

PART 4 - LEADER AND CABINET RULES

1. How the Cabinet operates

1.1 The Cabinet comprises the Leader of the Council and up to nine other members. The Leader may provide for executive functions to be discharged by:

- (i) him/herself;
- (ii) the Cabinet as a whole;
- (ii) a Committee of the Cabinet;
- (iii) an individual member of the Cabinet;
- (iv) an employee;
- (v) an Area Committee;
- (vi) joint arrangements;
- (vii) another local authority.

1.2 Delegation by the Leader

At the Annual Meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation, as chapter 3 to this Constitution. The document presented by the Leader will contain the following information:

- (i) the names, addresses and wards of the people appointed to the Cabinet;
- (ii) the extent of any delegations to Cabinet members individually, including details of any limits to their authority;
- (iii) the terms of reference and Constitution of such Cabinet Committees as the Leader appoints and the names of Cabinet members appointed to them;
- (iv) the nature and extent of any delegations 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;
- (v) the nature and extent of any delegation to employees with details of any limitation on that delegation, and the title of the employee to whom the delegation is made.

1.3 Sub-delegation of Cabinet functions

- (a) If the Leader delegates responsibilities to the Cabinet, unless he/she decides otherwise, then the Cabinet may delegate further to a Cabinet Committee, an area Committee, joint arrangements or an employee;
- (b) If the Leader delegates responsibilities to a Committee of the Cabinet, then unless he/she decides otherwise the Cabinet Committee may delegate further to an employee;
- (c) Even where responsibilities have been delegated, that fact does not prevent the undertaking of those responsibilities by the person or body who delegated.

1.4 The Council's scheme of delegation and executive functions

- (a) Subject to the Leader's powers to delegate executive responsibilities set out above, the Council's scheme of delegation for non-executive functions will be subject to adoption by the Council and may only be amended by the Council. It will contain the details set out in chapter 3 of this Constitution;
- (b) The Leader may amend the scheme of delegation relating to executive functions at any time during the year. The Leader must give written notice to the Chief Executive and to the person, body or Committee concerned. The notice must set out the extent of the change to the scheme of delegation, and whether it entails the withdrawal of delegation from another person or body. The Monitoring Officer will send a copy of such changes to all Group Leaders and Whips within 14 days;
- (c) Where the Leader seeks to withdraw delegation from a Cabinet Committee or area Committee, he/she should give written notice to the chair of that Committee.

1.5 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 chapter 5;
- (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 chapter 5 of this Constitution;
- (c) If a conflict of interest arises and a responsibility has been delegated to a Cabinet Committee, an individual Cabinet member or an employee, then the responsibility should be exercised by the full Cabinet instead unless this is inconsistent with the Council's code of conduct for members.

1.6 Cabinet meetings

The Cabinet will meet at least 11 times per year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location reasonably accessible to the public.

1.7 Public meetings of the Cabinet

All meetings of the Cabinet will be held in public unless confidential or exempt matters are to be discussed, when the meeting may be closed to the public for those items.

The Leader may exercise any lawful power to exclude a member or members of the public to maintain orderly conduct or prevent misbehaviour. In these circumstances the Leader will follow the procedures for disturbance at meetings set out in Council Rule 11.2 (Chapter 4 Part 1 of the Constitution).

1.8 Minimum attendance

The minimum attendance for a meeting of the Cabinet, or a Cabinet Committee, shall be three members of the Cabinet.

1.9 Decisions to be taken by Cabinet

- (a) Executive decisions made by the cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Chapter 4 of this Constitution.
- (b) Where decisions have been delegated to a Cabinet Committee, the rules applying to decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. Conduct of Cabinet meetings

2.1 If the Leader is present he/she will chair the Cabinet meeting. In his/her absence, the Deputy Leader will chair the meeting. If neither are present a person appointed to do so by those present shall chair the meeting.

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

- (i) agreement to the record of the last meeting;
- (iii) declarations of interest, if any;
- (iv) public and Member questions (up to 20 minutes (see paragraph 3 below for further information));
- (v) matters for decision;

- (vi) matters referred to the Cabinet for reconsideration, whether by an Overview and Scrutiny Committee or by the Council;
- (vii) consideration of reports from Overview and Scrutiny Committees.

