

# Cabinet Procedure Rules

## 1. How The Cabinet Operates

### 1.1 Power to make Cabinet decisions

The Leader of the Council may arrange for executive functions to be discharged by:

- (i) the Cabinet as a whole;
- (ii) a committee of the Cabinet;
- (iii) an individual member of the Cabinet;
- (iv) an officer of the Council;
- (v) joint arrangements with one or more other local authorities;
- (vi) another local authority.

### 1.2 Delegation by the Leader

1.2.1 At the annual meeting of the Council, the Leader of the Council will present to the Council a written record of delegations made by her/him for inclusion, as appropriate, in the Council's scheme of delegations at Part 7 of this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- (a) the names, addresses and electoral divisions of the people appointed to the Cabinet by the Leader;
- (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 the Cabinet Members appointed to them;
- (d) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint committee for the coming year; and
- (e) 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.

1.2.2 The Leader of the Council may at any time during the year amend the scheme of delegation relating to Cabinet functions, for instance to remove a Cabinet Member, appoint a Cabinet Member (subject to the legal maximum of Leader and 9 other Cabinet Members), make changes

to the portfolio of any Cabinet Member, or create or wind-up a Cabinet committee but in doing so s/he must give written notice in writing or by e-mail to the Proper Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body or committee or the Cabinet as a whole.

1.2.3 Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on the committee when s/he has given it to the committee chair.

1.2.4 The amendment to the scheme of delegation will take effect two clear working days after receipt of notice by the Proper Officer. The Proper Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

### **1.3 Sub-delegation of Cabinet functions**

(a) 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 an area committee, joint arrangements or an officer.

(b) Unless the Council directs otherwise, if the Leader of the Council delegates functions to the Cabinet, then the Cabinet may delegate further to a committee of the Cabinet or to an officer.

(c) Unless the Leader of the Council directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.

(d) Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body which delegated them.

(e) Where executive functions have been delegated, the body or person to whom they are delegated can decline to discharge some or all of those functions, in which case they will be exercised by the person or body which delegated them.

### **1.4 Conflicts of Interest**

Where the Leader of the Council or any individual Cabinet Member or Members has a conflict of interest in relation to any matter this should be dealt with as set out in the Council's Code of Conduct for Members in Part 9 of this Constitution.

If the exercise of an executive function has been delegated to an individual member or a committee of the Cabinet, or an officer, and should a conflict of interest arise, then the function may be exercised by the Cabinet collectively (those Cabinet Members who have an interest

will not participate) and otherwise as set out in the Council's Code of Conduct for Members.

### **1.5 Meetings of the Cabinet**

The Cabinet will meet generally once a month, and/or at such other times as may be agreed by the Leader of the Council. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader of the Council.

### **1.6 Public Access to Meetings of the Cabinet**

Members of the public shall be entitled to attend meetings of the Cabinet in accordance with the Council's Access to Information Rules. In addition to those attendance rights the provisions of the Council Procedure Rules enabling members of the public to present petitions at meetings and to request the opportunity to address meetings on items on the agenda shall apply to meetings of the Cabinet.

### **1.7 Quorum**

The quorum for any meeting of the Cabinet will be 5 members.

### **1.8 How Decisions are to be Taken by the Cabinet**

- (a) Executive decisions will only be taken by the Cabinet as a whole at any meeting which is quorate and has been convened in accordance with the Access to Information Rules approved as part of the 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.

## 2. How Meetings are Conducted

### 2.1 Who presides?

If the Leader of the Council is present s/he will preside. In their absence, then the Deputy Leader will preside. In the absence of both, the Cabinet will choose another Cabinet Member to preside.

### 2.2 Who may attend?

Any member of the Council shall be entitled to attend and observe any meeting of the Cabinet, subject to the provisions in section 7(d) of the Protocol on Members' Rights and Responsibilities at Part 9.2 of this Constitution (in relation to any part of a meeting from which the public has been excluded).

### 2.3 Business

At each meeting of the Cabinet the following business will, as appropriate, be included on the agenda for the meeting:

- (i) declarations of interest, if any;
- (ii) confirmation of the minutes of the last meeting;
- (iii) receive questions with notice from, and provide answers to, members of the Council (see 3 below);
- (iv) any matters referred to the Cabinet in accordance with the provisions contained in the Budget and Policy Framework Procedure Rules or the Overview and Scrutiny Procedure Rules as set out at Parts 3.2 and 6.2 respectively of this Constitution;
- (v) any reports from Scrutiny Committees (including reports or recommendations from other authorities or co-operating persons or bodies);
- (vi) any reports from a Cabinet Advisory Group;
- (vii) matters set out in the agenda with an indication of which, if any, involve key decisions in accordance with the Access to Information Rules set out at Part 8.1 of this Constitution;
- (viii) updating of the Forward Plan and proposals for business to be conducted at the following meeting; and,
- (ix) any item which, by reason of special circumstances which shall be specified in the minutes, the Chair agrees should be considered at the meeting as a matter of urgency<sup>1</sup>

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<sup>1</sup> Regulation 16 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended)

## **2.4 Consultation**

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating directly to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and others and with the relevant 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.

