

4D Cabinet Procedure Rules

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1. Application of these Rules

1.1 These Rules apply to meetings of the Cabinet and its Subcommittees.

1.2 Executive functions may be exercised by:

- a) The Cabinet as a whole;
- b) committee or sub-committee of the Cabinet
- c) an individual Member of the Cabinet
- d) an officer;
- e) an arrangement with another authority for the discharge of functions.

1.3 A Key Decision may not be taken by an individual Member of the Cabinet other than the Leader unless either it has been delegated to an individual Member of the cabinet in accordance with the Leader's Scheme of Delegation for Cabinet Members contained in Part 3B of the Constitution.

1.4 Definition of Cabinet Meeting

A Cabinet meeting shall mean:

- a) a meeting open to all Members of the Cabinet; or
- b) committee or sub-committee of the Cabinet.

At which executive decisions are taken.

2. Delegation by the Leader

2.1 The Leader or, in the absence of the Leader, the Deputy Leader will present to the Council a Leader's Scheme of Delegation in the form set out in Part 3B of this Constitution.

2.2 The Leader's Scheme of Delegation for Cabinet Members must contain the following information relating to Cabinet functions in the ensuing Municipal Year:

- a) the name of the cabinet Member who will serve as Deputy Leader;
- b) the names of the Councillors appointed to the Cabinet;
- c) the nature of the Portfolios to be held by each Cabinet Member;
- d) the extent of any authority delegated to those Cabinet Members individually, including details of the limitation on their authority;
- e) the nature and extent of any deputising arrangements within the Cabinet;
- f) any changes to the terms of reference and constitution of the cabinet Committees or Cabinet Subcommittees and the names of the cabinet Members appointed to them;
- g) any changes to the nature and extent of any delegation of Cabinet functions to any other authority or any arrangements with another authority for the discharge of functions and the names of those Cabinet Members appointed to any joint committee for the coming year;

2.3 **Sub-delegation of Cabinet Functions:** The Cabinet, or an individual Member of the Cabinet, may delegate functions for which they are responsible only to the extent permitted by the Leader's Scheme of Delegation contained in Part 3B of this Constitution.

3. Delegation to Officers

The Leader has approved a Scheme of Delegation Officers which is set out in Part 3C of this Constitution and may amend it at any time. Any amended scheme shall be submitted to the next available meeting of the full Council for information.

4. Cabinet Assistants

The Leader may appoint up to five non-executive members of Cabinet in an advisory and consultative capacity. These appointees may speak but not vote on items before Cabinet in private and public meetings and have commensurate access to documents as full Cabinet Members except for draft Cabinet reports which will be restricted to Portfolio Holders.

5. Conflicts of Interest

- 5.1** If an individual Member of the cabinet has a conflict of interest or if every Member has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members of this Constitution.
- 5.2** If the exercise of a Cabinet function has been delegated to an individual Cabinet Member and a conflict of interest arises, then the function may be exercised, by the Leader or Deputy Leader. In the case where an officer is unable to take a delegated decision due to a conflict of interest, and no scheme exists within the department which allows referral of that decision to another appropriate officer, that decision will be referred to the relevant Cabinet Member, the Leader or Deputy Leader.
- 5.3** If a conflict of interest arises for the Leader or Deputy Leader where the decision would have been referred to them, then that decision may be referred to Cabinet.

6. Urgent Business

6.1 Urgent Business may only be considered where:

- a) The Access to Information Procedure Rules of the Constitution have been complied with; and
- b) The Leader or any Statutory Officer has requested that an urgent item is placed on the agenda for the meeting at any time before the start of the meeting. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

7. Cabinet Meetings

- 7.1** The Cabinet will meet usually at 7pm on the days set in the Council calendar. The cabinet will meet usually at Hounslow House, 7 Bath Road, Hounslow, TW3 3EB, but it may meet elsewhere if appropriate, and provided notification is given on the agenda for the meeting.
- 7.2** The Proper Officer must give public notice of the time and place of a public meeting at least 5 clear working days before the meeting in accordance with the Access to Information Procedure Rules.
- 7.3** The Leader or, in the absence of the Leader, the Deputy Leader may convene additional meetings of the Cabinet, provided that the requirements of the Access to Information Procedure Rules of this Constitution are complied with

- 7.4** The date and time and location of a meeting of the Cabinet may be changed by the Leader or, in the absence of the Leader, the Deputy Leader upon giving five clear working days' notice

8. Special Meetings

- 8.1** Those listed below may request the Proper Officer to call Cabinet meetings in addition to ordinary scheduled meetings:

- a) the Cabinet by resolution;
- b) the Leader of the Council;
- c) the Monitoring Officer (where the proper officer is not also the Monitoring Officer); or Chief Financial Officer.

