

(Section C – Cabinet and Cabinet Committee)

**Section C – Cabinet and Cabinet Committee - Procedural Standing Orders**

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### **Calendar of meetings**

1. Subject to Standing Order 3 below, meetings of the Cabinet will take place in accordance with a programme decided annually by the Full Council.

### **Extraordinary Meetings**

- (2) The Leader of the Council may request the Chief Executive to call an Extraordinary Meeting of Cabinet

### **Place and Time of Meetings and Agenda**

3. (1) Meetings shall be held in County Hall, Preston, on a Thursday at 2 pm or at such other time as the Cabinet may decide.  
(2) The Leader of the Council, at his or her discretion, may alter the time, date or place of the meeting.  
(3) The Chief Executive shall issue an agenda not less than five clear working days before a meeting.

### **Attendance at Meetings**

4. All Councillors present during the whole or part of a meeting of Cabinet shall have their attendance recorded.

### **Chair of Meeting**

5. At every meeting the Leader of the Council, if present shall act as Chair and shall preside. If the Leader is absent, the Deputy Leader, if present, shall preside. If both the Leader and the Deputy Leader are absent, the Cabinet shall elect a Chair from one of its members for the duration of the meeting.

### **Chair's Interpretation and Application of Standing Orders**

6. (1) The ruling of the Chair at any meeting, as to the interpretation and application of any of these Standing Orders, or as to the proceedings of Cabinet, shall be final.  
(2) The Chair may be invited to explain or reconsider a ruling by any voting member. Once this has been provided, the Chair's ruling cannot be challenged further, other than by an order of the court.

### **Chair Standing - Call to Order**

7. If the Chair so directs or stands, a Councillor speaking must immediately be silent.

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### **Interruption by a County Councillor**

8. (1) If a Councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Councillor be not heard further. If seconded, the motion will be voted on without discussion.
- (2) If the Councillor continues to behave improperly after such a motion is carried, the Chair may move that either the Councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded the motion will be voted on without discussion.

### **Interruption by a member of the public**

9. If a member of the public interrupts the meeting the Chair will warn the person concerned. If he/she continues to interrupt the Chair will order his/her removal from the meeting room.

### **General Disturbance**

10. If there is a general disturbance making orderly business impossible the Chair may adjourn the meeting for as long as he/she thinks necessary.

### **Minutes**

11. (1) The Chair will sign the minutes of the proceedings at the next suitable meeting to confirm that they are a correct record. The minutes of a meeting shall not be discussed other than in relation to their accuracy.
- (2) Where the next Cabinet meeting is an Extraordinary Meeting the minutes shall be signed at the next Ordinary meeting.
- (3) A record of each decision taken by the Cabinet shall be published in accordance with Standing Order 30.

### **Quorum**

12. The quorum at a meeting of the Cabinet or a Cabinet Committee shall be two voting Councillors at the time of the meeting. If at any time there is not a quorum, the meeting shall be adjourned for 15 minutes. If after that time there is still not a quorum, the meeting and any remaining business shall stand adjourned to a time fixed by the Chair or, if he/she does not fix a time, to the next ordinary meeting.

### **Cabinet Committee Membership and Voting Rights**

13. Committees of the Cabinet shall comprise members of the Cabinet and such other County Councillors and co-opted members as the Leader shall decide. Only Cabinet Members may vote.

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### **Attendance at Meetings**

14. (1) Lead Members may, in the absence of the relevant Cabinet Member, attend meetings of the Cabinet and participate fully in discussion on all agenda items, but cannot vote.
- (2) The Leader and Deputy Leader of the main opposition group may, as of right, attend meetings of the Cabinet and participate fully in discussion on all agenda items, but cannot vote.
- (3) Meetings of the Cabinet and any Committees of the Cabinet shall have in attendance the Chief Executive, the Chief Financial Officer, the Monitoring Officer and other relevant Executive Directors in the light of items to be discussed, or their nominated representatives.
- (4) Subject to Standing Order 14 (1) and (2) above and to the provisions of the councillor's Code of Conduct and the Council's Access to Information Rules, any councillor may attend a meeting of the Cabinet as an observer but shall not be entitled to speak.

### **Exclusion of Press and Public**

15. (1) The Cabinet may exclude the press and other members of the public from a meeting during an item of business wherever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt or confidential information
- (2) If any question arises at a meeting of the, Cabinet or Cabinet Committee as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service, or as to the conduct of, any person employed by the County Council, such question shall not be the subject of discussion until the Cabinet or Cabinet Committee, as the case may be, has decided whether or not the power of exclusion of the public under the relevant statutory power shall be exercised.
- (3) The business which is the subject of a resolution under Standing Orders 15(1) or 15(2) above shall stand adjourned until all other business of the meeting has been transacted whereupon the press and other members of the public shall leave the meeting and the adjourned business shall then be considered.

