

# Part Four, Section F

## Cabinet Procedure Rules

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### CABINET (EXECUTIVE) PROCEDURE RULES

#### 1.1 The Operation of the Cabinet

Where these Cabinet Procedure Rules are silent the Council's Rules of Procedure for Committees will apply unless this would be clearly inconsistent with the functions of the Cabinet or its bodies.

#### 1.2 Executive decisions

The arrangements for the discharge of Executive functions are set out in Part 3 of the Constitution. These arrangements provide that the Leader may discharge any of those functions or may arrange for their discharge by:

- (a) the Cabinet;
- (b) an individual Cabinet Member within his/her specific portfolio responsibilities;
- (c) a Committee of the Cabinet within delegated powers granted by a resolution of the Cabinet;
- (d) an officer;
- (e) joint arrangements; or
- (f) another local authority's Cabinet.

#### 1.3 Key Decisions

- (a) Key decisions may only be taken by the Leader, the Cabinet, or a Committee of the Cabinet, or an individual Cabinet Member or the Chief Executive as described below. Decision-making is allocated between these bodies/persons in accordance with of the Executive Responsibilities at Part 3 Section C and the Cabinet collectively may also delegate specific decisions to a committee of the Cabinet or an officer.
- (b) The Leader may take any key decision in place of, or between meetings of, the Cabinet, including decisions that have become urgent, in accordance with the Access to Information Procedure Rules at Part 4 Section D of this Constitution. The Leader may also allocate any

## PART FOUR – RULES OF PROCEDURE

### Section F – Cabinet Procedure Rules

executive decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet.

- (c) When a key decision, which would otherwise have been taken by the Cabinet, has become genuinely urgent and unavoidable, and:

- (i) it is not practicable to call a meeting of the Cabinet, and
- (ii) the Leader is not available or not able to act for any reason,

then the Deputy Leader shall be authorised to take the decision or to allocate the decision the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet.

- (d) If the Deputy Leader is not available, or not able to act for any reason, in the circumstances stated in (c), then the Chief Executive shall be authorised to take the decision.

- (e) The Deputy Leader or the Chief Executive will comply with the “General Exception” and/or “Special Urgency” procedures as set out in the Access to Information Procedure Rules at Part 4 Section D of this Constitution, as appropriate, before taking the decision. The Deputy Leader or the Chief Executive will also:

- (i) consult with the relevant Cabinet Member(s), so far as practicable, before taking the decision, and

- (ii) inform the Leader as soon as possible after the decision is taken, and

- (iii) report the decision to the next Cabinet meeting.

- (f) In the event that no Cabinet Members remain in office then all functions of the Leader and Cabinet Members shall be exercised by the Chief Executive acting so far as is practicable in consultation the Mayor, or Deputy Mayor if the Mayor is unable to act, until such time as a new Leader is elected by the full Council, as provided for in Article 7.07.

#### **1.4 Sub-delegation of Executive Functions**

- (a) The Leader may at any time exercise Executive functions personally or may delegate those functions to the Cabinet, an individual Member of the Cabinet, a Committee of the Cabinet, a joint committee, another local authority, or officers.

- (b) The Cabinet meeting, when considering any matter referred to it, and unless the Leader directs otherwise, may delegate any aspect of the matter to a Cabinet Committee or to an officer for decision but not so as to conflict with any decision already taken by the Cabinet Meeting. At a

## PART FOUR – RULES OF PROCEDURE

### Section F – Cabinet Procedure Rules

Cabinet meeting the Leader may reserve any aspect of the matter for his/her own decision at the time or subsequently.

- (c) Where an individual Member of the Cabinet is exercising executive functions, it may delegate those functions to officers.
- (d) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the body who delegated or by the Leader.
- (e) Decisions of the Executive will be taken in accordance with the Access to Information Procedure Rules at Part 4 of the Constitution.

#### **1.5 The Council's Scheme of Delegation and Cabinet Functions**

- (a) The Council's Scheme of Delegation with respect to Cabinet functions will be subject to amendment by the Cabinet with the Leader's agreement or by the Leader personally and this will be reported to the full Council for noting and inclusion in the Constitution.

#### **1.6 Conflicts of Interest**

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct in Part 5 of this Constitution.
- (b) If any Member of the Cabinet has a conflict of interest this shall be dealt with as set out in the Members' Code of Conduct 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, or in the alternative, in accordance with the direction of the Leader.

#### **1.7 Cabinet meetings – when and where**

The Cabinet will meet in accordance with a programme of meetings according agreed by the Leader. The Cabinet shall meet at 6.30 p.m. in the Civic Centre, High Road or another location to be agreed by the Leader.

#### **1.8 Public Meetings of the Cabinet**

Meetings at which the Cabinet takes decisions shall be open to the media and public unless the business under consideration is exempt or confidential as determined by the Access to Information Procedure Rules set out in Part 4 of this Constitution.

PART FOUR – RULES OF PROCEDURE  
Section F – Cabinet Procedure Rules

**1.9 Quorum**

The quorum for a meeting of the Cabinet shall be 4. If the Cabinet intends to appoint a Cabinet Committee, it shall at the same time determine the quorum of that Committee.

