

Part C – The Cabinet

Section C3:- Cabinet Procedure Rules

In Part C:-

Section C1 contains an overview of the Cabinet and the discharge of Cabinet functions.

Section C2 sets out the roles and attributes of Cabinet Members and Opposition Group Leaders

This Section (C3) contains the Cabinet Procedure Rules which govern Cabinet meetings and Cabinet decision taking.

Part C – The Cabinet

Section C3:- Cabinet Procedure Rules

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1. Constituting and Appointing to the Cabinet Appointing the Leader

- 1.1 In a year where there is an ordinary election of Members to the Council, Annual Council will elect a Member to the office of Leader of the Council (“**the Leader**”) and that Member shall be the lead Cabinet Member.

Other Cabinet Members

- 1.2 The Leader will (usually at Annual Council) appoint between 2 and 9 more Members to the Cabinet and together this group of Members will form the Council’s Cabinet. The Leader will appoint one of the Cabinet Members to act as Deputy Leader.

Portfolio Responsibilities

- 1.3 The Leader will assign a range (or “**Portfolio**”) of Services areas to each Cabinet Member. Each Cabinet Member (or “**Portfolio Holder**”) will be responsible for overseeing the Cabinet’s responsibilities in respect of the Services within their Portfolio.

Assistant Cabinet Members

- 1.4 The Leader may appoint Members to the office of Assistant Cabinet Member. Assistant Cabinet Members cannot exercise any Cabinet (Executive) powers or substitute for a Cabinet Member.

Term of Office

- 1.5 Subject to paragraph 1.7 below, the Leader will hold office from the date of their appointment as Leader until the Annual Council following the next ordinary elections to the Council (usually a period of 4 years).
- 1.6 Subject to paragraph 1.7 below, the other Cabinet and Assistant Cabinet Members will hold office from the date of their appointment until the next Annual Council.
- 1.7 The office of the Leader, other Cabinet or Assistance Cabinet Members may come to an end (otherwise than provided for under paragraphs 1.5 and 1.6 above) if they:-
- (a) resign their Cabinet position

- (b) cease to be an Elected Member of the Council (including for the duration of any period of suspension under Part 3 of the Local Government Act 2000)
- (c) are removed from Cabinet office

Removal from Office

- 1.8 The Leader can be removed from office by a resolution of the Council.
- 1.9 Other Cabinet and Assistant Cabinet Members can be removed by the Leader giving written notice to the Member concerned and, at the same time, sending a copy of the notice to the Monitoring Officer.
- 1.10 Notice given under paragraph 1.9 above will take effect on the date specified in the notice which, in the case of Cabinet Members, cannot be less than 2 days after the date upon which the notice is received by the Monitoring Officer.

Information Required from the Leader

- 1.11 As soon as is reasonable practicable, the Leader shall inform the Monitoring Officer (for publication on the Council's website) and Council of (or changes to) the names and Portfolio responsibilities of each Cabinet Member and Assistant Cabinet Member.

2. Advisory Bodies and Delegation

Powers to Appoint Advisory Bodies and to Delegate

- 2.1 The Cabinet may constitute such advisory bodies (often called Task Groups or Policy Development Boards) that it considers necessary without any limitation on who may be a Member of the Advisory body. Advisory bodies cannot exercise Cabinet (Executive) powers.
- 2.2 The Cabinet may arrange for any of the decisions that it is collectively responsible for to be taken by a committee of the Cabinet or jointly with another authority.

Information Required from the Leader

2.3 As soon as is reasonable practicable, the Leader shall inform the Monitoring Officer (for publication on the Council's website) and Council of (or changes to) any arrangements made under paragraphs 2.1 and 2.2 above and in particular:-

- (a) the name of the Cabinet Member or body in question
- (b) if a body, its membership (including any Chairman or Deputy)
- (c) terms of reference
- (d) any limitations on the exercise of powers including any onward delegation
- (e) reporting and governance arrangements (if these procedure rules are expressly dis-applied to the body in question)

3. Cabinet Meetings

Meeting Dates

- 3.1 Council will approve and publish a calendar of meetings on a municipal year basis.
- 3.2 There will be a presumption against alterations to the calendar but the Leader may, in consultation with the Monitoring Officer alter the time, date or location of any meeting or convene a special meeting if necessary.
- 3.3 The Chief Executive, Monitoring Officer or Chief Finance Officer may require a special meeting of the Cabinet to be held in pursuance of their statutory duties.

