

# Crawley Borough Council

## Minutes of General Purposes Committee

**3 December 2007 at 7.30pm**

**Present:**

Councillor R D Burrett (Chair)  
Councillor C R Eade (Vice-Chair)  
Councillors B K Blake, C A Cheshire, D G Crow, M T Head, R A Lanzer,  
J Mortimer and L A Walker

**Also in Attendance:**

Councillors R G Burgess and G K Seekings

**Officers Present:**

Mez Matthews Democratic Services Officer  
Pat Tinsley Head of Democratic Services

**15. Minutes**

The minutes of the meeting of the Committee held on 1 October 2007 were approved as a correct record and signed by the Chair.

**16. Members' Disclosure of Interests**

No disclosures of interest were made.

**17. Audit and Governance Sub Committee**

**RESOLVED**

That the minutes of the meetings of the Audit and Governance Sub Committee held on 24 September 2007 and 29 October 2007 set out in Appendices 1 and 2 to these minutes be received.

## 18. Final Report of the Call-In Scrutiny Panel

The Committee considered report OSC/64 of the Chair of the Call-In Scrutiny Panel which had also been considered at the Overview and Scrutiny Commission meeting held on 19 November 2007.

Members were reminded that the report was before the Committee as it contained possible changes to the Constitution, any recommendations of the Committee would then be considered by the full Council at its meeting on 9 January 2008.

Councillor R G Burgess, Chair of the Call-In Scrutiny Panel, introduced the report. Members noted that the Panel had been established following Members' concern that the Council's Call-in Procedures were an inefficient and ineffective way of dealing with Council business, and were not used to good effect. Members believed that the procedure could be improved to provide better opportunities for Members, officers and other stakeholders and experts to debate and reconsider the proposals. The Panel had undertaken a short review of the Council's Call-In procedures and of associated best practice to see if there was anything else the Council should do which would assist better decision making.

### Call-in period

Members were reminded that Crawley Borough Council's (CBC) arrangements provided for call-in to take place immediately after the decision was taken at the Executive. Those arrangements had the advantage of providing clarity for Councillors and members of the public present at the meeting, and removed any uncertainty as to the status of the decision. Both the Panel and the Committee were of the opinion that this aspect of the call-in process should remain unchanged.

### Who should be allowed to call-in a decision?

The Scrutiny Panel had reviewed who should be allowed to call-in a decision and had not favoured an arrangement whereby only a single member of the Overview and Scrutiny Commission should be allowed to call-in a decision. Nor did the Panel wish to see the introduction of a process which required the support of at least two political parties to a call-in, as were the arrangements by some authorities.

The Panel were reasonably satisfied with the current arrangement which provided for any Member of the Council present at the meeting of the Executive to be able to call-in a decision, if they believed that it had not been taken in accordance with the principles set out in Article 13 of the Constitution. The Member calling in the decision must then obtain, within five working days, the support of three other Members of the Council (otherwise the call-in would fall and the original decision would be implemented on the sixth working day).

The Panel had given particular consideration to the unfavourable position of a minority party with fewer than four Members under those arrangements, and the Panel had noted that a group with such a small membership would only be in a position to call-in an item with the support of another political group. The Panel had therefore recommended that in the case of a political group with fewer than four Members, the call-in requirements should be amended to enable a Member of that group to call-in a decision with the support of three other Members of the Council or with the support of every member of their political group.

Members noted that at the Overview and Scrutiny Commission meeting held on 19 November 2007 a concern had been raised as to whether the current arrangements were potentially illegal as they restricted political groups. The Head of Democratic Services informed the Committee that when the new arrangements had been put in place in 2000, one of the options for restricting call-in contained in the modular Constitution produced by the Government was that call-in could only be activated by 5 Members from at least 2 political groups. After consulting professional colleagues through the Association of Council Secretaries and Solicitors (ACSeS) she had discovered case law from 2001 involving Flintshire County Council which found that a Council's requirement for a notice of motion to be signed by the mover and the seconder before it could be placed on the Council agenda was illegal. However, no case law had been found in relation to the particular issue raised at the Overview and Scrutiny Commission meeting and ACSeS colleagues did not consider the Flintshire case relevant to the question of restrictions on call-in. The Head of Democratic Services reassured Members that she was satisfied that CBC's current arrangements were legal.

Although it was acknowledged that call-in had not been abused by Members in the past, the Committee felt that a decision should be taken on the merits of a process and that the actions of individuals should not be taken into account. It was suggested that the procedure should be amended so that call-in could only be activated with the support of 4 Members from 2 political parties, which would ensure that the process was fair for all Members regardless of political party, although that suggestion was not supported by the Committee. Members felt that the changes proposed by the Scrutiny Panel could place disproportionate power in the hands of a small group of Members, and that if a decision was worthy of call-in then support would be obtained regardless of political party.

It was moved by Councillor R A Lanzer and seconded

That the Panel's recommendation 4: (That, in the case of a political group with fewer than four members, the call-in requirements should be amended to enable a Member of that group to call-in a decision with the support of three other Members of the Council or with the support of every member of their political group) be rejected. This was carried by 6 votes to 3 and it was therefore agreed that the full Council be recommended that the current process remain unchanged.

