

CABINET PROCEDURE RULES

INDEX

	Page
Form and Composition	3
Role and Responsibility	3
Cabinet Members with Responsibility	4
Advisory Member Groups	4
Role Descriptions and Protocols	5
Taking Executive Decisions	5
Interests	6
Cabinet Meetings	7
Presiding at Meetings of the Cabinet	7
How Decisions are taken by the Cabinet	7
Rights of Attendance at Meetings of the Cabinet	7
Business Conducted at Meetings of the Cabinet	8
Consultation	9
Setting the Cabinet Agenda	9
Development by the Council	10

APPENDIX 3 - CABINET PROCEDURE RULES

1. The Cabinet

Form and Composition

- 1.1 The Articles of the Constitution, and in particular Article 6, establish the constitutional and governance position of the Leader and Cabinet. These Rules provide some more detail on the procedures to be followed.
- 1.2 The Cabinet will consist of the Leader of the Council ('the Leader'), and at least 2 and up to 9 other Councillors (of whom one will be designated as Deputy Leader), appointed to the Cabinet from time to time by the Leader.
- 1.3 The Cabinet is not a Committee of the Council. Its composition is not required to be according to the political balance of the Council.
- 1.4 The Leader will decide on the size of the Cabinet, nature and number of areas of responsibility and their allocation to members of the Cabinet (Cabinet Members with Responsibility – CMRs) from time to time.
- 1.5 The Leader may at any time remove and appoint any CMR and any appointment or removal will take effect on the receipt by The Assistant Director for Legal and Governance of such notification.

Role and Responsibility

- 1.6 The role of the Leader and Cabinet is to provide political leadership for the Council, to lead the preparation of the Council's policies and budget, to implement the Council's policies and budget, and to hold political responsibility for and to take any necessary decisions on executive functions for which the Leader or Cabinet has responsibility.
- 1.7 The Leader and Cabinet will carry out the functions set out from time to time in the Scheme of Assignment of Responsibility for Functions (Appendix 1) which will include all matters which are executive functions and all other functions the executive may perform including all local choice functions which have not otherwise been allocated under this Constitution. The Leader has delegated to officers all such functions as are contained within the Officers' Scheme of Delegation within Appendix 1. The Leader may determine that the Cabinet will take collective decisions in respect of matters which are the responsibility of the executive, or may determine those matters him or herself or authorise individual CMRs or officers to take such decisions, in compliance with Access to Information requirements.
- 1.8 The Leader and Cabinet will as appropriate or necessary in the circumstances seek the advice of the Chief Officers on any matter and shall have regard to any advice so given.

1.9 (a) The Assistant Director for Legal and Governance is designated Proper Officer for matters relating to the membership and meetings of the Cabinet, including summoning meetings of the Cabinet, circulating the Agenda and papers for such meetings, and recording every decision taken by the Cabinet. Such record shall include the reasons for such decisions and any alternative options considered and rejected.

(b) The Assistant Director for Legal and Governance as Proper Officer is responsible for undertaking the various notifications of decisions of the Cabinet required by this Constitution.

Cabinet Members with Responsibility (CMRs)

1.10 A CMR holds political responsibility within the scope of the area assigned to him/her by the Leader and is accountable to the Leader in relation to that area. The CMR provides political leadership in the formulation of strategies and plans within his/her area of responsibility, and in the setting of appropriate objectives and targets, prior to any approval by Cabinet and/or Council, as appropriate, or as authorised to take such decisions by the Leader.

1.11 The CMR provides political leadership in ensuring that service strategies, plans, objectives and targets within his/her area of responsibility are monitored, implemented and achieved.

1.12 The CMR is the principal political spokesperson for that area of responsibility, and may take decisions on executive functions to the extent that authority is delegated by the Leader or Cabinet, and in accordance with the Access to Information Rules.

1.13 The CMR will respond or advise the Cabinet on how to respond to a report from the Overview and Scrutiny Performance Board relating to his/her area of responsibility.

Advisory Member Groups

1.14 The CMR may, on an 'as needs' basis establish ad hoc member groups to assist him/her, on an advisory basis, with policy development or on difficult issues facing him/her. Further detail is given in the role descriptions for CMR's in Appendix 12.

