CABINET PROCEDURE RULES

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1. Discharge of Cabinet Functions

The arrangements for the discharge of executive functions are set out in Part 3 of this Constitution. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for executive functions to be discharged by:

- The Leader (her/him self)
- The Deputy Leader
- The Cabinet
- A formal committee of the Cabinet
- An individual member of the Cabinet
- An officer
- An individual Councillor (in respect of Local Community Budgets)
- Joint arrangements; or
- Another local authority

2. The Council's Scheme of Delegation and Cabinet Functions

a. Subject to (b) below, the Council's scheme of delegation for non-Cabinet decisions, as set out in Part 3 of this Constitution, will be subject to adoption by the Council and may only be amended by the Council.

b. The Leader may delegate executive functions, and amend these delegations subsequently. The Leader must give written notice to the proper officer and to the person, body or committee concerned. The notice must set out the extent of the delegation and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

c. 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 under joint arrangements or to an officer.

(ii) if the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a committee of the Cabinet, an individual Cabinet Member or to an officer.

(iii) Unless the Leader directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.

(iv) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

3. 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 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 an Cabinet 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.

d. In the case of a Councillor having a Prejudicial Interest in a decision regarding her/his Local Community Budget the decision is to be taken by the Leader.

4. Cabinet meetings

a. The Cabinet will meet in accordance with the timetable agreed annually or otherwise as required by the Leader or the majority of the members of the Cabinet or other person entitled to call a meeting. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader and be convened in accordance with the Access to Information Rules.

b. Cabinet meetings will be held in public, subject to consideration of exempt or confidential information. These meetings will be governed by the Access to Information Rules.

c. Where Cabinet decisions are delegated to a formal body 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.

d. The Leader, if present, will preside over meetings of the Cabinet. In her/his absence, the Deputy Leader will preside. In the absence

of both of them a person elected to do so by those present shall preside.

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

(i) Apologies for absence and Declarations of Interest.

(ii) Consideration of the Minutes of the last meeting.

(iii) Matters referred to the Cabinet for reconsideration in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules.

(iv) Matters set out in the agenda for the meeting (with each indicating whether they are Key or Non-Key decisions in accordance with the Access to Information Procedure Rules).

5. Agenda Items

a. All matters considered and decisions taken must comply with the provisions of the Access to Information Rules at Section 4b of this Constitution.

b. All reports to the Cabinet on proposals relating to the budget and policy framework should contain details of the nature and extent of any 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.

c. The Leader 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 officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.

d. The Chief Executive may put on the agenda of any Cabinet meeting any matter which he/she considers appropriate.

e. Any Member of the Council may ask the Leader to put an item on the agenda of an Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. 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. However, there may only be up to two such items per Cabinet meeting.

f. The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a matter requires a decision, they may jointly include an item on the agenda of an Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

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