

Issues upon which the T&F Group sought clarification and reassurance, and the T&F Group's recommendations

1. Overview and Scrutiny Procedure Rules and arrangements

A preference was expressed for a consolidated record of officer delegations to be created and housed in one section of the Constitution.

Recommendation: *this matter be referred for further consideration by the Task and Finish Group or the Constitution Working Group.*

Discussion took place upon the preferred numerical membership of the Overview and Scrutiny Committees.

Recommendation: *that the emerging Overview and Scrutiny Committees should have a membership of 12.*

Discussion took place upon the number of Overview and Scrutiny Committees which the Council should have.

Recommendation: *That there should be four Overview and Scrutiny Committees: Children, Adults, Place (including transportation) and Corporate/ Governance*

It was suggested that non-Overview and Scrutiny Committee members should be allowed to take part in Overview and Scrutiny task and finish group work.

Recommendation: *No further action or decision is required as the recommended draft Rules make provision for this.*

The T&F Group sought reassurance that the proposed "call-in" thresholds were clear and fair.

Recommendation: *the appended Overview and Scrutiny Procedure Rules are appropriate for the purposes of the call-in arrangements.*

“Horizon-scanning” should be an important function of Overview and Scrutiny Committees.

Recommendation: *No further action or decision is required as horizon-scanning is a clearly accepted function of overview and scrutiny committees.*

2. Budget and Policy Framework Procedure Rules

The T&F Group sought clarification upon the process for dealing with urgent decisions outside the budget or policy framework, including the role of the Mayor.

Recommended: *with the protections contained within the Rules, no further action or decision is required. The recommended Rules can proceed in their existing form.*

The T&F Group sought reassurance that list of items which comprise the policy framework aligns with current legislation.

Recommended: *no further action or decision is required as the provisions of legislation will be reflected in the Constitution, under the direction of the Monitoring Officer, and utilising his delegated powers.*

3. Executive Arrangements and Cabinet Procedure Rules

The Task and Finish Group wished to ensure that a standing invitation to attend Cabinet meetings will be offered to Audit and Governance and Overview and Scrutiny committee chairs and vice chairs.

Recommended: *that the Procedure Rules be amended to reflect standing invitations to Cabinet meetings for the Audit and Governance and Overview and Scrutiny Committee Chairs and Vice Chairs.*

The T& F Group considered that public and member speaking time at Cabinet meetings should both have a duration of 15 minutes, with flexibility built-in.

Recommendation: *This will be built-into the Rules and will form part of the recommendations. No clear recommendation was made upon whether 3 clear working days’ notice of member and public questions should be required to be*

given or upon whether such questions should be required to relate to agenda items for the meetings in question.

4. Local Choice Functions

The T&F Group considered whether the proposed local choice functions should be reviewed on an annual basis.

Recommendations: *That the operation of all constitutional provisions relating to the Leader and Cabinet arrangements be reviewed by the Leader and Cabinet Task and Finish Group or Constitution Working Group in the autumn of 2026 with a view to agreement upon the introduction of improvements and changes where appropriate.*

The T&F Group sought reassurance that “high profile” decisions (eg devolution) would be reserved to Council.

Recommendation: *It was accepted that legislation will always determine the formal decision-making route for high-profile decisions these being required to be made either by the executive or Council, as a matter of law.*

Therefore, no further action or decision was required.

Overview and Scrutiny Procedure Rules and arrangements

Overview and Scrutiny Committee arrangements

[NB: the number and responsibilities of the overview and scrutiny committees are subject to confirmation and agreement by Council, but the detail below has been inserted to reflect the recommendations of the Task and Finish Group]

- 1 The Council has established four overview and scrutiny committees:
 - 1.1 *Children*
 - 1.2 *Adults*
 - 1.3 *Place (including transportation)*
 - 1.4 *Corporate/governance.*
- 2 The Council fully supports the role of its overview and scrutiny committees in holding the Cabinet and others to account in discharging their functions and in policy formulation. In addition to the functions set out in Section 9F of the Local Government Act 2000, the Council believes that the important parts of the role are:
 - 2.1 to assist the Council and Cabinet in reviewing its major plans, policies and strategies, which will set the climate in which the Cabinet and other decision-making bodies are required to operate;
 - 2.2 to assist with policy formulation
 - 2.3 to undertake specific reviews of the Council's organisation and service provision so that improvements can be made to service delivery.
- 3 The Council's overview and scrutiny functions include responsibility for reviewing the health service provision within its area, health promotion and the health and well-being of local communities. The XXX Scrutiny Committee will undertake the scrutiny role in relation to health service provision in the Council's area. The Committee discharges the duties imposed on the Council under the relevant health legislation.
- 4 The Agenda for overview and scrutiny committees sets out arrangements for the operation of the overview and scrutiny committees.

Role of the Overview and Scrutiny Committees

- 5 The overview and scrutiny committees:
 - 5.1 will discharge the Council's functions under Section 9F of the Local Government Act 2000 (Overview and Scrutiny Committees)
 - 5.2 will be responsible for the Council's scrutiny function including the preparation, implementation, monitoring and review of an annual work

programme for overview and scrutiny in accordance with the objectives of the Corporate Plan and arrangements for the scrutiny of other public bodies particularly where required to do so by law

- 5.3 may establish such task and finish groups, appointing the chair in accordance with the Council's criteria and with such membership as it sees fit, to undertake scrutiny on a task and finish basis
- 5.4 will, as part of the overall role, ensure the Chief Executive and Corporate Leadership Team discharge their responsibilities effectively and efficiently in relation to the overview and scrutiny function
- 5.5 will scrutinise decisions of or actions taken by the Cabinet, and offer advice or make recommendations on the matter under scrutiny once the committee has considered the issues
- 5.6 may scrutinise matters coming before Cabinet for decision and respond appropriately to the Cabinet on the matter once the committee has considered the issues fully
- 5.7 will review or scrutinise decisions or actions taken in respect of any functions which are not the responsibility of the Cabinet and make reports or recommendations to the Council, or appropriate body of the Council
- 5.8 may refer to the Council or appropriate committee/sub-committee any matter which, following scrutiny, the committee determines should be brought to the attention of the Council or the committee or sub-committee and may, if requested, offer any views or advice to the Cabinet in relation to any matter referred to the committee for consideration
- 5.9 may undertake reviews with a cross-service approach and make reports and recommendations to the Council (or other appropriate Council body) or the Cabinet to assist in the review of policies and strategies
- 5.10 may offer advice and make recommendations to the appropriate body of the Council on the review of policy
- 5.11 in performing its role, the committee may consult and involve the local community and other local public, private and voluntary bodies or organisations
- 5.12 may review the Council's response to its obligations in respect of the overall performance management regime and, where appropriate, advise the Cabinet or appropriate body of the Council of its findings
- 5.13 may advise the Cabinet and Council, as appropriate, of the scrutiny response to the formulation of the Council's Budget and performance management reports

- 5.14 may recommend that a decision made but not yet implemented and taken in respect of a function which is the responsibility of the Cabinet be reconsidered by the Cabinet
- 5.15 may scrutinise decisions after implementation to examine their effect and outcomes
- 5.16 may make reports or recommendations to the appropriate body of the Council in respect of any matters which affect the Council's area or its inhabitants
- 5.17 may review and make recommendations in relation to matters which are not the direct responsibility of the Council but which affect the social, economic or environmental well-being of an area or the Council's area as a whole or under any statutory requirement or Council contract, procedure or practice
- 5.18 may give partner authority notice in writing requiring them to have regard to the report or recommendations of the committee in exercising their functions
- 5.19 may invite expert witnesses, members, officers and partners to answer questions
- 5.20 will ensure, in conjunction with the Constitution Committee *[to be confirmed]*, that the Council has in place appropriate mechanisms to protect organisational integrity, including the development of appropriate policies and guidance
- 5.21 will consider and advise the Cabinet in respect of "call-in" notices under the Council's relevant procedures.

