

**Wiltshire Council
Constitution
Part 7
Cabinet Procedure Rules**

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PART 7

CABINET PROCEDURE RULES

Who may make Cabinet decisions?

1. The Leader will decide how arrangements for the discharge of cabinet functions are to be exercised, except insofar as they are already set out in the Cabinet arrangements adopted by the Council.
2. As set out in Part 3C (Delegation of Executive Functions), Arrangements for the discharge of Cabinet functions may provide for cabinet functions to be discharged by:
 - 1.1 Wiltshire Council's Cabinet as a whole
 - 1.2 a committee of the Cabinet
 - 1.3 an individual member of the Cabinet
 - 1.4 an officer
 - 1.5 an Area Board
 - 1.6 joint arrangements or
 - 1.7 another local authority.

Delegation by the Leader

3. In accordance with Article 7 of Part 2 of this Constitution the Leader will decide who is to discharge cabinet functions.
4. At the first available meeting of the Full Council, ~~t~~The Leader will ~~present to the council~~ provide a written record of delegations ~~made by him/her~~ they have made for inclusion in the council's scheme of delegation at Part 3C to this constitution. The document ~~presented by the Leader~~ will contain the following information about Cabinet functions ~~in relation to the coming year~~:
 - 4.1 the ~~names, addresses~~ and electoral divisions of the people appointed to the Cabinet by the Leader;
 - 4.2 the extent of any authority delegated to Cabinet Members individually, including any details of the limitation on their authority;
 - 4.3 the terms of reference ~~and constitution~~ of such Cabinet committees as the Leader appoints and the ~~names of~~ Cabinet ~~M~~members appointed to them;
 - 4.4 the nature and extent of any delegation of Cabinet functions to area committees, any other authority or any joint arrangements and ~~the names of~~ those Cabinet Members appointed to any joint committee for the coming year; and
 - 4.5 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.
5. The record at Part 3C will be updated by the Monitoring Officer from time to time to reflect the appointments by, and allocation of responsibilities from, the

Commented [KE1]: Removed reference to reflect order of events:

Para 4 - leader will prepare written record in Part 3C.
Para 5 - MO will update Part 3C from time to time to reflect decisions of Leader (as also confirmed at para 11).
Para 14 - changes reported to next Full Council

Commented [EK2]: Unnecessary, and addresses might be restricted as a sensitive interest

Leader.

Commented [EK3]: Process laid out in Part 3C

Sub-delegation of Cabinet functions

6. Where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for any Cabinet function, they may delegate further to an area committee, joint arrangements or an officer.
7. Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a committee of the Cabinet or to an officer.
8. 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.
9. Even where Cabinet functions have been delegated, that does not prevent the discharge of delegated functions by the person or body who delegated them.

The Council's scheme of delegation and cabinet functions

10. Subject to Paragraph 11 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 Part 3 of this Constitution.~~
11. The Leader may amend the scheme of delegation relating to ~~C~~cabinet functions at any time during the year.
12. To do so, the Leader must give written notice to the ~~Monitoring Officer~~proper officer and to the person, body or committee concerned.
13. 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 the Cabinet as a whole.
14. The ~~Proper Officer~~Monitoring Officer will ~~present a~~report to the next ordinary meeting of ~~the council~~Full Council setting out the changes made by the Leader.
15. Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when ~~he/she has served on it as its chair~~the decision is provided to the Chairman of that committee.

Commented [EK4]: redundant

Conflicts of interest

16. Where the Leader has a conflict of interest ~~in any matter~~ this shall be dealt with as set out in the Council's Code of Conduct for Members in Part 12 of this Constitution.
17. If every Member of the Cabinet has a conflict of interest this shall be dealt with as set out in the council's Code of conduct for Members in Part 12 of this constitution.
18. 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 Code of Conduct for Members in Part 12 of this constitution.

Location and frequency of Cabinet meetings

~~19.~~ The Cabinet will ~~meet schedule at least 11 meetings at least 11 times~~ per year at times to be agreed by the Leader.

~~17-20.~~ The Cabinet shall meet at the Council's main offices, or another location to be agreed by the Leader.

Public and private meetings of the Cabinet

~~21.~~ The access to information rules in Part 5 of this constitution set out the requirements covering public and private meetings of Cabinet and any Cabinet Committees.