Chairmanship

- 3.4 The Leader will chair meetings of the Cabinet or in his/her absence, the Deputy Leader will preside. Where both the Leader and Deputy Leader are absent the Cabinet will appoint one of its Members to preside.

Quorum

- 3.5 No business shall be transacted at a meeting where less than one half of all Cabinet Members are present.
- 3.6 If a meeting becomes inquorate after it has commenced then it shall be adjourned. Remaining business will be considered at the next meeting.

Conduct of Debate

- 3.7 All matters relating to motions and speeches shall be determined by the Chairman.

Voting

- 3.8 All matters will be decided by a simple majority of those present and voting in the room at the time the question is put.
- 3.9 Voting will be by a show of hands, or if there is no dissent and no call for a vote, by the Chairman being satisfied of the unanimous approval of the meeting.
- 3.10 Where there are equal votes cast the Chairman may exercise a second or casting vote.
- 3.11 A Member may require, after a vote is completed, that the Minutes of the meeting record whether and how they voted.
- 3.12 If one third of the Members present so request the vote will be recorded to show how each Member voted.
- 3.13 A Member may, immediately after the item of business is voted upon, request that a lost Motion be recorded in the Minutes.

Matters for Decision and Placing Items on the Agenda

- 3.14 All matters for decision by the Cabinet, shall be included within the agenda. Urgent items may be considered at the Leader's discretion subject to compliance with the rules relating to notice of decisions set out below.
- 3.15 Any Cabinet Member may place an item on a specified meeting agenda by notice given to the Monitoring Officer not less than 6 days prior to the date of the meeting in question.

- 3.16 The Leader may (at his or her sole discretion) exercise the power under paragraph 3.14 above at the request of any Council Member.
- 3.17 The Chief Executive, Monitoring Officer and Chief Finance Officer may all include items on agendas.
- 3.18 The Cabinet is obliged to consider all matters referred to it under the Scrutiny Procedure Rules or the Budget and Policy Framework Setting Procedure below.
- 3.19 There shall be an indication against each item on the agenda as to whether or not the item is classified as a Key Decision
- 3.20 Whilst the order of business at Cabinet meetings is a matter for the Leader to determine, there shall be an early item on every agenda requiring:-
- (a) Members to declare any relevant interests in any item appearing on the agenda. Members are required to observe the requirements in the Member Code of Conduct (Section G1) and withdraw from the meeting room at the appropriate point during the meeting where they have an interest which requires them to do so.
 - (b) the Cabinet to confirm the record of decisions taken at its last meeting.

Attendance at Meetings

- 3.21 Cabinet Members attending the whole or part of a meeting must sign their name on the attendance sheet provided.
- 3.22 Council Members on whose behalf the power under paragraph 3.15 above has been exercised may attend the relevant meeting and address the Cabinet at the appropriate point in the meeting.
- 3.23 The Cabinet may invite any person it considers appropriate to its meetings for the purpose of discussing matters of mutual interest or concern or to advise the Cabinet. Such persons may only be given access to confidential or exempt information on terms to be decided by the Monitoring Officer.

3.24 The Chief Executive, Chief Financial Officer and the Monitoring Officer (and their nominees) are entitled to attend any meeting of the Cabinet. The Cabinet may not meet unless the Monitoring Officer has been given reasonable notice that a meeting is to take place.

4 The Key Decisions Plan

Definition of Key Decision

4.1 A Key Decision is any Cabinet Decision (regardless of who takes it) which is likely to:-

- (a) result in expenditure (except internal operational expenditure on things like advertising, locum staff, office cleaning services, library books, vehicles, consumables, utilities etc...) or savings of £1million or more; or,
- (b) have a significant effect on communities living or working in an area comprising two or more wards.

The Forward Plan

4.2 Each month the Council shall publish a plan (the “**Key Decision Plan**”) covering up to 4 calendar months starting a month after publication. Each publication of the Key Decision Plan shall occur at least 28 days before it is to come into effect and shall contain, as far as can be reasonably ascertained at the time of publication, the following information:-

- (a) every matter likely to be the subject of a Key Decision
- (b) the identity and office of the decision taker(s)
- (c) the date on, or period during, which the decision is to be taken
- (d) how and when representations can be made to the decision taker
- (e) a list of documents to be submitted to the decision taker

4.3 The Plan shall also indicate which of the Key Decisions will be considered with the press and public excluded and will invite representations, to the Director of Governance, about the reasons for taking a decision in private.

