

Section 5: CABINET PROCEDURE RULES

1. WHO MAKES EXECUTIVE DECISIONS

- 1.1 Cabinet exercises all executive decisions either collectively or through sub-committees, panels, individual Cabinet Members or Officers.
- 1.2 The Cabinet will take all Key Decisions collectively unless the matter is urgent.
- 1.3 Individual Cabinet Members can take individual delegated decisions as set out in these rules or Key Decisions where the decision required is urgent.
- 1.4 Officers can take individual delegated decisions as delegated to them by Cabinet and as set out within this Constitution.

2. EXECUTIVE FUNCTIONS

- 2.1 The responsibility for the exercise of executive functions are set out in [Part 3](#) of this Constitution

3. SUB-DELEGATION OF EXECUTIVE FUNCTIONS

- 3.1 The Cabinet may delegate its functions to a Cabinet Member, a Cabinet Committee or Panel, an Officer or under joint arrangements.
- 3.2 Unless the Cabinet directs otherwise, a Cabinet Sub-Committee or Panel to whom functions have been delegated may delegate further to an Officer.
- 3.3 Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body that delegated them.

4. CHANGES TO THE COUNCIL'S RESPONSIBILITY FOR FUNCTIONS IN RELATION TO EXECUTIVE FUNCTIONS

- 4.1 The Leader of the Cabinet may amend the Responsibility for Functions relating to executive functions at any time during the Municipal Year. The Leader will write to the Governance Services Manager to set out the extent of the amendment. The Governance Services Manager will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- 4.2 Where the Cabinet seeks to withdraw or change delegations to a Sub-Committee or Panel, this will take effect following notification by the Governance Services Manager to the Council at its next meeting.

5. CONFLICTS OF INTEREST

- 5.1 Where any Member of the Cabinet has a conflict of interest in a matter, they should consider if they should participate in the decision making process for that matter.

6. CABINET MEETINGS

- 6.1 The Cabinet will meet at least six times per year at times as scheduled in Council's calendar of meetings or as required.

7. ADMISSION OF THE PUBLIC

- 7.1 All Cabinet meetings will be held in public unless confidential and/or exempt information is being considered, where upon members of the public and press will be requested to leave the meeting.
- 7.2 Where the sole purpose of a meeting is to receive a briefing from Officers, including clarification on particular matters, this will not be held in public.
- 7.3 The Cabinet does not hold private meetings save to consider confidential or exempt information.

8. QUORUM

- 8.1 The quorum for a meeting of the Cabinet shall be one quarter of the total number of Members of the Cabinet, or three, whichever is the larger.

9. DECISION TAKING

- 9.1 Executive decisions which are Key Decisions will be taken in accordance with the rules set out in the Constitution.

10. PUBLIC QUESTIONS/SPEAKING

- 10.1 Members of the public may ask a question or request to speak at a Cabinet meeting or panel.
- 10.2 The question or request to speak must be submitted in writing either by post or email and received by the Governance Services Manager no later than 19:30, four working days before the meeting.
- 10.3 The name and address of the questioner/speaker must be provided and only one request may be submitted by each member of the public or on behalf of one organisation.
- 10.4 The Governance Services Manager in their absolute discretion may refuse a request if:

- it does not relate to a matter the Cabinet has responsibility for;
- it is likely to be considered defamatory, frivolous or offensive;
- it is a repeat request that has previously been put to a meeting within the past six months to which there has been no material change of circumstances; or
- it requires the disclosure of confidential or exempt information.

10.5 A maximum of 3 minutes per person is permitted for a question to be asked or to speak. Supplementary questions or statements are not allowed nor is a debate on the subject permitted. The total period of 30 minutes at the start of a meeting is allocated to public questions or speaking.

10.6 If a written question has been submitted, but the questioner is unable to attend the meeting to ask the question, the answer will be read out and a written reply sent to the questioner after the meeting. Any question that cannot be dealt with during the allocated time, will be dealt with by a written reply to the questioner after the meeting.

11. THE PERSON PRESIDING AT THE MEETING

11.1 If the Leader is present they will preside. In their absence, then the Deputy Leader will preside. In both their absences, a person appointed as Chairman by those present, shall preside.

12. PERSONS WHO MAY ATTEND

12.1 All members of the public and press may attend a Cabinet meeting, unless confidential or exempt items are being considered.

13. ORDER OF BUSINESS

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

- a) public question/speaking time and petitions;
- b) consideration of the minutes of the last meeting;
- c) declarations of interest, if any;
- d) matters referred to the Cabinet by Overview and Scrutiny Committee or Council for consideration;
- e) matters set out in the Agenda for the meeting;
- f) urgent items at the discretion of the Leader or Chairman of the meeting.

