

CABINET EXECUTIVE PROCEDURE RULES

1 HOW DOES THE CABINET EXECUTIVE OPERATE?

1.1 Who may make Cabinet Executive decisions?

The Leader may discharge the Executive functions of the Council, or he/she may arrange for any Executive functions of the Council to be discharged by:

- (i) the Cabinet Executive as a whole;
- (ii) an individual Member of the Cabinet Executive;
- (iii) an Officer;
- (iv) joint arrangements; or
- (v) another local authority

The arrangements for the discharge of Executive functions determined by the Leader are set out in the Executive arrangements of the Constitution.

1.2 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about Cabinet Executive functions in relation to the coming year:

- (i) the names, addresses and wards of the people appointed to the Cabinet Executive by the Leader;
- (ii) the extent of any authority delegated to Cabinet Executive Members individually, including details of the limitation on their authority;
- (iii) the nature and extent of any delegation of Cabinet Executive functions any other authority or any joint arrangements and the names of those Cabinet Executive Members appointed to any Joint Committee for the coming year; and
- (iv) the nature and extent of any delegation to Officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.

1.3 Sub-delegation of Cabinet Executive functions

- (a) Where the Leader delegates an Executive function to the Cabinet Executive or an individual Member of the Cabinet Executive, then unless the Leader directs otherwise, they may delegate further to joint arrangements or an Officer.
- (b) Where the Leader delegates functions to the Cabinet Executive, then the Cabinet Executive may delegate further to an Officer.
- (c) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Council's scheme of delegation and Cabinet Executive functions

- (a) The Leader may amend the Scheme of Delegation containing the details required in Article 7 and set out in Part 3 of this Constitution insofar as it relates to Executive functions at any time during the year in accordance with the procedure set out below:

- (b) Amendment may be made at any time during the municipal year

- (i) Where the Leader wishes to delegate the discharge of an Executive function that has not been previously delegated written notice must be given by the Leader to the Proper Officer and to the person, body or Committee concerned. The delegation of the Executive function will take effect on receipt of the Leader's written notice by both the Proper Officer and the person, body or Committee concerned.

The Proper Officer will present an information report to the next ordinary meeting of the Council setting out the changes made by the Leader.

- (ii) Where the Leader wishes to transfer the discharge of an Executive function that has been previously delegated to a person, body or Committee to another person, body or Committee, then in each case the Leader must give written notice to the Proper Officer and the person, body or Committee the Executive function is being transferred from, and the person, body or Committee the Executive function is being transferred to.

The delegation of the Executive function will take effect on receipt of the Leader's written notice by both the Proper Officer and the person, body or Committee concerned.

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- (iii) Where the Leader wishes to withdraw the delegation of Executive functions that have been delegated to a person, body or Committee, and discharge the Executive function personally, the Leader must give written notice to the Proper Officer and the person, body or Committee the Executive function is being withdrawn from.

The withdrawal of the Executive function will take effect on receipt of the Leader's written notice by both the Proper Officer and the person, body or Committee concerned.

- (c) Preparation of Constitutional Reports will fall within the responsibility of Corporate Services Group Manager supported by the Democratic Services, Scrutiny & Governance Manager.

1.5 **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 Part 5 of this Constitution.
- (b) If every Member of the Cabinet Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of a Cabinet Executive function has been delegated to 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 Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6 **Cabinet Executive meetings – when and where?**

The Cabinet Executive will meet at least 4 times per year at times to be agreed by the Leader. The Cabinet Executive shall meet at the Council's main offices or another location to be agreed by the Leader.

1.7 **Public or private meetings of the Cabinet Executive?**

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public and private meetings. Other than the legal requirements, consideration should also be given to any principles of decision-making set out in Article 12 of this Constitution. There is no specific requirement in relation to frequency or place, though schedule 1 to the Local Government Act 2000 allows authorities to make provision about the conduct of Cabinet Executive meetings. Any such provision should be set out in this

part of the Constitution. Meetings of the Cabinet Executive shall be held in public unless the issues to be discussed are confidential or exempt.

1.8 Quorum

The quorum for a meeting of the Cabinet Executive, or a Committee of it, shall be 3.

1.9 How are decisions to be taken by the Cabinet Executive?

(a) Cabinet Executive decisions which have been delegated to the Cabinet Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

2 HOW ARE CABINET EXECUTIVE MEETINGS CONDUCTED?

2.1 Who presides?

The Leader will preside at any meeting of the Cabinet Executive at which he/she is present, or may appoint another person to do so. In their absence a person appointed to do so by those present shall preside.

2.2 Who may attend?

Meetings of the Cabinet Executive are held in public. The Cabinet Executive may invite anybody it considers appropriate to attend its meetings and to speak on behalf of an absent Member of the Cabinet Executive. However, that person would not be able to be part of the Cabinet Executive decision making process.

2.3 What business?

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

- (i) consideration of the minutes of the last meeting, for the purposes of accuracy only;
- (ii) declarations of interest, if any;
- (iii) matters referred to the Cabinet Executive (whether by the Scrutiny Commission or by the Council) for reconsideration by the Cabinet Executive in accordance with the provisions contained in the Scrutiny Commission Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

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- (iv) consideration of reports from the Scrutiny Commission; and
 - (v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules (Urgency Rules) set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the Cabinet Executive from any Member of the Cabinet Executive 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 the Scrutiny Commission, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Cabinet Executive agenda?

The Leader, in consultation with Members of the Cabinet Executive, will decide upon the schedule for the meetings of the Cabinet Executive. He/she may put on the agenda of any Cabinet Executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet Executive, a Committee of it or any Member or Officer in respect of that matter. The Chief Executive will comply with the Leader's requests in this respect.

The Proper Officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet Executive where the Scrutiny Commission or the full Council have resolved that an item be considered by the Cabinet Executive.

The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet Executive meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet Executive meeting. If there is no meeting of the Cabinet Executive 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.