### **Procedure for dealing with matters of Urgent Business**

16. (1) The Leader (or in his/her absence the Deputy Leader) and the relevant Cabinet member may deal with matters of urgency which cannot await a meeting of the Cabinet.
- (2) During the period beginning with the fourth day after the County Council

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Elections and ending on the date of the first Annual Meeting of the new Council, the Chief Executive may deal with matters of urgency which cannot await a meeting of the Cabinet where delay would significantly and materially prejudice the interests of the County Council or the inhabitants of the County.

- (3) The Chief Executive shall only exercise the powers at Standing Order 16(2) above following consultation with the Leader (or in his/her absence, the Deputy Leader) of any political group with an overall majority, or if there is no majority political group, the Leader (or in his/her absence the Deputy Leader) of all political groups on the Council. In the event there is no Leader or Deputy Leader of any political group during that period, the Chief Executive shall consult with a representative or representatives of that group as he/she considers appropriate.

**Procedure for dealing with matters of Urgent Business at meetings**

17. An item of business not included on an Agenda shall only be considered where, by reason of special circumstances which shall be specified in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

**Executive Meetings held in public**

18. (1) All decision-making meetings of the Cabinet or of any Committee of the Cabinet shall be held in public
- (2) Standing Order 18(1) above does not apply if there would be a disclosure of exempt or confidential information
- (3) If the Cabinet or any committee of the Cabinet wish to hold a meeting or part of a meeting in private, it must, at least 28 clear days before a private meeting, make available at County Hall, Preston, a notice of its intention to hold the meeting in private, and publish that notice on the Council's website.
- (4) A notice under Standing Order 18(3) above must include a statement of the reasons for the meeting to be held in private.
- (5) At least five clear working days before a private meeting, the Cabinet or Cabinet Committee must make available at County Hall, Preston, a further notice of its intention to hold the meeting in private, and publish that notice on the Council's website.
- (6) A notice under Standing Order 18(5) above must include:
- (a) a statement of the reasons for the meeting to be held in private;
- (a) details of any representations received by the Cabinet or Cabinet Committee about why the meeting should be open to the public; and

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- (b) a statement of its response to any such representations.
- (7) Where the date by which a meeting must be held makes compliance with Standing Orders 18(3) above impracticable, the meeting may only be held in private where the Cabinet or Cabinet Committee has obtained agreement from:
  - (a) the Chair of the relevant Overview and Scrutiny Committee; or
  - (b) if there is no such person, or if the Chair of the relevant Overview and Scrutiny Committee is unable to act, the Chairman of the County Council; or
  - (c) where there is no Chairman of either the relevant Overview and Scrutiny Committee or of the County Council, the vice-chairman of the County Council,that the meeting is urgent and cannot reasonably be deferred.
- (8) As soon as reasonably practicable after the Cabinet or Cabinet Committee has obtained agreement under Standing Order 18(7) above to hold a private meeting, it must make available at County Hall, Preston a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and publish that notice on the Council's website.

**Consideration of Key Decisions**

- 19.** (1) A key decision means an executive decision which is likely:
- (a) to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function which the decision relates; or
  - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the council.

For the purposes of paragraph (1) (a), the threshold for "significant" is £1.6 million.

- (2) Where a decision maker intends to make a key decision, that decision must not be made until a document has been published in accordance with Standing Order 19(3) below, which states:
  - (a) that a key decision is to be made;
  - (b) the matter in respect of which the decision is to be made;

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- (c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
  - (d) the date on which, or the period within which, the decision is to be made;
  - (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
  - (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
  - (g) that other documents relevant to those matters may be submitted to the decision maker; and
  - (h) the procedure for requesting details of those documents (if any) as they become available.
- (3) At least 28 clear days before a key decision is made, the document referred to in Standing Order 19(2) above must be made available for inspection by the public at County Hall and on the Council's website and intranet.
- (4) Where, in relation to any matter including exempt or confidential information the document referred to in Standing Order 19(3) above must contain particulars of the matter but may not contain any confidential or exempt information.
- (5) At least 5 clear working days before a key decision is made, the relevant report in respect of the decision to be made must be made publicly available.