Chairs and Vice-Chairs of Overview and Scrutiny Committees

- 6 Nominees for appointment to these offices shall be notified by the political group leaders or group whips prior to the Annual Council Meeting.

Membership of Overview and Scrutiny Committees

- 7 Overview and scrutiny committees will comprise 12 members.

General Responsibilities of all Overview and Scrutiny Committees

- 8 Any of the committees may be invited to provide advice and recommendations on the development and updating of the policies of the Council and other bodies.
- 9 The committee memberships are appointed on a politically proportionate basis (plus appropriate co-option).

Specific Responsibilities of Overview and Scrutiny Committees

- 10 The following sections set out the specific responsibilities of each overview and scrutiny committee. These have some alignment with the responsibilities of Cabinet members and the Council's directorates. Where there is a change in the responsibilities of the Cabinet Members, the following section of the Constitution shall be changed by the Monitoring Officer using his/her delegated powers to ensure the specific responsibilities of each overview and scrutiny committee reflect this.

[This section will be updated to reflect the formal appointment of the overview and scrutiny committees and their responsibilities]

1. Overview and Scrutiny Procedure Rules

Agenda for Overview and Scrutiny Committees

- 1.1 Any member of an overview and scrutiny committee shall be entitled to require, in writing, that an item be included on the agenda, provided that the item is within the remit of the committee in question; the item will then appear on the agenda for the next meeting, subject to such requirement being made prior to the agenda publication date. The committee will decide how the item should be considered and whether or not it can be included in its work programme.
- 1.2 Similarly, the Leader, Deputy Leader of the Council or a Cabinet Member with specific portfolio responsibilities may give notice in writing requiring an item to appear on an agenda of an overview and scrutiny committee, relating to their area of responsibility. The committee will decide how the item should be considered and whether or not it can be included in its work programme.
- 1.3 Subject the Council Procedure Rules, any other member may give notice in writing to the Monitoring Officer, requesting an item to appear on an agenda of an overview and scrutiny committee. The item may be included after consulting the chair of the committee.
- 1.4 Any member raising an item under the above provisions shall be precluded from raising the matter again for a period of six months from the date it was considered by the committee in question.

Policy Review and Budget Development

- 1.5 The overview and scrutiny committees have a key role in budget and policy development.
- 1.6 The Budget and Policy Framework contains details of the process by which the overview and scrutiny committees may perform that role.
- 1.7 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the overview and scrutiny

committees may make proposals to the Cabinet for development in so far as they relate to matters within their terms of reference.

1.8 Overview and scrutiny committees may hold inquiries in relation to policy review and may appoint specialists to assist them in this process. They may visit sites, conduct public surveys, hold public meetings, commission research and undertake such other things they consider reasonable and necessary to inform their deliberations. They may call witnesses on any matter under consideration and may pay to any specialists and witnesses a reasonable fee and expenses for doing so within budgetary provision.

Reports from the Overview and Scrutiny Committees

- 1.9 The Council or Cabinet (as appropriate) shall consider any report from the committees at their next programmed meeting.

Co-option

- 1.10 There are four statutory co-optees in respect of the Council's Education function as follows:

1.10.1 A Church of England Diocese representative

1.10.2 A Roman Catholic Diocese representative

1.10.3 Two parent governor representatives

- 1.11 In respect of education matters only, as defined in the relevant guidance, the statutory co-optees will be voting members of the XXX Scrutiny Committee. They will be only invited to attend other overview and scrutiny committee meetings where relevant matters are under consideration, subject to any exclusions in law or statutory guidance.

- 1.12 At those other bodies to which they have not been appointed, they shall be entitled only to speak on matters relating to such issues. They may speak on other issues only with the consent of the chair.

- 1.13 The overview and scrutiny committees shall be entitled to appoint persons to be non-voting co-optees, taking into account any advice or guidelines issued from time to time by the Council. Such co-options may relate to a prescribed period of office or to specific issues under consideration. Any person co-opted under these arrangements will be entitled to participate fully in the work of the committees subject to any conflicts of interests.

Rights of Scrutiny Members to Documents

- 1.14 In addition to their rights as Councillors, members of overview and scrutiny committees have the additional right of access to documents, and to notice of meetings as set out in the Access to Information Procedure Rules.

- 1.15 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the overview and scrutiny committees, depending on the particular matter under consideration.

Members and Officers Giving Account

- 1.16 The overview and scrutiny committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing the documentation, in fulfilling its scrutiny role, they may require any member of the Cabinet to attend before them to explain the following matters within their remit:

- 1.16.1 any particular decision or series of decisions;
- 1.16.2 the extent to which the actions taken implement Council policy; and/or
- 1.16.3 their performance.

and it is the duty of those persons to attend if so required.

- 1.17 Where any overview and scrutiny committee wishes to ask an officer to attend to answer questions or discuss issues, this will be subject to agreement with the Chief Executive.
- 1.18 Where it is agreed that an officer should appear to answer questions, their evidence should, as far as possible, be confined to questions of fact and explanation relating to policies and decisions. Officers may explain:
- 1.18.1 what the policies are
 - 1.18.2 the justification and objectives of those policies as the Cabinet sees them
 - 1.18.3 the extent to which those objectives have been met, and
 - 1.18.4 how administrative factors may have affected both the choice of policy measures and the manner of their implementation.
- 1.19 Officers may be asked to explain and justify advice they have given prior to executive decisions being taken. They may also be asked to explain and justify executive decisions they have taken under delegated powers.
- 1.20 Officers should not be expected to discuss politically contentious matters, and any officer input should be consistent with the requirements for political impartiality.
- 1.21 The requirements of the Officer Code of Conduct must be adhered to where an officer is attending a meeting of an overview and scrutiny committee.
- 1.22 Where any member or officer is required to attend an overview and scrutiny committee under this provision, the chair of that committee will inform the Monitoring Officer, who will inform the member or officer in writing, giving at least ten clear working days' notice of the meeting. The notice will state the nature of the item on which he/she is required to attend and whether any papers are required to be produced for the committee. Where the account to be given to the

committee will require the production of a report, then the member or officer concerned will be given reasonable and sufficient notice to allow for its preparation.

- 1.23 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

Attendance by Others

- 1.24 The overview and scrutiny committees may invite individuals other than those referred to above to address it, discuss issues of local concern and/or answer questions.

