

**PART 5 – RULES OF PROCEDURES (MEETINGS)**  
**(SECTION 2 – CABINET PROCEDURE RULES)**

**Part 5 is set out in four sections as follows:**

**SECTION 1** – Council Procedure Rules

**SECTION 2** – Cabinet Procedure Rules

**SECTION 3** – Committee Procedure Rules

**SECTION 4** – Public Speaking Rules

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**1. OPERATION OF THE CABINET**

**1.1 Who May Make Executive Decisions**

The responsibilities of the Cabinet are set out in Article 7 and at Part 3 (Responsibility for Functions) of this Constitution. The Cabinet will act collectively to take decisions on the functions listed at Part 3; or as individual Cabinet Members with delegated authority as also confirmed in Part 3.

**1.2 Cabinet Meetings - Frequency and Venue**

The Cabinet will meet at least six times per year on the dates set out in the annual calendar of meetings approved by the Council. Meetings will take place at the Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF or another location specified in the summons to the meeting.

If the Leader considers that the day fixed for a meeting is no longer suitable for that purpose or if there is insufficient business to justify the holding of the meeting, they shall, after consultation with the Chief Executive, cancel that meeting and, if appropriate, fix an alternative day for the next meeting.

The Leader may call a special or extraordinary meeting of the Cabinet at any time.

**1.3 Meetings of the Cabinet**

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering meetings of the Cabinet.

**2. CONDUCT OF CABINET MEETINGS**

**2.1 Chairman**

If the Leader is present, he/she will preside at meetings of the Cabinet. In his/her absence then the Deputy Leader will preside.

In the absence of both the Leader and the Deputy Leader, the Cabinet shall as the first item of business appoint another Member to act as Chairman for that meeting.

**2.2 Attendance**

Members of the Cabinet shall sign their name in the Attendance Book to confirm their attendance at the meeting.

**2.3 Quorum**

The Quorum for a meeting will be three Members. During any meeting, if the Chairman counts the number of Members present and declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining

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business will be considered at the time and date fixed by the Leader or at the next ordinary meeting of the Cabinet.

**2.4 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 in accordance with the Members Code of Conduct;
- iii. receive questions from members of the public;
- iv. consideration of any business of such urgency as to require immediate attention of the Cabinet
- v. any matters referred to the Cabinet by the Overview Select Committee for consideration in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 6 of this Constitution;
- vi. consideration of reports from the Overview Select Committee and Working Groups; and
- vii. any other matters set out in the agenda for the meeting and which shall indicate which are key decisions and which are not in accordance with Article 13 and the Access to Information Rules at Part 6 of this Constitution.

**2.5 Consultation**

All reports to the Cabinet from any Member of the Cabinet of 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 Overview Select Committee or relevant Working Group 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.

**3. SUMMONS AND AGENDA FOR MEETINGS OF COMMITTEES**

- 3.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules at Part 6 of this Constitution. At least five clear days before a meeting, the Chief Executive will send a summons to every Member of the Cabinet. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.
- 3.2 Where a special or extraordinary meeting is convened at shorter notice, the summons will be issued at the time the meeting is convened.
- 3.3 No business other than that specified in the summons and the agenda shall be transacted at the meeting of the Committee except urgent items.

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**4. CABINET AGENDA ITEMS**

- 4.1 The Leader 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, an individual Cabinet Member or officer in respect of that matter. The Chief Executive will comply with the Executive Leader's requests in that respect.
- 4.2 Any Member of the Cabinet may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request, the Chief Executive will comply.
- 4.3 The Chief Executive will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the Overview Select Committee or Working Group have resolved that an item be considered by the Cabinet.
- 4.4 Any Member of the Council may ask the Leader 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 and may speak of so invited by the Leader.
- 4.5 The Group Head of Council Advice & Monitoring Officer and/or the Group Head of Corporate Support may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Group Head of Council Advice & Monitoring Officer and Group Head of Corporate Support 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 discussed.

**5. MINUTES**

**5.1 Signing the Minutes**

The Chairman will sign the minutes of the proceedings at the next meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the Minutes that can be discussed is their accuracy.

