

Leader and Cabinet Procedure Rules

HOW DOES THE EXECUTIVE OPERATE?

12.1 Who may make executive decisions?

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 or the Leader may provide for executive functions to be discharged by:

- i) the executive as a whole;
- ii) a committee of the executive;
- iii) an individual member of the executive, including the Leader;
- iv) an officer;
- v) joint arrangements; or
- vi) another local authority.

12.2 Delegation by the Leader

At the annual meeting of the Council, immediately following the full City Council elections (or otherwise as necessary), the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Chapter 6 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- i) the names, addresses for correspondence and wards of the Councillors appointed to the Cabinet by the Leader;
- ii) the delegations to Cabinet members individually including the limitation on their authority, if any;
- iii) the terms of reference and constitution of such Cabinet committees 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 joint committee; and
- v) 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.

12.3 Sub-delegation of executive functions

- (a) Unless the Council directs otherwise, the Cabinet may delegate further to a committee of the Cabinet or to an officer.
- (b) Unless the Leader directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.
- (c) Unless the Leader directs otherwise, a Cabinet member to whom functions have been delegated by the Leader may delegate further to an officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

12.4 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.

(b) As the Leader is able to decide whether to delegate executive functions, he/she 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 set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, or committee. The proper officer will notify all members of the Council setting out the changes made by the Leader.

Similarly unless the Leader otherwise directs, delegations by the Cabinet (to Cabinet Committees or officers) or by Cabinet Committees or Cabinet Members (to officers) can be amended or withdrawn by the body or person concerned by written notice in the same way.

(c) Where the Leader or Cabinet seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chairman.

12.5 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 Members in Chapter 7 of this Constitution.

(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 Members in Chapter 7 of this Constitution.

(c) If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual member 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 Chapter 7 of this Constitution.

12.6 Executive meetings – when and where?

The Cabinet will meet in accordance with a programme of meetings agreed by the Leader. A meeting may be cancelled by the Leader where there is insufficient business. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

12.7 Public or private meetings of the executive?

Cabinet meetings and meetings of Cabinet committees will be held in public save where there would otherwise be a disclosure of confidential or exempt information within the meaning of the Local Government Act 1972 as amended.

12.8 Quorum

The quorum for a meeting of the Cabinet, or a committee of it, shall be 3 and 2 respectively. Additionally, the Cabinet shall not be quorate unless either the Leader, Deputy Leader or Chief Whip (or some other member of the Cabinet nominated by the Leader or Deputy Leader to chair the meeting) is present.

12.9 How are decisions to be taken by the executive?

(a) 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 Rules in Chapter 8 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.

HOW ARE THE EXECUTIVE MEETINGS CONDUCTED?

12.10 Who presides?

The Leader, or in his/her absence, the Deputy Leader will preside at meetings of the Cabinet (unless both are unavailable, in which case the Chief Whip or some other Cabinet Member nominated by the Leader or Deputy Leader will chair the meeting).

The Leader will appoint a member of any Cabinet Committee to preside at meetings of that committee.

12.11 Who may attend?

All members of the Council may attend meetings of the Cabinet or Cabinet Committees but may speak only if they are a member thereof or with the consent of the person presiding.

12.12 What business?

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

- i) consideration of the minutes of the last meeting;
- ii) declarations of interest, if any;
- iii) any matters referred to the Cabinet or Cabinet Committee (whether by a policy 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 this Constitution;
- iv) consideration of any reports from policy and scrutiny committees;
- v) other matters set out in the agenda for the meeting.

12.13 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 committees, 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.

12.14 Who can put items on the Cabinet agenda?

The agenda for Cabinet meetings and meetings of Cabinet Committees will be determined by the Proper Officer in consultation with the Leader or Chairman of the relevant Cabinet Committee as appropriate.

12.15 Individual Cabinet member Decisions

Upon consideration of a report from the relevant Chief Officer(s) issued in accordance with the relevant regulations individual Members of the Cabinet may take decisions in respect of the executive functions set out in their terms of reference, subject to:-

- (i) the budget and policy framework approved by the full Council;
- (ii) the exclusion of any matter which falls within the terms of reference of the Cabinet;
- (iii) the exclusion of matters falling within the delegated power of officers unless referred to the Cabinet member by the relevant Chief Officer or "called in" by the Cabinet member (see below); and

If the relevant Chief Officer is unwilling to refer a matter (or class of matters) falling within his/her delegated powers to the Cabinet Member for decision, then the Cabinet member may call the matter (or class of matters) in for his/her own decision by giving written notice to the relevant Chief Officer. A copy of the written notice shall at the same time be given to the Council's Monitoring Officer. Where a matter or class of matters has been "called in" in accordance with this provision, the power or powers in question shall, until the notice is withdrawn, be exercisable by the Cabinet member and not the Chief Officer unless the notice is countermanded by the Leader, or the Monitoring Officer advises that the power or powers in question are not appropriate to be discharged by the Cabinet member for legal or technical reasons.