

PART 3 – RULES GOVERNING HOW THE COUNCIL OPERATES

2. Cabinet Procedure Rules

Cabinet Meetings

1. The Leader will approve and publish an annual calendar of Cabinet meetings. There will be a presumption against alterations to the calendar but the Leader may, in consultation with the Director of Governance, alter the time, date or location of any meeting or convene additional meetings, as necessary.
2. The Chief Executive, Director of Governance or Chief Finance Officer may include items on Cabinet agendas or require special meetings of the Cabinet to be held in pursuance of their statutory duties.

Chair

3. The Leader will chair meetings of the Cabinet or, in their absence, the Deputy Leader will preside. Where both the Leader and Deputy Leader are absent, the Cabinet will appoint one of its members to preside.

Quorum

4. No business shall be transacted at a meeting where less than one half of all Cabinet members are present.
5. If a meeting becomes inquorate after it has commenced then it shall be adjourned. Remaining business will be considered at the next Cabinet meeting.

Attendance at Meetings

6. Cabinet Members attending the whole or part of a meeting must sign their name on the attendance sheet provided.
7. Council members on whose behalf the power under paragraph 22 has been exercised, may attend the relevant meeting and address the Cabinet at the appropriate point in the meeting.
8. The Cabinet may invite any person it considers appropriate to its meetings for the purpose of discussing matters of mutual interest or concern or to advise the Cabinet. Such persons may only be given access to Confidential or Exempt Information on terms approved by the Director of Governance.
9. The Chief Executive, Chief Financial Officer and the Director of Governance (and their nominees) are entitled to attend any meeting of the Cabinet. The Cabinet may not meet unless the Director of Governance has been given reasonable notice that a meeting is to take place.

10. Notwithstanding their rights as a member of the public, members who are not Cabinet members ('visiting members') may attend any meeting of the Cabinet (even if considering Exempt Information) if required for the purposes of performing their duties as members. Advice should be taken where meetings will be considering information of a personal, sensitive or confidential nature.
11. Visiting members:
 - (a) may not vote on Cabinet business
 - (b) must notify the Chair at least two working days prior to the start of the meeting if they wish to speak on a particular item. If advance notice is not given, visiting members will only be allowed to speak at the Chair's discretion
 - (c) attending remotely at a meeting must notify the Director of Governance at least two working days prior to the start of the meeting if they wish to speak on a particular item. If advance notice is not given visiting members will only be allowed to speak at the Chair's discretion
 - (d) will, at the discretion of the Chair, be invited to speak at the beginning of the debate on any item notified under paragraph (b) and (c) and be invited to sum up at the end of a debate
 - (e) will not, other than as provided for in paragraph (d) above or by the Chair, be permitted to participate in any debate at the meeting

Decisions taken in public

12. Cabinet decisions can be taken by the collective Cabinet (being the Cabinet, or any committee appointed by the Cabinet), individual Cabinet Members or by officers exercising delegated powers.
13. Collective Cabinet meetings are held in public unless the information to be discussed:
 - (a) cannot be discussed in public without risk of breaching a duty of confidence that the authority is under (usually because the information to be discussed was supplied in confidence or is subject to a court order prohibiting its disclosure) and/or
 - (b) is exempt from disclosure under Schedule 12A of the Local Government Act 1972, the Freedom of Information Act 2000, the Data Protection Act 1998, the Human Rights Act 1998 or any other legislation relating to the prevention of disclosure of information
14. If all (or part) of any Cabinet meeting is held in with the exclusion of the public, reasons for the need for such exclusion will be given by reference to any or all of the relevant circumstances referred to in paragraphs 13(a) and/or (b) above.
15. Collective Cabinet may choose to meet in private even if the circumstances set out in paragraphs 13(a) or (b) do not apply. This will only happen very rarely

when it is considered necessary to efficiently conduct routine business, which does not involve taking or discussing any Key Decisions.

16. Decisions taken by individual Cabinet Members or officers do not have to be taken in public, but are subject to requirements to give notice of decisions, keep records and provide access to information as set out in the Access to Information Rules (see Part 4 Section 1).

