

## **PART 4 – RULES OF PROCEDURE**

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### **CABINET PROCEDURE RULES**

#### **1 Executive Functions**

##### **1.1 Executive Decisions**

Part 3 of the Constitution sets out the provision made with respect to the allocation of any functions which are the responsibility of the executive among the following persons—

- (a) the Cabinet,
- (b) any member of the Cabinet,
- (c) any committee of the Cabinet, and
- (d) any officers of the authority.

Where such allocation has been made the body to which or the person to whom a function has been allocated in accordance with that provision may discharge that function and make an Executive Decision in relation to it.

To the extent that the functions which are the responsibility of the executive have not been allocated in accordance with section 15(3) of the Local Government Act 2000 (but not further or otherwise) the Leader will decide how Executive Functions are to be exercised. They may be discharged by:

- (a) the Cabinet as a whole;
- (b) a committee of the Cabinet;
- (c) an individual member of the Cabinet;
- (d) an employee of the Council by his or her Office;
- (e) an area committee;
- (f) joint arrangements; or
- (g) another local authority.

##### **1.2 Delegation of Executive Functions**

To the extent the Leader, the Cabinet, a Cabinet committee or a member of the Cabinet has authority to make arrangements for the exercise of Executive Functions, in any case that person or body will take advice from the Chief Executive, Monitoring Officer and Section 151 Officer before discharging

his/her/its authority. Any arrangements made by the Cabinet, a committee of the Cabinet or a member of the Cabinet for the discharge of Executive Functions which may be discharged by him/her or it must be made in writing and set out the name of the person who may discharge of the function, the nature and extent of any delegation and any limitation on its exercise. A copy of the document containing such arrangements must be delivered by or on behalf of the person or body making such arrangements to the proper officer before the arrangements take effect. Any document containing such arrangements which is delivered to the proper officer shall be open to public inspection.

### **1.3 Changes to the arrangements for the delegation of Executive Functions**

- (a) A person who or a body which has made arrangements for the discharge of any Executive Functions in accordance with paragraph 1.2 above may amend the arrangements at any time . To do so, person or body must give written notice to the proper officer and to the person, or body authorised by such arrangements to discharge the relevant Executive Functions. The notice must set out the extent of the amendment to the arrangements, and whether it entails the withdrawal of delegation from any person, or body. Any notice given to the proper officer under this paragraph will be open to public inspection.
- (b) Where a person or body seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chairperson.

### **1.4 Conflicts of Interest**

- (a) Any body which or person who has a power to discharge an Executive Function and has a personal interest in a matter for decision will act in accordance with the relevant Code of Conduct set out in Part 5 of this Constitution.
- (b) If an Executive Function cannot be discharged under any arrangements made pursuant to paragraph 1.2 above as a result of a personal interest, the person or body which delegated the function will take the decision, or the matter will be referred to Cabinet for decision.

### **1.5 Cabinet meetings**

- (a) The Cabinet will meet at times and dates to be agreed by the Cabinet.
- (b) Those listed below may ask the proper officer to call Cabinet meetings in addition to those agreed by the Cabinet:
  - (i) the Leader;
  - (ii) the Head of Paid Service;

- (iii) the Monitoring Officer;
  - (iv) the section 151 Officer;
  - (v) any three members of the Cabinet.
- (c) Any request presented in accordance with this paragraph must be in writing, must specify the business to be transacted at the meeting and must be accompanied by a copy of any report for the meeting.
- (d) Cabinet meetings will generally be held in public in accordance with the provisions of the Access to Information Procedure Rules.
- (e) A Councillor being the Leader of a political group in accordance with the Local Government (Committees and Political Groups) Regulations 1990 shall have the right (such right to be exercised reasonably and not so as to interfere with the proper conduct of business) to speak at any meeting of the Cabinet or a committee of the Cabinet even though he/she is not a member of the Cabinet or Cabinet committee as the case may be. In the absence of the Leader of such political group the Councillor designated as the Leader's deputy may exercise this right. This right may not be exercised in the following cases:
- (f) where the Councillor is required to declare an interest and withdraw from the meeting under the Members' Code of Conduct;
- (i) where the Cabinet or any committee of the Cabinet exercising a quasi judicial function have asked the members of the public and the parties to withdraw whilst they deliberate before reaching a decision;
  - (ii) where the Monitoring Officer or his/her representative advises that as a matter of law or to protect the Council's interest non-members of the Cabinet or the committee of the Cabinet (as the case may be) should withdraw;
- (g) Provided that nothing in this rule shall prevent the Chair of the meeting exercising his/her powers to ensure the orderly conduct of the proceedings

## 1.6 **Quorum**

The quorum for a meeting of the Cabinet shall be three.