**General Exception to the Publication of the Intention to make a Key Decision**

- 20.** (1) Where the publication of the intention to make a key decision in accordance with Standing Order 19(3) above is impracticable and the matter would be a key decision, that decision shall only be made:
- (a) where the Chief Executive has informed the Chair of the relevant Overview and Scrutiny Committee or, if there is no such person, each member of the relevant Overview and Scrutiny Committee by notice in writing, of the matter about which the decision is to be made;
  - (b) where the Chief Executive has made available at County Hall, Preston for inspection by the public and published on the council's website a copy of the notice given under Standing Order 20(1)(a) above; and



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- (c) after five clear working days have elapsed following the day on which the Chief Executive made available the notice referred to in Standing Order 20(1)(b) above.
- (2) As soon as reasonably practicable after the Chief Executive has complied with Standing Order 20(1) above, he or she must make available at County Hall, Preston a notice setting out the reasons why compliance with Standing Order 19(3) above is impracticable; and publish that notice on the council's website.

**Urgent Key Decisions**

21. (1) Where the date by which a key decision must be made makes compliance with Standing Order 19(5) above impracticable, the decision shall only be made where the decision maker has via the Chief Executive obtained agreement from:
- (a) the Chair of the relevant Overview and Scrutiny Committee; or
  - (b) if there is no such person, or if the Chair of the relevant Overview and Scrutiny Committee is unable to act, the Chair of the County Council; or
  - (c) where there is no Chair of either the relevant Overview and Scrutiny Committee or of the County Council, the Deputy Chair of the County Council,
- that the making of the decision is urgent and cannot reasonably be deferred.
- (2) As soon as reasonably practicable after the Chief Executive has complied with Standing Order 21(1) above, he or she must make available at County Hall, Preston a notice setting out the reasons why compliance with Standing Order 19(3) above is impracticable; and publish that notice on the council's website.

**Report of Urgent Key Decisions to Full Council**

22. The Leader shall submit, or ensure the submission of, a report to each Full Council containing details of each key decision taken in the period since the last Full Council and agreed as urgent. The report shall include particulars of each such key decision and a summary of the matters in respect of which each decision was made.

**Urgent Determinations outside Budget or Policy Framework**

23. (1) Any proposed determination of a matter in the discharge of a function of the Cabinet collectively, a member of the Cabinet, or a Committee of the Cabinet which is contrary to the Budget or Policy Framework set by the Full Council may only be taken in exceptional circumstances where:

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- (a) the decision may reasonably be regarded as urgent and is designated as urgent by the relevant decision taker and
  - (b) the relevant decision taker has obtained a statement in writing that the determination needs to be made as a matter of urgency from the Chair of the relevant Overview and Scrutiny Committee or, in his/her absence, the Chairman of the County Council, or in his/her absence, the Vice-Chairman and, in the case of a proposed decision outside the Budget set by the Full Council, also from the Cabinet Member for with responsibility for Resources, or in his/her absence, the Leader of the Council.
- (2) Urgent determinations taken under Standing Order 23(1) above must be reported to the next available meeting of the Full Council giving details of the emergency or other circumstances in which it was made and the reasons for the determination.
- (3) Notwithstanding Standing Orders 23(1) and 23(2) above, the Cabinet may make additions and amendments to the approved Capital Programme provided that a source of finance, other than borrowing, has been identified and the revenue consequences can be contained within existing budgetary provision.

**Disputes as to Decisions outside Budget or Policy Framework**

24. (1) In the event of disagreement or doubt as to whether a proposed decision is outside the Budget, this will be determined by the Chief Financial Officer who shall consult as necessary with the Monitoring Officer and all relevant Executive Directors.
- (2) In the event of disagreement or doubt as to whether a proposed decision is outside the Policy Framework, this will be determined by the Monitoring Officer who shall consult with all relevant Executive Directors.

**Report to Full Council where Key Decision Procedure is not followed**

25. Where a decision which was not treated as being a key decision has been made and a relevant Overview and Scrutiny Committee is of the opinion that the decision should have been treated as a key decision that Committee may require the Cabinet to submit a report to the Full Council, within such reasonable period as the Committee may specify. The report shall include the following details:
- (a) the decision and the reasons for the decision;
  - (b) the decision making body by which, or the individual by whom, the decision was made; and
  - (c) if the Cabinet is of the opinion that the decision was not a key decision, the reasons for that opinion.

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### **Notification of Cabinet Functions Allocated by the Leader and Cabinet**

26. The allocation of Cabinet functions shall be included in the Scheme of Delegation to Cabinet Members and the Scheme of Delegation to Officers. Amendments to these schemes and the delegation of functions to Committees of the Cabinet shall be reported to the Full Council at its next meeting and will be included in the Constitution.

