

## **ARTICLE 7 - THE LEADER AND CABINET**

### **7.1. Role**

The Cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. The Leader may, however, make arrangements to delegate some matters from himself/herself to the Cabinet, a Committee of the Cabinet, individual Cabinet Members, or to an employee, an Area Committee, through Joint Arrangements or to another Local Authority.

### **7.2. Form and Composition**

Crawley Borough Council has decided to adopt the Leader and Cabinet form of Executive. The Cabinet is at the heart of the decision-making process.

The Cabinet will consist of the Leader appointed by the Council, the Deputy Leader appointed by the Leader, together with at least one, but not more than eight other Councillors appointed by the Leader.

Only Councillors may be appointed to the Cabinet. Neither the Mayor nor the Deputy Mayor of the Council may be appointed to the Cabinet. The Leader and Cabinet Members may not be members of the Overview and Scrutiny Commission or serve on scrutiny panels.

### **7.3. Leader**

The Leader will be a Councillor elected to the position of Leader by a simple majority of the Council at its post-election Annual Meeting (or if the Council fails to elect a Leader at that meeting, a subsequent meeting of the Council). The term of office of the Leader started on the day of their election as Leader and the Leader will hold office until:

- (1) they resign from office; or
- (2) they are no longer a Councillor; or
- (3) until the next Annual Meeting after the Leader's normal day of retirement as a Councillor except that the Council may remove the Leader from office at an earlier date by resolution of the Council.

In the event of there being a vacancy in the office of Leader, the Council shall elect a new Leader at its next meeting.

If the Council passes a resolution to remove the Leader, a new Leader shall be elected at the meeting at which the Leader is removed from office or at a subsequent meeting of the Council.

#### 7.4. **Role of the Leader**

The role of the Leader shall be as follows:

- (1) To appoint the Deputy Leader, the Cabinet and the Cabinet Portfolio Holders;
- (2) To determine the number of Members to be appointed to the Cabinet and allocate any areas of responsibility to the Cabinet Portfolio Holders;
- (3) To determine the Scheme of Delegation for the discharge of the Cabinet functions of the Council set out in Part 3 of this Constitution;
- (4) To give political leadership to Members and Employees;
- (5) To be the spokesperson for the majority political group(s);
- (6) To represent the majority political group's(s') interests on issues concerning the political management of the Council, liaising regularly with the Chief Executive;
- (7) To initiate and develop corporate strategies and policies which the majority group(s) wish(es) to pursue;
- (8) To promote the interests and image of the Council and enhance its influence by building good relationships with local and national, private, public and voluntary sector organisations;
- (9) Subject to the ceremonial role of the Mayor, to represent the Council and conduct Member level correspondence with Government, Regional Bodies and Local Government Associations.

#### 7.5. **Deputy Leader**

The Leader will appoint a Deputy Leader. If for any reason the Leader is unable to act or the office of the Leader is vacant, the Deputy Leader will act in their place. The Deputy Leader will hold office until:

- (1) they resign from office; or
- (2) they are no longer a Councillor; or
- (3) they are removed from office by the Leader who must deliver written notice of any removal to the Head of Legal, Democracy and HR and to the Deputy Leader. The removal will take effect immediately after receipt of the notice by the proper officer; or
- (4) at the end of the term of office of the Leader.

Where a vacancy occurs in the office of the Deputy Leader the Leader must appoint another person in their place. If the Deputy Leader is unable to act or their position becomes vacant, the Cabinet must act in the Leader's absence or must arrange for a Cabinet Member to do so.

#### 7.6. **Other Cabinet Members**

Other Cabinet Members shall hold office until:

- (1) they resign from office; or
- (2) they are no longer Councillors; or

- (3) they are removed from office, either individually or collectively, by the Leader who must deliver written notice of any removal to the Head of Legal, Democracy and HR and to the Cabinet Member/s concerned. The removal will take effect immediately after receipt of the notice by the proper officer; or
- (4) at the end of the term of office of the Leader.

#### **7.7. Attendance**

If any Member of the Cabinet fails for six consecutive months to attend any meeting of the Cabinet or any Committee of the Cabinet or, acting alone, to discharge any functions which are the responsibility of the Cabinet and delegated to that Member, then, unless the failure is due to some reason approved by the local authority, she or he will cease to be a Member of the local authority.

#### **7.8. Role of Cabinet Members**

The role of Cabinet Members shall be as follows:

- (1) To be the advocate of policies within their portfolio ;
- (2) To provide strong and fair leadership and clear political guidance;
- (3) To be politically accountable to the Council for overseeing the effective implementation of policies and strategies which fall within their portfolio;
- (4) To work with the Leader and other Cabinet Members in order to initiate and develop corporate strategies and policies which the majority group(s) wish(es) to pursue;
- (5) To keep himself/herself informed of any significant underspends/ overspends in the budgets for which their portfolio is responsible;
- (6) To promote the interests and image of the Council;
- (7) To contribute towards achieving the Corporate Plan objectives as embodied in the Council's Vision Statement.
- (8) To exercise collective responsibility for decisions of the Cabinet;
- (9) To make decisions as delegated under the Council's Constitution and to take some decisions relating to a matter within the remit of their portfolio responsibilities including executive decisions that have been delegated to them subject to the following:
  - (a) The Cabinet Member shall comply with the requirements of Article 12 of this Constitution relating to Decision-Making and Rules 20 and 21 of the Access to Information Rules and any other relevant Procedural Rules contained in the Constitution.
  - (b) A Cabinet Member may refer any matter within their portfolio to the Cabinet for a decision.

#### **7.9. Proceedings of the Cabinet**

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

#### 7.10. **Responsibility for Functions**

The Leader holds all responsibility for Cabinet functions and determines the Scheme of Delegation for the discharge of Cabinet functions. The Leader will determine which Cabinet functions are to be exercised by:

- (1) Themselves;
- (2) The Cabinet as a whole;
- (3) A Committee of the Cabinet;
- (4) An individual Member of the Cabinet;
- (5) An employee;
- (6) An Area Committee;
- (7) Joint Arrangements;
- (8) Another Local Authority

The Leader will maintain a list in Part 3 of this Constitution setting out which individual Members of the Cabinet, Committees of the Cabinet, employees, Area Committees, Joint Arrangements or other authorities are responsible for the exercise of particular Cabinet functions.

The Leader of the Council has allocated portfolio responsibility to individual Cabinet Members. Full details of their responsibilities are set out in Part 4 – Rules and Procedures – Leader and Cabinet Procedure Rules.

#### 7.11. **Appointment of Committees**

The Council may appoint advisory Committees to advise the Cabinet or any Committee or individual Member of the Cabinet.