

# Crawley Borough Council

	Report No: DS/71	<b>C</b>
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## Report to General Purposes Committee

19 March 2007

### Review of Democratic Structures and Constitutional Changes

#### 1. Summary

- 1.1 This report considers whether any changes are required in 2007/08 to the Council's Democratic Structures.
- 1.2. It is also usual, at this time of the year, for a full review of the Constitution to be carried out prior to the start of the new municipal year and this report proposes certain revisions (including changes to Part 3 of the document - Responsibility for Functions).
- 1.3. Finally, 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(k) is also addressed in this report. The purpose of such monitoring is to ensure that the procedure is not being abused.

#### 2. Recommendations

- 2.1 To recommend the Council
  - (a) that, subject to any comments received from the Executive with regard to their functions, the amendments to the Constitution proposed in Appendix 1 to this report be agreed with a view to their implementation immediately after the Annual Meeting of the Council;

(b) to agree that, since the provisions relating to call-in and urgency have only been used three times during the past twelve months, no change to the provisions is necessary at this stage.

PAT TINSLEY  
**Head of Democratic Services**

### **3. Background**

- 3.1 The Constitution was approved by the Council at its meeting on 20 June, 2001 and implemented on 3 September, 2001.
- 3.2. As required by Article 15.01 of the document, the operation of the Constitution is regularly monitored and reviewed to ensure that its aims and principles are given full effect.
- 3.3. In 2006, following the review of Democratic Structures, the Constitution was amended to include, among other things, a requirement that any proposal for a decision by the Executive to be called in should 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. A change in the approval route for Overview and Scrutiny Commission reports was also agreed together with arrangements for the appointment of an Audit and Governance Sub Committee.
- 3.4. The Council also decided, at its meeting on 12 April 2006 that amendments should be made to the Constitution to provide for Members of the Executive to be appointed by the Leader, rather than by the full Council.
- 3.5. At the Annual Meeting of the Council, further changes were agreed to provide for the Director of Resources to take on the role of the Chief Finance Officer (with Section 114 and 151 responsibilities) in the light of the imminent departure of the Head of Finance. Other minor amendments were made to the document during the year.
- 3.6. To fulfil the requirements of Article 15.01, the Committee must once again monitor the operation of the Constitution and the Council's Democratic Structures.
- 3.7. In addition, Scrutiny Procedure Rule 14(k) requires that the operation of the provisions relating to call in and urgency should be monitored annually and a report submitted to Council with proposals for review, if necessary.

### **4. Review of Structure and Constitutional Changes**

- 4.1 On the whole, the current Democratic Structure arrangements appear to be operating reasonably satisfactorily and therefore no major changes are proposed.
- 4.2. This having been said, as part of the overall annual review of the Constitution document, Appendix 1 to this report proposes certain changes for consideration by the Committee.
- 4.3. These changes include proposals for the Section 114 and 151 responsibilities to be transferred back to the Head of Finance following a permanent appointment to that post.

## 5. Call – In and Urgency

- 5.1 There have been three cases, during the period since the last report, where an item has been protected from the call-in procedure on grounds of urgency as provided in Scrutiny Procedure Rule 14 (j). These are set out in more detail in Appendix 2 to this report
- 5.2. In view of the fact that the procedure has been used fairly infrequently, there would appear to be no reason to change the provisions relating to call-in and urgency.

## 6. Staffing, Financial and Legal Implications/Powers

- 6.1. There are no staffing or financial implications arising from these changes to the Constitution.

## 7. Links to the Community Strategy and Corporate Plan

- 7.1. The proposals contained in this report relate to the following key areas of the Community Strategy

Local Economy	Health and Social Care
Affordable Housing	Community Safety
Lifelong Learning	Local Environment

The following key principles are applicable:-

- |                                                 |   |
|-------------------------------------------------|---|
| (i) Working together                            | y |
| (ii) Dignity, respect and opportunities for all |   |
| (iii) Leaving no-one behind                     |   |
| (iv) Making it last                             |   |

Providing high quality services	y	Giving exemplary customer service and satisfaction	y
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Being financially efficient and well managed	y	Developing motivated, positive and empowered staff	
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## 8. Reasons for the Recommendation

- 8.1. The reason for the recommendation is to comply with Article 15.01 and Scrutiny Procedure Rule 14 (k) of the Constitution.

