

Executive (Cabinet) Procedure Rules

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1. How Does the Cabinet Work?

1.1 Who May Make Executive Decisions?

The arrangements for the discharge of Cabinet or “executive” functions may be set out in the executive arrangements adopted by the Council. If they are not set out there, then the Leader of the Council may decide how they are to be exercised. In either case, the arrangements or the Leader of the Council may provide for executive functions to be discharged by:

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

1.2 Delegation by the Leader

As soon as practicable after being elected to the position, the Leader of the Council will circulate to all members and the Monitoring Officer a written record of delegations made by him/her. The document circulated by the Leader, and published along with the Constitution on the Council’s Website (www.swindon.gov.uk) will contain the following information about executive functions in relation to the coming year:

- i) the names, address and wards of the people appointed to the Cabinet and their individual portfolios;
- ii) the extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;
- iii) the terms of reference and constitution of such Cabinet committees as the Leader / Cabinet appoints with delegated authority and the names of Cabinet members appointed to them;
- iv) the nature and extent of any delegation of executive functions to any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year; and

- v) 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.

1.3 Sub-Delegation of Executive Functions

- (a) Where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for an executive function, they may delegate the exercise of that function further by means of joint arrangements or to an officer.
- (b) Unless the Council directs otherwise, if the Leader of the Council delegates functions to the Cabinet, then the Cabinet may delegate further to a committee of the Cabinet or to an officer.
- (c) Unless the Leader of the Council directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Council's Scheme of Delegations and Executive Functions

- (a) Subject to (b) below, the Council's scheme of delegations will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required and set out in the provisions of the Council's Constitution.
- (b) The Leader of the Council is able to decide to delegate executive functions. He/she may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Monitoring Officer 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 Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader and the changes will also be published on the Council's Website.
- (c) 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 it on its chair.

1.5 Conflicts of Interest

- (a) Where the Leader of the Council has a conflict of interest, this should be dealt with as set out in the Council's Code of Conduct that forms part of the Council's 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.
- (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 and otherwise as set out in the Council's Code of Conduct.

1.6 Executive Meetings – When and Where?

The Cabinet will meet at least 6 times per year at times to be agreed by the Leader of the Council. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader of the Council.

1.7 Quorum

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 Deputy Leader / Vice-Chair of the Cabinet), or 3 (including the Leader or Deputy Leader or the member appointed by the Leader to preside in his/her absence), whichever is the larger.

1.8 How are Decisions to be taken by the Cabinet?

- (a) Executive decisions that have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules set out in 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.

1.9 How are Decisions to be taken by Cabinet members?

Executive decisions which have been delegated to Cabinet members need not be exercised in public but must only be exercised in accordance with the procedure set out in the Access to Information Procedure Rules and the Executive (Cabinet) Procedure Rules.

2. How Are Cabinet Meetings Conducted?

2.1 Who Presides?

If the Leader of the Council is present he/she will preside. In his/her absence, then the Deputy Leader of the Council / Vice-Chair of the Cabinet or a Cabinet member appointed to do so by the Leader shall preside.

2.2 Who may Attend?

Meetings of the Cabinet will be open to the public, subject to the Access to Information Rules set out in the Constitution.

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 as set out in this Constitution;
- iv) matters set out in the agenda for the meeting, including (a) reports from an Overview and Scrutiny Committee, and that shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in this Constitution, and (b) petitions referred to the Cabinet in accordance with the Council's Petitions Scheme, as set out in Part 4 of the 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 and shall have regard to the Council's Consultation Policy.

2.5 Who can put items on the Cabinet Agenda?

The Leader of the Council 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 Monitoring Officer will comply with the Leader's requests in this respect.

Any member of the Council may ask the Leader of the Council 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. 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. However, there may only be up to one such item per Cabinet meeting.

The Monitoring Officer and/or the Chief Finance 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 accordance with their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance 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.

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