

CABINET PROCEDURE RULES

1. SCOPE OF THESE RULES

- 1.1. These Rules apply specifically to meetings of the Cabinet and its Sub-Committees and should be read in conjunction with the General Committee Procedure Rules (GCPR) and the Access to Information Procedure Rules (AIPR). Where these Rules make reference to the “Cabinet” this refers to a meeting of the Cabinet.

2. APPROACH TO DECISION MAKING

- 2.1. As this Council operates the “Strong Leader” Model the Leader holds responsibility for all Executive functions. As such, the Leader has chosen that the Cabinet will usually exercise collective responsibility for Key Decisions. The principles relating to Executive decision making are detailed in the Leader and Cabinet Functions.
- 2.2. The Cabinet works on the principle of openness and transparency and as such all Cabinet meetings are held in public, however some items may be held in Part B (Closed to the Public) session in line with the AIPR.
- 2.3. There are specific AIPR that govern how Cabinet decisions must be taken and as such they directly relate to these Cabinet Procedure Rules.
- 2.4. The process and principles for taking all delegated Executive decisions (either by a Cabinet Member or an Officer) are set out within the following sections of this Constitution and must be followed accordingly:
 - Leader and Cabinet Functions.
 - Council Officer Responsibilities and Decision Making.
 - Access to Information Procedure Rules (AIPR).

3. RULES SPECIFIC TO THE CABINET

Cabinet meetings will follow the principles of the GCPR, however the following relate specifically to the Cabinet and supersede those Rules.

- 3.1. **Scheduled Meetings of the Cabinet:** The frequency and timing of the Cabinet will be determined by the Leader and will be published in the Calendar of Meetings. Meetings may be amended when necessary. In line with the AIPR, the Leader is required to give five clear working days’ notice before calling a meeting of the Cabinet.
- 3.2. **Membership, the Chair and Quorum:** The Cabinet will consist of the Leader and their Cabinet Members with the Leader chairing the meeting, in their absence the Deputy Leader shall act as Chair. The quorum of the Cabinet is three.
- 3.3. **Non-Cabinet Member Attendance:** Every Member of the Council has the right to attend the Cabinet, but is not entitled to take part in the proceedings unless they have obtained the prior consent of the Leader to speak on a particular item, unless they are:
 - The Chair of the Overview and Scrutiny Commission when presenting the Commission’s Comments to the Cabinet.

- A Scrutiny Panel Chair when presenting the final report of their Scrutiny Panel.
- A Councillor whose motion at the Full Council was referred to the Cabinet will have the right to explain their motion.
- The Leader of the Opposition who will be allocated a space at the table to observe proceedings but must still obtain prior consent to speak on an item.

NB: None of the above persons will be entitled to vote.

3.4. **Public Question Time:** Public Question Time will only occur at an ordinary meeting of the Cabinet and will last for a maximum of 15 minutes at the start of the meeting.

- Members of the public do not need to give prior notice of their questions.
- The question should be relevant to the functions of the Cabinet and must not relate to an individual case which should be dealt with under the Council's Complaints Procedure or any other formal appeals procedure.
- The question must not be in essence the same as a question which has been put to the Cabinet in the past 6 months.
- The Leader may answer the question or invite the most relevant Cabinet Member(s) or an officer present to respond.
- After the question has been answered, the person asking the question may ask one supplementary question relating to the same matter.

Members of the public may also submit written questions to the Cabinet regarding a matter affecting the Borough. Such questions should be addressed to the Head of Legal, Democracy and HR at democratic.services@crawlley.gov.uk and a written response will be provided.

Petition organisers may address the Cabinet in accordance with the Council's Petition Scheme and may speak for a maximum of 3 minutes.

3.5. **Who Can Put Items on the Cabinet Agenda?:** The following may request that the Monitoring Officer add an item to a forthcoming Cabinet agenda (any such request must be complied with):

- The Leader may put any Executive matter on the Cabinet agenda (whether previously delegated or not).
- The Leader following a request from any Councillor to put an item on the agenda for consideration. The Cabinet agenda will name the Councillor who made the request.
- Any Cabinet Member may request that an item be put on the agenda of the next available Cabinet meeting.
- The Commission may refer any matter to the Cabinet.
- The Monitoring Officer and/or the Chief Finance Officer may include an item on the Cabinet agenda in pursuance of their statutory duties.
- In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer 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 a Cabinet agenda. 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 considered.

