



## Report to Scrutiny

Item Number: 6

**Contains Confidential or Exempt Information**

No

**Subject of Report:** Cabinet and Council  
**Meeting:** Scrutiny Review Panel 1.  
Thursday 6<sup>th</sup> February 2014

**Service Report Author:** Keith Fraser, Head of Scrutiny & Committees  
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**Scrutiny Officer:** Harjeet Bains

**Cabinet Responsibility:** N/A

**Director Responsibility:** Helen Harris Director of Legal & Democratic Services  
[harrish@ealing.gov.uk](mailto:harrish@ealing.gov.uk)  
Tel: 020 8825 6175

**Brief:** To consider the operation of Cabinet and Council meetings.

**Recommendations:** It is recommended that the Panel consider any recommendations to incorporate into their final report

## **Cabinet and Council**

- 1.1 Cabinet and Council are the two major decision making bodies of the authority. The decisions that these bodies may take are set out in the legislation thus Cabinet cannot take “Council side” decisions and vice-versa. “Cabinet side” decisions are known as executive decisions.

### **Cabinet**

- 1.2 Ealing operates a relatively conventional Leader and Cabinet model. It meets 11 times a year. This is the usual pattern for London though outside London many Cabinets meet weekly or fortnightly, usually in the daytime.
- 1.3 Legislation prescribes that the Cabinet can have no more than 9 members plus the Leader.
- 1.4 Cabinet agendas have to be considered against the scheme of officer delegations as the less is delegated the more has to be considered in full cabinet.
- 1.5 Portfolio holders also take decisions, known as “Individual Cabinet Member Decisions” (ICMDs). For the sake of administrative convenience, Ealing’s ICMDs are usually taken immediately before a Cabinet meeting. Some councils timetable these formally on different days; if this were to be done at Ealing, this could result in 70+ additional decision meetings a year.
- 1.6 As outlined in a previous paper there are no public speaking rights at Cabinet though speakers are sometimes permitted at the discretion of the Leader.
- 1.7 Members of the Shadow Cabinet may speak once on an item relevant to their portfolio if due notice is received by 9.00 am on the day of the meeting.
- 1.8 The Leader of the second minority party also has the right to speak under the same arrangements.
- 1.9 Speakers cannot debate with Cabinet or ask questions of officers
- 1.10 Other Councillors, including those from the majority party, have no right to speak at Cabinet.
- 1.11 Executive decisions are subject to a range of strict legislative publicity requirements. These include publicity of intended decisions at least 28 days in advance (in Ealing, this is done via the Forward Plan), call-in provisions in relation to key decisions, and the requirement to publish all executive decisions taken. OSC members have the right to see executive decision reports and the background papers to those decisions, subject to a few exceptions.

## 1.12 Issues for discussion

- Formal rights for the public to engage?
- Formalised times for ICMDs?
- Savings agenda: could more decisions be delegated (i.e. either to individual portfolio holders or officers), to reduce the length, frequency, and expense of cabinet meetings and allow those meetings to focus on a few key strategic decisions – with the time for fuller discussion and possibly debate including non-cabinet members?
- More pre scrutiny of the most strategic decisions to be taken by Cabinet?
- Stricter criteria for call-in? For example, should call-in be prohibited where pre scrutiny of the decision has happened?

## Council

- 1.13 Council meets 8 times a year. One meeting is the AGM, a largely formal procedural meeting and, by convention rather than rule, one other meeting focusses on the budget and another on the corporate plan.
- 1.14 The other 5 meetings take important “Council side decisions” (though these are nearly always agreed after the guillotine falls, and without introduction or debate), deal with a limited number of oral questions, motions for “opposition business” (limited to 30 minutes) and general motions. Motions are dealt with on the agenda in a “first come first put” basis – as received from the day after the meeting. At the time of writing 6 motions were received for the January meeting the next day after the December meeting. Most motions are never debated but dealt with after the guillotine<sup>1</sup>
- 1.15 The public can engage through presenting petitions or asking questions-limited to a maximum of 5 per meeting respectively. Details are shown in **appendix 1**
- 1.16 Many members do not participate in meetings other than attending and voting.
- 1.17 Issues for discussion
- Is the meeting time used as efficiently as it could be?
  - Should reports be moved up the agenda to ensure that they are debated?
  - Should leaders of the largest political groups agree in advance issues of key local significance to be debated by full council at points throughout the year?
  - Could the rules on motions be changed such as by having a ballot amongst some or all councillors for motions that will be debated?
  - Is there a need for opposition business?
  - Is the number of meetings the right number?

