

**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. The Leader will provide a written record of delegations they have made for inclusion in the council's scheme of delegation at Part 3C to this constitution. The document will contain the following information about Cabinet functions:
 - 4.1 the names 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 of such Cabinet committees as the Leader appoints and the Cabinet 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 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 Leader.

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.
11. The Leader may amend the scheme of delegation relating to Cabinet functions at any time during the year.
12. To do so, the Leader must give written notice to the Monitoring 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 Monitoring Officer will report to the next ordinary meeting of 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 the decision is provided to the Chairman of that committee

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 schedule at least 11 meetings per year at times to be agreed by the Leader.
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.
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. Cabinet welcomes questions or statements from members of the public.
24. Specific arrangements for public and Member participation at Cabinet or Cabinet Committee meetings are a matter for determination by the Leader.
25. The Leader will keep arrangements under review.

Quorum

26. 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, unless otherwise specified in a Cabinet committee term of reference.

Procedure for cabinet decision making

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.
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

29. The Leader will preside at any meeting of the Cabinet or its committees at which they are present, or may appoint another person to do so.
30. If the Leader is absent and has not appointed another person to preside in their place, a person appointed to do so by those present shall preside.
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.

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 committees will be invited to attend the Cabinet to present reports or provide updates as appropriate.

Business of Cabinet meetings

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

33.1 consideration of the minutes of the last meeting

33.2 declarations of interest, if any

33.3 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 Part 6 and Part 8 of the Constitution (Budget and Policy Framework, and Overview and Scrutiny Procedure Rules).

33.4 matters that the Leader determines shall be brought before Cabinet following any necessary or appropriate consultations

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

33.6 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.

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.

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

Setting Cabinet agendas

37. The Leader will decide upon the schedule for the meetings of the Cabinet. They may put on the agenda of any Cabinet meeting any matter which they wish, 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.

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 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, S.151 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.
41. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the 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.