

EXECUTIVE ARRANGEMENTS AND CABINET MEETING PROCEDURE RULES

EXECUTIVE ARRANGEMENTS

1. As set out in the introduction of this Constitution, the Council has adopted a Leader and Cabinet form of governance. The Leader of the Council is responsible for the discharge of such functions as are the responsibility of the Cabinet of the Council i.e. all functions which, by law, must be the responsibility of the Cabinet, or which are not the responsibility of any other part of the Council, whether by law or under this Constitution. The Leader may make such arrangements as they think fit from time to time for the delegation and discharge of cabinet functions. Details of the current Cabinet Members are published on the website. [\[insert link once page live\]](#)

LEADER OF THE COUNCIL

2. The County Council shall appoint a Member of the Council as the Leader of the Council at its annual meeting in the year of regular four-yearly elections for County Councillors.
3. The Leader appointed under procedure rule 2 shall serve until the first meeting of the County Council after the next regular four-yearly election unless:
 - a. they resign from the office;
 - b. they are no longer a councillor; or
 - c. they are removed from office by resolution of the Council
4. If the serving Leader ceases to be Leader for one of the above reasons, the Council will elect a new Leader who will serve until the next regular four-yearly election for County Councillors.

THE DEPUTY LEADER

5. The Leader of the Council shall designate one Cabinet Member as Deputy Leader who may, in any circumstances that the Leader of the Council is unable to act, exercise the powers, duties and responsibilities of the Leader of the Council under the Constitution.
6. If the Leader of the Council ceases to hold the office, the Deputy Leader will act as Leader until a new Leader is appointed by the Council. Under these circumstances, the provisions of Paragraph 11 below shall not apply.
7. The Deputy Leader will hold office until the end of the Leader's term of office unless removed from the office by the Leader or they cease to be a Cabinet Member under Paragraph 11d below.

THE CABINET

8. The Leader shall specify the number of Members in addition to themselves who comprise the Cabinet being not less than two and not more than nine. This must include the appointment of a Deputy Leader.
9. The Leader of the Council shall appoint Members of the Council to serve on the Cabinet as Cabinet Members. Only Councillors may be appointed to the Cabinet and there may be no Deputies or Substitutes for Cabinet Members.
10. The Chairman and Vice-Chairman of the County Council may not be Members of the Cabinet and Cabinet Members may not be Members of the Overview Committee, any Select Committee or Health Scrutiny Committee or their Sub-Committees.
11. Cabinet Members will serve until the first meeting of the County Council after the next regular four-yearly election unless:-
 - a. they resign from office;
 - b. they are no longer a Councillor;
 - c. they are removed from office by the Leader of the Council; or
 - d. the Leader of the Council resigns or no longer holds office.

CABINET SUPPORT MEMBERS

12. The Leader shall appoint up to seven Cabinet Support Members from time to time to support the work of the Cabinet Members.
13. Cabinet Support Members will serve until the first meeting of the County Council after the next regular four-yearly election unless:-
 - a. they resign from office;
 - b. they are no longer a Councillor;
 - c. they are removed from office by the Leader of the Council; or
 - d. the Leader of the Council resigns or is removed from office.
14. Cabinet Support Members may not be a member of the relevant Overview Committee or Select Committee that deals with an area for which they provide Cabinet support.

ROLE OF THE CABINET

15. The Cabinet is responsible for making proposals to the Council about what its priorities should be and how it should use its resources. Once approved by the Council, these proposals become the Council's Budget and Policy Framework.
16. The Cabinet is responsible for making all of the necessary arrangements in respect of Executive functions to ensure that the priorities identified by the Council are delivered within the Budget and Policy Framework set by the Council.
17. The Cabinet is empowered to do anything within its legal powers with regard to Executive functions, it considers necessary or appropriate to deliver the Council's priorities so long as it does not take any action or adopt any policy which is contrary to the Council's Budget and Policy Framework. Where appropriate the Cabinet may make recommendations to the relevant body in respect of any matters which are not within its remit, which include any suggested alterations to the Council's Budget and Policy Framework.
18. Before taking any decision or making any recommendation to Council, Cabinet will consider what consultation, if any, is appropriate, and undertake such consultation.
19. The Cabinet will consider and respond to reports and recommendations from Overview Committee and Select Committees in accordance with the Overview and Select Committee Procedure Rules.
20. The Cabinet shall add and remove organisations to the list of Outside Bodies. The Cabinet Member – Business Management will appoint the representatives to organisations on the Outside Bodies list.
21. The Cabinet will as appropriate or necessary in the circumstances seek the advice of the Chief Executive, the Monitoring Officer, the relevant Chief Officer and/or the Chief Finance Officer on any matter and shall have regard to any advice so given.

