

LEADER AND CABINET PROCEDURE RULES

1. HOW DOES THE CABINET OPERATE?

1.1. Who May Make Cabinet Decisions?

The Leader may provide for Cabinet responsibilities to be undertaken and decisions made by:

- (i) Themselves
- (ii) the Cabinet as a whole;
- (iii) a Committee of the Cabinet;
- (iv) an individual Member of the Cabinet;
- (v) an employee;
- (vi) an Area Committee;
- (vii) Joint Arrangements; or
- (viii) 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 them for inclusion in the Council's Scheme of Delegation, as Part 3 of this Constitution. The document presented by the Leader will contain the following information:

- (i) the names, addresses and wards of the people appointed to the Cabinet;
- (ii) the extent of any delegations to Cabinet Members individually including details of any limits to 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 delegations to area Committees, any other authority, or any Joint Committee for the coming year;
- (v) the nature and extent of any delegation to employees with any limits on that delegation.

1.3. Sub-Delegation of Cabinet Functions

- (a) Where the Cabinet, a Committee of the Cabinet or an individual Member of the Cabinet is delegated responsibility for a Cabinet function by the Leader, they may delegate further to an Area Committee, Joint Arrangements or an employee.
- (b) Even where Cabinet 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 Cabinet Functions

- (a) Subject to the Leader's powers to delegate Cabinet responsibilities set out above, the Council's Scheme of Delegation for non-Cabinet functions will be subject to adoption by the Council and may only be amended by the Council;
- (b) The Leader may amend the Scheme of Delegation relating to Cabinet functions at any time during the year. The Leader must give written notice to the Head of Legal, Democracy and HR and to the person, body or Committee concerned. The notice must set out the extent of the change to the Scheme of Delegation, and whether it entails the withdrawal of delegation from any person, body or Committee or the Cabinet as a whole. An item will be published in the next Councillors' Information Bulletin setting out the changes made by the Leader, following which it shall replace any previous version in this Constitution;
- (c) Where the Leader seeks to withdraw delegation from a Cabinet Committee or Area Committee, they should give written notice to the Chair of the Committee.

1.5. Urgent Action

If in their opinion urgent action is required in respect of any matter before a decision can be taken by the Cabinet, a written report will be prepared for the consideration by the Chief Executive who may after consultation with the appropriate Head of Service and with the agreement in writing of the Leader of the Council in relation to a decision normally taken by the Cabinet, take a decision thereon and any necessary action in furtherance of the functions of the Cabinet.

If the Leader is not available for consultation, the Deputy Leader shall be consulted instead. Every such decision must be reported to the next available ordinary meeting of the Cabinet.

1.6. 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 a Cabinet function has been delegated to a Committee of the Cabinet, an individual Member or an employee, 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.

1.7. Cabinet Meetings – When and Where?

- (a) The Cabinet will meet in accordance with the calendar of meetings confirmed by the Council at its Annual Meeting. The Cabinet shall meet at the Town Hall, Crawley or another location to be agreed by the Head of Legal, Democracy and HR.
- (b) All meetings of the Cabinet will be summoned by the Head of Legal, Democracy and HR who will give not less than five clear days notice in

accordance with the provisions of the Local Government Act 1972 or such shorter notice as the Act may permit.

- (c) Subject to paragraph (b) above, the Head of Legal, Democracy and HR may summon special meetings if they consider that urgent business is to be transacted. They will also, at any time, at the request of (a) the Leader, or (b) any three Members of the Cabinet in writing, summon an Extraordinary Meeting of the Cabinet. The summons to the Extraordinary Meeting will set out the business to be considered at the meeting and no business other than that set out in the summons will be considered at that meeting.
- (d) The Head of Legal, Democracy and HR will supply every Member of the Council with a copy of the agenda of the Cabinet and with every relevant report or supporting document which accompanies the agenda or, with the agreement of the Member concerned.
- (e) The Head of Legal, Democracy and HR may also, following consultation with the Leader, give notice in writing of the cancellation of an ordinary meeting of the Cabinet, if they consider that there is insufficient business to be transacted at the meeting.

1.8. Meetings of the Cabinet

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering meetings.

The Leader may exercise any lawful power to exclude a member, or members, of the public to maintain orderly conduct or prevent misbehaviour. In these circumstances the Leader will follow the procedures for disturbance at meetings set out in Council Procedure Rule 23.1.

