

# Rutland County Council

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Members of Rutland County Council District Council are hereby summoned to attend the **TWENTY FIRST ANNUAL AND TWO HUNDRED AND SIXTY SECOND MEETING OF THE COUNCIL** to be held in the Council Chamber at Catmose, Oakham on **8 May 2017 commencing at 7.00 pm**. The business to be transacted at the meeting is specified in the Agenda set out below.

**ITEM 8: APPOINTMENT OF EXECUTIVE AND LEADERS SCHEME OF DELEGATION AND CABINET PROCEDURE RULES**

**8) APPOINTMENT OF EXECUTIVE AND LEADERS SCHEME OF DELEGATION AND CABINET PROCEDURE RULES (Pages 3 - 22)**

To receive Report No.108/2017 from Director for Resources.

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## ANNUAL COUNCIL

8 May 2017

### APPOINTMENT OF EXECUTIVE AND LEADER'S SCHEME OF DELEGATION AND CABINET PROCEDURE RULES

Report of the Director for Resources

|                                |  |                                       |
|--------------------------------|--|---------------------------------------|
| Strategic Aim:                 | All  |                                       |
| Exempt Information             | No   |                                       |
| Cabinet Member(s) Responsible: | Mr T Mathias, Leader, Portfolio Holder for Finance and Places (Highways, Transport and Market Towns) |                                       |
| Contact Officer(s):            | Debbie Mogg, Director for Resources  | 01572 758358<br>dmogg@rutland.gov.uk  |
|                                | Natasha Brown, Corporate Support Coordinator   | 01572 720991<br>nbrown@rutland.gov.uk |
| Ward Councillors               | Not relevant   |                                       |

#### DECISION RECOMMENDATIONS

That Council

1. Notes the membership of the Cabinet and the portfolios allocated to Cabinet Members as shown at Appendix A; and
2. Notes the Cabinet Procedure Rules which incorporate the Leader's Scheme of Delegation at Appendix B and agrees to its inclusion in the Constitution.

#### 1 PURPOSE OF THE REPORT

- 1.1 To inform Council of the Cabinet membership, portfolios and scheme of delegation.

#### 2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Council operates a Leader and Cabinet Executive model. Under this model, all Executive functions are the responsibility of the Leader who may then delegate further to the Cabinet, Committees of the Cabinet, Cabinet Members and Officers.
- 2.2 The Leader must appoint a Deputy Leader and up to eight other members to form the Executive. Rutland County Council uses the term Cabinet to describe its Executive.
- 2.3 The Leader is required to confirm the appointment of the Cabinet and delegations of his executive functions, to the Annual Council meeting. The details of the

Cabinet are shown at **Appendix A** and the Scheme of Delegation is appended to the Cabinet Procedure Rules at **Appendix B**.

2.4 The Cabinet Procedure Rules attached at **Appendix B**, incorporate the Leader's Scheme of Delegation. These procedures have been reviewed and updated to ensure they reflect the correct up to date legislative requirements and current practice. There are no changes to the way Cabinet operates, and no amendments to the decision making powers of Cabinet.

2.5 The Leader has decided that executive decisions will continue to be taken collectively by the Cabinet, unless there are existing delegations in place for Officers.

### **3 CONSULTATION**

3.1 The Constitution Review Working Group was briefed on the requirement to bring this paper to Council, at its meeting in April 2017.

### **4 ALTERNATIVE OPTIONS**

4.1 None, these are statutory requirements.

### **5 FINANCIAL IMPLICATIONS**

5.1 There are no financial implications arising from this report.

### **6 LEGAL AND GOVERNANCE CONSIDERATIONS**

6.1 As set out in Section 2.

### **7 EQUALITY IMPACT ASSESSMENT**

7.1 An Equality Impact Assessment (EqIA) has not been completed because there are no service, policy or organisational changes being proposed.