## **9. Background Papers**

The Council's Constitution

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### AMENDMENTS TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment				
Article 5 – Chairing the Council (Page 21)	<p>In 5.01, after the first sentence, include the following:-</p> <p>‘The Mayor and Deputy Mayor, will hold office until the end of the Municipal Year unless, in the meantime, either resign from office’</p>	As provided in Sections 4 and 5 of the Local Government Act 1972.				
Article 9 – The Standards Committee (Page 31)	<p>Delete the following functions:-</p> <p>‘The overview of internal and external audit The overview of whistleblowing policy’</p>	These functions were transferred to the Audit and Governance Sub Committee when it was established but no amendment to Article 9 was made at that time.				
Article 12 – Employees (Page 36)	<p>Revise to read:-</p> <p>‘Director of Resources Overall responsibility for customer services, finance, information and communications technology, property services and procurement and legal services. (Head of Finance has Section 114 and 151 responsibilities).</p>	Section 114 and 151 functions to be transferred back to the Head of Finance following a permanent appointment to that post.				
Article 12 – Employees (Page 37)	<p>Revise to read:-</p> <p>‘The Council will designate the following posts as shown:- .....</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Post</td> <td style="width: 50%;">Designation</td> </tr> <tr> <td>Head of Finance</td> <td>Chief Finance Officer (Sections 114 and 151)’</td> </tr> </table>	Post	Designation	Head of Finance	Chief Finance Officer (Sections 114 and 151)’	Section 114 and 151 functions to be transferred back to the Head of Finance following a permanent appointment to that post.
Post	Designation					
Head of Finance	Chief Finance Officer (Sections 114 and 151)’					

Function	Proposed amendment	Reason for amendment
Local Choice Function 5 – The discharge of any function relating to the control of pollution or the management of air quality (Page 66)	<p>The following function to be delegated through the Executive to the Head of Environmental Services:-</p> <p>‘The appointment of authorised officers for the purpose of exercising powers contained within Sections 77, 78 and 79 of The Clean Neighbourhoods and Environment Act 2005’.</p>	These sections provide the Council with additional powers to deal with sounding intruder alarms causing annoyance to those in the vicinity
Local Choice Function 5 – The discharge of any function relating to the control of pollution or the management of air quality (Page 66)	<p>The following function to be delegated through the Executive to the Head of Environmental Services:-</p> <p>‘The appointment of authorised officers for the purpose of exercising powers contained within the Noise Act 1996’.</p>	These provisions relate to the service of fixed penalty notices, the investigation of complaints at night including the issue of Warning Notices and the prosecution of offences where noise exceeds permitted level after service of notice.
Functions of the Licensing Committee (Pages 99 -106)	Functions 49 to 69 to be referred to as ‘Functions of the Licensing Committee under the Licensing Act 2003’	To avoid any confusion with similar functions under the Gambling Act 2005.
Functions of the Licensing Committee (Page 105)	<p>Add the following words</p> <p>‘Where an application made under the Licensing Act 2003 or the Gambling Act 2005 has been submitted by or on behalf of an employee or Member of the Council, it shall not be determined by an officer under delegated powers’.</p>	To be consistent with the delegation scheme for Development Control Committee.