- 8.2** The date, time and location and place of special meetings will be set by the Leader of the Council or in the case of meetings convened under 9.1 (c) by the Monitoring Officer, in consultation with the Leader.

9. Business at Special Meetings

- 9.1** Business at special meetings of the Cabinet shall be restricted to any item of business specified by the Cabinet, Leader, Monitoring Officer or Chief Financial Officer when calling the meeting.
- 9.2** Business at the same special meeting may be added to the agenda subject to the agreement of the Monitoring Officer following consultation with the Leader of the Council in accordance with the Access to Information Procedure Rules.

10. Quorum

The quorum for a meeting of the Cabinet shall be three.

11. Procedure for Decision Making by the Cabinet

- 11.1** Decisions taken by the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in this Constitution.
- 11.2** Where executive decisions are delegated to individual Cabinet Members in accordance with the Leaders' Scheme of Delegation to Cabinet Ministers, those decisions shall be taken in accordance with the Access to Information Procedure Rules of this Constitution.

12. Conduct of Cabinet Meetings

- 12.1** At a meeting of the whole Cabinet the Leader shall preside if they are present. In the absence of the Leader, the Deputy Leader shall preside.
- 12.2** If after 15 minutes since the identified start time of the meeting neither the Leader nor the Deputy Leader are present, then the meeting shall elect a Chair for that meeting as its first order of business.

- 12.3** Where the Leader and Deputy Leader have both submitted apologies in advance of the meeting to the Monitoring Officer then, without the delay mentioned above, the first order of business shall be to elect a Chair for the meeting.

13. Attendance at Cabinet Meetings

- 13.1** Members of the public and press may attend all meetings of the Cabinet unless a resolution has been passed excluding the press and public during consideration of an item containing exempt or confidential information, in accordance with the Access to Information Procedure Rules.
- 13.2** Members of the Council who are not Cabinet Members may attend all meetings of the Cabinet but may only be present after a resolution has been passed excluding the press and public with the express permission of the Leader or other person chairing the meeting.
- 13.3** The Cabinet Assistants may attend meetings of the Cabinet, but they may not vote and are not part of the Cabinet.
- 13.4** The Head of Paid Service, Chief Finance Officer and the Monitoring Officer, or their nominees, should normally be present at all meetings. Other officers of the Council may attend meetings as appropriate and as arranged by the Head of Paid Service and Executive Directors

14. Petitions

The council has a petition scheme, and this will be followed in relation to petitions which are referred to by the Cabinet as part of the scheme.

15. The Business of Meetings

- 15.1** At each meeting of the Cabinet, the following business will be conducted where appropriate:
- a) apologies;
 - b) the signing of the minutes of the last meeting by the Chair;
 - c) declarations of interest and any dispensations granted by the Monitoring Officer following the direction given by the Standards Committee (if any); and any declarations of a 'conflict of interest.
 - d) matters referred to the Cabinet (whether by the Overview and Scrutiny Call-in sub-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 contained in part 4 of this Constitution
 - e) consideration of reports from the Overview and Scrutiny Committee or Scrutiny sub-committees;
 - f) consideration of proposals for the budget and policy framework, prior to making decisions on them;
 - g) matters set out in the agenda for the meeting, including consideration of any petitions referred to the Cabinet;
 - h) reports of statutory officers, if any,
 - i) matters referred to the Cabinet under these rules.

16. Decisions to be taken only on a report

- 16.1** The Cabinet, a Cabinet Committee or an individual Cabinet Member, may only take a decision upon consideration of a written report from the relevant officer of the Council.
- 16.2** Reports from officers will follow a standard format which shall contain as a minimum:
- a) A recommended decision
 - b) A presentation of the reasons for the recommendation being put forward
 - c) Details of any other options considered and why those options were rejected
 - d) Reasons for the recommendation
 - e) Details of any consultation undertaken or proposed including, in respect of consultation undertaken, the nature and extent of the consultation undertaken with stakeholders and the overview and scrutiny committees and the outcome of that consultation;
 - f) A consideration of the financial and legal issues pertaining to the matter, and such other matters as governance chief officers (the Head of Paid Service, S.151 Officer or Monitoring Officer) may require, including risk, staffing or equalities implications;
 - g) a list compiled of any Background Papers to the report, meaning those documents other than published works that, in the opinion of the proper officer, relate to the subject matter of the report or, as the case may be, the part of the report; and
 - (i) disclose any facts or matters on which the report or an important part of the report is based; and
 - (ii) were relied on to a material extent in preparing the report.
- 16.3** The Leader may require the Monitoring Officer to ensure that an item is placed on the agenda of the next available Cabinet meeting. The Monitoring Officer must comply with such a request.
- 16.4** The Monitoring Officer will ensure that an item is placed on the agenda of the next available meeting of the cabinet in accordance with the Access to Information Procedure Rules if the Overview and Scrutiny Committee, Call-In subcommittee or full Council has resolved that an item must be reconsidered by the Cabinet under the Overview and Scrutiny or Budget and Policy Framework Procedure Rules contained in Part 4 of this Constitution.
- 16.5** The Monitoring Officer and Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and/or may call or be required to call a meeting in pursuance of their statutory duties in accordance with Rule 10 above.