### **8 COMMUNITY SAFETY IMPLICATIONS**

8.1 There are no community safety implications arising from this report.

### **9 HEALTH AND WELLBEING IMPLICATIONS**

9.1 There are no health and well-being implications arising from this report.

### **10 BACKGROUND PAPERS**

10.1 None

### **11 APPENDICES**

11.1 Appendix A: Cabinet Membership and portfolio details







11.2 Appendix B: Cabinet Procedure Rules

**A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.**

# RUTLAND COUNTY COUNCIL DISTRICT COUNCIL CONSTITUTION

## PART 9 – REGISTER OF MEMBERS OF THE EXECUTIVE (CABINET)

### MEMBERS OF THE EXECUTIVE (CABINET)

| NAME AND ADDRESS   | WARD                 | DATE APPOINTED  | PORTFOLIO RESPONSIBILITIES   |
|--|----------------------|---|--|
| <p>Mr T Mathias<br/>2 Lodge Gardens<br/>Oakham<br/>Rutland<br/>LE15 6EP</p>                               | OAKHAM SOUTH EAST    | <p>1 June 2015<br/><br/>(Elected Leader of the Council – 26 January 2017)</p> | Leader and Portfolio Holder for Finance and Places (Highways, Transport and Market Towns)      |
| <p>Mr O Hemsley<br/>Mickley Lodge<br/>Burley Road<br/>Langham<br/>Rutland<br/>LE15 7JB</p>                | LANGHAM              | 22 February 2016  | Deputy Leader and Portfolio Holder for Growth, Trading Services and Resources (except Finance) |
| <p>Mr R Clifton<br/>Partridge House<br/>1 Well Street<br/>Langham<br/>Oakham, Rutland<br/>LE15 7JS</p>  | OAKHAM SOUTH WEST    | 1 June 2015   | Portfolio Holder for Adult Social Care and Health  |
| <p>Mr R Foster<br/>The Old Farmhouse<br/>Manor Road, Stretton<br/>Oakham<br/>Rutland<br/>LE15 7QZ</p>   | COTTESMORE           | 1 June 2015   | Portfolio Holder for Safeguarding Children and Young People (Safeguarding)                     |
| <p>Mr A Walters<br/>15 Queen's Road<br/>Oakham<br/>Rutland<br/>LE15 6ED</p>                             | OAKHAM NORTH EAST    | 26 January 2017   | Portfolio Holder for Community Safety, Culture, Sport & Recreation and Environment             |
| <p>Mr D Wilby<br/>Orchard House<br/>Essendine Road<br/>Ryhall<br/>Stamford<br/>PE9 4HE</p>              | RYHALL AND CASTERTON | 1 June 2015   | Portfolio Holder for Lifelong Learning   |

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## **PROCEDURE RULE 130**

### **DISCHARGE OF FUNCTIONS**

- 1) The Leader may provide executive functions to be discharged by:
  - a) The Cabinet as a whole
  - b) a Committee of the Cabinet;
  - c) an individual Member of the Cabinet
  - d) an officer;
  - e) joint arrangements; or
  - f) another local authority.
  
- 2) The Leader will present to the Annual Meeting of the Council a written record of delegations to be made by him or her for inclusion in the Council's Scheme of Delegation as set out in Part 8 of this Constitution. The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:
  - a) the names and wards of the Members appointed to the Cabinet;
  - b) the extent of any authority delegated to Cabinet Members individually, including details on the limitation on their authority;
  - c) the terms of reference and constitution of such Executive Committees as the Leader appoints and the names of the Cabinet members appointed to them;
  - d) the nature and extent of any delegation of Executive functions to any other authority or any joint arrangements, and the names of those Cabinet Members appointed to any joint committee for the coming year; and
  - e) 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.

## **PROCEDURE RULE 131**

### **SUB-DELEGATION OF EXECUTIVE FUNCTIONS**

- 1) Where the Cabinet, a Committee of the Cabinet or an individual Member of the Cabinet is responsible for an executive function, they may not delegate further to a sub-committee, joint arrangements or an officer without the consent of the Leader
  
- 2) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the body who delegated.
  
- 3) Where the Cabinet or a Cabinet Member delegates to a Committee, or joint arrangements, it or they shall make known publicly the terms of reference and constitution of the committee. Likewise, when delegating to an officer, it or they shall make known the nature and extent of the delegation, together with the details of any limitation on that delegation.

## **PROCEDURE RULE 132**

### **AMENDMENTS TO DELEGATIONS**

- 1) The Leader may amend the scheme of delegation relating to executive functions at any time. To do so, the Leader must give written notice to the Monitoring Officer and to the person, body or Committee concerned as soon as possible after the decision. 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 Cabinet as a whole. The Monitoring Officer will present a report to the next Ordinary meeting of the Council setting out the changes made by the Leader.
- 2) Where the Leader seeks to withdraw delegation from a Committee of the Cabinet, notice will be deemed to be served on that Committee when he or she has served it on its Chairman.

