

Part 3B

Cabinet Standing Orders

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1. Executive decision taking

The arrangements for the discharge of executive functions may be set out in the executive arrangements adopted by the Council. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements adopted by the Council or the Leader may provide for executive functions to be discharged by any or all of the following:

- (i) The Cabinet as a whole.
- (ii) A committee of the Cabinet.
- (iii) An individual member of the Cabinet.
- (iv) An officer.
- (v) An area committee.
- (vi) Joint arrangements.
- (vii) Another local authority.

2. The Council's scheme of delegation and executive functions

- (a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and is set out in Part 2 of this constitution.
- (b) Where functions may be discharged by the Cabinet, the Cabinet may arrange for the discharge of any of those functions
 - (i) by a committee of the Cabinet; or
 - (ii) by an officer.

Arrangements so made by the Cabinet are not to prevent the Cabinet from exercising those functions.

3. Conflicts of interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Councillors at Part 4A.
- (b) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Councillors in Part 4 of this constitution.

4. Conduct of Cabinet meetings

- (a) The Cabinet will meet at least once in each cycle of Council meetings at times to be agreed by the Leader. The Cabinet shall meet at the council's main offices or another location to be agreed by the Leader.

- (b) All meetings of the Cabinet will normally be held in public. Where the Cabinet is considering items of a confidential or exempt nature these may be heard in private provided that the subject matter of the item falls within one of the paragraphs in Part I of Schedule 12A to the Local Government Act 1972.
- (c) The quorum for a meeting of the Cabinet, or a committee of it, shall be one half of the total number of members of the Cabinet (including the Leader).
- (d) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Standing Orders in Part 3 of this constitution.
- (e) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.
- (f) If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader will preside. If neither the Leader nor the Deputy Leader is present, then a person appointed to do so by those present shall preside.
- (g) Standing Orders 6,7,12,13 (but not 13.4, 13.5 and 13.8), 15 – 23 (but not 16.1 or 20.1) of the Council Standing Orders, set out in Part 3 of this constitution, shall apply to meetings of the Cabinet and any committees of the Cabinet.

5. Business of the meeting

At each meeting of the Cabinet the following business will be conducted:

- (a) Consideration of the minutes of the last meeting.
- (b) Apologies for absence.
- (c) Declarations of interest, if any.
- (d) Questions from the public.
- (e) Matters referred to the Cabinet (whether by an overview and scrutiny committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Standing Orders or the Budget and Policy Framework Standing Orders set out in Part 3 of this Constitution.
- (f) Consideration of reports from overview and scrutiny committees.

- (g) Matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Standing Orders set out in Part 3 of this Constitution.

6. Consultation

All reports to the Cabinet from any member of the Cabinet 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 relevant overview and scrutiny panels, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

7. Inclusion of items on the Cabinet agenda

- (a) The Leader will decide the agenda for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a committee of it or any member or officer in respect of that matter. The Executive Director will comply with the Leader's requests in this respect.
- (b) Any member of the Cabinet may require the Executive Director to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he or she receives such a request the Executive Director will comply.
- (c) The Executive Director will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant overview and scrutiny committee or the full Council have resolved that an item be considered by the Cabinet.
- (d) The Monitoring Officer or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Executive Director to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Financial Officer and 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 jointly include an item on the agenda of a Cabinet meeting. 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 a meeting be convened at which the matter will be considered.

8. Questions from the public

(a) General

Members of the public who live or work in the borough and who are not councillors may ask questions of members of the Cabinet. A period of 15 minutes will be allowed at the beginning of the meeting to consider questions from members of the public.

(b) Order of questions

Questions will be asked in the order notice of them was received.

(c) Notice of questions

A question may only be asked if notice has been given by delivering it by letter, email or fax to the Executive Director no later than three clear working days before the day of the meeting.

Each notice of question must include the following:

- (i) The text of the question.
- (ii) The name or the portfolio responsibility of the cabinet member to whom it is to be put.
- (iii) The name of the questioner.
- (iv) The questioner's home postal address or work address if the questioner is not a resident.
- (v) The signature of the questioner if the notice is not sent by email.

(d) Number of questions

At any one meeting no person may submit more than one question and no more than one question may be asked on behalf of one organization.

(e) Scope of questions

The Executive Director may reject a question for any of the following reasons:

- (i) It is not about a matter for which the local authority has a responsibility or which affects the borough.
- (ii) It relates to the questioner's own particular case or circumstances or relates to a specific housing, planning, licensing or grant application.
- (iii) It is defamatory, frivolous or offensive.
- (iv) It has already been answered or is substantially the same as a question which has been put at a meeting of the Council in the past six months.
- (v) It relates to a matter which is the subject of legal proceedings.
- (vi) It requires the disclosure of confidential or exempt information.
- (vii) It relates to a council employee.

(f) Record of questions

The Executive Director will immediately send a copy of the questions to the Cabinet member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members of Cabinet and will be made available to members of the public attending the meeting.

(g) Asking the question at the meeting

The Chairman of Cabinet will invite the questioner to put the question to the Cabinet member named in the notice. If a questioner who has submitted a written question is unable to be present, he or she may ask the Executive Director to put the question on his or her behalf. The Executive Director may ask the question on the questioner's behalf and indicate that a written reply will be given.