Any responses to representations will be published as part of the item on the agenda at least five days before the meeting.

- 4.4 Any Key Decisions that emerge after the publication for the Key Decision Plan will require the approval of the Chairman of Overview and Scrutiny Committee and the notice of urgency will be available at the Council's Offices (Democratic Services), HQ, Chester) or on the Council's website.

5 Taking Decisions

- 5.1 All Cabinet decisions will be taken in accordance with the Principles of Decision Making set out in Section A2.

Decisions taken in Public

- 5.2 Under the arrangements put in place by Council, Cabinet decisions can be taken by the "**Collective Cabinet**" (being the Cabinet, or any committee formally appointed by the Cabinet), individual Cabinet Members or by Officers exercising delegated powers.
- 5.3 Decisions taken by individual Cabinet Members or Officers do not have to be taken in public, but are subject to requirements to give notice of decisions, keep records and provide access to information as set out below.
- 5.4 Decisions taken by the Collective Cabinet, will be taken at meetings which will be held in public unless the information to be discussed:-
- (a) cannot be discussed in public without risk of breaching a duty of confidence that the authority is under (usually because the information to be discussed was supplied in confidence or is subject to a court order prohibiting its disclosure); and/or,
 - (b) is exempt from disclosure under Schedule 12A of the Local Government Act 1972, the Freedom of Information Act 2000, the Data Protection Act 1998, the Human Rights Act 1998 or any other legislation relating to the prevention of disclosure of information.
- 5.5 If all (or upon decision part) of any Cabinet meeting is held in with the exclusion of the press and public, reasons for the need for such exclusion will

be given by reference to any or all of the relevant circumstances referred to in paragraph 5.4(a) and/or (b) above.

- 5.6 The Collective Cabinet may choose to meet in private even if the circumstances set out in paragraph 5.4(a) or (b) do not apply. This will only happen very rarely when it is considered necessary to efficiently conduct routine business which does not involve taking or discussing any Key Decisions.

Information Generated for Cabinet Meetings and Decisions

- 5.7 Cabinet meetings will require the production and publication of the following written information (“**Decision Information**”):-

- (a) meeting agendas (“**Agendas**”), setting out the business to be decided at a meeting
- (b) reports (“**Reports**”), (including any appendices or supplementary information) containing all of the information that the meeting needs to debate or decide a matter on the agenda
- (c) background documents (“**Background Documents**”), which are documents (that have not already been published) containing information that a report or a material part of a report is based on.
- (d) approved minutes, record of decisions or (where Exempt Information is discussed) a summary of proceedings and any decision reached (“**Minutes**”)

- 5.8 With the exception of Agendas, Cabinet decisions that are not taken in meetings will also ordinarily result in the production of Decision Information, although the formality of the documents produced will depend on the nature of the decision in question.

Information about Future Meetings and Decisions

- 5.9 The Monitoring Officer will normally give not less than 5 days’ notice of all meetings stating the nature of the meeting and the time and place where it will be held. If a meeting must be convened on shorter notice then notice shall be given at the time the meeting is convened. Where any matters are to be

considered in private then 28 days notice will be given in the published Key Decision Plan.

5.10 The Monitoring Officer will give notice under paragraph 5.9 above:

- (a) to all Members of the body to which the notice relates; and,
in respect of all meetings which are ordinarily held in public, by:-
- (b) displaying a copy of the notice at the Council's principal office; and,
- (c) making details of the meeting available on the Council's website

5.11 The Monitoring Officer will normally provide, not less than 5 days prior to a meeting, Agendas and Reports by:-

- (a) providing the same to all Members of the body in question; and,
in respect of all meetings which are ordinarily held in public, by:-
- (b) publishing the same on the Council's website; and,
- (c) ensuring that copies are available at the meeting in question

5.12 Where a report to be considered at a meeting is not available for publication with an agenda, the agenda item will be marked "to Follow" and the report (or any other updates or supplementary information) will be provided when available in accordance with paragraph 5.11 above.