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<sup>1</sup> Council is the only constituted meeting with defined timings and a usual finish time of 9.30 pm with an occasional extension to 10.00 pm.

- Are the public engaged appropriately?

## **2. Legal Implications**

- 2.1 The Council constitution determines the arrangements for Cabinet and Council within the context of legislative requirements, best practice, and the practical experience of officers and councillors at Ealing.

## **Financial Implications**

- 3.1 There are no direct financial implications arising from this report. Any recommendations that go to Cabinet or Council will have further comments by finance officers on any financial implications

## **4. Other Implications**

- 4.1 There are no other implications arising from this report.

## **5. Background Papers**

- 5.1 Ealing Council's Constitution, available at [www2.ealing.gov.uk/services/council/council\\_constitution/](http://www2.ealing.gov.uk/services/council/council_constitution/).

## Consultation

<b>Name of Consultee</b>	<b>Department</b>	<b>Date Sent to Consultee</b>	<b>Date Response Received from Consultee</b>	<b>Comments Appear in Report Para:</b>
<b>Internal</b>				
Helen Harris	Director of Legal and Democratic Services	8/1/2014	17/1/2014	
Cllrs Young & Gordon	Chair & Vice-Chair	7/1/2014	7/1/2014	
<b>External</b>				
None				

## Report History

<b>Decision Type:</b>			
Non-key decision		No	
<b>Authorised by Cabinet Member:</b>	<b>Date Report Drafted:</b>	<b>Report Deadline:</b>	<b>Date Report Sent:</b>
<b>Report No.:</b>	<b>Report Author and Contact for Queries:</b>		
	Keith Fraser, Head of Scrutiny & Committees <a href="mailto:fraserk@ealing.gov.uk">fraserk@ealing.gov.uk</a> 0208 825 7497		

## Appendix 1

### **PROCEDURE FOR THE PUBLIC TO ASK QUESTIONS AT COUNCIL MEETINGS**

The Council welcomes questions and recognises that questions from the public are one of the ways residents can let us know their concerns. This guidance note refers to questions which may be presented to Council.

Alternatively you may wish to raise the matter at your local Ward Forum meeting which is attended by your local ward councillors.  
The link below gives further details.

[http://www.ealing.gov.uk/info/200916/ward\\_forums](http://www.ealing.gov.uk/info/200916/ward_forums)

You may present a question to Council under Council and Committee Procedure Rule Number 9

You, or someone speaking on your behalf, will ask the question that you submitted in advance. The appropriate councillor will then give a response. You may then ask a short supplementary question which will be responded to. The Council will not debate the matter.

#### **The question should be a question and not a speech.**

It must relate to something which is the responsibility of the authority, or over which the authority has some influence.

Questions must not be defamatory, frivolous or offensive, be substantially the same as a question considered by the Council in the last six months, require the disclosure of confidential or exempt information or relate to an outstanding licensing or planning application.

No more than five questions from the public may be submitted at any meeting and an individual can only ask one question at a meeting. They will be taken in the order received.

The deadline for giving notice that you wish to submit a question is noon two clear working days before a Council meeting although it helps if it is submitted before this.

The next Council meeting when your question may be considered will be on

**Tuesday 28<sup>th</sup> January 2014 starting at 7.00pm.**  
**Deadline for receipt 12.00 on Thursday 23<sup>rd</sup> January**

In order to ask a question you must fill in the attached form giving your name, address and signature.

Note that it may be decided to defer consideration of a question to the following meeting in view of other business to be considered by the Council. Notice of the intention to present a question must be given in writing, by email or by fax to

Keith Fraser  
Head of Scrutiny & Committees  
Perceval House  
14-16 Uxbridge Road  
LONDON  
W5 2HL

Tel: 0208 825 7497  
Fax: 0298 825 6909  
Email: [fraserk@ealing.gov.uk](mailto:fraserk@ealing.gov.uk)

On the evening of the Council meeting you are requested to arrive at Ealing Town Hall at 6.45pm and report to the reception desk. Here you will be met by an officer, normally Hitaishi Vaghela, the Mayor's Secretary, who will accompany you to the Council Chamber and confirm the procedures.