Role Description and Protocols

1.15 Role descriptions and protocols have been drawn up governing how the CMR should carry out his or her responsibilities. These are contained in Appendix 12 of the Constitution.

2. Taking Executive Decisions

- 2.1 The Leader or Cabinet has no power to:
- (a) take decisions on matters reserved to the full Council; or
 - (b) take decisions on matters which may not by law be determined by the Leader or Cabinet, or on local choice matters which have been assigned elsewhere except as permitted by this Constitution or the law.
- 2.2 Subject to 1.7 and 2.1 above, the Cabinet may collectively take any decision on any matter which is an executive function or otherwise which is the responsibility of the executive. The Cabinet will in general be taking any decision which is a 'key decision' as defined in the Access to Information provisions, unless individual CMRs or officers have been delegated the authority to do so.
- 2.3 The Cabinet may also take decisions on any matter which:
- (a) has been referred to the Cabinet by the Council, a CMR or any Chief Officer (whether or not the Chief Officer in question has delegated powers in respect of that matter); or
 - (b) is one which the Cabinet has specifically reserved for decision to itself.
- 2.4 The Leader or Cabinet may establish one or more Working Groups for specified and time-limited purposes. Such Groups shall have no delegated powers but shall report with recommendations to the Leader or Cabinet. The Leader or Cabinet shall appoint the Chairman and members of any such Working Group from amongst the members of the Cabinet.
- 2.5
- (a) The Leader or Cabinet may delegate to a Chief Officer any power or responsibility or function which it is the responsibility of the Leader or Cabinet to discharge and may add to, vary, or delete any delegation of such power, responsibility or function from time to time. The Scheme of Assignment of Responsibility for Functions at Appendix 1 contains the Officers' Scheme of Delegation setting out those general delegations which have been made, and which may be varied from time to time.
 - (b) The Chief Officer may delegate further all or any of those delegated powers, responsibilities or functions to other officers.
 - (c) The Leader or Cabinet may delegate any responsibility for the exercise of a function which is the responsibility of the executive to the Leader, any CMR, another local authority or its executive or a joint committee.
 - (d) A CMR who holds delegated authority may delegate further all or any of those delegated powers, responsibilities or functions to an officer.
- 2.6 Even where executive functions have been delegated, that fact does not prevent the discharge of those functions by the person or body who delegated those functions.

- 2.7 When a matter raises an issue of such exceptional significance and public interest, the Leader or Cabinet may choose to seek the views of the Full Council before Cabinet makes its decision on that matter.
- 2.8 When a decision is made by the Cabinet, Leader, or CMR, the decision shall be recorded and published either in the Minutes of the Cabinet meeting at which the decision was taken or in the Record of Decision of the Cabinet or CMR and such a record shall be available at County Hall, Worcester normally within three working days of the decision being made and placed on the Council's website. All Councillors will be sent electronic notification of the Minutes or Record of Decision at the same time.
- 2.9 The Minutes of the Cabinet meeting in question or Record of Decision of Cabinet or CMR will bear the date on which they are published under paragraph 2.8 and will specify if paragraph 17.16 (urgency) of the Overview and Scrutiny Procedure Rules (Appendix 4) applies. If not, the decision may then be implemented on the fifth working day after the publication of the decision (counting from the Record of Decision or Minutes, whichever is circulated earlier), unless it is called-in under paragraph 17.5 of the Overview and Scrutiny Procedure Rules. If paragraph 17.16 does apply, the decision may be implemented immediately upon its making.
- 2.10 A CMR shall, in preparing a report for the Cabinet, consider whether or not urgent implementation is necessary in accordance with the application of the procedure in Paragraph 17.16 of the Overview and Scrutiny Procedure Rules.

3. Interests

- 3.1 Where any member of the Cabinet has an interest in a matter under consideration this should be dealt with as set out in the Members' Code of Conduct in Appendix 10 of this Constitution.
- 3.2 The Standards and Ethics Committee may in appropriate circumstances and in line with legislative provisions grant dispensations to any member of the Cabinet in respect of an interest, as it may in respect of all meetings of Committees or Council.