5.13 Individual Cabinet Members taking non-Key Decisions will normally give not less than 5 days' notice (sent electronically and published on the website together with any Report) to all Members of the Council. If 5 days' notice cannot be given as much notice as possible will be given with an explanation for the reduced notice period.

5.14 Subject to the urgency procedures set out below, Key Decisions may not be taken unless the decision in question (and any report to be taken into consideration) has been published in the Key Decision Plan and notified to the Overview and Scrutiny Committee Chairman for a period of not less than 5 days.

Information about Past Meetings and Decisions

5.15 In respect of decisions of the collective Cabinet, individual Cabinet Members and all Key Decisions, the authority will retain:-

- (a) Background Documents for a period of 4 years from the date of the meeting; and,
- (b) all other Decision Information for a period of 6 years from the date of the meeting.

5.16 This information will usually be available on the Council's website but will also be provided in print on request. There may be a fee payable to cover the cost of providing printed information.

Exempt Information

5.17 Decision Information relating to the types of information described in paragraph 5.4(a) and (b) above is referred to as "**Exempt Information**" in this constitution.

5.18 Exempt Information provided to Members shall be marked "Not for Publication" and/or "Confidential" and/or "Restricted" and shall have written on it, by reference to any or all of the relevant circumstances referred to in paragraph 5.4 (a) and/or (b) above the reason why it is Exempt Information.

5.19 Exempt Information will not be provided to the public.

Urgent Key Decisions

5.20 A Key Decision which must be taken at a time which renders compliance with the notice requirement in paragraph 5.14 above impracticable, may nevertheless still be taken 5 days after the Monitoring Officer has:-

- (a) given notice of the matter that must be decided to the Chairman Overview and Scrutiny Committee (or failing that to every Member of Overview and Scrutiny Committee); and,
- (b) published the notice on the Council's website

5.21 A Key Decision which must be taken at a time which renders compliance with the notice requirements in paragraph 5.20 above impracticable may

nevertheless be still be taken once any of the following (to be sought in the following order) have agreed with the need for urgency:-

- (a) the Chairman of Overview and Scrutiny Committee
- (b) the Chairman of the Council; or if absent,
- (c) the Deputy Chairman of the Council

5.22 The Leader will submit quarterly reports to the Council of every decision taken under paragraphs 5.20 or 5.22 above.

5.23 Overview and Scrutiny Committee may, by resolution or by notice given to the Monitoring Officer by the Overview and Scrutiny Committee Chairman or by any 5 Scrutiny Members, require the Leader to submit a report to the next reasonably proximate Council meeting, if it is considered that a Key Decision has been taken otherwise than in accordance with the procedures in paragraphs 5.14, 5.20 or 5.21 above.

5.24 Reports required under paragraph 5.23 above will set out the particulars of the decision taken, who made the decision, and an explanation for the non-compliance including why (if it was the case) that the decision was not considered to be a Key Decision.

6 Recording and Implementing Cabinet Decisions

Recording Decisions

6.1 The Monitoring Officer will keep a record of every Key Decision taken and every decision taken by the Collective Cabinet or an individual Cabinet Member (the “**Decision Record**”).

6.2 The Decision Record will, in respect of each decision recorded under paragraph 6.1 above (the “**Recorded Decision**”), be the formal record the decision made, set out the date of the decision, the reasons for the decision and any alternative options considered.

6.3 The Monitoring Officer will normally publish every Decision Record on the Council’s website within 2 days of the date on which the decision was taken.

Implementing and Calling-in Cabinet Decisions

- 6.4 Subject to paragraph 6.6 below, Recorded Decisions shall only be implemented if:-
- (a) Notice of Call-in is not validly given under paragraph 6.5 below; or,
 - (b) where Notice of Call-In is validly given, if the Call-In Procedure under the Scrutiny Procedure Rules (Section E3) has been completed (without unreasonable delay) and Overview and Scrutiny Committee is not offering any advice or any advice that needs to be considered before the Decision is implemented
 - (c) where Notice of Call-In is validly given, if the Call-In Procedure under the Scrutiny Procedure Rules (Section E3) has been completed (without unreasonable delay) and the Decision taker has considered the advice offered
- 6.5 A Recorded Decision may be called-in by not less than 7 non-Cabinet Members serving notice in the prescribed form on the Monitoring Officer within 3 days of the date on which the Recorded Decision was published under paragraph 6.3 above.
- 6.6 Recorded Decisions may be implemented immediately where any of the following (to be sought in the following order) agree that the delay inherent in the call-in procedure would be likely to seriously prejudice the interests of the Council or the public:-
- (a) The Chairman of Overview and Scrutiny Committee
 - (b) The Chairman or (if absent) the Deputy Chairman of the Council
 - (c) The Chief Executive

