

## **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;
- (ii) declarations of interest, if any;
- (iii) matters for decision;
- (iv) matters referred to the Cabinet for reconsideration, whether by an Overview and Scrutiny Committee or by the Council;
- (v) 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.

### *References:*

*Chapter 4-7, DETR Guidance*