

CABINET PROCEDURE RULES

1. Operation of the Cabinet

1.1 *Making executive decisions*

The discharge of executive functions may be undertaken by the following -

- a) the Cabinet as a whole;
- b) a committee of the Cabinet;
- c) an officer;
- d) Joint arrangements;
- e) another local authority.

1.2 *Sub-delegation of the Executive Functions*

- a) A committee of the Cabinet responsible for an executive function may delegate further to an officer.
- b) Unless the Council directs otherwise, and provided any statutory requirement for Council approval is obtained, the Cabinet may enter into joint arrangements or agency agreements with other local authorities for the discharge of executive functions.
- c) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the body who delegated.

1.3 *The Council's Scheme of Delegation and Executive Functions*

The Council's Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Appendix 8 of this Constitution. The Executive Head of Strategy, People and Democracy will maintain an updated Scheme of Delegation in accordance with decisions made by full Council and the Cabinet, and in accordance with Appendix 8 of this Constitution.

1.4 *Conflicts of Interest*

- a) 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 13 of this Constitution.
- b) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for members in Appendix 13 of this Constitution.

- c) If the exercise of an executive function has been delegated to a committee of the Cabinet 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 Council's Code of Conduct for members in Appendix 13 of this Constitution.

1.5 *Cabinet Meetings – When and Where*

The Cabinet will meet in accordance with a published programme of meetings. The Leader (or in his/her absence the Deputy Leader) may cancel programmed meetings where he/she considers that there is insufficient business or no urgency of business to justify the holding of the meeting. The Cabinet will meet at the City Hall, Norwich or such other location to be agreed by the Leader.

1.6 *Public or Private Meetings of Cabinet*

The Access to Information Rules in Appendix 7 of this Constitution set out the requirements covering public and private meetings. In accordance with the principles of decision-making set out in Article 13 of the Constitution, the Cabinet will meet in public whenever possible.

1.7. *Questions by the Public and Petitions*

The rules relating to Public Questions (Rule 10, Appendix 1 – Council and Committee Procedure Rules) and Petitions (Rule 11 Appendix 1 – Council and Committee Procedure Rules) apply to the Cabinet.

1.8 *Quorum*

The quorum for a meeting of the Cabinet or a committee of the Cabinet shall be four.

1.9 *Decisions taking by the Cabinet*

- a) Executive decisions which have been delegated to the Cabinet as a whole will be taken at meetings convened in accordance with the Access to Information Rules in Appendix 7 of the Constitution.
- b) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. *Conduct of Cabinet Meetings*

2.1 *Chairing the Meetings*

If the Leader of the Council is present he/she will preside. In his/her

absence, the Deputy Leader will preside. If the Deputy Leader is not present then the Cabinet will appoint a person from among those present to preside at that meeting.

2.2 Attendance at Cabinet

All meetings of the Cabinet are open to the press and public in accordance with these rules unless confidential or exempt information is to be discussed.

2.3 Cabinet Business

At each meeting of the Cabinet, the business that will be conducted is -

- a) Public Questions.
- b) Declarations of Interest.
- c) Consideration of the minutes of the last meeting.
- d) Matters referred to the Cabinet (whether by the Scrutiny Committee or by the Council) for reconsideration in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Appendix 2 of this Constitution.
- e) Consideration of reports and referred minutes from the Scrutiny Committee and any Select Committees.
- f) Matters set out in the agenda for the meeting, which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Appendix 7 of this Constitution.

2.4 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer of proposals relating to the budget and policy framework, must contain details of the nature and extent of consultation with stakeholders and the Scrutiny Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of the consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Placing Items on the Cabinet Agenda

- a) The Leader will decide in consultation with the Chief Executive Officer upon the agenda for each meeting of the Cabinet. He/she may put on the agenda any matter which he/she wishes,

whether or not authority has been delegated to the Executive, a committee of the Cabinet or an officer in respect of that matter. The Executive Head of Strategy, People and Democracy will comply with the Leader's request in this respect.

- b) Any member of Cabinet may require the Executive Head of Strategy, People and Democracy to make sure that an item is placed on the agenda at the next available meeting for consideration, provided that at least 14 working days notice prior to the date of the meeting is given. If he/she receives such a request, the Executive Head of Strategy, People and Democracy will make the arrangements. No member (other than the Leader) may give notice of more than one item of business at any one meeting.
- c) The Executive Head of Strategy, People and Democracy will ensure that an item is placed on the agenda of the next available meeting of the Cabinet where the Scrutiny Committee or the full Council has resolved that an item be considered by the Cabinet.
- d) Any member of the Council may ask the Leader to put an item on the agenda for Cabinet meetings for consideration, provided that at least 14 working days notice prior to the date of the meeting is given, and if the Leader agrees, the item will be considered at the next meeting. The agenda for the meeting will give the name of the councillor who asked for the item to be considered and that member will be invited to attend the meeting when the item is to be considered. No member (other than the Leader) may give notice of more than one item of business at any one meeting.
- e) The Chief Executive, the Monitoring Officer and/or Chief Finance Officer (the statutory officers) may include an item for consideration on the agenda of a Cabinet meeting and may require the calling of such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, the Monitoring Officer and the Chief Finance Officer, are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda at the next available 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.

3. Role of Cabinet Members

Cabinet members will undertake the following roles which are in addition to the general role of the councillor set out in this Constitution -

- a) To promote the objectives and values of the Council.
- b) To ensure that new policies are developed and presented to the Cabinet within the overall strategic approach of the Council after full consultation with external stakeholders, (where appropriate), the Scrutiny Committee and fellow Cabinet members.
- c) To liaise with the Corporate Leadership Team on the need to develop policy issues and the timing thereof.
- d) To contribute to the effective decision making of the Cabinet.
- e) To act as a public spokesperson for the Council within agreed parameters within the portfolio area of responsibility and in accordance with the ODPM Code of Recommended Practice on Local Authority Publicity.
- f) To assist in promoting reports produced by officers to the Cabinet and to attend Scrutiny Committee as required to answer questions from members and the public, to report and comment on items which concern the relevant Cabinet Member or when an item is called in.
- g) To serve on Best Value service review panels when areas within the Cabinet member's remit are under review.
- h) To respond on behalf of the Council to relevant consultation documents after consulting with Scrutiny Committee wherever appropriate.
- i) To aid the Council in pursuing its defined community leadership role.