

Part 4, Section 4 Cabinet Procedure Rules

1. HOW THE CABINET OPERATES

1. How the Executive Operates

1.1 Who may make Executive Decisions

The Leader determines the arrangements for the discharge of executive functions. The arrangements may provide for executive functions to be discharged by:

- i) The Leader;
- ii) Cabinet as a whole;
- iii) Individual Cabinet Members;
- iv) a committee of the Cabinet;
- v) Officers of the Council;
- vi) if and when established - joint arrangements with other local authorities; or
- vii) another local authority;

1.2 Delegation by the Leader

- (a) At the annual meeting of the Council, the Leader will present to the Council the names of the people appointed to the Cabinet by the Leader (including the name of the Deputy Leader), and their portfolios.
- (b) At the annual meeting of the Council or as soon as practicable thereafter, the Leader will present to the Council a written record of :
 - (i) The detailed remits of the portfolios of the Cabinet Members.
 - (ii) Any delegations made by the Leader in respect of the discharge of the Council's executive functions. The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:
 - The extent of authority of the Cabinet as a whole
 - The extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
 - the terms of reference and constitution of such Cabinet committees as the Leader appoints and the names of Cabinet Members appointed to them;
 - 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; and

- 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.

and these shall then be included in the Council's Constitution.

1.3 Sub-Delegation of Executive functions

(a) Where the Leader delegates an executive function to the Cabinet, then unless the Leader directs otherwise, the Cabinet may delegate further to a committee of the Cabinet, a joint arrangement or to a Council officer.

(b) Where the Leader delegates an executive function to a committee of the Cabinet or to an individual member of the Executive then unless the leader directs otherwise, a committee of the Executive or an individual member of the Executive may delegate further to a Council officer.

(c) Even where executive functions have been delegated under (a) or (b) above, that fact does not prevent the discharge of delegated functions by the person or body who made the delegation.

1.4 The Executive's Scheme of Delegation

(a). Subject to (b) below the Executive's Scheme of Delegation will be reported to Council, It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

(b) The Leader may amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the Leader must give written notice to the Head of Governance and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The Head of Governance will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

(c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when the Leader has served it on its chair.

1.5 Conflicts of Interest

(a) Where the Leader or any Member(s) of the Cabinet and its Committees have a conflict of interest, this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

(b) If every Member of the Cabinet or its Committees has a conflict of interest, this may be dealt with by way of dispensations granted by the Standards Committee.

(c) If the exercise of an Executive function has been delegated to an Officer and should a conflict of interest arise, then the function will be exercised in the first instance by the person by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6 Cabinet Meetings – When and Where?

The Cabinet will meet monthly, alternating between Lancaster Town Hall and Morecambe Town Hall on dates and at times to be agreed by Leader, to be confirmed by Full Council on an annual basis. The Leader may agree to hold additional meetings as required. In determining the time for the meeting, regard should be had to maximising the accessibility of the public.

1.7 Meetings of the Cabinet

All decision-making meetings of the Cabinet will be in public except for that part of an item of business where exempt or confidential information is to be discussed.

1.8 Quorum

The quorum for a meeting of the Cabinet shall be 40% (rounded up) of the membership. For meetings of Cabinet Committees, a quorum will be 40% (rounded up) or 3, whichever is the greater.

1.9 How are Decisions to be Taken by the Cabinet?

- (a) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4, Section 2 of this Constitution.
- (b) Where executive decisions are delegated to a Committee of the Cabinet, the Rules for taking decisions shall be the same as those applying to the Cabinet.

1.10 Urgent Decisions

- (a) When an executive decision which is the responsibility of the Cabinet is needed prior to the next scheduled meeting, the procedures set out in the Access to Information Rules 15 and 16 must be followed (Part 4 Section 2).
- (b) Decisions taken under this procedure must be reported into the next scheduled meeting of Cabinet.

1.11 Agendas

All Cabinet agendas and those of its Committees will be available to all Members of the Council. Cabinet members will take responsibility and ownership of Cabinet reports in their portfolio area of responsibility. Cabinet agenda should not include information reports.

2. CONDUCT OF THE CABINET AND ITS COMMITTEES

2.1 Chairing Meetings

- (a) The Leader of the Cabinet will preside. In the absence of the Leader, the Deputy Leader, will preside. In both the Leader and Deputy Leader's absence, then a person will be appointed to preside by those present.

- (b) The Leader will preside at any meeting of a Committee of the Cabinet at which they are present, or may appoint another person to do so. In the absence of the Cabinet Committee's Chairman, then a person will be appointed to preside by those present.

2.2 Who may attend to observe?

Any Member of the Council may attend any Cabinet meeting or a meeting of its Committees. All decision making meetings of the Cabinet and its Committees will be in public. Members of the public will be excluded for that part of an item of business where exempt or confidential information is to be discussed.

