

Constitution Review

Part 4 – Cabinet Procedure Rules

Following approval to implement a new format for the Council's Constitution, Part 4 of the document sets out the Rules of Procedure Section. This particular aspect of the Constitution relates to Cabinet Rules of Procedure.

This document seeks to map out how areas of the original Constitution have transitioned to the new Cabinet Rules of Procedure section, together with those areas that are recommended for deletion. It should be read in conjunction with the newly proposed Cabinet Rules of Procedure section, together with the working copy of the original Constitution which is colour coded as follows:

Green = transferred and embedded into the new Cabinet Rules of Procedure section

Red = recommended deletion

The below table sets out those pages of the original Constitution impacted in developing the new Cabinet Rules of Procedure section:

Pages	Section(s)	Explanation
65 to 69	Leader's Scheme of Delegation	Delegated powers are set out in Part 3 of the Constitution under Responsibility for Functions. Detailing specific Cabinet Member service-level responsibilities is not normally something that would be included in a Constitution – this forms part of the Leader's annual announcement/report of Cabinet Member roles and responsibilities or any in-year changes that occur to Cabinet, all of which will be published on the Council's website
71	Paragraph 8.5	Included in new document (Pages 70 and 71, paragraphs 8.3 to 8.5, have already been covered in a previous part of the review)
72	Various	Included in new document
72	Paragraph 8.5.2(i)	Deletion of requirement to publish address of Cabinet Member – this is classified as sensitive information and is protected for all Members of the Council
73	Various	Included in new document
73	Paragraph 8.5.7	Deletion of the term 'open'. Members are entitled to attend any meeting of Cabinet so this is a contradiction, implying that they would not be entitled to attend a private meeting even though it states elsewhere in the Constitution that all Members can attend any meeting of Cabinet
74	Remainder of paragraph 8.5.7	Included in new document

74 and 75	Paragraphs 8.5.8 and 8.5.9	Information duplicated in Access to Information Procedure Rules
75	Paragraphs 8.5.10 to 8.6.2	Included in new document
76	Remainder of paragraph 8.6.2	Included in new document
76	Paragraph 8.6.2(v)	Deletion of paragraph – unnecessary duplication
76	Paragraph 8.6.2(vi)	Deletion of paragraph – unnecessary duplication
76	Paragraph 8.6.3	Deletion of list of bullet points regarding items that Cabinet must consult with Overview and Scrutiny Committees on – the Overview and Scrutiny Committees already have the ability to manage their own workloads so this prescribed list is unnecessary
77	Paragraph 8.7.1	Deletion of reference to the Leader deciding upon a schedule of Cabinet meetings – unnecessary duplication
77	Paragraph 8.7.2	Deletion of reference to a standing item on the agenda for Cabinet meetings in respect of items from Overview and Scrutiny Committees – unnecessary duplication
77	Paragraph 8.8	Deletion of responsibility for functions paragraph – unnecessary duplication
77	Paragraph 8.9	Deletion of reference to consideration of reports from external auditor – the Leader already has the ability to add any items he or she may wish onto agendas for Cabinet – this appears to contradict the terms of reference of the Governance and Audit Committee

The below table sets out recommended additions not included in the current Constitution, or recommended amendments to sections set out in the current Constitution for inclusion in the new document. These are highlighted in yellow on the new Cabinet Procedure Rules document:

Recommended Additions:

Relevant section	Addition	Reason
Paragraphs 1.1 and 1.2	Addition of references to relevant sections elsewhere in the Constitution	Removes duplication and signposts to relevant section elsewhere in the document
Paragraph 1.3(b)	Addition of reference to a Committee of Cabinet	Committees of Cabinet should also be included under this particular paragraph, as set out in the model Constitution
Paragraph 3.4	Addition of paragraph to state that a person or body having delegated authority can still discharge the particular function	To provide greater clarity, in line with the model Constitution
Paragraph 6.4	Inclusion of reference to the Deputy Leader as part of a quorum	This provides a contingency in case the Leader is unable to attend or has an interest in an item
Paragraph 6.5	Inclusion of additional paragraph to explain the process when both the Leader and Deputy have an interest in an item	To provide greater clarity
Paragraph 8	Addition of reference to decisions by individual Cabinet Members or Officers	To provide greater clarity

The below table sets out recommended additions not included in the current Constitution, or recommended amendments to sections set out in the current Constitution for inclusion in the new document. These are highlighted in blue within the new Cabinet Procedure Rules document:

Recommended Amendments:

Relevant section	Amendment	Reason
Paragraph 7.2	Attendance and speaking rights of non-Cabinet Members	Consistent with process at Overview and Scrutiny Committees