

## **Part 3.1 - Cabinet Rules of Procedure (“Standing Orders”)**

### **1. Application and interpretation**

- 1.1 These Rules of Procedure (referred to as “Standing Orders”) apply to all meetings of the Cabinet but shall also apply to all meetings of the committees and subcommittees of the Authority as appropriate and should be read in conjunction with other parts of this Constitution. These Standing Orders are also subject to any statute or other enactment, whether passed before or after these Standing Orders came into effect.
- 1.2 References in these Standing Orders to the ‘Chair’ mean the member for the time being presiding at the meeting.

### **2. The Annual Meeting**

- 2.1 The Annual Meeting of the Cabinet will take place after the annual meetings of the constituent councils on a date and time determined by Cabinet but no later than 30 June in any year.
- 2.2 The Annual Meeting will:
  - a. elect a person to chair the meeting if the Mayor or Deputy Mayor is not present;
  - b. approve the minutes of the last meeting;
  - c. receive any declarations of interests;
  - d. receive any announcements from the Mayor and/or the Head of Paid Service;
  - e. confirm the appointment of the Constituent Council Cabinet Members (and substitutes) and appoint to the Cabinet the Business Board Cabinet Member and the CVS Cabinet Member (and substitutes);
  - f. approve the schedule of Cabinet meetings for the forthcoming year;
  - g. appoint the Overview and Scrutiny Committee, Audit and Standards Committee and any other committee, subcommittee, board, panel or working group considered necessary and agree a timetable of meetings;
  - h. appoint the Chairs and Vice Chairs of the bodies referred to in (f) above;
  - i. agree the representatives of the Authority on any external bodies to which the Authority may appoint representatives;
  - j. agree the allocation of Cabinet portfolios to Cabinet members;
  - k. receive and consider reports from committees, subcommittees, advisory boards and officers; and
  - l. conduct any other business reserved to its Annual Meeting as set out in this Constitution.

### **3. Ordinary Meetings**

3.1 Ordinary meetings of the Cabinet will take place in accordance with the schedule agreed by the Cabinet.

3.2 Ordinary meetings will:

- a. elect a person to chair if the Mayor and Deputy Mayor are not present;
- b. approve the minutes of the last meeting;
- c. receive any declarations of interests;
- d. receive any announcements from the Mayor and/or the Head of Paid Service;
- e. deal with any uncompleted business from the last Cabinet meeting;
- f. receive and consider reports from committees, subcommittees, advisory boards and officers;
- g. conduct any business reserved to it in accordance with Part 2 (Responsibility for Functions) and specified in the summons to the meeting in accordance with the following Standing Orders;
- h. authorise the sealing or signing of documents; and
- i. consider any proposed Mayoral decisions.

3.3 Cabinet may agree to vary the order of business set out above at any ordinary meeting.

### **4. Extraordinary Meetings**

4.1 Those listed below may request the Monitoring Officer to convene a Cabinet meeting in addition to ordinary meetings:

- a. the Cabinet by resolution;
- b. the Mayor (or, in their absence, the Deputy Mayor); and
- c. any three Cabinet Members if they have signed a requisition presented to the Mayor (or, in their absence, the Deputy Mayor) and the Mayor (or, in their absence, the Deputy Mayor) has refused to convene a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4.2 The agenda for the extraordinary meeting will include the resolution, request or requisition which led to it being called and any other business agreed by the Mayor, (or, in their absence, the Deputy Mayor) of the Cabinet, the Monitoring Officer and the Head of Paid Service. No items of business may be conducted at an extraordinary meeting other than those specified in the agenda for the meeting unless the Mayor, (or, in their absence, the Deputy Mayor) agrees the matter is urgent and requires a decision before the next ordinary meeting of the Cabinet. The report submitted to the extraordinary meeting will set out the reason why the matter could not be determined at the next ordinary meeting and this reason will be recorded in the minutes of the meeting.

## **5. Summons**

- 5.1 At least five clear days before a Cabinet meeting the Monitoring Officer shall arrange for a notice of the time and place of the intended meeting to be published at the Authority's principal office and on its website. Where the meeting is called by Members that notice is to be signed by those Members and specify the business proposed. A summons to attend the meeting, specifying the proposed business and signed by the Monitoring Officer, is to be left at or sent by e-mail or post to the usual place of residence of every Member or to such other place as may be requested by that Member.
- 5.2 Except in the case of business required by statute to be transacted at the Annual Meeting no business shall be transacted at a meeting other than that specified in the summons.