NB. A Forthcoming Decision Notice (in line with the AIPR) should be published for all Cabinet decisions.

3.6. **Urgent Items for Consideration:** Any urgent matter will follow the Special Urgency Procedures in the AIPR.

3.7. **Conflict of Interest:** Where the Leader or a Cabinet Member has a conflict of interest this will be dealt with in accordance with the Code of Conduct for Councillors.

If the exercise of a Cabinet function has been delegated to an individual Cabinet 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 be in accordance with the Code of Conduct for Councillors.

3.8. **Consultation:** All reports to the Cabinet from any Cabinet Member or an officer on proposals relating to the Budget and Policy Framework Documents must contain details of the nature and extent of consultation with stakeholders and the Overview and Scrutiny Commission, 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.

3.9. **Voting in the Cabinet:** All Cabinet decisions will be determined by show of hands by those Cabinet Members present and the Leader shall have the second or casting vote as required.

As the Cabinet uses collective decision making, a Cabinet Member must request that their individual vote in dissent or abstention be recorded.

As with any other Committee, a recorded vote may be requested at any time.

- 3.10. **Petitions:** Once a petition is submitted to the Cabinet following its consideration by the Overview and Scrutiny Commission (in line with the Petition Scheme) the petition will be considered at the next available Cabinet meeting in the following manner:
- a) Petitions will be dealt with in the order in which they were received, if more than one petition is due to be considered.
 - b) A maximum of 30 minutes will be allowed at each meeting for considering petitions. Any petition(s) not fully debated within the 30 minutes will be referred to the relevant Cabinet Member for consideration or deferred until the next meeting.
 - c) The Leader may invite a relevant officer to set out the background to the issue before inviting the petition organiser to address the Cabinet for up to **three** minutes. The Leader may ask questions of the petition organiser, and will then invite any relevant Ward Councillors present to address the Cabinet for up to three minutes (each). The Leader will then invite the relevant officer(s) to advise the meeting, after which the matter will be open for debate among the Cabinet.
 - d) When considering a petition, the Cabinet/Cabinet Member can:
 - Take a decision on the matter.
 - Request that the matter be investigated and reported back.
 - Refer the matter to either the Full Council, the Cabinet (when a Cabinet Member), or a Committee/Sub-Committee of the Council for determination.
 - e) Details of the Council's Petition Scheme are contained in this Constitution.

- 3.11. **Policy Framework Documents (PFDs):** The Cabinet is responsible for proposing the PFDs to the Full Council and will be responsible for any consultation required or necessary in the course of preparing those documents. Once a PFD is in place, it will be the responsibility of the Cabinet to implement it. The procedure for developing and maintaining PFDs is contained within the Policy Framework Document Procedure Rules.
- 3.12. **Budget Setting Process:** The Cabinet is responsible for proposing the Budget to the Full Council and will be responsible for any consultation required or necessary in the course of its preparation. Once the Budget has been agreed, it will be the responsibility of the Cabinet. The procedure for developing and maintaining the Budget is contained within the Financial and Budget Procedure Rules.

4. ORDER OF BUSINESS FOR A CABINET MEETING

- 4.1. Agendas for Cabinet meetings will incorporate:
- a) Apologies for absence.
 - b) Declarations of interest from Councillors.
 - c) Approve the Cabinet minutes.
 - d) Public Question Time.
 - e) Further Notice of Intention to Conduct Business in Private and Notifications of any Representations.
 - f) Matters Referred to the Cabinet* and Report from the Chair of the Overview and Scrutiny Commission (the Commission's comments will be considered under the relevant agenda item).
 - g) Consider any relevant petitions (if any) under the Council's Petitions Scheme.
 - h) Consider the business detailed on the agenda (each report will be presented by the relevant Cabinet Member) in accordance with the AIPR.
- * Namely: items Called-In, or those matters referred relating to the Budget or Policy Framework Documents by either the Full Council or the Overview and Scrutiny Commission.

NB: The order of business is at the discretion of the Leader and some items will not be required at every Cabinet Meeting.