4. Cabinet Meetings

- 4.1 The Cabinet will normally meet at approximately monthly intervals and when necessary at other times to be agreed by the Leader. The Cabinet will meet at County Hall, Worcester or at another location agreed by the Leader. In accordance with these provisions, the Leader, after consultation with The Assistant Director for Legal and Governance, will decide upon the schedule and location of meetings and may vary this from time to time.
- 4.2 The Cabinet may regulate the conduct of its own proceedings but may adopt such provisions of the Council's Procedural Standing Orders as it deems appropriate.

4.3 The Cabinet will meet in public, unless the matter to be discussed is likely to disclose confidential or exempt information, in which case the Cabinet may exclude the press and public from the meeting. The Access to Information Rules in Appendix 5 of this Constitution set out the requirements covering meetings of the Cabinet.

4.4 The quorum for a meeting of the Cabinet shall be three.

5. Presiding at Meetings of the Cabinet

5.1 If the Leader is present he/she will preside. In his/her absence, the Deputy Leader will preside. In the absence of both of them, the Leader may nominate another member of the Cabinet to preside but if he/she has made no nomination then a member appointed to do so by those present at the meeting of the Cabinet shall preside.

6. How decisions are taken by the Cabinet

6.1 Decisions by the Cabinet will be taken by a majority of those present and voting at a meeting convened in accordance with the Access to Information Rules in Appendix 5 of the Constitution.

7. Rights of attendance at Meetings of the Cabinet

7.1 Any person entitled to do so by the Access to Information Rules in Appendix 5 of this Constitution may attend a Cabinet meeting.

7.2 A member of the public entitled to attend a Cabinet meeting may participate in accordance with and subject to the Procedural Standing Orders of the Council relating to public participation as adopted by the Cabinet, subject to the overall discretion of the person chairing the meeting of Cabinet.

7.3 A Councillor will be notified of any item of business before the Cabinet which is considered to be of a particular interest to the Councillor representing an electoral division to which that item relates or affects. He/she will be invited to attend the meeting in question, may speak on the item but not vote on it and may also or in the alternative submit written representations.

7.4 A Councillor who has moved or seconded or whose name appears as one of the first three (or in accordance with Procedural Standing Order 20, five) signatories to a Notice of Motion referred to the Cabinet will be entitled to attend the meeting to which the motion has been referred, and speak upon the Motion, but not vote on it.

7.5 The Chairman or Vice-Chairman of the Overview and Scrutiny Performance Board or appropriate Scrutiny Lead Members shall be entitled to attend and speak (but not to vote) at a meeting of the Cabinet when it considers the Overview and Scrutiny Performance Board's reference back of a called-in

decision (pursuant to paragraph 17.12 of Appendix 4 of this Constitution) or any other report of the Overview and Scrutiny Performance Board.

- 7.6 Any other Councillor may in accordance with the Access to Information Rules in Appendix 5 attend meetings of the Cabinet as an observer, and speak at the discretion of the Leader or other Councillor presiding at the meeting.
- 7.7 The Leader or Cabinet may invite any individual (whether or not a member of the Council) to attend a meeting of the Cabinet to assist or advise the Cabinet but such individual shall not be a member of the Cabinet and shall not have any voting rights.
- 7.8 The Chief Officers, Monitoring Officer and/or their nominees are entitled to attend any meeting of the Cabinet.

