4. 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 the executive arrangements adopted by the Council. The arrangements provide for executive functions to be discharged by:

- the Cabinet as a whole;
- a cabinet committee;
- an individual Member of the Cabinet;
- an officer;
- joint arrangements; or
- another local authority.

1.2 Sub-delegation of executive functions

(a) Where the Cabinet or a committee of the Cabinet is responsible for an executive function, then it may delegate the function to an officer or discharge it through joint arrangements.

(b) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the body which delegated them.

1.3 Conflicts of Interest

(a) Where the Leader of the Council 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 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.

(c) If the exercise of a Cabinet function has been delegated to a committee of the Cabinet, a Cabinet 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.

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

The Cabinet will determine its schedule of meetings but shall normally meet 10 times a year. The Cabinet shall meet at the Council's main offices or another location to be determined by the Corporate Manager - Democracy in consultation with the Leader of the Council.

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

All meetings of the Cabinet shall be open to the public except where the item under discussion is considered exempt under Schedule 12A and Section 1001 of the Local Government Act 1972 or confidential under Section 100A of the Local Government Act 1972.

1.6 **Quorum**

The quorum for a meeting of the Cabinet, shall be at least 50% of the Cabinet Membership. For a meeting of any Cabinet committee the quorum shall not be less than one half of the total number of Members of the Committee.

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

(a) Executive 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.

(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?**

The Leader of the Council will preside at any meeting of the Cabinet or any Cabinet committee at which he or she is present. In the absence of the Leader, the Deputy Leader shall take the chair. In the absence of both, another Member shall be appointed to preside at the meeting.

2.2 **Who may attend?**

Cabinet meetings are open to members of the public to attend, subject to the provisions set out in Part 4 of this Constitution (Access to Information Rules) and paragraph 1.6 above.

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) matters referred to the Cabinet (whether by the 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 in Part 4 of this Constitution;

(iii) consideration of reports from the Policy and Project Advisory Board or the Overview and Scrutiny Committee;

(iv) matters raised by Members of the Council; and

(v) other matters set out in the agenda for the meeting, indicating 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.

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, any appropriate Committee, Board or working group, as well as 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 **Including Items on the Cabinet Agenda**

(a) Any Member of the Cabinet may require the Corporate Manager – Democracy to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.

(b) The Corporate Manager – Democracy will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the Policy and Project Advisory Board, Overview and Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet.

(c) Any Member of the Council shall have the right to:

(i) ask for an item to be included on the agenda of the next available meeting of the Cabinet. The notice of the meeting will give the name of the Member who asked for the item to be considered. The Member in question shall be invited to attend the meeting. Any such items should be a matter in relation to the Council's powers and duties or which affects the Borough directly.

(ii) subject to approval by the Cabinet, address a meeting in connection with any item of business being considered; and

(iii) subject to approval by the Cabinet, take part in the consideration of an item of business where a local interest can be demonstrated.

(d) At the discretion of the Leader of the Council (or in his absence the Deputy Leader) or by agreement by the Cabinet, a Member of the Council can be invited to take part in discussions at a meeting of the Cabinet on any particular item under consideration.