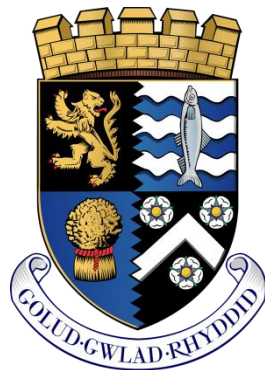


CABINET PROCEDURE RULES



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CEREDIGION
County Council

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1.1 WHO MAY MAKE CABINET DECISIONS?

The Leader will decide how Cabinet functions are discharged by:

- 1.1.1 the Cabinet as a whole;
- 1.1.2 a Committee of the Cabinet;
- 1.1.3 an individual member of Cabinet;
- 1.1.4 an officer;
- 1.1.5 joint arrangements; or
- 1.1.6 another local authority.

1.2 DELEGATION BY THE LEADER

1.2.1 Annual General Meeting

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by them for inclusion in the Council's scheme of delegation at Part 3 of this Constitution. The document presented by the Leader will contain the following information about Cabinet functions in relation to the coming year:

- i. the names, addresses and electoral divisions of the people appointed to Cabinet by the Leader;
- ii. the extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;
- iii. the terms of reference and constitution of such Cabinet Committees as the Leader appoints and the names of Cabinet members appointed to them;
- iv. the nature and extent of any delegation of Cabinet 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

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.

1.2.2 EMERGENCY POWERS-URGENT DECISIONS

1.2.2.1 In the event of an emergency and urgent situation arising, in order to protect the Council and the public' interests,

in circumstances where the decision is deemed urgent such that any delay would seriously prejudice the Council's or the public's interests, then,

in respect of the exercise of executive functions as outlined in the Council's Constitution (Art 7, and Part 3.4 (Table 4)

and taking into account the Local Authorities Executive Arrangements (Functions & Responsibilities) Wales Regulations (as amended)

and taking into account Section 15(4) of the Local Government Act 2000, then,

1) in the absence or unavailability of both:

- the Leader, and
- the Deputy Leader,

the Leader and the Deputy Leader may both:

arrange for the discharge of any executive functions,

so as to temporarily delegate such power and responsibility of exercising those executive functions to:

- i) the remaining Members of the Cabinet (Executive) and
- ii) the Chief Executive (and in absence, a Corporate Director)

to:

- make decisions and undertake the actions required to ensure key services continue to operate,
- ensure the Council and its residents interests are protected, and
- suspend the operation of such services as may be necessary

2) In circumstances set out in 1.2.2.1 above, and where none of the remaining Members of the Cabinet are available, the matter is to be reported to Council for consideration of further delegated powers.

1.2.2.2 Delegations granted pursuant to 1.2.2.1 above, will expire when the Leader and/or Deputy Leader are next available, or after 21 days, whichever is the earlier.

1.2.2.3 Decisions made pursuant to 1.2.2.1 above will be reported to the next available Cabinet meeting.

1.2.2.4 The above is separate and distinct from the Council's functions/ duties pursuant to the Civil Contingencies Act 2004 which may include establishment of strategic incident co-ordination groups such Gold Command.

1.3 SUB-DELEGATION OF CABINET FUNCTIONS

- 1.1.7 Where the Cabinet, a Committee of the Cabinet or an individual member of Cabinet is responsible for a Cabinet function, they may delegate further by joint arrangements or to an officer.
- 1.1.8 Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then Cabinet may delegate further to a Committee of the Cabinet or to an officer.
- 1.1.9 Unless the Leader directs otherwise, a Committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.
- 1.1.10 Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated those functions.

1.4 THE COUNCIL'S SCHEME OF DELEGATION AND CABINET FUNCTIONS

- 1.4.1 Subject to 1.4.2 below 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 of this Constitution.
- 1.4.2 With the Leader being able to decide whether to delegate Cabinet functions, he/she may amend the scheme of delegation relating to Cabinet functions at any time during the year. To do so, the Leader must give written notice to the Proper Officer 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 Cabinet as a whole. The Proper Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- 1.4.3 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/she has served it on its Chairperson.

1.5 CONFLICTS OF INTEREST

- 1.5.1 Where the Leader 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.
- 1.5.2 If every member of Cabinet 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 and in consultation with the Monitoring Officer.
- 1.5.3 If the exercise of a Cabinet 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 and otherwise as set out in the Council's Local Code of Conduct for Members in Part 5 of this Constitution and in consultation with the Monitoring Officer.

