

SECTION B – CABINET PROCEDURE RULES

1 ROLE AND COMPOSITION

1.1 Role of the Cabinet

The Cabinet is responsible for the efficient discharge of all Council functions allocated to it by law and this Constitution; see Part 3 of this Constitution for full details. In making decisions the Cabinet will have regard to the principles of decision making set out in Article 12 of this Constitution.

1.2 Composition of the Cabinet

The Cabinet comprises a Cabinet Leader appointed by full Council and five other councillors appointed by the Leader. The Leader may appoint one of the Cabinet Members to act as Deputy Leader. The Leader can remove Cabinet Members from office. In the event of a removal, a replacement Cabinet Member will be appointed for the remainder of the year.

2 CABINET FUNCTIONS AND DECISIONS

2.1 Allocation of Functions

The Leader may allocate lead responsibility for an individual Cabinet Function or a combination of such Functions (called "a portfolio") to Members of the Cabinet as he/she sees fit. The current portfolio allocations are set out in Part 3 of this Constitution.

At the Annual Meeting of the Council, the Leader will present to the Council a report containing the following information concerning the discharge of Cabinet Functions in relation to the coming year :-

- 1) the names of the Members appointed to the Cabinet and the portfolios allocated to them;
- 2) the constitution and terms of reference of such Committees of the Cabinet as the Leader proposes to convene and the names of the Cabinet Members appointed to them;
- 3) the extent of any authority delegated to Cabinet Members individually, including details of any limitations on their authority;
- 4) the nature and extent of any delegation of a Cabinet Function to any other authority or any joint arrangements including the names of those Cabinet Members appointed to any joint committee for the coming year; and
- 5) the nature and extent of any delegation of a Cabinet Function to Officers with

details of any limitations on those delegations, and the title of the officer to whom the delegation is made.

2.2 Cabinet Decisions

Cabinet decisions may be made:-

- 1) by the Cabinet as a whole; or
- 2) by the Leader or individual Cabinet Members provided :-
 - the decision is not a Key Decision
 - the class or category of decision directly relates to a function, service or activity for which that Member has lead responsibility; and
 - the Cabinet as a whole has authorised the Member to take decisions of that class or category; or
- 3) by a committee of the Cabinet; or
- 4) by an Officer acting under delegated powers (provided the decision is not a Key Decision unless authorised by a prior resolution of the Cabinet or any other of the provisions of the Constitution); or
- 5) by joint arrangements; or
- 6) by another local authority.

2.3 Sub-delegation of Cabinet Functions

Where the Cabinet or a Committee of the Cabinet is responsible for a Cabinet Function, they may in turn delegate that function to an Officer or to joint arrangements.

The delegation of a Cabinet Function will not prevent the discharge of that function by the person or body who delegated it.

2.4 The Council's Scheme of Delegations and Cabinet Functions

The Council's Scheme of Delegation to Officers set out in Part 7 of this Constitution (which includes delegations to Officers in respect of Cabinet Functions) will be subject to annual adoption by the Council and the Cabinet in relation to their respective functions. The Cabinet may also amend the Scheme at any time in so far as it relates to a Cabinet Function.

2.5 Conflicts of Interest

If any pecuniary or non-pecuniary interest arises during the consideration of any

matter, it will be dealt with in accordance with the Code of Conduct in Part 5 of this Constitution.

If, in the exercise of a Cabinet Function that has been delegated to a Committee of the Cabinet or to an Officer, a pecuniary or non-pecuniary interest arises, then the function will, in the first instance, be exercised by the person or body by whom the delegation was made and otherwise in accordance with the Code of Conduct for Members in Part 5 of this Constitution.

