

## Forest Heath District Council

### Cabinet Procedure Rules

#### 1. How does the Cabinet operate?

##### 1.1 Executive functions

The Cabinet is the Council's executive body and is responsible for carrying out those functions which by law or under this constitution are designated as "executive functions".

The arrangements for the discharge of executive functions are set out in Article 6. The arrangements may provide for 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) an area committee;
- (f) joint arrangements; or
- (g) another local authority.

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##### 1.2 Sub-delegation of executive functions

- (a) Where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for an executive function, they may delegate further to an officer or by joint arrangements.
- (b) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

##### 1.3 Delegation of executive functions

~~(a)~~ Subject to (b) below, the delegation of executive functions will be as adopted by the Council and set out in Part 3 of this Constitution.

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(b) In particular, the Leader, and the Leader of St Edmundsbury Borough Council, have jointly delegated decisions of the Cabinet as a whole to a Joint Cabinet.

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- (b) The Leader may amend the delegations to individual Cabinet members (Portfolio Holders) relating to executive functions at any time during the year by giving written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the

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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 appropriate amendments to the constitution will be made by the Monitoring Officer.

- (c) Where the Cabinet seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when the Leader has served it on its chairman.

### Meetings of the Joint Cabinet

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#### 1.5 Cabinet Meetings

The Cabinet will meet at times to be agreed by the Leaders of Forest Heath District Council and St Edmundsbury Borough Council ("the Leaders") at the ~~Council's~~ main offices of either Council or another location to be agreed by the Leader and will be held in public except in accordance with the Access to Information Procedure Rules. It shall normally be expected that the meetings will rotate between each Council's main office. Notice of the dates and times of meetings, and their agendas, will be published in accordance with the Access to Information Procedure Rules.

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#### 1.6 Quorum

The quorum for a meeting of the Joint Cabinet, or a committee of it, shall ~~six, to include at least one-third~~ three of the total number of members of ~~each the Cabinet, (including the Leader) or three, whichever is the larger.~~

#### 1.7 How are decisions to be taken by the Cabinet?

- (a) Executive decisions which have been delegated to the Joint Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules.
- (b) Where executive decisions are delegated to a committee of the Joint 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.

### 2. How are executive meetings conducted?

#### 2.1 Who presides?

The Leader of the Council at whose offices the meeting is taking place, or in his/her absence ~~any Deputy Leader~~ the Leader of the other council, will preside at any meeting of the Cabinet or its Committees at which he or she is present. In the absence of both leaders, the Chairman shall be determined in the order of the

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~~Deputy Leader of the Council at which the meeting is taking place, then the other Deputy Leader, and if all are not present, the members of the Cabinet who are present shall chose a member to preside~~  
~~the Leader and Deputy Leader the members of the Cabinet who are present shall choose a member to preside.~~

### 2.2 Who may attend?

2.1.1 The public may attend in accordance with the Access to Information Rules in Part 4 of this Constitution. Members of the public who live or work in the District may speak or ask a question in accordance with the provisions for public speaking in the Committee Procedure Rules.

2.1.2 Any member of ~~the either Forest Heath District Council or St Edmundsbury Borough~~ who is not a member of the Joint Cabinet may attend a meeting of the Joint Cabinet. He or she can speak only:

- (a) to ask a question in accordance with rule 2.4.1 below;  
or
- (b) if invited to by the person presiding.

### 2.3 What business?

At each meeting of the Joint Cabinet or a Committee of the Joint Cabinet the following business will be conducted:-

- (a) apologies for absence;
- (b) confirm as a correct record and sign the minutes of the last meeting;
- (c) "open forum" in accordance with Rule 2.4 below;
- (d) public speaking/questions in accordance with Rule 11 of the Committee Procedure Rules;
- (e) the receipt of any petitions (submitted and presented in accordance with ~~the either~~ Council's Petition Scheme);
- (f) matters referred to the Joint Cabinet, whether by ~~the either~~ Overview and Scrutiny Committee, ~~the either~~ Performance and Audit Scrutiny Committee, or by ~~the either~~ Council for reconsideration in accordance with the provisions of contained in ~~the either~~ Overview and Scrutiny Procedure Rules or ~~the either~~ Budget and Policy Framework Procedure Rules;
- (g) consideration of reports from ~~the either~~ Overview and Scrutiny Committee or ~~the either~~ Performance and Audit Scrutiny Committee; and
- (h) 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 both Council's~~ Constitution.

