

APPENDIX 11

[Text shown struck through is for deletion and text shown in italics and underlined is for insertion or addition]

Part Four, Section F Cabinet Procedure Rules

1. CABINET (EXECUTIVE) PROCEDURE RULES

1.1 The Operation of the Cabinet

Where these Cabinet Procedure Rules are silent the Council's Rules of Procedure for Committees will apply unless this would be clearly inconsistent with the functions of the Cabinet or its bodies.

1.2 Cabinet decisions

The arrangements for the discharge of Cabinet functions are set out in Part 3 of the Constitution. These arrangements provide for Cabinet functions to be discharged by:

- (a) the Cabinet as a whole;
- (b) a Committee of the Cabinet within delegated powers granted by resolution of the Cabinet;
- ~~(c) *the Leader personally;*~~
- (d) an individual Cabinet Member within his/her specific portfolio responsibilities;
- (e) a Director or member of staff authorised by them in accordance with the Departmental Scheme of Delegations;
- (f) joint arrangements; or
- (g) another local authority's *Cabinet*

1.3 Key Decisions

(a) Key decisions may only be taken by *the Leader*, the Cabinet, or a Committee of the Cabinet, or an individual Cabinet member or the Chief Executive as described below. Decision-

making is allocated between these bodies/persons in accordance with Section 1 of the Cabinet Terms of Reference and the Cabinet collectively may also delegate specific decisions to these bodies/persons.

(b) When a key decision, which would otherwise have been taken by the Cabinet, has become genuinely urgent and unavoidable, and:

(i) it is not practicable to call a meeting of the Cabinet, and

(ii) the Leader is not available or not able to act for any reason,

then the Deputy Leader shall be authorised to take the decision.

(c) If the Deputy Leader is not available, or not able to act for any reason, in the circumstances stated in (b), then the Chief Executive shall be authorised to take the decision.

(d) The Deputy Leader or the Chief Executive will comply with the "General Exception" or "Special Urgency" procedure, as appropriate, before taking the decision. The Deputy Leader or the Chief Executive will also:

(i) consult with the relevant Cabinet Member(s), so far as practicable, before taking the decision, and

(ii) inform the Leader as soon as possible after the decision is taken, and

(iii) report the decision to the next Cabinet meeting.

1.4 Sub-delegation of Cabinet Functions

(a) Where the Cabinet or a Committee of the Cabinet is responsible for a Cabinet function, they *with the Leader's agreement* may delegate further to a Joint Committee or a Director. Such delegations may be revoked at any time by the body which granted them or by the Leader.

(b) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the body who delegated or by the Leader.

1.5 The Council's Scheme of Delegation and Cabinet Functions

(a) The Council's Scheme of Delegation with respect to Cabinet functions will be subject to amendment by the Cabinet with the Leader's agreement or by the Leader

personally and this will be reported to the full adoption by the Council and may only be amended by the Council for noting and inclusion in the Constitution. It will contain the details required in Article 15 and is set out in Part 3 Section E of, and Appendices D and E to, the Appendix to Part 3 of this Constitution.

1.6 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct in Part 5 of this Constitution.
- (b) If any member of the Cabinet has a conflict of interest this shall be dealt with as set out in the Members' Code of Conduct 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 Members' Code of Conduct in Part 5 of this Constitution.

1.7 Cabinet meetings – when and where

The Cabinet will meet in accordance with a programme of meetings according agreed by the Leader. The Cabinet shall meet at 7.30 p.m. in the Civic Centre, High Road or another location to be agreed by the Leader.

1.8 Public Meetings of the Cabinet

Meetings of the Cabinet takes decisions shall be open to the media and public unless the business under consideration is exempt or confidential as determined under by the Access to Information Procedure Rules set out in Part 4 of this Constitution.

1.9 Quorum

The quorum for a meeting of the Cabinet shall be 4. If the Cabinet intends to appoint a Cabinet committee, it shall at the same time determine the quorum of that committee.

1.10 Decisions Taken by the Cabinet

The ~~Cabinet~~ Leader has chosen to ~~reserve~~ collective responsibility for taking the majority of Cabinet decisions to itself allocate the majority of key decisions to the Cabinet meeting with the proviso that the Cabinet with the Leader's agreement it may, from time to time, further delegate to any Committee of the Cabinet, a Cabinet member, or a Chief Officer under the scheme of delegation as outlined in Part 3 of this Constitution.

- (a) Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where Cabinet decisions are delegated to a Committee of the Cabinet, or to an individual Cabinet Member, or the Cabinet expressly delegate a specific decision is ~~delegated~~ to an officer, then the rules applying to executive ~~Cabinet~~ decisions taken by them shall be the same as those applying to decisions ~~these~~ taken by the Cabinet as a whole.