

Part 4

Cabinet Procedure Rules

Who makes executive decisions

Delegation by the Leader

Sub-delegation of executive functions

The Council's Scheme of Delegation and executive functions

Conflicts of Interest

When and where the Cabinet meets

Whether the meetings are public or private

Quorum

How the Cabinet takes decisions

How the Leader and Portfolio Holders take decisions

Who chairs Cabinet meetings

The business conducted at Cabinet meetings

Conduct of meetings of the Cabinet, its Committees and Sub-Committees

Consultation

Who can put items on the Cabinet Agenda

Cabinet Procedure Rules

1. How the Cabinet Operates

1.1 Who makes executive decisions?

Article 6 of the Constitution provides for the discharge of executive functions in accordance with these Cabinet Procedure Rules.

The arrangements for the discharge of executive functions may be set out in the executive arrangements adopted by the Council. 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 or Sub-Committee of the Cabinet;
- (c) an individual member of the Cabinet;
- (d) an officer;
- (e) an area committee;
- (f) joint arrangements; or
- (g) another local authority.

1.2 Delegation by the Leader

As soon as practicable after being elected, the Leader must consider and resolve a scheme of delegation of the executive functions made by him/her. The scheme of delegation presented by the Leader will contain the following information about executive functions:

- (a) the names of the Councillors appointed to the Cabinet by the Leader and their individual portfolios;
- (b) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- (c) the terms of reference and constitution of such Cabinet Committees as the Leader appoints and the names of Cabinet Members appointed to them;
- (d) the nature and extent of any delegation of executive functions to any area Committee with details of any limitation on that delegation;
- (e) 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
- (f) 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.

1.3 Sub-delegation of executive functions

- (a) Where the Cabinet, or a Committee or Sub-Committee of the Cabinet, is responsible for an executive function, they may delegate further to an area committee, or an officer, or make joint arrangements.
- (b) Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a Committee or Sub-Committee of the Cabinet or to an officer.
- (c) Unless the Leader directs otherwise, a Committee or Sub-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

- (a) 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.
- (b) With regard to executive functions, the Leader shall determine the Scheme of Delegation and any amendments that may be made thereto.

1.5 Conflicts of Interest

- (a) Any conflict of interest by any member of the Cabinet shall be dealt with as set out in the Council's Members' Code of Conduct in Part 5.
- (b) If every member of the Cabinet has a conflict of interest this shall be dealt with as set out in the Council's Members' Code of Conduct in Part 5.
- (c) If the exercise of an executive function has been delegated to 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.

1.6 When and where the Cabinet meets

The Cabinet will meet in accordance with a programme approved annually by a meeting of the Council and on such other occasions as may be agreed by the Leader. Notice of all meetings of the Cabinet will be given in accordance with the Access to Information Procedure Rules in Part 4.

1.7 Whether the meetings are public or private

All meetings of the Cabinet, its Committees and Sub-Committees will be open for the public to attend except where exempt or confidential matters are discussed, as defined in the Access to Information Procedure Rules in Part 4.

1.8 **Quorum**

The quorum for a meeting of the Cabinet, its Committees or Sub-Committees shall be one third of the members of the Cabinet, including the Leader or the Member appointed by the Cabinet to preside in his/her absence, or its Committee but not less than three.

1.9 **How the Cabinet takes decisions**

Cabinet decisions will be taken at meetings of the Cabinet, Committee or Sub-Committee of the Cabinet acting under delegated powers, convened in accordance with the Access to Information Procedure Rules in Part 4.

1.10 **How the Leader and Portfolio Holders take decisions**

Decisions by the Leader or individual Portfolio Holders must be taken in accordance with the Council's Access to Information Procedure Rules in this Part. Such decisions are also subject to the call-in procedure set out in the Overview & Scrutiny Procedure Rules in Part 4.

2. **How Cabinet meetings are conducted**

2.1 **Who chairs Cabinet meetings**

If the Leader is present he/she will preside. In his/her absence the Deputy Leader, if present, will preside.

If both the Leader and Deputy Leader are absent, then a member appointed by those members present shall preside.

2.2 **The business conducted at Cabinet meetings**

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

- (a) to approve, as a correct record, the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) matters referred to the Cabinet (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Procedure Framework Procedure Rules set out in Part 4;
- (d) consideration of reports from the Overview and Scrutiny Committee; and
- (e) matters set out in the agenda for the meeting, in accordance with the Access to Information Procedure Rules set out in Part 4.

2.3 **Conduct of meetings of the Cabinet, its Committees and Sub-Committees**

- (a) Meetings of the Cabinet, its Committees and Sub-Committees shall be conducted in accordance with the principles set out in the Council Procedure Rules which shall apply so far as they apply to meetings of the Council's

Committees and Sub-Committees (see Rule 24 of the Council Procedure Rules).

- (b) The Cabinet shall be under a general duty to ensure a legal and financial probity in the exercise of all their functions and responsibilities and to act at all times within:
 - (i) the terms of the Constitution approved by the Council, and
 - (ii) any legislation which has the effect of governing the actions of the Council, the Cabinet, and any Committee of the Council, including Regulatory or Scrutiny Committees.
- (c) In exercising their responsibilities, the Cabinet will be advised on matters of powers and legal and financial probity by the Monitoring Officer and/or the Chief Financial Officer.

2.4 **Consultation**

All reports to the Cabinet on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and the Overview 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.

2.5 **Who can put items on the Cabinet Agenda?**

- (a) The following may request for an item to be placed on the next available meeting of the Cabinet for consideration:
 - (i) the Leader;
 - (ii) a Portfolio Holder in respect of his/her portfolio;
 - (iii) a report by the Monitoring Officer and/or Chief Financial Officer; or
 - (iv) a report by the Head of the Paid Service.
- (b) On receipt of such a request the Democratic Services Manager shall place the item on the agenda for the next available meeting.