

Part 4.2 - Cabinet Procedure Rules

4.2.1 Executive Functions

The Cabinet is the Council's Executive body and is responsible for carrying out those functions which by law or under this Constitution are designated as Executive functions. The Leader decides how the Executive functions shall be discharged. This may be by:

- a) The Cabinet as a whole;
- b) A Committee of the Cabinet;
- c) An individual Member of the Cabinet;
- d) A Cabinet Member at a Cabinet Member Decision Day;
- e) An officer;
- f) An area Committee;
- g) Joint arrangements; or
- h) Another local authority.

4.2.2 Delegation by the Leader

The Cabinet shall consist of the Leader, as Chairperson and not more than nine other members appointed by the Leader.

The Leader shall announce the initial appointments to Cabinet at the Annual Meeting of the Council.

The Leader appoints one of the members of the Cabinet (a Portfolio Holder) to be their deputy and be Vice-Chairperson of Cabinet.

The Deputy Leader will hold office until the end of the term of office of Deputy Leader (unless the person resigns as a Deputy Leader, ceases to be a Councillor or is disqualified or removed from Cabinet by the Leader).

The Leader may, if they think fit, remove the Deputy Leader from office, but must then appoint another person in their place. The Leader may at any time remove Portfolio Holders from the Cabinet and change Portfolio Holders' areas of responsibility.

The Leader will report to the Council on all appointments and changes to the Cabinet. No member of the Cabinet may also serve as a member of The Overview and Scrutiny Committee, the two Policy Committees, or the Audit and Governance Committee.

4.2.3 Absent Leader

If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in the Leader's place. If the Deputy Leader is unable to act or the office is vacant, the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to do so.

4.2.4 Removal of Leader from office

The Leader may be removed during the four year term of office by way of resolution by a simple majority of the Council. If the Council passes a resolution to remove the Leader, a new Leader is to be elected: -

- a) At the meeting at which the Leader is removed from office, or
- b) At a subsequent meeting.

4.2.5 Appointment of Cabinet Committees

- 1) The Leader or Cabinet may appoint Cabinet Committees on a continuing or ad hoc basis to deal with any matter relevant to the business or responsibility of the Cabinet, and may delegate authority for action to such Committees. No Member may be appointed to or serve on a Committee of the Cabinet unless that Member is at that time a Member of the Cabinet.
- 2) Each Cabinet Committee may appoint Sub-Committees on a continuing or ad hoc basis to consider any matter relevant to the business or responsibility of the Committee, subject, in all cases, to no objection being raised by the Leader or Cabinet to the principle of the appointment of a Sub-Committee in each case, and to the terms of reference. If the Leader or Cabinet raises objection in respect of a body to deal with non-executive functions, the matter will be referred to Council for determination.
- 3) Only a member of a Sub-Committee who is a member of the parent Committee may be elected as Chairperson of that Sub-Committee, but this requirement shall not debar the election (in the absence of the Chairperson) of a Member who is not a member of the parent Committee to preside at a particular meeting.

4.2.6 Appointment of informal working groups

- 1) The Leader or Cabinet may appoint informal Working groups on a continuing or ad hoc basis to deal with any matter relevant to the business or responsibility of the Cabinet. Only a member of Cabinet may be elected as Chairperson of an Informal Working Group. Informal working groups should where relevant include a Member of the Town Forum or a Ward Councillor.

4.2.7 Meetings of the Cabinet and its Committees and Cabinet Member Decision Days

Meetings of the Cabinet and its Committees and Cabinet Member Decision Days will be determined by the Leader in consultation with the Chief Executive or Monitoring Officer and will be convened in accordance with the Access to Information Procedure Rules set out in this Constitution.

Advance notice of Cabinet Meetings and its Committees will be published on the Council's website in accordance with the usual statutory requirements that apply to meetings, namely five clear working days in advance together with any accompanying reports thereby enabling opportunity for other Members and the public to consider matters prior to the decision to be made.

Meetings of Cabinet and its Committees will be held in public, except where dealing with confidential or exempt matters.

Public speaking will be permitted at Cabinet Meetings and its Committees provided it relates to an item on the agenda for decision and at least three clear working days prior notice has been given. Contributions are also permitted on general matters relating to Cabinet or Cabinet Members. Members of the public will each be limited to a maximum of three minutes, subject to a maximum of fifteen minutes per decision being made or at the discretion of the Chairperson.

Visiting Councillors will be allowed to speak at meetings of Cabinet and its Committees, provided at least three clear working days prior notice has been given. Visiting Councillors will be given a maximum of five minutes per decision being made, which includes their original question/comment and any additional supplemental points.

4.2.8 Quorum

The quorum of Cabinet shall be a third of the whole number of member's on the committee and subject to a minimum quorum of three.

4.2.9 Conduct of Cabinet Meetings

The Leader will preside at any meeting of the Cabinet or its Committees or may appoint another person to do so. If the Leader is not present and has not appointed another person to preside at the meeting the Members of the Cabinet who are present shall choose a Member to preside.

4.2.10 Management of Cabinet Business

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

- a) Leader's announcements
- b) Apologies for Absence
- c) Minutes of the Last Meeting – confirmation as a correct record and signing
- d) Matters referred to the Cabinet
- e) Consideration of reports from Cabinet Sub-Committees/Overview and Scrutiny Committees/Audit and Governance Committee
- f) Matters set out on the Agenda of the Meeting which will indicate which are key decisions and which are not in accordance with the Access to Information Rules set out in Part 4 of this Constitution.
- g) **The Forward Plan**

4.2.11 Items on the Cabinet Agenda

The person presiding at a meeting of the Cabinet or its Committees may vary the Order of the Agenda or adjourn matters for further consideration.

4.2.12 **Councillors**

A **councillor** shall be entitled to request that an item be placed on the agenda of a meeting of the Cabinet or its Committees provided that (a) the particulars thereof are given to the Monitoring Officer at least 14 working days prior to the date of the meeting (b) no **councillor** (other than the person presiding) may give notice of more than one item of business for any one meeting. The Chairperson shall determine whether to take the item on the agenda. The agenda for the meeting will give the name of the Councillor who asked for the item to be considered.

4.2.13 Officers

The Chief Executive, the Monitoring Officer and/or the Section 151 Officer may include an item for consideration on the Agenda of the Cabinet or its Committees and may require that such a meeting to be convened in pursuance of their statutory duties.

4.2.14 Cabinet Member Decision Days

Advance notice of Cabinet Member Decision Days will be published in accordance with the usual statutory requirements that apply to meetings, namely five working days in advance together with any accompanying reports thereby enabling opportunity for other Members and the public to consider

matters prior to the decision to be made. Decision Day agendas will be published on the Council's website.

Cabinet Member Decision Days will be held in public, except where dealing with confidential or exempt matters.

Public speaking will be permitted at Cabinet Member Decision Days provided it relates to an item on the agenda for decision and at least three clear working days prior notice has been given. Contributions are not permitted on general matters relating to Cabinet or Cabinet Members (which is permissible only at a Cabinet meeting). Members of the public will each be limited to a maximum of three minutes, subject to a maximum of fifteen minutes per decision being made or at the discretion of the Chairperson.

Visiting Councillors will be allowed to speak at a Cabinet Member Decision Day, provided at least three clear working days prior notice has been given. Visiting Councillors will be given a maximum of five minutes per decision being made, which includes their original question/comment and any additional supplemental points.

No public speaking will be permitted on the same or similar topic within a period of six months.

No discussion shall take place with the person(s) addressing the Cabinet Member Decision Day. The Cabinet Member may advise how, if at all, the public comments will be dealt with by noting, action or referral.