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**5.2 No requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting.**

Where in relation to any meeting, the next meeting for the purpose of signing the Minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following suitable meeting (being called otherwise than under that paragraph) will be treated as a suitable meeting for the purpose of paragraphs 41 (1) and (2) of Schedule 12 relating to the signing of Minutes.

**5.3 Form of Minutes**

Minutes will contain all motions and amendments in the exact form and order the Chairman put them in.

**6. VOTING**

6.1 Any question at any meeting of any Cabinet shall be determined by a show of hands by a majority of the Members present and voting.

6.2 A Member may ask for the vote on a particular matter to be recorded before the vote is taken. The names for and against the motion or amendment or those who abstained from voting will be taken down and entered into the minutes. Such a request will be allowed unless the Chairman considers the request frivolous or vexatious.

6.3 Where any Member requests it immediately after a vote is taken, their vote will be so recorded in the minutes to show whether the voted for or against the motion or recommendation or abstained from voting.

6.4 If there are equal numbers of votes for and against, the Chairman shall have a second or casting vote.

**7. ATTENDANCE BY OTHER MEMBERS OF THE COUNCIL**

7.1 A Member of the Council shall have the right to attend a meeting of the Cabinet of which he/she is not a member but he/she shall not be entitled to take part in any discussion or vote on any matter under consideration. They may, however, address a meeting of the Cabinet on a specified item or items of business with the permission of the Cabinet.

7.2 A Member of Council who has proposed a motion which has been referred by the Council to the Cabinet shall receive notice of the meeting at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and if he/she attends shall have an opportunity of speaking to the motion.

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**8. RULES OF DEBATE FOR CABINET MEETINGS**

**8.1 Speaking at Cabinet Meetings**

A Member wishing to speak will raise their hand. If two or more Members indicate that they wish to speak, the Chairman will call them in turn to speak.

**8.2 Content of Speeches**

A Member shall speak on the question under discussion or a personal explanation or to a point of order.

**8.3 Motions and Amendments**

A motion or amendment shall not be discussed unless it has been proposed and seconded. Unless notice has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

**8.4 Secunder's Speech**

A Member when seconding a motion or amendment may reserve their speech until a later period of the debate.

**8.5 Amendments to Motions**

Every amendment shall be relevant to the motion on which it is moved and shall be:

- i. to leave out words; or
- ii. to leave out words and insert and add others; or
- iii. to insert or add words;

but such omission, insertion or addition or words shall not have the effect of negating the motion before the Committee.

**8.6 Two or More Amendments**

Only one amendment may be moved and discussed at a time and no further amendments shall be moved until the amendment under discussion has been disposed of.

**8.7 Position if an Amendment is Lost or Carried**

If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

**8.8 Withdrawal of the Motion**

A motion or an amendment may be withdrawn by the mover with the consent of their seconder and no Member may speak upon it after it has been withdrawn.

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**8.9 Alteration of Motion**

A Member may, with the consent of both the meeting and their seconder, alter a motion or amendment which they proposed or of which notice had been given. Only alterations which could have been moved as an amendment may be made.

**8.10 Motions Which May be Moved During Debate**

When a motion is under debate, no other motion shall be moved except the following procedural motions:

- i. to withdraw a motion
- ii. to amend a motion
- iii. to proceed to the next business
- iv. that the question be now put
- v. to adjourn a debate
- vi. to adjourn a meeting
- vii. to exclude the public and press in accordance with the Access to Information Rules set out in Part 6 of this Constitution; and
- viii. to not hear further a Member named or to exclude them from the meeting under Committee Procedure Rule 9.

