

Section 30

Cabinet

Procedure Rules

1. OPERATION OF THE CABINET

1.1 Cabinet functions may be discharged by:

- (i) the Cabinet as a whole, or by delegation from Cabinet to:
- (ii) a Committee established by the Cabinet; or to
- (iii) an Officer; or to
- (iv) a Joint Authority

1.2 Time, Date and Location of Cabinet meetings

The Cabinet will meet at such time or day or location to be agreed by the Leader of the Council.

1.3 Public/private meetings of the Cabinet

The Cabinet will meet in public subject to the right to meet in private under the Access to Information Rules.

1.4 Quorum

The quorum for a meeting of the Cabinet shall be 3 Cabinet members.

1.5 How decisions will be taken by the Cabinet

Cabinet decisions will be taken at a meeting convened in accordance with the Access to Information Rules following presentation and a debate on the agenda item and by voting on a show of hands.

The Cabinet will make a decision on all matters for which it has statutory powers to determine but may defer making decisions to enable it to obtain further information, undertake consultation or seek views of others, including Council Committees or outside bodies. Where matters are outside the Cabinet's statutory powers to make decisions, these will be deferred for determination by the Council or such other Committee of the Council as appropriate.

The Cabinet will only make Key Decisions in accordance with the Access to information Rules.

2. CONDUCT OF CABINET MEETINGS

2.1 Chairman

If the Council Leader is present he/she will preside. In his/her absence the Deputy Council Leader will preside. In the absence of both, a person appointed to do so by those present shall preside.

2.2 Business to be Transacted

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

- (i) adoption of the minutes of the last meeting;
- (ii) declarations of interest, if any;
- (iii) reports and updates from the Council Leader, Deputy Council Leader and Portfolio Leaders.
- (iv) the agenda shall indicate which are key decisions and which are not to be considered in public in accordance with the Access to Information Procedure Rules set out in Section 28 of this Constitution (“Key decisions” are defined in Section 10.)

2.4 Consultation

All reports to the Cabinet on proposals relating to the budget and policy framework must contain in a standard paragraph of the report details of the nature and extent of consultation with stakeholders and the Scrutiny Committee, and where known the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Items for the Cabinet agenda

- (i) The Leader of the Council 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, or to an officer in respect of that matter.
- (ii) Any member of the Cabinet may require the Leader of the Council to place an item on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a requirement in writing the Leader of the Council will comply with it;
- (iii) The Proper Officer will place on the agenda of the next or next but one meeting of the Cabinet any item which Scrutiny Committee or the Council has resolved that it be considered by the Cabinet;
- (iv) Any Councillor may ask the Leader of the Council to put an item on the agenda of a Cabinet meeting for consideration and the item will be considered at the next or next but one meeting of the Cabinet. The notice

of the meeting will give the name of the Councillor who asked for the item to be considered. The Councillor will be invited to attend the meeting, whether or not it is a public meeting.

- (v) The Monitoring Officer and/or the Chief Financial Officer may require the Proper Officer to place an item for consideration on the agenda of an Cabinet meeting and may request him to call such a meeting in pursuance of their statutory duties.

Items to be included on the agenda shall be notified to the Proper Officer at least 5 working days before the date of the meeting when the matter is to be considered.

3. RECORD OF DECISIONS AND CALL-IN

- 3.1 When a decision is made by the Cabinet, the decision shall be published within 3 working days of being made. These records will contain sufficient information to explain the decision and the reason behind it. They will also indicate clearly which matters are subject to the call-in. Copies of the records of all such decisions will be sent to all members of the Council within 3 working days of being made, by the person responsible for publishing the decision.
- 3.2 That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented on the expiry of 5 working days after the publication of the decision. The process for call-in is explained in detail in the Scrutiny Procedure Rules.

When the Scrutiny Committee can require a report to Council

- 3.3 If the Scrutiny Committee thinks that a key decision has been taken otherwise than in accordance with the provisions of the Constitution it may, by resolution passed at a meeting of the Scrutiny Committee, require the Cabinet to submit a report to the Council.

Cabinet's report to Council

- 3.4 If required to do so under Rule 3.3 above, the Cabinet will ensure that a report is prepared for and submitted to the next available meeting of the Council. However, if the next meeting of the Council is within 5 working days of receipt of the written notice, or the resolution of the Scrutiny Committee, then the report may be submitted to the Council meeting after that. The report to Council will set out particulars of the decision and the reasons for the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.