ROLE OF CABINET MEMBERS

22. The Leader will delegate a range of Services (or "Portfolio") to each Member appointed to the Cabinet. Each Cabinet Member will be responsible for overseeing the Cabinet's responsibilities in relation to the Services and functions within their Portfolio.
23. The Leader will decide the extent to which responsibility for formal decision-making for functions of the cabinet is held collectively by the Cabinet, by individual Cabinet Members or officers.
24. The Leader will notify the Monitoring Officer of any amendments to the delegations to Cabinet Members. The Monitoring Officer will then update the Constitution and notify all councillors.

25. The Leader of the Council will have overall responsibility for the operation of the Cabinet and its decisions.

ROLE OF CABINET SUPPORT MEMBERS

26. Cabinet Support Members do not have specific constitutional delegated decision making powers but they shall have the authority to:
- a. assist Cabinet Members to ensure the implementation of County Council policy; monitor and evaluate the budget implications of decisions and work with senior officers, stakeholders and Members; and
 - b. research and gain expertise in relevant issues affecting a particular portfolio and be aware of and responsive to developing problems, and assist the Cabinet Member in dealing with issues arising as required from time to time; and
 - c. develop and maintain a clear understanding of the Portfolio, the scope and range of the services and policies in respect of those services; and
 - d. assist Cabinet Members to ensure the delivery of continuous improvement and services and implementation of best practice in their portfolios; and
 - e. assist Cabinet Members to ensure an appropriate consultation programme is developed for their area of responsibility, to involve local people and communities in the decisions of the Council as fully as possible; and
 - f. attend Cabinet meetings in the absence of their Cabinet Member for the purpose of presenting information in relation to matters affecting the portfolio (but not to vote); and
 - g. liaise and consult with non-Cabinet Members as the relevant Cabinet Member may from time to time determine and direct; and
 - h. chair working groups and attend Cabinet Committees as required.

EXECUTIVE DECISIONS

The Cabinet

27. Cabinet decisions which are taken by the Cabinet as a whole will be taken at meetings held in public (except where exempt or confidential information is to be discussed) convened in accordance with the Access to Information Rules in **Section XX** of the Constitution.
28. The Cabinet may collectively take any decision on any matter delegated to the Cabinet by the Leader, or that has been referred to the Cabinet by a Cabinet Member, the Chief Executive, or any Chief Officer, or is one which the Cabinet have specifically reserved for decision to them. Cabinet decisions will be taken at meetings of the Cabinet. Where decisions are delegated to a committee of

Cabinet, the rules that apply to decisions taken by them shall be the same as those taken by Cabinet.

29. Cabinet has no power to:
 - a. take decisions on matters reserved to the Full Council;
 - b. take decisions on any matters reserved to the Full Council or any committee of the Council by law or under this Constitution.
30. The Leader may establish (and disestablish) one or more Cabinet Committees on a task and finish basis. They shall appoint the Chairman and members of the Cabinet Committee from amongst the Members of the Cabinet and may delegate powers to it. The details of any Cabinet Committee and the powers delegated to it shall be recorded in this Constitution. The Cabinet Committee meetings will be held in public and will follow the Access to Information Procedure Rules.
31. The Leader may also establish (and disestablish) working groups comprising Members and officers to oversee specific projects, functions or services or to undertake reviews. Such working groups do not have the power to take decisions on behalf of the Council and are informal structures not subject to the provisions of the Access to Information Procedure Rules (except the additional rights of Access for Members).
32. The Cabinet may delegate to a committee of Cabinet or to an officer any power, responsibility or function within its responsibility, and may vary any such delegation of a responsibility or function. Where appropriate the details of any such delegation of a responsibility or function and/or variation to any such delegation shall be recorded in this Constitution.
33. Subject to Paragraph 27 above, the Cabinet may collectively take any decision on any matter within the scope of the executive's role, notwithstanding that a Cabinet Member, Cabinet Committee or an officer may also be authorised to make such decision. If a decision has been made and implemented under properly authorised delegated authority by a Cabinet Member, Cabinet Committee or officer then it shall not be invalidated by any decision of the Cabinet.
34. Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated those functions.
35. Members of the Cabinet when making decisions must pay particular regard to potential or perceived conflicts of interest and the rules on pre-determination, bias, interests, gifts and hospitality set out in the applicable Codes of Conduct in **Section XX** and paragraphs 46 to 50 below.