### **PROCEDURE RULE 133 PUBLIC AND PRIVATE MEETINGS**

- 1) 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 (Rules 230-269).
- 2) Where Executive decisions are delegated to a Committee of the Cabinet, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.
- 3) All Cabinet meetings to any sub-committees where executive decisions are to be made will be held in public except when the Leader or Cabinet has resolved to:
  - (a) exclude the press and public from all or part of the meeting in accordance with the Access to Information Rules or
  - (b) exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at the meeting in accordance with Procedure Rule [51](#).
- 4) Where the Cabinet or a sub-committee will need to meet in private to take a decision which involves exempt or confidential information, the meeting may only take place if:
  - (a) Notice has been published at the Council Offices and on the Council's website giving the reasons for holding the meeting in private at least 28 clear (calendar) days before the meeting. This notice will be included in the Forward Plan.
  - (b) A further notice is published at the Council Offices and the Council's website at least 5 clear working days before the meeting giving reasons for holding the meeting in private and any representations received. This notice will form part of the Cabinet agenda.
- 5) Where the date of a private meeting of the Cabinet or its sub-committees makes compliance with 4 (a) and (b) impractical, the meeting may only be held and any decision taken if agreement is obtained that the meeting is urgent and cannot reasonably be deferred from:
  - (a) The Chairman of the relevant Scrutiny Panel
  - (b) If there is no Chairman or he/she is unable to act, then the Chair of Council or
  - (c) In his/her absence the Vice Chair of Council
- 6) A notice setting out the reasons why the private meeting is urgent and cannot reasonably be deferred must be published at the Council Offices and on the



Council's website as soon as reasonably practicable after the agreement has been obtained.

### **PROCEDURE RULE 134 MEETINGS OF THE CABINET**

- 1) The Cabinet will meet at least 10 times per year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another public location to be agreed by the Leader.
- 2) Meetings of the Cabinet will be held at a time determined by the majority of the Cabinet Members so as to enable all Cabinet Members to play an active role within the Cabinet.

### **PROCEDURE RULE 135 THE CABINET AGENDA**

- 1) The Leader will decide upon the schedule for meetings of the Cabinet. He may put on the agenda of any Cabinet meeting any matter which he wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or officer in respect of that matter. The Chief Executive will comply with the Leader's requests in this respect.
- 2) Any member of the Cabinet may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. The Chief Executive will comply with such a request.
- 3) The Chief Executive will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Scrutiny Panel or the full Council have resolved that an item be considered by the Cabinet.
- 4) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Scrutiny Panels.
- 5) 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. The number of such items will be at the discretion of the Leader.
- 6) The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, 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 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.

## **PROCEDURE RULE 136**

### **PROCEDURE BEFORE TAKING EXECUTIVE DECISIONS**

Subject to Procedure Rules 138 and 139 below, a key decision may not be taken unless:

- 1) The Forward Plan of Executive Decisions has been published and includes the matter in question for a period of at least 28 clear (calendar) days;
- 2) At least five clear working days have elapsed since the publication of a report;
- 3) Where the decision is to be taken at a meeting of the Cabinet or its Committees, notice of the meeting has been given in accordance with Access to Information Rules in Part 4 of this Constitution.

## **PROCEDURE RULE 137**

### **THE FORWARD PLAN OF EXECUTIVE DECISIONS**

- 1) The Forward Plan of Executive Decisions will contain all matters subject to an executive decision to be taken by the Cabinet, a Committee of the Cabinet, individual Cabinet Members, officer key decisions, or under joint arrangements in the course of the discharge of an Executive function during the period covered by the Forward Plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:
  - a) that a key decision is being made on behalf of the local authority
  - b) the matter in respect of which a decision is to be made;
  - c) where the decision taker is an individual, his or her name and title, if any and where the decision taker is a body, its name and details of membership;
  - d) the date on which, or the period within which, the decision will be taken;
  - e) a list of the documents submitted to the decision taker for consideration in relation to the matter.
  - f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available.
  - g) that other documents relevant to those matters may be submitted to the decision maker; and
  - h) the procedure for requesting details of those documents (if any) as they become available.
- 2) Exempt information need not be included in the Forward Plan and confidential information cannot be included.
- 3) By agreement with the relevant Cabinet Member, the executive decision making timetable can be delayed to allow a scrutiny panel to consider and make recommendations on a policy proposal or proposed decision, prior to the decision being taken. If the Cabinet Member and Scrutiny Chair are unable to reach agreement upon whether a matter should be referred for pre-scrutiny, the Leader will make the final decision as to whether the matter should be referred to a Scrutiny Panel before the decision is made.