Function	Proposed amendment	Reason for amendment
Functions of the Staff Appeals Board (Page 111)	<p>Add the following delegation through the Staff Appeals Board:-</p> <p>‘The following function is delegated to the Chief Executive, in consultation with the Leader of the Council and the Executive Member for Continuous Improvement and Development</p> <p>Authority to agree a Compromise Agreement in circumstances where an employee or former employee of the Council has made a claim or has a potential claim against the Council. In addition, where the Compromise Agreement includes an amount of financial compensation, the Chief Executive, in consultation with the Leader of the Council and the Executive Member for Continuous Improvement and Development, be given delegated authority to agree the amount following consultation with the Head of Legal Services”.</p>	<p>Compromise agreements are commonly made immediately prior to an Employment Tribunal hearing and representatives from the Council would have to confirm to the Chair of the Tribunal that agreement had been reached in order for the claim to be withdrawn. It would not be possible to change the agreement once made.</p>
Functions of the Audit and Governance Sub Committee (Page 115)	<p>Amend the membership requirements to read as follows:-</p> <p>‘Membership: Five members. Not more than one member shall be an Executive member and that Member shall not Chair the Sub-Committee’</p>	<p>The present wording in the Constitution is ambiguous and suggests that there <b>must</b> be one member of the Executive, whereas the intention is that one member of the Executive is the maximum (i.e. it is not necessary to have any Executive Members).</p>



Function	Proposed amendment	Reason for amendment
Functions of the Membership Committee (Page 117)	Delete the words 'Annual Meeting of the' so that function 1. reads as follows:- 'To submit to the Council its recommendations as to the constitution of the Committees, Sub-Committees and the Executive.'	For purposes of consistency and to enable recommendations to be made, as necessary, at other times during the Council year.
Functions of the Membership Committee (Page 117)	Delete the words 'Annual Meeting of the' so that function 2 reads as follows:- 'To submit to the Council its recommendations on the appointment of the Leader of the Council, Executive Portfolios, Chairs, Vice Chairs and members of the Committees and Sub-Committees.'	To enable recommendations to be made, as necessary, at other times during the Council year.
Functions of the Executive (Page 122(e))	Re insert (b) (c) and (d)  (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;  (c) in connection with the discharge of the function of formulating a plan or strategy for the control of the Council's borrowing, capital expenditure or investments, the giving of instructions requiring the Executive to reconsider any draft plan or strategy submitted by the Executive for the Council's consideration, the amendment of any draft plan or strategy submitted by the Executive for	(b) – (c) to correct an error in the paper version of the Constitution.  (e) for the purposes of clarification..

Function	Proposed amendment	Reason for amendment
	<p>the Council's consideration; and the adoption (with or without modification) of the plan or strategy;</p> <p>(d) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision taker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;</p> <p>Revise to read as follows:- '(e) appointing the Leader (Note - the appointment of Members of the Executive is the responsibility of the Leader)'.</p>	
Functions of the Executive (Page 130)	<p>Add the following new delegation through the Executive:- 'A 32. The following function is delegated to the Head of Amenity Services:- The appointment of authorised officers for the purpose of exercising powers contained in section 5 of The Dangerous Dogs Act 1991.'</p>	<p>In order to exercise powers contained in this section of the Act (i.e. to seize a dog) then an officer must be authorised by the Local Authority. It is proposed that the power to authorise officers should be delegated to the Head of Amenity Services</p>

<b>Function</b>	<b>Proposed amendment</b>	<b>Reason for amendment</b>
Functions of the Executive (Page 152)	<p>Amend G.7 to read as follows:-            'The following function is delegated to the Head of Finance:-</p> <p>Writing off bad debts and stores deficiencies not exceeding £2,500 in any one case'.</p>	<p>This is a proposed increase in delegation. Previously the Head of Finance had delegated powers to deal with write offs up to £1,000 and this figure has not been updated since 2002.</p>
Functions of the Executive (Page 152)	<p>Amend G.8 to read as follows:-</p> <p>The following function is delegated to the Chair of the Executive:-</p> <p>The approval of the writing off of debts of between £2,500 and £10,000 in any one case, in accordance with the agreed protocol for debt collection.</p>	<p>To reflect the increased delegation in G.7 above.</p>
Functions of the Executive (Page 154)	<p>Amend G13 to read as follows:-</p> <p>'The following function is delegated to the Head of Finance            Maintenance of an adequate and effective internal audit service, including amendments to the annual internal audit plan to take account of changes in risks and priorities.'</p>	<p>Function to be transferred to the Head of Finance following a permanent appointment to that post.</p>