Cabinet Members

36. The Leader of the Council may also delegate specific decision making powers to a specified Cabinet Member on a time limited basis. All such allocations are to be recorded in a list by the Leader and notified to Democratic Services.
37. Cabinet Members may only take decisions within the approved budget and may not have delegated power to take decisions that are by law not the responsibility of the Council's Executive or decisions that are reserved by the Leader to the Cabinet as a whole. No decision shall be made by a Cabinet Member who has a conflict of interest or where such action would be contrary to a Code of Conduct in any other way or would be unlawful.
38. The exercise of delegated powers by a Cabinet Member is always subject to this Constitution, including the County Council's Budget and Policy Framework rules, the Call-in provisions, the Access to Information Rules and Financial Regulations.
39. Delegated powers can only be exercised once the Cabinet Member has considered a written report from the relevant Corporate Director or their nominee, which meets the Council's report writing requirements and where appropriate, includes advice from the relevant Statutory Officers.
40. The decision of the Cabinet Member must:
 - a. be in writing, signed by them and by the Chief Officer concerned;
 - b. include a record of the reasons for the decision, details of any alternative options considered and rejected at the time by the Cabinet Member;
 - c. include a record of any conflict of interest in relation to the matter decided which has been declared by any Member of the decision-making body, and in respect of such declared conflicts of interest, a note of any dispensation granted by the Proper Officer.
41. A copy of such decision must be given within 1 working day to Democratic Services on behalf of the Proper Officer. Democratic Services will publish the decision on the Council's website within 3 working days of it being taken.
42. Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated those functions.
43. Cabinet Members making decisions should pay particular regard to potential or perceived conflicts of interest and the rules on pre-determination, bias, interests, gifts and hospitality in the applicable Codes of Conduct in **Section XX** and paragraphs 46 to 50 below.

Key Decisions and the Forward Plan

44. A Key Decision is one made in the exercise of a Cabinet function which is likely:
 - a. to result in the County Council incurring expenditure which is, or the making of savings which are, significant, having regard to the County Council's budget for the service or function to which the decision relates; or
 - b. to be significant in terms of its effect on communities living or working in an area comprising two or more electoral divisions in the area of the County Council
45. Key Decisions are taken by Cabinet, Cabinet Committees and Cabinet Members. Key Decisions may also be taken by officers in exceptional circumstances.
46. Notice that a Key Decision is to be taken will be published at least 28 days in advance in the Forward Plan, subject to the Access to Information Rules in **Section XXX**.

Chief Officers

47. The Leader may delegate to a Corporate Director any power or responsibility or function which it is in law the responsibility of the Cabinet to discharge and will maintain a scheme of such delegations in **section XX** of the Constitution.
48. Corporate Directors may in turn delegate any responsibilities that have been allocated to them to another officer and maintain a record in accordance with the Officer Scheme of Delegations.
49. Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated those functions.
50. Officers making decisions should pay particular regard to potential or perceived conflicts of interest and the rules on pre-determination, bias, interests, gifts and hospitality in the applicable Codes of Conduct in **Section XX** and paragraphs 46 to 50 below.

INTERESTS

51. No decision will be made by a Cabinet Member who has a conflict of interest or where such action would be contrary to the Code of Conduct for Councillors and Co-opted Members in any other way.
52. If every Member of the Cabinet has an interest which would prevent participation in the matter under consideration, they should seek advice from the Monitoring Officer.

53. If the exercise of an executive function has been delegated to a Cabinet Member and they are prevented from discharging that function because of one or more interests, then the Leader will determine how the decision will be taken.
54. If the exercise of an executive function has been delegated to an Officer and they are prevented from discharging that function because of one or more interests, then the Chief Executive will determine how the decision will be taken.
55. Individual decision makers should consider whether it would, in all the circumstances, be prudent for a decision which would otherwise fall to be taken by them to instead be taken (or ratified) by:
 - a. in the case of a Cabinet Member, by the Cabinet collectively;
 - b. in the case of an officer, by their manager or another officer with equivalent authority; or, in the case of a Cabinet decision by a Cabinet Member or the Cabinet collectively or, in the case of a Council decision, by an appropriate committee or sub-committee;
 - c. in the case of a decision maker under a specific delegation, by the person or body who made that delegation.
56. Individual decision makers should also have particular regard to whether a decision should be made in consultation with any Officer or Member and of the need to consult and take advice as appropriate.