### **Advice When Taking Decisions**

27. Decisions (including decisions taken under Standing Orders 20, 21 and 23) above shall be taken only after the decision taker has considered any advice given by the Chief Executive, the Chief Financial officer, the Monitoring Officer and any other appropriate Executive Director or their nominated representatives.

### **Taking Effect of Executive Decisions**

28. (1) Subject to Standing Order 28(3) and 29 below, any urgent decisions taken by the Leader (or in his/her absence the Deputy Leader) and the relevant Cabinet Member (including decisions taken under Standing Orders 20, 21 and 23) above, shall not take effect unless and until formally recorded in a form approved by the Chief Executive, and signed by the relevant decision takers and the Chief Executive or the appropriate Executive Director or his/her nominated representative as to the appropriateness of the record.
- (2) Subject to Standing Orders 28(3) and 29 below, decisions taken by Cabinet collectively (including decisions taken under Standing Orders 20, 21 and 23) above, shall be recorded in the minutes of the meeting and shall take immediate effect and a record of the decision taken published in accordance with Standing Order 30 below.
- (3) Decisions may be implemented on the expiry of three working days after the publication of a decision taken by Cabinet collectively or following the publication of an urgent decision taken by the Leader (or in his/her absence the Deputy Leader) and the relevant Cabinet Member, unless a meeting of the relevant Overview and Scrutiny Committee is called in accordance with and for the purpose of Standing Order E1 below. In such cases, no action can be taken to implement the decision until the Committee has met and if necessary, the decision taker has responded in accordance with the process set out in Standing Order E2(11) below to any request for the decision to be reconsidered.

### **Decisions requiring urgent implementation**

29. The Cabinet, a member of the Cabinet, a Committee of the Cabinet or an officer, may designate a decision as urgent if it is required to be acted upon urgently

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because any delay in its implementation could adversely affect the efficient execution of the County Council's responsibilities. In such cases a decision can be implemented immediately without waiting for three working days under Standing Order 28(3) above. The designation and the reasons for it shall be recorded as part of the decision. Where a decision is designated as urgent under this Standing Order an Overview and Scrutiny Committee shall not be entitled to exercise its functions under Section 21(3)(a) or (b) of the Local Government Act, 2000, (call-in) in relation to that decision.

### **Recording and Publication of Executive Decisions**

- 30.** (1) For the purposes of this Standing Order, the Proper Officer shall be the Chief Executive.
- (2) As soon as is reasonably practicable after an Executive decision has been made, the Proper Officer or a nominated representative, shall produce a written record in respect of that decision and which shall include the information specified in Standing Order 30(3) below. As soon as the record has been produced it shall be made available for inspection at County Hall and on the Council's website and Intranet.
- (3) The information to be contained in the written records referred to in Standing Order 30(2) above shall include:
- (a) details of the decision and the reasons for the decision;
  - (b) details of any alternative options considered and rejected;
  - (c) details of any conflict of interest declared by:
    - i. any member of the meeting taking the decision; or
    - ii. any member of the Cabinet who is consulted by the Leader (or in his/her absence the Deputy Leader) and the relevant Cabinet Member taking an urgent decision, or
    - iii. an officer taking the decision under delegated authority
 together with details of any dispensation granted.

### **Overview and Scrutiny**

- 31.** The above Standing Orders (18 to 30) should be read in conjunction with those relating to Overview and Scrutiny in Section E below.

### **Length of Speech**

- 32.** Members of the Cabinet and the opposition Leader and Deputy Leader may, at the discretion of the Chair, speak as often and for as long as the Chair allows.

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### **Moving of Reports at Cabinet meetings**

- 33.** (1) Only a Cabinet Member may move the recommendations contained in a report at a Cabinet meeting. In doing so, Cabinet may make amendments to the published recommendations.
- (2) Amendments to published recommendations must be relevant to the subject of the report.
- (3) Recommendations moved at Cabinet do not need to be seconded.

### **Voting**

- 34.** (1) Only Cabinet Members may vote at Cabinet meetings.
- (2) Votes shall be by show of hands or by affirmation of the meeting.
- (3) Subject to Standing Order 33(3) below, any matter will be decided by a simple majority of Cabinet Members present in the room at the time the question was put.
- (4) Any six Cabinet Members may request a named vote and shall signify their wish for a named vote by a show of hands. The names for and against and those abstaining shall then be taken down in writing and recorded in the minutes.
- (5) Immediately after a vote is taken any Cabinet Member may request that it is recorded in the Minutes of that meeting how he/she voted, or abstained from voting,
- (6) The Chair of a meeting shall have, in case of equality of votes, a second or casting vote.