

# Crawley Borough Council

## Minutes of General Purposes Committee

20 March 2006 at 7.30 p.m.

**Present:** Councillor J Mortimer (Chair)  
Councillor D G Crow (Vice Chair)

Councillors R D Burrett, B Clay, S Cleeve, M T Head,  
R A Lanzer, D J Shreeves and J Stanley.

**Also in attendance:-** Councillor S J Joyce

### Officers Present:

M Coughlin	Chief Executive
P Tinsley	Head of Democratic Services
J Green	Principal Democratic Services Officer

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### Apology for Absence:

Councillor C A Cheshire

### 34. Minutes

The minutes of the meeting of the Committee held on 30 January 2006 were approved as a correct record and signed by the Chair.

### 35. Members' Disclosures of Interest

None

### 36. **Members' Allowances Scheme – Report of the Independent Review Panel**

The Committee considered report DS/60 of the Head of Democratic Services on the final report of the Members' Allowances independent Review Panel. A copy of the Panel's report had been circulated to all Members of the Council.

The Committee also had before it a letter from Councillor B A Smith and the Head of Democratic Services addressed the general comments contained therein. She agreed that it was unfortunate that, due to the resignation of the Police representative, the Panel had been reduced to three members. With regard to the query about the quorum for such a panel, this was unspecified in the regulations. However, it was felt that the Panel should be treated as being similar to a Sub-Committee for which the quorum was generally two members. Councillor Smith had observed that there were no tables of comparison with other authorities contained in the report and, in response to her comments, this information was circulated to the Committee. Councillor Smith's other comments were taken into account when consideration was given to various elements of the Panel's recommendations. The Committee noted that the Head of Democratic Services had written to all Members (by e mail on 10 October 2005) inviting them to submit their views and comments to the Panel.

The Committee then went on to consider the report of the Panel which recommended increases in Members' Allowances in line with inflation (including the basic allowance, the special responsibility allowance and the dependent care allowance). The report also proposed a special responsibility allowance for the Vice Chair of Development Control Committee and for Shadow Executive Members. Details of the research carried out by the Panel were set out in its report.

The allowances being recommended by the Panel were as follows:-

<b>Office Holder</b>	<b>Special Responsibility Allowance £</b>
Basic allowance (all councillors)	5,565
Leader of the Council	13,359
Executive Portfolio Holders	6,677
Overview and Scrutiny Commission Chair	5,977
Vice Chair of Overview & Scrutiny Commission	1,091
Payments to Lead Member on a review	1,060 per completed review
(Note: Members would be entitled to only one £1,060 allowance per year even if they chose to undertake a second review)	
Chair of Development Control Committee	5,564

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Chair of Licensing Committee	5,564
Vice Chair of Licensing Committee	2,226
Vice Chair of Development Control Committee	2,226
Chair of Standards Committee	2,226
Chair of General Purposes Committee	2,226
Leader(s) of minority group(s) (differential rates depending on the number of members in that group):	
o Basic allowance	2,059
o Additional payment per group member	257
Shadow Executive Member	2,500

(No member would be entitled to more than two special responsibility allowances. If they fulfilled three of the above roles, they would be paid only the two highest allowances.)

The Committee was informed that the cost of the revised Members' Allowances Scheme would be around £362,200 per year and that, if the recommendations were accepted the Executive would need to approve a supplementary revenue estimate in the sum of £20,330.

Whilst the special responsibility allowance for the Chair of the Development Control Committee was generally supported by the Committee as there were perceived to be strong parallels between Development Control and the Licensing Committee, not all Members were persuaded that there was a case for an allowance to be paid to Shadow Executive Members. On the one hand, it was suggested that Shadow Portfolio Holders, who fully acquainted themselves with the particular portfolio assigned to them, ensured a good level of accountability which would benefit the authority and also provided for succession planning. It was held that, therefore, these posts were worthy of a special responsibility allowance.

Other Members were of the view, that the role of Shadow Executive Member was a political position which was not recognised in the Council's Constitution and should not, therefore, attract a special responsibility allowance.

The Head of Democratic Services advised the Committee that the regulations provided that a special responsibility allowance could be made to Members who were acting as a political spokesman at a committee, if the authority so wished. However, the Committee finally decided not to support the Panel's recommendation to make such a payment.

The Committee also briefly discussed the possibility of recommending a special responsibility allowance in respect of the work undertaken by the Chair of the Service Priority Working Group. However, it was felt that this suggestion should have been raised with the Independent Review Panel at the appropriate time so that it could have been properly considered and the

appropriate evidence sought. The Committee was, therefore, reluctant to make a recommendation relating to this post for 2006/07.

### **RECOMMENDATION**

That the Council be recommended

- (1) To approve the Members' Allowances Scheme for 2006/07 as recommended by the Independent Review Panel and set out in the Appendix to report DS/60 of the Head of Democratic Services, subject to:-
  - (a) the scheme being amended by the exclusion of the proposal to pay a special responsibility allowance to Shadow Executive Members;
  - (b) the correction of a clerical error with regard to the allowance payable to Lead Members of Scrutiny Reviews which should read '£1,060'
- (2) That the Panel be thanked for the thorough and efficient way in which they carried out the Review.

### **37. Review of Democratic Structures and Constitutional Changes**

The Committee considered report DS/61 of the Head of Democratic Services on the Review of Democratic Structures and Constitutional Changes.

The report suggested that, on the whole, the current democratic structure arrangements appeared to be working reasonably satisfactorily. However, certain changes were proposed for consideration by the Committee, also taking into consideration the possibility of the Council becoming a 'No Overall Control' authority after the elections in May.

#### Call-in

The Committee gave consideration to the call-in procedure and whether it should be tightened. Currently, any member present at an Executive meeting could call-in a decision and that decision would then be treated as suspended pending consideration of the matter at the next meeting of full Council. If the full Council did not object to the decision of the Executive, then the original decision would stand. If the Council did object, (unless the decision was contrary to the policy framework or not in accordance with the budget) the Council was required to refer the matter back to the Executive for reconsideration or to the Overview and Scrutiny Commission.

It was felt that the current system was simple to operate in that it was always clear at the end of an Executive meeting whether or not an item had been finally resolved or had been called in. This practice was considered preferable to that adopted by some other authorities where members were allowed a specific number of days after the meeting to call a matter in.

