

## **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 set out in Part 3 of this Constitution (Section 4). The Leader may provide for executive functions to be discharged by:

- i) the Cabinet as a whole;
- ii) a committee of the Cabinet;
- iii) an individual member of the Cabinet including the Leader;
- iv) an officer;
- v) an Area Committee;
- vi) joint arrangements; or
- vii) another local authority.

#### **1.2 Delegation of executive functions**

- (a) Unless the Leader directs otherwise, a committee of the Cabinet or an individual member of the Cabinet responsible for an executive function, may delegate that function to an Area Committee, joint arrangements or an officer.
- (b) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.
- (c) A written record of delegations made by the Cabinet is included in Part 3 of this Constitution (Section 4). The Constitution will contain the following information about executive functions in relation to the coming year:
  - i) the extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;
  - ii) the terms of reference and constitution of such Cabinet committees as the Leader appoints and the names of Cabinet members appointed to them;

- iii) the nature and extent of any delegation of executive functions to Area Committees, any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year; and
  - iv) 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.
- (d) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when the Leader has served it on its Chairman.

### **1.3 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 Members in Part 5 of this Constitution (Section 16.1).
- (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 Members in Part 5 of this Constitution (Section 16.1).
- (c) If the exercise of an executive 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 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 (Section 16.1).

### **1.4 Cabinet meetings – when and where?**

The Cabinet will meet regularly at times to be determined by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader. Traditionally meetings are not held in August or between the last scheduled Council meeting in April and Annual Council.

### **1.5 Quorum**

The quorum for a meeting of the Cabinet, or a committee of it, shall be one quarter of the total number of members of the Cabinet, or three, whichever is the larger.

### **1.6 How are decisions to be taken by the Cabinet?**

- (a) Executive decisions which are the responsibility of the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 4 of the Constitution (Section 6).

- (b) 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?**

- i) If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader shall preside. In the absence of both the Leader and Deputy Leader, a person appointed by the Leader shall preside.
- ii) The Leader will preside at any meeting of a committee of the Cabinet at which he/she is present, or may appoint another person to do so.
- iii) If there are equal numbers of votes for and against, the person presiding will have a second or casting vote. There will be no restriction on how the person presiding chooses to exercise a casting vote. c.f. Constitution 4.1 Responsibility for Executive Functions.

### **2.2 Who may attend?**

All meetings of the Cabinet will be held in public except where confidential information or information which the Cabinet has decided to exempt is being considered.

### **2.3 What business?**

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 an Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Committee Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution (Section 9.1 and 7);
- iv) consideration of reports from Overview and Scrutiny Committees; and
- v) matters set out in the agenda for the meeting. The agenda shall indicate whether any key decisions are being considered in accordance with Rule 15 (General Exception) or Rule 16 (Special Urgency) of the Access to Information Procedure Rules set out in Part 4 of this Constitution (Section 6).

### **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 with stakeholders and relevant Overview and Scrutiny Committees, 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 Cabinet agenda?

- i) The Leader may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not the matter is the responsibility of the Cabinet, or has been delegated to a committee of it or any member or officer. The Chief Operating Officer will comply with the Leader's requests in this respect and include the appropriate item on the agenda for the earliest available meeting. Any request under this paragraph shall be made by no later than 12 noon on the Monday of the week preceding the Cabinet meeting.
- ii) Any member of the Cabinet may require the Chief Operating Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the Chief Operating Officer will comply and include the item on the agenda for the earliest available meeting. Any request under this paragraph shall be made by no later than 12 noon on the Monday of the week preceding the Cabinet meeting.
- iii) Overview and Scrutiny Committees or the Council for matters referred by them.
- iv) Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the councillor who asked for the item to be considered and will set out the item in the terms specified by the member. A request must be made to the Leader and the Leader will indicate his agreement (or otherwise) by no later than 12 noon on the Monday of the week preceding the Cabinet meeting.
- v) The Monitoring Officer (Legal and Democratic Services Manager) and/or the Chief Finance Officer (Head of Finance, Procurement and Commercial Services Services) may include an item for consideration on the agenda of a Cabinet meeting and the Chief Operating Officer will call such a meeting in pursuance of their statutory duties. In other circumstances, where any chief officer is of the opinion that the Cabinet needs to consider a matter that requires a decision, he/she may 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.

Any requirement to convene a meeting under this subsection will be subject to the provisions in the Access to Information Procedure Rules.

## **2.6 Audio or Visual Recording of Proceedings**

- (i) Audio recordings of the proceedings of any Cabinet meeting or part of any such meeting held in public shall be allowed. Anyone wishing to do this is requested to make their intentions clear before the commencement of the meeting in question, unless the meeting is being held virtually and available through a webcast.
- (ii) Photographing or filming or the use of any other means for reporting on the proceedings of a Cabinet meeting or part of any such meeting held in public shall be permitted. Anyone wishing to do this is requested to make their intentions clear before the commencement of the meeting in question with the agreement of the Leader/Chairman of the meeting, unless the meeting is being held virtually and available through a webcast.
- (iii) In the event of (i) and (ii) above the Leader/Chairman of the meeting will notify members and the public. Oral reporting or oral commentary on a meeting as it takes place by a person present at the meeting will not be permitted.
- (iv) Audio recording, photographing and filming or other reporting of meetings whilst they are not open to the public, is not permitted.
- (v) The Leader/Chairman has discretion to exclude any person, audio recording, photographing and filming or otherwise reporting on proceedings, if a disturbance to the smooth running of the meeting is caused.

## **2.7 Use of Mobile Phones and Other Social Media Devices in Meetings**

In the interests of the smooth running of meetings:-

- (i) Mobile phones/devices must be switched off or to 'silent' at meetings.
- (ii) Calls should not be made or answered during the meeting.
- (iii) The use of mobile phones/devices to send texts or emails, access Facebook, send tweets, take notes, open emails, access the internet etc should be done discreetly and with common sense and should not cause a disturbance to the smooth running of the meeting.
- (iv) The Leader has discretion to require that mobile phone/devices are not used as at (iii) above if a disturbance to the smooth running of the meeting is caused.

2.8 A Member or Co-opted Member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a Disclosable Pecuniary Interest (DPI) or Pecuniary Interest except where he/she is permitted to remain as a result of the grant of a dispensation or the Code.

## **2.9 Remote Meetings**

See Constitution 5.2: Remote Meetings Procedure