1.9. Quorum

The quorum for a meeting of the Cabinet, or a Committee of it, shall be one quarter of the total number of Members of the Cabinet, or 3 Members, whichever is the larger.

During any meeting, if the Chair counts the number of Members present and declares there is not a quorum present then, except where the transaction of business is authorised by statute or ordered by the Council, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

1.10. How are Decisions to be Taken by the Cabinet?

- (a) Cabinet 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 Cabinet decisions are delegated to a Committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1. Who Presides?

If the Leader is present they will preside. In their absence, then a person appointed to do so by those present shall preside.

2.2. Who May Attend?

- (a) These details are set out in the Access to Information Rules in Part 4 of this Constitution
- (b) Every Member of the Council has the right to attend the meetings of the Cabinet but is not entitled to take part in the proceedings unless:
 - (i) a Member of the Cabinet;
 - (ii) specifically authorised by the Council;
 - (iii) having prior to the meeting indicated their wish to the Leader to speak on a particular item or the Leader invites them to speak;and is not in any circumstances entitled to vote at the Cabinet if they are not a Member.
- (c) A Member of the Council who has moved a motion which has been referred to the Cabinet, will receive notice of the meeting of the Cabinet at which it is proposed to consider the motion. They will have the right to attend the meeting and if they attend will have an opportunity of explaining the motion (but not of voting).

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 Overview and Scrutiny Commission or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules, the Budget Procedure Rules or the Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) consideration of reports from the Overview and Scrutiny Commission;
- (v) matters referred to the Cabinet in relation to relevant petitions submitted under the Crawley Borough Council Petitions Scheme; and
- (vi) 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 employee on proposals relating to the budget and policy framework 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.

2.5. Who Can Put Items on the Cabinet Agenda?

- (a) Any Member of the Cabinet may require the Head of Legal, Democracy and HR to make sure that an item relating to their Portfolio is placed on the agenda of the next available meeting of the Cabinet for consideration. If they receive such a request the Head of Legal, Democracy and HR will comply.
- (b) The Head of Legal, Democracy and HR will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the Overview and Scrutiny Commission or the Full Council have resolved that an item be considered by the Cabinet.
- (c) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by the Overview and Scrutiny Commission.
- (d) Any Member of the Council including Cabinet Members may ask the Leader to put an item on the agenda of a Cabinet meeting under (a) above for consideration, and if the Leader agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting.
- (e) The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Head of Legal, Democracy and HR to call such a meeting 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 the agenda of a Cabinet meeting. 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.

2.6. Public Questions at Meetings of the Cabinet

- (a) At the beginning of every ordinary meeting of the Cabinet, there will be a public question time.
- (b) During public question time, a member of the public may ask any question which is relevant to the functions of the Cabinet, provided that the question does not relate to an individual case which should be dealt with either under the Council's complaints procedure or any other formal appeals procedure.
- (c) The question will usually be answered by the Cabinet Member within whose portfolio the matter falls, but the Chair of the Cabinet at their discretion may answer the question or invite another Member or employee to respond.
- (d) The Chair of the Cabinet may at their discretion also allow other Members to comment upon the issue raised
- (e) Members of the public do not need to give prior notice of their questions. They may signify their wish to ask a question by raising their hand.

- (f) After the question has been answered, the person asking the question may ask one supplementary question.
- (g) The maximum duration of question time will be 15 minutes
- (h) In addition to the rights conferred in this Procedure Rule, members of the public have the right to send in written questions to the Cabinet at any time during the Committee cycle about a matter for which the Cabinet has a responsibility or which affects the Borough, and to get a written reply. Such questions should be addressed to the Head of Legal, Democracy and HR.

2.7. **Deputations**

- (a) When any deputation from ratepayers, Council Tax payers or others, or any other persons, request an interview with the Cabinet, the Chief Executive will submit the request to the Cabinet and, if it is decided to receive them, the deputation will be received at the next following meeting.
- (b) In the case of a deputation, not more than four persons will be received and, unless the Cabinet decide otherwise, not more than two persons will be heard: no motion will be moved nor speech made by Members during the hearing but any Member may ask questions through the Chair.

2.8. **Petitions etc.**

All petitions will be dealt with under the Crawley Borough Council Petitions Scheme (see Part 5 of this Constitution).