7 Urgent Business

Absent Portfolio Holder

- 7.1 If a decision which falls to be taken by a Portfolio Holder needs to be taken whilst the Portfolio Holder is unavailable then the Leader may take the decision in consultation with the Chief Executive.

Urgent Collective Decisions

7.2 If a decision which falls to be taken by the Collective Cabinet needs to be taken before a quorate meeting can be convened the Chief Executive may take the decision provided that s/he has first consulted the Leader (or if absent the Deputy Leader) and the relevant Portfolio Holder(s).

Urgent Decisions Contrary to the Budget and Policy Framework

7.3 If a Cabinet decision contrary to the Budget and Policy Framework needs to be taken before a quorate Council meeting can be convened, the Chief Executive may take the decision once any of the following (to be sought in the following order) have agreed with the need for urgency:-

- (a) the Chairman of Overview and Scrutiny Committee
- (b) the Chairman of the Council; or if absent,
- (c) the Deputy Chairman of the Council

Recording Reporting and Giving Notice

7.4 The requirements of paragraphs 6.1 to 6.3 above in respect of recording decisions shall apply to decisions taken under this part with:-

- (a) in the case of decisions taken under paragraphs 7.1 or 7.2 above, the added requirement that the Decision Record shall set out the reasons for the Urgency and detail the consultations undertaken and responses received
- (b) in the case of decisions taken under paragraph 7.3 above, the further added requirement that the Decision Record shall be given to every Council Member.

7.5 In dealing with urgent matters under this part, advice must be taken from the relevant Chief Officer(s) and the Monitoring Officer and the requirements in respect of giving notice set out above shall also apply.

8 Budget and Policy Framework Setting Procedures

8.1 The Cabinet will publish a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget and

- Policy Framework. The timetable will include a period of not less than 6 weeks during which consultation on its proposals will take place.
- 8.2 The Cabinet will notify the Chairman of Overview and Scrutiny Committee of any timetable published under paragraph 8.1 above so that they may respond to the consultation should they choose to do so.
- 8.3 At the end of the consultation period the Cabinet will then draw up and report firm proposals to Council which shall have due regard to any consultation responses received.
- 8.4 The Council may then resolve:-
- (a) to refer, with direction and timescales, the matter back to the Cabinet for further consideration
 - (b) adopt the plan, strategy or budget in the form proposed by the Cabinet
 - (c) that it is minded to adopt the plan, strategy or budget in a different form from that proposed by the Cabinet
- 8.5 If the Council is minded to adopt resolution under paragraph 8.4(c) above then it shall give notice of the same setting out its different proposals and the reasons for them to the Monitoring Officer.
- 8.6 Upon receipt of a notice duly given under paragraph 8.5 above, the Leader will have a period of 5 days to consider whether to give notice on the Monitoring Officer stating either:-
- (a) that s/he does not object to the minded to adopt resolution; or
 - (b) with reasons, that s/he objects to Council's minded to adopt resolution
- 8.7 If the Leader gives notice under paragraph 8.6(a) above then the minded to adopt resolution referred to in paragraph 8.4(c) above will crystallise as a decision of the Council.
- 8.8 If the Leader does not give a notice under paragraph 8.6(b) above within the 5 day period referred to then upon expiry of the 5 day period the minded to adopt resolution referred to in paragraph 8.4(c) above shall crystallise as a decision of the Council.

- 8.9 If the Cabinet gives (and does not withdraw) a notice under paragraph 8.6(b) above then a meeting of the Council shall be convened within 10 days at which the Council will hear or receive written representations from the Leader before deciding whether (and in what form) to adopt the plan, strategy or budget in question.
- 8.10 In approving the Budget and Policy Framework, the Council will also set out the extent to which any virement or in-year policy changes may be undertaken by the Cabinet. Any other changes to the Budget and Policy Framework are reserved to the Council.

