

CABINET PROCEDURE RULES

1. Operation of the Cabinet

1.1 Making Executive Decisions

The Leader may, within the Council's budget and policy framework, decide how the executive functions are to be exercised. The discharge of executive functions may be undertaken by the following:-

- a) The Cabinet as a whole
- b) A committee of the Cabinet
- c) An individual member of the Cabinet (Leader or Portfolio Holder) (the procedure for decision making by an individual Member of Cabinet is set out in paragraph 22 of the Access to Information Procedure Rules)
- d) An officer
- e) An area committee
- f) Joint arrangements
- g) Another local authority

1.2 Delegation by the Leader

- a) At the Annual Meeting of Council the Leader will announce the names of councillors appointed to Cabinet, including the Deputy Leader, confirmed in a signed portfolio holder decision notice.
- b) At Cabinet following the Annual Meeting of Council, the Leader will determine:
 - (i) the extent of any authority delegated to Cabinet Members individually in respect of their portfolios, including the details of any limitations on their authority.
 - (ii) the terms of reference and constitution of such Cabinet Committees as the Leader appoints and the names of Cabinet Members appointed to them.
 - (iii) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of the Cabinet members appointed to any joint committee for the coming year and

- (iv) the nature and extent of any delegations of executive functions to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.
- c) The Leader may make further changes to delegations during the Municipal Year.
- d) The Leader will sign a written record of delegations made by him/her for inclusion in the Council's Scheme of Delegation at Part 3 of this Constitution. Until such time as the Leader has presented such record the existing delegations under the Council's Constitution to the Leader, Cabinet, portfolio holders and officers remain in force. The written record required by this Procedure Rule may be contained in a Minute of Cabinet signed by the Leader or in a signed portfolio holder decision notice. The requirements for a draft portfolio holder decision notice in paragraph 22 of the Access to Information Procedure Rules do not apply to appointments or delegations under the Cabinet Procedure Rules. The Head of Legal and Democratic Services will notify members and officers affected by changes in the Scheme of Delegation.

1.3 Sub-delegation of the Cabinet Functions

- a) Unless the Leader directs otherwise, a committee of the Cabinet or an individual member of the Cabinet responsible for an executive function may delegate further to an officer.
- b) Unless the Council directs otherwise, and provided any statutory requirement for Council approval is obtained, the Leader or Cabinet may enter into joint arrangements or agency agreements with other local authorities for the discharge of executive functions.
- c) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Council's Scheme of Delegation and Executive Functions

The Head of Legal and Democratic Services will maintain an updated Scheme of Delegation of Executive Functions in accordance with decisions made by full Council, the Leader and Cabinet, and in accordance with Part 3 of this Constitution.

1.5 Conflicts of Interest

- a) Where the Leader has a conflict of interest this should be dealt with as set out in the Councils Code of Conduct for Members in Part 5 of this Constitution.

- b) If every Member of the Cabinet has a conflict of interest this should be dealt with as out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- c) If the exercise of an executive function has been delegated to a committee of Cabinet, an individual Member (Portfolio Holder) or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6 Cabinet Meetings – When and Where

The Cabinet will normally meet at least once a month (August excepted) in accordance with a programme of meetings that it has approved for publication. The Leader (or in his/her absence the Deputy Leader) may cancel programmed meetings where he/she considers that there is insufficient business or no urgency of business to justify the holding of the meeting. Most meetings of the Cabinet will be held at the Guildhall, The Broadway, Winchester although, on occasion, other venues may be agreed by the Leader.

1.7 Public or Private Meetings of Cabinet

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public and private meetings. In accordance with the principles of decision making set out in Article 13 of the Constitution, the Cabinet will meet in public whenever possible, only excluding the public in respect of exempt or confidential business.

1.8 Quorum

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

1.9 Decision taking by the Cabinet

- a) Executive decisions which have been delegated to the Cabinet as a whole will be taken at meetings convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- b) 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.

2. The Conduct of Cabinet Meetings

2.1 The Chairman

If the Leader of the Council is present he/she will preside as Chairman. In his/her absence the Deputy Leader will preside. If the Deputy Leader is not present then the Cabinet will appoint a person from among those present to preside at that meeting.

2.2 Attendance at Cabinet

The Access to Information Rules in Part 4 of this Constitution set out who may attend Council and committee meetings, including Cabinet.

2.3 Cabinet Business

Whilst it is not possible to give a definitive list of all items that would be considered for a meeting of the Cabinet, the following is a general indication of the business that will be conducted:

- a) Consider the need to establish any committees of Cabinet.
- b) Declarations of Interest, if any.
- c) Consideration of the minutes of the last meeting.
- d) Matters referred to the Cabinet (whether by an overview and scrutiny committee, or by the Council) for reconsideration in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution.
- e) Consideration of reports and referred minutes from overview and scrutiny committees.
- f) Matters set out in the agenda for the meeting, which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the Cabinet from any Member of Cabinet or an officer of 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. Reports about other matters will set out the details and outcome of the consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Placing Items on the Cabinet Agenda

- a) The Leader will decide upon the agenda for each meeting of the Cabinet. He/she may put on the agenda any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a committee of Cabinet or any Member (Portfolio Holder) or officer in respect of that matter. The Head of Legal and Democratic Services will comply with the Leader's request in this respect.
- b) Any Member of the Council may require the Head of Legal and Democratic Services to make sure that an item is placed on the agenda at the next available meeting for consideration, provided that at least 14 working days notice prior to the date of the meeting is given. If he/she receives such a request the Head of Legal and Democratic Services will make the arrangements. No Member (other than the Leader) may give notice of more than one item of business at any one meeting. The agenda for the meeting will give the name of the Member who asked for the item to be considered.
- c) The Head of Legal and Democratic Services will ensure that an item is placed on the agenda of the next available meeting of Cabinet where a relevant overview and scrutiny committee or the full Council has resolved that an item be considered by Cabinet.
- d) The Head of Paid Service, Monitoring Officer and/or Head of Finance may include an item for consideration on the agenda of a Cabinet meeting and may require the calling of such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Head of Finance and Monitoring 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 at the next available 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.
