

# **Standing Orders – The Cabinet**

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**C1. Introduction**

- C1.1 In accordance with Article 6, the Cabinet will comprise the Leader of the Council and at least two but no more than nine councillors appointed to the Cabinet by the Leader of the Council. The terms of office of the Leader of the Council and Cabinet Members are detailed in Article 7.
- C1.2 Functions which are the responsibility of the Cabinet may be exercised by the Leader of the Council. The Leader of the Council may also delegate authority to exercise those functions to the extent he/she wishes to:
- (i) the Cabinet as a whole;
  - (ii) a committee of the Cabinet (the membership of which will only include members of the Cabinet including the Leader of the Council);
  - (iii) an individual member of the Cabinet;
  - (iv) an officer;
  - (v) an area committee;
  - (vi) joint arrangements; or
  - (vii) another local authority.

**C2. Record of Delegations of Executive Functions**

- C2.1 At the Annual Meeting of the Council, the Leader of the Council will present to the Council a written record of all 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 of the Council must contain the following information in relation to the following year in so far as they relate to executive functions:
- (i) the names, addresses and wards of the people appointed to the Cabinet by the Leader of the Council;
  - (ii) the extent of any authority delegated to those Cabinet members individually, including details of the limitation on their authority;
  - (iii) the terms of reference and constitution of such Cabinet committees as the Leader of the Council appoints (and the names of the Cabinet members he/she appoints to them), including details of any limitation on their authority;
  - (iv) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements (and the names of those Cabinet members appointed to any joint committee for the coming year), including details of any limitations on such delegations; and
  - (v) the nature and extent of any delegation of executive functions to officers with details of any limitation of that delegation and the title of the officer to whom the delegation is made.

**C3. Sub-Delegation of Executive Functions**

- C3.1 If the Leader of the Council delegates functions to the Cabinet, and unless he/she directs otherwise, the Cabinet may delegate further to a committee of the Cabinet, an officer, an area committee, another local authority, or a joint arrangement.
- C3.2 If the Leader of the Council delegates functions to a committee of the Cabinet, and unless he/she directs otherwise, the committee may delegate further to a sub-committee or an officer.
- C3.3 Unless the delegating body directs otherwise, where executive functions are delegated to an area committee, that committee may delegate further to an officer.
- C3.4 Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated the function.

**C4. The Council's Scheme of Delegation and Executive Functions**

- C4.1 The Council's Scheme of Delegation will be adopted by the Council at its Annual Meeting. It will contain the details required in Article 6 and be set out in Part 3 of this Constitution.
- C4.2 During the year, amendments to the scheme of delegation in relation to executive functions may be effected as follows:
  - (a) The Leader of the Council may amend the Scheme of Delegation of executive functions at any time during the year. To do so, the Leader of the Council must give written notice to the proper officer and report these changes to the next ordinary meeting of the Council. Where the Leader of the Council wants to withdraw or amend delegations to a committee, notice will be served on that committee when it has been served on its Chairman/woman.
  - (b) The notice to the proper officer must set out the amendment to the Scheme of Delegation, as contained in Part 3 of this Constitution, and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole. The amendment will take effect on service of the notice by the Leader of the Council on the proper officer.

**C5. Chairman/woman of the Cabinet**

- C5.1 The Leader of the Council will preside at any meeting of the Cabinet or its committees at which he/she is present, unless he/she appoints another person to do so. In the absence of the Leader of the Council, the Deputy Leader shall preside if they are present unless he/she appoints another person to do so (or the Leader of the Council has appointed another person to preside). In the absence of both the Leader of the Council and Deputy Leader, the Cabinet will elect a Chairman/woman unless the Leader of the Council has appointed another person to do so.

**C6. Meetings of the Cabinet**

- C6.1 The frequency, times and locations to be determined by the Leader of the Council.
- C6.2 The Chief Executive may call other meetings of the Cabinet throughout the Municipal Year, in consultation with the Leader of the Council.

