

APPENDIX 3 – CABINET PROCEDURE RULES

1. The Cabinet

- 1.1 The County Council's Cabinet comprises the Leader of the Council and a Cabinet of other Members appointed by the Leader of the Council within the maximum number specified by the Council under paragraph 14.2 of Appendix 2 to the Constitution. The Leader of the Council and the Cabinet are collectively described as "the Cabinet". The Cabinet is not a Committee of the County Council.
- 1.2 The role of the Cabinet is to lead the preparation of the Council's policies and budget, to lead the community planning process and the attainment of best value, to implement the Council's policies and budget, to take in-year decisions on such matters and to be the focus for Local Strategic Partnerships.
- 1.3 In support of those roles the Cabinet will:-
- (a) consider and manage the exercise of all the functions and powers of the Council which are by law to be the responsibility of the Cabinet.
 - (b) subject to paragraph 1.4 below:-
 - (i) consider and make recommendations to the full Council on any matters which it is the responsibility of the full Council to determine, (other than on matters which are by law not the responsibility of the Cabinet)
 - (ii) determine an annual programme for the preparation of reports and recommendations to the Council on such matters.
 - (iii) consult as the Cabinet thinks fit on any matter.
 - (c) conduct Best Value reviews under the Local Government Act 1999 in respect of any service or function within the scope of the role of the Cabinet, subject to consultation with the appropriate Scrutiny Committee and to the participation of members of the appropriate Scrutiny Committee in individual Best Value reviews; and receive reports on Best Value reviews undertaken.
 - (d) refer such matters as the Cabinet may decide to any Scrutiny Committee for consideration and/or report and/or recommendation.
 - (e) consider and respond to reports and recommendations from any Scrutiny Committee.
- 1.4 The Cabinet will, before making any recommendation to the full Council on any matter under paragraph 1.3(b)(ii) above first consult the appropriate Scrutiny Committee(s).

- 1.5 The Cabinet will as appropriate or necessary in the circumstances seek the advice of the Chief Executive, the Corporate Director (Resources) the relevant Corporate Director and/or the Deputy Corporate Director (Finance) on any matter and shall have regard to any advice so given.
- 1.6 (a) The Corporate Director (Resources) is designated Proper Officer for matters relating to the membership and meetings of the Cabinet, including summoning meetings of the Cabinet, circulating the Agenda and papers for such meetings, and recording every decision taken by the Cabinet itself. Such record shall include the reasons for such decision and any alternative options considered and rejected.
- (b) The Corporate Director (Resources) as Proper Officer is responsible for undertaking the various notifications of decisions of the Cabinet required by this Constitution.

2. Taking Cabinet Decisions

- 2.1 The Cabinet have no power to:-
- (a) take decisions on matters reserved to the full Council
- (b) take decisions on matters which may not by law be determined by the Cabinet.
- (c) vary or delete any delegation set out in Tables 2 and 3 of Appendix 1 to this Constitution.
- 2.2 Subject to the limitations set out in 2.1 above, the Cabinet may collectively take any decision on any matter within the scope of the Cabinet's role set out in 1.3 (a) (c) and (d) above and shall take all decisions which are key decisions.
- 2.3 The Cabinet may also take decisions on any matter which:
- (a) has been referred to the Cabinet by a Cabinet Member or the Chief Executive or any Corporate Director (whether or not the member or the Chief Executive or the Corporate Director in question have delegated powers in respect of that matter); or
- (b) is one which the Cabinet have specifically reserved for decision to them.
- 2.4 The Cabinet may establish one or more Cabinet Sub-Committees for specified task and finish time-limited purposes. The Leader of the Council shall appoint the Chairman and members of an Cabinet Sub-Committee from amongst the members of the Cabinet. The Cabinet may delegate powers to such Sub-Committee and if they do so the provisions of paragraphs 2.5, 2.6 , 2.7 and 2.8 below shall apply in the same way as they apply to a Portfolio Holder.
- 2.5 The Leader of the Council will from time to time allocate one or more portfolios relating to areas of the Council's executive functions to a specified Cabinet

Member who shall be the Portfolio Holder for that/those portfolio(s). The Leader of the Council may also from time to time (and subject to the provisions of the Constitution and to such terms and conditions as he may specify) delegate decision making powers to a specified Portfolio Holder. All such allocations are to be recorded in Parts A and B respectively of Table 4 of Appendix 1 of the Constitution by the Corporate Director (Resources) on the written notification by the Leader of the Council.

2.6 The exercise of delegated powers by a Portfolio Holder is in any event always subject to:-

- (i) the County Council's Policy Framework and Budget.
- (ii) the remaining provisions of the Constitution and in particular the provisions of paragraph 17 of Appendix 4 (call-in) Appendix 5 (Access to Information Rules), and Appendix 7 (Financial Regulations).
- (iii) the policies plans and programmes approved by or on behalf of the County Council applicable to the particular matter under consideration.
- (iv) delegated powers only being exercisable on consideration by the Portfolio Holder of a written report from the Corporate Director concerned. Where appropriate, such written report shall include confirmation that the Corporate Director has received and considered advice from the relevant Statutory Officer. The decision of the Portfolio Holder must be in writing, signed by him/her and by the Corporate Director concerned, and comply with paragraph 2.8 below. A copy of such decision must be given within 24 hours to the Corporate Director (Resources).
- (v) delegated powers being exercisable only within the budgetary limits of that part of the Budget which relates to the Portfolio of that Portfolio Holder.
- (vi) delegated powers not being exercisable where the matter in question directly affects the division of the Portfolio Holder concerned as distinct from a matter of more general application.
- (vii) delegated powers not being exercisable if the Portfolio Holder wishes to take a decision against the advice of the Corporate Director or a Statutory Officer.