However, whilst the current system was not being abused, the view was taken that the existing call-in provisions presented an opportunity for one individual member to delay the implementation of any decision without good reason. The Committee, therefore, proposed that any proposal for a decision to be called-in should be countersigned by three other Members of the Council, such signatures to be received by the Head of Democratic Services within five working days of the call-in.

The report went on to suggest that the Committee might wish to discuss whether the Overview and Scrutiny Commission should be more involved in the call-in process by providing for called-in items to be referred to the Commission rather than full Council. However, the general view was that this would mean additional meetings and would delay the call-in process and, therefore, no amendment of this nature was proposed.

#### Approval Route for Overview and Scrutiny Commission Reports

The Committee was advised that, in comparing the Council's processes with those of other authorities and taking into consideration the original statutory guidance, it had become clear that the reports of the Overview and Scrutiny Commission should not necessarily be referred to full Council for decision as at present but should go to the body that had the authority to make the final decision. Changes to the Constitution to rectify the position were proposed in the report and the Committee raised no objection to these amendments.

#### Audit

The Committee was advised that the CPA was setting the challenge for local authorities to have an effective audit committee. The guidance issued by the Chartered Institute of Public Finance and Accounting suggested that audit should be neither an Executive nor a Scrutiny function and, therefore, the report proposed that the functions should be carried out by a Sub-Committee of the General Purposes Committee (the Audit and Governance Sub Committee) with terms of reference as set out in Appendix 1 to the report.

It was further proposed that five members should serve on the Sub Committee (the upper limit for the number of members proposed by HM Treasury) and that, in accordance with the guidelines, the Sub Committee should include but not be chaired by an Executive Member.

The Committee decided that it was important, in the light of recent experience, to accept the recommendations relating to the Audit and Governance Sub Committee, which were based on the available guidance.

#### Method of Appointment of the Leader and the Cabinet

The Committee was reminded that, whilst the Constitution provided that the Council should appoint the Leader and Members of the Executive, an alternative option would be for the Leader to make each Executive appointment.

It was explained that, under the current Constitutional arrangements, in the event of no overall control (e.g. 18, 17, 2) and no formal pact between any of the three parties, if every Executive appointment were to be decided one

by one by the Council, this could result in the appointed Leader having to work with an Executive composed partly or mainly of Members with opposing political views.

The Committee was, therefore, asked if it were minded to recommend that the Leader should be given the power to appoint the Executive, in which case consideration would also need to be given to whether he/she should also have the power to vary the number of Members of the Executive, the content of the Portfolios and/or the delegation of powers to individual members.

The view was taken by certain Members of the Committee that the Leader would receive a disproportionate amount of power if he/she were to be given delegated authority to make the Executive appointments. Other Members felt that the same could be said to apply to the minority party in a no overall control situation under the current Constitutional arrangements.

It was concluded that the Committee was not minded to recommend any changes to the Constitution relating to the method of appointment of the Executive.

#### Guillotine

Consideration was given as to whether the guillotine should be introduced with a view to ensuring that meetings did not last too long. However, the Committee concurred with the view expressed in the report that the length of meetings should be managed by Chairs, who should be provided with appropriate training, if necessary.

#### Other Matters

Arising from consideration of the report, the Committee decided to make no recommendation relating to maternity provision for Councillors. It was noted that Members could not be disqualified on account of absence unless they failed to attend a meeting for six months, so no further provision was considered necessary.

The Committee also declined to propose an amendment which would allow non-Commission Members to be appointed as Chairs of Scrutiny Panels by the Commission. The Committee felt that the requirement that Scrutiny Panel Chairs should be appointed from the membership of the Commission should be retained.

It was suggested that, at a future meeting, further consideration should be given to the role of Policy Development Forums and whether any duplication existed with the functions being carried out by the Working Groups and Scrutiny Panels.

The officers were also asked to give consideration to the question of whether call-in should apply to the whole resolution or whether it could relate to only part.

#### Call-in and urgency

The requirement to monitor the operation of the provisions relating to call-in and urgency on an annual basis as required in Scrutiny Procedure Rule 14(i)

was also addressed in the report. The purpose of such monitoring was to ensure that the procedure was not being abused.

### **RECOMMENDATION**

That the Council be recommended

- (1) That, subject to any comments received from the Standards Committee and/or the Executive with regard to their functions, the amendments to the Constitution proposed in Appendices 1 and 2 to these Minutes be agreed with a view to their implementation immediately after the Annual Meeting of the Council;
- (2) That the Constitution be further amended to include a requirement that any proposal for a decision by the Executive to be called-in shall require the support of three other Members of the Council, such support to be notified in writing to the Head of Democratic Services within five working days of the call-in;
- (3) That no change be made to the method of appointment of Executive Members and no provision be made for the introduction of the guillotine;
- (4) That, since the provisions relating to call-in and urgency have only been used twice during the past twelve months, no revision of the provisions is necessary at this stage.

### **38. Closure of Meeting**

With the business of the Committee concluded, the Chair and officers were thanked for the efficient way that they had conducted business during the Council year and the Chair then declared the meeting closed at 9.20p.m.

J Mortimer

**Chair**

**AMENDMENTS TO THE CONSTITUTION**

<b>Function</b>	<b>Proposed amendment</b>	
Updates	Introduce an update sheet at the beginning of the Constitution so that it is possible to track changes made during the year.	This will pr
Article 2 – Members of the Council (Page 12) 2.01 (a) Composition	Replace the reference to the ' Local Government Commission' with the words 'Electoral Commission' and delete the following words in brackets:-  '(this may become the Electoral Commission at a later date)'.  '	For updati
Article 4.01 – The Full Council (page 17)	Amend the fifth Plan and Strategy to read as follows:-  Adopting, approving, amending, modifying, varying or revoking plans and alterations which together comprise the Local Development Plan (including the approval for the purposes of public consultation in accordance with regulations 26 and 28 of the Town and Country Planning (Local Development) (England) Regulations 2004, of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan.)	Updating t introductio



Function	Proposed amendment	
	This amendment should also appear in the list of Policy Framework Documents set out on pages 121 and 220.	
Article 4 – The Full Council (Page 17)	<p>Add the 'Statement of Gambling Policy' to the list of Policy Framework Documents in Article 4.01.</p> <p>This amendment should also appear in the list of Policy Framework Documents set out on pages 121 and 220.</p>	To achieve Licensing Document
Article 4 – The Full Council (Page 17)	<p>Add the following wording:</p> <p>'(In respect of policy framework documents the Executive will be responsible for putting draft proposals to the Council and will be responsible for any consultation required or necessary in the course of preparing those documents).'</p> <p>This amendment should also appear in the list of Policy Framework Documents set out on page 220.</p>	This provides Framework
Article 4 – The Full Council (Page 18)	<p>Remove 'the Council Tax base' from the definition of the budget in Article 4.01(b)</p> <p>This amendment should also be made on page 122.</p>	The setting Executive to the Cha

Function	Proposed amendment	
Article 4 – The Full Council (Page 19)	<p>Remove the following wording:-</p> <p>'4.02(q) powers and duties relating to Local Development Documents which are Development Plan Documents under Sections 20 to 23 and 25, 26 and 28 of the Planning and Compulsory Purchase Act 2004'</p> <p>This amendment should also be made to page 124 (item (x))</p>	<p>The deleg: following tl Country Pl (England)</p> <p>The formul alterations Developm function ur (Functions Regulation</p> <p>Consultatic Regulation Regulation the submis State for h function of adoption o the require (Functions (Amendme of the 200.</p>
Article 6 – Overview and Scrutiny Commission (Page 21)	<p>Amend 6.01(3) to read as follows:-</p> <p>'To receive requests from the Executive for scrutiny involvement in policy review <b>and development</b> and decide how to respond.'</p> <p>This amendment should also appear on page 119 – Functions of the Overview and Scrutiny Commission.</p>	<p>Whilst poli out by the may occas Executive involveme</p>

Function	Proposed amendment	
Article 6 – Overview and Scrutiny Commission (Page 21)	<p>Add the following words to Article 6.01 (5) – To receive all appropriate performance management and budget monitoring information:-</p> <p><b>(This function may either be carried out by the Commission or by one of its panels).</b></p> <p>This amendment should also appear on page 119 – Functions of the Overview and Scrutiny Commission.</p>	To reflect
Article 6 – Overview and Scrutiny Commission (Page 21)	<p>Amend Article 6.01 (6) to read as follows:-</p> <p>‘To approve and co-ordinate an annual overview and scrutiny work programme, <b>noting</b> the programme of any scrutiny panels it appoints so as to ensure that the Overview and Scrutiny Commission’s and scrutiny panels’ time is effectively and efficiently utilised’.</p>	For purpos
Article 6.03 Overview and Scrutiny Commission (Page 23)	<p>Amend (h) to read as follows:-</p> <p>(h) make recommendations arising from the outcome of the scrutiny process to the <b>Executive (if the proposals are consistent with the existing budgetary and policy framework), to a committee where the matter falls within its terms of reference or to the Council as appropriate (e.g. if the</b></p>	In compari other auth statutory g the OSC re referred to <b>should go authority</b> necessaril

Function	Proposed amendment	
	<p>proposal would require a departure from or a change to the agreed budget and policy framework or if it relates to the outcome of a best value review).</p> <p><b>Where the Council is to receive the report, a copy of the report will be submitted to the Executive held in the same cycle. The Executive may comment upon the report and these comments will be presented to the Council at the time the report is considered.</b></p>	<p>Our current practice is to report to the Council ahead of the Executive meeting. However, in line with statutory requirements, the Council normally makes decisions through the Executive Committee. If changes are not accepted by the Executive Committee, the Council will not accept the decision of the full Council.</p> <p>These submissions will be made at the Executive meeting and the Council will be invited to comment on the report.</p>
Article 6.04 Overview and Scrutiny Commission (Page 23)	<p>Substitute the following for 6.04 (Role of Chair of Overview and Scrutiny Commission) (i):-</p> <p>‘(i) To oversee and provide leadership, management and strategic direction to the Overview and Scrutiny Commission and process.</p> <p>(ii) To develop and promote the role, profile</p>	<p>To incorporate the role of the Chair of Overview and Scrutiny Commission into the Overview and Scrutiny Commission. The Commission will be responsible for producing an annual overview and scrutiny report for the Council. The Commission will also be responsible for developing and promoting the role, profile and effectiveness of the Commission. The Commission will be responsible for developing and promoting the role, profile and effectiveness of the Commission. The Commission will be responsible for developing and promoting the role, profile and effectiveness of the Commission.</p>

Function	Proposed amendment	
	<p>and impact of overview and scrutiny.</p> <p>(iii) To develop a knowledge of the Council and how it relates to other organisations and the community.</p> <p>(iv) To develop the skills set for a successful chair of overview and scrutiny'</p> <p>Renumber old (ii) – (v)</p> <p>Amend the new (vii) and (viii) to read as follows:-</p> <p>'(vii) To produce a report for submission to <b>the Executive, a Committee or the Council as appropriate.</b></p> <p>(viii) To present review reports at the Executive, <b>at a Committee and/or</b> the full Council'</p>	<p>marketed : organisatic</p> <p>The role pi analysis of developed be used to developme whole com available fi Manager.</p> <p>For (vii) an</p>
Article 8.01 – Regulatory and other committees (Page 28)	<p>Add the following to the list of committees:-</p> <p>'Audit and Governance Sub Committee'.</p>	See correc
Responsibility for Council Functions (Page 51)	Delete functions 1 and 2 and the delegations thereunder in their entirety	For the re: Article 4.0:

Function	Proposed amendment	
Functions of the Licensing Committee (Page 87)	Delete functions 12, 13 and 14 (powers and delegations relating to the determination and issue of cinema, cinema club, theatre and entertainment licences).	Cinema, ci entertainm premises l 2003. The already ap delegation
Functions of the Licensing Committee (Page 89)	Delete function 15 (powers relating to door supervisors).	This is nov Industry Ai
Functions of the Licensing Committee (Page 91)	Delete function 21 (powers and delegations to license night cafes and take-away food shops).  However, in replacement of 21(b) add the following on page 107:-  <u>71(a) The following function is delegated to the Head of Environmental Services:-</u>  Service of all statutory notices under the Licensing Act 2003.	Late night premises c Licensing , delegation elsewhere
Functions of the Licensing Committee (Page 95)	Delete function 41 (power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods)	Now cover shops no l compared

Function	Proposed amendment	
Functions of the Licensing Committee (Page 96)	<p>Amend function 47 to read as follows:-</p> <p>'Functions relating to the</p> <p>(i) Food Safety Act 1990 (as amended) and any Orders or Regulations made thereunder or relating to the foregoing or having effect by virtue of the European Communities Act 1972, and any modification or re-enactment to the foregoing</p> <p>(ii) Food Hygiene (England) Regulations 2006 (as amended)</p> <p>Also replace the reference in (b)(ii) to the Food Safety (General Food Hygiene) Regulations 1995 with 'Food Hygiene (England) Regulations 2006 (as amended)'</p>	For purpos
Functions of the Licensing Committee (Page 98)	<p>Amend delegation 51(d) to read as follows:-</p> <p><u>'The following function is delegated to the Head of Environmental Services jointly with the Head of Legal Services:-</u></p> <p>Appointment of inspectors (<b>including employees of the Health and Safety Executive</b>) under Section 19 for the purposes of Section 20 (Powers of Inspectors), Section 21 (Improvement Notices), Section 22 (Prohibition Notices) and Section 25 (power to deal with imminent danger) of the Health and Safety at Work, etc Act, 1974.'</p>	It is propos be authoris and Safety landside, in Environme HSE will b Council's c operating :

Function	Proposed amendment	
Functions of the Licensing Committee (Page 107)	<p>Add the following:-</p> <p>'That the following function should be delegated to the Head of Environmental Services after consultation with the Chair and Vice Chair of the Licensing Committee (through the Licensing Committee and the Licensing Act 2003 Applications Sub-Committee):-</p> <p>The service of a counter notice under Section 107 of the Licensing Act 2003 in response to a temporary event notice where the permitted limits have been exceeded'</p>	<p>Where it is or more lic people dur hours, an i authority n event notic</p> <p>If a Police proposal, i Committee</p> <p>However, ' been recei number of 107 of the exceeded, licensing a is propose delegated Services</p>
Functions of the Licensing Committee (Page 103)	<p>Add the following:-</p> <p><u>'The following function is delegated to the Head of Environmental Services:-</u></p> <p>Power to require the provision of sanitary appliances at places of entertainment under</p>	<p>This deleg function 14 deleted).</p>



Function	Proposed amendment	
	Section 20 of the Local Government (Miscellaneous Provisions) Act 1976.'	
Functions of the Standards Committee (Page 110)	Delete the following functions:-  '9. The overview of internal and external audit.  10. The overview of the whistleblowing policy'	If the prop Governanc next item), carried out
Responsibility for Council Functions – General Purposes Committee (Page 116)	Add the following wording:-  'Responsibility for Council Functions  Audit and Governance Sub Committee  The powers and duties of the Council relating to the functions set out below are delegated to the Audit and Governance Sub Committee  Membership:- <i>(Five members including one member of the Executive – the Executive Member shall not Chair the Sub Committee)</i>  Functions of the Audit and Governance Sub Committee:-  1. Review the Internal Audit's Strategic Plan (currently a 3-year work plan) based on governance and risk assessments made.	CPA is set authorities Committee 3 to this re issued by I Finance a out the re; this shoul Scrutiny fi proposing carried ou General F Governan of referen It is propo on the Sul number of Treasury) should inc Executive

Function	Proposed amendment	
	<p>2. Review the key findings from the work of Internal Audit and seek assurance that action has been taken by relevant managers.</p> <p>3. Review the effectiveness of the Council's</p> <ul style="list-style-type: none"> <li>▪ risk management arrangements</li> <li>▪ internal control framework</li> <li>▪ anti-fraud and anti-corruption arrangements, including the Council's whistle-blowing guidelines</li> <li>▪ local codes of corporate governance and standards</li> </ul> <p>and the implementation of improvements.</p> <p>4. Seek assurances that action is being taken on risk-related issues identified by auditors</p> <p>5. Consider reports received from External Audit and other external inspection agencies.</p> <p>6. Contribute to the Council's response to the External Auditor's (Audit Commission),</p> <ul style="list-style-type: none"> <li>▪ Annual audit and inspection letter to the Council</li> <li>▪ Opinion and reports to members</li> </ul> <p>7. Approve the Council's annual Financial</p>	

Function	Proposed amendment	
	Statements having considered the <ul style="list-style-type: none"> <li>▪ The suitability of accounting policies and treatments</li> <li>▪ Changes in accounting policies and treatments</li> <li>▪ Major judgemental areas, e.g. year-end provisions</li> </ul>	
Responsibility for Council Functions – General Purposes Committee (Page 116)	Delete the following:-  '3 (b) Duty to make arrangements for proper administration of financial affairs  (c) Approval of the authority's statement of accounts, income and expenditure and balance sheets or records of receipt or payments.'	If the propri Governance these functi that Sub Cc
Responsibility for Executive Functions – Matters delegated to Executive Members and Officers arising from the Environment Function (Page 125)	Add the following to the list of legislation in A4 in respect of which the Head of Environmental Services is delegated the power to appoint the Proper Officer/Medical Officer:- Public Health (Aircraft) (Amendment) Regulations 1978 Public Health Act 1936 Public Health Act 1961 Milk and Dairies (General) Regulations 1959 Public Health (International Trains) Regulations 1994.	Additional

Function	Proposed amendment	
	Amend the National Assistance (Amendment) Act 1952 to read 'National Assistance Act 1948 and National Assistance (Amendment) Act 1951'	
Responsibility for Executive Functions – Matters delegated to Executive Members and Officers arising from the Environment Function (Page 128)	<p>Add the following (new A18):-</p> <p><u>'The following function is delegated to the Head of Amenity Services in consultation with the Head of Legal Services:-</u></p> <p>Appointment of Authorised Officers for the purpose of enforcing offences and the issue of fixed penalty notices of the following provisions contained in the Clean Neighbourhoods and Environment Act 2005:-</p> <ul style="list-style-type: none"> <li>o Vehicles</li> <li>o Abandoned Vehicles</li> <li>o Illegally Parked Vehicles</li> <li>o Litter and Refuse</li> <li>o Graffiti and other Defacement</li> <li>o Waste Collection and Disposal</li> <li>o Dogs</li> <li>o Stray Dogs</li> </ul>	New deleg
Responsibility for Executive Functions – Matters delegated to Executive Members and Officers arising from the Environment Function (Page 129)	Delete function A.23 (relating to club registration certificates)	Club prem the Licensi delegation elsewhere

Function	Proposed amendment	
Responsibility for Executive Functions – Matters delegated to Executive Members and Officers arising from the Environment Function (Page 130)	Amend function A27 to read as follows:-  <u>The following functions are delegated to the            Head of Environmental Services:-</u>  (a) Appointment of officers to carry out the Council's responsibilities under the Products of Animal Origin (Third Country Imports) (England) (No.3) Regulations 2004, as amended;  (b) Appointment of authorised officers under the Official Feed and Food Controls (England) Regulations 2006 (as amended) Add the following:-  (c) Appointment of officers to carry out the Council's responsibilities under the Products of Animal Origin (Import and Export) Regulations 1996 (as amended).	(a) and (b)  (c) was pre Safety Act probably b legislation, regulations
Responsibility for Executive Functions – Matters delegated to Executive Members and Officers arising from the Leisure Function (Page 139)	Add the following:-  'C.14 <u>The following function is delegated to            the Head of Arts (in respect of facilities at The            Hawth):-</u>  In the case of selective commercial events, to negotiate with the hirer to agree a hire fee, inclusive of associated services, where he/she considers a negotiated hiring fee to be	To provide commercia cases whe appropriat

Function	Proposed amendment	
	<p>more appropriate to the nature of the event. At all times the Head of Arts to have regard to achieving the best deal for the Council and to achieving, as a minimum, the income target for the year.</p>	
<p>Responsibility for Executive Functions – Matters delegated to Executive Members and Officers arising from the Planning Function (Page 143)</p>	<p>Amend to read as follows:-</p> <p><u>'E.2. The following function is delegated to the Head of Planning Services in consultation with the Executive Member:-</u></p> <p>The issue of supplementary <b>planning</b> guidance <b>documents</b> for the purpose of consultation'.</p>	<p>To reflect t Country Pl (England)</p>
<p>Responsibility for Executive Functions – Matters delegated to Executive Members and Officers arising from the Planning Function (Page 143)</p>	<p>Amend to read as follows:-</p> <p><u>E 4 The following function is delegated to the Head of Planning Services (However, the Chief Executive is delegated the power to make such alterations to the delegation of the building control function as are necessary to enable a partnership with Horsham District Council to operate satisfactorily):-</u></p> <p>(a) Determination of applications submitted under the Building Acts and the Building Regulations, excluding applications for the relaxation of or dispensation from</p>	<p>To enable District C:</p>

Function	Proposed amendment	
	<p>regulations</p> <p>(b) Agreement or rejection of amendment to plans approved under the Building Regulations</p> <p>(c) Agreement or rejection of works carried out in pursuance of a building notice or building regulation approval</p> <p>(d) Service of notices under Section 36 of the Building Act, 1984 requiring the removal or alteration of works which contravene the Building Regulations and to undertake works in default following non-compliance with such notices with particular reference to Section 59 of the Act</p> <p>(e) The rescission of plans approved under the Building Regulations when at least three years have passed and work has not commenced</p> <p>(f) Acceptance or rejection of initial notices from approved inspectors submitted in accordance with Section 47 of the Building Act 1984</p> <p>(g) Action taken in accordance with Sections 77 and 78 of the Building Act</p>	

Function	Proposed amendment	
	<p>1984 in order to make dangerous structures or buildings safe.</p> <p><u>E 5 The following function is delegated to the Head of Planning Services (However, the Chief Executive is delegated the power to make such alterations to the delegation of the building control function as are necessary to enable a partnership with Horsham District Council to operate satisfactorily):-</u></p> <p>The designation of employees as authorised officers for the purposes of the Building Acts</p>	
<p>Responsibility for Executive Functions – Matters delegated to Executive Members and Officers arising from the Planning Function (Page 144)</p>	<p>Add the following:-</p> <p><u>'E.10.The following function is delegated to the Head of Planning Services in consultation with the Head of Legal Services and the Head of Democratic Services:-</u></p> <p>The creation and subsequent review and development of the Local Development Scheme.</p>	<p>For the re: Article 4.0: Delegation</p>



Function	Proposed amendment	
Responsibility for Executive Functions (Page 146)	<p>Amend F7 to read as follows:-</p> <p><u>The following function is delegated to the Head of Property Services and Procurement (after consulting local ward members)-</u></p> <p>Disposal of the Council's interest in land where the consent of the relevant Head of Service has been obtained and the market value of the interest does not exceed <b>£10,000.</b></p>	This sum v
Responsibility for Executive Functions (Page 156)	<p>Add details of the Town Centre North Committee, with the following terms of reference:-</p> <p>'To consider recommendations from the Town Centre North Working Group on any matter related to the Town Centre North Development where a formal decision by the Executive would otherwise be required and to take decisions on those recommendations on behalf of the Executive'.</p>	To reflect t in Septeml
Responsibility for Executive Functions – Employees Joint Consultative Forum (Page 157)	<p>Insert the following terms of reference:-</p> <p>The following functions may be carried out by the Employees' Joint Consultative Forum on behalf of the Executive. The main object of the Forum will be to facilitate consultation between the Council and its employees and</p>	Amendme July 2005 i Constitutio

Function	Proposed amendment	
	<p>to maintain and improve relations between both sides. The Forum is not a decision making body but may make recommendations where appropriate to the Executive.</p> <p>(i) The development of a full understanding of, and interest in the work of the Council, so that all parties can work constructively in developing and providing an efficient service.</p> <p>(ii) Ensuring that employee representatives are well informed about the current issues, economic situation and activities of the Council and any proposals for the future.</p> <p>(iii) Provision of information and consultation on any proposed change or development of services or structures with potential employment implications.</p> <p>(iv) Informing and consulting on decisions likely to lead to substantial changes in terms and conditions or contracts of employment, including local conditions of service or training arrangements and, where appropriate, the local implementation of national agreements.</p> <p>(v) Discussing the issues arising from the</p>	

Function	Proposed amendment	
	operation of agreed procedures and conditions and assisting in the prevention of misunderstanding.	
Proper Officers (Page 163)	<p>Add the following to the list of legislation in respect of which the Head of Environmental Services is delegated the power to appoint the Proper Officer/Medical Officer with power to act in relation to notifiable disease and related matters:-</p> <p>Public Health (Aircraft) (Amendment) Regulations 1978  Public Health Act 1936  Public Health Act 1961  Milk and Dairies (General) Regulations 1959  Public Health (International Trains) Regulations 1994.</p> <p>Amend the National Assistance (Amendment) Act 1952 to read 'National Assistance Act 1948 and National Assistance (Amendment ) Act 1951'</p>	Additional
Proper Officers (Page 163)	<p>Amend the schedule to provide for ' A person appointed by the Chief Executive' to be the Proper Officer for the following purposes:-</p> <p>Section 61 of the Building Act 1984 (Access to the repair, etc. of a drain)</p>	To provide partnership

Function	Proposed amendment	
	Section 78 of the Building Act 1984 (Powers of the local authority in relation to emergency measures to dangerous buildings) Section 93 of the Building Act 1984 (Authentication of documents)	
Council Procedure Rules (Pages 172 and 174)	Add the following sub-paragraph to Council Procedure Rule 1.1 (Annual Meeting of the Council – Timing and Business) and to Procedure Rule 3.2 (Extraordinary Meetings):-  'Deal with any recommendation of a non-controversial nature contained in the reports of the Executive, Overview and Scrutiny Commission and the regulatory committees.'	At the Cou suggested controvers Meeting or enable offi recommen
Council Procedure Rules (Page 177)	Substitute the following for Rule 9.2 (Notice of questions):-  '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. All questions will be directed to the Mayor and each questioner will be invited to give their name. The Mayor may invite any Member to respond. No Member will speak more than once on any individual question and will confine his/her comments to responding to the question.'	It is propos amended t existing ru produced i since the C normally b meetings, implement

Function	Proposed amendment	
Council Procedure Rules (Page 193)	Amend Rule 23.7 to read as follows:  'Every member of the Council has a right to attend the meetings of any standing committee <b>or sub committee</b> of the Council, other than:-  (a)..... (b) the Licensing Committee <b>or the Licensing Act 2003 Applications Sub-Committee</b> when <b>the Committee or Sub Committee</b> is meeting in closed session dealing with individual cases; and (c) .....	For purpos
Access to Information Procedure Rule 10.4 (Page 202)	Replace Rule 10.4 with the text set out in Appendix 2 to this report.	This amen out in the l Arrangeme (Amendme and the Re Committee with regard informatior force on 1
Access to Information Procedure Rule 22.1 (a) (Page 210)	Amend to read as follows:- '(a) it contains exempt information of a description falling within Part 1 of Schedule 12A to the 1972 Act, with the exception of information of a description for the time being falling within	This amen out in the l Arrangeme (Amendme and descri members c

Function	Proposed amendment	
	<p>(c) paragraph 3 (except information relating to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract which may not be available for inspection); and</p> <p>(ii) paragraph 6'.</p>	automatic regulations
Policy Framework Procedure Rules (Page 221)	<p>Amend the second paragraph of 3(b) to read as follows:-</p> <p>The requirement in Rule 3(a) and (b) to consult will not apply to draft proposals associated with the preparation of an altered or replacement Local Development Plan where these are to be the subject of a separate formal consultation after consideration by the Council. Consultation on these matters after consideration by the Council shall follow the procedure contained in Rule (a) and (b).</p>	To adhere
Executive Procedure Rules (Page 233)	<p>Add the following words after 'Democratic Services' under the Vice Chair of the Executive's Portfolio:-</p> <p>'(excluding elections)'.</p>	For purpos

Function	Proposed amendment	
Executive Procedure Rules (Page 235)	Amend the reference to the Local Plan to 'Local Development Framework' under the Executive Member for Planning and Economic Development's Portfolio.	Update
Executive Procedure Rules (Page 236)	Add the following to the portfolio for the Executive Member for Environmental Services 'Gambling policy'	To achieve Licensing I Portfolio
Scrutiny Procedure Rules (Page 240)	Add the following wording to Rule 2:-  'Paragraph 11.01 of the Councillors' Code of Conduct refers'.	For purpos
Scrutiny Procedure Rule 11 (Page 242)	Add the following words to the second sentence of 11 (a):-  As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, <b>any Committee Chair</b> , the Head of Paid Service and/or any Director or Service Head to attend before it to explain in relation to matters within their remit:	For purpos
Scrutiny Procedure Rule 11(b) (page 242)	Amend the first two sentences of Rule 11 (b) to read as follows:-	This amen days' notic are only ci

Function	Proposed amendment	
	Where any Member, <b>Committee Chair</b> or Employee is required to attend the Overview and Scrutiny Commission or a scrutiny panel under this provision, the Chair of the Commission/ or that panel will inform the Head of Democratic Services. The Head of Democratic Services shall inform the Member or Employee in writing, giving at least <b>five</b> working days' notice of the meeting at which he/she is required to attend.	the meetin whether ar stage.
Scrutiny Procedure Rule 9 (Page 241)	Amend to read as follows:-  9. (a) In addition to reporting to the full Council each cycle on its current work, the Overview and Scrutiny Commission will produce reports, when a particular piece of work has been completed, to the <b>Executive (if the proposals are consistent with the existing budgetary and policy framework), to a committee where the matter falls within its terms of reference or to the Council as appropriate (e.g. if the proposal would require a departure from or a change to the agreed budget and policy framework or if it relates to the outcome of a best value review)</b> . These reports will be presented directly by the Chair of the Overview and Scrutiny Commission (or, with the agreement of the Chair of the Overview and Scrutiny Commission, by the	In compari other authi statutory g the OSC re referred to <b>should go authority</b> i necessaril;  Our curren ahead of s Governme However, i statutory g normally d always be decisions t committee be taken b Council. If



Function	Proposed amendment	
	<p>Member who led the review).</p> <p><b>Where the Council is to receive the report,</b> a copy of the report will be submitted to the Executive held in the same cycle. The Executive may comment upon the report and these comments will be presented to the Council at the time the report is considered. The Chair of the Overview and Scrutiny Commission will be entitled to introduce his/her report and to answer questions made by Members of the Executive if he/she wishes to do so.</p> <p>(b) If the Overview and Scrutiny Commission cannot agree on one single report, then up to one minority report may be prepared and submitted for consideration with the majority report.</p> <p>(c) The report of the Overview and Scrutiny Commission shall be considered as soon as reasonably practicable.</p>	<p>changes w not accept decision α full Council</p> <p>These su and spee</p>
Scrutiny Procedure Rule 13 c (Page 243)	<p>Amend to read as follows:-</p> <p>If a decision is called in, it is treated as being suspended pending the next meeting of the full Council, where the matter will be reconsidered. If the full Council does not object, then the original decision stands. If the</p>	<p>This amen same issu time.</p>

Function	Proposed amendment	
	<p>Council does object, it cannot change the decision unless that decision was contrary to the policy framework or contrary to or not wholly in accordance with the budget. Unless that is the case, the Council will refer the matter back either to the next meeting of the Executive for reconsideration, (in which case the matter may not be called-in a second time) or to the Overview and Scrutiny Commission. <b><i>If the matter has already been the subject of scrutiny, it shall only be referred back to the Overview and Scrutiny Commission if there is new material to be considered.</i></b> The Council may pass a resolution specifying the nature of its objection to the proposed decision.</p>	
Scrutiny Procedure Rule 15 (a) (v) (Page 245)	<p>After the words 'Supplemental Agenda' add the following:-</p> <p>'(This item can be used to discuss any item on the forthcoming Executive agenda).</p>	For purpos
Financial Procedure Rules - all	Delete Accounts and Audit Regulations 1996 and insert Accounts and Audit Regulations 2003	To update regulations
Financial Procedure Rules – Introduction (Page 248)	Additional Requirement (e) Service managers and other staff designated as having responsibility for a budget are referred to as a Budget Manager	To provide and to rein to nominat expenditur

Function	Proposed amendment	
	<p>in this document. Heads of Service have a responsibility to allocate a Budget Manager for all expenditure and income within their service area. Budget Managers are responsible for monitoring and managing expenditure and income within their budgets to ensure that they achieve the best use of resources (both financial and non-financial) in order to demonstrate value for money services whilst complying with the authority's financial procedure rules and other internal regulatory documents</p> <p>Previous (e) becomes (f)</p>	
Financial Procedure Rules – Financial Management Standards. Responsibilities of Heads of Service (Page 253)	<p>Additional Requirement 1.23 To ensure that all staff in their divisions are aware of the existence and content of the authority's financial procedure rules and other internal regulatory documents and that they comply with them</p>	To strengthen Service in controls ar
Financial Procedure Rules – Managing Expenditure and Income. Key controls (Page 254)	<p>Amend existing: 2.4 (b) budget managers accept accountability for their budgets and the level of service to be delivered; understand their financial responsibilities <b>and the need to achieve value for money in the use of both financial and non financial resources in delivering their services</b></p>	Enhancement of budget r

Function	Proposed amendment	
Financial Procedure Rules – Managing Expenditure and Income. Responsibilities of Heads of Service (Page 255)	Amendment to Existing 2.10 To ensure that a monitoring process is in place to review performance level/levels of service in conjunction with the budget <b>and to achieve efficient use of resources (both financial and non-financial) in order to deliver value for money services</b>	To strengthen Service to for money manner.
Financial Procedure Rules – Managing Expenditure and Income. Responsibilities of Heads of Service (Page 255)	Additional Requirement 2.14 To advise the Head of Finance of circumstances that may result in an overall budget overspend immediately they identify the potential overspend.	To strengthen Service to potential o
Financial Procedure Rules – Managing Expenditure and Income. New section for budget managers (Page 255)	New Section Budget Managers  Budget Managers are responsible for:  · the efficient use of resources (both financial and non-financial) in order to deliver value for money services whilst complying with the authority's financial procedure rules and other internal regulatory documents.  · monitoring and managing expenditure and income relating to their service within the	To clarify t budget ma

Function	Proposed amendment	
	<p>overall approved budget to prevent an overspend.</p> <p>· advising their Head of Service and service accountant of circumstances that may result in an overall budget overspend immediately they identify the potential overspend.</p>	
Financial Procedure Rules – Accounting Policies Records and Returns. Responsibility of Head of Finance (Page 258)	<p>Amendment of 4.3</p> <p>Date for completion of the Council's accounts amended from 30 September to 30 June</p>	To comply effective fr
Financial Procedure Rules – Budgeting. New section for budget managers (Page 260)	<p>New section</p> <p>Responsibilities of Budget Managers</p> <p>5.11 To assist in the preparation of the budget for their area of responsibility and ensure that the budget reflects the Council's priorities in respect of service development.</p> <p>5.12 To review the alternative service delivery options as part of the budgeting process to ensure that the service achieves the most effective use of both financial and non-financial resources.</p>	To clarify t budget ma

Function	Proposed amendment	
	<p>5.13 To identify potential savings for their budget areas to their Head of service.</p> <p>5.14 To prepare a business case to support bids for increased levels of spending within their budget areas.</p>	
Financial Procedure Rules – Financial Systems and Procedures. Income and Expenditure - Responsibilities of Heads of Service (Page 279)	<p>New requirement</p> <p>15.17 To actively promote the collection of income in advance of the delivery of the goods or services.</p>	To encour: avoiding th
Financial Procedure Rules – Financial Systems and Procedures. Ordering and paying for goods and services. Responsibility of Head of Service (Page 281)	<p>Amended</p> <p>16.15 To ensure that orders are created through the purchase ordering module of the Council's financial management system for all goods and services other than for the exceptions specified in 16.3.</p>	Updating c financial m
Code of Conduct (Page 330)	<p>Amend to read as follows:-</p> <p>'11.01 For the purposes of this Part, a member must if he/she is involved in the consideration of a matter at a meeting of the overview and scrutiny commission of the authority or a panel of the commission, regard himself/herself as having a personal and a prejudicial interest if that consideration relates</p>	For purpos:

Function	Proposed amendment	
	to a decision made, or action taken, by another of the authority's committees or sub committees or joint committees or joint sub committees <b>or other organisations</b> of which he/she may also be a member or in whose consideration of the matter he/she otherwise participated.'	
Protocol on Member/Employee Relations (Page 365)	<p>Add the following:-</p> <p>'8. Complaints by Employees regarding Member Conduct</p> <p>If any employee feels they have reasonable cause to complain about the conduct of an elected member, they should in the first instance draw the matter to the attention of their line manager, who should consult with the Council's Monitoring Officer. If, for any reason, the employee does not wish to raise the matter initially with their line manager, they may make a direct approach to the Council's Monitoring Officer.</p> <p>The Monitoring Officer will address the issue either direct with the Member concerned or via their Group Leader as the Monitoring Officer judges most appropriate. If the alleged conduct is sufficiently serious, the Monitoring Officer may advise the employee to make a complaint about the matter to the Standards Board for England.</p>	The Protoc relating to Employee provision s employees

Function	Proposed amendment	
	Whether or not the matter has been raised with the Monitoring Officer, the employee also has the right (as does any member of the public) to complain to the Standards Board for England if they believe that a Member has behaved in breach of the Councillors' Code of Conduct.	
Protocol on Member/Employee Relations (Page 367)	Amend the first line of item 12 (Councillor Access to Documents and Information) to read as follows:-  'Councillors have rights of access to information over and above those they would have as an ordinary member of the public i.e. <b>those that they would have under the Freedom of Information Act.</b>	For purpos
Protocol on Member/Employee Relations (Page 367)	Amend the second paragraph of item 14 (Press releases) to read as follows:-  'All media enquiries coming into the Council's offices should be passed immediately to the Communications Division. <b>Where appropriate</b> , the Communications Division will contact the appropriate Executive Member, Committee Chairman, Director or Head of Service, <b>whenever possible</b> , to provide a <b>timely</b> response'	This amen minor matt Communic involve ser enables a when seni available t



Function	Proposed amendment	
Protocol on Member/Employee Relations (Page 367)	Amend the fifth paragraph of item 14 (Press releases) to read as follows:-  'In appropriate cases, press releases will be issued or press briefings held in advance of Executive, Scrutiny or full Council meetings to highlight key developments, initiatives and proposed decisions. The appropriate Executive Member (and Director) will, <b>wherever possible</b> , be present.'	This amendment goes ahead if possible for to be present
Protocol on Member/Employee Relations (Page 367)	Add the following paragraph to item 15 (Publicity):-  'In determining publicity arrangements, officers should, at all times, have regard to the Office of the Deputy Prime Minister's Code of Recommended Practice on local authority publicity. Particular care should be taken when publicity is issued immediately prior to an election or by-election affecting the authority's area to ensure that this could not be perceived as seeking to influence public opinion, or to promote the public image of a particular candidate, or group of candidates. Between the time of publication of a notice of an election and polling day, publicity should not be issued which deals with controversial issues, or which reports views or policies in a way that identifies them with individual members or groups of members.'	For purposes

Function	Proposed amendment	
Procedure for Hearings under the Licensing Act 2003 (Hearings) Regulations 2005 (Page 380)	The words ' <b>or Sub Committee</b> ' should follow the word 'Committee' in this procedure.	This proce Act 2003 / hearing ap
Procedure for Hearings under the Licensing Act 2003 (Hearings) Regulations 2005 (Page 381)	Amend the first sentence of General Note 1 to read as follows:-  'Parties may not address in their oral presentations to the Committee <b>or Sub Committee</b> any material or matters not previously included in their written representations, without the express permission of the Committee/ <b>Sub Committee and, if present, the applicant, other interested parties and the representatives of the responsible authorities.</b> '	To reflect t
Corporate Governance Statement (Page 415)	Amend the second sentence of 6.12 to read as follows:-  'The Council <b>runs a successful</b> environmental management system EMAS, which identifies and reduces environmental impacts and ensures compliance with environmental legislation.'	Update
Members' Allowances Scheme	Substitute the 2006/07 scheme for the existing scheme in the Constitution	Update

10.4 **Meaning of exempt information**

10.4.1. Exempt information means information falling within the following 7 categories (subject to any condition).

Category	Condition
1. Information relating to any individual	
2. Information which is likely to reveal the identity of an individual	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	<p>“Financial or business affairs” includes contemplated, as well as past or current, activities.</p> <p>Information within paragraph 3 is not exempt if it must be registered under various statutes, such as</p> <ul style="list-style-type: none"> <li>(a) the Companies Act 1985;</li> <li>(b) the Friendly Societies Act 1974;</li> <li>(c) the Friendly Societies Act 1992;</li> <li>(d) the Industrial and Provident Societies Acts 1965 to 1978;</li> <li>(e) the Building Societies Act 1986;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(f) the Charities Act 1993.</li> </ul> <p>“Registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).</p>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officer-holders under, the authority	<p><i>Information within paragraph 4 is only exempt if and for so long as its disclosure to the public would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter</i></p>
	<p>“Labour relations matters” are</p> <ul style="list-style-type: none"> <li>(a) as specified in paragraphs</li> </ul>

Category	Condition
	<p>(a) to (g) of Section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute, within the meaning of that Act; or</p> <p>(b) any dispute about a matter falling within paragraph (a) above</p> <p>and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority</p> <p>“employee” means a person employed under a contract of service.</p> <p>“office-holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.</p>
<p>5. Information in respect of which a claim to legal privilege could be maintained in legal proceedings</p>	
<p>6. Information which reveals that the authority proposes –</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment</p>	<p><i>Information within paragraph 6 is exempt only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made</i></p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of</p>	

Category	Condition
crime	

10.4.2. Information is not exempt information if it relates to proposed development for which the local planning authority can grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

10.4.3. Information which –

- (a) falls within any of the paragraphs 1 to 7 above; and
- (b) is not prevented from being exempt by virtue of the condition attached to paragraph 3 above or by the requirements set out in 10.4.2.

is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.4.4. Where a meeting of the Standards Committee or of a sub-committee of the Standards Committee is convened to consider a matter referred under the provisions of section 60 (2) or (3), 64(2), 70(4) or (5) or 71(2) of the Local Government Act, 2000, exempt information also means information falling within categories 7A – 7C below:-

Category	Condition
7A	Information which is subject to any obligation of confidentiality
7B	Information which relates in any way to matters concerning national security.
7C	The deliberations of a Standards Committee or of a sub-committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of Section 60 (2) or (3), 64(2), 70(4) or (5) or 71(2) of the Local Government Act 2000.