2.3 Consultation

All reports to the Cabinet from any member of the Cabinet or an employee 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 the consultation required will be appropriate to the nature of the matter under consideration.

2.4 Setting the Agenda

- (a) The Head of Paid Service will prepare the agendas for Cabinet meetings and will ensure all key decisions are brought forward for consideration by the Cabinet at the appropriate time;
- (b) 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 committee of it or any member or employee
- (c) The Head of Paid Service will make sure that an item is placed on the agenda of the next Cabinet meeting where an Overview and Scrutiny Committee in respect of that matter or the Full Council has resolved that an item be considered by the Cabinet;
- (d) 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, taking into account the Access to Information Rules. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting, whether or not it is a public meeting;
- (e) The Head of Paid Service, Monitoring Officer and/or the S.151 Officer may include an item for consideration on the agenda of a Cabinet meeting and may, after agreement with the Leader, arrange to call a Cabinet meeting to discuss the matter if no suitable meeting is available.

3. Public and Member questions at Cabinet meetings

3.1. Members of the public and Members may ask questions of members of the Cabinet, at meetings of the Cabinet, for which up to 20 minutes will be set aside, in respect of matters which fall under the responsibility of the Cabinet (executive functions).

3.2. A question may be asked if notice has been given in writing, or by electronic mail, to the Chief Executive by midday three working days before the day of the meeting. Each question must give the name and address of the questioner (for public questions) and must name the member of the Cabinet to whom it is to be put.

3.3. At any one Cabinet meeting no member of the public, organisation or Member may submit more than one question. Questions will be prioritised as follows:

3.3.1 Questions relating to items on the Cabinet agenda

- (i) Questions from members of the public (Members of the public who have not submitted questions before during the current electoral term will be given priority over those who have).
- (ii) Questions from Members.

3.3.2. Questions relating to Cabinet (executive functions)

- (i) Questions from members of the public (Members of the public who have not submitted questions before during the current electoral term will be given priority over those who have).
- (ii) Questions from Members.

3.4. For the avoidance of doubt, questions will be listed in the order they were received, subject to being prioritised as set out above.

3.5. Any questions that have not been answered at the meeting within the time limit will be answered in writing after the meeting.

3.6. Scope of questions

3.6.1. The Chief Executive may reject a question if it:

- is not about a matter for which the Council has responsibility or which does not affect the area;
- is frivolous, defamatory, offensive, racist, sexist, homophobic or otherwise improper;
- is substantially the same as a question which has been put at a meeting of the Cabinet in the past six months;
- requires the disclosure of confidential or exempt information.

3.7. Record of questions

3.7.1 The Chief Executive will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is put. Rejected questions will include reasons for rejection. If the

question has been rejected because it is considered frivolous, defamatory, offensive, racist, sexist, homophobic or otherwise improper then only the fact that a question was received and that it was considered so, will be entered.

3.7.2. Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

3.7.3. Any questions which relate to Council functions (non-executive functions) will not be included on the Cabinet agenda and will instead be referred to the next full Council meeting.

3.8. Asking the question at the meeting

3.8.1. The Leader of the Council (Chairperson) will invite the questioner to put the question to the member named. The person to whom the question has been put will normally answer the question verbally after the question has been put. The time allowed for answers to each question at Cabinet meetings shall not exceed three minutes.

3.8.2. Members of the public are entitled to put one short supplementary question arising from the response at the meeting and have one supplementary reply. The time allowed for the answer to each supplementary question at Council meetings shall not exceed three minutes.

3.8.3. The questioner is entitled to send a representative to read out their question at the meeting or the Leader of the Council will put the question on their behalf if they are unable to attend, noting that only public questioners attending in person will be able to ask supplementary questions.

3.8.4. For the avoidance of doubt, Members are not entitled to ask supplementary questions and may receive answers in writing after the meeting if they do not attend the meeting.

3.8.5. Where questions have been answered at the meeting, a summary of the answers will be included as an appendix to the report setting out questions to be included in the next Cabinet meeting agenda.

3.8.6 Where questions have been answered after the meeting, i.e. written responses, a summary of the answers will be published on the Council's website alongside the Cabinet meeting agenda as soon as reasonably practicable. The summary of the answers will also be included as an appendix to the report setting out questions to be included in the next Cabinet meeting agenda.

References:
Chapter 4-7, DETR Guidance