

1. How does the Cabinet operate?

1.1 Who may make executive decisions?

- (i) the Cabinet as a whole will take all key decisions collectively.
- (ii) the Leader may delegate decision making to a Committee of the Cabinet;
- (iii) the Leader may delegate decision making to an individual member of the Cabinet;
- (iv) the Leader may delegate decision making to an officer as specified in Part 3 of the Constitution;
- (v) the Leader may delegate decisions to an area Committee;
- (vi) the Leader may authorise joint arrangements with decision making powers; or
- (vii) the Leader may authorise delegation of functions to another local authority.

1.2 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- (i) the names, addresses and wards of the people appointed to the Cabinet by the Leader;
- (ii) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such Cabinet Committees as the Leader appoints and the names of Cabinet Members appointed to them;
- (iv) the nature and extent of any delegation of executive functions to area Committees, any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint committee for the coming year; and
- (v) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub-delegation of executive functions

- (a) Where the Cabinet, a Committee of the Cabinet or an individual member of the Cabinet is responsible for an executive function, they may delegate further to an area committee, joint arrangements or an officer.
- (b) If the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to

a Committee of the Cabinet or to an officer.

- (c) Unless the Leader directs otherwise, a Committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Council's scheme of delegation and executive functions

- (a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- (b) The Leader may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the proper officer and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or the Cabinet as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (c) Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chairman.

1.5 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a Committee of the Cabinet, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6 Cabinet meetings when and where?

The Cabinet will meet approximately 8 times per year at times to be agreed by the Leader. The Cabinet shall meet at the Borough Offices, Churchgate, Cheshunt EN8 9XQ or another location to be agreed by the Leader. The Leader may call additional meetings of the Cabinet if considered necessary.

1.7 Public or private meetings of the Cabinet?

All Cabinet meetings will be in public subject to exceptions relating to confidential and exempt information (as defined in paragraph 10 of the Access to Information Procedure Rules) and to further exceptions which are permitted under legislation namely:

- (a) where the sole purpose of the meeting is to receive a briefing from Officers; or

- (b) meetings to permit political discussions without Officers present.

1.8 Quorum

The quorum for a meeting of the Cabinet, or a Committee of it, shall be 3 including the Leader or Deputy Leader.

1.9 How are decisions to be taken by the Cabinet?

- (a) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where executive decisions are delegated to a Committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. How are the Cabinet meetings conducted?

2.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader shall preside.

2.2 Who may attend?

The right of the public to attend is set out in paragraph 1.7 of these rules. For the avoidance of doubt this right extends to the press and other media and other Members of the Council.

2.3 What 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, if any;
- (iii) matters referred to the Cabinet (whether by the Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) consideration of reports from the Scrutiny Committee. The reports to be presented when appropriate by the chairman or other member of the Scrutiny Committee; and
- (v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the Cabinet from any Member of the Cabinet or 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 Scrutiny Committee, 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.

2.5 Who can put items on the Cabinet agenda?

The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or any member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.