CABINET MEETING PROCEDURE RULES

INTRODUCTION

57. The Committee and Sub-Committee Procedure Rules apply for meetings of the Cabinet with the following exceptions and/or additions:

MINIMUM ATTENDANCE (QUORUM) AND CHAIRING OF THE MEETING

58. The quorum for a meeting of the Cabinet shall be three including the Leader of the Council, or if they are absent, the Deputy Leader. Except where the Cabinet has been specifically called to meet because both the Leader and Deputy Leader are unable to act. If the Leader of the Council is present they will chair the meeting and if they are absent the Deputy Leader will chair.

ORDER OF BUSINESS

59. The order of business at each meeting of the Cabinet will usually be:-
- a. confirmation of the minutes of the last meeting
 - b. apologies for absence, including reasons
 - c. declarations of interest
 - d. any matters referred to Cabinet (whether by an Overview or Select Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Select Committee Procedure Rules or the Budget and Policy Framework Procedure Rules set out in this Constitution
 - e. consideration of reports from Overview and Select Committees; and
 - f. any matters set out in the agenda for the meeting, and which shall indicate which are key decisions and those which are not in accordance with the Access to Information Procedure Rules set out in **Section XX** of this Constitution.

AGENDA ITEMS

60. The Leader after consultation with the Chief Executive, will decide upon the agenda for Cabinet meetings.
61. The Cabinet may require any Cabinet Member or the Leader of the Council or Chief Officer to report to the Cabinet on any matter which the Cabinet specify and which is within its or their purview.
62. Any Cabinet Member may request the Leader of the Council to arrange for an item to be placed on the agenda for the next available meeting of the Cabinet for

consideration. The Leader will decide whether or not the item will be included on the agenda.

63. Any matter referred to Cabinet by Overview Committee or a Select Committee or by Council will be placed on the agenda of the next available Cabinet meeting for consideration.
64. The Monitoring Officer, the Chief Finance Officer and/or the Head of Paid Service may require the Proper Officer to include an item for consideration 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.
65. Cabinet Members will normally present their reports in person. However, in the event that a Cabinet Member is unable to attend a meeting of Cabinet in person they may nominate another Cabinet Member or a Cabinet Support Member to present their report (a "Cabinet Nominee").
66. In the event that a Cabinet Nominee is unable to respond to any questions which in the opinion of the Leader (or Deputy Leader if they are chairing the meeting) require a response the Leader or Deputy Leader shall undertake to refer any such questions to the Cabinet Member for a written response to the Member(s) concerned as soon as is practicable but no later than the next meeting of Cabinet.
67. The Chief Executive will be the Proper Officer for matters relating to the membership and meetings of the Cabinet, including summoning meetings, circulating the agenda and papers for such meetings, and recording every decision taken by the Cabinet itself. Such record shall include the reasons for such decision and any alternative options considered and rejected.

RULES OF DEBATE

68. The order and length of any contribution to discussion shall be at the discretion of the Leader or the Deputy Leader if they are chairing the meeting.

ATTENDANCE AT MEETINGS

69. The meeting will usually be held at County Hall, West Bridgford and be open to the public to attend.
70. Cabinet Support Members shall be able to attend meetings of Cabinet but shall not be able to vote on any decision of Cabinet.
71. Any person entitled to do so by the Access to Information Procedure Rules in **Section XX** of this Constitution may attend and observe a Cabinet Meeting.
72. At a meeting of Cabinet, a Councillor may request to speak on a matter under consideration at the meeting. The exercise of this right is subject to prior agreement by the Leader (or Deputy Leader if they are Chairing). Notice in writing

is required to the Leader from the Councillor requesting to speak no later than 9am on the working day before the meeting and must include the item(s) they wish to speak on and the reasons the request is being made. If permission is granted, the Councillor will be invited to speak for a maximum of 5 minutes during the debate on the item requested, at a time determined by the Leader, but will not vote.

73. Cabinet may invite any person, whether or not a Member or officer of the County Council to address it and/or contribute to its discussion.
74. Up to two representatives nominated by the Overview Committee shall be entitled to attend and speak (but not to vote) at a meeting of the Cabinet when it considers any reference back of a called-in decision.

CONSULTATION

75. Reports to the Cabinet from any Cabinet Member or an officer on a proposal relating to the budget and policy framework must contain details of consultation with stakeholders and the relevant Overview or Select Committee, and the outcome of that consultation.
76. Reports about other matters will set out the details and outcome of consultation as appropriate.
77. Each Cabinet Member may from time to time make arrangements for consultation with persons or bodies who are not members of the Council about any matter within the portfolio of that Cabinet Member. These arrangements shall not lead to any delegated powers being vested in any person or body so consulted or asked to advise.