

CABINET PROCEDURE RULES

1. HOW DOES THE CABINET OPERATE?

1.1 Who can make Cabinet decisions?

These functions may be discharged by:-

- (i) The Cabinet as a whole;
- (ii) a Committee of the Cabinet;
- (iii) an individual member of the Cabinet known as a Portfolio Holder;
- (iv) an Officer (under the Council's scheme of delegation)
- (v) an area Committee;
- (vi) joint arrangements; or
- (vii) another Local Authority.

1.2 Sub-delegation of Cabinet functions

- (i) Where the Cabinet, a Committee of the Cabinet or an individual member of the Cabinet is responsible for an Executive function, they may delegate further to an area Committee, joint arrangements or an Officer.
- (ii) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.3 The Council's scheme of delegation and Executive functions

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.

1.4 Conflicts of Interest

- (i) 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.
- (ii) 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.
- (iii) 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.

1.5 Cabinet meeting - when and where?

The Cabinet will at times set out in the annual timetable of meetings. The Cabinet shall meet at the Council's Town Hall, Riverside House, *via a remote/online setting**, or at any other venue agreed by the Leader. Special meetings of the Cabinet may be called in accordance with Council procedure rule 26.

*temporary until 7 May 2020.

1.6 **Public or private meetings of the Cabinet?**

All meetings of the Cabinet will be held in public except for those parts of the meetings where confidential or exempt information is to be discussed.

1.7 **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 the Committee, (including the Leader), subject to a minimum of 4 for a meeting of the Cabinet.

1.8 **How are decisions to be taken by the Cabinet?**

- (i) 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.
- (ii) Where Cabinet decisions are delegated to a Committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.
- (iii) Voting is in accordance with Council Procedure Rule 15.

2. **ATTENDANCE AT CABINET MEETINGS**

2.1 **Who presides?**

The Leader, or in their absence Deputy Leader, will preside. If they are both absent a person approved to do so by those present shall preside.

2.2 **Who may attend?**

- (i) Members of the public (including outside bodies) may attend meetings of the Cabinet except for those parts of the meetings where confidential or exempt information is being disclosed.
- (ii) Councillors not on the Cabinet as listed in Rule 23 of the Council Procedure Rules.
- (iii) The Chief Executive, Deputy Chief Executives, Monitoring Officer Head of Finance and any other Officer of the Council as is considered appropriate by the Chief Executive in consultation with the Leader for that meeting.

2.3 **Who may speak at the Cabinet?**

Apart from the members of the Cabinet who may both speak and vote and officers advising to who may speak those persons who may speak but not vote are listed in Council Procedures Rule 23 (Members) and 8 (Petitioners).

Any other speaker is at the discretion of the Leader subject to a maximum of five minutes.

2.4 Order of business at the Cabinet

At each meeting of the Cabinet, the following business will be considered:-

- *(i) Consideration of the minutes of the last meeting
 - *(ii) Declaration of interest (if any)
 - (iii) Notice of Motion referred by Council
 - (iv) 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 Procedure Rules or the Budget and Policy framework Procedure Rules set out at Part 4 of this Constitution
 - (v) Consideration of reports from the Overview and Scrutiny Committees
 - (vi) Other reports, e.g. from Chief Executive, Deputy Chief Executives, and Officers as defined out in Article 12
- NB.
- (a) *These items will always appear on the agenda. Other items will appear as necessary
 - (b) Those reports which cover key decisions should so indicate also any which are not in accordance with the Access to Information Procedure Rules set out at Part 4 of the Constitution
 - (c) Recommendations and comments from the Overview and Scrutiny Committees on matters on the Cabinet agenda will be taken into account when each item is considered. When a recommendation is made, a decision will be taken upon this by the Executive to decide if it will be accepted or not and if not the reason for its rejection shall be provided and recorded in the minutes of the meeting.

2.5 Consultation

All reports to the Cabinet from any member of the Cabinet or an Officer relating to the Budget and Policy framework must contain details of the nature and extent of consultation with the stakeholders and the relevant Overview & 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.

2.6 Who can put items on the Cabinet agenda:-

- * Any member of the Council can give nine clear days' notice that they require an item to be placed on the agenda
- * Any Officer as defined in Article 12 can place items on the agenda
- * Overview and Scrutiny Committees

3. MALADMINISTRATION

3.1 When in the opinion of the Monitoring Officer the Cabinet (acting as a whole or by sub-committee or portfolio holder) is guilty of acts or omissions made or about to be made which are unlawful or amount to maladministration, they shall produce a report which shall be circulated to all members of the Council.

3.2 Within 21 days of the receipt of the report the Cabinet must consider its contents at a meeting together with the enquiry findings of the relevant Overview and Scrutiny Committee(s) following their consideration of the report.

3.3 No effect shall be given to the implementation of any proposal or decision to which the report relates until the first business day immediately following the Cabinet meeting at which the report is considered.

3.4 As soon after the Cabinet meeting as practicable the Executive shall prepare a report setting out:-

- * What action (if any) it has taken in response to the report; and
- * What action (if any) it proposes to take and in what timescale; and
- * The reasons for its action or inaction and shall circulate the report to all members of the Council and the Monitoring Officer.

3.5 The report will be presented to the relevant Overview and Scrutiny Committee(s) and the Council for consideration.

4. **FINANCIAL MALPRACTICE**

4.1 Where in the opinion of the Chief Financial Officer (the Cabinet acting as a whole, by sub-committee or portfolio holder)

- (i) takes or is about to take a decision which if pursued to its conclusion would involve the Council incurring unlawful expenditure or
- (ii) takes or is about to take a course of action which if pursued to its conclusion could be unlawful and likely to cause the Council loss or deficiency or
- (iii) is about to enter an item of account which is unlawful

They shall produce a report, in consultation with the Chief Executive and Monitoring Officer which they shall circulate to all members of the Council, and the Council's External auditor.

4.2 Within 21 days of the receipt of the report the Cabinet must consider its contents at a meeting, the date and time of this must be noted to the Council's External Auditor.

4.3 No proposal or decision to which the report relates shall be implemented until the first business day immediately following the Cabinet meeting at which the report is considered.

4.4 As soon after the Cabinet meeting as practicable the Cabinet shall prepare a report setting out

- * what action (if any) it has taken in response to the report; and
- * what action (if any) it proposes to take and in what timescale and
- * the reasons for its action or inaction and circulate the report to the Chief Financial Officer, all members of the Council and the Council's External Auditor

4.5 The report will also be presented to the relevant Overview and Scrutiny Committee and the Council for consideration.