or the deputy leader if acting in the absence of the leader) and cabinet (if appointed) shall only exercise their powers with the agreement of the Chief Executive who will consult with the leader of the majority group or other group leaders as appropriate.
- 12.3 Officers will continue to exercise delegated authority but will consult with the Chief Executive or Deputy Chief Executive and the Leader.