Call-in

- 1.25 When a decision is made by the Cabinet, or a Committee or Sub-Committee of the Cabinet, by an individual Cabinet Member, or when a key decision is made by an officer with delegated authority from the Cabinet, the decision shall be published, by electronic means. All members of the Council will be sent an electronic record of all such decisions within the same timescale.
- 1.26 Subject to paragraphs 1.27 and 1.28 below a decision taken and to which paragraph 1.25 above refers will not come into force, and may not be implemented, until the expiry of 5 clear working days after the decision was made and published.
- 1.27 Where a decision referred to in paragraph 1.25 has been made, any 9 or more Members of the Council may submit a call-in notice, in writing, within the period specified in paragraph 1.26 above, to the Monitoring Officer. Where the notice is valid, the decision cannot be implemented until the procedures in this section have been followed. Where a valid notice is received, the decision shall stand referred to the appropriate overview and scrutiny committee for advice.

The grounds for a valid call-in, in the opinion of the Monitoring Officer, are as follows:

- a) Decision is outside the Budget and Policy Framework
- b) Inadequate consultation relating to the decision
- c) Relevant information not considered
- d) Insufficient consideration of legal or financial advice
- e) Viable alternatives not considered
- f) Justification for the decision open to challenge on the basis of the evidence considered

The Monitoring Officer may discuss the call-in with the lead member signatory, the Cabinet Member and the Mayor with a view to achieving an outcome to resolve the issue without the need for referral to an overview and scrutiny committee or to Council. If an informal call-in meeting is held to consider alternative options which

would resolve the matter without reference onwards, the meeting should include the Group Leader for the largest opposition group, the Leader/Deputy Leader of the Council, the Leader of the group whose member has requested that the decision be called-in, and the member who has made the request.

Where a valid call-in is received, the decision shall stand referred to the next overview and scrutiny committee meeting for review. A representative of the referral signatories shall have the opportunity to address the meeting on the subject of the decision that has been referred. The committee may either:

- a) uphold the original decision with or without modifications, in which case the decision has immediate effect,
- b) make recommendations to the original decision-maker, or
- c) make recommendations to Council.

A decision may only be the subject of a call-in once.

- 1.28 Requests to call-in decisions should be made on a standard form obtained from the Democratic Services Team, and members must give reasons for the request. The form will include guidance to assist Members to establish and set out the grounds for call-in, as above.
- 1.29 The lead member of the call-in group should send an email enclosing the call-in form, to all members of the call-in group, Monitoring Officer, and Democratic Services Team and request that all signatories confirm their consent to the call-in by email to the appropriate Democratic Services officer.
- 1.30 Where a corporate electronic system failure, or planned shutdown, prevents the issuing of or access to Cabinet decisions or the submission of a call-in notice by electronic means in accordance with the Council's call-in provisions, the periods for notification or submission shall be extended by the period of delay, provided that period is in excess of four hours. When, in the opinion of the Monitoring Officer, the period of delay is likely to extend beyond two clear working days, he/she shall agree with the chair of the appropriate overview and scrutiny committee, alternative arrangements to avoid any delay in implementing Cabinet decisions not subject to call-in.
- 1.31 Where a matter is considered and advice is offered by an overview and scrutiny committee, its advice will be submitted to the decision-maker for a decision to be made on the matter. The decision-maker shall consider the advice but shall not be bound to accept it in whole or in part. The decision-maker shall have sole discretion to decide on any further action to be taken in relation to the decision in question, including confirming the original decision, with or without amendment, or deferral pending further consideration, or making a different decision. There are no further rights to enable a member of the Council to submit a call-in notice. The decision may then be implemented.
- 1.32 A submitted call-in notice can only be withdrawn with the written consent of all signatories.

1.33 The call-in facility does not apply to the determination of a Notice of Motion.

Call-in and Urgency

1.34 The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay, caused by the call-in process, would be likely to seriously prejudice the Council's or the public's interests. The chair of the appropriate overview and scrutiny committee or, in his/her absence, the Mayor must agree that the decision should be treated as urgent, and that the call-in procedure should not apply. In the absence of the chair, the vice chair's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required. Where such agreement is reached, all Members of the Council shall be notified by electronic means.

The Party Whip

1.35 It is generally accepted that the Party Whip should be suspended in respect of scrutiny matters. However, when considering any matter in respect of which a member of an overview and scrutiny committee is subject to a formal party whip, the member must declare the existence of the whip, and the nature of it, before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the meeting.

Procedure at Overview and Scrutiny Committee Meetings

1.36 Overview and scrutiny committees shall consider the following business:

- 1.36.1 Record of the last meeting
- 1.36.2 Consideration of any matter referred to the committee by the Council or by the Cabinet
- 1.36.3 Consideration of any matter referred to the committee for advice in relation to call-in or a decision
- 1.36.4 Responses of the Cabinet on reports of the overview and scrutiny committee, and
- 1.36.5 the business otherwise set out on the agenda for the meeting.

1.37 Where an overview and scrutiny committee conducts investigations (e.g. with a view to policy review), it may also ask people to attend to give evidence at its meetings, which are to be conducted in accordance with the following principles:

- 1.37.1 The investigation is to be conducted fairly, and all members of the committee are to be given the opportunity to ask questions of attendees, and to contribute and speak
- 1.37.2 Those assisting the committee by giving evidence are to be treated with respect and courtesy, and

1.37.3 The investigation is to be conducted so as to maximise the efficiency of the investigation or analysis.

- 1.38 Following any investigation or review, the committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall, unless there are exceptional reasons, make its report and findings public.
- 1.39 There is no facility to allow questions by members of the public at meetings of overview and scrutiny committees. However, a period of 15 minutes will be provided at the beginning of such meetings to allow members of the public to make a statement on any matter that falls within the remit of the committee, subject to individual speakers being restricted to five minutes.

Matters within the remit of more than one overview and scrutiny committee

- 1.40 Where a matter before an overview and scrutiny committee also falls within the remit of one or more other overview and scrutiny committee, the decision as to which body will consider it, including any arrangements for joint working or sharing information, will be resolved by the XXX Committee.

Joint Scrutiny Protocol

- 1.41 The Council has approved a joint scrutiny protocol for Cheshire, Merseyside and Wirral to consider consultations by NHS bodies or service providers in connection with substantial developments or variations in service. Nominations to any joint scrutiny committee established under the protocol will be made by the chair of the XXX Overview and Scrutiny Committee (or any successor body).

Budget and Policy Framework Procedure Rules

The Framework for Executive Decisions

- 1 The Council will be responsible for the adoption of its Budget and Policy Framework. Once the Budget and Policy Framework are in place, it will be the responsibility of the Cabinet to implement them.
- 2 The Cabinet has responsibility for proposing to Council a budget and policies that will form part of the Budget and Policy Framework. It also has responsibility for making day-to-day decisions within that Budget and Policy Framework.
- 3 This part of the Constitution is concerned with the process of developing the Budget and Policy Framework and settling any differences between the Council and the Cabinet on those matters. Call-in and consideration of day-to-day decisions made by the Cabinet are dealt with in the Cabinet Rules of Procedure and the Overview and Scrutiny Procedure Rules.

