

(4) Cabinet Procedure Rules

1. How does the Cabinet operate?

1.1 Who may make executive decisions?

The arrangements for the discharge of executive functions are set out in the arrangements adopted by the Council and explained in Part 3 of the Constitution. The arrangements may provide for executive functions to be discharged by:

- (i) the Leader;
- (ii) the Cabinet as a whole;
- (iii) a committee of the Cabinet;
- (vi) an individual member of the Cabinet;
- (v) an officer;
- (vi) an area committee;
- (vii) joint arrangements; or
- (viii) another local authority.

1.2 The Council appoints the Leader. The Deputy Leader and other members of the Cabinet are appointed by the Leader. The Leader is also the Chair of Cabinet meetings. In his or her absence the Deputy Leader chairs meetings of the Cabinet. The Leader determines the individual portfolios to be allocated to the members of the Cabinet.

1.3 The Council's scheme of delegation and Cabinet functions

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 Article 7 and set out in Part 3 of this Constitution. Where any executive functions have not been allocated, the Leader may decide who is to discharge them.

1.4 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.
- (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 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 (or in the case of an individual member, in accordance with provisions contained in the list of executive functions exercisable by Cabinet members maintained by the Leader of the Council and the protocol on decision making) and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.5 Cabinet meetings - when and where?

The Cabinet will meet at least 6 times per year at times to be agreed by the Leader. The Cabinet shall meet at County Hall, Lewes or another location to be agreed by the Leader.

1.6 Public or private meetings of the Cabinet?

There is a presumption that Cabinet meetings will be held in public, in accordance with the Council's principles of openness in decision making set out in Article 13 of this Constitution. The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public and private meetings.

1.7 Quorum

The quorum of a Cabinet with an even number of members shall be one half of the total membership and for a Cabinet with an odd number of members, the quorum shall be one more than half.

1.9 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 by the Proper Officer 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 Cabinet 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?

CONSTITUTION – PART 4 – RULES OF PROCEDURE

If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader shall preside. In the absence of both the Leader and Deputy Leader a person appointed to do so by those present shall preside.

2.2 Who may attend?

These details are set out in the Access to Information Rules in Part 4 of this Constitution. Meetings are usually open to the public. With the agreement of the Chair, a councillor (who is not a member of the Cabinet) may speak at meetings of the Cabinet where a decision affects that member's division or known special interest. Petitioners also have an opportunity to address the Cabinet or an individual Cabinet member where the Chairman of the County Council has referred a petition to them.

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) 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 or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) consideration of reports from overview and scrutiny committees; and
- (v) 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 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.

2.5 Who can put items on the Cabinet agenda?

CONSTITUTION – PART 4 – RULES OF PROCEDURE

- (a) Agenda items for meetings of the Cabinet will be agreed by members of the Cabinet, the Chief Executive and Chief Officers of the Council. The advice of the Council's Monitoring Officer and Chief Financial Officer will also be relevant in considering what items should be put on the agenda by the Proper Officer.
- (b) 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 have resolved that an item be considered by the Cabinet.
- (c) 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.