14. ITEMS FROM THE OVERVIEW AND SCRUTINY COMMITTEE

- 14.1 The Chairman of the Overview and Scrutiny Committee may address the Cabinet on matters referred to it by the Overview and Scrutiny Committee as detailed in 13.1(d) above.
- 14.2 The Cabinet must respond specifically to matters for consideration referred to it by Overview and Scrutiny Committee and, if appropriate, give reasons for agreeing or not agreeing with Overview and Scrutiny Committee's recommendations.

15. CONSULTATION

- 15.1 Where appropriate, all reports to the Cabinet must contain details of the nature and extent of consultation with stakeholders and the outcome of that consultation. The level of consultation required will be appropriate to the nature of the matter under consideration.

16. PLACING ITEMS ON CABINET AGENDAS

- 16.1 Officers reporting on matters which are part of the budget or policy framework or are otherwise Key Decisions (as defined in Article 13.03 of this Constitution) can require the Governance Services Manager to place an item to consider such a report at the next available Cabinet meeting.
- 16.2 Any Member of the Cabinet may request that the Governance Services Manager places an item on the Agenda of the next available meeting of the Cabinet for consideration.
- 16.3 The Chief Executive, Monitoring Officer and/or Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Governance Services Manager to call such a meeting in pursuance of their statutory duties.

17. CABINET SUB-COMMITTEES OR PANELS (The Panel)

- 17.1 Cabinet Sub-Committees or Panels may be established by the Cabinet at any time to conduct the business specified by the Cabinet at the time of setting up the Panel.
- 17.2 Their Members shall be appointed by the Leader and may include Members of the Cabinet. The rules of political proportionality shall be applied to their membership as far as is reasonably possible and group leaders will nominate their members to the Panel.
- 17.3 The Leader shall appoint the Chairman (and Vice Chairman if required) to the Panel.

- 17.4 The Chairman, if present shall preside; if not present the Vice-Chairman (if appointed) shall preside. If there is no Chairman or Vice-Chairman present the Members present shall elect a person to preside.
- 17.5 The date of meetings shall be set by the Cabinet or Chairman of the Panel as far ahead as possible and notified to Members. Dates will not be changed unless there is good reason to do so.
- 17.6 All meetings will be open to the public and press unless the Panel decides to exclude such persons on specified grounds of confidential or exempt information.
- 17.7 All Members will be permitted to attend meetings including the consideration of exempt or confidential information. Sensitive information may need to be shared in a closed session.
- 17.8 The quorum for a meeting is one quarter of the Members, with a minimum of three.
- 17.9 An Agenda and all available reports will be sent to Members at least five clear working days in advance of each meeting.
- 17.10 Minutes of each meeting will be produced and circulated to the Panel Members and Cabinet.
- 17.11 If any papers or proceedings of a body are declared to be confidential, members of the Panel shall honour that confidentiality unless they agree otherwise or the material becomes public in the ordinary course of business.
- 17.12 Panels shall have the power to report and recommend to the Cabinet and may refer matters to Overview and Scrutiny Committee for comment and consideration.

18 CABINET MEMBERS DELEGATED POWERS

- 18.1 Cabinet Members may exercise individual delegated powers, within the remit of their portfolios, in the following categories:
 - a) Agreement of matters where Overview and Scrutiny Committee has unanimously agreed their recommendations;
 - b) Agreement of matters referred from Cabinet Panels, where the referral has been unanimously supported;
 - c) Authorising consultations and Responses to consultations within their portfolio;
 - d) Agreement to commence procurements and to agreeing the evaluation criteria for any project over £1,000,000.00
 - e) Approvals, variations, extensions, assignments and/or novations to contracts between £100,000 to £999,999 where the contracts fall

within the Cabinet Member's portfolio areas and where the proposed variation, extension, assignment and/or novation will not result in any increase to the agreed budget for the contract;

- f) Approvals for policies and strategies within the Cabinet Member's portfolio are which are routine or non-controversial;
- g) Approval of parking schemes where there is unanimous support for approval and/or is non-controversial;
- h) Approval of grants as recommended by the Grants Board and where the matter is non-controversial and unanimously supported;
- i) Matters of note for Cabinet that require a reference to Council as the decision maker;
- j) Reserved to the Executive Member Resources- debt write-off between the values of £10,000 to £49,999
- k) Reserved to the Leader only- to approve the setting up of a Member Project Board including its terms of reference and membership;
- l) All matters of urgency, including Key Decisions.

18.2 A Cabinet Member who has exercised an individual delegated power, must do so in the form of a completed [Executive Member Decision Notice](#), which is to be circulated to all Members of the Council and published on the Council's website (subject to the rules on confidentiality and exempt information). This should be done as soon as is reasonably practicable after the taking of the decision.

18.3 Irrespective of the individual delegated powers available to Cabinet Members, they may always choose, in any circumstances, not to exercise their delegated powers but to refer the matter to Cabinet collectively for consideration and decision.