

DERBYSHIRE COUNTY COUNCIL

CABINET

4th JUNE 2013

Report of the Director of Legal Services

CABINET PROCEDURES

1. Purpose of the Report

To invite Cabinet to consider the way in which it conducts its business with a view to encouraging openness, transparency and public participation.

2. Information and Analysis

The Council's Constitution provides that the arrangement for the discharge of executive (i.e. Cabinet) functions may be set out in the executive arrangements adopted by the Council. If they are not set out there, then the Leader or Cabinet may decide how they are to be exercised. The following procedural matters are not set out in the Constitution and so Cabinet may determine its own arrangements.

3. Questions by Minority Group Leaders

The approach to involving Minority Group Leaders at Cabinet meetings has varied over time since the introduction of the Cabinet under the Local Government Act 2000. Most recently, the Minority Group Leaders have been invited to ask questions arising from the agenda at the commencement of the open and closed sessions of Cabinet meetings. This has proved somewhat unsatisfactory since questions have often been left unanswered until after the meeting to ensure that full and accurate answers have been provided. It is, therefore, proposed that Minority Group Leaders should set out their questions in writing and provide them to the Director of Legal Services by 12:00noon on the day before the Cabinet meeting. This would bring the arrangements more into line with the procedure relating Members' questions for full Council meetings and would allow considered responses to the questions to be provided at the Cabinet meeting.

4. Public Questions

To date, the Cabinet arrangements have not allowed for the consideration of questions from members of the public. In keeping with the Constitution's principles of openness and supporting the active involvement of citizens in the process of the Council's decision-making, it is considered that the Cabinet agenda for the open part of the meeting should provide for questions from members of the public. It is not suggested that such questions would need to be set out in writing in advance of the meeting but this could be reviewed if a more structured approach proves more suitable. The duration of public question time would be a matter at the discretion of the Leader of the Council but, as a guide, it is not anticipated that public question time would exceed 20 minutes.

5. The Location of Meetings

The Constitution provides that the Cabinet shall normally meet at County Hall in Matlock or another location to be agreed by the Leader. Again in keeping with the Constitution's principles of openness and public involvement, consideration will be given to the possibility of Cabinet meetings being held at different venues from time to time in the future.

6. Other Considerations

In preparing this report the relevance of the following factors has been considered; financial, legal, prevention of crime and disorder, equality of opportunity; and environmental, health, human resources, property and transport considerations.

7. Legal Considerations

The proposals contained in the report are in accordance with the Council's Constitution and Schedule A1 of the Local Government Act 2000, as amended by the Localism Act 2011.

8. Key Decision

No.

9. Officer's Recommendation

That Cabinet adopts the procedural arrangements set out in the report.

**JOHN McELVANEY
DIRECTOR OF LEGAL SERVICES**

**COUNTY HALL
MATLOCK**