#### Whether there should be more Overview and Scrutiny involvement

Members noted that the Overview and Scrutiny Commission was able to refer items from the Executive at an early stage as it had a standing item on its agenda to consider items on the Forward Plan.

The Scrutiny Panel had favoured the practice commonly operated elsewhere which provided for a matter which had been called-in to be considered, in the first instance, by a panel of the Overview and Scrutiny Commission. The advantage of that particular option was that it provided the Scrutiny Panel with the opportunity to consider those aspects of the decision which it wished to examine in detail; to consider any additional evidence and to invite to the meeting the appropriate Portfolio Holder and officers together with any other third parties. That process would ensure that the Panel would be better informed and would assist them in coming to a view.

Members were reminded that all Scrutiny Panels initially report to the Overview and Scrutiny Commission. However, to assist the Council in its deliberations and to enable decisions to be expedited it was proposed that the panel would report directly to the Council. In common with other Scrutiny Panels, it was intended that the Chair of the Panel would be a Member of the Commission. The Call-in Scrutiny Panel also considered that the proposed approach could overcome some of the difficulties which could arise in view of the tight timescales involved. The approach might also be more popular with Members who did not serve on the Overview and Scrutiny Commission and who would not wish to lose the opportunity to participate on matters which had been called-in.

Panel Members had noted that the problems regarding accommodating the proposed alternative call-in process could be addressed at the time that the 2008/09 calendar was produced. Officers had taken the view that a period of about a week should be retained between the Executive meeting and the Scrutiny Panel meeting to provide for the membership of the Panel to be established, to enable statutory requirements relating to notice of meetings to be observed, and to give adequate time for the appropriate witnesses to be identified and arrangements made for their attendance.

Although it was acknowledged that the establishment of an additional Scrutiny Panel could provide additional information for debate at the full Council meeting, the Committee were of the opinion that the alternative arrangements would not add any value to the call-in process and would simply add another layer of bureaucracy, creating additional unnecessary meetings. Members noted that the Council's Constitution included a clause which allowed full Council to send an item to a Scrutiny Panel for consideration, although that had never occurred. It was suggested that Members should utilise that option rather than changing the call-in process.

The Committee suggested that if Members felt strongly about an issue which had been called-in, research would be conducted prior to the full Council meeting without the need for an additional Scrutiny Panel.

It was moved by Councillor R A Lanzer and seconded

That the following recommendations of the Panel be rejected:

- Recommendation 5(a): "That all non-Executive Members on the Council form a pool of members from which a politically balanced Scrutiny Panel can be called, as and when required, to examine any matter called-in at the Executive (or at a Committee of the Executive) and report to the next meeting of the Council";
- Recommendation 5(b): "That each Panel comprise of seven Members selected from among the pool of non-Executive Members and be on the nomination of the political groups (leaders)";
- Recommendation 5(c): "That dates for such a Panel be provisionally reserved in the calendar following each Executive meeting but prior to Council at the end of the cycle";
- Recommendation 5(d): "That all appropriate officers and Members need to be cognisant of the dates of those Panel meetings and that their attendance, or otherwise that of a suitable deputy, may be necessary at short notice

This was carried unanimously and it was therefore agreed that the full Council be recommended that the current process remain unchanged.

Other restrictions

The Panel had considered whether it wished to recommend the imposition of any other restrictions on call-in to ensure that call-in was not abused or used to cause unreasonable delay. Possible options which had been considered included the restriction on the number of call-ins which could be made over a specified period of time, the number of call-ins that a Member could support over a certain period, or a requirement that only decisions which involved expenditure or reductions in service over a specified value could be called-in.

Both the Panel and the Committee were of the opinion that the process was used responsibly and that no further restrictions should be implemented.

Call-in by the public and community calls for action

The Panel had requested officers to look at the arrangements operated by the five authorities identified in the Centre for Public Scrutiny report as those where the public were able to call-in decisions (Colchester Borough Council, Basildon District Council, Royal Borough of Kingston upon Thames, Milton Keynes and Thurrock Council). Members noted that the process for call-in by the public had been in operation since 2000 at Colchester Borough Council, but it had been removed from their Constitution at the beginning of the 2006/07 municipal year because it had never been used.

Although the Panel were of the opinion that the introduction of call-in arrangements for the public should be supported in principle, since the Panel's final meeting on 24 October 2007, it was announced that the Government had agreed to align the two versions (i.e. the Home Office version in the Police and Justice Act and the Department of Communities and Local Government version in the Local Government and Public Involvement in Health Bill) of the Call for Action proposals following the Third Reading of the Local Government and Public Involvement in Health Bill in the House of Lords. That would mean removing Section 19 of the Police and Justice Act 2006 to take out the 'Community Call for Action' which would leave a more simple 'Councillor Call for Action' proposed in the Local Government and Public Involvement in Health Bill. Following this, the Local Government and Public Involvement in Health Bill had become an Act.

