

## **CABINET PROCEDURE RULES**

### **1. Cabinet Decision-Making**

- 1.1 The nature, composition and role of Cabinet is set out in Article 7 of this Constitution.
- 1.2 The arrangements for the discharge of the Council's executive functions are set out in Part 3(b) of this Constitution.
- 1.3 The Leader will decide how any functions which fall within the remit of Cabinet are to be exercised. In either case, the arrangements or the Leader may provide for executive functions to be discharged by:
  - (a) Cabinet as a whole
  - (b) A Committee of Cabinet
  - (c) An individual member of Cabinet
  - (d) An Officer
  - (e) An Area Committee
  - (f) Joint Arrangements
  - (g) Another Local Authority

### **2. Delegation by the Leader**

- 2.1 At the Annual Meeting of Full Council, the Leader will present to the Council a written record of the delegations made by them for inclusion in the Council's scheme of delegation in Part 3(b) of this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:
  - (a) The names and Electoral Wards of the people appointed to Cabinet by the Leader
  - (b) The extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority
  - (c) The Terms of Reference and Constitution of such Cabinet Committees as the Leader appoints and the names of Cabinet Members appointed to them

- (d) The nature and extent of any delegation of Cabinet 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
- (e) 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

### **3. Sub-delegation of Executive Functions**

- 3.1 Where Cabinet, a Cabinet Committee or an individual Cabinet Member is responsible for an executive function, they may delegate further to an Area Committee, joint arrangements or an Officer.
- 3.2 Unless the Council directs otherwise, Cabinet may further delegate any functions that have been delegated to it by the Leader to a Cabinet Committee or to an Officer.
- 3.3 Unless the Leader directs otherwise, a Cabinet Committee to whom functions have been delegated by the Leader may delegate further to an Officer.
- 3.4 Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

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

- 4.1 Subject to 4.2 below, the Council's scheme of delegation will be subject to adoption by Full Council and may only be amended by Full Council. It will contain the details required in Article 7 and set out in Part 3(b) of this Constitution.
- 4.2 The Leader may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Proper Officer and to the person, body or Committee concerned. The notice must be set out in the extent of the amendment to the scheme of delegation and whether it entails the withdrawal of delegation from any person, body, Committee or Cabinet as a whole. The Proper Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- 4.3 Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when the Leader has served it on its Chairman.

## **5. Conflicts of Interest**

- 5.1 Where the Leader of the Council or any individual Cabinet Member has a conflict of interest, this should be dealt with as set out in the Councillor Code of Conduct in Part 5 of this Constitution.
- 5.2 If the exercise of an Executive function has been delegated to a Cabinet Committee, an individual Cabinet Member or an Officer, and a conflict arises, then the function will be exercised in the first instance by the person or body to whom the delegation was made and otherwise as set out in the Councillor Code of Conduct in Part 5 of this Constitution. In particular there should be early disclosure of any interest and a written record identifying the nature of the interest.

## **6. Cabinet Meetings**

- 6.1 Cabinet will meet as and when necessary at times to be agreed by the Leader of the Council.
- 6.2 Cabinet meetings will normally be held at the Council's Offices at St Peter's Hill, Grantham, NG31 6PZ or another location to be agreed by the Leader.
- 6.3 The Access to Information Procedure Rules in Part 4 of this Constitution set out the requirements covering public and private meetings of Cabinet.
- 6.4 The quorum for a meeting of Cabinet, or a Committee of it, will be one third of the total number of members of Cabinet, including the Leader or Deputy Leader or three including the Leader or Deputy Leader, whichever is larger.
- 6.5 If circumstances arise whereby the Leader of the Council and Deputy Leader of the Council declare an interest which means they have to leave the meeting room for a particular item, the quorum will be one third of the total number of members of Cabinet or three, whichever is the larger.
- 6.6 Cabinet decisions which have been delegated to or are to be taken by Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution.
- 6.7 Where Cabinet decisions are delegated to a Committee of Cabinet, the rules applying to Cabinet decisions taken by them will be the same as those applying to decisions taken by Cabinet as a whole.

## **7. How Cabinet Meetings are Conducted**

- 7.1 The Leader of the Council will preside. In his or her absence, the Deputy Leader will preside. In the absence of both the Leader of the Council and the Deputy Leader of the Council, a Cabinet Member will be appointed to preside.

- 7.2 Any member of the Council may attend any meeting of Cabinet, its Committees and Sub Committees. They will be permitted to speak at the discretion of the Leader, or person presiding the meeting, but the same provision must be made available to all Councillors in attendance for the respective item. In such circumstances, no speech will exceed 5 minutes in length, unless the Leader, or person presiding, uses their discretion to allow a Councillor to exceed this time limit.
- 7.3 At each meeting of Cabinet, the following business will be conducted:
- (a) Consideration of the minutes of the previous meeting
  - (b) Disclosures of interest, if any
  - (c) Matters referred to Cabinet (whether by an Overview and Scrutiny Committee or by Full Council) for reconsideration by Cabinet in accordance with the provisions contained in the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution
  - (d) Consideration of reports from Overview and Scrutiny Committees, with the Chairman of the relevant Overview and Scrutiny Committee, or Vice-Chairman in their absence, being entitled to speak before debate of a report relevant to their Committee
  - (e) Matters set out in the agenda for the meeting
- 7.4 All reports to Cabinet from any Cabinet Member or Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation.
- 7.5 Reports about other matters will set out the details and outcome of consultation as appropriate, with the level of consultation required being appropriate to the nature of the matter under consideration.
- 7.6 The Leader may put on the agenda of any Cabinet meeting any matter that they wish, whether or not authority has been delegated to Cabinet, a Cabinet Committee or any Cabinet Member or Officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.
- 7.7. The Monitoring Officer or Section 151 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. In other circumstances, where any two of the Head of Paid Service, Monitoring Officer or Section 151 Officer are of the opinion that a meeting of Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting.

7.8 If there is no meeting of Cabinet soon enough to deal with those matters requested under paragraphs 7.6 and 7.7, 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.

**8. Decisions by Individual Cabinet Members or Officers**

8.1 The Access to Information Procedure Rules in Part 4 of this Constitution set out the requirements covering decisions by individual Cabinet Members or Officers.