## **PROCEDURE RULE 138**

## **GENERAL EXCEPTION – URGENCY**

- 1) If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Procedure Rule 139 below, the decision may still be taken if:
  - a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first period to which the next forward plan relates;
  - b) the Chief Executive has informed the Chairman of the relevant Scrutiny Committee, or if there is no such person, each Member of that Committee by notice in writing, of the matter to which the decision is to be made;
  - c) the Chief Executive has made copies of that notice available to the public at the offices of the Council; and
  - d) at least five clear working days have elapsed since the Chief Executive complied with paragraphs 6.1 (b) and (c) above.
- 2) Where such a decision is taken collectively, it must be taken in public subject to these provisions.

## **PROCEDURE RULE 139 SPECIAL URGENCY**

- 1) If by virtue of the date by which a decision must be taken the provisions in Procedure Rule 138 above cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Chairman of the relevant Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of the relevant Scrutiny Committee, or if the Chairman is unable to act, then the agreement of the Chair of Council, or in his absence the Vice Chair will suffice.

## **PROCEDURE RULE 140 REPORTS ON SPECIAL URGENCY DECISIONS**

- 1) The Leader will submit reports to the Council on any Executive decisions taken in the circumstances set out in Procedure Rule x (Special Urgency) above in the preceding six months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## **PROCEDURE RULE 141 ATTENDANCE AT MEETINGS OF THE CABINET**

- 1) **Cabinet Members:** Members of the Cabinet or its Committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

- 2) All Cabinet Members will be served notice of all meetings of Committees of the Cabinet, whether or not they are Members of that Committee.
- 3) **Officers:** Directors with an item to be discussed at a public meeting of the Cabinet shall be invited to attend the meeting and speak to that item and to have their views recorded.
- 4) **Non-executive Members:** Non-executive Members may attend meetings of the Cabinet except where exempt and confidential matters are being discussed and the Cabinet decides to exclude the public and press in accordance with the Access to Information Rules.
- 5) If the Cabinet decides to exclude the public and press in accordance with the Access to Information Rules, the Cabinet may resolve to allow any non-executive Members to remain in the meeting.
- 6) Non-executive Members may only speak at the prior invitation of the person presiding at meetings of the Cabinet.

### **PROCEDURE RULE 142 QUORUM OF THE CABINET**

- 1) The quorum for a meeting of the Cabinet, or a Committee of it, shall be 3 members.
- 2) If a quorum is not present the person presiding may either:
  - a) adjourn the meeting for a period to allow other Cabinet Members to attend and make the meeting quorate;
  - b) continue with the business if it is known that other Cabinet Members will attend during the course of the meeting. At the point the other Members attend and make the meeting quorate, the business already discussed will be explained and a decision taken in the usual manner;
  - c) adjourn the meeting to another date and time.

### **PROCEDURE RULE 143 RECORDING OF MEETING**

Any member of the public shall be permitted to film, audio-record, take photographs and use social media such as tweeting and blogging, to report the proceedings of any meeting that is open to the public in accordance with the Openness of Local Government Bodies Regulations 2014 and the RCC Protocol on Recording at Public Meetings.

### **PROCEDURE RULE 144 RECORD OF ATTENDANCE**

Every Member attending a Cabinet Meeting shall sign his name on the attendance sheet provided for that purpose.

### **PROCEDURE RULE 145**

Version May 2017

**PART 4**

## **METHOD OF VOTING**

- 1) Every proposition shall, unless otherwise required by these Procedure Rules or Statute, be determined by show of hands.
- 2) In taking the votes on any proposition, only those Members of the Cabinet who are present when the Chairman puts the proposition shall be entitled to vote provided that they are not disqualified from voting on the item.
- 3) In the case of a tied vote, the person presiding shall have a second or casting vote.