3 CABINET MEETINGS

- 3.1 The Cabinet will meet not less than six times in the Council year at the dates and times to be determined by the Leader and notified to the Council at its Annual Meeting. The Leader shall be permitted to amend or further amend the time (but not the date) of a meeting of the Cabinet by giving notice to that effect at an ordinary meeting of the Council. The amended meeting time will take effect immediately unless the agenda for the next Cabinet Meeting has been published, in which case the amended meeting time will take effect from the meeting following the next meeting of the Cabinet.
- 3.2 Notwithstanding the provisions of Rule 3.1 above and subject to compliance with Rules 3.4 and 4.11 below, in cases of urgency the Leader shall be permitted to:-
 - 3.2.1 amend the date of an ordinary meeting of the Cabinet PROVIDED that the Agenda and reports for such meeting are made available to the press and public not less than five clear day before the amended meeting date and that notice of such amended date is posted on the Council's web site;
 - 3.2.2 instruct the Proper Officer to call an extraordinary meeting of the Cabinet.
- 3.3 If there is insufficient time to consider all the items of business on the Agenda for a meeting, the Leader or other Cabinet Member chairing the meeting shall be entitled to suspend the meeting providing he/she appoints a date within the succeeding seven days when the meeting will be re-convened.
- 3.4 The Cabinet shall meet at the Council Offices, King George V Road, Amersham, Bucks or at such other location as the Leader shall determine
- 3.5 The quorum for a meeting of the Cabinet, or a Committee of the Cabinet shall be three
- 3.6 Cabinet Decisions that have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Council's Access to Information Rules in Part 4 of the Constitution.
- 3.7 Where Cabinet decisions are delegated to a Committee of the Cabinet, the rules applying to Cabinet Decisions taken by them shall be the same as in Rules 3.6 above.

4 CONDUCT OF MEETINGS

- 4.1 If the Leader is present he/she will preside. In the Leader's absence the Deputy Leader will preside. If the Leader or Deputy Leader are absent, the Cabinet Members present will elect a Chairman from among their number.
- 4.2 All meetings will be open to the press and public in accordance with the Access to Information Rules in Part 4 of the Constitution except when the Cabinet is considering confidential or exempt items of business (as defined by Section 100C of the Local Government Act 1972) and it is in the public interest that such items of business are considered in private.
- 4.3 At each meeting of the Cabinet the following business will be conducted:-
- 1) consideration of the minutes of the last meeting;
 - 2) declarations of interest, if any;
 - 3) matters referred to the Cabinet (whether by an Overview Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions of the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of the Constitution;
 - 4) consideration of reports from an Overview Committee;
 - 5) the Cabinet Forward Plan;
 - 6) reports from statutory officers in respect of their functions
 - 7) the items of business set out in the agenda for the Meeting.
- 4.4 The items of business set out in the Cabinet 28 Day Notice and in the Agenda for the Meeting will indicate those which are likely to result in a Key Decision being made.
- 4.5 Reports to the Cabinet from the Leader or a Cabinet Member or an Officer relating to the Budget and Policy Framework will contain details of the nature and extent of consultation with the relevant Overview Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation with the relevant Overview Committee and other stakeholders as appropriate.
- 4.6 The Leader will decide upon the schedule for the meetings of the Cabinet. The Leader may place any matter on the Agenda of any Cabinet Meeting whether or not authority has been delegated to the Cabinet, or a Committee of the Cabinet or an Officer in respect of that matter, except a matter that falls within the terms of

reference of a Committee or Sub-Committee of the Council and which relates to the rights, responsibilities, obligations or duties of any body or person. The Proper Officer will comply with the Leader's request in this respect.

- 4.7 A Cabinet Member may also place a matter falling within his portfolio on the Agenda and the Proper Officer will comply with the Cabinet Member's request in this respect.
- 4.8 The Proper Officer will place an item on the Agenda of the next available meeting of the Cabinet where an Overview Committee or the full Council have resolved that an item be considered by the Cabinet.
- 4.9 In pursuance of their statutory duties, the Monitoring Officer and/or the Chief Finance Officer may, following consultation with each other and the Head of the Paid Service, include an item for consideration on the Agenda of a meeting of the Cabinet and may also, if there is no meeting scheduled in time to consider the matter in question, require the Proper Officer to convene such a meeting.
- 4.10 In other circumstances, where the Chief Executive or any of the Directors are of the opinion that a matter relating to an Executive function requires a decision, they may include an item on the Agenda of a meeting of the Cabinet and if there is no meeting scheduled in time to consider the matter in question, may require the Proper Officer to convene such a meeting.
- 4.11 Subject to the provisions of these Rules, the following Council Procedure Rules shall, with such modifications as are necessary to give effect to them, apply to meetings of the Cabinet :-
- 1) Rule 5 ;
 - 2) Rules 11 and 12;
 - 3) Rule 13.1 (save that a motion or amendment to rescind a decision taken within the last six months shall be only be valid if carried unanimously)
 - 4) Rules 14 to 17;
 - 5) Rules 19 and 23 (excluding Rule 23.2).