9 Public Speaking and Questions

- 9.1 Members of the public may speak or ask a question at a Cabinet meeting on any subject which is relevant to matters on the agenda.
- 9.2 Persons wishing to speak or ask a question are requested to give notice to the Director of Governance at least 3 days (if possible) before the meeting in question. This is to ensure that:-
- (a) the topic is appropriate for the meeting in question .
 - (b) the time allotted for public speaking and questions can be properly managed
 - (c) any information needed to answer a question can be provided to the meeting.
- 9.3 The Chairman will retain sole discretion as to the management of public speaking and questions but normally a total period of 15 minutes will be permitted with speakers being allowed to speak for up to 5 minutes each.
- 9.4 Questions will be asked and answered without debate.
- 9.5 In responding to questions Members may:-
- (a) decline to answer
 - (b) agree to answer at or by a later (specified) date (whether or not in writing)
 - (c) refer the question to a more appropriate forum, Member or Officer

9.6 Questions will not be answered if they:-

- (a) are about a matter that the Cabinet is not responsible for or does not affect the Borough
- (b) are defamatory, frivolous, offensive or vexatious,
- (c) require the disclosure of Exempt Information
- (d) make or relate to allegations against, or comprise comments about the conduct of individual Councillors or Officers.

9.7 Those speaking or asking questions must comply with the standard of conduct required of them under Section A3 of the constitution.

Attendance at Committees

9.8 Notwithstanding their rights as a member of the public, Members who are not Appointed Members (“**Visiting Members**”) may attend any meeting of a committee (even if considering Exempt Information) if required for the purposes of performing their duties as Members. Advice should be taken where meetings will be considering personal information of a sensitive or confidential nature.

9.9 Visiting Members:-

- (a) may not vote on committee business
- (b) will notify the Chairman at least 15 minutes prior to the start of the meeting if they wish to speak on a particular item. If advance notice is not given visiting members will not be allowed to speak (unless agreed by the Chair)
- (c) will, at the discretion of the Chairman, be invited to speak at the beginning of the debate on any item notified under paragraph 9.9(b) above, and be invited to sum up at the end of a debate.
- (d) will not, other than as provided for in paragraph 9.9(c) above or by the Chairman, be permitted to participate in any debate at the meeting.

10 Miscellaneous Matters

Officer Advice

10.1 The Chairman may request an appropriate Officer to offer advice or draw the attention of the Cabinet, to any relevant factors where a debate involves questions of a technical legal, financial or operational/administrative nature.

Disorderly Conduct and Disturbances

10.2 The Chairman may direct (or a Member may move), in respect of any Member considered to be misconducting themselves, that the Member shall not be heard further.

10.3 The Chairman may direct (or a Member may move), either following a direction (or resolution) under paragraph 10.2 above, or directly in the case of gross misconduct, either:-

- (a) that the Member in question leaves the meeting; or,
- (b) that the meeting is adjourned

10.4 The Chairman, in the event of a general disturbance at any meeting which they consider to be disrupting the orderly transaction of business, may adjourn the meeting for as long as is considered necessary.

10.5 The Chairman shall be at liberty to warn any member of the public in respect of their conduct at a meeting. In the case of persistent or gross misconduct the Chairman shall be at liberty to direct any person to be removed from the meeting.

10.6 In the event of a general disturbance in any part of the meeting room open to the public, the Chairman shall be at liberty to direct that part of the room to be cleared.

Exempt Matters

10.7 No Member shall disclose to any person the whole or any part of the contents of any agenda, report or other document which is marked “confidential” or “not for publication” unless and until the document has been made available to the public or the press by or on behalf of the Council, the Cabinet or a Committee.

10.8 No Member shall disclose the content of any discussions in the confidential part of any meeting.

10.9 No Member shall disclose to any person (other than a Member of the Council with a need to know) any matter arising during the proceedings of the Cabinet and which comes to their attention by virtue of their office as a Cabinet Member where such disclosure would prejudice the interest of the Council or would be contrary to law. If in any doubt advice should be sought from the Monitoring Officer.

Interpretation of Procedure Rules

10.10 The Chairman (who shall be entitled to take advice from the Monitoring Officer) shall determine all matters relating to the interpretation or application of these rules which arise during a meeting. The Chairman's decision shall be final.

