



# **SOUTH NORTHAMPTONSHIRE COUNCIL**

## **Part 4 – Cabinet Procedure Rules**

## **1. Operation of the Cabinet**

The Cabinet is the executive committee of the Council and is responsible for the exercise of all of the Council's executive functions.

### **1.1 Decision Making**

The arrangements for the discharge of executive functions are described in Part 10, as in accordance with procedures set out elsewhere in this Constitution. It is set out that they may be exercised by:

- 1.1.1 the Cabinet;
- 1.1.2 a sub-committee of the Cabinet
- 1.1.3 an officer;
- 1.1.4 an area committee;
- 1.1.5 joint arrangements; or
- 1.1.6 another local authority.

In the event that they are not set out there, the Cabinet may decide how they are to be exercised.

### **1.2 Appointment of Cabinet Members by the Council Leader**

At the annual meeting of the Council, the Council Leader (having taken advice from the Head of Paid Service) shall present to the full Council the names of the Councillors appointed by him/her to the Cabinet.

### **1.3 Delegation of Executive Functions**

- 1.3.1 The Cabinet may delegate to a sub-committee, an area committee, joint arrangements or an officer.

- 1.3.2 Unless the Cabinet directs otherwise, a sub-committee of the Cabinet to whom functions have been delegated by the Cabinet may delegate further to an officer.
- 1.3.3 Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the body which delegated.

#### **1.4 Conflicts of Interest**

- 1.4.1 Where the Council Leader has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct in Part 12 of this Constitution.
- 1.4.2 If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct in Part 12 of this Constitution.
- 1.4.3 If the exercise of an executive function has been delegated to a sub-committee of the Cabinet or an officer, and should a conflict of interest arise, then the function shall be exercised in the first instance by the body by whom the delegation was made and otherwise as set out in the Members' Code of Conduct in Part 12 of this Constitution.

#### **1.5 Cabinet Meetings**

- 1.5.1 The Cabinet shall meet on dates and at times to be agreed by the Council Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Council Leader.
- 1.5.2 The Cabinet and any of its sub-committees shall meet in public when required to do so and may meet in private when permitted or required to do so by the Access to Information Procedure Rules in Part 6 of this Constitution.

## **1.6 Quorum**

The quorum for a meeting of the Cabinet or a sub-committee of it shall be three Cabinet members. The Cabinet and any Cabinet sub-committee shall not be quorate unless one of the Council Leader, the Deputy Leader or the Leader's nominee is present.

## **1.7 Cabinet Decisions**

Executive decisions to be made by the Cabinet as a whole or a Cabinet sub committee shall be taken at a meeting of the Cabinet or the sub committee, as the case may be, convened in accordance with the Access to Information Procedure Rules in Part 6 of the Constitution.

## **2. Conduct of Cabinet Meetings**

### **2.1 Chairman**

The Council Leader shall preside at any meeting of the Cabinet or its sub-committees at which he/she is present or may appoint another person to do so. In the absence of the Council Leader the Cabinet or sub-committee shall appoint the Deputy Leader (if present) as Chairman for that meeting unless the Leader has appointed another person to do so.

### **2.2 Attendance**

The rights of non-Cabinet members, officers and the public to attend meetings of the Cabinet and any of its sub-committees are as set out in the Access to Information Procedure Rules in Part 6 of this Constitution.

### **2.3 Agenda**

At each meeting of the Cabinet and any of its sub-committees the following business shall be conducted:

- 2.3.1 consideration of the minutes of the last meeting;
- 2.3.2 declarations of interest, if any;
- 2.3.3 matters referred (whether by a Review and Development Committee or by the full Council) for reconsideration in accordance with the provisions contained in the Review and Development Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Parts 5 and 7 of this Constitution;
- 2.3.4 consideration of relevant reports, matters referred and recommendation from Review and Development Committees and other Council bodies;
- 2.3.5 any other matters set out in the agenda for the meeting, (with any accompanying officer reports), which shall indicate which are key decisions and which are not, in accordance with the Access to Information Procedure Rules set out in Part 6 of this Constitution; and
- 2.3.6 any urgent business with the agreement of the Chairman of the meeting (after he or she has taken advice from the Head of Paid Service).

## **2.4 Consultation**

All reports to the Cabinet or any of its sub-committees 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 any consultation with stakeholders and relevant Review and Development Committees and the outcome of that consultation. Reports about other matters shall set out the details and outcome of consultation as appropriate. The level of any consultation required shall be appropriate to the nature of the matter under consideration.

## **2.5 Who Can Put Items on the Cabinet Agenda?**

- 2.5.1 The Council Leader may put on the agenda of the Cabinet or any of its sub-committees any matter which he/she wishes, whether or not authority has been delegated to a Cabinet sub-committee or any officer in respect of that matter. The Proper Officer shall comply with the Council Leader's requests in this respect.
- 2.5.2 Any member of the Cabinet may require the Proper Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet or any of its sub-committee for consideration. If he/she receives such a request the Proper Officer shall comply.
- 2.5.3 Where the full Council or a Review and Development Committee have resolved that an item be considered by the Cabinet, the Proper Officer shall make sure that an item is placed on the agenda of the next available meeting of the Cabinet or any of its sub-committees. However, there may only be up to three such items on any one agenda.
- 2.5.4 Any Member of the Council may ask the Council Leader to put an item on the agenda of the Cabinet or any of its sub-committees for consideration and if the Council Leader agrees (following the taking of advice from the Head of Paid Service), the item, together with such supporting information as is necessary, shall be considered at the next available meeting of the body. The notice of the meeting shall give the name of the Councillor who asked for the item to be considered. The Member may be invited to attend the meeting at the discretion of the Council Leader whether or not it is a public meeting. However, there may only be up to three such items per meeting.
- 2.5.5 The Head of Paid Service, the Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of the Cabinet or any of its sub-committees and may require the Proper Officer to call such a

meeting in pursuance of their statutory duties. Where any two of the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet or any of its sub-committees needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of the meeting. If there is no meeting scheduled soon enough to deal with the issue in question, then the officer(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.