Function	Proposed amendment	Reason for amendment
Functions of the Executive (Page 154)	<p>Amend G 17 to read as follows:-</p> <p>The following function is delegated to the Head of Finance in consultation with the Leader:-</p> <p>To vary the timing of schemes within the Council's three year capital programme to maintain an annual programme in accordance with the approved budget strategy.</p>	Function to be transferred back to the Head of Finance following a permanent appointment to that post.
Functions of the Executive (Page 156)	<p>Amend G 27 to read as follows:-</p> <p>The following function is delegated to the appropriate Head of Service jointly with the Head of Finance, following consultation with the appropriate Executive Member</p> <p>1. Review of fees and charges, including the annual review except when the limits set out in the budget strategy for the year would be exceeded</p>	For purposes of clarification.
Responsibility for Executive functions – Proper Officers (Page 166)	The Head of Finance is the Proper Officer for the Accountability of Officers under Section 115(2) of the Local Government Act 1972.	Functions to be transferred back to the Head of Finance following a permanent appointment to that post.
Council Procedure Rule 23.1(2) (Page 195)	<p>Delete the words 'to the Annual Meeting of the Council' so that the first sentence of Rule 23.1(2) reads as follows:-</p> <p>'The Council shall appoint a Membership Committee which shall submit its</p>	To enable recommendations to be made, as necessary, at other times during the Council year.

Function	Proposed amendment	Reason for amendment
	recommendations to the Council as to the constitution of the several standing committees and sub-committees of the Council, and the Executive and on the cycle of meetings of the Council, Committees and Sub-Committees.'	
Council Procedure Rule 23.2(3) (Page 196)	Delete the words shown in italics:- 'The Council may at any time dissolve <i>the Executive</i> or a committee or change its Chairman or Vice Chairman or alter its membership.'	Under the current Constitution, the Leader is responsible for appointing (or altering the membership of) the Executive. This amendment is therefore for purposes of consistency.
Council Procedure Rule 23.3(3) (Page 196)	Replace paragraph 23.3(3) with the following wording:-  'The Head of Democratic Services shall supply every member of a committee or sub-committee with a paper copy of the agenda and every relevant report or supporting document which accompanies the agenda. Except where a body is sitting as a disciplinary, appeal or appointments panel, committee documents will be provided electronically to all other members of the Council, unless a Member specifically requests a paper copy.'	This amendment places the onus on members to request paper copies of documents for committees of which they are not a member. This will be done by way of an annual request form which members will be asked to complete every May. Members can of course change their mind at any time.

Function	Proposed amendment	Reason for amendment
Budget Procedure Rules (Page 219)	<p>Amend 2(c) and (d) to read as follows:-</p> <p>'(c) The Budget Strategy encourages a multi-tier approach to decision making rather than a compressed process examining each year in isolation. Nevertheless, there is an annual cycle which is based on Executive approval of the Budget Strategy, with prior consideration by the Overview and Scrutiny Commission, followed by examination of options by the Budget Advisory Group.</p> <p>(d) The views of the Budget Advisory Group shall be reported to the Executive either in a separate report or as part of the consideration of the final budget and Council tax.</p> <p>Delete existing paragraphs (e), (f) and (g) which read as follows:-:-</p> <p><i>(e) Following consideration by the Overview and Scrutiny Commission, the Executive will take any response to the consultation into account, including the response from the Overview and Scrutiny Commission, and, if necessary, will approve an amended version of the Financial Strategy Review. Nevertheless, the option to amend the Financial Strategy following the outcome of the service review is retained.</i></p>	To reflect the process to be adopted for future years

