

PART 8 – CODES AND PROTOCOLS
(SECTION 4 – PREPARATORY MEETINGS OF THE
COUNCIL)

PART 8 – CODES AND PROTOCOLS
SECTION 4 – PROTOCOL FOR PREPARATORY MEETINGS OF THE CABINET

Part 8 is set out in eight sections as follows:

- SECTION 1** – The Principles behind the Members' Code of Conduct
- SECTION 2** – Members' Code of Conduct
- SECTION 3** – Member/Officer Relations
- SECTION 4** – Preparatory Meetings of the Cabinet
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- 1.0 This protocol sets out the procedure to be followed in having preparatory meetings for Cabinet decision-taking meetings. The legal requirements are set out in Section 3 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 2.0 The Constitution establishes the following principles:
 - all Cabinet meetings will be held in public (with the exception of exempt items);
 - that all “Key” Decisions will be dealt with by the Cabinet; and
 - that all matters for recommendation to Full Council from the Executive will be from the Cabinet.
- 3.0 In accordance with the Regulations, agenda preparation meetings for the Cabinet (at which a Key Decision is to be taken) can only take place in private if an Officer is briefing Cabinet Members and/or their Deputies. Such briefing meetings will be known as “Cabinet Briefings”. If Members of the Cabinet then wish to discuss the draft Cabinet report (which relates to a “Key Decision” or one which is in the Forward Plan within 28 days of the likely decision date) then, unless this meeting is held in public, Officers cannot be present. These discussion meetings, known as “Cabinet Discussions”, will take place as Member-only meetings in private.
- 4.0 Most of the draft reports prepared for the Cabinet meetings will be authored by Officers - with the specific name identified. Such draft reports will form the basis of the “Cabinet Briefings” meeting. However if these draft reports are then altered by Cabinet Members in a “Cabinet Discussion”, they should then bear the appropriate Member’s name, as author, when they are presented to the actual Cabinet meeting. Under Regulation 15, as now, background papers to a decision-making report need to be made publicly available. Officer’s reports made to a “Cabinet Briefing” as defined above would come within this category.
- 5.0 Meetings at which a Cabinet Member takes an executive decision need not be open to the public whether an Officer is present or not. This is because “Key Decisions” or decisions contained in the Forward Plan cannot be taken by an individual Cabinet Member according to Arun’s Constitution. It follows that pre-decision discussions on draft or final reports between Officers and individual Cabinet Members can also take place in private.
- 6.0 All background papers as well as the decision papers are available to the public immediately after the decision has been made and before the decision can be implemented.
- 7.0 The Leader of the Council (Leader of the Cabinet) holds weekly meetings with the Chief Executive and Directors and, more occasionally, with other Senior Officers. As such meetings are not a precursor to decision-making or agenda preparation meetings they can continue to be held in private.
- 8.0 There is also the opportunity for Officers to discuss with Cabinet Members and/or their Deputies, in private, general matters, forward strategies, operational issues, as long as the discussion does not include matters which are included in the Forward Plan for Decision within 28 days of the meeting.
- 9.0 An existing protocol concerning officers attending Political Group meetings

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will continue. However, care needs to be taken if Officers are involved in single party meetings which are not composed solely of Cabinet Members. In certain circumstances, the same facility may be needed to be offered to all Parties. The Protocol is that to attend such a Group meeting the Group Leader should make the request to the Chief Executive/Director and that it must be about a specific topic. The Chief Executive /Director will inform the other Group Leaders and offer the same facility. The Officer can brief the Group, answer questions but not take part in any discussions. Only Senior Officers can be expected to attend and the matters briefed upon should in no way be regarded as part of any disciplinary process.