Process for Developing the Framework and Budget

- 4 The process by which the documents forming part of the Local Plan shall be developed and approved is set out in legislation.
- 5 The process by which all other aspects of the Budget and Policy Framework shall be developed is:
 - 5.1 The Cabinet will draw up initial proposals regarding the adoption of any plan, strategy or Budget forming part of the Budget and Policy Framework. The Cabinet will consult on those initial proposals and publish a timetable in which responses to the consultation are to be received. The relevant overview and scrutiny committees shall be asked to give their views as part of that consultation. The consultation period shall in each instance be determined by Cabinet but will not be less than four weeks
 - 5.2 At the end of the consultation period, the Cabinet will draw up firm proposals having regard to the responses received from the consultation
 - 5.3 Overview and scrutiny committees are responsible for fixing their work programmes and may investigate, research, or report in detail with policy recommendations in response to any such consultations within the period specified
 - 5.4 The Cabinet will submit those firm proposals to the Council together with a report that will set out the comments made by consultees and, in particular the views of the overview and scrutiny committees and the Cabinet's response to those views
 - 5.5 Once Cabinet has approved the firm proposals they will be referred at the earliest opportunity to Council for decision

- 5.6 In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or substitute its own "in principle proposals" in their place
- 5.7 If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision, which has immediate effect. Otherwise, it may only make an in-principle decision
- 5.8 The decision will be published and, if an in-principle decision has been made, a written copy shall be given to the Leader as soon as possible for the Cabinet to consider
- 5.9 An in-principle decision will automatically become effective 5 working days from the day following the date of written notification to the Leader of the Council's decision, unless the Leader informs the Chief Executive in writing within those 5 days that the Leader objects to the decision becoming effective and provides reasons why in writing
- 5.10 Where notification of an objection is received, a meeting of Council will be called to be held within 28 days of the objection being received by the Chief Executive, to reconsider the decision that is the subject of the objection. In reconsidering the decision, the Council must take into account the objection of the Cabinet and reasons for it and any revised proposals submitted by the Cabinet and the Cabinet's reasons for those revised proposals. The Council may either:
- 5.10.1 approve the Cabinet's recommendation, or
 - 5.10.2 approve a different decision which does not accord with the recommendation of the Cabinet
- 5.11 The decision shall then be published and implemented immediately.
- 6 In approving its Budget each year, the Council may specify in addition to such matters dealt within the Finance Procedure Rules, the extent to which the Cabinet can agree virements within the budget and the degree to which in-year changes can be agreed by Cabinet to the Policy Framework. Any other changes to the policy and budgetary framework are reserved to the Council.
- 7 Where a new plan or strategy is required to be produced as part of the Policy Framework, either by Council of its own motion, or following a recommendation to Council by an overview and scrutiny committee, Cabinet shall develop the plan or strategy in accordance with the process set out within paragraph 5.

Decisions Outside the Budget or Policy Framework

- 8 Subject to the provisions of paragraphs 13 and 14 (virement), the Cabinet, or any decision-making arm of the Cabinet, may only take decisions that are in line with the Budget and Policy Framework. If it wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by full Council, then that decision may only be taken in accordance with the provisions of paragraphs 10 to 12 below.

- 9 If the Cabinet, or any decision-making arm of the Cabinet, wants to make a decision, advice shall be taken first from the Monitoring Officer and/or the Section 151 Officer as to whether the decision would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget. If the advice of any of those Officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraphs 10 to 12 (urgent decisions outside the budget or Policy Framework) shall apply.

Urgent Decisions Outside the Budget or Policy Framework

- 10 The Cabinet or an individual member of the Cabinet may take a decision, which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council, in exceptional circumstances and if the decision is a matter of urgency. However, the decision may only be taken:
- 10.1 if it is not practical to convene a quorate meeting of the full Council, and
 - 10.2 if the chair of a relevant overview and scrutiny committee agrees that the decision is a matter of urgency.
- 11 The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the Chairman of the relevant overview and scrutiny committee to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of the relevant overview and scrutiny committee the consent of the vice chair or, in the absence of both, the Mayor, will be sufficient.
- 12 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

Virement

- 13 The Council has set virement limits within which decision-makers can exercise discretion in approving or otherwise financial transfers within the Budget. The limits are set out in the table below *[or, in the Finance Procedure Rules]*.
- 14 Where the Cabinet or an individual is discharging executive functions to implement Council policy, then any decision to spend or make savings shall not exceed those budgets allocated to each budget head for which they have responsibility. However, the Cabinet or those individuals shall be entitled to vire across budget heads provided there is compliance with the financial limits in the table below *[or, in the Finance Procedure Rules]* and the Finance Procedure Rules.

Policy Framework – In-year Changes

15 The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions of the Cabinet or an individual member of the Cabinet must be in line with it. Changes (including modifications, revisions, variations, withdrawal or revocation) to Policy Framework plans or strategies must ordinarily be approved by the Council. However, the Council may, at the time when the plan or strategy is approved, authorise the Cabinet, or a body or individual exercising Cabinet functions, to make such changes, provided that those changes will:

- 15.1 result in the closure or discontinuing of a service, in whole or in part to meet a budgetary constraint, or
- 15.2 ensure compliance with the law, ministerial direction or Government guidance, or
- 15.3 in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, determine matters where the existing policy document is silent on the matter under consideration.

Call-in of Decisions Outside the Budget or Policy Framework

16 Where an overview and scrutiny committee is of the opinion that a decision of the Cabinet, or any decision-making arm of the Cabinet, is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and Section 151 Officer.

17 In respect of functions which are the responsibility of the executive, and where the decision has already been made and implemented, the Monitoring Officer/Section 151 Officer, shall report to the Cabinet on the advice that has been given to the overview and scrutiny committee and shall copy that report to each Member of the Council. The Cabinet must consider the report of the relevant officer and decide what action to take in respect of the report. Where the advice concluded that there was a departure from the Budget or Policy Framework, the Cabinet must report to Council on the action it intends taking.

18 Where there was no such departure, the Cabinet must report to the overview and scrutiny committee on any action to be taken.

19 If the decision has yet to be made or, has been made but not yet implemented, and the advice of the relevant Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, the overview and scrutiny committee may refer the matter to the Council. In such cases, no further action may be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 28 days of the request by the overview and scrutiny committee or sub-committee. At the meeting the Council will receive a report of the decision or proposals and the advice of the relevant Officer. If the Cabinet has prepared a report on the matter, this will also be submitted to the Council. The Council may either:

- 19.1 endorse the decision or proposal of the Cabinet, or its decision-making arm, as falling within the existing Budget and Policy Framework of the Council. In this case, no further action is required other than the decision of Council be minuted and circulated to all Councillors; or
- 19.2 amend the Council's Finance Procedure Rules or the policy concerned, to encompass the decision or proposal and agree to the decision with immediate effect. In this case, no further action is required other than the decision of Council being minuted and circulated to all Councillors; or
- 19.3 where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget and does not amend the existing framework or budget to accommodate it, it may require the Cabinet to reconsider the matter in accordance with the advice of the relevant officer(s).

The Policy Framework

20 The Council's Policy Framework comprises:

[The Corporate Plan](#)

Crime and Disorder Reduction Strategy - delivered through Safer Cheshire East Partnership (SCEP) [Safer Cheshire East Partnership](#)

[Local Transport Plan](#)

[Local Development Plan and Development Plan Framework documents](#)

[Licensing Authority Policy Statement](#)

[Gambling Statement of Principles](#)

[Equality and Diversity Strategy](#)

[Environment Strategy 2020-24](#)

[Annual Pay Policy Statement](#)

[Youth Justice Plan](#)

[Children and Young People Plan](#)

Financial Limits

- 21 The next section of these Budget and Policy Framework Rules is a table setting out the financial limits contained in various parts of this Constitution. The purpose of this table is to assist readers in identifying relevant financial limits and their location in the Constitution. The table itself is not an operative part of the Constitution – it sets out what the various financial limits are and signposts where they can be found in the document.