2.7 A Portfolio Holder may not have delegated power to take any decision that

- is a key decision ; or
- is reserved by law to the Council or a Committee; or
- any matter which by law may not be exercised by the Cabinet; or
- any matter that is reserved to the Cabinet as a whole.

- 2.8 All decisions made by a Portfolio Holder under delegated powers must be recorded by the relevant Corporate Director in compliance with The Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000, providing in writing:-
- a record of the decision
 - a record of the reasons for the decision
 - details of any alternative options considered and rejected at the time by the Portfolio Holder
 - a record of any conflict of interest declared by any other Cabinet Member who is consulted in relation to the decision
 - a note of any dispensation granted by the Standards Committee in respect of any such declared conflict of interest
 - no decision shall be made by a Portfolio Holder where that Cabinet Member has a conflict of interest or where such action would be contrary to a Code of Conduct in any other way or would be unlawful and in such circumstances the matter shall be dealt with by the Cabinet.
- 2.9 (a) The Cabinet may delegate to a Corporate Director any power or responsibility or function which it is in law the responsibility of the Cabinet to discharge and may add to vary, or delete, any delegation of such power, responsibility or function.
- (b) In respect of powers or functions or responsibilities which are the responsibility of the Cabinet, the Cabinet, after consultation with the Regulatory Committee and any other non-Scrutiny Committees affected, may update the relevant delegations to officers set out in Tables 5 to 12 (inclusive) of Appendix 1 to this Constitution and will report to the Council on any changes so made.
- 2.10 (a) Table 5 of Appendix 1 of this Constitution specifies circumstances in which a Corporate Director may delegate executive functions to an officer in accordance with a scheme to be approved by the Cabinet.
- (b) The Cabinet will keep such schemes under review and may from time to time add to, vary or delete any delegations provided for therein.
- 2.11 Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated those functions.

3. Conflicts of Interest

- 3.1 Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Appendix 10 of this Constitution.
- 3.2 If any Cabinet Member has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Appendix 10 of this Constitution.
- 3.3 If the exercise of an executive function has been delegated to 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 Officers' Code of Conduct in Appendix 11 of this Constitution.

4. Cabinet Meetings

- 4.1 The Cabinet will normally meet at fortnightly intervals and when necessary at other times to be agreed by the Leader of the Council.
- 4.2 The Access to Information Rules in Appendix 5 of this Constitution set out the requirements covering public and private meetings.
- 4.3 The quorum for a meeting of the Cabinet shall be three including the Leader of the Council, or if he is absent, the Deputy Leader.

5. How decisions are taken by the Cabinet

- 5.1 Cabinet decisions which are taken by the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Appendix 5 of the Constitution.

6. Presiding at Meetings of the Cabinet

- 6.1 If the Leader of the Council is present he will preside and if he is absent the Deputy Leader will preside. In the absence of them both the Leader of the Council may appoint another person to preside but if he has made no nomination then a person appointed to do so by those present shall preside.

7. Rights of attendance at Meetings of the Cabinet

- 7.1 Any person entitled to do so by the Access to Information Rules in Appendix 5 of this Constitution may attend a Cabinet Meeting.
- 7.2 A Councillor may attend an Cabinet meeting in accordance with the provisions of paragraph 16.9 of Appendix 2 of this Constitution.
- 7.3 The Cabinet or the Leader of the Council may invite any individual (including a Cabinet Assistant appointed under paragraph 14.9 of Appendix 2 of the Constitution; a member of the Council or otherwise) to attend a meeting of the

Cabinet to assist or advise the Cabinet but such individual shall not be a member of the Cabinet and shall not have any voting rights.

- 7.4 Up to two representatives nominated by the relevant Scrutiny Committee for the purpose shall be entitled to attend and speak (but not to vote) at a meeting of the Cabinet when it considers that Scrutiny Committee's reference back of a called-in decision pursuant to paragraph 17.5 of Appendix 4 of this Constitution.

8. Business conducted at Meetings of the Cabinet

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

- (i) receipt of the minutes of the last meeting.
- (ii) declaration of interest, if any.
- (iii) matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Appendices 4 and 6 of this Constitution.
- (iv) consideration of reports from Scrutiny Committees; and
- (v) matters set out in the agenda for the meeting, and which shall indicate those which are key decisions and those which are not in accordance with the Access to Information Procedure rules set out in Appendix 5 of this Constitution.

- 8.2 The Cabinet may require any Cabinet Member or the Leader of the Council or Corporate Director to report to the Cabinet on any matter which the Cabinet specify and which is within its or his/her purview.

9. Consultation

- 9.1 Reports to the Cabinet from any Cabinet Member or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Committees, and the outcome of that consultation.
- 9.2 Each Portfolio Holder may from time to time make arrangements for consultation with persons or bodies who are not members of the Council about any matter within the portfolio of that Portfolio Holder but such consultative or advisory arrangements shall not give rise to any delegated powers being vested in any person or body so consulted or asked to advise.
- 9.3 Reports about other matters will set out the details and outcome of consultation as appropriate.

10. Setting the Cabinet agenda

- 10.1 The Leader of the Council after consultation with the Proper Officer will decide upon the calendar and agenda for the meetings of the Cabinet. The Proper Officer will comply with the Leader's requests in this respect.
- 10.2 Any Cabinet Member may request the Leader of the Council to arrange for an item to be placed on the agenda of the next available meeting of the Cabinet for consideration.
- 10.3 An item will be placed on the agenda of the next available meeting of the Cabinet where a relevant Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet.
- 10.4 The Monitoring Officer and/or the Finance Officer may require the Proper Officer to include an item for consideration on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.