**1.10 Decisions Taken by the Cabinet**

The Leader has chosen to allocate the majority of key decisions to the Cabinet meeting with the proviso that the Cabinet may, from time to time, further delegate to any Committee of the Cabinet or an Officer as outlined in Part 3 Section C of this Constitution.

- (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, or the Cabinet expressly delegate a specific decision to an officer, then the rules applying to executive decisions taken by them shall be the same as those applying to decisions taken by the Cabinet as a whole, except to the extent that legislative provisions require procedural variations.

**2. How are Cabinet Meetings Conducted?**

**2.1 Appointment of a Chair**

If the Leader is present he/she shall Chair the meeting. If the Leader is absent then the Deputy Leader shall Chair the meeting. In the absence of the Leader and Deputy Leader, then a Cabinet Member shall be appointed to Chair the meeting by those Cabinet Members present. A Member appointed to preside by this Procedure Rule shall stand down at the conclusion of the agenda item under discussion if the Leader or person nominated by the Leader to preside arrives.

**2.2 Public or Private Meetings of the Executive**

Decisions taken by the Executive (the Leader, individual Cabinet Members, the Cabinet or a Committee of the Cabinet) will be held in public except where public notice of a private meeting has been given or the agreement of the Chair of the Overview and Scrutiny Committee has been obtained in accordance with the Access to Information Procedure Rules in Part 4 of the Constitution.

**2.3 Business**

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

PART FOUR – RULES OF PROCEDURE  
Section F – Cabinet Procedure Rules

- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) matters referred to the Cabinet for reconsideration by from the Overview and Scrutiny Committee in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (d) matters set out in the agenda for the meeting, including reports and action lists from Cabinet Members. The agenda 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;
- (e) matters raised by Members of the Cabinet.

**2.3A Declarations Of Interest Of Members**

- (a) If a Member of the Cabinet has a disclosable pecuniary interest or a prejudicial interest as referred to in Members' Code of Conduct in any matter under consideration, then the Member shall declare his or her interest at the start of the meeting or as soon as the interest becomes apparent. The Member may not participate or participate further in any discussion of the matter or participate in any vote or further vote taken on the matter at the meeting and must withdraw from the meeting until discussion of the relevant matter is concluded unless that Member has obtained a dispensation from the Council's Standards Committee.
- (b) If a Member of the Cabinet has a personal interest which is not a disclosable pecuniary interest nor a prejudicial interest, the Member is under no obligation to make a disclosure at the meeting but may do so if he/she wishes.

**2.4 Who can put Items on the Cabinet Agenda?**

- (a) The Leader 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 about that matter. The proper officer will comply with the Leader's requests in this respect.
- (b) Any Member of the Council may ask the proper officer to put an item on the agenda of a Cabinet meeting for consideration. Subject to the agreement of the Leader the item will be considered at the next available meeting of the Cabinet. However the number of items permitted per Cabinet meeting will have regard to the amount of business on the agenda.

PART FOUR – RULES OF PROCEDURE  
Section F – Cabinet Procedure Rules

- (c) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Overview and Scrutiny Committees. However the number of items permitted per Cabinet meeting will have regard to the amount of business on the agenda.
- (d) The Chief Executive, 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 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, the Chief Finance Officer and the 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.

**2.5 Substitutes**

- (a) With the exception of Assistant Cabinet Members, who have limited rights of substitution set out in the terms of reference of the Cabinet, a non-Cabinet Member cannot substitute for a Cabinet Member at a meeting of the Cabinet or any of its Committees.
- (b) If a Cabinet Member is absent, the Leader will arrange for his/her duties to be carried out by another Member of the Cabinet, by a Committee of the Cabinet or by the Cabinet as a whole.

**2.6 Rules of Debate at Cabinet Meetings**

- (a) If two or more Members offer to speak, the person in the Chair shall call on one to speak.
- (b) When speaking, a Member shall address the person in the Chair.
- (c) A Member shall direct her or his speech to the question under discussion.
- (d) The ruling of the person in the Chair on the admissibility of a point of order or a personal explanation shall not be open to discussion.
- (e) A motion or amendment, which is relevant to the work of the Cabinet, shall be discussed once it has been proposed and seconded.
- (f) All decisions are made by a simple majority of those Members of the Cabinet present and voting. In the event of a tied vote the person in the Chair will have a casting vote regardless of whether they exercised their right to vote in the first instance.

PART FOUR – RULES OF PROCEDURE  
Section F – Cabinet Procedure Rules

- (g) The person in the Chair may permit two or more amendments or motions to be discussed together if he or she thinks that this will facilitate the efficient conduct of business. A separate vote shall be taken on each amendment or motion.
- (h) If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

**2.7 Who may speak?**

All Members of the Council may attend meetings of the Cabinet or Cabinet Committees. A Member of the Council who is not a Cabinet Member may only speak if invited to do so by the Leader and with the agreement of the Cabinet. Non-Cabinet Members will not have any right to vote in deciding the outcome of the matter under consideration.

**2.8 Consultation**

All reports to the Cabinet from any Member of the Cabinet or an officer on proposals about the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and 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.