Function	Proposed amendment	Reason for amendment
	<p><i>(f) The Financial Strategy Review will then provide the financial framework within which the service review will be undertaken by the Service Priority Working Group whose recommendations on service changes will subsequently be reported to the Executive</i></p> <p><i>(g) The Executive will meet in November of each year to make recommendations to full Council on the service changes recommended by the Service Priority Working Group and on adjustments to the Financial Strategy. The report will reflect the comments made by consultees during the budget process and the Executive's response. Paragraphs (h) onwards to remain the same</i></p>	
<p>Executive Portfolios – Appendix 1 (Page 239) Executive Member for Continuous Improvement and Development</p>	<p>Delete the words 'Best Value' and insert 'Service Review'</p>	<p>For updating purposes.</p>
<p>Executive Procedure Rules (Page 243)</p>	<p>Move the following to the Environmental Services Portfolio under streetscene, from the Leisure and Cultural Services Portfolio:-</p> <ul style="list-style-type: none"> <li>○ Verge cutting</li> <li>○ Cleansing</li> <li>○ Litter Control</li> <li>○ Abandoned vehicles</li> </ul>	<p>To rectify a clerical error</p>

Function	Proposed amendment	Reason for amendment
Scrutiny Procedure Rules – Rule 13 (Page 249)	<p>Amend sub- heading to read as follows:-</p> <p>‘Call-in of decisions made by a Committee of the Executive or by the Executive as a whole’.</p> <p>Amend 13 (a) to read as follows:-</p> <p>‘ At Executive meetings or Committees of the Executive, immediately after the decision is taken, any Member of the Council present may indicate that they wish to call-in the decision because they do not believe it has been taken in accordance with the provisions of decision making set out in Article 13 of the Constitution.’</p> <p>Amend the first sentence of 13 (d) to read as follows:-</p> <p>‘In the case of the Executive or a Committee of the Executive, if the required number of signatures is produced within the period specified, then the decision will continue to be treated as suspended and the matter will be reconsidered at the next meeting of full Council.’</p>	To reflect the requirement for the call-in procedure to apply to the Town Centre North Committee (a Committee of the Executive). If additional Committees of the Executive are created in the future the procedure would also apply to them.
Financial Procedure Rules (Page 257)	<p>Amend the first sentence of 1.7 to read as follows:-</p> <p>‘The Monitoring Officer is responsible for</p>	The Sub-Committee (rather than the Standards Committee) now has this responsibility.



Function	Proposed amendment	Reason for amendment
	<p>promoting and maintaining high standards of financial conduct and therefore provides support to the <i>Audit and Governance Sub-Committee.....</i>'</p>	
<p>Financial Procedure Rules - Financial Management (Page 257)</p>	<p>Amend 1.10 to read as follows:-  The Monitoring Officer and Head of Finance are responsible for advising the Executive or Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework or budget. Actions that may be 'contrary to the budget' include:</p> <ul style="list-style-type: none"> <li>initiating a new policy</li> <li>committing expenditure in future years to above the budget level</li> <li>incurring transfers between services (above virement limits)</li> <li>causing the total expenditure financed from Council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.</li> </ul>	<p>Functions to be transferred back to the Head of Finance following a permanent appointment to that post.</p>
<p>Financial Procedure Rules – Financial Management (Page 257)</p>	<p>Amend 1.11 to read as follows:-  'The Head of Finance has statutory duties in relation to the financial administration and</p>	<p>Functions to be transferred back to the Head of Finance following a permanent appointment to that post.</p>

Function	Proposed amendment	Reason for amendment
	<p>stewardship of the authority. This statutory responsibility cannot be overridden. The statutory duties arise from:</p> <p>Section 151 of the Local Government Act 1972</p> <p>Local Government Finance Act 1988</p> <p>The Local Government and Housing Act 1989</p> <p>The Accounts and Audit Regulations 2003</p>	
<p>Financial Procedure Rules – Financial Management (Page 257)</p>	<p>Amend 1.12 to read as follows:-</p> <p>‘The Head of Finance is responsible for:</p> <p>the proper administration of the Council’s financial affairs including the internal audit function</p> <p>setting financial management standards and monitoring their compliance</p> <p>advising on the corporate financial position and on the key financial controls necessary to secure sound financial management</p> <p>preparing financial projects, annual revenue budget, capital programme and treasury management.</p>	<p>Functions to be transferred back to the Head of Finance following a permanent appointment to that post.</p>

