

Section 4 - Cabinet rules

4.4.1 The cabinet

4.4.2 The leader and the cabinet comprise the executive of the council. The leader is also the chairperson of cabinet meetings. In his or her absence, the deputy leader chairs meetings of the cabinet.

4.4.3 Cabinet meetings – time and location

4.4.4 The cabinet will meet in accordance with a programme of meetings and at a place and time to be agreed by the leader.

4.4.5 Public and private meetings of the cabinet

4.4.6 There is a presumption that cabinet meetings will be held in public in accordance with the council's principles of openness in decision making set out in [part 2 article 11](#) of this constitution. The [access to information rules in section 2 of this part](#) of the constitution set out the requirements covering public and private meetings.

4.4.7 Quorum

4.4.8 The quorum of the cabinet is three.

4.4.9 Who may attend and speak at cabinet?

4.4.10 When a cabinet meeting is held in public any person is permitted to attend. The press, public, and other members in attendance, can be excluded in accordance with the [access to information rules \(part 4, section 2\)](#).

4.4.11 In addition the following rules apply:

- (a) members of the public and elected members who have submitted a question for cabinet in accordance with 4.4.39-46 have the right to submit in writing or to attend to ask a supplementary question only.
- (b) where relevant to the agenda, the chairpersons of the scrutiny committees (or in their absence their vice chairpersons) have the right to attend cabinet meetings for the purpose of presenting any recommendations from their committee
- (c) group leaders have the right to attend cabinet meetings for the purpose of reporting the views of their group and they may ask questions of any cabinet member and/or the Leader on any matter under consideration at the meeting
- (d) ward member(s) have the right to attend and speak at a cabinet meeting where an item relating to an individual ward or a specified group of wards is included in the agenda
- (e) other members may be invited to speak at the discretion of the chairperson of the meeting.

- 4.4.12 Reports shall be presented by the relevant lead cabinet member. In addition, such officers as are required to assist in presenting reports or provide support, advice or information required by the cabinet will attend.
- 4.4.13 The chairperson shall invite any person in attendance under these rules to speak on an item in order to enable that person to fulfil the purpose of his/her attendance as outlined at paragraph 4.4.11 above. Questions from members shall be dealt with in accordance with paragraph 4.4.39-46. The chairperson has responsibility for the conduct of the meeting and the order in which those in attendance will be invited to speak.
- 4.4.14 Members of the cabinet will sit at the cabinet table and all other invitees and attendees will be accommodated separately so as to make it clear to the public and others in attendance which person is fulfilling which role.
- 4.4.15 The chairperson of the cabinet meeting will at the commencement of the meeting explain who is attending, in what capacity and for what purpose. The minutes will also reflect this.
- 4.4.16 The leader will agree with the monitoring officer who should be invited to which meeting of the cabinet and governance services will manage the process of invitation and attendance.
- 4.4.17 In general the meetings of the cabinet are to be used as a means of taking final soundings from those attending on an issue for decision and are not the forum for detailed questioning or scrutiny of decisions being taken.
- 4.4.18 Decision taking**
- 4.4.19. All decisions, notwithstanding the subject matter or who takes them, will be made having regard to the [principles of decision making \(part 2 article 11\)](#) and in accordance with the [access to information rules as they apply \(part 4 section 2\)](#).
- 4.4.20 Where the leader, any member of the cabinet, or an officer taking an executive decision has a conflict of interest (whether a disclosable pecuniary interest or another interest) such interest will be disclosed and recorded and the individual making the disclosure will take no further part in the decision-making relating to that item.
- 4.4.21 Where an individual is unable to take a decision because of a conflict of interest the decision will be taken by the leader, or if the leader has a conflict of interest, the cabinet. If the cabinet is inquorate because of a conflict of interest then the monitoring officer will be instructed to seek an appropriate dispensation.
- 4.4.22 The leader, the cabinet and individual cabinet members may meet informally with officers to receive information and briefings but no cabinet decisions will be taken at any such informal meeting.
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4.4.23 Form of business