8. Business conducted at Meetings of the Cabinet

- 8.1 The business of each meeting of the Cabinet will include the following business:
- (a) confirmation of the minutes of the last meeting;
 - (b) declarations of interest (if any);
 - (c) consideration of matters referred to the Cabinet, whether by the Overview and Scrutiny Performance Board or by the Council in accordance with the provisions contained in the Council's Procedural Standing Orders, the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Rules set out in Appendices 2, 4 and 6 of this Constitution;
 - (d) consideration of any reports from the Overview and Scrutiny Performance Board together with any advice from a Cabinet Member with Responsibility on how to respond to the report; and
 - (e) consideration of matters set out in the agenda for the meeting, which shall be indicated in the public notice to that effect as those which are key decisions and those which are not in accordance with the Access to Information rules set out in Appendix 5 of this Constitution.
- 8.2 No item of business whose sole purpose is to give news and information to members shall be submitted to the Cabinet unless agreed by the Leader.
- 8.3 The relevant Cabinet Member with Responsibility will lead on any item of business within the scope of the relevant area of responsibility.
- 8.4 The Leader or Cabinet may require any Cabinet Member with Responsibility or Chief Officer to report to the Cabinet on any executive function which the Cabinet specifies and which is within the purview of the Leader, Cabinet, that Cabinet Member with Responsibility or Chief Officer.

9. Consultation

- 9.1 Reports to the Cabinet from any Cabinet Member with Responsibility 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, as relevant, the Overview and Scrutiny Performance Board, and the outcome of that consultation.
- 9.2 Each Cabinet Member with Responsibility may from time to time make arrangements for consultation with persons or bodies who are not members of the Council about any matter within the remit of that Cabinet Member with Responsibility but such consultative or advisory arrangements shall not give rise to any delegated powers being vested in any person or body so consulted or asked to advise.
- 9.3 Reports about other matters will set out the details and outcome of consultation as appropriate.

10. Setting the Cabinet agenda

- 10.1 The Leader after consultation with the Chief Executive and Assistant Director for Legal and Governance will decide upon the agenda for the meetings of the Cabinet having regard to the provisions of Paragraph 8.1. The Assistant Director for Legal and Governance will comply with the Leader's requests in this respect.
- 10.2 Subject to the provisions of the Access to Information Rules (Appendix 5), any member of the Cabinet or Chief Officer may request the Leader to arrange for an item to be placed on the agenda of the next available meeting of the Cabinet for consideration, but subject to paragraph 10.4 nothing shall require the Leader to agree to any such request.
- 10.3 Subject to the provisions of the Access to Information Rules (Appendix 5), an item will be placed on the agenda of the next available meeting of the Cabinet where the Overview and Scrutiny Performance Board or the full Council has resolved that an item be considered by the Cabinet subject to any alternative timescale indicated in that resolution.
- 10.4 The Head of Paid Service, Monitoring Officer and/or the Chief Financial Officer may require The Assistant Director for Legal and Governance to include an item for consideration on the agenda of a Cabinet meeting in pursuance of their statutory duties. If there is no meeting of the Cabinet 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 an earlier meeting be convened at which the matter will be considered.

11. Development by the Council

- 11.1 Where the Cabinet or an officer (the proposer) is required by law to make an application for planning permission to the Council itself the following provisions shall apply:-

- (a) the proposer shall at the time of the passing by the Cabinet of any resolution it is required by law to pass to seek such consent, approval permission or similar decision (or any decision by an officer on its behalf under delegated powers) cause any appropriate application to be made and sufficient plans and particulars to be sent to the senior officer responsible for planning;
- (b) (i) The Assistant Director for Legal and Governance or the senior officer responsible for planning shall arrange for the publication, or service, of any advertisements and notices required by law;
- (ii) the senior officer responsible for planning shall carry out all necessary consultations (whether required by law or not) and shall make a report in writing to the Planning and Regulatory Committee giving at least:-
 - (aa) details of the plans and other particulars; and
 - (bb) details of any representations received; and
 - (cc) the advice of the senior officer responsible for planning.
- (c) the Planning and Regulatory Committee shall advise the proposer whether planning permission is granted or not and may grant planning permission subject to specific conditions;

Provided, however, that nothing in the procedure contained in this Rule shall prevent the Planning and Regulatory Committee delegating all or any of its functions under this provision (either generally, or in a particular class or classes of proposal, or in relation to a particular proposal) to the senior officer responsible for planning.

- 11.2 The foregoing procedure shall also apply to any proposal in respect of which the Council, the Cabinet or Officer, are required by law to make an application to a Local Planning Authority or to the Secretary of State for any such consent, approval, permission or similar decision and shall be followed before the application is made.