17. Who may speak at Cabinet Meetings

- 17.1** The Cabinet Assistants may speak on items at Cabinet in Public meetings.
- 17.2** A Member of the Council who is not a Cabinet Member may only speak if invited to do so by the Chair.

18. Confidential and Exempt Business

Confidential or exempt items for consideration by Cabinet, Cabinet Subcommittee or Individual Cabinet Member will be marked as such and the relevant part of Schedule 12A to the Local Government Act 1972 will be specified on the document in question.

19. Voting Procedure

- 19.1** The Cabinet will decide all matters before it on a collective basis except where dissent is recorded by Members, in which case a simple majority shall suffice. The Chair will have a second or

casting vote.

19.2 The Cabinet Assistants may not vote on items before any meeting of the Cabinet.

20. Minutes of Cabinet and Implementation of Cabinet Decisions

20.1 Minutes of the Cabinet and Cabinet Subcommittees and notices of decisions taken by individual Cabinet Members shall be published on the Council's website unless they contain exempt or confidential information and shall, as a minimum, contain:

- (a) a record of the decision;
- (b) the date the decision was taken;
- (c) a record of the reasons for the decision;
- (d) details of any alternative options considered and rejected by the Cabinet at the meeting at which the decision was made;
- (e) a record of any declaration of interest and, in respect of decision making by elected members, a note of any dispensation granted; and
- (f) a record of any conflict of interest relating to the matter decided which is declared by any member of the Cabinet which made the decision and where applicable, a note of dispensation granted by the Audit & Governance Committee; and
- (g) where appropriate, a statement of urgency and that the decision is exempt from call-in.

20.2 A Decision Notice will normally be published on the Council's website within two clear working days following the Cabinet Meeting thereby triggering /invoking the Call-in period.

20.3 In order to allow for Call-In, no Cabinet decision or decision taken by an individual Cabinet Member can be implemented until the expiry of five clear working days after the decision has been published, unless the decision-taker resolves as part of the decision that its implementation is urgent and the provisions contained in the Overview and Scrutiny Procedure Rules on the Call-In Procedure have been complied with.

21. Record of Attendance

The Proper Officer shall ensure that a record is kept of all Members present during the whole or part of a meeting.

22. Exclusion of the Public

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in this Constitution or under the rule regarding Disturbance by the Public below.

23. Members' Conduct

23.1 Precedence of Chair

When the Chair speaks during a debate at a meeting of the Cabinet or Cabinet Subcommittee the Member speaking at the time must stop speaking. The meeting must be silent.

23.2 Member not to be heard further

If any Member present persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member in question be not heard further during the consideration of that item of business. If seconded, the motion will be voted on without discussion.

23.3 Member to leave the meeting

If the Member in question continues to behave improperly after such a motion is carried, the Chair may move that either the Member leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

23.4 General disturbance

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

24. Disturbance by Public

24.1 Removal of Member of the Public

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

24.2 Clearance of Part of a Meeting Room

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

24.3 Adjournment

Following an order by the Chair for one or more members of the public to leave the meeting room, and if they deem it necessary in the interests of public safety and for the safety of Members and officers present, the Chair may adjourn the meeting for as long as they think necessary.

25. Ruling of the Chair on Interpretation of these Rules

The Chair's ruling on the interpretation or application of any of these Cabinet Procedure Rules is final.

26. Suspension and Amendment of Cabinet Procedure Rules

26.1 Suspension

All of these Cabinet Rules of Procedure (except the rule necessary to ensure compliance with the Access to Information Procedure Rules) be suspended by the Leader at the meeting in question. The suspension may be for one or more items of business during the meeting when the suspension is agreed but may not extend beyond that meeting.

26.2 Amendment

These Cabinet Procedure Rules may only be changed by the Leader who shall notify any such changes to the next available meeting of Full Council.

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