

## EXECUTIVE PROCEDURE RULES

### HOW THE **CABINET** OPERATES

#### 1. WHO MAY MAKE EXECUTIVE DECISIONS?

1.1 Arrangements provide for executive functions to be discharged by:

- (a) the **Cabinet** as a whole;
- (b) **a committee of the Cabinet (which may only comprise Cabinet members);**
- (c) an officer;
- (d) an area committee;
- (e) joint arrangements; or
- (f) another local authority.

1.2 **Where Executive functions have been delegated under (b)-(e) above, this does not prevent the discharge of such delegated functions by the Cabinet.**

#### 2. THE COUNCIL'S SCHEME OF DELEGATION AND EXECUTIVE FUNCTIONS

2.1 The Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3, **Functions of Responsibility**, of this Constitution.

#### 3. CONFLICTS OF INTEREST

3.1 Where **any 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 5 of this Constitution.

3.2 If the exercise of an Executive function has been delegated to an officer, and should a conflict of interest arise, then the **officer shall be expected to refer the decision to the Chief Executive or Cabinet.**

#### 4. **CABINET MEETINGS – WHEN AND WHERE?**

4.1 The **Cabinet** will usually meet at least 12 times per year, subject to business, at times to be agreed by the Leader. The **Cabinet** shall meet at the Town Hall, Bexhill or such other location as agreed by the Leader.

#### 5. QUORUM

5.1 The quorum for a meeting of the **Cabinet** shall be four Members of the Executive **(to include the Leader or the Deputy Leader).**

#### 6. HOW DECISIONS **ARE TO BE TAKEN BY THE CABINET**

6.1 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 in Part 4 of the Constitution. All public meetings of the **Cabinet** will be conducted in accordance with those Rules and the principles of decision-making set out in Article 13.

- 6.2 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.

## 7. HOW CABINET MEETINGS ARE CONDUCTED

### 7.1 WHO PRESIDES?

If the Leader is present they will preside. In his/her absence the Deputy Leader shall preside. The Leader or Deputy Leader presiding shall, in the event of a voting tie, have a second or casting vote.

## 8. WHO MAY ATTEND?

- 8.1 These details are set out in the Access to Information Rules in Part 4 of this Constitution and include any member of the public or press (other than when confidential or exempt information is to be discussed) and all Members of the Council.

## 9. WHAT BUSINESS?

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

- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) matters referred to the Cabinet (whether by the Overview and Scrutiny Committee 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 Procedure Rules set out in Part 4 of this Constitution;
- (d) consideration of reports from the Overview and Scrutiny Committee; and
- (e) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

## 10. CONSULTATION

- 10.2 All reports to the Cabinet from an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the Overview and Scrutiny Committee, and the outcome of that consultation. 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.

## 11. WHO CAN PUT ITEMS ON THE EXECUTIVE AGENDA?

- 11.1 The Leader will decide upon the schedule for the meetings of the Cabinet. They may put on the agenda of any Cabinet meeting any matter which they wishes, whether or not authority has been delegated to the Cabinet or an officer in respect of that matter. The Head of Paid Service will comply with the Leader's requests in this respect.

- (a) Any Member of the Executive may require the Head of Paid Service to place an item on the agenda of the next available meeting of the Cabinet for consideration.

- (b) The Head of Paid Service will place an item on the agenda of the next available meeting of the **Cabinet** where the Overview and Scrutiny Committee or the Council have resolved that an item be considered by the **Cabinet**.
- (c) 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.
- (d) The Monitoring Officer and/or the Section 151 Officer may include an item for consideration on the agenda of a **Cabinet**.

## 12. WHO MAY SPEAK?

12.1 With the agreement of the Leader the following may speak at Executive meetings:

- (a) any Member of the Council (who is not a member of the Executive) for the purpose of speaking to an item, the inclusion of which the Member has requested and the Leader has agreed in accordance with Rule 12 (c) above;
- (b) any Member of the Council (who is not a Member of the Executive) present at a meeting may address the Executive on any matter on the Agenda; and
- (c) the Chairman of any Overview and Scrutiny Committee for the purpose of presenting a report of the Scrutiny Committee to the Executive.

## 13. STEERING GROUPS

- (a) The Cabinet may establish steering groups to inform its decisions and assist it in the discharge of its functions, whether by the Cabinet as a whole or by a committee of the Cabinet. It may do so upon its own initiative or upon the recommendation of the Overview and Scrutiny Committee or any councillor or councillors. The Cabinet shall appoint the members of each Steering Group (which may include non-Cabinet members and co-opted non-members of the Council, where appropriate) and shall determine the terms of reference and working term of each group. Steering groups shall, wherever practicable, comprise representatives of more than one political group.
- (b) All members of the Council may attend and (with the agreement of the Chair) speak at steering group meetings. The Chair may invite any other person or body to attend a meeting of a steering group to inform discussion on any matter within its terms of reference.
- (c) A steering group may meet in any location jointly with any other committee or advisory group of the Council or with any joint committee or any other group or body of any other local authority to discuss any matter within its terms of reference.