## **PROCEDURE RULE 146 RECORDING OF VOTING**

- 1) Any Members forming a quorum for the meeting who are not disqualified from voting and clearly indicate their request before a vote is taken on a proposition can require that the voting shall be recorded. If any Members are disqualified from voting this number may be reduced to a quarter of those present who are not disqualified. The Minutes of the meeting shall then show whether a Member gave his vote for or against the proposition or whether he abstained.
- 2) If paragraph 1 has not been invoked, any Member may indicate immediately after any vote that he requires the Minutes to record whether he gave his vote for or against the proposition or whether he abstained.

## **PROCEDURE RULE 147 RECORD OF CABINET DECISIONS**

- 1) After any meeting of the Cabinet or any of its Committees, whether held in public or in private, a Record of Decisions will be produced as soon as is practicable and within the timetable for call-in arrangements. The record will include a statement of reasons for each decision and any alternative options considered and rejected at the meeting.
- 2) **The Record of a Cabinet Meeting shall be submitted by the Chief Executive for approval of their accuracy at the next Ordinary Cabinet Meeting. (CORE PROCEDURE RULE)**
- 3) Records of an Ordinary Meeting shall not be put to a Special Meeting for approval.
- 4) When the Record of a meeting is submitted to a meeting for approval, the person presiding shall move that the record be taken as read, approved and signed by him as a correct record. Only a Motion to change the accuracy of record submitted for approval shall be accepted.

## **PROCEDURE RULE 148 POLITICAL BALANCE RULES FOR THE CABINET**

The rules relating to political balance do not apply to meetings of the Cabinet.

**PROCEDURE RULE 149**  
**PETITIONS, DEPUTATIONS AND QUESTIONS TO THE CABINET**

There is no provision for the public to submit petitions, depositions and questions to meetings of the Cabinet. Members of the public can submit petitions, depositions and questions to meetings of the Council, its Committees and Scrutiny Panels.

**PROCEDURE RULE 150**  
**QUESTIONS AND NOTICE OF MOTION FROM MEMBERS**

There is no provision for Members to ask formal questions or submit motions at meetings of the Cabinet. Members of the Cabinet can be summoned to meetings of Scrutiny Panels to answer questions and can be asked questions at Council meetings.

**PROCEDURE RULE 151**  
**PERSON PRESIDING**

- 1) If the Leader of the Council is present, he will preside over meetings of the Cabinet.
- 2) In the absence of the Leader, the Deputy Leader shall preside over the meeting.
- 3) If the Leader and Deputy Leader are absent from a meeting, the Chief Executive will invite Members of the Cabinet to nominate one of their number to take the chair. If discussion arises on that Motion the Chief Executive will exercise the powers of the person presiding until a Member is elected.
- 4) Any power of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding.

**PROCEDURE RULE 152**  
**RESPONSIBILITY OF THE PERSON PRESIDING**

- 1) To preside over the meeting.
- 2) To protect the meeting from outside interference.
- 3) To ensure that everything to be discussed is lawful.
- 4) To ensure that reasonable efforts are taken to explain issues being discussed so that Members are clear on what they are being asked to vote.
- 5) To ensure that as far as possible information is complete.
- 6) To permit every point of view to have a fair hearing.

- 7) To ensure the opinions expressed are relevant to the matter in hand.
- 8) To ensure business is transacted with reasonable speed.
- 9) To ensure as far as possible that proceedings are friendly and free from personal vilification.
- 10) To co-operate with officers and Members.
- 11) To monitor if the meeting has a quorum at all times and to take appropriate action under Procedural Rule 142.
- 12) To ensure that the order of the agenda for the meetings is followed.
- 13) To move the record of previous meetings.
- 14) To put any proposition moved and seconded by Members to a vote.
- 15) To exercise a second or casting vote in the event of equal voting upon a proposition.
- 16) To ensure that the Council's Rules of Debate relating to Cabinet meetings are followed.
- 17) To make rulings on the application of Procedure Rules.
- 18) To make rulings on points of order, points of personal explanation and points of information.
- 19) To move that a Member named be not heard further and put it to the vote without a seconder or a discussion.
- 20) To move that a Member named shall leave the meeting and to put it to the vote without a seconder or a discussion.
- 21) To adjourn meetings in the event of disorderly conduct by members.
- 22) To warn members of the public from interrupting proceedings and if necessary order that the public area is cleared and/or the meeting is adjourned.
- 23) To determine if items of Any Other Urgent Business should be included on the agenda.
- 24) To make statements to the press on the outcome of meetings.
- 25) To summon Special Meetings.
- 26) To postpone or cancel meetings and to approve holding Special Meetings at places other than Catmose or Oakham Castle.
  
