

# Appendix 4 - Cabinet Procedure Rules

## 1. How does the Cabinet operate?

### 1.1 Who may make cabinet decisions?

The arrangements for the discharge of cabinet functions may be set out in the cabinet arrangements adopted by the Council. If they are not set out there, then the Leader or Cabinet may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for cabinet 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;
- v) joint arrangements; or
- vi) another local authority

In the absence of a Cabinet Member, the Leader or Deputy Leader may discharge cabinet functions falling within that Cabinet Member's area of responsibility.

### 1.2 Delegation by the Leader

At the annual meeting of the Council, the Council will approve a written record of delegations to be included in the Council's scheme of delegation at Appendix 1 to this Constitution. The Council will make available the following information about cabinet functions in relation to the coming year:

- i) the names, addresses and electoral divisions of the people appointed to the Cabinet by the Council;
- ii) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- iii) the terms of reference and constitution of such committees as are appointed and the names of Cabinet Members appointed to them;
- i) the nature and extent of any delegation of decision making functions to committees, any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint committee for the coming year

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

- (a) Where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for an cabinet decision making function, they may delegate further to a committee, joint arrangements or an officer.
- (b) Unless the Council directs otherwise, then the Cabinet may delegate further to a committee of the Cabinet or to an officer.
- (c) Unless the Cabinet directs otherwise, a committee of the Cabinet to whom functions have been delegated may delegate further to an officer.
- (d) Even where cabinet 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 cabinet 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. It will contain the details required in Article 7 (Decision Making) and be set out in Appendix 1 of this Constitution.
- (b) If the Cabinet is able to decide whether to delegate its functions, it may amend the scheme of delegation relating to its functions at any time during the year. To do so, the Cabinet must give written notice to the Director of Legal and Democratic Services 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, committee or the Cabinet as a whole. The Director of Legal and Democratic Services will present a report to the next ordinary meeting of the Council setting out the changes made by the Cabinet.
- (c) Where the Leader seeks to withdraw delegation from a Cabinet committee of the Cabinet, notice will be deemed to be served on that committee when he/she has served it on its Chairman.

## **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 Appendix 10 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 Appendix 10 of this Constitution.
- (c) If the exercise of a cabinet 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 Code of Conduct for Members referred to in Appendix 10 of this Constitution.

## **1.6 Cabinet meetings – when and where?**

The Cabinet will normally meet on a four weekly basis, or at such times deemed appropriate by the Leader, at times to be agreed by the Leader. The Cabinet shall normally 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 Cabinet meeting will be open to the public, subject to confidentiality rules. Members of the public may record and report on meetings which members of the public are allowed to attend. However, oral reporting or oral commentary during meetings is not permitted as this would be disruptive to the good order of the meeting and such conduct would be considered to be disorderly in accordance with of the Council Procedure Rules (Appendix 3).

## **1.8 Quorum**

The quorum for a meeting of the Cabinet shall be 3 including the Leader or Deputy Leader.

## **1.9 How are decisions to be taken by the Cabinet?**

- (a) 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 Appendix 6 of the Constitution.

- (b) Where decisions are delegated to a committee of the Cabinet, the rules applying to cabinet 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, or in his/her absence, the Deputy Leader.

### **2.2 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 an Improvement and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Improvement and Scrutiny Procedure Rules as set out in Appendix 5 or the Budget and Policy Framework Procedure Rules set out in Appendix 7 of this Constitution;
- iv) matters set out in the agenda for the meeting, (in accordance with the Access to Information Procedure rules set out in Appendix 6 of this Constitution)
- v) consideration of reports from an Improvement and Scrutiny Committee.

### **2.3 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 Improvement 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.

### **2.4 Who can propose items for the Cabinet agenda?**

- Any member of the Cabinet;
- Head of Paid Service;

- Director of Finance (Chief Financial Officer);
- Director of Legal and Democratic Services (Monitoring Officer);
- Executive Directors;
- Requests from any Member of the Council

## 2.5 Questions by Minority Group Leaders

2.5.1 After giving notice in writing or by electronic mail to the Director of Legal and Democratic Services by 12noon at least 2 working days before the Cabinet Meeting (i.e. noon on a Monday before a Cabinet meeting on a Thursday) a Minority Group Leader may ask a question directly relating to the contents of a report included in the agenda for the Cabinet meeting.

2.5.2 The Director of Legal and Democratic Services may reject a question if it:

- Exceeds 150 words in length;
- Does not directly relate to the contents of a report included in the agenda for the Cabinet meeting;
- Seeks to ask Cabinet to act in a way that is ultra vires (outside its powers), unlawful or illegal;
- Is defamatory, frivolous or offensive;
- Is substantially the same as a question which has been put at a Cabinet meeting in the past six months; or
- Requires the disclosure of confidential or exempt information.

2.5.3 If a Minority Group Leader who has submitted a written question is unable to be present, a written reply will be given, or the Leader may decide that the question will not be dealt with.

2.5.4 If the Cabinet Member to whom the question is asked is not present at the meeting, the Leader may answer the question, put the question to another Cabinet Member or indicate that a written reply will be given.

2.5.5 An answer may take the form of:

- a) A direct oral answer;
- b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) Where the reply cannot be conveniently be given orally, a written answer circulated later to the question.

2.5.6 The time allocated for Minority Group Leaders' questions at each meeting will be 15 minutes. This period may be extended at the discretion of the Leader. Any questions not answered at the end of the time allocated for questions will be answered in writing.

2.5.7 Where a written response is to be given to a question, the response shall be sent to the questioner as soon as reasonably practicable after the Cabinet meeting, but in any event within 10 days.