4.4.24 The cabinet will conduct the following business at its meetings:

- (a) Elect a person to preside at the meeting if the leader and deputy leader are not present
- (b) Receive any apologies for absence
- (c) Receive any declarations of interest, if any
- (d) Consider and approve the minutes of the last meeting (the only part of the minutes which may be discussed is their accuracy; once approved the chairperson will sign them as a correct record)
- (e) Receive and respond to any questions from members of the public submitted in accordance with 4.4.28-38
- (f) Receive and respond to any questions from elected members submitted in accordance with 4.4.39-46
- (g) Consideration of matters referred to the cabinet or reports from a scrutiny committee or Council
- (h) Consideration of reports from the statutory officers
- (i) Any other matters set out in the agenda for the meeting

4.4.25 The agenda for the cabinet meeting shall specify all the business to be conducted in accordance with the [access to information rules \(part 4 section 2\)](#) and shall identify any matter which is a key decision.

4.4.26 Reports to the cabinet will normally appear in the name of the cabinet member and incorporate relevant advice from appropriate officers. Exceptions shall include a report from a statutory officer. The author of a report will ensure that draft reports are the subject of consultation with the relevant director, any relevant ward members or other consultees, and in all cases the director of resources and the monitoring officer or their authorised nominee.

4.4.27 All reports to the cabinet and the associated record of decisions made (whether on a collective or an individual basis) shall accord with the council's corporate reporting style and associated systems so as to maintain transparency and probity in decision making.

4.4.28 Questions from the public

4.4.29 A period of up to 15 minutes will be allocated for questions and supplementary questions from members of the public who live or work in Herefordshire. This period may be varied at the discretion of the chairperson.

4.4.30 A question may only be asked if notice has been given by delivering it in writing to the monitoring officer, Herefordshire Council, County Offices, Plough Lane, Hereford, HR4 0LE or by email (councillorservices@herefordshire.gov.uk) to the monitoring officer no later than 9.30 am on the third working day after publication (e.g. 9.30am on a Monday where the meeting is on a Thursday). Each question

must give the name and address of the questioner (although only the name and town will be published) and identify who the question is addressed to. Copies of all accepted questions and answers shall be published on the council website before the start of the meeting and shall be made available to the public attending the meeting.

- 4.4.31 Questions will be answered in the order in which they are received.
- 4.4.32 A member of the public may submit only one question at any meeting of the council.
- 4.4.33 The monitoring officer is authorised to reject a question in accordance with the following criteria:
- (a) it is longer than 140 words;
 - (b) it is in multiple parts;
 - (c) it is not about a matter for which the council has a responsibility or which affects Herefordshire
 - (d) where a question is asked at a meeting other than full Council not relating to the function of the committee or an item of the agenda;
 - (e) it is defamatory, frivolous or offensive;
 - (f) it is substantially the same as or similar to a question which has been put at a meeting of Council, a committee of council, or cabinet in the past six months;
 - (g) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
 - (h) it is from a council employee and the question is connected to their employment; or
 - (i) it relates to a planning application or licensing application.
- 4.4.34 If a question is rejected, the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.
- 4.4.35 Where a question is accepted but it is directed at the incorrect meeting because of criteria (d) above. The Monitoring Officer is authorised to direct the question to the correct meeting.
- 4.4.36 A questioner who has put a question in person may, or who has provided a question in writing to be read aloud at the meeting, at the discretion of the chairperson, ask one supplementary question, at the discretion of the chairperson, also put one supplementary question without notice to the member who has replied to the original question. A supplementary question must arise directly out of the original question or the reply. The chairperson may reject a supplementary question on any of the grounds in 4.4.33 above, or if the question takes the form of a statement, or more than a minute to ask.
- 4.4.37 Answers to accepted questions will be published before the start of the meeting. An answer to a supplementary question will be provided by the member to whom the question was put or his/ her nominee. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot

conveniently be given orally, if the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within ten working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

