

4.4 PART 4.4 — CABINET PROCEDURE RULES

Paragraph Subject

4.4 – 1 [HOW DOES THE CABINET OPERATE?](#)

4.4 – 2 [HOW ARE CABINET MEETINGS CONDUCTED?](#)

4.4 – 1 HOW DOES THE CABINET OPERATE?

4.4 – 1.1 WHO MAY MAKE CABINET DECISIONS?

The Leader of the Cabinet may decide how the functions of the Cabinet are to be exercised and may provide for Cabinet functions to be discharged by:

- (a) the Leader of the Cabinet alone.
- (b) The Cabinet as a whole.
- (c) A Sub-Committee of the Cabinet.
- (d) An individual Member of the Cabinet.
- (e) An Officer.
- (f) Joint arrangements.
- (g) Another local Authority.
- (h) An individual Member acting within his/her Ward under the provisions of Section 236 of the Local Government and Public Health Act 2007.

4.4 – 1.2 DELEGATION BY THE COUNCIL

4.4 – 1.2.1 At the annual meeting of the Council, the Council will consider a written record of delegations for inclusion in the Council's scheme of delegation at [Part 3](#) to this Constitution. The document will contain the following information about Cabinet functions in relation to the coming year:

- (a) 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.

- (b) The nature and extent of any delegations to individual Members under Section 236 of the Local Government and Involvement in Public Health Act 2007.

4.4 – 1.2.2

The Leader of the Cabinet shall forthwith supply to the Monitoring Officer a list of:

- the names, addresses and wards of the councillors appointed to the Cabinet;
- the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- the nature and extent of any delegation of Cabinet functions;
- any other authority or any joint arrangements and
- the names of those Cabinet Members appointed to any joint Committee for the coming year and any in-year changes.

Such list shall be incorporated by reference into this Constitution, with the Monitoring Officer being authorised and required to place a copy of this list in an [appendix](#) to Part 3.3 as soon as practicable after the supply of that list to him/her.

4.4 – 1.3 SUB-DELEGATION OF CABINET FUNCTIONS

- (a) Where the Cabinet, a Cabinet Committee or an individual Member of the Cabinet is responsible for a Cabinet function, they may delegate further to joint arrangements or an Officer unless an express limitation is made to the contrary by the person delegating.
- (b) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

4.4 – 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](#) and set out in [Part 3](#) of this Constitution.
- (b) The Leader may amend the scheme of delegation relating to Cabinet functions at any time during the year. To do so, the Leader must give written notice to the Monitoring Officer and to the body or person 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 the Cabinet as a whole or any person. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

4.4 – 1.5 CONFLICTS OF INTEREST

- (a) Where the Leader has a disclosable pecuniary interest or other 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.
- (b) If every Member of the Cabinet has a disclosable pecuniary interest or other 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.
- (c) If the exercise of a Cabinet function has been delegated to an individual Member or an Officer, and should the Member have a disclosable pecuniary interest or other 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 Council's [Code of Conduct](#) for Members in Part 5 of this Constitution.

4.4 – 1.6 CABINET MEETINGS — WHEN AND WHERE?

The Cabinet will meet as often as shall be agreed by the Leader.

The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

4.4 – 1.7 PUBLIC OR PRIVATE MEETINGS OF THE CABINET?

Except where Cabinet meetings are required by law to be held in private such meetings will be open to the public, subject to the usual Rules on exempt and confidential information.

4.4 – 1.8 QUORUM

The quorum for a meeting of the Cabinet shall be no less than 50% of its total membership or three whichever shall be the greater.

4.4 – 1.9 HOW ARE DECISIONS TO BE TAKEN BY THE CABINET?

Cabinet 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 Part 4 of the Constitution.

4.4 – 1.10 CABINET REPORTS, AND THE PUBLICATION/ IMPLEMENTATION OF DECISIONS

4.4 – 1.10.1 SCOPE

The Cabinet will be responsible for guiding the Council in the formulation of its corporate plan of objectives and key priorities. Within the policy framework, budgets and major plans approved by the Full Council, the Cabinet will have Cabinet responsibility for the implementation of the Council's key goals and objectives.

4.4 – 1.10.2 RESPONSIBILITIES

[Part 3](#) of the Constitution details the responsibilities allocated to the Cabinet by law or through local choice for decision and implementation within the budget and policy framework.

