

CABINET PROCEDURE RULES

1 Composition of the Cabinet

- 1.1 As provided by Section 11(3) and (8) of the Local Government Act 2000, the Shadow Council's Cabinet shall consist of the Leader of the Shadow Council and two or more Members of the Shadow Council, the number of Members appointed to the Cabinet including the Leader shall not exceed ten.
- 1.2 The Shadow Council has decided that its Cabinet shall consist of ten Members, including a Leader and Deputy Leader. Portfolios of responsibility may be allocated by the Shadow Council to Cabinet members from time to time.
- 1.3 The Leader and other Members of the Cabinet will be appointed by the Shadow Council at its first meeting. The Shadow Council may change the size and composition of the membership of the Cabinet at any time.
- 1.4 Where the Leader or Deputy Leader ceases to hold the office at any time and there is a delay between the date of cessation and the next Shadow Council Meeting then in the wake of the Leader ceasing to hold office, the Deputy Leader will assume the full responsibilities of the Leader in the intervening period. Where both post-holders cease to hold office at the same time, the Chairman will call a Special Meeting of the Shadow Council.
- 1.5 Where a Cabinet Member, other than the Leader or Deputy Leader, ceases to hold the office the Leader will reassign the relevant portfolio within the remaining Cabinet Membership from the date of cessation to the date of the next Shadow Council Meeting. Where the Leader and Deputy Leader hold portfolio responsibilities and either cease to hold their office then the Leader or the Deputy Leader, as the case may be, shall reassign the relevant portfolio.

2 Cabinet Functions

- 2.1 In discharging its functions, the Cabinet will ensure that it is acting within the law and this Constitution.
- 2.2 The functions to be discharged by the Cabinet by law or arising from the functions delegated by the Shadow Council to the Cabinet are set out in Part 3 of this Constitution. That part of the Constitution also sets out the body or individual responsible for taking decisions in respect of Cabinet functions.
- 2.3 The Cabinet may arrange for any of its functions, which are its responsibility under the law to be discharged by a Committee or Sub-Committee of the Cabinet, an individual Cabinet Member, an Officer,

another Local Authority or Shadow Council, or under joint arrangements.

- 2.4 Where the Shadow Council has delegated a function to the Cabinet, that function may in turn be delegated in whole or in part to the bodies or person referred to in 2.3 above.
- 2.5 The Shadow Cabinet may appoint whatever task or advisory groups it deems necessary, comprising some or all of its own membership, any other member or non-member of the Shadow Council.

3 Conflicts of Interest

- 3.1 Where the Leader or any Cabinet Member has a conflict of interest, he will follow the requirements of the Shadow Council's Code of Conduct for Members.
- 3.2 If all (or a majority) of the Members of the Cabinet present have a conflict of interest then consideration will be given to applying to the Standards Committee for a dispensation from the provisions of the Code.
- 3.3 If the discharge of a Cabinet function has been delegated to another body or individual and a conflict of interest arises, then it will fall to the body or individual who delegated the matter to take the decision. Where that body or individual also has a conflict of interest then action set out in 3.2 shall be considered.

4 Meetings of the Cabinet

- 4.1 The Cabinet will meet as indicated in the Shadow Council's programme of meetings. The Cabinet or the Leader may agree to change the date of any programmed meeting, to cancel a meeting or to arrange additional meetings as it/he/she sees fit. Locations of meetings will be published in the calendar of meetings.
- 4.2 The Cabinet may meet in public or in private, subject to legal requirements and the Access to Information Procedure Rules contained in the Constitution.
- 4.3 The Leader will preside at meetings of the Cabinet. If the Leader is absent then the Deputy Leader will preside.
- 4.4 All Members of the Cabinet shall be entitled to attend meetings of the Cabinet unless the Cabinet determine otherwise.
- 4.5 Attendance by other Members of the Shadow Council or the public shall be in accordance with the Access to Information Procedure Rules, by invitation, or as set out in paragraphs 7.1 to 7.4 below.

5 Quorum at Cabinet Meetings

- 5.1 The quorum at a meeting of the full Cabinet, or a Committee or Sub-Committee established by the Cabinet, shall be 50% of its membership.

6 Taking of Decisions by the Cabinet

- 6.1 Decisions by the Cabinet, a committee of the Cabinet, or a sub committee of the Cabinet, will be taken in accordance with the Shadow Council's Access to Information Procedure Rules.

7 Members attending and speaking at Cabinet Meetings

- 7.1 The Chairman and Spokespersons of the Shadow Council's Scrutiny Committee shall be entitled to attend any formal public meeting of the Cabinet and to speak to any matter on the agenda for that meeting.
- 7.2 Other Members not previously described above may also speak at such meetings with the permission of the Leader or person presiding in his/her absence.