2.3 Business of the Meeting

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

- (a) consideration of the minutes of the last meeting;
- (b) declaration of interests, if any;
- (c) urgent business agreed by the Leader, or in the absence of the Leader, by the Deputy Leader or Chairman of the meeting.
- (d) matters set out in the agenda for the meeting for decision including registered members of the public speaking and registered ward members
- (e) consideration of reports from Cabinet Committees;
- (f) consideration of reports from Overview and Scrutiny;
- (g) matters referred to the Cabinet (whether by Overview and Scrutiny or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedures Rules set out in this Constitution; and
- (h) reports from the Chief Executive, Corporate Directors or Service Heads;
- (i) consideration of the monthly Forward Plan prepared by the Leader;

2.4 Consultation

All reports to Cabinet from any Member of the Cabinet or an Officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and Overview and Scrutiny and the outcome of that consultation. Reports about other matters will set out the details and outcome of any consultation undertaken as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Cabinet Agenda Items

The Leader may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a committee or any member or officer in respect of that matter.

Any Member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered and that Councillor may, at the discretion of the Leader, be invited to attend the meeting, and with the consent of the Cabinet, to speak.

Furthermore, the Chief Executive, Monitoring Officer and/or the Chief Financial Officer (the Council's Section 151 Officer) may include an item for consideration on the Agenda of a Cabinet meeting and the Monitoring Officer/Chief Financial Officer may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the Agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the Agenda may also require that a meeting be convened at which the matter will be considered.

2.6 Right of Members to Address Cabinet

Where an Overview and Scrutiny meeting submits a report to Cabinet, a nominee of that meeting may and will normally present the report to Cabinet. Any Member, at the discretion of the Chairman of Cabinet, may address Cabinet on Ward matters where this is relevant to a report on the Agenda, subject to giving 3 days notice and a 5 minute time limit.

2.7 Rights of the Public to Speak at Cabinet

- (a) Members of the public are permitted to speak on issues included on the Cabinet Agenda, with questions/comments from the public prior to the commencement of each item.
- (b) Notice of the wish to speak must be registered with Democratic Services in writing or by telephone before 12 Noon on the Thursday before Cabinet meets.
- (c) It is the responsibility of the person wishing to speak to find out the appropriate date that Cabinet will consider the item of business that they wish to speak on. This information can be obtained from Democratic Services. Late requests to speak at Cabinet will not be considered.
- (d) Any request to speak must include the person's name, address and contact telephone number, together with details on the item they wish to speak on. A written version of their speech or questions must be supplied in advance (unless there are special circumstances).
- (e) Persons who have registered to speak should be in attendance 30 minutes prior to the commencement of the meeting to enable a list of speakers present to be passed to the Chairman. Any latecomers who have not confirmed their intention to speak on the morning of the meeting will only be allowed to speak at the discretion of the Chairman.

- (f) Democratic Services, having received notice from persons wishing to speak will re-order the agenda to enable items with public participation to be considered first.
- (g) There will be a maximum of 10 speakers per Cabinet meeting on a first come first served basis with a maximum of 5 minutes per speaker.
- (h) There will be a maximum of 3 speakers on each item of business, but if there are less than 10 speakers in total to speak at Cabinet then a maximum of 4 people be allowed to speak on a particular item of business on a first come first served basis, at the discretion of the Chairman.
- (i) Any group of persons with similar views should elect a spokesperson to speak on their behalf to avoid undue repetition of similar points. Spokespersons should identify in writing on whose behalf they are speaking as part of the registration process. The Head of Governance to be authorised to ask speakers to consolidate their views if there are more than 3 persons in the group.
- (j) Speakers must be prepared to respond to questions from Cabinet Members at the meeting if necessary.

2.8 Access to Information

The rules that determine how the Cabinet will conduct its meetings in respect of the following are set out in the Access to Information Procedure Rules in Section 2 of Part 4 of this Constitution:

- Key Decisions
- Forward Plans
- Exempt and Confidential Business
- Agendas, Reports, Minutes and Background Papers
- Urgent Business.

2.9 Cabinet Liaison Groups

- (a) Cabinet Liaison Groups are not an essential body but may be created to take forward business. However, they are purely consultative and not decision-making. They will be chaired by a member of Cabinet and there is no restriction on size although the group must be limited to what is manageable and effective for their purpose. They may be time limited or of longer standing, again depending on their purpose.
- (b) The participants in the Group will be by invitation of the Chairman and can be made up from any or all of the following:
 - Other members of Cabinet
 - Other members of Council not on Cabinet
 - Others from outside the Council
 - Council officers

One exception to this is the Planning Policy Cabinet Liaison Group, which Cabinet agreed should include the portfolio holders for Economy, Environment, Valuing People and Health.

- (c) *Terms of Reference:* Their Terms of Reference are to share information about a particular topic, e.g. e-government and develop effective consultation and communication links with community groups and other bodies with an interest in the subject area. In this way, individual Cabinet members will have a wider information and advisory platform to inform executive decision-making and policy effectiveness.

- (d) Specific outcomes from their meetings may generate requests for pieces of work to be undertaken by officers or partner bodies. Alternatively, it could be a request to Overview and Scrutiny to set up a Task Group to undertake a specific piece of work. There could also be specific reports to Cabinet, Committees of Cabinet, individual Cabinet members, or other Committees of Council recommending action for determination.
- (e) Each Liaison Group will have their terms of reference and expected outputs approved by Cabinet before they meet.