- 27) To be consulted on taking urgent action between meetings.

### **PROCEDURE RULE 153** **RESPONSIBILITY OF CABINET MEMBERS**

- 1) To lead the community planning process.
- 2) To develop and implement corporate policy, plans and strategies.
- 3) To prepare the Annual Budget.
- 4) To take in-year decisions on resources and priorities to deliver the strategies and budgets within the framework approved by Full Council.

- 5) Exercise all powers collectively or by delegation to Officers except those reserved to Full Council and the Quasi-Judicial Committees.
- 6) To act as portfolio holders within the Cabinet for any functions considered necessary by the Leader.

### **PROCEDURE RULE 154 RESPONSIBILITY OF CABINET PORTFOLIO HOLDERS**

- 1) To lead in the preparation, review, development and implementation of strategies and plans.
- 2) To lead the achievement of best value in the delivery of services and the Council's objectives.
- 3) To develop and maintain effective consultation with non-executive councillors., other portfolio holders, the Community and Stakeholders and Partners
- 4) To assist in the community planning process.
- 5) To be the spokesperson for the relevant portfolio.
- 6) To take in-year decisions following consultation by an officer with delegated powers on human resource and financial matters within the framework approved by the Council.

### **PROCEDURE RULE 155 BUSINESS TO BE DISCUSSED**

- 1) At each meeting of the Cabinet the following business will be conducted:
  - a) Apologies for absence from Members;
  - b) Announcements from the Chairman and/or Head of Paid Service;
  - c) Declarations of interest, if any;
  - d) Consideration of the record of the last meeting;
  
  - e) Matters referred to the Cabinet (whether by a Scrutiny Panel or by the Council) for reconsideration by the Cabinet;
  - f) Consideration of reports from Scrutiny Panels;
  - g) Matters set out in the agenda for the meeting. The agenda shall indicate which are key decisions and which are not; and
  - h) Urgent items of business with the consent of the Leader provided Procedure Rule 136 to 140 above have been followed. The Leader will explain why the matter is urgent and the reasons given will be recorded in the Record of Decisions.

### **PROCEDURE RULE 156 RULES OF DEBATE AT CABINET**



- 1) Only one member shall speak at a time. If two or more members indicate a wish to speak, the person presiding shall call one to speak and indicate the order in which the others shall be heard. This does not prevent a person raising a point of order, a point of information or giving a personal explanation.
- 2) Whenever the person presiding stands up or speaks during a debate, any Member then speaking shall fall silent, and the meeting shall be silent.
- 3) The person presiding shall subject to paragraph 4) call upon Members of the Cabinet Committee to speak before any other Member who may be present.
- 4) The person presiding may invite a Member who is not a Member of the Cabinet to speak if he feels that this would be conducive to the issue being considered.
- 5) A Member shall confine a speech to the matter under discussion unless it is to make a point of order, point of information or to offer a personal explanation.
- 6) A Member must refrain from malice to retain the protection of speaking on privileged occasions.
- 7) The person presiding will determine the length of time Members are allowed to speak on an item under consideration and will give every Member of the Cabinet or Cabinet Committee an opportunity to speak on the item if the Member so wishes.
- 8) The person presiding may allow a Member to speak on more than one occasion on an item.
- 9) The person presiding may ask a Member to refrain from speaking if the Member is merely repeating comments already put forward by himself or previous speakers.
- 10) The proposer of a Motion shall have the right to reply to the debate at the following times:
  - a) At the close of the debate on the Motion.
  - b) At the close of the debate on an amendment to the Motion.
  - c) Before a Motion to proceed to the next business is put to the vote.
  - d) Before a Motion to adjourn the debate or refer the item to a Committee is put to the vote.
  - e) After a closure Motion described in Procedure Rule 48 2) r) i) and ii) is carried.
- 11) The proposer of an amendment to a Motion shall not have the right of reply to either the debate on the amendment or to the debate on a substantive Motion formed by the carrying of the amendment.
- 12) When exercising the right of reply, a Member shall confine himself to replying to previous speakers where he has not already had this opportunity.
- 13) After a Member has exercised the right of reply a vote shall be taken immediately on the Motion or amendment under discussion.
- 14) The person presiding shall have the right to determine when an issue has had a fair hearing and can indicate at any time that he intends to bring the debate to a close.