- C6.3 All meetings of the Cabinet will be convened in accordance with the Standing Orders in relation to Access to Information.
- C6.4 The quorum for a meeting of the Cabinet, or a committee of it, shall be three.
- C6.5 The order of business at meetings of the Cabinet will be:
- (i) to elect a Chairman/woman for the meeting, if the Leader of the Council and Deputy Leader (if appointed) are absent, subject to C5.1 above;
  - (ii) to approve and sign as a correct record the minutes of the previous meeting;
  - (iii) to receive any declarations of interest;
  - (iv) to deal with any urgent business being dealt with in accordance with the Standing Orders in relation to Access to Information;
  - (v) to consider matters referred to the Cabinet (whether by the Overview and Scrutiny Board or any of its sub-committees or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Standing Orders in relation to Overview and Scrutiny or the Standing Orders in relation to the Budget and Policy Framework;
  - (vi) to consider any reports from the Overview and Scrutiny Board or its sub-committees;
  - (vii) to consider any other matters set out in the agenda for the meeting (which shall indicate which are key decisions and which are not in accordance with the Standing Orders in relation to Access to Information); and
  - (viii) to consider motions in accordance with A13 and C9.
- C6.6 The Head of Governance Support will prepare each agenda for the Cabinet meetings in consultation with the Leader of the Council.
- C6.7 The Head of Governance Support will ensure that an item is placed on the agenda of the next available meeting of the Cabinet if the Overview and Scrutiny Board (or any of its sub-committees) or the Council has resolved that an item must be considered by the Cabinet.
- C6.8 Any member of the Council may ask the Leader of the Council to put an item on the agenda for a Cabinet meeting for consideration. If the Leader of the Council agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the councillor who asked for the item to be considered and that councillor will be invited to attend the meeting.
- C6.9 The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties.
- C6.10 Where a notice of motion has been submitted to the Cabinet for consideration, the Member who submitted the motion shall be entitled to address the Cabinet on such motion.

C6.11 In other circumstances, where the Head of the Paid Service, Chief Finance Officer or Monitoring 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 include an item on the agenda of a Cabinet meeting. If there is no such meeting of the Cabinet within an appropriate timescale to deal with the issue in question, then they may also require that a meeting be convened at which the matter will be considered.

**C7. Attendance at Cabinet Meetings**

C7.1 Meetings of the Cabinet shall be held in public unless exempt or confidential information is likely to be discussed in accordance with the Standing Orders in relation to Access to Information.

C7.2 Any councillor may attend and speak at any meeting of the Cabinet and any meeting of any committee of the Cabinet subject to Standing Order B4.

**C8. Cabinet Decisions**

C8.1 All reports to the Cabinet from the Overview and Scrutiny Board (or any of its sub-committees) on proposals relating to the budget and policy framework must contain details of consultation with stakeholders. The level of consultation required will be appropriate to the matter under consideration.

C8.2 Reports about other matters will set out the details and outcome of consultation as appropriate.

C8.3 Decisions taken by the Leader of the Council, individual members of the Cabinet, the Cabinet or a committee of the Cabinet will have due regard to legal, financial and professional officer advice. The advice of the Monitoring Officer will be sought if there is doubt about the legality of the proposed decision.

C8.4 Where Cabinet decisions are made by the Leader of the Council or delegated to a committee of the Cabinet or an individual member of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

C8.5 Cabinet decisions (including key decisions taken by officers) are subject to a call-in mechanism as set out in the Standing Orders in relation to Overview and Scrutiny.

**C9. Procedure for Notice of Motion at Cabinet meetings**

C9.1 Motions that are within the remit of the Cabinet will be considered and either determined at a meeting of the Cabinet, or the Cabinet may refer the matter to an individual member of the Cabinet (where individual Cabinet Member decision making arrangements are in place) or to an officer for consideration in consultation with the relevant Cabinet Member and the promoter and supporter of the motion.

C9.2 Motions for which notice has been given and require a Cabinet decision will be listed on the agenda in the order in which notice was received, unless the promoter and supporter giving notice state, in writing (including by e-mail if verified by the Head of Governance Support), that they propose to move it to a later meeting or withdraw it. The Leader of the Council may alter the order in which Notices of Motion are taken

on the agenda if he/she considers this will facilitate the efficient running of the meeting.

- C9.3 At the meeting, the Notice of Motion promoter and supporter will be asked to present the motion as published on the Cabinet agenda. The promoter and supporter speeches will be limited to 5 minutes each.
- C9.4 Upon conclusion of the promoter and supporter speeches, a Cabinet Member will propose and second the Cabinet's response to the Notice of Motion. The Cabinet's response will then be open for debate in accordance with Standing Order A15.

**C10. Conflicts of Interest**

- C10.1 Where the Leader of the Council has a conflict of interest this shall be dealt with as set out in the Council's Code of Conduct for Members and Schedule 5 – Delegation of Executive Functions in Part 5 and Part 3 of this Constitution respectively.
- C10.2 If every member of the Cabinet has a conflict of interest this shall be dealt with as set out in the Council's Code of Conduct for Members and Schedule 5 – Delegation of Executive Functions as set out in Part 5 and Part 3 of this Constitution respectively.
- C10.3 If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual member or an officer, and should a conflict of interest arise, which means that the committee, individual member or officer cannot exercise the function, then the function will be exercised by the person or body by whom the delegation was made and that person or body may delegate such function to another committee, individual member or officer.