### 2.4 Open Forum

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2.4.1 At each Joint Cabinet meeting up to fifteen minutes shall be allocated for questions from and discussion with non-Cabinet members. Members wishing to speak during this session may, but do not have to, give notice in advance. Who speaks and for how long will be at the complete discretion of the person presiding.

### 2.5 Who can put items on the Cabinet agenda?

2.5.1 Normally, the Leaders will decide upon the schedule for the meetings of the Joint Cabinet.

2.5.2 An item will be placed on the agenda of the next available meeting of the Joint Cabinet where ~~the-either~~ Overview and Scrutiny Committee, ~~the-either~~ Performance and Audit Scrutiny Committee or ~~the-either~~ full Council have resolved that an item be considered by the Joint Cabinet. There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by ~~the-the~~ Overview and Scrutiny and Performance and Audit Scrutiny Committees.

2.5.3 The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Joint 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 Finance Officer and Monitoring Officer are of the opinion that a meeting of the Joint Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Joint Cabinet meeting. If there is no meeting of the Joint 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.

### Meetings of Cabinet

2.6.1 The Leader may serve notice on the Leader of St Edmundsbury Borough Council that they do not intend that the decision, or the service, should be delegated to the Joint Committee and may instead either be undertaken by the Leader, or by the Forest Heath Cabinet acting as a whole.

2.6.2 Where the Forest Heath Cabinet as a whole is meeting to determine a matter, the following rules of procedure should apply:

### Cabinet Meetings

The Cabinet will meet at times to be agreed by the Leader at the Council's main offices or another location to be agreed by the

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Leader and will be held in public except in accordance with the Access to Information Procedure Rules. Notice of the dates and times of meetings, and their agendas, will be published in accordance with the Access to Information Procedure Rules.

### **1.6 Quorum**

The quorum for a meeting of the Cabinet, or a committee of it, shall be one third of the total number of members of the Cabinet (including the Leader) or three, whichever is the larger.

### **1.7 How are decisions to be taken by the Cabinet?**

- (a) 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.
- (b) 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.

## **2. How are executive meetings conducted?**

### **2.1 Who presides?**

The Leader, or in his/her absence any Deputy Leader, will preside at any meeting of the Cabinet or its Committees at which he or she is present. In the absence of the Leader and Deputy Leader the members of the Cabinet who are present shall choose a member to preside.

### **2.2 Who may attend?**

2.1.1 The public may attend in accordance with the Access to Information Rules in Part 4 of this Constitution. Members of the public who live or work in the District may speak or ask a question in accordance with the provisions for public speaking in the Committee Procedure Rules.

2.1.2 Any member of the Council who is not a member of the Cabinet may attend a meeting of the Cabinet. He or she can speak only:

- (a) to ask a question in accordance with rule 2.4.1 below;
- or
- (b) if invited to by the person presiding.

### **2.3 What business?**

At each meeting of the Cabinet or a Committee of the Cabinet the following business will be conducted:-

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- (a) apologies for absence;
- (b) confirm as a correct record and sign the minutes of the last meeting;
- (c) "open forum" in accordance with Rule 2.4 below;
- (d) public speaking/questions in accordance with Rule 11 of the Committee Procedure Rules;
- (e) the receipt of any petitions (submitted and presented in accordance with the Council's Petition Scheme);
- (f) matters referred to the Cabinet, whether by the Overview and Scrutiny Committee, the Performance and Audit Scrutiny Committee, or by the Council for reconsideration in accordance with the provisions of contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules, but only in relation to those matters which Cabinet have determined should not be considered by the Joint Cabinet;
- (g) consideration of reports from the Overview and Scrutiny Committee or the Performance and Audit Scrutiny Committee that relate to matters not otherwise considered by the Joint Cabinet
- (h) 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.

### 2.4 Open Forum

2.4.1 At each Cabinet meeting up to fifteen minutes shall be allocated for questions from and discussion with non-Cabinet members. Members wishing to speak during this session may, but do not have to, give notice in advance. Who speaks and for how long will be at the complete discretion of the person presiding.

### 2.5 Who can put items on the Cabinet agenda?

2.5.1 Normally, the Leader will decide upon the schedule for the meetings of the Cabinet. Matters may only be considered by the Cabinet, or referred to the Cabinet, where they relate to functions or decisions the Leader has confirmed should not be determined by the Joint Cabinet.

2.5.2 Subject to 2.5.1, an item will be placed on the agenda of the next available meeting of the Cabinet where the Overview and Scrutiny Committee, the Performance and Audit Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet.

2.5.3 Subject to 2.5.1, the Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the proper

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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 Finance 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.

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