

PART 4

Rules of Procedure

Leader and Cabinet Procedure Rules

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Leader and Cabinet Procedure Rules

1 How Does the Cabinet Operate?

1.1 Who May Make Executive Decisions?

- (a) The arrangements for the discharge of executive functions are set out in the arrangements made by the Leader and explained in Part 3 of the Constitution. In law the arrangements may provide for executive functions to be discharged to:
- (i) the Leader;
 - (ii) the Cabinet as a whole;
 - (iii) a committee of the Cabinet;
 - (iv) an individual member of the Cabinet;
 - (v) an officer;
 - (vi) an area committee;
 - (vii) joint arrangements; or
 - (viii) another local authority.
- (b) The Council appoints the Leader and the Leader appoints members of the Cabinet. The Leader is also the Chair of Cabinet meetings. The Leader is required to appoint one of the members of Cabinet to be his/her Deputy and, in the Leader's absence, the Deputy Leader chairs meetings of the Cabinet. The Leader determines the functions to be determined by the Cabinet and the individual portfolios to be allocated to Cabinet Members. These may be varied from time to time by the Leader, giving notice to the Chief Executive.
- (c) The Leader may authorise any Cabinet member to discharge the functions of another Cabinet member in the event that the latter is unavailable or unable to act. Where given, such authorisation shall have effect for the period that the Cabinet Member in question remains unavailable or unable to act.

1.2 Sub-Delegation of Executive Functions

- (a) Where the Leader has delegated powers to the Cabinet, Cabinet can delegate these onward to a sub-committee of Cabinet or to an officer, unless the Leader otherwise directs.

- (b) Where the Leader has delegated powers to an individual member of Cabinet, this individual member can delegate these onward to an officer, unless the Leader otherwise directs.
- (c) Where either the Leader or the Cabinet has delegated powers to a committee of Cabinet, that committee can delegate these onwards to an officer, unless the Leader otherwise directs.
- (d) The Leader is able to recover and discharge personally any functions which have been delegated.
- (e) The current scheme of delegation of executive functions, as approved by the Leader, is set out in Part 3 of the Constitution.

1.3 Conflicts of Interest

- (a) 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. Where necessary, the Deputy Leader or, as the case may be, the relevant Cabinet member(s) shall discharge the function of the Leader in relation to the particular business in question.
- (b) If any member of the 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.
- (c) If the exercise of an executive function has been delegated to the Cabinet, a committee of the Cabinet, an individual member of the Cabinet 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 Code of Conduct for Members in Part 5 of this Constitution.
- (d) The arrangements in (a), (b) and (c) are subject to any alternative arrangements the Leader may make on a case by case basis or generally.

1.4 Cabinet Meetings – When and Where?

The Cabinet will meet approximately every 6 weeks. The Cabinet shall meet at the Council's main offices or other location(s) to be agreed by the Leader. A special meeting of the Cabinet may be called by the Leader at any time subject to the statutory notice being given.

1.5 Public or Private Meetings of the Cabinet?

All meetings of the Cabinet will be held in public. Full details of the public's right of access to meetings are set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

1.6 Quorum

The quorum of Cabinet shall be one half of the membership of Cabinet. The same principal shall apply for a committee of Cabinet. If the meeting is not quorate the meeting may not take any decisions until the next quorate meeting.

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 in Part 4 of the Constitution.
- (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 Cabinet Meetings Conducted?

2.1 Who Presides?

If the Leader is present he/she will preside. In his/her absence, the Deputy Leader shall preside. In the absence of the Deputy Leader, then a person appointed to do so by those present shall preside. In the case of Cabinet committees (if any) the Leader shall appoint the person to preside at the meeting.

2.2 Who May Attend?

- (a) All meetings of the Cabinet are usually open to the public. The details are set out in the Access to Information Rules in Part 4 of this Constitution.
- (b) In addition to the rights councillors may have as members of the public:
 - (i) the Leader of the opposition party, the Deputy Leader of the opposition party, the Chair of the Scrutiny Committee and the Chair of the Audit and Standards Committee shall be entitled to attend and speak at any meeting of the Cabinet.

- (ii) any other member of the Council may, subject to the prior agreement of the Chair of the meeting, attend and speak at meetings of the Cabinet where a decision affects that member's ward in particular.
 - (iii) the provisions of the Council Procedure Rules regarding member questions shall apply to meetings of the Cabinet.
- (c) The Tenants of Lewes District Group shall be invited to appoint two of its tenant members to attend and speak on those items on the agenda relating to housing tenant matters. Those tenant members will not be entitled to vote and will not be eligible to attend for discussions on items of exempt information.

2.3 What Business?

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

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;
- (iii) public and member questions;
- (iv) matters referred to the Cabinet (whether by the Scrutiny Committee or its Panels or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (v) consideration of reports from the Scrutiny Committee or its Panels; and
- (vi) consideration of reports from Cabinet Members;
- (vii) consideration of reports from officers;
- (viii) 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 Consultation

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 the 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.

2.5 Who Can Put Items on the Cabinet Agenda?

- (a) The Leader 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 Head of Democratic Services will comply with the Leader's requests in this respect.
- (b) Agenda Items for meetings shall be agreed by the Leader or member presiding at the meetings, the Chief Executive and the relevant Chief Officer of the Council. The advice of the Council's Monitoring Officer and Chief Financial Officer will be taken into account in considering what items should be put on the agenda.
- (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. Any such request should be made by email with a concise statement relevant to the issue and should be sent to the Leader with a copy to the Head of Democratic Services no later than close of business on the eighth working day before the meeting. The notice of the meeting will give the name of the councillor who asked for the item to be considered. This individual will be invited to attend the meeting, whether or not it is a public meeting.
- (d) Any Chief Officer may similarly 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.
- (e) The Head of Democratic Services will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the Scrutiny Committee (or one of its Panels) or the Council has resolved that an item be considered by the Cabinet.
- (f) 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 such a meeting to be called in pursuance of their statutory duties.

3 Questions by the Public

3.1 General

A period of up to 30 minutes will be allowed at meetings of the Cabinet during which members of the public may ask questions.

3.2 Order of Questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

3.3 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Democratic Services no later than midday three working days before the day of the meeting. Each question must give the name and address of the questioner and the name of the organisation they represent (if applicable) and must name the member of the Cabinet to whom it is to be put.

3.4 Number of Questions

At any one meeting no person may submit more than three questions and no more than three such questions may be asked on behalf of one organisation.

3.5 Scope of Questions

The Council's senior legal officer may reject a question if:

- it is not about a matter which is relevant to the powers, duties and responsibilities of the Cabinet; or
- it is defamatory, frivolous or offensive; or
- it is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- it requires the disclosure of confidential or exempt information; or
- it is a statement rather than an enquiry to obtain information.

3.6 Record of Questions

The Head of Democratic Services will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all members at the meeting and will be made available to the public attending the meeting.

3.7 Asking the Question at the Meeting

The Chair will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written

question is unable to be present, they may ask the Chair to put the question on their behalf. The Chair may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

3.8 Supplemental Question

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds in Rule 3.5 above. Unless the Chair decides otherwise, no discussion will take place on any question.

3.9 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer. (Minutes of the meeting will record the fact that a question has been asked and by whom and indicate briefly the subject but will not give details of the question or of the answer).