

# Constitution - Part 5 - Cabinet Procedure Rules

APPENDIX B2

## 1 - Operation of the Cabinet

### Making Cabinet Decisions

1.1 The Leader of the Council ('the Leader') may undertake any of the functions of the Cabinet himself/herself or may arrange for cabinet functions to be carried out by:

- (a) The Cabinet as a whole;
- (b) A committee of the Cabinet;
- (c) An individual member of the Cabinet;
- (d) An officer of the Council;
- (e) My Neighbourhood Chairmen;
- (f) Joint arrangements; or
- (g) Another local authority.

1.2 The Leader may assign specific portfolio responsibilities to any member of the Cabinet with or without delegated authority to individual Cabinet members to exercise Cabinet functions in relation to those responsibilities. Details of current portfolio responsibilities can be found at ...(see Cabinet Terms of Reference)

**(NB: No Cabinet functions are currently delegated to individual Cabinet members - decisions are made collectively by cabinet or in consultation with officers)**

### Delegation by the Leader

1.3 The Leader will present to the **First Business Meeting of the Municipal Year (Annual Council)** his/her proposals for delegations of executive functions to be made for inclusion in the Council's Scheme of Delegation.

The document presented by the Leader will contain the following information about cabinet functions in relation to the coming year:

- (a) The names and portfolio responsibilities of those councillors appointed to the Cabinet;
- (b) The extent of any authority to be delegated to Cabinet members individually, including details of any limitation on their authority;
- (c) The terms of reference, constitution and membership of any Cabinet committees established by the Cabinet;

- (d) The nature and extent of any delegation of cabinet functions to My Neighbourhood Chairmen, any other local authority or any joint arrangements, and the names of any Cabinet members appointed to any joint committee for the coming year; and
- (e) The nature and extent of any **delegation to officers of the Council**, with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

### **Sub-delegation of Cabinet Functions**

1.4 Where the Cabinet, a committee of the Cabinet, or an individual Cabinet member is responsible for a cabinet function, they may delegate further to joint arrangements, or an officer of the Council (unless the Leader has advised this may not happen)

1.5 Even where Cabinet functions have been delegated, this does not prevent decisions being taken by the person or body who delegated those functions.

### **In year Amendments to the Scheme of Delegation for Cabinet Functions**

1.6 Any amendments to the Leader's Scheme of Delegation for Cabinet functions must be reported to the Council at its next scheduled meeting.

1.7 The Leader may make an amendment to the Scheme of Delegation relating to Cabinet functions at any time during the year by giving written notice to the Chief Executive and clearly setting out the extent of any amendment to the Scheme.

1.8 The Chief Executive will then include the Leader's proposals in the Scheme and amend the Constitution accordingly.

1.9 The Chief Executive must present a report to the next Ordinary Meeting of the Council setting out the changes proposed by the Leader.

**(NB the Council's scheme of delegation for non-executive functions must be adopted by the Council and may only be amended by the Council)**

### **Cabinet Meetings**

1.10 The Cabinet will meet approximately seven times a year at times to be agreed by the Leader. The Cabinet meets at the Council's main offices, or at other locations to be agreed by the Cabinet.

1.11 Meetings of the Cabinet will be in public and may only exclude the press and public during consideration of confidential items in accordance with the Access to Information Procedure Rules (see section..)

**1.12** Any member of the Council may attend the meeting.

**1.13** The length of Council meeting is governed by standing order 31 of the Council Procedure Rules which provides that Cabinet meetings should not last longer than two hours, with any remaining business deferred to a future meeting. However, this provision can be suspended at any Cabinet meeting once a motion to this effect has been moved seconded and carried.

## **2 - How Cabinet Meetings are conducted**

### **Chair**

**2.1** The Leader, or in his/her absence the Deputy Leader, will chair any meeting of the Cabinet or its committees at which he/she is present. In the absence of both, a member of the Cabinet appointed by those present will chair the meeting.

### **Quorum**

**2.2** The minimum attendance for a meeting of the Cabinet is one third of the total number of members of the Cabinet, or three, whichever is greater.

### **Voting**

**2.3** Voting at meetings of the Cabinet, and its committees, will be by a simple majority of those members voting and present in the room at the time the question is put. If there are equal numbers of votes for and against a motion the Leader, or in his/her absence the Chair, will have a second or casting vote.

### **Conflicts of Interest**

**2.4** If the Leader or a Cabinet member has a conflict of interest he or she should deal with it in accordance with the Council's Code of Conduct for Elected Members (see..)

**2.5** Where the conflict of interest arises in relation to a function which has been delegated then in the first instance the function should be exercised by the person or body by whom the delegation was made. If this is not appropriate then it should be dealt with in accordance with the Code of Conduct as above.

### **Business**

**2.6** At each meeting of the Cabinet, the following business will be considered:

- (a) Declarations of interest;
- (b) The minutes of the last meeting;

- (c) Matters referred to the Cabinet (whether by Scrutiny Committee or by the Council) for reconsideration by the Cabinet.
- (d) Consideration of reports from Scrutiny Committee
- (e) Matters set out in the agenda for the meeting (any key decisions should be noted on the agenda)
- (f) The Forward Plan

## **Consultation**

**2.7** All reports to the Cabinet 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 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.

## **Putting items on the Cabinet Agenda**

**2.8** 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 of the Council in respect of that matter.

**2.9** With the agreement of the Leader any member of the Cabinet may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.

**2.10** Any member of the Council may, with the agreement of the Leader, require the Chief Executive to include an item on the agenda of the next available Cabinet meeting. The notice of the meeting must include the name of the councillor who asked for the item to be considered, however there may only be up to 2 such items each Cabinet meeting.

**2.11** The Chief Executive 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.

**2.12** The Monitoring Officer and/or the Section 151 Officer may in exercise of their statutory duties include an item for consideration on the agenda of a Cabinet meeting and if necessary may require the Chief Executive to call such a meeting.

**2.13** In other circumstances, where the Chief Executive, Section 151 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 they may require that a meeting be convened for the matter to be considered.

Please see also:

**Cabinet Terms of Reference**

**Cabinet Protocol**

**Access to Information Procedure Rules**

**Budget and Policy Framework**

**Council Standing Orders**