Function	Proposed amendment	Reason for amendment
Financial Procedure Rules – Financial Management (Page 258)	<p>Amend 1.13 to read as follows:-</p> <p><u>Section 114</u> of the Local Government Finance Act 1988 requires the Head of Finance to report to the Council if the authority or one of its employees:</p> <p>has made, or is about to make, a decision which involves incurring unlawful expenditure</p> <p>has taken, or is about to take, an unlawful action which has or would result in a loss or deficiency to the authority</p> <p>is about to make an unlawful entry in the Council's accounts.</p> <p>Section 114 of the 1988 Act also:</p> <p>requires the Head of Finance to nominate a properly qualified member of staff to deputise should the Head of Finance be unable to perform the duties under Section 114 personally</p> <p>make it clear that the authority must provide the Head of Finance with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.</p>	Functions to be transferred back to the Head of Finance following a permanent appointment to that post.

Function	Proposed amendment	Reason for amendment
Financial Procedure Rules – Financial Management Standards (Page 259)	<p>The following functions to be the responsibility of the Head of Finance</p> <p>1.17 To ensure the proper administration of the financial affairs of the Council and provision of internal audit function.</p> <p>1.18 To set the financial management standards, and to monitor their compliance.</p> <p>1.19 To ensure proper professional practices are adhered to, and to act as head of profession in relation to the standards, performance and development of finance staff throughout the authority.</p> <p>1.20 To advise on the key strategic controls necessary to secure sound financial management.</p>	Function to be transferred back to the Head of Finance following a permanent appointment to that post.
Financial Procedure Rules – Risk Management (Page 267)	<p>Add the following words</p> <p>‘Responsibility of the Director of Resources 6.4 To prepare and promote the Council’s strategic risk management policy’.</p> <p>(Delete existing responsibility of the Head of Finance – To prepare and promote the</p>	This function now to be the responsibility of the Director of Resources.

Function	Proposed amendment	Reason for amendment
	<p>Council's risk management policy).</p> <p>Paragraph 6.5 onwards to be the responsibility of the Head of Finance</p>	
<p>Financial Procedure Rules – Audit Requirements (Page 269)</p>	<p>Amend 7.3 (b) to read as follows:-</p> <p>'The key controls for internal audit are.....</p> <p>(b) The Head of Finance and the Audit Manager have direct access to the Head of Paid Service, all levels of management and directly to elected members; .....</p>	<p>Functions to be transferred back to the Head of Finance following a permanent appointment to that post.</p>
<p>Financial Procedure Rules – Audit Requirements – (Page 269)</p>	<p>The following functions are to be the responsibility of the Head of Finance:-</p> <p>7.4. To ensure that internal auditors have the authority to:</p> <p>access Council premises at reasonable times</p> <p>access all assets, records, documents, correspondence and control systems relevant to the audit</p> <p>receive any information and explanation considered necessary concerning any matter under consideration</p> <p>require any employee of the Council to account for cash, stores or any other Council</p>	<p>Functions to be transferred back to the Head of Finance following a permanent appointment to that post.</p>

Function	Proposed amendment	Reason for amendment
	<p>asset under his/her control</p> <p>access records belonging to third parties, such as contractors when required</p> <p>have direct access to the Head of Paid Service and the Executive.</p> <p>7.5. To prepare Strategic and Annual Audit Plans which take account of the characteristics and relative risks of the activities involved. To liaise with Heads of Service on the audit strategy and cover required. In addition to the statutory requirement this takes account of the need to seek added value, effective use of resources, improved performance and cost-effective controls.</p> <p>7.6. To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.</p>	
<p>Financial Procedure Rules – Financial Systems and Procedures – General (Page 281)</p>	<p>The following functions are to be the responsibility of the Head of Finance:-</p> <p>14.4.To make arrangements for the proper administration of the Council’s financial affairs, including to:</p> <p>(a) issue advice, guidance and procedures for the Council’s employees and others acting on</p>	<p>Functions to be transferred to the Head of Finance following a permanent appointment to that post.</p>