## **2.5 Putting Items on the Cabinet Agenda**

- (a) Any member of the Cabinet may request the Proper Officer that an item be placed before the Cabinet. The Proper Officer will arrange for the Cabinet to consider in the context of the Forward Plan what arrangements to make for consideration of that item.
- (b) Any member of the Council may make a request through a member of the Cabinet that an item be placed before the Cabinet. If the Cabinet Member endorses the request and so notifies the Proper Officer, that Officer will arrange for the Cabinet to consider in the context of the Forward Plan what arrangements to make for consideration of that item. When any such item is considered by the Cabinet the agenda for the meeting will give the name of the Councillor who asked for the item to be considered. The individual member shall be invited to attend and speak at the meeting during consideration by the Cabinet of that item.
- (c) The Proper Officer will ensure that an item is placed on the agenda of the Cabinet where a relevant Scrutiny Committee or the Council have resolved that an item shall be considered by the Cabinet in accordance with the Budget and Policy Framework Procedure Rules or the Scrutiny Procedure Rules.
- (d) The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a meeting of the Cabinet 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, 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 Leader of the Council may require that a meeting be convened at which the matter will be considered.
- (e) The Proper Officer will ensure that an item is placed as appropriate on the agenda of Cabinet as a result of a motion at full Council.

### **3. Questions by Members of the Council**

#### **3.1 General**

A member of the Council may ask the Leader of the Council or any other appropriate member of the Cabinet a question upon any matter in respect of the Cabinet's delegated powers.

#### **3.2 Order of Questions**

Subject to the maximum time allowed for councillors' questions with notice at anyone meeting being 30 minutes, questions will be asked in the order notice of them was received by the Proper Officer, except that the Chair may group together similar questions.

#### **3.3 Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 9 am on the second working day before the meeting. Each question must give the name of the questioner and must name the member of the Cabinet to whom it is to be put.

#### **3.4 Number of Questions**

Except as set out below the number of questions which may be asked by any councillor at any one meeting is limited to two questions with notice (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total.

The Chair may exercise their discretion around the number of questions, including multi-part questions a councillor may ask, where (taken together) these would not, in the Chair's view, take up the whole of the allotted time or otherwise prejudice any other constitutional rights.

#### **3.5 Scope of Questions**

The Proper Officer may reject a question if it:

- is not about a matter for which the Cabinet has a responsibility;
- is defamatory, frivolous or offensive; or
- is substantially the same as a question which has been put at a meeting of the Cabinet in the past six months.

If answering a question would require the disclosure of confidential or exempt information, then the Proper Officer shall reply in writing in a confidential manner.

### **3.6 Record of Questions**

- 3.6.1 Questions submitted prior to the agenda being despatched will be shown on the agenda and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member.
- 3.6.2 Where possible, the Cabinet Member will give their reply to the Proper Officer by 12.00 pm on the day of the meeting for inclusion in the Schedule of Addenda to be circulated at the meeting; otherwise, the Cabinet Member shall give a verbal reply at the meeting and, if necessary, a further written response after the meeting.
- 3.6.3 Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda, together with any written response which is available at that time.

### **3.7 Asking the Question at the Meeting**

The Chair will invite the questioner to put the question to the Cabinet Member named in the notice. If a questioner who has submitted a written question is unable to be present, the Cabinet Member's written response will constitute the formal reply on behalf of the Cabinet.

### **3.8 Supplementary Question**

- 3.8.1 The Chair of the meeting will ask the questioner if s/he wishes to ask one supplementary question without notice to the Cabinet Member of whom the first question was asked, subject to Rule 3.4 above.
- 3.8.2 A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds in Rule 3.5 above.

### **3.9 Response to Supplementary Question**

An answer may take the form of:

- a direct oral or written answer;
- where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and all Members of the Council.

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#### **4. Right for members to speak**

- 4.1 The rights of members to speak are set out in Part 9.2 of the Constitution, Protocol on Members Rights and Responsibilities and in Part 3.1, paragraph 13 Council Procedure Rules.
- 4.2 The above rights to address meetings are subject to the Chair's discretion in determining who shall speak, the length of speeches and the order in which they shall be taken.