5 REPRESENTATIONS BY NON CABINET MEMBERS

- 5.1 At a meeting of the Cabinet a Member who is not a Member of the Cabinet may make representations to the Cabinet immediately prior to the consideration of an item for decision which either affects his ward or in respect of which he has some specialist or technical knowledge, subject to the following conditions :-
- 1) Notice of the item for decision upon which the Member wishes to make representations is given to the Proper Officer either verbally, in writing or by

electronic means at least one hour before the meeting at which the matter is to be considered commences;

- 2) Representations are limited to five minutes; and
- 3) When a Member has completed making his representations no further representations from the Member on that matter will be considered.

5.2 The Cabinet will not engage in a debate although the Leader or a Cabinet Member may seek explanation or clarification of any aspect of a representation within the five minute period and may grant an extension of time not exceeding two minutes for that purpose.

5.3 In order to facilitate the efficient conduct of business the Leader or other Cabinet Member chairing the meeting will have the discretion to limit the total number of representations on any matter.

6 DECISIONS MADE OTHER THAN AT MEETINGS OF THE CABINET

6.1 If the Leader or a Cabinet Member to whom individual decision making powers has been delegated by the Cabinet makes a decision in pursuance of those powers they shall :-

- 1) Do so in compliance with Article 12.2 of this Constitution (Principles of decision making);
- 2) Do so in compliance with the Access to Information Rules in Part 4 of this Constitution;
- 3) Forthwith cause a written record of the decision to be made to include a statement of the reasons for making the decision and the alternative options considered or rejected;
- 4) As soon as is practicable but in any event not later than 24 hours after the decision has been made, notify the Proper Officer of the decision and provide him with a copy with the written record; and
- 5) Comply with any Protocol from time to time approved for use in connection with the exercise of individual decision making powers by the Leader or Cabinet Members.

6.2 The Proper Officer will publish such decisions and notify the Chairmen and Vice-Chairmen of the Overview Committees in accordance with the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution and shall report to the next available meeting of the Cabinet as an information item all decisions notified under Rule 6.1.3) above.

- 6.3 Key Decisions will continue to be made by the Cabinet collectively and nothing in this Rule shall be considered as authorizing or permitting the making of a Key Decision by the Cabinet or a member of the Cabinet acting as an individual.

7. **POLICY ADVISORS**

- 7.1 Cabinet Members may appoint at their discretion other Members of the Council, not limited to members of the majority group, to advise and assist them with:
- a) the discharge of their functions,
 - b) the development of policy,
 - c) other matters of current interest
- 7.2 Different Policy Advisors may be appointed to cover particular areas of activity. Policy Advisors can only act in an informal capacity and cannot exercise executive functions individually or collectively
- 7.3 Policy Advisors may be Members of an Overview and Scrutiny Committee whose remit includes the activities of the portfolio they are assisting with, providing there is not a significant conflict of interest and they do not scrutinise a decision in which they have been actively involved
- 7.4 Policy Advisors will serve for a maximum of 12 months, ending at the annual Council meeting but may be re-appointed by the relevant Cabinet Members for a further period
- 7.5 The Chairman of a Policy Advisory Group can be any member of the respective PAG
- 7.6 Policy Advisory Groups will normally meet in the absence of the press and the public, but will be open to any elected member
- 7.7 Policy Advisory Groups will meet as and when required but normally once each cycle before Cabinet. The relevant Cabinet Member will agree with officers before the despatch of the meeting agenda what information should be kept confidential and the extent of that confidentiality. For example, it may be decided that whilst information can be released to the wider Council membership and relevant officers, it should not be divulged to the press and public. Alternatively, depending upon the subject matter, it may be decided that the issues discussed at the Group meetings can be made more publicly available. It may be that there will be a division between what information can be released and what should be kept confidential.
- 7.8 The Democratic and Electoral Services Manager will be advised of the establishment, membership and chairman (and any mid-term changes in membership) of each Policy Advisory Group and shall maintain a record of such.