Function	Proposed amendment	Reason for amendment
	<p>its behalf</p> <p>(b) determine the accounting systems, form of accounts and supporting financial records</p> <p>(c) establish arrangements for audit of the Council's financial affairs</p> <p>(d) approve any changes to be made to existing financial systems or new systems introduced.</p>	
Employment Procedure Rules (Page 324)	<p>Amend Rule 6(a) (Disciplinary action) to read as follows:-</p> <p>Suspension. The Chief Executive, Monitoring Officer (Head of Democratic Services) and Chief Finance Officer (Head of Finance) may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and, subject to Rules 6(b)(i)(b) and 6(b)(i)(c), terminate no later than the expiry of two months, beginning on the day on which the suspension takes effect. Where a direction is made under Rule 6(b)(i)(b) the Council will receive an update at every full Council meeting until the report of the designated independent person is received by the authority.</p>	Functions to be transferred back to the Head of Finance following a permanent appointment to that post.

Function	Proposed amendment	Reason for amendment
<p><b>Part 5 Codes and Protocols</b> Appointment of Honorary Aldermen or Honorary Freeman</p>	<p>Insert the following additional protocol:-</p> <p><b><u>Protocol for the nomination of Honorary Aldermen or Honorary Freeman.</u></b></p> <p>Nominees for Honorary Aldermen should be former Councillors who have served in that capacity for a significant time. Their length of service would normally be substantially greater than the average length of service per Councillor. Nominees should also have given service to the wider community in a role outside of their duties as a Borough Councillor. This might include notable work with the Voluntary Sector, with Educational Bodies, with other Local Authorities covering the geographical areas of the Borough, or any other body that the Council deemed appropriate.</p> <p>Nominees for Honorary Freeman should be either individuals that have given extraordinary service to the town over a prolonged period, or who, by their action, have brought significant distinction to the town.</p> <p>The Council envisages that these honours will be given infrequently. Many people provided good service both to the town and to the Council, but it should not be expected that retiring Councillors of many years service will</p>	<p>For ease of reference in the future. The protocol reflects the procedure agreed at the meeting of General Purposes Committee on 29 January 2007 and ratified at Council meeting on 21 February 2007.</p>



Function	Proposed amendment	Reason for amendment
	<p>automatically receive such an honour. These honours should be given to reward exceptional service.</p> <p><b><u>Procedure for Nominations</u></b></p> <p>If anyone considers that a particular individual should be considered for either honour, they should approach the Head of Democratic Services who will consult with the Mayor (as a matter of courtesy) and the Leaders of each of the political groups.</p> <p>If the Head of Democratic Services is satisfied that the person nominated is likely to receive the support of the whole Council, he/she will report the matter to the General Purposes Committee. This Committee would be expected to recommend that the Mayor convene an Extraordinary Meeting of the Council for that purpose.</p> <p>The Head of Democratic Services will then approach the nominated person to ensure that he/she would like to receive such an honour, before any formal arrangements are made.</p>	
Employees' Code of Conduct – Section 15 – page 368 – paragraph r	Amend the second paragraph of r to read as follows:-	To reflect delegated authorities to refer cases of fraud to the police - Audit and Governance Sub-Committee – 15 January 2007 (minute

Function	Proposed amendment	Reason for amendment
	<p>“Suspected fraud or corruption should initially be raised with a Senior Manager or one of the other employees listed in the ‘Whistleblowing’ arrangements. Strict confidentiality will be maintained in these circumstances and there will be no recriminations against anyone genuinely raising such issues. Where an individual does not feel able to raise the issues in this way, the Council has arranged a confidential reporting facility with an external agency which is available by telephone – 0870 7572550. <b>A Senior Manager or one of the other employees listed in the ‘Whistleblowing’ arrangements has the authority to refer cases of fraud to the police.</b></p>	29)
Protocol on Member/ Employee Relations (Page 375)	<p>Replace the reference to the Office of the Deputy Prime Minister with the words ‘Department for Communities and Local Government’ in the second line of paragraph 17 so that it reads as follows:-</p> <p>‘In determining publicity arrangements, officers should, at all times, have regard to the Department of Communities and Local Government’s Code of Recommended Practice on local authority publicity.’</p>	For update purposes.