[The Section 151 Officer will undertake a review of the Finance Procedure Rules and determine whether the information below should be amended or removed altogether]

Page	Reference	Area	Financial Limit
14	Chapter 2, Part 2	Key Decisions	Equal to or above £1,000,000
36	Chapter 2 Part 4	Limitations of Portfolio Holder Decisions	Below £1,000,000
54	Chapter 2, Part 5	Staffing Committee	To make recommendations to Council in relation to decisions affecting the remuneration of any new post whose remuneration is or is proposed to be or would become £100,000 p.a. or more.
54	Chapter 2, Part 5	Staffing Committee	To make decisions in relation to proposed severance packages with a value of £100,000 or more as appropriate (including any pension strain)
90	Chapter 2, Part 6	Delegations to Chief Executive / Head of Paid Service	To make decisions affecting the remuneration of any existing post whose remuneration is or is proposed to be or would become £100,000 p.a. or more in consultation with the Leader and Chairman of the Staffing Committee
98	Chapter 2 Part 6	Delegations to the Monitoring Officer	To authorise the settlement of actual or potential uninsured claims, borehole claims or Local Government Ombudsman cases across all functions of the Council up to £25,000 (which after settlement shall be reported to Cabinet)

98	Chapter 2, Part 6	Delegations to the Monitoring Officer	To authorise the settlement of actual or potential uninsured claims, borehole claims or Local Government Ombudsman cases across all functions of the Council above £25,000 and below £100,000 in consultation with the Finance and Communication Portfolio Holder and
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Page	Reference	Area	Financial Limit
			the Executive Director (Corporate Services) (which after settlement shall be reported to Cabinet)
98	Chapter 2, Part 6	Delegations to the Monitoring Officer	Claims in respect of actual or potential uninsured claims or Local Government Ombudsman cases in excess of £100,000 require Cabinet approval
137	Chapter 3, Part 1, Appendix 4	Urgent Decisions	For the purposes of this urgency provision, the limit placed on the decision-making powers of individual Portfolio Holders in relation to decisions involving expenditure or savings of £1,000,000 or more would not apply
201	Chapter 3, Part 4, Section 3	Capital Approvals	Individual items estimated to cost £250,000 and above will be treated as separate schemes or provisions
202	Chapter 3, Part 4, Section 3	Capital Approvals	Block provisions may be approved within the Capital Programme for individual schemes costing less than £250,000. A detailed breakdown of the expenditure proposed must be submitted as part of the policy and planning process
214	Chapter 3, Part 4, Section 4	Asset Disposal / write Offs	The S.151 Officer may authorise the write off of losses up to £5,000, or disposals, of obsolete or surplus equipment, materials, vehicles or stores up to a disposal value of

			£5,000
214	Chapter 3, Part 4, Section 4	Asset Disposal / write Offs	Where the sum exceeds £5,000 but is less than or equal to £25,000 this should be done in consultation with the Portfolio Holder for Finance, IT and Communication
214	Chapter 3, Part 4, Section 4	Asset Disposal / write Offs	Where the value exceeds £25,000, approval must be sought from the Portfolio Holder for Finance, IT and Communication
216	Chapter 3, Part 4, Section 4	Salaries and Wages	The Chief Executive or Executive Director (Corporate Services) must approve all requests up to £100,000 including pension strain
216	Chapter 3,	Salaries and	All requests in excess of £100,000

Page	Reference	Area	Financial Limit
	Part 4, Section 4	Wages	including pension strain must be approved by the Staffing Committee
223	Chapter 3, Part 4, Section 5	Ordering and Paying for Work, Goods and Services	Where a requisition for the purchase of goods or services exceeds £10,000 in value, Contract Procedure Rules Part 5 Section 3 applies
236	Chapter 3, Part 4, Annex	Block Provisions	Annual capital allocations made to cover minor schemes with starting values of less than £250,000
244	Chapter 3, Part 4, Annex	Request for Quotation	An invitation to providers to submit quotations for Contracts to provide goods, services or works valued between £25,000 and the relevant EU Threshold

250	Chapter 3, Part 5, Section 2	Electronic Tendering	All tendering above the relevant EU Threshold (and for Contracts which are below the EU thresholds but higher than £25,000 in value) must be undertaken via an electronic tendering method and shall use the e-tendering Portal accessible through the CPU.
251	Chapter 3, Part 5, Section 2	Contracts Register	The Contracts Register shall be controlled by the CPU and the Commissioning Officer must ensure that all Contracts above £5,000 in value are recorded.
253	Chapter 3, Part 5, Section 3	Competition Requirements	Up to £10,000 – 3 quotes are advisable but not mandatory (local firms being preferable where appropriate)
253	Chapter 3, Part 5, Section 3	Competition Requirements	Between £10,000 and £25,000 – A minimum of three quotations shall be sought, together with advice from the CPU or Legal Services on the appropriate form of Contract
253	Chapter 3, Part 5, Section 3	Competition Requirements	Between £25,000 and the applicable EU Threshold – A minimum of three quotations shall be sought via the Etendering Portal, and/or Contracts Finder together with advice from the CPU or Legal Services on the appropriate form of Contract

Page	Reference	Area	Financial Limit
258	Chapter 3, Part 5, Section 5	Opening Bids	Bids above £1,000,000 will be verified by Legal Services

258	Chapter 3, Part 5, Section 5	Opening Bids	Bids from the EU Threshold up to £1,000,000 will be verified by the Procurement Manager or a Category Manager that has not been involved in the tender in question
258	Chapter 3, Part 5, Section 5	Opening Bids	Bids between £25,000 and the EU Threshold will be verified by a Procurement Officer that has not been involved in the procurement process in question
258	Chapter 3, Part 5, Section 5	Opening Bids	Bids between £10,000 and £25,000 will be opened in accordance with any guidance issued by CPU from time to time
263	Chapter 3, Part 5, Section 6	Signed Contracts	Contracts (with a value not exceeding £1,000,000) shall be signed on behalf of the Council by a duly authorised Officer in accordance with the local Scheme of Delegation
263	Chapter 3, Part 5, Section 6	Contract Sealing	A Contract must be executed under seal by Legal Services where it exceeds £1,000,000 in value
284	Chapter 4, Part 1	Gifs and Hospitality	You must within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a Member from any person or body other than the Authority

286	Chapter 4, Part 1	Personal Interests	For the purposes of this Code, a relevant person is any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body
Page	Reference	Area	Financial Limit
290	Chapter 4, Part 1	Dispensations: Securities	The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body
294	Chapter 4, Part 2	Gifts and Hospitality	Small insignificant gifts of a value of less than £5, such as pens, diaries, calendars, mouse mats or mugs, may be accepted
325	Chapter 6	Block Provisions	Annual capital allocations made to cover minor schemes with starts values of less than £250,000
333	Chapter 6	Requests for Quotation	An invitation to providers to submit quotations for Contracts to provide goods, services or works valued between £25,000 and the relevant EU Threshold

EU Thresholds (page 254)

	Supply, Services¹ and Design Contracts	Works Contracts²	Social and Other Specific Services³
Other public sector Contracting authorities	£181,302 (€221,000)	£4,551,413 (€5,548,000)	£615,278 (€750,000)

¹ With the exception of the following services which have different thresholds or are exempt:

- Social and other specific services (subject to the light touch regime) Article 74

- Subsidised services contracts specified under Article 13
- Research and development services under Article 14 (specified CPV codes are exempt).

