

# **Part Three, Section D**

## **Cabinet (Executive) Standing Orders**

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# How the Executive Operates

## 1. Who May Make Executive Decisions

The **Leader** may discharge any **executive functions** of the Council or he/she may provide for any executive functions to be discharged by:

- a. the **Cabinet** as a whole;
- b. a committee of the Cabinet;
- c. an individual **Cabinet member**;
- d. an officer of the authority;
- e. an area committee;
- f. Joint Arrangements; or
- g. another local authority.

## 2. Appointments and Delegation by the Leader

- 2.1 at the Annual Meeting of the **Full Council**, the **Leader** will present the names of the Councillors appointed to the **Cabinet** by the Leader (including the Cabinet member who is appointed as the Deputy Leader) and their **portfolios**.
- 2.2 either at the Annual Meeting of the **Full Council** or as soon as practicable thereafter, the **Leader** will present to the **Monitoring Officer** a written record of:
  - a. the detailed remits of the **portfolios** of the **Cabinet members**;
  - b. any delegations made by the **Leader** in respect of the discharge of the Council's **executive functions**. The document presented by the Leader to the **Monitoring Officer** will contain the following information about the discharge of the Council's **executive functions** in relation to the coming year:
    - (i) the extent of authority of the **Cabinet** as a whole;
    - (ii) the extent of any authority delegated to individual **Cabinet members**, including details of any limitation on their authority;
    - (iii) the terms of reference and constitution of such committees of the **Cabinet** as the **Leader** appoints and the names of **Cabinet members** appointed to them;

- (iv) the nature and extent of any delegation of **executive functions** to any other authority or any Joint Arrangements and the names of those **Cabinet members** appointed to any **Joint Committee** for the coming year; and
- (v) the nature and extent of any delegation of **executive functions** to Council 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 Cabinet Functions

- 3.1 where the **Leader** delegates an **executive function** to the **Cabinet** then unless the Leader directs otherwise, the Cabinet may delegate further to a committee of the Cabinet or to a Council officer;
- 3.2 where the **Leader** delegates an **executive function** to a committee of the **Cabinet** or an individual **Cabinet member** then unless the Leader directs otherwise, a committee of the Cabinet or an individual member of the Cabinet may delegate further to a Council officer;
- 3.3 even where **executive functions** have been delegated under 3.1 or 3.2 above, that fact does not prevent the discharge of delegated functions by the person or body who made the delegation; and
- 3.4 where the **Leader** seeks to withdraw a delegation from a committee of the **Cabinet**, notice will be deemed to be service on that committee of the Cabinet when the Leader has served it on its Chairman.

### 4. The Scheme of Delegation and Executive Functions

The **Leader** may amend the **Officer Scheme of Delegation** set out in **Part 2** of this Constitution insofar as it relates to **executive functions** at any time during the year in accordance with the procedure set out below:

- 4.1 Where the **Leader** wishes to delegate the discharge of an **executive function** that has not been previously delegated, the Leader must give written notice of the new delegation to both the person or body to whom the executive function is to be delegated and the **Monitoring Officer**.

The delegation of the executive function will take effect on receipt of the Leader's written notice by both of the parties listed above.

- 4.2 Where the **Leader** wishes to transfer the discharge of an **executive function** that has been previously delegated the Leader must give written notice to the person or body from whom the exercise of the function is to be transferred, the person or body to whom the exercise of the executive function is to be transferred and the **Monitoring Officer**.

The transfer of the delegation of the executive function will take effect on receipt of the Leader's written notice by each of the parties listed above.

- 4.3 Where the **Leader** wishes to withdraw the delegation of an **executive function** that has been delegated and to discharge the executive function personally, the Leader must give written notice to the person or body from whom the exercise of the executive function is to be withdrawn and to the **Monitoring Officer**.

The withdrawal of the delegation of an executive function will take effect on receipt of the Leader's written notice by both of the parties listed above.

- 4.5 The **Monitoring Officer** will ensure that the Constitution is updated accordingly where the delegation is to extend beyond six months and will report the new delegation to **Full Council** at the earliest opportunity.

## 5. Place and Time of Cabinet Meetings

The **Cabinet** will meet in accordance with the agreed published [Calendar of Meetings](#). Arrangements for an additional extraordinary meeting required in light of circumstances will be agreed by the **Leader** with the Democratic Services Team Leader. The Cabinet shall meet in the Council Chamber at Council Offices, Penns Place or another location to be agreed by the Leader with the Democratic Services Team Leader.

## 6. Public or Private Meetings of the Cabinet

The **Cabinet** will meet in public, subject to the consideration of exempt or confidential information as provided for in the Access to Information Standing Orders.

## 7. Quorum

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

## 8. How are Decisions to be Taken by the Executive

The **Executive** will take decisions in accordance with the Access to Information Standing Orders.

## 9. The Conduct of Cabinet Meetings

### 9.1 Chairman of Meeting

If the **Leader** is present, he/she will chair the meeting. In his/her absence, the Deputy Leader will chair the meeting. In the absence of both, another **Cabinet member** appointed to do so by those Cabinet members present will chair the meeting.

