

PART 4D 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 the executive arrangements adopted by the Council. The arrangements provide for executive functions to be discharged by:

- (a) the Leader; or
- (b) any of the following to whom the Leader has delegated executive functions:
 - i) the Cabinet as a whole;
 - ii) a committee of the Cabinet;
 - iii) an individual member of the Cabinet;
 - iv) an officer;
 - v) a ward committee
 - vi) joint arrangements; or
 - vii) another local authority

1.2 Sub-delegation of executive functions

(a) Where the Cabinet is responsible for an executive function, unless the Leader has directed otherwise they may delegate further to a committee of the Cabinet, an area committee, joint arrangements or an officer.

(b) Where a committee of the Cabinet is responsible for an executive function, unless the Leader has directed otherwise they may delegate further to an area committee, joint arrangements or an officer.

(c) Where an individual Cabinet member is responsible for an executive function, unless the Leader has directed otherwise, he/she may delegate further to an officer.

(d) Even where an executive function has been delegated or sub-delegated, that fact does not prevent its discharge by the person or body who delegated or sub-delegated it.

1.3 The Council's scheme of delegation and executive functions

(a) The Council's scheme of delegation will be approved by the Leader and may only be amended by the Leader. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

1.4 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 any 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 of the Cabinet 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.

1.5 Cabinet meetings – when and where?

The Leader will determine the frequency of meetings. The Cabinet shall meet at the Civic Centre or another location to be agreed by the Leader.

1.6 Quorum

The quorum for a meeting of the Cabinet, or a committee of it, shall be one third of the total number of members of the Cabinet or committee, or two, whichever is the larger.

1.7 How are decisions to be taken by the Cabinet?

(a) 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 4B 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 ARE THE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, the Deputy Leader will preside. In his/her absence, then a person appointed to do so by those present shall preside.

2.2 Who may attend?

These details are set out in the Access to Information Rules in Part 4B 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) matters referred to the Cabinet (whether by a 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 Parts 4E and 4C of this Constitution;

- iv) consideration of reports from scrutiny committees; 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 4B of this Constitution.

2.4 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and 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 Who can put items on the Cabinet agenda?

The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any 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. The proper officer will comply with the Leader's requests in this respect.

The proper officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant scrutiny committee or the full Council have resolved that an item be considered by the Cabinet.

The monitoring officer and/or the chief financial officer may include an item for consideration on the agenda of a Cabinet meeting 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 financial 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.

3. INDIVIDUAL CABINET MEMBER DECISION-MAKING

Each Cabinet Member will have wide discretion to take decisions on any matter falling within his or her portfolio, as set out in Part 3.4, subject to any such proposed decision being so identified in the Forward Plan.

If there is any uncertainty as to which Cabinet Member has responsibility for a matter, eg because it cuts across portfolios, it will be referred to the Leader for adjudication.

In the exceptional event of a Cabinet Member needing to make an urgent decision on a matter not included in the Forward Plan, he or she will consult the Leader or in his absence the Deputy Leader and relevant Scrutiny Committee Chair before doing so.

It is not envisaged that Cabinet Members will seek to make decisions on operational or administrative matters (which do not have a wider public or

member interest or policy impact). Under current Charter guidelines, such decisions will be made by a Delegated Officer without formal consultation with the Cabinet member.

These provisions apply equally to the Leader, as a Cabinet Member, although the scope of his decision-making discretion potentially encompasses all portfolios.

When making an individual Cabinet Member decision, the template report at Annex 6 of the Protocol on the Exercise of Officer Delegations (Part 3.13) shall be used.