² With the exception of subsidised works contracts specified under Article 13.

³ As per Article 74. Services are listed in Annex XIV.

Revenue Virements (*page 188*)

Virement Amount	Approval Level
Up to and including £100,000	Head of Service
In excess of £100,000 up to and including £500,000	Corporate Leadership Team (Relevant Executive Director)
In excess of £500,00 up to and including £1,000,000	Corporate Leadership Team (Relevant Executive Director) in consultation with Portfolio Holder for Finance, IT and Communication and relevant Portfolio Holder
Over £1,000,000 (where virement is within budget and policy framework)	Cabinet
Over £1,000,000 (where virement is outside budget and policy framework)	Council

Capital Virements (*page 188*)

Virement Amount	Approval Level
Up to and including £100,000	Head of Service
In excess of £100,000 up to and including £500,000	Corporate Leadership Team (Relevant Executive Director)
In excess of £500,000 up to and including £1,000,000	Corporate Leadership Team (Relevant Executive Director) in consultation with Portfolio Holder for Finance, IT and

	Communication and relevant Portfolio Holder
In excess of £1,000,000 up to and including £5,000,000	Cabinet
Over £5,000,000	Council with recommendation from Cabinet

Supplementary Revenue Estimates (pages 189-190)

Fully Funded

Supplementary Estimate Amount	Approval Level
Up to and including £100,000	Corporate Leadership Team (Relevant Executive Director)
In excess of £100,000 up to and including £250,000	Corporate Leadership Team (Relevant Executive Director) in consultation with the Portfolio Holder for Finance, IT and Communication
In excess of £250,000 up to and including £500,000	Portfolio Holders and (Relevant Executive Director) in consultation Portfolio Holder for Finance, IT and Communication
In excess of £500,000 up to and including £1,000,000	Cabinet
Over £1,000,000	Council with recommendation from Cabinet

Funded from Earmarked Reserves or Contingencies

Supplementary Estimate Amount	Approval Level	
	From Earmarked Reserves	From Contingencies
Up to and including £250,000	Section 151 Officer	Section 151 Officer
In excess of £250,000 up to and including £500,000	Section 151 Officer in consultation with the Portfolio Holder for Finance, IT and Communication	Section 151 Officer
In excess of £500,000 up to and including £1,000,000	Cabinet	Section 151 Officer in consultation with the Portfolio Holder for Finance, IT and Communication
Over £1,000,000	Council with recommendation from Cabinet	Cabinet

Supplementary Capital Estimates (pages 191)

Supplementary Estimate Amount	Approval Level
Up to and including £100,000	Corporate Leadership Team
In excess of £100,000 up to and including £250,000	Corporate Leadership Team in consultation with the Portfolio Holder for Finance, IT and Communication
In excess of £250,000 up to and including £500,000	Portfolio Holders and Corporate Leadership Team in consultation with the Portfolio Holder for Finance, IT and Communication
In excess of £500,000 up to and including £1,000,000	Cabinet

Over £1,000,000	Council with recommendation from Cabinet
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Grants (*page 235*)

Approval level	Amount
Officers	Up to and including £50,000 (where grant is within approved grant policy)
Portfolio Holder	Between £50,000 and £100,000 (where grant is within approved grant policy)
Cabinet	All Grants of £100,000 or more. All grants which do not fall within existing approved grant policy require Cabinet approval.

1. Executive Arrangements and Cabinet Procedure Rules

Appointing the Cabinet and Responsibility for Functions

1.1 At the Annual Meeting of Council, the Leader will present to the Council a report containing the following information about executive functions in relation to the coming year:

1.1.1 the names of the people appointed to the Cabinet

1.1.2 the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority

1.1.3 the terms of reference and constitution of such Cabinet committees as are appointed and the names of Cabinet Members appointed to them

1.1.4 the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements, and the names of those Cabinet Members appointed to any joint committee for the coming year

1.1.5 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 (where this is not already covered in the Council's Constitution).

1.2 Where the Cabinet, a committee of the Cabinet, or an individual Member of the Cabinet is responsible for an executive function, they may delegate further to a committee of the Cabinet, an area committee, joint arrangements, or an officer.

1.3 Even where executive functions have been delegated, that does not prevent the discharge of delegated functions by the person or body who delegated them.

The Law and Executive Functions

1.4 Those responsible for discharging executive functions will ensure that they are acting within the law and this Constitution.

1.5 The functions in question are set out in this Constitution. This also sets out the body or individual responsible for taking decisions in respect of executive functions.

1.6 The Cabinet, and any individual member or committee thereof, must ensure, and be satisfied, that they have appropriate and adequate legal, financial and other relevant professional advice from officers before taking a decision on any matter before them. Advice from the Council's Monitoring

Officer and Section 151 Officer should always be obtained where there is doubt about vires, procedure or probity.

Conflicts of Interest

1.7 Where the Leader or any Cabinet Member has a conflict of interest, s/he will follow the requirements of the Council's Code of Conduct for Members.

1.8 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 Audit and Governance Committee for a dispensation from the provisions of the Code.

1.9 If the discharge of an executive 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 the action set out in paragraph 1.8 shall be considered.

Meetings of the Cabinet

1.10 The Cabinet will meet as indicated in the Council's Calendar of Meetings. The Cabinet or the Leader/Deputy may agree to change the date of any programmed meeting, to cancel a meeting, or to arrange additional meetings as he/she sees fit.

1.11 The Cabinet may meet in public or in private, subject to legal requirements and the Access to Information Procedure Rules contained in the Constitution.

1.12 The Leader will preside at meetings of the Cabinet. If the Leader is absent, then the Deputy Leader will preside. Where both the Leader and Deputy Leader are absent, the Cabinet Members present shall appoint one of their number to be the chair of that meeting.

1.13 All members of the Cabinet shall be entitled to attend meetings of the Cabinet unless the Cabinet determine otherwise.

1.14 Attendance by other members of the Council or the public shall be in accordance with the Access to Information Procedure Rules, by invitation, or as set out in paragraphs 1.15 to 1.18 below.

Quorum at Cabinet Meetings

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

Attending and speaking at Cabinet Meetings

1.15 The Chair and Spokesperson(s) of the Council's overview and scrutiny and Audit and Governance committees shall be entitled, at any formal public meeting of the Cabinet, to speak to any matter on the agenda for that meeting.

1.16 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.

1.17 At every formal public meeting of the Cabinet there shall be a period of 15 minutes for questions to be put to Cabinet Members by members of the Council, and a period of 15 minutes for questions to be put to Cabinet members by members of the public. *[No recommendation was agreed by the T&F Group as to whether 3 clear working days' notice of such questions would be required to be given, nor whether such questions would be required to be upon agenda items only]*

1.18 The following rules shall apply:

1.18.1 Questions must relate to the powers, duties or responsibilities of the Cabinet.

1.18.2 Questions put to Cabinet Members must relate to their portfolio responsibilities.

1.18.3 A maximum period of two minutes will be allowed for each member wishing to ask a question during question time. The Leader or person presiding will have discretion to vary this requirement where he/she considers it appropriate.