Information generated for Cabinet meetings and decisions

17. Cabinet meetings will require the production and publication of the following written information ('Decision Information'):
 - (a) meeting agendas, setting out the business to be decided at a meeting;
 - (b) reports (including any appendices or supplementary information) containing all the information that the meeting needs to debate or decide a matter on the agenda;
 - (c) background documents, i.e. documents (that have not already been published) containing information that a report or a material part of a report is based on;
 - (d) approved minutes, containing a record of decisions or (where Exempt Information is discussed) a summary of proceedings and any decision reached.
18. With the exception of agendas, Cabinet decisions that are not taken in meetings will also ordinarily result in the production of Decision Information.
19. Proceedings of the Cabinet take place in accordance with the Access to Information Rules (see Part 4 Section 1).
20. All decisions will be taken in accordance with the Principles of Decision Making (see Part 2 Section 2).

Matters for Decision and Placing Items on the Agenda

21. All matters for decision shall be included within the agenda. Urgent items may be considered at the Leader's discretion, subject to compliance with the rules relating to notice of decisions.
22. The Leader may (at their sole discretion) exercise the power under paragraph 21 at the request of any Council member.
23. Whilst the order of business at Cabinet meetings is a matter for the Leader to determine, there shall be an early item on every agenda requiring:
 - (a) Members to declare any relevant interests in any item appearing on the agenda. Members are required to observe the requirements in the Member Code of Conduct (see Part 4 Section 6) and withdraw from the meeting at the appropriate point during the meeting where they have an interest which

requires them to do so.

(b) The Cabinet to confirm the record of decisions taken at its last meeting.

24. In respect of Cabinet meetings, the following apply:

- (a) Agendas are determined by the Leader, in consultation with relevant Chief Officers;
- (b) Items will only be placed on the agenda if they have appeared on the Key Decisions Plan, unless the short notice or urgent decisions provisions apply in exceptional circumstances (see Part 2 Section 10);
- (c) There shall be an indication against each item on Cabinet agendas as to whether or not the item is classified as a Key Decision;
- (d) Any Cabinet Member may place an item on a meeting agenda by notice given to the Director of Governance no fewer than six clear working days prior to the date of the meeting;
- (e) The Cabinet must consider all matters referred to it by a Scrutiny committee or under the Budget and Policy Framework setting procedure (see Part 2 Section 5);
- (f) The Chief Executive, Director of Governance and Chief Finance Officer may each include items on Cabinet agendas.

Conduct of Debate

25. All matters relating to motions and speeches shall be determined by the Chair.

Voting

- 26. Unless otherwise provided elsewhere in this constitution, all matters will be decided by a simple majority of those Cabinet members present and voting at the time the question is put.
- 27. Members must be in their designated seats for their vote to be counted.
- 28. Voting will be by a show of hands (or such other method as is agreed by the Chair), or if there is no dissent and no call for a vote, by the Chair being satisfied of the unanimous approval of the meeting.
- 29. Where there are equal votes cast, the Chair may exercise a second or casting vote.
- 30. A member may require, after a vote is completed, that the minutes of the meeting record whether and how they voted.
- 31. If one third of the members present so request, the vote will be recorded to show whether and how each member voted.

32. A member may, immediately after the item of business is voted upon, request that a lost motion be recorded in the minutes.

Disorderly Conduct and Disturbances

33. The Chair may direct (or a member may move), in respect of any member considered to be misconducting themselves, that the member shall not be heard further.
34. The Chair may direct (or a member may move), either following a direction (or resolution) under paragraph 37, or directly in the case of gross misconduct, either:
 - (a) that the member in question leaves the meeting or
 - (b) that the meeting is adjourned
35. The Chair, in the event of a general disturbance at any meeting which they consider to be disrupting the orderly transaction of business, may adjourn the meeting for as long as is considered necessary.
36. The Chair shall be at liberty to warn any member of the public in respect of their conduct at a meeting. In the case of persistent or gross misconduct, the Chair shall be at liberty to direct any person to be removed from the meeting.
37. In the event of a general disturbance in any part of the meeting room open to the public, the Chair shall be at liberty to direct that part of the room to be cleared.

Officer Advice

38. The Chair may request an appropriate officer to offer advice or draw the attention of the Cabinet to any relevant factors where a debate involves questions of a technical legal, financial, operational or administrative nature.