## 1.7 **Decisions of the Cabinet**

- (a) Executive Decisions which have been allocated or delegated to the Cabinet will be taken by majority vote of those present at a meeting convened in accordance with the Access to Information Procedure Rules, with the person presiding having a second or casting vote.

- (b) Where Executive Decisions are allocated or delegated to a Cabinet committee, the rules shall be the same as those applying to decisions taken by the Cabinet.
- (c) Executive Decisions which have been allocated or delegated to individual Cabinet Members will be taken in accordance with Cabinet Procedure Rules.

## **2 CONDUCT OF CABINET MEETINGS**

### **2.1 Chairing the Meeting**

If the Leader is present he/she will chair the meeting of the Cabinet. In his/her absence, then the Cabinet Member appointed by the Leader to chair Cabinet meetings in his/her absence shall preside. In his/her absence, a person chosen by those present shall preside.

### **2.2 Attendance**

- (a) Meetings of the Cabinet are generally open to any person who wishes to attend in accordance with the Access to Information Procedure Rules.
- (b) Subject to paragraph (c) below only Cabinet Members, employees or persons asked to or with a duty to advise Cabinet or other persons asked by the Cabinet to do so may speak at a Cabinet meeting.
- (c) A Councillor may attend any meeting of the Cabinet or a Cabinet committee (whether or not they are a member of the Cabinet or of the Cabinet committee) and with the permission of the chairperson may speak but may not vote except in the following cases:
  - (i) where the Councillor is required to declare an interest and withdraw from the meeting under the Code of Conduct;
  - (ii) where the Cabinet or a committee of the Cabinet (as the case may be) is exercising functions of a quasi-judicial nature and have asked the members of the public and the parties to withdraw whilst they deliberate before reaching a decision;
  - (iii) where the Director of Governance and Legal Services or his/her representative advises that as a matter of law non-members of the Cabinet or Cabinet committee (as the case may be) should withdraw.

### **2.3 Business**

- (a) 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 a 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;
  - (iv) consideration of reports from Scrutiny Committees;
  - (v) other matters set out in the agenda for the meeting;
  - (vi) to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules; and
  - (vii) and any matter which the chairperson considers should be considered at the meeting as a matter of urgency by reason of special circumstances or legal requirement.
- (b) The future business of the Cabinet will be set out in the Forward Plan to be published on a monthly basis.

## 2.4 Consultation

All reports regarding issues for an Executive Decision will contain information on the nature and extent of any consultation with stakeholders (including Councillors) and relevant Scrutiny Committees, and the outcome of that consultation. The level of consultation will be appropriate to the nature of the matter under consideration.

## 2.5 Agenda

- (a) Any member of the Cabinet may give notice to the Proper Officer that he/she wishes a matter or an item of business relevant to the functions of the executive to be included on the agenda for a meeting of the Cabinet. On receipt of such request the proper officer will include such matter or item on the next suitable agenda.
- (b) The Head of Paid Service, Monitoring Officer and/or the Section 151 Officer may, in pursuance of their statutory duties, require an item to be included on the agenda of a Cabinet meeting and to have the item discussed. In other circumstances, where any two of the Head of Paid Service, Section 151 Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to consider a matter that requires a decision, they may in pursuance of their statutory duties, jointly require an item to be included on the agenda of a Cabinet meeting and to have the item discussed.
- (c) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Scrutiny Committees.

(d) The agenda for any relevant meeting will include items determined under the above, unless otherwise required by law.

### **3 CABINET COMMITTEES**

#### **3.1 Chairperson of Cabinet Committees**

The chairperson of a Cabinet Committee shall be such member of the Cabinet Committee as the Cabinet shall appoint. In the absence of the chairperson a person chosen by those present shall preside

#### **3.2 Quorum**

The quorum of a Cabinet committee shall be one quarter of the membership of the committee or three (whichever is larger).

#### **3.3 Conduct of business of Cabinet Committees**

The rules for the calling and conduct of meetings of the Cabinet shall (save to the extent they are inconsistent with paragraphs 3.1 and 3.2) apply to the calling and conduct of meetings of a Cabinet committee provided that any reference in the rules to the Leader shall in the case of a Cabinet Committee be construed as a reference to the chairperson of the Cabinet Committee