

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. Arrangements for the discharge of cabinet functions may provide for cabinet functions to be discharged by:
 - Wiltshire Council's Cabinet as a whole
 - a committee of the cabinet
 - an individual member of the cabinet
 - an officer
 - an area board
 - joint arrangements or
 - another local authority.

Delegation by the Leader

2. In accordance with Article 7 of this Constitution the Leader will decide who is to discharge cabinet functions.
3. At the first available meeting of the Full Council, the Leader will present to the council a written record of delegations made by him/her for inclusion in the council's scheme of delegation at Part 3 to this constitution. The document presented by the Leader will contain the following information about cabinet functions in relation to the coming year:
 - the names, addresses and electoral divisions of the people appointed to the cabinet by the Leader
 - the extent of any authority delegated to cabinet members individually, including details of the limitation on their authority
 - the terms of reference and constitution of such cabinet committees as the Leader appoints and the names of cabinet members appointed to them
 - 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
 - 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.

Sub-delegation of cabinet functions

4. 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.
5. 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.
6. 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.
7. 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

8. Subject to paragraph nine 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.
9. The Leader 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 director of resources 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 the cabinet as a whole. The director of resources will present a report to the next ordinary meeting of the council setting out the changes made by the Leader.
10. 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.

Conflicts of interest

11. Where the Leader has a conflict of interest this shall be dealt with as set out in the council's code of conduct for councillors in Part 13 of this constitution.
12. 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 councillors in Part 13 of this constitution.
13. 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 councillors in Part 13 of this constitution.

Location and frequency of Cabinet meetings

14. The cabinet will meet at least 11 times per year at times to be agreed by the Leader. 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

15. The access to information rules in Part 5 of this constitution set out the requirements covering public and private meetings. Other than the legal requirements, consideration should also be given to any principles of decision-making set out in this constitution.

Public participation at Cabinet meetings

16. The cabinet welcomes questions or statements from members of the public. However, the specific arrangements for public participation at cabinet meetings are a matter for determination by the Leader and will as such be kept under review.

Quorum

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

Procedure for cabinet decision making

18. 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.
19. 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

20. The Leader will preside at any meeting of the cabinet or its committees at which he/she is present, or may appoint another person to do so.
21. If the Leader is absent and has not appointed another person to preside in his/her place, a person appointed to do so by those present shall preside.
22. 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.
23. 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.

Business of Cabinet meetings

24. At each meeting of the cabinet the following business will be conducted:
- consideration of the minutes of the last meeting
 - declarations of interest, if any
 - 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 set out in Part 8 of this constitution or the budget and policy framework procedure rules set out in Part 6 of this constitution
 - matters that individual cabinet members determine shall be brought before cabinet following consultation with advisory panels
 - consideration of reports from overview and scrutiny committees, and
 - 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

25. 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. 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.
26. Reports must state that consultation has been carried out in accordance with the council's consultation strategy or explain the reason for any divergence from that strategy.

Setting Cabinet agendas

27. 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 director of resources will comply with the Leader's requests in this respect.
28. Any member of the cabinet may require the director of resources 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 director of resources will comply.
29. The director of resources 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 by the cabinet. However, there may be only up to two such items on any one agenda

30. 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 to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, 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 meeting be convened at which the matter will be considered.