## **PROCEDURE RULE 157**

## **POINTS OF ORDER, PERSONAL EXPLANATION and INFORMATION**

Procedure Rules 45, 46 and 47 shall apply with the word "Council" replaced by the words "Committee and Sub-Committees" and that a Member need not stand but can politely indicate a wish to speak to the person presiding.

### **PROCEDURE RULE 158** **APPOINTMENTS MADE BY THE CABINET**

- 1) Any candidate for any position to be filled by a Cabinet shall be openly proposed and seconded.
- 2) At the close of nominations the Chairman shall state the names of the candidates who have been proposed and seconded.
- 3) If the number of nominations does not exceed the number of vacancies or if the number of vacancies is not limited the Chairman shall without any debate put the appointment of the nominated candidates collectively as a substantive Motion upon which no amendments may be moved.
- 4) If there are more nominations than vacancies and no nominations are subsequently withdrawn, the Committee Administrator will provide a ballot paper, or other suitable method, to enable each Member of the Cabinet present to cast a vote. Alternatively the Chairman, with the unanimous consent of the meeting, may choose to make an appointment by means of a show of hands for each of the Members nominated.
- 5) The conduct of the ballot will be under the sole direction of the Chief Executive or the Committee Administrator and only those Members who are present, and are not disqualified from voting, when the ballot is taken shall be entitled to vote. The Committee Administrator will hand a ballot paper to each member present. Members wishing to vote will then be required to place the ballot paper in a box or other suitable receptacle provided by the Committee Administrator.
- 6) The period for voting shall not be more than five minutes at the end of which the Chief Executive or the Committee Administrator will count the votes and announce the result.
- 7) If there are more candidates than vacancies and there is no absolute majority in favour of one person, the candidate with the least number of votes is withdrawn and a further ballot will be conducted. Ballots will continue until one candidate is elected with an absolute majority. In the event of a tie the election will be decided by the drawing of lots under the supervision of the Chief Executive or Committee Administrator.

### **PROCEDURE RULE 159** **CONSULTATION ON CABINET MATTERS**

- 1) **Budget and Policy Framework Matters**
  - a) All reports to the 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 relevant Scrutiny Panels, and the outcome of that consultation.

**2) All other Matters**

- b) Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

**PROCEDURE RULE 160  
CONFLICTS OF INTEREST**

- 1) Where any Cabinet Member has 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.
- 2) If the exercise of an executive function has been delegated to a Committee of the Cabinet, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made.

**PROCEDURE RULE 161  
RULES FOR DEALING WITH MOTIONS AT CABINET**

Procedure Rules 97 to 100 shall apply as printed except references to the words 'Committee or Sub-Committee' shall also be read as a reference to 'Cabinet' where this is implicit in the meaning of the individual rule.

**PROCEDURE RULE 162  
STATEMENTS TO THE CABINET**

With the consent of the person presiding and the Cabinet Member making the statement, questions on the statement may be put and answered without discussion. The maximum time allowed for questions and answers to statements shall be five minutes.

**PROCEDURE RULE 163  
RESCINDING A DECISION MADE IN THE PREVIOUS SIX MONTHS**

- 1) No Motion or amendment shall be moved to rescind any resolution of the Cabinet, which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period unless:
  - a) notice of such Motion has been given by as many Members as would constitute a quorum of the Cabinet.
  - b) only one such Notice of Motion shall be allowed to rescind a decision under this Rule.

- 2) This Rule shall not apply to any resolution of the Cabinet which has been referred to the Council under the Call-In procedure in Procedure Rule 206.

**PROCEDURE RULE 164  
CLOSE OF MEETING**

- 1) No meeting of the Cabinet shall continue after 12.00pm (for meetings commencing at 9.30am) unless a Motion to extend the time is approved.
- 2) A Member may move that the time for the meeting be extended by 15 minutes in order to deal with any specific or any outstanding matter on the agenda.
- 3) No more than two extensions of 15 minutes shall be allowed.

**PROCEDURE RULES 165 - 189 ARE RESERVED FOR FUTURE USE**

**Leader's Scheme of Delegation**

The Cabinet shall, unless I decide otherwise, collectively take all decisions with the exception of those where Officer delegations are in place, as set out in Part 8 of the Council's constitution.

**Councillor Tony Mathias**  
**Leader of the Council**  
**8 May 2017**

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