

Chapter 2 Part 4: EXECUTIVE (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 determined by the Leader. The Leader has determined that the Cabinet will make decisions collectively unless otherwise provided for elsewhere in this constitution.

1.2 Delegation by the Leader

Following the annual meeting of the Council, the Monitoring Officer, at the direction of the Leader, will draw up a written record of Executive delegations made by the Leader for inclusion in the Scheme of Delegation Chapter 3 Part 1 of this Constitution. The Scheme of Delegation will include the following information about Executive functions in relation to the coming year:

- 1.2.1 the extent of any authority delegated to the Cabinet including details of the limitation on its authority;
- 1.2.2 the terms of reference and constitution of any Cabinet Committees as the Leader appoints and the names of Cabinet Members appointed to them;
- 1.2.3 the nature and extent of any delegation of Executive functions to any other authority or any joint arrangements; and
- 1.2.4 the nature and extent of any delegation to Officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.

1.3 Sub-delegation of Executive functions

- 1.3.1 Where the Cabinet or a Committee is responsible for an Executive function, they may delegate it further unless otherwise directed by the Leader;
- 1.3.2 Where Executive functions have been delegated, that fact does not prevent the discharge of the delegated functions by the person or body who delegated them.

1.4 The Council's scheme of delegation and Executive functions

1.4.1 The Leader may amend the Scheme of Delegation relating to Executive functions at any time. In doing so the Leader will give written notice to the Monitoring Officer 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 or Committee. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

1.4.2 Where the Leader seeks to withdraw a delegation notice will be deemed to be served when the notice is served on the relevant person, body or Committee chair.

1.5 Conflicts of Interest

1.5.1 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 at Chapter 5 Part 1 of this Constitution.

1.5.2 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.

1.6 Cabinet meetings – when and where?

The frequency and timing of meetings of the Cabinet will be determined by the Leader. The Cabinet will meet no less than eleven times each municipal year. Cabinet meetings will be held at the Council's Offices or another location to be agreed by the Leader.

1.7 Public or private meetings of the Cabinet?

The Cabinet will hold its meetings in public, except in the circumstances set out in paragraphs (a) to (c) of Regulation 4(2) of the Local Authorities (Executive Arrangements) (meetings and Access to Information) (England) Regulations 2012. Briefly, these circumstances cover:

1.7.1 confidential information;

1.7.2 exempt information;

1.7.3 disorderly conduct.

1.8 Quorum

1.8.1 The quorum for a meeting of the Cabinet shall be 3.

1.8.2 The quorum for a meeting of a Committee of the Cabinet shall be 3 including at least 1 Portfolio Holder.

1.9 How are decisions to be taken by the Cabinet?

1.9.1 Executive decisions made by the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Chapter 2 Part 5 of this Constitution.

1.9.2 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 CABINET MEETINGS CONDUCTED?

2.1 Who presides?

The Leader will preside at any meeting of the Cabinet or its Committees at which they are present. In the Leader's absence, the Deputy Leader will preside. In the absence of the Deputy Leader, 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 Procedure Rules in Chapter 2 Part 5 of this Constitution.

2.3 What business?

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

2.3.1 consideration of the minutes of the last meeting;

2.3.2 declarations of interest, if any;

2.3.3 matters referred to the Cabinet (whether by the Overview and Scrutiny Committee or the Council) for reconsideration by the Cabinet in accordance with the provisions of the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out respectively at Chapter 2 Part 7 and Chapter 2 Part 6 of this Constitution;

2.3.4 consideration of reports from the Overview and Scrutiny Committee; and

- 2.3.5 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 Chapter 2 Part 5 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 undertaken with stakeholders 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 Executive agenda?

- 2.5.1 The Leader will decide upon the schedule for meetings of the Cabinet. The Leader may put any matter on the agenda of any Cabinet meeting whether or not authority has been delegated to the Cabinet, a Committee of the Cabinet or any Member or Officer in respect of that matter.
- 2.5.2 Any Member of the Cabinet may require the Monitoring Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.
- 2.5.3 The Head of Paid Service, the Monitoring Officer and/or the Section 151 Officer may include an item for consideration on the agenda of a Cabinet meeting and may require that such a meeting be convened in pursuance of their statutory duties.
- 2.5.4 In other circumstances, where any two of the Statutory Officers, Chief Executive, Monitoring Officer or Section 151 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 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 called at which the matter will be considered.