

GENERAL PURPOSES COMMITTEE – 1 OCTOBER 2007  
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
Article 4 – The full Council – Page 17	Add 'Equality policies and schemes' to the list of policy framework documents	Update
Article 4 – The full Council – Page 17 Exceptions to Executive functions – Page 125 Policy Framework Procedure Rules – Page 227	<p>Revise wording relating to the Local Development Plan in the Policy Framework to read as follows:-</p> <p>Adopting, approving, amending, modifying, revising, varying, withdrawing or revoking alterations and development plan documents (under Section 15 of the Planning and Compulsory Purchase Act 2004) which together form the Local Development Plan (including</p> <p>(i) 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; and</p> <p>(ii) the approval, for the purpose of its submission to the Secretary of State for independent examination under Section 20 (independent examination) of the Planning and Compulsory Purchase Act 2004, of a development plan document)</p>	<p>To reflect statutory requirements</p> <p>(SI 2005/929)</p>
Article 4 – The full Council – Page 17 Exceptions to Executive functions – Page 125 Policy Framework Procedure Rules – Page 227	<p>Replace the words in the second set of brackets at the end of the list of policy framework documents with the following:-</p> <p>(In respect of policy framework documents, and matters relating to the control of the authority's borrowing, investments or capital expenditure, or to housing land transfer, the Executive will be responsible for putting draft documents to the Council and will be responsible for any consultation required or necessary in the course of preparing those documents. The Council will be responsible for the approval for the purposes of its submission to the Secretary of State of any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted)</p>	<p>To reflect statutory requirements</p> <p>(SI 2004/1158)</p>



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<p>Article 4 – The full Council – Page 17 Exceptions to Executive functions – Page 125 Policy Framework Procedure Rules – Page 227</p>	<p>Add the following wording at the end of the list of policy framework documents:-</p> <p>‘The function of amending, modifying, revising, varying, withdrawing or revoking a plan or strategy relating to the policy framework, to the control of the authority’s borrowing, investments or capital expenditure, or to housing land transfer shall be the responsibility of the Executive where such action:-</p> <p>(i) Is required to give effect to requirements of the Secretary of State in relation to a strategy or plan (or part of a strategy or plan) submitted for his/her approval; or</p> <p>(ii) Is recommended by the person carrying out, under Section 20 of the Planning and Compulsory Purchase Act 2004, an independent examination of a development plan document; or</p> <p>(iii) Is authorised by the Council when approving or adopting the plan or strategy</p> <p>but shall not be the responsibility of the Executive in any other case.’</p>	<p>To reflect statutory requirements</p> <p>(SI 2005/929)</p>

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<p>Article 4 – The full Council – Page 17 Exceptions to Executive functions – Page 125 Policy Framework Procedure Rules – Page 227</p>	<p>Add the following wording at the end of the list of policy framework documents:-</p> <p>'In connection with the discharge of functions under Sections 28 –31 of the Planning and Compulsory Purchase Act 2004 (joint local development documents and joint committees), the following actions shall not be the responsibility of the Executive:-</p> <p>(i) The making of an agreement to prepare one or more joint development plan documents;</p> <p>(ii)The making of an agreement to establish a joint committee to be, for the purposes of Part 2 (local development) of the 2004 Act, the local planning authority;</p> <p>(iii)Where the authority is a constituent authority to a joint committee, the making of an agreement that the joint committee is to be, for the purposes of Part 2 of the Act, the local planning authority for any area or matter which is not the subject of an Order under Section 29 of the 2004 Act or an earlier agreement under Section 30 of the 2004 Act;</p> <p>(iv)The making of a request to the Secretary of State for the revocation of an order constituting a joint committee as the local planning authority for any area or in respect of any matter.</p> <p>Any other function under Sections 28 – 31 of the Planning and Compulsory Purchase Act 2004 shall be the responsibility of the Executive'</p>	<p>To reflect statutory requirements</p> <p>(SI 2005/929)</p>
<p>Functions of the Development Control Committee – Page 83</p>	<p>Add the following function:-</p> <p>Power to authorise the stopping up or diversion of a highway under Section 247 of the Town and Country Planning Act 1990.</p>	<p>To reflect statutory requirements</p> <p>(SI 2004/2748)</p>

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Functions of the Licensing Committee – Page 97a	Add the following delegation:-  ‘ Power to grant permission for the provision , etc. of services, amenities, recreation and refreshment facilities on highway, and related powers under Sections 115E, F and K of the Highways Act 1980’	To reflect statutory requirements  (SI 2004/2748)
Functions of the Licensing Committee – Page 97a	Add the following delegation:-  ‘ Duty to publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980’	To reflect statutory requirements  (SI 2004/2748)
Functions of the Licensing Committee – Page 86	Amend delegation 86 to read as follows:-  <u>The following function is delegated to the Head of Legal Services jointly with the Head of Environmental Services:-</u>  Power to institute legal proceedings under the Gambling Act 2005	To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment No.3) Regulations 2007 requiring specifically the removal of reference to Section 342
Functions of the Licensing Committee – Page 105	<u>The following function is delegated through the Licensing Committee to the Head of Environmental Services:-</u>  Power to designate an officer as an authorised officer under Part 3 Section 13(2) of the Licensing Act 2003	Update