- 4.4.38 Unless the chairperson decides otherwise, no discussion will take place on any question or a supplementary question
- 4.4.39 Questions from members**
- 4.4.40 A period of up to 15 minutes will be allocated for questions and supplementary questions from members of the council. This period may be varied at the discretion of the chairperson.
- 4.4.41 A member may ask the chairperson a question relating to a matter of the agenda or otherwise within the remit of cabinet only if notice has been given by delivering it in writing or by email (councillorservices@herefordshire.gov.uk) to the monitoring officer no later than 9.30 am on the third working day after publication (e.g. 9.30am on a Monday where the meeting is on a Thursday).
- 4.4.42 The monitoring officer is authorised to reject a question in accordance with the following criteria:
- (a) it is longer than 140 words;
 - (b) it is in multiple parts;
 - (c) it is not about a matter for which the council has a responsibility or which affects Herefordshire
 - (d) where a question is asked at a meeting other than full Council not relating to the function of the committee or an item of the agenda;
 - (e) it is defamatory, frivolous or offensive;
 - (f) it is substantially the same as or similar to a question which has been put at a meeting of Council, a committee of council, or cabinet in the past six months;
 - (g) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
 - (h) it is from a council employee and the question is connected to their employment; or
 - (i) it relates to a planning application or licensing application.
- 4.4.43 If a question is rejected, the member who submitted it will be notified in writing before the meeting and given the reasons for the rejection.
- 4.4.44 Where a question is accepted but it is directed at the incorrect meeting because the meeting does not exercise the function being questioned. The Monitoring Officer is authorised to direct the question to the correct meeting.
- 4.4.45 A member who has put a question in person may, or who has provided a question in writing to be read aloud at the meeting, at the discretion of the chairperson, ask one supplementary question. at the discretion of the

chairperson, also put one supplementary question without notice to the member who has replied to the original question. A supplementary question must arise directly out of the original question or the reply. The chairperson may reject a supplementary question on any of the grounds in [4.4.42](#) above, or if the question takes the form of a statement, or more than a minute to ask.

4.4.46 An answer to an accepted question will be published prior to the meeting. The answer to a supplementary question will be provided by the member to whom the question was put or their nominee. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot be conveniently given orally, if the questioner or the member to whom the question is put is absent, or the time allowed for councillors' questions has expired, a written answer will normally be provided within ten working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.4.47 Leader's report

4.4.48 The leader will submit a report from the cabinet to each ordinary meeting of council (other than the budget meeting) on which they may be questioned and if so, answer. This will report the work of the cabinet since the last report and will include:

- (a) A summary of those executive decisions taken by the cabinet, individual cabinet members, and joint executive committees and other activities of the cabinet since the previous Council meeting;
- (b) Any recommendations of the cabinet in respect of the budget and policy framework;
- (c) Any report to Council required by a scrutiny committee; and
- (d) A summary and particulars of any urgent decision made under paragraphs 4.4.53-55 (urgent decisions).

4.4.49 Decisions subject to call in by scrutiny committees

4.4.50 Other than decisions taken under the urgency provisions of the [access to information rules \(part 4 section 2\)](#) and recommendations made to Council on budget and policy framework items, cabinet decisions made but not implemented may be called-in in accordance with the [scrutiny rules \(part 4 section 5\)](#).

4.4.51 Individual cabinet member or officer decisions

4.4.52 Where individual cabinet members or officers make decisions on any matter which is an executive function they must comply with the provisions in the [access to information rules \(part 4 section 2\)](#).

4.4.53 Urgent decisions

- 4.4.54 There may be an urgent need to take a key decision where 28 days' notice of it is impracticable in the circumstances.
- 4.4.55 In that event the key decision may only be made in accordance with the general exception or special urgency provisions in the [access to information rules \(part 4 section 2\)](#).