**C11. Record of Cabinet Decisions**

- C11.1 A record of any Cabinet decisions taken by the Leader of the Council, an individual member of the Cabinet, the Cabinet or a committee of the Cabinet will be prepared in accordance with the Standing Orders in relation to Access to Information.

**C12. Cabinet Working Parties**

- C12.1 The Leader of the Council may appoint (on a task-and-finish basis) informal working parties in accordance with the Local Protocol on Working Parties.

**C13. Referral of Matters to the Overview and Scrutiny Bodies**

- C13.1 The Leader of the Council, individual members of the Cabinet, the Cabinet and Cabinet committees may refer matters related to any executive functions to the Overview and Scrutiny Board with a request that the Board consider the matter and report back with recommendations. Such requests will be dealt with in accordance with the Standing Orders in relation to Overview and Scrutiny.

**C14. Application of Standing Orders in Relation to Council Meetings to Meetings of the Cabinet and Committees of the Cabinet**

- C14.1 The following Standing Orders in relation to Council Meetings will apply to meetings of the Cabinet and Cabinet committees:

A4 ..... Time, place and arrangement of meeting

|                          |                                                                                                                          |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------|
| A5 .....                 | Notice of and Summons to Meetings                                                                                        |
| A11 .....                | Duration of meeting                                                                                                      |
| A14 .....                | Motions which may be moved without Notice and/or during debate                                                           |
| A18 (except A18.5) ..... | Voting                                                                                                                   |
| A19 (except A19.2) ..... | Minutes                                                                                                                  |
| A20 .....                | Record of attendance                                                                                                     |
| A21 .....                | Exclusion of public                                                                                                      |
| A24 .....                | Public Question Time, with the exception that public questions will be presented on a monthly basis at Cabinet meetings. |
| A25 .....                | Members' conduct                                                                                                         |
| A26 .....                | Disturbance by members of the public                                                                                     |
| A27 .....                | Use of cameras and tape and video recorders                                                                              |
| A28 .....                | Prohibition of smoking, alcohol and drugs at meetings                                                                    |
| A29 .....                | Suspension and amendment of Standing Orders                                                                              |
| A30 .....                | Interpretation                                                                                                           |

C14.2 In applying these Standing Orders to meetings of the Cabinet and Cabinet committees, references to the Council shall be deemed to be references to the Cabinet and references to the Civic Mayor and/or Deputy Civic Mayor shall be deemed to be references to the Leader of the Council and/or Deputy Leader.

C14.3 The following Standing Orders in relation to Committee and Sub-Committee Meetings will apply to meetings of the Cabinet and Cabinet sub-committees:

|          |                                                                    |
|----------|--------------------------------------------------------------------|
| B2 ..... | Appointment of Substitute Members of Committees and Sub-Committees |
| B3 ..... | Quorum                                                             |
| B4 ..... | Attendance at committee meetings                                   |
| B5 ..... | Rules of Debate                                                    |

C14.4 So far as the above mentioned Standing Orders in relation to Council meetings are inconsistent with these Standing Orders in relation to the Cabinet and Cabinet committees, the latter shall prevail.

## **C15. Application of Standing Orders in relation to Access to Information to Meetings of the Cabinet and Committees of the Cabinet**

C15.1 The following Standing Orders in relation to Access to Information will apply to meetings of the Cabinet and Cabinet committees:

|           |                                                          |
|-----------|----------------------------------------------------------|
| E1 .....  | Scope                                                    |
| E2 .....  | Additional rights to information                         |
| E3 .....  | Rights to attend meetings                                |
| E4 .....  | Notices of meeting                                       |
| E5 .....  | Access to agenda and reports before and during a meeting |
| E6 .....  | Supply of copies                                         |
| E7 .....  | Access to information after a decision has been made     |
| E8 .....  | Background papers                                        |
| E9 .....  | Summary of public's rights                               |
| E10 ..... | Exclusion of access by the public to meetings            |
| E11 ..... | Exclusion of access by the public to reports             |
| E12 ..... | Procedure before taking Key Decisions                    |

|          |                                                                                                               |
|----------|---------------------------------------------------------------------------------------------------------------|
| E13..... | The Forward Plan                                                                                              |
| E14..... | General exception                                                                                             |
| E15..... | Special urgency                                                                                               |
| E16..... | Reports to Council                                                                                            |
| E17..... | Record of decisions                                                                                           |
| E18..... | Reports intended to be taken into account                                                                     |
| E19..... | Recording of Decisions by the Elected Mayor or individual<br>members of the Cabinet taken outside of meetings |
| E21..... | Access to information – Members                                                                               |