

4E. CABINET PROCEDURE RULES APPENDIX A2

1. How Does the Cabinet Operate?

1.1 Who may make Cabinet decisions?

The arrangements for the discharge of Cabinet functions are set out in the Cabinet arrangements adopted by the Council. The arrangements provide for Cabinet functions to be discharged by:

- i) the Cabinet as a whole;
- ii) a committee of the Cabinet;
- iii) an officer;
- iv) My Neighbourhood chairmen
- v) joint arrangements; or
- vi) another local authority.

1.2 Sub-delegation of Cabinet Functions

- (a) Where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for Cabinet function, it may delegate further to joint arrangements or an officer.
- (b) The Cabinet may delegate further to a committee of the Cabinet or to an officer.
- (c) 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.

1.3 The Council's Scheme of Delegation and Cabinet Functions

- (a) The Council's scheme of delegation shall be subject to adoption by the Council and may only be amended by the Council. It shall contain the information 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 Elected 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 Elected Members in [Part 5](#) 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 shall 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 Elected Members in [Part 5](#) of this constitution.

1.5 Cabinet meetings – When and Where?

The Cabinet shall meet approximately seven times per year at times to be agreed by the Council. The Cabinet shall meet at the Council's main offices or another location agreed by the Cabinet. The length of Cabinet meetings is governed by Council Procedure Rule ([Standing Order](#)) 31.

1.6 Public or Private Meetings of the Executive?

Meetings of the Cabinet shall be held in public and may only exclude the press and public in accordance with the provisions of the Access to Information Procedure Rules set out in [Part 4C](#) of this constitution.

1.7 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 three, whichever is the greater.

1.8 How are Decisions to be Taken by the Cabinet?

- (a) Cabinet decisions which have been delegated to the Cabinet as a whole shall be taken at a meeting convened in accordance with the Access to Information Procedure Rules in [Part 4C](#) of this constitution.
- (b) Where Cabinet 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 the Cabinet Meetings Conducted?

2.1 Who presides?

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

2.2 Who may attend?

Any member of the Council not on the Cabinet may attend its meetings, as may any member of the public, subject to the exclusion of the press and public for matters of a confidential nature in accordance with the Access to Information Procedure Rules as set out in [part 4C](#) of this constitution.

2.3 What business?

At each meeting of the Cabinet the following business shall 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 the 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 [Part 4](#) of this constitution;
- iv) consideration of reports from the Scrutiny Committee;

- 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 4C](#) of this Constitution; and
- vi) the Forward Plan.

2.4 Consultation

All reports to the Cabinet from an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the Scrutiny Committee, and the outcome of that consultation. Reports about other matters shall set out the details and outcome of consultation as appropriate. The level of consultation required shall be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Cabinet agenda?

- i) The Council shall decide upon the schedule for the meetings of the Cabinet.
- ii) Any member of the Cabinet may request that an item be put on the agenda of any meeting of the Cabinet. The Chief Executive (or other designated officer), if he/she considers the matter appropriate for consideration shall comply with the request. If the Chief Executive (or other designated officer) considers that the matter is inappropriate for consideration by the Cabinet at that time he/she shall advise the Leader and Deputy Leader of the action he/she has taken. If the Leader and Deputy Leader decide that the matter should be placed on the agenda then the item shall be put on the agenda of the next available meeting.
- iii) The Chief Executive (or other designated officer) shall make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the Scrutiny Committee or the full Council has resolved that an item shall be considered by the Cabinet.
- iv) Any member of the Council may ask the Chief Executive (or other designated officer) to put an item on the agenda of a Cabinet meeting for consideration. If the Chief Executive (or other designated officer) considers that the matter is inappropriate for consideration by the Cabinet at that time he/she shall advise the Leader and Deputy Leader of the action he/she has taken. If the Leader and Deputy Leader decide that the matter should be placed on the agenda then the item shall be put on the agenda of the next available meeting. The notice of the meeting shall give the name of the councillor who asked for the item to be considered. However, there may only be up to 2 such items per Cabinet meeting.
- v) 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 Chief Executive (or other designated officer) to call such a meeting in pursuance of their statutory duties. In other circumstances, where 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.

