

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 Civic Building (SK House), St. Peter's Hill, Grantham, Lincolnshire NG31 6PY 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 and be entitled to speak.
- 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) Receipt of questions or statements from the public
 - (d) 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
 - (e) 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
 - (f) Receipt of questions from Councillors
 - (g) 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. Public Speaking

- 8.1 Members of the public may make a statement or ask any question, subject to paragraph 8.7, during a period of up to 30 minutes set aside at the start of the meeting.
- 8.2 In respect of extraordinary meetings, members of the public may make a statement or ask any question, subject to paragraph 8.7, at the commencement of the item being considered for a period of up to 30 minutes.
- 8.3 Notice of any statement to be made or question to be asked must be given by delivering it in writing or by electronic mail to Democratic Services at least one working day before the day of the meeting. Each notice must give the name and contact details of the speaker or questioner.
- 8.4 Questions will be asked and speeches made in the order in which notice of them was received, except that the Leader, or person presiding the meeting, may group together similar questions or items to be spoken on. Each question or speech will be subject to a total time limit of five minutes.
- 8.5 A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to their original question. A supplementary question must arise directly out of the original question or the reply. The Leader, or person presiding the meeting, may reject a supplementary question on any of the grounds in paragraph 8.7 or if the time limit for public questions has expired.

- 8.6 At any one meeting no person or organisation may submit more than two questions or statements on more than two items on the agenda of the relevant meeting and no more than six such questions or speeches will be tabled or delivered at any one meeting. If more than six notices of intention to speak are received, the first six received will be invited to attend to speak. Any questions tabled for that same meeting will be dealt with by way of written response or held over until the next meeting at the request of the questioner or speaker.
- 8.7 The Chief Executive may reject a question or prevent the right to speak if it
- (a) Is not about a matter for which Cabinet has a responsibility
 - (b) Is defamatory, frivolous, objectionable, improper or offensive Part 4 – Rules of Procedure Page 43 (c)
 - (c) It is substantially the same as a question which has been put by a member of the public at a meeting of Cabinet the past six months (d) Requires disclosure of confidential or exempt information
- 8.8 A record of statements and questions made and any responses to them will be recorded in the minutes of the meeting.

9. Open Questions by Councillors

- 9.1 Time allowed for questions will be at the Leader's discretion, or that of the person presiding the meeting.
- 9.2 Questions will only be addressed to the Leader of the Council, Deputy Leader of the Council or individual Cabinet Members.
- 9.3 Questions will be on a first come, first served basis.
- 9.4 Supplementary questions and the number of questions permitted by an individual Councillor will be at the discretion of the Leader, or the person presiding the meeting.
- 9.5 Questions will not be recorded verbatim in the minutes of Cabinet meetings. Details in the minutes will consist of the Councillor who asked the question, a brief summary of the question and the response provided.

9.6 A question will be rejected by the Leader, or person presiding the meeting, if:

- It is not about a matter for which the District Council has a responsibility, or which directly affects the district
- It is of a defamatory, frivolous, objectionable, improper or an offensive nature
- It is substantially the same as a question which has been put at a meeting of Cabinet in the past six months
- The answer requires disclosure of confidential or exempt information

10. Decisions by Individual Cabinet Members or Officers

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