1.18.4 Questions will be brief, clear and focussed.

1.18.5 Questions which the Leader deems to be:

- inappropriate, frivolous, derogatory or vexatious;
- related to a Council employment or staffing matter; or
- defamatory

will not be allowed.

1.18.6 Questions will not be allowed which repeat, or which are substantially the same as questions asked at a meeting of Council or Cabinet within the preceding 6 months.

1.18.7 Where any question might be disallowed under the agreed provisions, the Leader, as chair of the Cabinet, will have absolute discretion to determine whether to do so.

1.18.8 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 decline to answer any question or may: reply direct, reply by reference to a publication, or reply by written answer.

1.18.9 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.

1.18.10 Where appropriate, the Leader may allow the question to be asked at the beginning of consideration of that item.

1.18.11 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 to ensure that the Council's obligations under the Local Government Acts in respect of Access of Information and Data Protection are observed.

Business at Cabinet Meetings

1.19 The business to be transacted at a meeting of the Cabinet will be set out in an agenda for that meeting, subject to any requirements or exemptions under the Access to Information Procedure Rules.

1.20 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. Full agendas for meetings of the Cabinet will be made available, electronically, in advance of the respective meeting, to all Members of the Council and in accordance with the Council's current policy.

1.21 The Cabinet is obliged to consider matters referred to it by an overview and scrutiny committee, or by the Full Council, for consideration under the Overview and Scrutiny Procedure Rules.

1.22 The Cabinet will, at each formal meeting, consider confirming the record of decisions taken at its previous meeting as a correct record.

1.23 The 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.

1.24 In taking decisions, the Cabinet must satisfy itself that it has before it adequate and appropriate advice from the relevant service, and from legal and financial advisers who shall, where appropriate, 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, procedure or probity then advice must be obtained from the Monitoring Officer and the Section 151 Officer.

1.25 Meetings of the Cabinet will be programmed into the Council Calendar of Meetings. The Cabinet may agree to change the date of any programmed meeting, to cancel a meeting or to arrange additional meetings as it sees fit.

1.26 The order of business at Cabinet meetings is a matter for the Cabinet to determine.

1.27 Any member of the Cabinet may require the Monitoring Officer to place an item on the agenda for a stipulated meeting of the Cabinet.

1.28 Any member of the Council may ask 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 may be allowed to speak to the item.

2. The Head of the Paid Service, the Monitoring Officer and/or the Section 151 Officer may include an item for consideration on the agenda of a Cabinet meeting. In pursuance of their statutory duties, they may require that a special meeting of the Cabinet be convened.

2.1 Except where it is urgent, business cannot be conducted at formal meetings of the Cabinet unless it is included in the agenda for the meeting. An item of business which is not included on an agenda for a Cabinet meeting may not be considered unless the Leader or person presiding is of the opinion that the matter is urgent and cannot await another meeting, and unless the requirements of the Access to Information Procedure Rules have been complied with. This shall also apply to any committee of the Cabinet or to an individual Portfolio Holder.

2.2 The Cabinet will report to the Council, as required under the Access to Information Procedure Rules, on any matter which is classified as a key decision, and which is dealt with under special urgency procedures.

2.3 Cabinet decisions, including those taken under delegated powers, shall not take effect until they have been recorded in writing, as required under the Council's procedures, and shall not be implemented where the right of call-in applies until any valid call-in process has been concluded. Where the right of call-in applies but is not exercised, a Cabinet decision may be implemented immediately after the expiry of the call-in period.

2.4 A written record of all Cabinet decisions will be kept by the Head of Democratic Services, and this will be made available publicly as soon as practicable after decisions have been taken (excluding the disclosure of confidential and exempt information and in accordance with the Overview and Scrutiny Procedure Rules). In recording decisions of the Cabinet, the Head of Democratic Services will set out the decision, the reasons for the decision and alternative options considered as required under the Access to Information Procedure Rules in the Constitution.

Voting at Cabinet Meetings

2.5 Voting at Cabinet meetings will be by a show of hands, and any Cabinet Member may require, immediately after the vote is taken, that the minutes of the meeting record how (s)he voted or that (s)he abstained. Where there are equal

votes cast and the Leader or person presiding has voted, the Leader or person presiding will have a second or casting vote. Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be by a vote conducted in accordance with Council Procedure Rules.

Cabinet Committees/Sub-Committees and Task Groups

2.6 The Leader or the Cabinet may appoint such committees or sub committees as are considered necessary and appropriate to assist in the discharge of executive functions. In making such appointments, the name of the committee/sub-committee must be specified, along with its membership (including its chair and, if appropriate, vice-chair) and its powers.

2.7 The Cabinet may also 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 Council.

Decision Making by individual Cabinet Members (Portfolio Holders)

2.8 Where the Leader has delegated decision making powers to individual Portfolio Holders they will exercise their powers and duties in accordance with these rules and Constitution.

Notices of Motion

2.9 The proposer of a Notice of Motion, which has been referred to the Cabinet for consideration, may attend the meeting of the Cabinet when his/her motion is under consideration to explain the motion. The proposer of the motion will be advised of the date and time of the meeting when the matter is to be considered, and (s)he will be sent a copy of the relevant papers. This does not affect the right of the proposer or seconder of the motion to attend a Scrutiny body when his/her motion is being considered.

Resolving Disputes

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

Reserves/substitute members

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

Urgent Decisions – Executive Matters

2.12 Where any matter is urgent and cannot await the next meeting of the relevant executive body or Portfolio Holder, the matter may be determined in accordance with the Council Procedure Rules.

The Forward Plan and Key Decisions

2.13 The Leader will ensure that the requirements of the Access to Information Procedure Rules are met in relation to the publication of Key Decisions.

2.14 Where the Cabinet as a body is making Key Decisions, that meeting shall be held in public in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The requirements of these Regulations also apply to any body, Portfolio Holder or officer to whom the relevant executive powers have been delegated.

2.15 When the Cabinet or a Portfolio holder exercising an executive function under delegated powers receives a report or background information which (s)he intends to take into consideration when making a Key Decision (and the report or papers are not exempt or confidential) that decision shall not be taken until the report has been made available for inspection by the public for five clear working days following receipt of the report by the decision taker. A copy of such report must be supplied as soon as reasonably practicable to the chair of the relevant overview and scrutiny committee or, in his/her absence, the vice-chair of the committee. The report must also list any background papers.

2.16 Where the inclusion of a matter in the Forward Plan is impracticable (28 clear days' notice being required for key and private decisions) and the matter would be a Key Decision, that decision shall only be made:

2.16.1 where the Monitoring Officer has notified the chair of the relevant overview and scrutiny committee, or in his/her absence the vice-chair of the committee, of the matter about which the decision is to be made;

2.16.2 where the Monitoring Officer has made available for public inspection a copy of the notice given under paragraph 2.16.1 above; and

2.16.3 where a period of five clear working days has elapsed since the Monitoring Officer made available the notice referred to in paragraph 2.16.2 above.

2.17 Where the date by which a Key Decision must be made makes compliance with the requirements under paragraph 2.16 above impracticable, the decision shall only be made where the decision maker has obtained agreement from:

2.17.1 the chair or, in his/her absence, the vice-chair of the relevant overview and scrutiny committee, or

2.17.2 if there is no chair or vice-chair of the relevant overview and scrutiny committee, or if neither is able to act, the Mayor or, in his/her absence, the Deputy Mayor

that the making of the decision is urgent and cannot reasonably be deferred. Such decisions when made are not subject to the provisions relating to call-in.