**8.11 Closure Motions**

- a) A Member may move, without comment, the following motions at the end of a speech of another Member:
  - i. to proceed to the next business;
  - ii. that the question be now put;
  - iii. to adjourn a debate; or
  - iv. to adjourn a meeting.
- b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, the Chairman will put the procedural motion to the vote. If it is passed the Chairman will give the mover of the original motion the right of reply before putting his/her motion to the vote.
- d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

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- e) If a motion to adjourn the meeting is seconded and the Chairman thinks that the remaining business before the meeting cannot be sufficiently discussed on that occasion he shall put the adjournment motion to the vote without giving the mover to any motion under discussion his/her right of reply. If a motion for the adjournment is carried, the remaining business shall stand adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or otherwise, to the next ordinary meeting of the Committee.

**8.12 Resumption after Adjournment**

On resumption of an adjourned debate the Member who moved the adjournment is entitled to speak first.

**8.13 Point of Order**

A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Cabinet Procedure Rules or the law. The Member must indicate the Rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

**8.14 Personal Explanation**

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by a Member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

**8.15 Officers of the Council**

At the request of the Chairman, an officer of the Council may speak during a debate at Cabinet meetings to respond to questions asked and statements made.

**9. MEMBERS CONDUCT**

**9.1 General Disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary. The Chairman's decision is final.

A Member shall comply with the Members' Code of Conduct as set out in Part 6 of this Constitution. Further to the Code of Conduct, a Member must withdraw from a meeting room during the consideration of any item of business in which he/she has a disclosable pecuniary interest.

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**9.2 Member not to be heard further**

If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

**9.3 Member to leave the Meeting**

If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

**10. DISTURBANCE BY THE PUBLIC**

10.1 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary. The Chairman's decision is final.

10.2 If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman may adjourn the meeting for as long as he/she thinks necessary and will order their removal from the meeting room. The Chairman's decision is final.

10.3 If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared. The Chairman may adjourn the meeting for as long as he/she thinks necessary while the room is cleared. The Chairman's decision is final.

**11. PREVIOUS DECISIONS**

11.1 No resolution taken at a previous meeting of a Cabinet shall be rescinded or varied within six months unless notice has been given through a motion submitted in accordance with Council Procedure Rule 17.

**12. QUESTIONS BY MEMBERS OF THE PUBLIC**

**12.1 Submitting Questions**

Members of the public may ask questions of Members of the Cabinet at its meetings subject to written notice of the question being submitted to the Group Head of Council Advice & Monitoring Officer 5 working days prior to the Meeting.

- a) All questions:
- must confirm to whom the question is addressed;

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- must be relevant to matters for which the Cabinet has powers or duties;
  - should be limited to obtaining information or pressing for action; and
  - must not exceed one minute in duration.
- b) Questions may be rejected by the Chief Executive/Chairman if they:
- are not relevant to matters for which the Cabinet has responsibility or which affect the District; or
  - may be defamatory, frivolous or offensive; or
  - are substantially the same as a question put at a meeting in the past six months; or
  - would divulge, or require to be divulged, confidential or exempt information.

**12.2 Time Limit for Questions**

The time limit for questions by the public will be 15 minutes, although the Chairman has discretion to extend this period.

**12.3 Asking Questions at the Meeting**

The Chairman will invite questioners to put their questions in the order in which they are received. The questioner may ask only one question at a time. Where they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

The Chairman will have discretion to:

- a) group together similar questions; and
- b) respond to the questioner where the same or similar question has been asked before and explain a written answer will be sent to them.

Where the questioner is unable to be present, the Chairman has discretion to:

- ask the Committee Manager to ask the question on their behalf;
- explain that a written reply will be given to the questioner; or
- decide that the question will not be dealt with.

Any question which cannot be dealt with during the period allowed for public question time will be responded to by written answer.

**12.4 Supplementary Questions**

If time permits, a questioner who has put a question in person may ask one supplementary question without notice to the Cabinet Member who replied to his/her original question. The supplementary question must arise directly out of the original question or the reply and shall be limited to one minute's duration.

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**12.5 Responses**

Members will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information. Where a reply cannot be given at the meeting, a written answer will be provided with 10 working days of the meeting and published to the Council's website.

**12.6 Records of Questions**

A schedule of questions and answers will be maintained and published to the Council's website within 10 working days of the meeting. The minutes of the meeting will record a summary of the questions and answers