## **6. Quorum**

- 6.1 For a meeting of Cabinet to be quorate, the following Cabinet Members must be present:
- a. a Cabinet Member or Substitute Member from at least 5 of the constituent councils; and
  - b. the Mayor or the Deputy Mayor (acting in the place of the Mayor).
- 6.2 No business shall be transacted at any meeting unless a quorum is present.
- 6.3 If a quorum is not reached within 15 minutes of the time appointed for the start of the meeting, the meeting will be reconvened on another date.
- 6.4 If, during any meeting, the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately.
- 6.5 Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **7. Chair and Vice Chairs**

- 7.1 As set out in Part 2.1 of this Constitution, the Chair of the Cabinet shall be the Mayor. In the absence of the Mayor, the Deputy Mayor shall act as Chair.
- 7.2 Subject to any Standing Orders made by the Cabinet, anything required to be done by, to or before the Chair may be done by, to or before a Vice Chair.
- 7.3 Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.
- 7.4 The ruling of the Chair on the interpretation of these Standing Orders in relation to all questions of order and matters arising in debate shall be final.

## **8. Access to Information**

- 8.1 All meetings of the Cabinet and the committees and sub-committees of the Authority shall be open to the public unless it is likely in view of the nature of the business to be transacted that either confidential information (as defined in section 100A (3) of the Local

Government Act 1972) or information falling within one of the categories of exempt information in Schedule 12A (as amended) of the 1972 Act would be disclosed.

- 8.2 Members of the public and media may take photographs, film, audio-record or report via social media the proceedings of any meeting of the Cabinet and the committees and subcommittees of the Authority where the meeting is open to the public. The Chair of the meeting may withdraw consent to film, record or photograph a meeting at any time in the event that it is carried out in a manner that interferes with the proper conduct of the meeting.
- 8.3 Copies of the agenda and reports open to the public will be available for public inspection at least five clear days before a meeting. If an item is added to the agenda later, the revised agenda and any additional report will be open to inspection from the time it was added to the agenda.
- 8.4 The Authority will make available for public inspection for six years after a meeting the minutes of the meeting (but excluding any part of the minutes when the meeting was not open to the public or which disclose confidential or exempt information), a summary of any proceedings not open to the public where the minutes open to inspection would not otherwise provide a reasonably fair and coherent record, the agenda for the meeting and reports relating to items when the meeting was open to the public.
- 8.5 The author of any report will set out in it a list of those documents (called background papers) relating to the report which in his/her opinion disclose any facts or matters on which the report is based and which have been relied on to a material extent in preparing the report (except for documents which are published works or which disclose confidential or exempt information). Such background papers will remain available for public inspection for four years from the date of the meeting.
- 8.6 Where information is withheld under these provisions the fact must be made known to the member of the public concerned who shall be advised of the categories of information being withheld and the way in which the withholding can be challenged.

## **9. Disturbance**

- 9.1 No member of the public shall interrupt or take part in the proceedings of any meeting. If any member of the public interrupts or takes part in the proceedings at any meeting, the Chair shall warn them and, if they continue the interruption, the Chair shall order their removal.
- 9.2 The Chair may at any time, if they think it desirable in the interests of order, adjourn or suspend a meeting for a time to be specified by the Chair.

## **10. Declaration of Interests in Meetings**

- 10.1 Members must comply with the Authority's Code of Conduct for Members (Part 5.1 of the Constitution), and any other Codes or Protocols approved by the Authority.
- 10.2 A member must withdraw from the meeting room, including from the public gallery, during the whole of the consideration of any item of business in which s/he has an interest which warrants non-participation in accordance with Part 4 of the Authority's Code of Conduct for Members (except where permitted to remain as a result of a dispensation).

## **11. Order of Debate**

- 11.1 The Chair will introduce each item and may invite a Member or Officer to present it.
- 11.2 Each Member shall be given an opportunity to speak on the matter and on any recommendations contained in a report.
- 11.3 The order in which anyone will be invited to speak will be decided by the Chair.
- 11.4 Members may speak more than once on the same item, with the agreement of the Chair.
- 11.5 Subject to 11.2 above, the Chair shall decide when a vote shall be taken on an item. The entitlement to vote and voting procedure is set out in Part 2.1 of this Constitution.
- 11.6 Any Member who is entitled to vote may, when speaking, move that:
- a. an amendment be made to the recommendation(s); or
  - b. that an item be withdrawn.
- 11.7 If a motion to amend or withdraw is made under 11.6 is seconded, then each Member shall be entitled to speak on that motion. The motion shall then either be agreed by consensus amongst those voting Members present, or be voted upon.

## **12. Duration**

- 12.1 At any meeting which has sat continuously for three and a half hours, the Chair shall have discretion to adjourn the meeting for a short period of time unless the majority of voting Members present, by vote, determine that it shall stand adjourned to another day, the date and time of which shall be determined by the Chair.

## **13. Minutes**

- 13.1 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. Discussion of the minutes must be limited to their accuracy.
- 13.2 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 meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.
- 13.3 The effect of this is that minutes will not be submitted for approval to an extraordinary meeting.