All members will be sent electronic notification of the agreement reached that compliance with the requirements of paragraph 2.17 above was impractical.

2.18 The Leader shall submit a report to the Full Council containing details of each Key Decision taken during the preceding three months under paragraph 2.17 above and agreed as urgent. The report will include particulars of each such Key Decision and a summary of the matters in respect of which each decision was made.

2.19 Where an executive decision which was not classified as being a Key Decision has been made and the relevant overview and scrutiny committee is of the opinion that the decision should have been so classified, that committee may require the Cabinet to submit a report to the Full Council within such reasonable period as the committee may specify, containing the following details:

2.19.1 the decision and the reasons for it

2.19.2 the decision maker, and

2.19.3 if the Cabinet is of the opinion that the decision was not a Key Decision, the reasons for this view.

Local Choice Functions

- 1 Certain functions of local authorities are classified as “Local Choice” functions under the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) Regulations 2000, Schedule 2. This means that the Council can decide which of these decisions should be taken by the Full Council and which should be taken by the Cabinet.
- 2 The following table sets out who makes decisions on Local Choice Functions:

Local Choice Functions	Decision Making Body	Delegation of functions (where applicable)
Functions under a local Act (other than one specified or referred to in Reg 2 or Schedule 1 of the Regulations 2000)	Cabinet	Delegated to Chief Officers within their areas of responsibility
To determine appeals ¹ against any decision of the authority	Full Council	Appeals Panel insofar as not delegated to any other Committee or officer
To make arrangements for appeals against exclusion of pupils from maintained schools	Full Council	Appeals Panel
To make arrangements for appeals regarding school admissions ²	Full Council	Appeals Panel
To make arrangements for appeals by governing bodies ³	Full Council	Appeals Panel

¹ Including appeals in relation to access to information by Members under s100F Local Government Act 1972, Part 5 Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012, and the common law “need to know” rules

² s94(1), (1A) and (4) School Standards and Framework Act 1998

³ s95(2) School Standards and Framework Act 1998

Any function relating to contaminated land ⁴	Cabinet	Chief Officers
The control of pollution or the management of air quality ⁵	Cabinet	Chief Officers
To serve an abatement notice in respect of a statutory nuisance ⁶	Cabinet	Chief Officers
To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area ⁷	Full Council	Not delegated
To inspect the authority's area to detect any statutory nuisance ⁸	Full Council	Chief Officers
To investigate any complaint about the existence of a statutory nuisance ⁹	Full Council	Chief Officers
To obtain information about interests in land ¹⁰	Full Council	Chief Officers
To obtain particulars of persons interested in land ¹¹	Full Council	Chief Officers

⁴ Part IIA Environmental Protection Act 1990 and subordinate legislation

⁵ Pollution Prevention and Control Act 1999; Part IV Environment Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993

⁶ s80(l) Environmental Protection Act 1990

⁷ s8 Noise and Statutory Nuisance Act 1993

⁸ s79 Environmental Protection Act 1990

⁹ s79 Environmental Protection Act 1990

¹⁰ s330 Town and Country Planning Act 1990

¹¹ s16 Local Government (Miscellaneous Provisions) Act 1976

To make agreements for the execution of highways works ¹²	Cabinet	Chief Officers
To appoint any individual (a) to any office other than an office in which s/he is employed by the authority (b) to any body other than (i) the authority; (ii) a joint Committee of two or more authorities; or (c) to any Committee or Sub-Committee of such a body and to revoke any such appointment	Cabinet or individual Portfolio Holders in respect of organisations listed in the document accessed through the link in paragraph 11 below and the Full Council in respect of other organisations.	In respect of appointments by Full Council delegated to the Constitution Committee.
To make agreements with other local authorities for the placing of staff at the disposal of those other authorities	Cabinet	Chief Officers
The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998	Cabinet	Director of Education
Functions under Sections 106, 110, 111 and 113 of the Local Government and Public Health Act 2007 relating to local area agreements	Cabinet	Chief officers, within their areas of responsibility

¹² s278 Highways Act 1980

- 3 Local Choice Functions can be delegated further to other Member bodies and/or officers.

Leader and Cabinet Transitional Provisions

Committee System/historical Cabinet arrangements

Any executive matter which involves a decision of a Council service committee, or the arrangements which predated the committee system, will continue to be progressed by the new Cabinet or Cabinet members.

Officer delegations

Where a service committee (or the previous Cabinet) delegated the making of any decision to an officer, that decision will remain with or will be allocated to the appropriate officer.

Service committee chair/vice chair consultation

Where a decision is delegated to an officer but requires consultation with a service committee chair/vice chair, the matter will remain with or will be allocated to the appropriate officer. Consultation will be with the appropriate Cabinet member.

Scrutiny

Matters currently under consideration by the Council's existing scrutiny committee, or as a matter of "internal scrutiny" by a service committee, will become the responsibility of the appropriate overview and scrutiny committee, appointed by the Council under the new Leader and Cabinet arrangements.

Service committee decisions

If any decision of a service committee is subject to the decision-referral process on 13 May 2026 the existing decision-referral arrangements will apply, subject to the following. Every effort will be made to conclude any outstanding decision-referral processes prior to this date. Outstanding matters may be referred to the relevant overview and scrutiny committee in accordance with the adopted Overview and Scrutiny Procedure Rules.

Continuation of committees, sub-committees and other bodies

Of itself, the change in decision-making arrangements on 13 May 2026 will not alter the Council's non-executive decision-making arrangements, except where the Council specifically decides to do so.

Regulatory and other non-executive committees and sub-committees will be retained, and new non-executive committees may be appointed.

These non-executive committees will be appointed at the Council's Annual General Meeting or by Council at a later date, and sub-committees will be appointed by their parent committees.

Bodies such as the Health and Wellbeing Board will continue to exist and function, with terms of reference and functions appropriately adapted to apply to Leader and Cabinet Governance, rather than committee system governance.

Joint Extra-Care Housing Management Board:

Whilst this Board last met in December 2026, it might potentially be required to carry out further work in the future. The Board will comprise three Portfolio Holders nominated by the Leader and Deputy.

Shared Services Joint Committee:

The Joint Committee will continue to undertake the functions currently allocated to it, with the Council's nominees being chosen by the Leader and Deputy. Any work allocated to or being undertaken by the Joint Committee will continue after the move to the Leader and Cabinet system.

Cared for Children and Care Leavers' Committee:

This is a cross-party advisory committee, appointed by the Cabinet

General Appeals Sub-Committee:

Appointment by proposed Constitution Committee (further decision to be made)

Staffing Appeals Sub Committee:

Depending upon further decisions to be made, this may be a sub-committee of the Appointments (or Staffing) Committee

Hearing Sub-Committee:

Is a sub-committee of the Audit and Governance Committee, and will remain as such, with its three members being drawn from that Committee.

Investigation and Disciplinary Committee:

Standalone ad-hoc committee, appointed as and when needed

Appointments to outside bodies:

Where an appointment is made entirely on the basis of service committee membership, the relevant Cabinet member shall continue in that role. Any other outside organisation appointments will continue until the next appropriate review date.