

Cabinet Procedure Rules

1. How Does the Cabinet Operate?

1.1 Who May Make Executive Decisions?

The arrangements for the discharge of Executive functions are set out in Part 3.03 Responsibility for Executive Functions adopted by the Council. Executive functions can 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;
- (v) joint arrangements; or
- (vi) another local authority.

1.2 At the Annual Meeting of the Council, the Leader will present to the Council a written record of the responsibilities allocated by him/her together with the names of the people appointed to the Cabinet which will be reflected in the Council's Responsibility for Functions at Part 3 to this Constitution. The Leader will also specify in Part 3.

- (i) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- (ii) the terms of reference and constitution of any Cabinet Committees the Leader appoints and the names of Cabinet Members appointed to them;
- (iii) 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
- (iv) 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, 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, a Committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an Officer.
- (c) 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 Delegation of Executive Functions

- (a) Subject to (b) below the delegation of Executive Functions will be subject to adoption by the Council and may only be amended by the Council.
- (b) If the Leader is able to decide whether to delegate Executive functions, he/she may amend them at any time during the year. To do so, the Leader must give written notice to the Chief Executive and to the person, body or Committee concerned. The notice must set out the extent of the amendment, and whether it entails the withdrawal of delegation from any person, body, Committee or the Cabinet as a whole. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (c) Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its chair.

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 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 Members 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 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 Members in Part 5 of this Constitution.

1.6 Cabinet Meetings - When and Where?

The Cabinet will be scheduled to meet at least 7 times per year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

1.7 Public or Private Meetings of the Cabinet?

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public and private meetings.

1.8 Quorum

1.8.1 In the Leader and Cabinet form of Executive, it is important that the Leader should be present when the Cabinet, or a Committee of the Cabinet, meets to make a decision or decisions. Consequently, the quorum for a decision making meeting of the Cabinet, or a Committee of it, shall be 3 including the Leader. However, if the Leader shall have indicated in writing to the Chief Executive that the Leader agrees to a decision making meeting of the Cabinet being held in her/his absence, the quorum for any such meeting shall be any 3 members including the Deputy Leader.

1.8.2 In the event of a meeting of the Cabinet being called to make an urgent decision at such notice that the Leader is unable to be present at the meeting, the quorum for any such meeting shall be any 3 members including the Deputy Leader.

1.9 How Are Decisions to be Taken by the Cabinet?

- (a) Cabinet 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 Procedure Rules in Part 4 of the Constitution.
- (b) Where Cabinet decisions are delegated to a Committee of the Cabinet, the rules applying to decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. How are Cabinet Meetings Conducted?

2.1 Who Presides?

The Leader will preside at any meeting of the Cabinet or its Committees at which he/she is present, or may appoint another person to do so.

2.2 Who May Attend?

These details are set out in the Access to Information Rules in Part 4 of this Constitution.

2.3 What Business?

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) questions from members of the public, in accordance with Cabinet Procedure Rules 3.1 to 3.9.
- (iv) 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 Framework Procedures Rules set out in Part 4 of this Constitution;
- (v) consideration of reports from the Overview and Scrutiny Committee;
- (vi) 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.

2.4 Consultation

Consultation will be carried out on proposals in reports to the Cabinet from any member of the Cabinet or an Officer to the extent necessary to comply with legislation and the Council's duty to consult.

2.5 Who Can Put Items on the Cabinet Agenda?

The Leader will decide upon the schedule for the meetings of the Cabinet. The Leader or any member of the Cabinet may put on the Agenda of a Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or any member or Officer in respect of that matter.

Any Member of the Council 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 of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. However, there may only be up to one such item per Cabinet meeting.

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 that a meeting is called 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.

2.6 Right of non-Executive Councillors to speak at Cabinet meetings.

Any Member of the Council shall be permitted to speak at a Cabinet meeting subject to notice being given to the Leader of the Council or a member of the Democratic Services Team before the start of the meeting.

2.7 Member's Choice Debates

- (a) That, in addition to the provision in Procedure Rule 2.5 for any Member of Council to ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, any Member of Council can specify an issue to be the subject of a "Member's Choice Debate". Any Member wishing to initiate such a debate shall notify the Chief Executive by 5.00 pm on the day of a Cabinet meeting of his or her wish to lead a debate on that subject at the following Cabinet meeting. Only one such debate shall be held at each Cabinet meeting.
- (b) The Member wishing to initiate the debate shall, by the above deadline, specify in writing (or by e-mail) the subject of the issue for debate. The subject can be any issue affecting the whole, or the majority of the Borough or an issue affecting the wellbeing of a significant proportion of the local community.
- (c) The subject for debate must be framed in the form of a recommendation to the Cabinet.
- (d) On receipt of a valid request, the Member's Choice Debate will be included as the final item on the agenda for the next Cabinet meeting and all Members of Council will be invited to attend and to participate in the debate.
- (e) At the meeting, the Leader will invite all Members present to contribute to a debate on the issue raised. Each Member will be permitted to speak for up to 3 minutes. At the conclusion of the debate the Leader will ask the Members present to indicate whether or not they support the recommendation or any amended version of it. However, it will then be for the Cabinet to make a formal decision as follows:
 - if it relates to an Executive function, either to accept, vary, reject, or defer the recommendation or to refer it to an officer for further consideration;
 - if it relates to a non-executive or Council function, to agree to make a formal recommendation to a future Council meeting or to refer it to a relevant Committee for further consideration.

3. Questions by the Public

3.1 General

Members of the public who live in the Borough may ask questions of members of the Cabinet at ordinary meetings of the Cabinet. The period of time allocated for such questions shall not normally exceed 30 minutes.

3.2 Order of Questions

Questions will be asked in the order notice of them was received, except that the Leader or person presiding may group together similar questions, on issues which relate to the same topic.

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 Chief Executive no later than midday four working days before the day of the meeting (i.e. normally the Thursday before a meeting on the following Wednesday). Each question must give the name and address of the questioner and must name the Member of the Cabinet to whom it is to be put.

3.4 Supplementary Questions

Any questioner who has asked a question in person may ask one supplementary question without notice of the person who answered the original question. The supplementary question must arise directly from the original question or the reply given. The Leader may reject a supplementary question if it does not arise directly from the original question or the reply given. A member of the public making a statement will not normally be permitted to comment further following a response from the Leader or a Portfolio Holder.

3.5 Scope of Questions

The Chief Executive may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which does not affect the Borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council or the Cabinet in the past six months; or
- requires the disclosure of confidential or exempt information.

3.6 Circulation of Questions

Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

3.7 Asking the Question at the Meeting

If a questioner is not present at the Cabinet meeting the Leader will read the question on his or her behalf or rule that a written reply be given.

3.8 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Cabinet Member to whom it was to put, or any other reason, will be dealt with by a written answer.

3.9 Responses to Questions

A summary of the response made to each question asked by a member of the public will be included in the Minutes. A written answer will also be sent to the questioner.