

## 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 the rules on questions on notice set out in the council and committee meeting rules (part 4, section 1) 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 the rules on questions on notice set out in the council and committee meeting rules (part 4, section 1). 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.

**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 the rules on questions on notice set out in the council and committee meeting rules (part 4, section 1)
- (f) Receive and respond to any questions from elected members submitted in accordance with the rules on questions on notice set out in the council and committee meeting rules (part 4, section 1)
- (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 section 151 officer 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 on notice**

4.4.29 - [No longer used. Refer to rules on questions on notice set out in the council and  
4.4.46 committee meeting rules (part 4, section 1) and public participation guide (part 5, section 8)]

**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).