8 Business at Cabinet Meetings

- 8.1 The business to be transacted at meetings of the Cabinet will be set out in an Agenda for the meeting in question, subject to any requirements or exemptions under the Access to Information Procedure Rules.
- 8.2 The Agenda may be supported by additional papers prepared by the Officers or by or on behalf of other bodies, subject to requirements about disclosure of confidential or exempt information.
- 8.3 The Cabinet is obliged to consider matters referred to it by an Scrutiny Committee, or by the Full Shadow Council for consideration under the Scrutiny Rules.
- 8.4 Where matters are for decision, the Agenda must stipulate those which are key decisions and those which are not, in accordance with the Access to Information Procedure Rules.
- 8.5 The Cabinet will, at each formal meeting, confirm the record of decisions taken at its previous meeting as a correct record.
- 8.6 The Interim/Appointed Monitoring Officer or his/her nominated Officer shall be responsible for preparing and distributing the Agenda for Cabinet meetings, attending meetings for the purpose of advising the

Cabinet on matters within his/her area of responsibility and recording decisions as required under this Constitution.

- 8.7 In taking decisions, the Cabinet must satisfy itself that it has before it adequate and appropriate advice from its service, legal and financial advisers who shall be present at any meeting where a decision is being taken and that that advice is taken into consideration in determining the matter. Where there is any doubt about vires or probity then advice must be obtained from the Interim/Appointed Monitoring Officer and the Interim/Appointed Chief Finance Officer.
- 8.8 Any Member of the Cabinet may require the Interim/Appointed Monitoring Officer to place an item on the Agenda for a stipulated meeting of the Cabinet.
- 8.9 The Interim/Appointed Monitoring Officer will ensure that any matters referred to the Cabinet by the Shadow Council or the Shadow Council's Scrutiny committee are placed on the Agenda for the next appropriate meeting of the Cabinet.
- 8.10 Any Member of the Shadow Council may request the Leader to place an item on the Agenda of a meeting of the Cabinet. The Leader shall have sole discretion as to whether or not to accede to such a request and, if such a request is granted, whether the Member in question can speak to the item at the meeting in question.
- 8.11 The Head of the Paid Service, the Interim/Appointed Monitoring Officer and/or the Interim/Appointed Chief Finance Officer can include an item for consideration on the Agenda of a Cabinet Meeting. In pursuance of their statutory duties they can require that a special meeting of the Cabinet be convened.
- 8.12 Business cannot be conducted at formal meetings of the Cabinet unless it is included in the Agenda for the meeting. Where it is urgent, the requirements of the Access to Information Procedure Rules must be complied with.
- 8.13 The Cabinet will report to the Shadow Council as required under the Access to Information Procedure Rules on any matter which is classified as a key decision and is dealt with under special urgency procedures.
- 8.14 Questions can be submitted by members of the public at meetings of the Cabinet in accordance with Shadow Council Procedure Rule No.35 and Appendix 7 of the Shadow Council Procedure Rules.

9 Voting at Cabinet Meetings

- 9.1 Voting at Cabinet meetings will be by a show of hands and any Member may require, immediately after the vote is taken, that the

Minutes of the meeting record how he/she voted or abstained. Where there are equal votes cast, the Leader or in his/her absence, the person presiding will have a second and casting vote. Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be by secret ballot conducted in accordance with Shadow Council Procedure Rule 16.

10 Cabinet Committees/Sub-Committees

- 10.1 The Cabinet may appoint such Committees or Sub-Committees as it considers necessary and appropriate to assist in the discharge of its functions. In making such appointments, the Cabinet must specify the name of the Committee/Sub-Committee, its membership (including its Chairman and, if appropriate, Vice-Chairman) and the terms of reference of the body.

11 Motion Under Standing Order 12

- 11.1 As prescribed in paragraph 45.10 of Part C of the Shadow Council Procedure Rules, a mover of a motion under Standing Order 12 which has been referred to the Cabinet for consideration may attend the meeting of the Cabinet when his/her motion is under consideration and explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and he/she will be sent a copy of the relevant papers.

12 Resolving Disputes

- 12.1 In the case of any dispute during the proceedings of the Cabinet the relevant parts of this Constitution will apply and after considering the application of the relevant provisions, the person presiding at the meeting will rule on the issue in question and his/her ruling will be final.

13 Reserves/substitute members

- 13.1 There shall be no reserve or substitute members of the Cabinet.

14 Approval of Urgent Business

Where any matter is urgent and cannot await the next meeting, the lead officer of the Joint Implementation Team may take the necessary action, provided that he/she has first consulted the Leader (or Deputy Leader if he/she is not available).