

**CABINET PROCEDURE RULES**

**1. Time and Place of Meeting**

- 1.1 The Cabinet will meet at least 10 times per year at times to be agreed by the Leader.
- 1.2 The place of Cabinet meetings will be determined by the Chief Executive and notified in the agenda.

**2. Notice of and Agenda for Meetings**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules in Part 5 of this Constitution. At least five clear days before a meeting the Chief Executive will send an agenda to every member of the Cabinet. The agenda will give the date, time and place of each meeting. The agenda will specify the business to be transacted and will be accompanied by such reports as are available.

**3. Who May Attend**

- 3.1 Councillors who are not members of the Cabinet may attend meetings of the Cabinet including any part of such a meeting from which the public is excluded in accordance with the Access to Information Rules in Part 5 of this Constitution.
- 3.2 If the Cabinet is to consider a motion referred to it by the Council the proposer and seconder of that motion (if they are not members of the Cabinet) shall have the right to attend and explain the reasons for the motion.
- 3.3 If the Cabinet is to consider a matter referred to it under paragraph 9.6 below the Councillor proposing the item for consideration will be entitled to attend and address the Cabinet.
- 3.4 All non-members of the Cabinet may attend and speak to any item on the agenda for the meeting, having indicated to the Leader prior to the start of the meeting. The Chairman of the meeting will be responsible for how this is handled.

### **4. Exclusion of the Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 5 of this Constitution or Rule 12 below.

### **5. Chairmanship**

The Leader will preside at the meeting. In his/her absence the Deputy Leader will preside. If both are absent those present will appoint a member of the Cabinet who is present to preside.

### **6. Quorum**

6.1 The quorum for a meeting of the Cabinet will be 3.

6.2 The quorum for a meeting of a Cabinet committee shall be 2.

### **7. Advice from Officers**

7.1 The Leader may invite officers to give advice at a meeting of the Cabinet or any Cabinet committee.

7.2 Whenever the Chief Executive, the Section 151 Officer or the Monitoring Officer considers it appropriate to give advice to the Cabinet they shall be at liberty to do so and the Cabinet shall hear such advice.

### **8. Business to be Conducted**

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

- a. consideration of the accuracy of the minutes of the last meeting;
- b. declarations of interest;
- c. matters referred to the Cabinet (whether by the Overview and Scrutiny Board or the Council) for reconsideration by the Cabinet in accordance with the Budget and Policy Framework Rules or the

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Overview and Scrutiny Procedure Rules set out in Parts 10 and 12 of this Constitution;

- d. consideration of minutes and/or reports from the Overview and Scrutiny Board;
- e. consideration of minutes and/or reports from the Audit Board;
- f. when appropriate, consideration of the Leader's report from his/her quarterly meeting with the Chairman of the Overview and Scrutiny Board and the Audit Board ;
- g. consideration of reports from the Leader and/or Portfolio Holders of any decisions taken by them individually pursuant to Article 7.6 of the Constitution;
- h. matters set out in the agenda for the meeting in accordance with paragraph 9 below.

### **9. Items for Consideration by the Cabinet**

- 9.1 The Leader may put on the agenda of any Cabinet meeting any matter which he/she wishes whether or not it relates to a Cabinet function. The Chief Executive will comply with the Leader's requests in this respect.
- 9.2 Any member of the Cabinet may require the Chief Executive to place an item on the agenda of the next available Cabinet meeting for consideration.
- 9.3 The Council may require the Chief Executive to place on the agenda of the next available Cabinet meeting an item for consideration.
- 9.4 The Overview and Scrutiny Board may require the Chief Executive to place on the agenda of the next available Cabinet meeting an item for consideration.
- 9.5 The Audit Board may require the Chief Executive to place on the agenda of the next available Cabinet meeting an item for consideration.
- 9.6 A Councillor (who is not a member of the Cabinet) may request the Leader to place an item on the agenda of the next available meeting of the Cabinet for consideration and the Leader will decide whether the item should be placed on the agenda. In exercising his/her discretion the Leader should not act unreasonably and, if refused, reasons for his decision must be given in writing to the Councillor concerned. The Notice

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of the Meeting will give the name of the Councillor who requested the consideration of the item.

- 9.7 The Monitoring Officer and/or Section 151 Officer may include an item for consideration on the agenda of a meeting of the Cabinet and may require the Chief Executive to call such a meeting in pursuance of their statutory duties.
- 9.8 If any two of the Chief Executive, the Section 151 Officer and the Monitoring Officer are of the opinion that a meeting of the Cabinet needs to consider a matter that requires a decision they may jointly include an item on the agenda of the next available meeting of the Cabinet. If necessary, they may also require that a meeting of the Cabinet be specially convened for consideration of the matter.
- 9.9 The Chief Executive may place on the agenda of the next available meeting of the Cabinet an item to consider a report of a Chief Officer of the Council.
- 9.10 The Cabinet will consider all reports and recommendations presented by the Overview and Scrutiny Board and will provide the Board with a response.
- 9.11 An Overview and Scrutiny Board report which includes one or more proposals which would require a departure from the Budget and Policy Framework will be considered in the first instance by the Cabinet. The Cabinet will decide whether to recommend to the Council that those proposals be implemented. If the Cabinet decides not to recommend to Council that those proposals be implemented, its decision, together with the reasons for that decision, shall be reported back to the Board.

### **10. Urgent Items**

When there is a need to consider items of urgent business which are not on the formal agenda the Councillor wishing to raise the same shall before the start of the meeting discuss the matter with the Leader, the Monitoring Officer and the Chief Executive, and their collective decision shall be conclusive. In the event that the decision required urgently is a Key Decision then the consultees shall also include those listed at paragraph 17 of Part 5 (Access to Information Rules).

### **11. Voting**

- 11.1 Any matter will be decided by a simple majority of those present in the room at the time the question was put.
- 11.2 If there are equal numbers of votes for and against, the Chairman of the meeting will have a second or casting vote.
- 11.3 Each item of business requiring a decision by the Cabinet will be moved and seconded before the vote is taken.

### **12. Disturbance by the Public**

If a member of the public interrupts proceedings the Chairman of the meeting may warn the person concerned. If he/she continues to interrupt the Chairman of the meeting may order his/her removal from the meeting room.

### **13. Minutes**

The Chairman of each meeting will sign the minutes of the proceedings as the next suitable meeting.

### **14. Publication of Cabinet Decisions**

- 14.1 A decision made by the Cabinet, or a Key Decision made by an officer with delegated authority from the Cabinet or under joint arrangements, shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. All Councillors will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- 14.2 That notice (which may take the form of the minutes of a meeting of the Cabinet) 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, unless the Chairman of the Overview and Scrutiny Board or three members of the Overview and Scrutiny Board or five members of the Council who are not on the Cabinet object to it and calls it in.

### 15. Exclusion of the Call-In Process

- 15.1 The call-in procedure set out in the Overview and Scrutiny Procedure Rules in Part 8 of this Constitution shall not apply where the decision being taken by the Cabinet, or a Key Decision made by an officer with delegated authority from the Cabinet, or under joint arrangements, is urgent.
- 15.2 A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests.
- 15.3 The record of the decision and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Overview and Scrutiny Board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman of the Overview and Scrutiny Board, the Vice-Chairman's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required.
- 15.4 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.