4.4 – 1.10.3 CONTENTS OF CABINET REPORTS

All Cabinet reports will include the following:

- Legal implications
- Resource implications i.e. financial and personnel
- Forward Plan and Strategic and any environmental implications. All reports must specifically indicate whether the item relates to a 'key decision' and whether it has been included in the Forward Plan.
- For 'key decisions' not included in the Forward Plan, the report will detail the notification given to the Chairman of the Improvement and Scrutiny Committee or in cases of special urgency whether the agreement of the Chairman of the Improvement and Scrutiny Committee that the decision could reasonably be regarded as urgent and cannot reasonably be deferred has been given and the reasons

4.4 – 1.10.4 RECORDING AND PUBLISHING DECISIONS

- All decisions taken by the Cabinet will be recorded and published including, where possible, by electronic means and shall be available at the main offices of the Council normally within two working days after a decision is taken
- The Minutes will include the reasons for the decision and any alternative options considered and rejected

(Note: The requirement for written records to be kept of individual executive decisions is set out in [4.2 – 28](#))

4.4 – 1.10.5 IMPLEMENTATION AND CALL-IN OF DECISIONS

- Excluding urgent business as described in Rule 4.4 – 1.10.3 above, which are exempt from the call in procedure, decisions of the Cabinet shall be implemented after two working days following publication of the Minutes, unless the call-in procedure is invoked. (See Scrutiny Procedure Rules)

4.4 – 2 HOW ARE CABINET MEETINGS CONDUCTED?

4.4 – 2.1 WHO PRESIDES?

If the Leader is present he/she will preside. In his/her absence, the Deputy Leader will preside. If neither are present, another person will be appointed to preside.

4.4 – 2.2 WHAT BUSINESS?

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

- (a) Consideration of the minutes of the last meeting.
- (b) Declarations of Interest, if any.
- (c) Matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration 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.
- (d) Consideration of reports from the Improvement and Scrutiny Committees.
- (e) 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 4 of this Constitution.

4.4 – 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 the 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.

4.4 – 2.4 WHO CAN PUT ITEMS ON THE CABINET AGENDA?

- Any Member of the Cabinet
- An Executive Director
- The Monitoring Officer

4.4 – 2.5 PUBLIC SPEAKING AT MEETINGS OF THE CABINET AND ITS COMMITTEES

4.4 – 2.5.1 GENERAL

Members of the public may make representations, give evidence, ask questions (and answer questions if invited to do so by the Chairman) at ordinary meetings of the Cabinet and its Committees. Comments and petitions about the Cabinet's activities may also be submitted.

A period of up to 30 minutes shall be allowed for this purpose or such other period as the Chairman may decide.

Where a member of the public is also a councillor of any authority, then the member of the public shall make this known to the meeting.

4.4 – 2.5.2 ORDER OF BUSINESS

Business will be dealt with in the order notice was received, except that the Chairman may group together similar questions.

4.4 – 2.5.3 NOTICE OF BUSINESS

Business may only be dealt with if notice has been given by delivering it in writing or by electronic mail, or facsimile to the Executive Director (Resources) before the day of the meeting, unless the Chairman regards it as urgent in his/her opinion. Each item must give the name and address of the person submitting the item and may name the Member of the Cabinet from whom is expected a reply.

4.4 – 2.5.4 NUMBER OF ITEMS

At any one meeting no person may submit more than one item or question and no more than one such item or question may be submitted on behalf of one organisation, subject to the discretion of the Chairman.

4.4 – 2.5.5 SCOPE OF ITEMS

An item will be rejected if it:

- is not about a matter for which the Cabinet has a responsibility
- is defamatory, frivolous or offensive
- requires the disclosure of confidential or exempt information
- relates to planning, licensing or standards matters or matters not allocated to the Cabinet by the full Council

4.4 – 2.5.6 RECORD OF ITEMS

The Executive Director (Resources) will enter each item in a book open to public inspection and will immediately send a copy of the item to the relevant member of the public. Rejected items will include reasons for rejection. Copies of all items will be made available at the meeting.

4.4 – 2.5.7 RAISING ITEMS AT THE MEETING

The Chairman will invite the member of the public to put the item to the Member of the Cabinet named in the notice.

If the person who has submitted the item is unable to be present, that person may ask the Chairman to raise the matter on his/her behalf. The Chairman may raise the matter on that person's behalf, indicate that a written reply will be given or decide, in the absence of that person, that the matter will not be dealt with.

A person may not speak for more than three minutes.

Members of the Council present during public speaking and questions may be permitted to speak at the discretion of the Chairman.

4.4 – 2.5.8 SUPPLEMENTAL MATTERS

A person who has raised a matter in person may also put one supplementary matter without notice to the Member of the Cabinet who has replied to his/her original matter. A supplementary matter must arise directly out of the matter or the reply. The Chairman may reject any supplementary item on any of the grounds in Rule 4.4 – 2.5.5

4.4 – 2.5.9 WRITTEN ANSWERS

Any item which cannot be dealt with during public speaking and question time either because of lack of time or because of the non-attendance of the Member of the Cabinet to whom it was to be put, will be dealt with by giving a written answer subsequently. All questions, comments or petitions shall be given a written response subsequently. All the items shall be recorded along with a summary of the response. A record shall be made of the questions and responses which shall be made available for public inspection and circulated to all Members but shall not form part of the minutes of the meeting.