The public gallery of the Council Chamber holds 40 people; for health and safety reasons, this limit cannot be exceeded. These seats are allocated on a "first come, first served basis". There may well be other people seeking to attend the meeting in addition to you and anyone who comes along to support you.

If you have any queries on the above please phone 0208 825 7497

**PRO-FORMA FOR GIVING NOTICE OF SUBMITTING  
A QUESTION TO COUNCIL**

Date to be submitted to Council	
Subject of Question	
Wording on question	
<b>Contact details</b>	
Name	
Address	
Home telephone number	
Mobile telephone number	
E mail address	

## PROCEDURE FOR THE PUBLIC TO PRESENT PETITIONS TO COUNCIL

The Council welcomes petitions and recognises that petitions are one of the ways residents can let us know their concerns. This guidance note refers to petitions which may be presented to Council.

It does **not** relate to petitions in response to consultations being undertaken by the Council on licensing and planning applications, or those being undertaken statutorily, such as calling for an elected mayor, or calling a senior officer to account.

Further details can be found at the following link

[http://www.ealing.gov.uk/info/200627/committees/1090/petition\\_scheme](http://www.ealing.gov.uk/info/200627/committees/1090/petition_scheme)

Alternatively you may wish to raise the matter at your local Ward Forum meeting which is attended by your local ward councillors.

The link below gives further details.

[http://www.ealing.gov.uk/info/200916/ward\\_forums](http://www.ealing.gov.uk/info/200916/ward_forums)

There are two types of petitions that you may present to Council:

### 1. Under Council and Committee Procedure Rule Number 9

The petition organiser, or someone speaking on their behalf, will be allowed up to 3 minutes in which to give some background information and present the petition to the Mayor. The appropriate councillor will then give a response. The Council will not debate the matter.

### 2. Under the Council's Petitions Scheme

If you want your petition to be reported to, and debated at, a meeting of the Council, it must contain at least 1,500 signatures. The Council will try to consider the petition at its next meeting, although this may not always be possible. The petition organiser, or someone speaking on his/her behalf, will be given up to 5 minutes to address the Council allowing them to give some background information if they so wish and to present the petition. The subject of the petition will then be discussed by the Council for a maximum of 20 minutes. This will include an opportunity towards the end of the debate for the petition organiser, or someone speaking on his/her behalf, to sum up their case. The Council will decide how to respond to the petition at the meeting.

You may also ask one of your ward councillors to present a petition on your behalf.

Petitions should include:

- a clear, concise statement covering the subject of the petition. This must relate to something which is the responsibility of the authority, or over which the authority has some influence and should state what action the petitioners want the Council to take.
- the name, address and signature of any person supporting the application.
- the name and contact details of the petition organiser or someone to whom the organiser would like any correspondence about the petition to be sent.

Petitions must not be defamatory, frivolous or offensive, be substantially the same as a petition considered by the Council in the last six months, require the disclosure of confidential or exempt information or relate to an outstanding licensing or planning application.

The deadline for giving notice that you wish to submit a petition is noon two clear working days before a Council meeting although it helps if it is submitted before this.

The next Council meeting when your petition may be considered will be on

**Tuesday 28<sup>th</sup> January 2014 starting at 7.00pm.**  
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Note that it may be decided to defer consideration of a petition to the following meeting in view of other business to be considered by the Council. Notice of the intention to present a petition must be given in writing, by email or by fax to

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On the evening of the Council meeting you are requested to arrive at Ealing Town Hall at 6.45pm and report to the reception desk. Here you will be met by an officer, normally Hitaishi Vaghela, the Mayor's Secretary, who will accompany you to the Council Chamber and confirm the procedures. These do not allow for Powerpoint presentations to be made or handouts to be circulated.

The public gallery of the Council Chamber holds 40 people; for health and safety reasons, this limit cannot be exceeded. These seats are allocated on a "first come, first served basis". There may well be other people seeking to attend the meeting in addition to you and your group.

You and your ward councillors will be notified of the actions taken, if any, as a result of the presentation of your petition to Council.

If you have any queries on the above please phone 0208 825 7497

<b>PRO-FORMA FOR GIVING NOTICE OF SUBMITTING A PETITION TO COUNCIL</b>	
Date to be submitted to Council	
Subject of petition	
Wording on petition	
Anticipated number of signatures	
<b>Contact details of petition organiser</b>	
Name	
Address	
Home telephone number	
Mobile telephone number	
E mail address	
Names and contact details of people to speak and present petition if not as above	

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