Function	Proposed amendment	Reason for amendment
Corporate Governance Statement (Page 421)	Remove the following words from paragraph 2.2:-  'The pattern of election by thirds will resume in 2006.'	For updating purposes
Corporate Governance Statement (Page 421)	Ensure that paragraph 2.3 reflects the up to date position with regard to the number of independent members on the Standards Committee.	Interviews will be taking place shortly with a view to appointing four independent members on the Committee and thereby filling the existing vacancy.
Corporate Governance Statement (Page 423)	Add the Electoral Administration Act 2006 to the list of Principal Acts relating to Elections and Electoral Registration.	For updating purposes
Corporate Governance Statement (Page 424)	Under Section 3 (Responsibility for Functions) add '3H Audit and Governance Sub Committee' and then re-letter the remaining functions.	For updating purposes
Corporate Governance Statement (Page 426)	Replace existing paragraph 6.10 as set out below:-  6.10. The Council has an updated risk management strategy that identifies the key strategic risks facing the Council and sets an overall framework for risk management. Risk management is an integral part of many Council activities including health and safety, insurance, project management, legal enforcement and so on. Further	For updating purposes

Function	Proposed amendment	Reason for amendment
	<p>improvements will be made to ensure that risk management is embedded within the Council's decision making processes and management culture. Training already given to Members and senior management will be extended.</p> <p>6.11 The Council has put in place business continuity plans for its key services in accordance with the requirements of the Civil Contingencies Act 2004 and is taking action to mitigate against events that are judged to be likely to occur that would have a significant impact on the Council's ability to provide key services. (re-number subsequent paragraphs)</p>	
Members' Allowances Scheme (Page 429)	Replace the 2006/07 scheme with the new scheme to be the subject of a recommendation to Council on 11 April 2007.	For updating purposes
Part 7 – Management Structures (Page 441)	Amend to reflect revised structure in ODI	For updating purposes
Part 7 – Management Structures (Page 442)	Reinstate s114/151 under Head of Finance	Section 114 and 151 functions to be transferred back to the Head of Finance following a permanent appointment to that post.
Part 7 – Management Structures (Page 445)	Revise chart as follows:- (i) Rename the Licensing Act 2003	For updating purposes

Function	Proposed amendment	Reason for amendment
	Applications Sub Committee (Licensing Sub Committee) (ii) Introduce the Audit and Governance Sub Committee (iii) Update the list of Working Groups	
	References to the Head of Organisational Development and Improvement should be changed to 'Head of Human Resources and Development' throughout the document,	Updating
	Licensing Act 2003 Applications Sub Committee be renamed the Licensing Sub Committee throughout the Constitution	In anticipation of the Sub Committee taking on responsibilities under the Gambling Act 2005
Contents pages	Renumber	

## CALL – IN AND URGENCY – 2006/07

Subject	Dealt with by	Reason for protection from call-in
Contract for the supply of electricity	Portfolio holder for Continuous Improvement and Development, and Chief Executive – Details contained in Information Bulletin IB/311	There was a limited deadline in which to agree the tender.
Crawley Homes Maintenance Department Restructure	Executive 13 September 2006	The decisions could not be delayed until the next Council meeting on 18 October 06, because a decision was required in advance of the meeting of the Staff Appeals Board on 22 September 2006.
Approval of transfer of capital flood alleviation funding	Executive 7 March 2007	The Environment Agency required confirmation of the approval of the transfer of the capital funding to facilitate flood alleviation measures by 13 March 2007.