Interpretation of Procedure Rules

39. The Chair (who may take advice from the Director of Governance) determines all matters relating to the interpretation or application of the Procedure Rules which arise during a meeting. The Chair's decision shall be final.
40. The Director of Governance determines all matters relating to the interpretation or application of the Procedure Rules which arise between meetings. The Director of Governance's decision shall be final.
41. Any requirement to make a notice or information available to anyone shall be fulfilled by publishing that information on the Council's website such that it is readily available to be viewed or printed off from the website and, on request, printed off at council offices to be given to personal callers in hard copy.
42. References in the Procedure Rules to an officer includes references to any duly authorised representative of that officer.

43. References in the Procedure Rules to members shall (unless the context otherwise requires) to be taken to mean references to members of the Council, Cabinet or committee in question.
44. References in the Procedure Rules to Motions includes (where the context so requires or admits) references to amendments to Motions.
45. References in the Procedure Rules to committees includes all committees, sub-committees, panels and boards constituted by the Council that exercise delegated powers, but excluding any committee, sub-committee, panel or board that operates solely in an advisory capacity.
46. Reference in the Procedure Rules to a day or days shall be taken to mean between the hours of 09:00 and 17:00 on any day that is not a Saturday, Sunday or public holiday.
47. References in these Procedure Rules to a period of days that is to elapse between the occurrence of two specified events shall be taken to mean clear days calculated by excluding the day upon which both of the specified events occur.

Notice Requirements

48. All Notices given by members under the Procedure Rules will be treated as having been given to the recipient by any of the following means:
 - (a) post properly addressed to the recipient at their usual business address
 - (b) leaving it properly addressed for the recipient at their usual business address
 - (c) email sent to an email address designated by the recipient for this purpose from an email account registered with the Council in the member's name
 - (d) submitting a form on the Council's website designated for this purpose
49. All notices given to members under the Procedure Rules shall be treated as having been given to the recipient by any of the following means:
 - (a) post properly addressed to the recipient at their usual address (being their usual place of residence or any other address that the member has notified to the Director of Governance for these purposes)
 - (b) leaving it properly addressed for the recipient at their usual address or if requested (by notice given to the Director of Governance), either in addition to or substitution for the methods set out in paragraphs 48(a) and (b)
 - (c) email sent to an email account registered with the Council in the member's name from an email account registered to the Council
50. All notices given under the Procedure Rules must be given in writing, contain all of the information that is reasonably required in order to properly communicate

the purpose and effect of the notice, and be signed (which shall include electronic signatures) by the person or persons required to give the notice in question.

51. If more than one signatory is required to give valid notice, any single notice given must bear all the signatures of all necessary signatories and be given in accordance with paragraph 48(a) or (b). Alternatively, each of the required signatories may give individual notices in accordance with paragraph 48(c) or (d) above.
52. Notices shall be deemed to have been given:
 - (a) in the case of 48(a) or 49(a), on the day upon which delivery would ordinarily occur in the normal course of the method of post chosen (provided proof of posting is available)
 - (b) in the case of 48(b) or 49(b), on the day upon which the notice is left
 - (c) in the case of 48(c) to (d), on the day upon which receipt is acknowledged otherwise than by any automated process
 - (d) in the case of 49(c), on the day upon which notice is sent

Example Calculation of Time in Respect of Notice Periods

53. The following example is provided to demonstrate the effect of paragraphs 48 and 49. In the following example, it is assumed that none of the weekdays referred to is a public holiday.
54. If a notice is required to be given five days before a meeting, then giving the notice and the meeting are the two specified events for the purposes of paragraph 48.
55. Assuming the meeting is to be held on a Monday, then the latest a notice may be given is on the first of the two preceding Fridays, between 09:00 and 17:00 hours.
56. If so given, the Friday upon which the notice is given ranks as the day upon which the first event occurs for the purposes of paragraph 48. The five week days in the ensuing week then rank as the required five clear days between giving the notice and day upon which the meeting is being held.

Fri	Sat	Sun	Mon	Tues	Weds	Thurs	Fri	Sat	Sun	Mon
Notice Given	Not counted	Not Counted	Clear Day 1	Clear Day 2	Clear Day 3	Clear Day 4	Clear Day 5	Not Counted	Not Counted	Meeting