~~18-22.~~ Other than the legal requirements, consideration should also be given to any principles of decision-making set out in Article 13 of Part 2 of this constitution.

Public and Member participation at Cabinet meetings

~~23.~~ ~~The~~ Ccabinet welcomes questions or statements from members of the public.

~~24.~~ ~~However, the s~~Specific arrangements for public and Member participation at Cabinet or Cabinet Committee meetings are a matter for determination by the Leader.

~~25.~~ ~~and will as such be kept under review.~~ The Leader will keep arrangements under review.

Quorum

~~19-26.~~ The quorum for a meeting of the Ccabinet, or a committee of it, shall be one quarter of the total number of members of the Ccabinet (including the Leader), or three including the Leader, whichever is the larger, unless otherwise specified in a Cabinet committee term of reference.

Procedure for cabinet decision making

~~20-27.~~ Cabinet 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 5 of the Constitution.

~~24-28.~~ 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 as a whole.

Conduct of Cabinet meetings

~~22-29.~~ The Leader will preside at any meeting of the Cabinet or its committees at which ~~he/she/they is-are~~ present, or may appoint another person to do so.

Commented [EK5]: To ensure sufficient meetings are scheduled as normal, such as monthly, but not to require meetings where there is insufficient business to transact

Commented [EK6]: Shareholder group says Quorum is 2.

~~23-30.~~ If the Leader is absent and has not appointed another person to preside in ~~his/her/their~~ place, a person appointed to do so by those present shall preside.

~~24-31.~~ Details of who may attend Cabinet meetings are set out in the access to information rules in Part 5 of this Constitution. It is a matter for the Cabinet to determine if these rules should be widened, for example to enable members of the public to attend meetings that would otherwise be private.

~~25-32.~~ Members of the Council who are not Cabinet Members may attend meetings of the Cabinet and may speak with the consent of the Leader. Chairs of ~~the Standards Committee and the scrutiny~~ committees will be invited to attend the Cabinet to present ~~their reports~~ or provide updates as appropriate.

Business of Cabinet meetings

~~26-33.~~ At each ordinary meeting of the Ccabinet the following business will be conducted:

30.1 consideration of the minutes of the last meeting

30.2 declarations of interest, if any

30.3 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 ~~at in the overview and scrutiny procedure rules set out in Part 8 of this constitution or the budget and policy framework procedure rules set out in Part 6 of this constitution~~ Part 6 and Part 8 of the Constitution (Budget and Policy Framework, and Overview and Scrutiny Procedure Rules).

30.4 matters that ~~individual the Leader cabinet members~~ determines shall be brought before Cabinet following ~~consultation with advisory panels~~ any necessary or appropriate consultations

30.5 consideration of any reports from overview and scrutiny committees where appropriate, and

30.6 Other 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 5 of this Constitution.

Consultation

~~34.~~ 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 relevant overview and scrutiny committees, and the outcome of that consultation.

~~27-35.~~ 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.

~~28-36.~~ Reports must state that consultation has been carried out in accordance

Commented [EK7]: In case something other than an advisory panel

with the council's consultation guidance or explain the reason for any divergence from that guidance.

Setting Cabinet agendas

~~29.37.~~ 37. The Leader will decide upon the schedule for the meetings of the Cabinet. ~~He/she/They~~ may put on the agenda of any Cabinet meeting any matter which ~~he/she/they~~ 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.

~~a. Any member of the 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 makes such a request the Proper Officer will comply.~~

~~30.38.~~ 38. 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, has resolved that an item be considered ~~or re-considered~~ by the Cabinet. However, there may be only up to two such items on any one agenda.

~~39.~~ 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 ~~director of resources~~ Proper Officer to call such a meeting in pursuance of their statutory duties.

~~40.~~ In other circumstances, where any two of the Head of Paid Service, ~~Chief Financial Officer~~ S.151 Officer and ~~M~~onitoring ~~O~~fficer 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.

~~31.41.~~ 41. -If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the ~~person(s)~~ those listed above entitled to include an item on the agenda may also require that a meeting be convened by the Proper Officer at which the matter will be considered.

Commented [KE8]: Eg following a call-in being upheld