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Functions of the Licensing Committee – Page 109A	<p>Add the following:</p> <p><u>“The following function is delegated through the Licensing Committee to the Head of Environmental Services:-</u></p> <p>Duty to comply with requirement to provide information to Gambling Commission in accordance with Section 29 of the Gambling Act Order”</p>	<p>To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment No.3) Regulations 2007</p>
Functions of the Licensing Committee – Page 190a	<p>Add the following:</p> <p><u>“The following function is delegated through the Licensing Committee to the Head of Environmental Services:-</u></p> <p>Functions relating to exchange of information in accordance with Section 30 of the Gambling Act 2005”</p>	<p>To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment No.3) Regulations 2007</p>
Functions of the Licensing Committee – Page 109a	<p>Add the following:</p> <p><u>“The following function is delegated through the Licensing Committee to the Head of Environmental Services:-</u></p> <p>Functions relating to occasional use notices in accordance with Section 39 of the Gambling Act 2005”</p>	<p>To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment No.3) Regulations 2007</p>
Functions of the Licensing Committee – Page 109a	<p>Add the following:</p> <p><u>“The following function is delegated to the Licensing Committee:-</u></p> <p>To make order disapplying section 279 or 282(1) of the Gambling Act 2005 in relation to specified premises in accordance with Section 284 of the Gambling Act 2005”</p>	<p>To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment No.3) Regulations 2007</p>

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Functions of the Licensing Committee – Page 109a	<p>Add the following:</p> <p><u>“The following function is delegated through the Licensing Committee to the Head of Environmental Services:-</u></p> <p>Functions relating to the registration and regulation of small society lotteries in accordance with Part 5 of Schedule 11 to the Gambling Act 2005”</p>	To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment No.3) Regulations 2007
Functions of the Appointments and Investigating Committee – Page 113	<p>Add the following function:-</p> <p>“Duty to provide staff, etc to person nominated by the Monitoring Officer under Section 82A(4) of the Local Government Act 2000”</p>	To reflect statutory requirements
Functions of the General Purposes Committee – Page 117	<p>Add the following function:-</p> <p>‘2(h) Powers relating to Overview and Scrutiny committees (voting rights of co-opted members) under Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.</p>	To reflect statutory requirements
Responsibility for Executive Functions – Page 125	Add ‘Equality policies and schemes’ to the list of policy framework documents	Update
General Matters Delegated to Executive Members and Officers – Page 162	<p>Amend G32 to read as follows:</p> <p><u>“The following function is delegated to the Director of Community Services in consultation with the Executive Member for Community Engagement:-</u></p> <p>The award of one year grants not exceeding £750 to voluntary organisations, in accordance with the policy and priorities developed for this fund and subject to a total annual fund as determined by the Executive.”</p>	To accord with the Grants Working Group’s earlier recommendation

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Policy Framework Procedure Rules – Page 229	Add 'Equality policies and schemes' to the list of policy framework documents	Update
Procurement Code – Scope of the Procurement Code – Exemptions – Page 308	Amend paragraph 3.2 to read:  “All exemptions, and the reasons for them, must be recorded using the appropriate form in the Procurement Toolkit. All exemptions approved must be reported to the Corporate Management Team and the Portfolio Holder for information.”	To ensure that the procurement process is more prescriptive.
Procurement Code – Scope of the Procurement Code – Exemptions – Page 308	Amend paragraph 3.3 to read:  “If it is proposed to seek exemption for any reasons other than those which follow then authority must be obtained, in advance, from the relevant Director who may refer the matter to the appropriate Portfolio Holder and Opposition Leaders, Corporate Management Team or the Executive if they consider it appropriate. “	To ensure that the procurement process is more prescriptive.
Procurement Code – Competition Requirements – Page 310	Amend the table in paragraph 6.1 to read as Appendix 1 to this enclosure.	To bring the various thresholds into line with the requirements of other West Sussex Authorities
Procurement Code – Page 313	Delete reference to £100,000 and replace with £50,000 in paragraphs 11.2 and 11.3.	To reflect the changes made to the Procurement Code as cited in Appendix 1.

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**Appendix 1**

**6.1 Procurement - competition requirements**

Where the *Total Value* for a purchase is within the values in column A below, the *Award Procedure* in column B must be followed. Shortlisting shall be undertaken by the person or persons specified in column C.

<b>A Estimated Total Value</b>	<b>B Award Procedure</b>	<b>C Shortlisting - see the Procurement Code Paragraph 10)</b>
Under £10,000	Before a purchase order is issued the relevant Head of Service shall either obtain competitive quotations or be satisfied that the Council is obtaining value for money.	<i>Officer</i>
£10,001-£50,000	Three written quotations to be reviewed by at least two Officers.	<i>Officer and Line Manager</i>
£50,000.01-EC Threshold (see Procurement Toolkit for current threshold values)	<i>Invitation to Tender</i> by advertisement on the Councils website and by advertisement or other media which achieves a similar penetration of potential <i>Tenderers</i> to at least five <i>Tenderers</i>	<i>Officer, Line Manager and Head of Finance</i>
<i>Above EC Threshold</i> (see <a href="#">Procurement Toolkit</a> for current threshold)	<i>EC Procedures</i> or, where this does not apply, <i>Invitation to Tender</i> by advertisement on the Councils website and by advertisement or other media which achieves similar penetration of potential <i>Tenderers</i> to at least five <i>Tenderers</i>	<i>Officer, Line Manager, Head of Finance and Head of Legal Services - see the Procurement Code Paragraph 10.1.</i>