## 9.2 Attendance Rights

All **Cabinet members** shall be entitled to attend meetings of the **Cabinet** unless the Cabinet determine otherwise. Attendance by other Councillors or the public shall be in accordance with the Access to Information Standing Orders, by invitation, or as set out in Standing Order 9.3 below.

The **Chief Executive**, the **Chief Finance Officer** and the **Monitoring Officer**, and their nominees, are entitled to attend any meeting of the Cabinet where a decision is to be made.

## 9.3 Speaking Rights

9.3.1 The Chairman and spokesperson(s) of the Council's Overview & Scrutiny Committee shall be entitled, at any formal public meeting of the **Cabinet**, to speak on any matter on the agenda for that meeting.

9.3.2 Other **Councillors** not previously described above may also speak at such meetings with the permission of the **Leader** or person presiding in his/her absence.

9.3.3 At every formal public meeting of the **Cabinet** there shall be a period of 20 minutes for questions to be put to **Cabinet members** by **Councillors**. Notice of these questions is not required in advance of the meeting. The following rules shall apply:

- (a) questions must relate to the powers, duties or responsibilities of the Cabinet.
- (b) questions put to Cabinet members must relate to their **portfolio** responsibilities.
- (c) the **Leader** will determine how Cabinet question time should be allocated where there are a number of Councillors wishing to ask questions.
- (d) questions will be brief, clear and focussed.
- (e) questions which the Leader deems to be:
  - (i) inappropriate, frivolous, derogatory or vexatious; or
  - (ii) related to a Council employment or staffing matter or defamatory.

will not be allowed.

- 9.3.4 Questions will not be allowed which repeat, or which are substantially the same as questions asked at a meeting of **Full Council** or **Cabinet** within the preceding 6 months.
- 9.3.5 Where any question might be disallowed under the agreed provisions, the **Leader**, as chairman of the **Cabinet**, will have absolute discretion to determine whether to do so.
- 68.3.6 Questions will be asked and answered without discussion. In replying, the **Cabinet member** responding will use their reasonable endeavours to address the matters raised in the question. The Cabinet member responding may reasonably decline to answer any question or may: reply direct, reply by reference to a publication, or reply by written answer.
- 9.3.7 Following each answer, the **Leader** may permit the questioner to ask a concise and focussed supplementary question which relates to the subject matter of the initial question and answer.
- 9.3.8 Where a question relates to a matter which appears on the agenda of the **Cabinet** meeting in question, the **Leader** may allow the question to be asked at the beginning of consideration of that item.
- 9.3.9 The **Cabinet** may invite any person to its meetings to discuss matters of mutual interest or concern or to advise. Such persons may only be given access to confidential and/or exempt information on terms to be decided by the **Monitoring Officer** so as to ensure that the Council's obligations under the Local Government Acts in respect of Access to Information and Data Protection are observed.

#### **9.4 Business to be Conducted**

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

- a. consideration of the minutes of the last meeting;
- b. declarations of interest, if any;
- c. matters referred to the **Cabinet** (whether by the Overview & Scrutiny Committee or by the **Full Council**) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview & Scrutiny Standing Orders or the **Budget and Policy Framework** Standing Orders;
- d. consideration of any reports from the Overview & Scrutiny Committee;
- e. matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not; and

## 10. Integrity of Decision Making

In taking decisions, the **Cabinet** must satisfy itself that it has before it adequate and appropriate advice and the Cabinet shall take that advice into consideration in determining the matter. The advice shall be from the relevant service, the **Monitoring Officer** and the **Chief Finance Officer** who shall, where appropriate, be present at any meeting where a decision is being taken. Where there is any doubt about the legal basis for the decision, the procedure to be followed or the probity of the matter then advice must be obtained from the **Monitoring Officer** and the **Chief Finance Officer**.

## 11. Consultation

All reports to the **Cabinet** from any **Cabinet member** or an officer on proposals relating to the **Budget and Policy Framework** must contain details of the nature and extent of consultation with stakeholders (if any) and the Overview & Scrutiny Committee, and the outcome of that consultation.

## 12. Rights to Place Items on the Cabinet Agenda

- 12.1 The **Leader** will decide upon the schedule 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 **Chief Executive** will comply with the Leader's requests in this respect.
- 12.2 Any **Cabinet member** may require the **Chief Executive** to make sure that an item is placed on the agenda of the next available meeting of the **Cabinet** for consideration. If he/she receives such a request the Chief Executive will comply.
- 12.3 There will be a standing item on the agenda of each meeting of the **Cabinet** for matters referred by the **Full Council** or the Overview & Scrutiny Committee for reconsideration and for reports of Overview & Scrutiny Committee.
- 12.4 The **Monitoring Officer** and/or the **Chief Finance Officer** may include an item for consideration on the agenda of a **Cabinet** meeting and may require the **Chief Executive** to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the **Head of Paid Service**, Chief Finance 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.

- 12.5 The Agenda may be supported by additional papers prepared by officers or by or on behalf of other bodies, subject to requirements about disclosure of confidential or exempt information. Full agendas for meetings of the **Cabinet** will be made available, electronically, in advance of the respective meeting, to all Councillors and in accordance with the Council's current policy and the Access to Information Standing Orders.