## **14. Suspension of Standing Orders**

- 14.1 Subject to 14.2 below, any of these Standing Orders (except those prescribed by statute) may be suspended at a meeting of the Cabinet with the consent of a majority of the voting Cabinet Members who are present. A Member moving the suspension of a Standing Order shall state without comment the purpose for which the motion is made, and, if seconded, the question shall be put at once.

- 14.2 Suspension of any of these Standing Orders can only be for the duration of the meeting and must only be moved in exceptional circumstances where the Chair is satisfied that the reasons for the exceptional circumstances can be sufficiently justified. The reasons for the exceptional circumstances must be given by the mover of the motion and the Chair's reasons for considering the exceptional circumstances will be recorded in the minutes of the meeting.

## **15. Officers' Interests**

- 15.1 If it comes to the knowledge of an officer engaged by the Authority that a contract in which he/she has a pecuniary interest, whether direct or indirect, has been or is proposed to be entered into by the Authority, he/she shall as soon as practicable give notice in writing to the Monitoring Officer of the fact that he/she has an interest.

## **16. Financial Regulations**

- 16.1 The Financial Regulations of the Authority are deemed to be incorporated in and have the same force as these Standing Orders.

## **17. Sealing of Documents**

- 17.1 A decision of the Cabinet or the Mayor (or of a joint committee, committee, subcommittee, person or persons to whom the Cabinet has delegated its powers and duties) shall be sufficient authority for the signing or sealing of any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed.

- 17.2 The Common Seal of the Authority shall be kept in a safe place in the custody of the Monitoring Officer and the affixing of the Common Seal shall be attested by the Monitoring Officer or other person nominated by him/her, unless any enactment otherwise authorises or requires, or the Authority has given requisite authority to some other person.

## **18. Authentication of documents**

- 18.1 Where any document is necessary for any legal procedure or proceedings on behalf of the Authority it will be signed by the Monitoring Officer or other person nominated by him or her, unless any enactment otherwise authorises or requires, or the Authority has given requisite authority to some other person.

## **19. Committees**

- 19.1 The Cabinet shall at its Annual Meeting each year appoint such committees as are required to be appointed by or under any statute and may at any time appoint such other joint committees, committees or sub-committees as are necessary to carry out the work of the Authority but, subject to any statutory provision, may at any time dissolve a joint committee, committee, sub-committee or alter its membership.

- 19.2 These Standing Orders shall with any necessary modifications apply to meetings of committees and sub-committees of the Cabinet. Save where it is otherwise stipulated elsewhere in this Constitution or in legislation, decisions of the committees and subcommittees of the Authority shall be made by way of a simple majority of the Members present and voting, and the Chair shall have a second or casting vote.

19.3 The proceedings of the Authority's Overview and Scrutiny Committee are also subject to the requirements of the Overview and Scrutiny Committee Procedure Rules at Part 3.3 of this Constitution.

## **20. Working Groups**

20.1 Any committee or subcommittee of the Authority can establish working groups to undertake specific studies/examinations, subject to agreement from the Cabinet.

20.2 In appointing working groups, the committee or subcommittee will:

- a. have regard to any approved work programmes (to avoid duplication of work or the undertaking of non-priority work), and advice from relevant officers on the overall capacity of the Authority to support such studies;
- b. determine the remit for each working group which will be bound by the terms of that remit.
- c. determine the membership of the working group to be drawn from the membership of the committee or subcommittee with appropriate representation across the constituent councils;
- d. consider whether a flexible arrangement for the work required is preferable, for example, a joint arrangement with one or two specified constituent councils.
- e. consider and either approve, amend or reject any reports and recommendations for submission to its parent committee or subcommittee, the Cabinet, an individual or outside organisation as appropriate.

20.3 The Chair of any working group established to support strategy development and delivery will be the Member of the Cabinet who is the relevant portfolio holder or their nominee, or such other Member as may be agreed by Cabinet.

20.4 Working groups may seek the assistance of Members and officers of the Authority and/or outside organisations and individuals to meet the objectives of their agreed remit.

## **21. Co-opted Members**

21.1 The appointment of co-opted Members by the Authority to any committee, subcommittee, joint committee or other body is a matter reserved to the Cabinet.

21.2 A committee, subcommittee, joint committee or other body can make representations to the Cabinet on the appointment of co-opted members. In making such representations, the committee, subcommittee, joint committee or other body will propose the term of office to be applied in each case. The term of office for any appointed co-opted Member can only be extended with the express approval of the Cabinet. Subject to what may be specified elsewhere in this Constitution, co-opted Members appointed by the Cabinet can attend and speak at meetings of the committee, subcommittee, joint committee or body to which they are appointed but cannot vote.