10.11 The Monitoring Officer shall determine all matters relating to the interpretation or application of these rules which arise between meetings. The Monitoring Officer's decision shall be final.

10.12 Any requirement to make a notice or information available to anyone shall be fulfilled by publishing that information on the Council's website such that it is readily available to be viewed or printed off from the website and, if necessary, printed off at Council offices to be given to personal callers in hard copy.

10.13 References in these rules to an Officer shall include references to any duly authorised representative of that Officer.

10.14 References in these rules to Motions, shall include (where the context so requires or admits) references to amendments to Motions.

10.15 References in these rules to Committees shall be taken to include all Committees, Sub-Committees, Panels and Boards constituted by the Cabinet which exercise powers but shall exclude any Committee, Sub-Committee, Panel or Board that operates solely in an advisory capacity.

10.16 Reference in these Procedure Rules to a day or days shall be taken to mean between the hours of 9.00 and 17.00 on any day that is not a Saturday, Sunday or public holiday.

10.17 References in these Procedure Rules to a period of days that is to elapse between the occurrence of two specified events shall be taken to mean clear days calculated by excluding the day upon which both of the specified events occur.

Notice Requirements

10.18 All Notices given by Members under these Procedure Rules shall be treated as having been given to the recipient by any of the following means:-

- (a) post properly addressed to the recipient at their usual business address
- (b) leaving it properly addressed for the recipient at their usual business address
- (c) e-mail sent to an email address designated by the recipient for this purpose from an email account registered with the Council in the Member's name
- (d) facsimile transmission properly addressed to the recipient at their usual business address
- (e) submitting a form on the Council's website designated for this purpose

10.19 All Notices given to Members under these Procedure Rules shall be treated as having been given to the recipient by any of the following means:-

- (a) post properly addressed to the recipient at their usual address (being their usual place of residence or any other address which the Member has given notice to the Monitoring Officer of for these purposes)
- (b) leaving it properly addressed for the recipient at their usual address or if requested (by notice given to the Monitoring Officer) either in addition or substitution for the methods set out in paragraphs 10.19(a) and (b) above, by:-

- (c) e-mail sent to an email account registered with the Council in the Member's name from an email account registered to the Council

10.20 All Notices given under these Procedure Rules must be given in writing, contain all of the information that is reasonably required in order to properly communicate the purpose and effect of the notice, and be signed (which shall include electronic signatures) by the person or persons required to give the notice in question.

10.21 If more than one signatory is required to give valid notice, any single notice given must bear the signatures of all the necessary signatories and be given in accordance with paragraph 10.18(a) or (b) above. In the alternative, each of the required signatories may give individual notices in accordance with paragraph 10.18(c), (d) or (e) above.

10.22 Notices shall be deemed to have been given:-

- (a) in the case of 10.18(a) or 10.19(a) above, the day upon which delivery would ordinarily occur in the normal course of the method of post chosen (provided proof of posting is available)
- (b) in the case of 10.18(b) or 10.18(b) above, on the day upon which the notice is left
- (c) in the case of 10.18(c) to (e) above, on the day upon which receipt is acknowledged otherwise than by any automated process
- (d) in the case of 10.19(c) above, on the day upon which notice is sent

Example Time Calculation

10.23 The following example is provided to clarify the effect of paragraphs 10.16 and 10.17 above. In the following example, it is assumed that none of the week days referred to are public holidays.

10.24 If a notice is required to be given 5 days before a meeting, then the giving of the notice and the meeting are the two specified events for the purposes of paragraph 10.17.

10.25 Assuming the meeting is to be held on a Monday, the latest a notice may be given is on the first of the two preceding Fridays, between 09.00 and 17.00 hours.

10.26 If so given, the Friday upon which the notice is given ranks as the day upon which the first event occurs for the purposes of paragraph 10.17. The 5 week days in the ensuing week then rank as the required 5 “clear days” between giving notice and day upon which the meeting is being held.

Fri	Sat	Sun	Mon	Tues	Weds	Thurs	Fri	Sat	Sun	Mon
Notice Given	Not counted	Not Counted	Clear Day 1	Clear Day 2	Clear Day 3	Clear Day 4	Clear Day 5	Counted	Not Counted	Meeting