

4. Additional Cabinet Procedure Rules

1. HOW DOES THE CABINET OPERATE?

1.1 Who may make executive decisions?

The arrangements for the discharge of executive functions will be as set out in Articles 6, 7 and Part III of this Constitution and will provide for executive functions to be discharged by:

- (i) the Cabinet as a whole;
- (ii) a Sub-Committee of the Cabinet;
- (iii) an Individual Cabinet Member;
- (iv) an Officer;
- (v) an Area Committee;
- (vi) Joint Arrangements; or
- (vii) another Local Authority.

1.2 Sub-delegation of executive functions

- (a) the Cabinet may further delegate to a Sub-Committee of the Cabinet, to an individual Cabinet member, to an Officer, to an Area Committee, through Joint Arrangements or to the executive of another Local Authority;
- (b) a Sub-Committee of the Cabinet may further delegate to an individual Cabinet Member, to an Officer, or to an Area Committee;
- (c) an individual Cabinet Member may further delegate to an Officer ;
- (d) where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated;
- (e) any delegation should be recorded in writing and a copy provided to the Chief Executive and Head of Legal and Democratic Services

1.3 Conflicts of Interest

- (a) Where the Leader or any individual Cabinet Member 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.
- (b) If at least half of the Members of the Cabinet have 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.
- (c) If the exercise of an executive function has been delegated to a Sub-Committee of the Cabinet, an individual Cabinet Member or an Officer, and a conflict of interest arises, 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.

1.4 Cabinet Meetings – when and where?

The Cabinet will meet every four weeks, (except during the August recess period), at times to be agreed by the Leader. Meetings will be held at the Town Hall or another location agreed by the Leader.

1.5 Quorum

The quorum for a meeting of the Cabinet shall be as set out in Paragraph 8 of the Council Procedure Rules in this Part 4 of the Constitution.

1.6 How are decisions to be taken by the Cabinet?

Executive decisions to be taken by the Cabinet or a Sub-Committee of the Cabinet will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, a person appointed to do so by those present shall preside.

2.2 What business?

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

- (i) consideration of the minutes of the last meeting;
- (ii) public question time;
- (iii) the Forward Plan;
- (iv) the Minutes of, and issues arising from Area Committees;
- (v) 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 Additional Overview and Scrutiny Committee Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (vi) consideration of reports from Overview and Scrutiny Committees;
- (vii) matters included in the agenda under Rule 2.4 below; and

2.3 Consultation

All reports to the Cabinet on proposals relating to the budget and policy framework must contain details of any consultations 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.

2.4 Who can put items on the Cabinet agenda?

- (i) 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 Sub-Committee of the Cabinet or any Member or Officer in respect of that matter.
- (ii) Any Member of the Cabinet may require the Chief Executive to place an item on the agenda of the next available meeting of the Cabinet for consideration.
- (iii) The Chief Executive will place an item on the agenda where a relevant Overview and Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet.
- (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 practicable meeting of the Cabinet. The Councillor who asked for the item to be considered will be invited to attend the meeting.
- (v) The Chief Executive (as Head of Paid Service) and/or the Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties.