

Crawley Borough Council

18 November 2006

Agenda for the **General Purposes Committee** which will be held in Committee Room B, Town Hall, Crawley, on **Monday 27 November 2006 at 7.30 p.m.**

Nightline Telephone No. (01293) 551636

Head of Democratic Services

Members Councillors R D Burrett (Chair), D English (Vice-Chair),
B K Blake, C A Cheshire, D G Crow, M T Head, R A Lanzer,
J Mortimer, D J Shreeves, J G Smith and L A Walker.

Please note that Members requiring refreshments should contact Member Services on 01293 438391 no later than 48 hours before the meeting
--

Please contact Julia Green (Democratic Services Division) if you have any queries regarding this agenda.

Telephone number: 01293 438282

Email: Julia.Green@crawley.gov.uk

Business - Part A

1. Minutes

To approve as a correct record the minutes of the meeting of the Committee held on 25 September 2006 ([Enclosure A](#)).

2. Apologies for Absence

3. **Members' Disclosures of Interest**

Members must declare if they think they have an interest in any item on this agenda and what the interest is. They have a personal interest if a reasonable person thought they had a greater interest in it than other residents of the town. If this was considered so great it would affect Members' judgement, it becomes prejudicial.

If a Member has a:

Personal and Non Prejudicial Interest – they must declare it, they may stay in the meeting, speak and vote.

Personal and Prejudicial Interest – they must declare it, leave the meeting while the item is discussed and take no part in the decision making.

4. **Audit and Governance Sub - Committee**

To receive the minutes of the meeting of the Audit and Governance Sub Committee held on 25 September 2006 ([Enclosure B](#)).

5. **Changes to the Constitution**

(i) Review of premises licences/ club premises licences

It is **RECOMMENDED** that the Council be asked to amend the Constitution to provide for the function of determining applications to review premises licences/club premises certificates to be delegated to the Licensing Sub-Committee, in accordance with published guidance.

The Licensing Committee indicated that it concurred with the proposed delegation at its meeting on 7 November 2006

(ii) Appointments and Investigating Committee

At the Annual Meeting held on 26 May 2006, the Council agreed the recommendations of the Membership Committee with regard to the membership of the Appointments and Investigating Committee. Part of that recommendation provided that, as far as possible, the functions of the Appointments and Investigating Committee would be carried out by a politically balanced panel of between 3 and 5 members drawn from the membership of that Committee.

Due to a clerical error, this provision was not carried forward to the Constitution and the General Purposes Committee is asked to note that the Constitution will now be amended with a view to rectifying the position.

6. **Notice of Motion**

At the meeting of the Council on 18 October, 2006, the following Notice of Motion as moved by Councillor G K Seekings (seconded by Councillor L A Seekings) and amended by Councillor R D Burrett (seconded by Councillor B K Blake) was carried:-

The Council notes the following motion tabled by Councillor G K Seekings and agrees not to take any decision upon it at this meeting, but to refer the matter to the General Purposes Committee for further research and detailed consideration of a range of options.

"Historically this Council has normally chosen a member of the majority group to be the Mayor and Deputy Mayor on the "absolute power absolutely" principle. This Council notes that although this year the Deputy Mayor was selected from one of the opposition parties this has not been the custom and practice previously. This has resulted over the years in opposition Councillors being prevented from becoming Mayor or Deputy Mayor notwithstanding their ability or wish to aspire to those Offices.

The system as presently set out in the Council's Standing Orders, notwithstanding the welcome change made this year, will not prevent a reversion to the old system.

This Council, whilst recognising the good work done by the Mayor and Deputy Mayors of Crawley over the past years, accepts that the existing process for selecting them is flawed and needs to be changed.

This Council therefore agrees that the present Standing Orders on choosing the Mayor and Deputy Mayor should be amended. These amendment(s) should ensure that recognition is given to the relevant political parties' strength each year and over the years, and to the length of service of the Councillors to be nominated. These amendment(s) should also contain safeguards to ensure that in the event of one political party not having an absolute majority, then the will of the party/parties forming the Council's Executive should not be able to be thwarted by a Mayor from an opposition party using/misusing the casting vote.

The Council therefore instructs the relevant Council Officer(s) to bring forward alternative Standing Orders to bring about this change before the next Mayor and Deputy Mayor are chosen."

Comment by Head of Democratic Services

I have made some enquiries of colleagues in other local authorities via the Association of Council Secretaries and Solicitors (ACSeS) and so far, only one other authority, Maidstone, has indicated that they have a protocol providing guidance to Members on the selection of the Mayor and appointment of Deputy Mayor. A copy of this is attached as [Enclosure C](#). If any further examples are provided to me prior to the meeting, I will circulate them or bring them to the meeting.

Whilst I think it would be possible for us to have a protocol like Maidstone's that provides "guidance to members" I do not think it would be lawful to enshrine in the Council's Constitution any procedure that would fetter the discretion of the Council to appoint who the majority of members present and voting at the Annual Meeting wish to appoint. Equally I do not think the Constitution could fetter the Mayor's discretion in how he/she uses the casting vote. Comment back from several ACSeS colleagues supports this view.

RECOMMENDATIONS

1. That the Committee decide whether or not a protocol to guide members in the selection of Mayor should be drawn up and, if so, what provisions should be included.

2. If 1 above is agreed, the Head of Democratic Services be asked to bring back more detailed proposals for a protocol to the Committee's next meeting.

7. Polling District Review – Elections 2007

To consider report DS/67 of the Head of Democratic Services [\(Enclosure D\)](#).

8. Supplemental Agenda

Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.

Please contact Democratic Services on 01293 438282 if you would like a translation of any part of this agenda or copies in Braille, large print, audio tape or computer disk. If you require information on how to get to the meeting by public transport please ring West Sussex Traveline number on 0870 6082608