## **22. Attendance**

22.1 The Monitoring Officer shall record the attendance of each Member at each meeting of the Cabinet and committees and subcommittees of the Authority.

## **23. Failure to attend Meetings**

23.1 Subject to the exceptions prescribed by statute, if a Member of the Authority fails throughout a period of six consecutive months to attend any meeting of the Cabinet or the joint committees, committees or subcommittees of the Authority to which they have been appointed, they shall (unless the failure to attend was due to a reason approved by the Cabinet before the end of that period), cease to be a Member of the Authority. For the purpose of this provision, the period of failure to attend shall date from the first meeting which the Member could have attended as a Member.

## **24. Appointments**

24.1 A person, so long as they are a Member of the Authority, and for twelve months after they cease to be a Member of the Authority, shall be disqualified from being appointed by the Authority to any paid office.

24.2 A Member shall not solicit for any person any appointment with the Authority or recommend any person for such appointment or for promotion, but this Standing Order shall not prevent a Member from giving a written testimonial of a candidate's ability, experience or character for submission to the Authority with an application for appointment.

24.3 Canvassing of Members directly or indirectly for any appointment with the Authority shall disqualify the candidate for that appointment. A statement to this effect shall be included in all recruitment information for appointments.

## **25. Forward Plan**

25.1 The Monitoring Officer will prepare and publish the Forward Plan for the purpose of giving 28 days' notice of key decisions of the Authority.

25.2 For these purposes, a "key decision" is a decision of a decision maker, which in the view of the Authority's Overview and Scrutiny Committee, is likely to:

- a. result in the Authority or the Mayor incurring significant expenditure, or the making of significant savings, having regard to the Authority's budget for the service or function to which the decision relates; or
- b. be significant in terms of its effects on persons living or working in an area comprising two or more electoral wards or electoral divisions in the Authority's area.

25.3 The Forward Plan will be published on the Authority's website and will be available for inspection at the offices of the Combined Authority.

25.4 Subject to 25.5, the Forward Plan will contain the following details of decisions to be taken:

- a. the matter in respect of which the decision is to be made;
- b. the identity of the decision-maker;
- c. the date on which, or the period within which, the decision will be taken;



- d. whether it is intended to exclude the press and public from any meeting, or part of a meeting;
- e. a list of the documents submitted to the decision-maker for consideration in relation to the matter and an address from which the documents are available; and
- f. a statement to indicate that other documents may be submitted to the decision maker(s) and details of the procedure for requesting copies of them.

25.5 Exempt information need not be included in the Forward Plan and confidential information cannot be included.

## **26. General Exception**

26.1 A key decision which is not included in the Forward Plan can only be taken where:

- a. the Monitoring Officer has notified the Chair (or, in their absence, Vice Chair) of the Overview and Scrutiny Committee in writing of the matter to be decided;
- b. the Monitoring Officer has published the notice mentioned in (a) above on the Authority's website and made that notice available for inspection at the offices of the Combined Authority; and
- c. at least 5 clear days have elapsed between the said notice being published and the decision being made.

26.2 The Monitoring Officer shall as soon as reasonably practicable thereafter publish on the Authority's website (and make available for inspection at the offices of the Authority a notice setting out the reasons why the matter could not be included on the Forward Plan.

## **27. Special Urgency**

27.1 A key decision which is not included in the Forward Plan can only be taken with less than 5 clear days' notice where:

- a. the Monitoring Officer has notified the Chair (or, in their absence, Vice Chair) of the Overview and Scrutiny Committee in writing of the matter to be decided; and
- b. agreement has been obtained from the Chair (or, in their absence, Vice Chair) of the Overview and Scrutiny Committee that the matter is urgent and cannot be reasonably deferred.

27.2 As soon as reasonably practicable after obtaining the agreement set out in 27.1(b), the Monitoring Officer shall publish on the Authority's website and make available for inspection at the offices of the Authority a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred. The report submitted to the meeting (or decision-maker) will set out the reason why the matter is urgent and cannot reasonably be deferred and this reason will be recorded in the minutes of the meeting (or record of a delegated decision).

## **28. Urgent Decisions**

28.1 Where a decision needs to be taken urgently and it is not practical to convene a quorate meeting of the Cabinet or relevant committee or subcommittee of the Authority, the Head of Paid Service, following consultation with the Mayor (or, in their absence, the Deputy

Mayor), the Chief Finance Officer and the Monitoring Officer, has the authority to take an urgent decision (see delegation HPS11 in Part 2.7 -Delegations to Head of Paid Service). Where this decision is a key decision, it must be made in compliance with the requirements in 26 and 27 above.

- 28.2 The Monitoring Officer will maintain a record of all 'urgent' decisions and submit a report on these decisions at least annually to the Cabinet. The report will include a summary of the subject matter of the decisions taken.