Ordinary Petitions

- (1) The Petitions Officer will arrange for each ordinary petition to be reported to the next convenient meeting of the Cabinet where the Cabinet has the power to take decisions on the matter.
- (2) Petitions which do not relate to an ordinary item of business will be considered before the normal business of the meeting, and will be considered in the order in which they were received, unless the Chair at the meeting determines otherwise.
- (3) A maximum of 30 minutes will be allowed at each meeting for considering all such petitions and consideration of the contents of any petitions not reached in the time allowed will be referred to the relevant Cabinet Member for consideration or deferred until the next meeting.
- (4) The Chair 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 3 minutes. The Chair may ask questions of the petition organiser, and will then invite any relevant Ward Councillors present to address the Cabinet on the matter for up to 3 minutes (each). The Chair will then invite the relevant officer(s) to advise the meeting, after which the matter will be open for debate among Members of the Cabinet.
- (5) Where the matter is to be determined by a Cabinet Member, they will take a decision on the matter. That decision may be a determination of the matter, or may be a decision to refer the matter for investigation and report back, or to refer it up to a meeting of the Council, Cabinet or a Committee or Sub-Committee of the Council for determination.

- (6) If the petition organiser is not satisfied with the Council's response to their petition, they may appeal to the Overview and Scrutiny Commission (see paragraph 9 of the Scrutiny Procedure Rules).

2.9. Voting in the Cabinet

- (a) All questions in the Cabinet will be determined by show of hands by a majority of the Members present and voting. In the case of an equality of votes the person presiding at the meeting will have a second or casting vote.
- (b) No record of protest or expression on vote of dissent will be recorded upon the report or the minutes of the Cabinet, except that:
- (i) any Cabinet Member has the right to requisition a recorded vote, which will be entered in the Minute Book of the Cabinet
 - (ii) immediately after a vote is taken, the Member may require that there is recorded in the Minute Book of the Cabinet whether they cast their vote for or against the question or whether they abstained from voting.
- (c) No Member of the Cabinet shall decide, and no Member of the Cabinet or any body acting on behalf of the Cabinet, shall vote on any question with respect to a report or further report in which they are named and criticised by the Ombudsman.

2.10. Conduct of Council Members

- (a) Only one Member shall speak at a time
A Member when speaking shall address the Chair. If two or more Members indicate a wish to speak, the Chair shall call upon one to speak and the other or others shall wait to be called. Only one Member shall speak at a time
- (b) Member not to be heard further
If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair or another Member may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.
- (c) Member to leave the meeting
If the Member continues to behave improperly after such a motion is carried, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specific period. If seconded, the motion will be voted on without discussion.
- (d) General disturbance
If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

2.11. Disturbance by the Public

- (a) Removal of a member of the public
If a member of the public interrupts proceedings, the Chair may warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.
- (b) Clearance of part of meeting room
If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

3. CABINET MEMBERS' PORTFOLIOS

- 3.1. Details of the Cabinet Members' Portfolios are set out in Appendix 1 to these Rules.
- 3.2. Some general principles have been established for determining whether the Cabinet collectively, or individual Cabinet Members are likely to have the authority to make a key decision. The Cabinet will usually take most key decisions. However, Cabinet Members may also take key decisions where the following key principles apply within their portfolio responsibilities:
 - Relatively minor changes to existing policy (i.e. corporate/strategic rather than operational policies) e.g. limited impact or area of coverage - very minor changes will be delegated to the Head of Service in consultation with the Cabinet Member
 - Minor changes to service delivery i.e. if some limited impact on customers (e.g. some limited closures);
 - Of minimal political sensitivity – more politically sensitive matters are likely to go to Cabinet for a decision.
- 3.3. The delegations to Cabinet Members will include, but will not be limited to, those listed in Appendix 1 to the Leader and Cabinet Procedure Rules.
- 3.4. Cabinet Members taking the delegated decisions will be required to follow the relevant processes including appropriate consultation (e.g. as identified in the decision making toolkit and are also strongly advised to undertake any consultations previously set out under these specific Cabinet Member delegations) and the Access to Information Procedure Rules, including Rule 13 (Procedure Before Taking Key Decisions) and Rule 21 (Executive Decisions by Individual Members of the Cabinet and Officers).