1.6 CABINET MEETINGS – WHEN AND WHERE?

- 1.6.1 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 at Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron, or another location to be agreed by the Leader.
- 1.6.2 Members will be regarded as present at a meeting of the Cabinet or a committee of the Cabinet where they attend that meeting by remote means in accordance with the Council's arrangements for multi-location meetings (Protocol for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings- see Part 5 Doc R) providing that they can speak to, and be heard by, other attendees at the meeting.
- 1.6.3 For the purposes of section 1.6.2, attendance 'by remote means' means attendance in a different physical location to that of other participants and participating through an online meeting platform.

1.7 PUBLIC OR PRIVATE MEETINGS OF THE CABINET?

All meetings of the Cabinet will be open to the public subject to the Access to Information Rules in Part 4 of this Constitution.

1.8 QUORUM

The quorum for a meeting of the Cabinet, or a Committee of it, shall be 3 including the Leader or Deputy Leader.

See Article 7.8 Part 2 Constitution for the requirements of a quorum and job sharing: where any meeting is attended by more than one of the Members who share the same office and those Members are attending in their capacity as a Member of the Cabinet, they together count as only one person for the purpose of determining whether the meeting is quorate.

1.9 HOW ARE DECISIONS TO BE TAKEN BY THE CABINET?

1.9.1 Cabinet decisions which have been delegated to the Cabinet will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

1.9.2 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 those applying to those taken by the Cabinet.

1.10 VOTING

1.10.1 MAJORITY

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Cabinet Committee members voting and present in the room at the time the question was put.

See Article 7.8, Part 2 of this Constitution for the rules on voting and job sharing: the Members of Cabinet who share the same office will have one vote between them in respect of any matter on which they have a right to vote because they are a Member of Cabinet.

1.10.2 CHAIRPERSON'S CASTING VOTE

If there are equal numbers of votes for and against, the Chairperson will have a second or casting vote. There will be no restriction on how the Chairperson chooses to exercise a casting vote.

1.10.3 ASSISTANTS TO THE CABINET

Assistants to the Cabinet are not entitled to vote at Cabinet Meetings nor Cabinet Committee Meetings.

2. HOW ARE THE CABINET MEETINGS CONDUCTED?

2.1 Who Presides?

The Leader will preside at any meeting of the Cabinet or its Committees at which he/she is present, or may appoint the Deputy Leader or another person to do so.

2.2 Who May Attend?

These details are set out in the Access to Information Rules in Part 4 Document B of this Constitution.

2.3 What Business?

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

- 2.1.1 consideration of the Minutes of the last meeting;
- 2.1.2 disclosures of personal interest, if any;
- 2.1.3 matters referred to the Cabinet (whether by an 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 (Document E) or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- 2.1.4 consideration of reports from Overview and Scrutiny Committees; and
- 2.1.5 matters set out in the agenda for the meeting, and which shall indicate decisions which are not in accordance with the Access to Information Procedure rules set out in Part 4 Document B of this Constitution.

2.4 General Disturbance

If there is a general disturbance making orderly business impossible, the Chairperson may adjourn the meeting for as long as he/she thinks necessary.

2.5 Disturbance by the Public

2.5.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chairperson will warn the person concerned. If they continue to interrupt, the Chairperson will order their removal from the meeting room.

2.5.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairperson may call for that part to be cleared.

2.6 Consultation

All reports to the Cabinet from any member of 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 Overview and Scrutiny Committees, 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.

2.7 Who can put Items on the Cabinet Agenda?

The Leader will decide upon the schedule for the meetings of the Cabinet. He/she 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 of it or any member or officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.

Any member of 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 for consideration. If he/she receives such a request, the Proper Officer will comply.

The Proper Officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Overview and Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet.

There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Overview and Scrutiny Committees.

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 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 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 Cabinet meeting be convened at which the matter will be considered.

Financial Officer.

3. Publication of Decisions

- 3.1 When a decision is made by the Cabinet, an individual member of Cabinet or a Committee of the Cabinet or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be

available at the main offices of the Council normally within 2 working days of being made. Members will be sent copies of the records of all such decisions within 2 working days, by the person responsible for publishing the decision. (See Document E)

- 3.2 The decision notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless any three members of the relevant Overview and Scrutiny Committee whose terms of reference relate to the Cabinet decision (as described in Article 6 of Part 2 of the Constitution) or six elected members of the Council and the chair of that Committee, object to it and call it in. (See Document E)