Both the Panel and the Committee were of the opinion that the introduction of call-in arrangements for the public should be supported in principle; further consideration of the issue by the Call-in Scrutiny Panel should be deferred pending clarity of the arrangements relating to the "Councillor Call for Action" now contained in the Act.

Call-in of decision made by individual members of the Executive or key decisions made by officers under delegated powers

The matters relating to the above issues had been discussed earlier in the meeting in relation to who should be allowed to call-in a decision and whether a member of the public should be able to call-in a decision.

The Committee therefore agreed that the Panel's recommendation 8 (That the arrangements relating to the call-in of decisions made by individual members of the Executive or key decisions made by officers under delegated powers be amended to enable a Member of a political group with fewer than four members to call-in a decision with the support of three other Members of the Council or with the support of every member of their own political group) be rejected. This was carried unanimously and it was therefore agreed that the full Council be recommended that the current process remain unchanged.

The Committee agreed that the introduction of public call in arrangements in respect of decisions made by individual members of the Executive or of key decisions made by officers under delegated powers be supported in principle but that further consideration of the issue by the Call-in Scrutiny Panel be deferred pending confirmation of the Community Call for Action arrangements to be introduced once the Local Government and Public Involvement in Health Bill was enacted.

Any other issues

The Committee agreed that it would not be necessary for the Panel to reconvene in 12 months time as the Committee had not recommended that full Council agree any changes to the call-in process. It was noted that the Panel would reconvene however, to discuss the introduction of call-in arrangements for the public once the Local Government and Public Involvement in Health Bill had been enacted.

The Committee thanked the members of the Call-in Scrutiny Panel for the work they had undertaken and emphasised that although it was not recommending any changes to the call in procedure it was nevertheless good practice to review the Council's processes on a regular basis.

**RECOMMENDATION**

That the full Council be recommended to agree:

1. that the current call-in arrangements remain unchanged;
2. that the introduction of call-in arrangements for the public be supported in principle, but that further consideration of this issue by the Call-in Scrutiny Panel be deferred pending clarity of the arrangements relating to the "Councillor Call for Action" now contained in the Local Government and Public Involvement in Health Act.

**19. Changes to the Constitution**

The Committee considered the proposed changes to the Constitution.

The Committee noted that the Housing Act 2004 (The Act) which came into force on 6 April 2006 made provision for dealing with conditions relating to Private Sector Housing. The Act replaced many of the powers contained within the Housing Act 1985. The Constitution had been amended to take into account the changes that were made to the Licensing powers relating to Houses in Multiple Occupation but not in connection with the powers relating to private sector housing conditions. As a result new delegations to officers needed to be agreed which were before Members.

**RECOMMENDATION**

That the full Council be recommended to agree the changes to the Constitution as proposed in Appendix 3 to these minutes.

**20. Closure of Meeting**

With the business of the Committee concluded, the Chair declared the meeting closed at 8.30pm.

R D BURRETT  
**Chair**

**APPENDIX 1**

## *Crawley Borough Council*

### **Minutes of Audit and Governance Sub-Committee**

**24 September 2007 at 7.30 p.m.**

**Present:**

Councillor L A Walker (Chair)

Councillors R D Burrett, C A Cheshire, C R Eade and M T Head

**Also in Attendance:**

Councillor: B J Burgess, Simon Mathers (Audit Commission) and Helen Thompson (Audit Commission)

**Officers Present:**

J Burke	(Head of Finance)
K Dodds	(Head of Crawley Homes)
K Hayes	(Deputy Head of Finance)
J Hills	(Interim Audit Manager)
D Rawlings	(Head of Customer Services)
J Redwood	(Director of Environment and Housing)
M Shopland	(Democratic Services Officer)
P Tinsley	(Head of Democratic Services)
P Windust	(Technical Project Manager)

**16. Minutes**

The minutes of the meeting of the Sub-Committee held on 26 June 2007 were approved as a correct record and signed by the Chair.

**17. Apologies for Absence**

There were no apologies for absence.

**18. Members' Disclosure of Interests**

<b>Member</b>	<b>Minute Number</b>	<b>Subject</b>	<b>Nature of Disclosure</b>
Cllr C A Cheshire	Minute 21	Internal Audit Progress report as at 24 August 2007	Personal Non Prejudicial as had received a Disabled Facilities Grant.



**19. Audit Commission's report on the 2006/07 accounts**

*The Sub-Committee welcomed Helen Thompson and Simon Mathers from the Audit Commission to the meeting who presented the report.*

*Helen Thompson thanked the Council's Finance team for their assistance.*

*The Sub Committee was informed that the Audit Commission's work on the financial statements was complete and an unqualified opinion proposed. This was a positive improvement on the 2005/06 accounts.*

*In response to Members' queries Simon Mathers clarified what was meant by Grants Certification Works. Deadlines for these works ran from 31<sup>st</sup> March to late October 2007.*

*It was noted that as at 31 March 2007, the Council's quality of data remained below the minimum standards. Members were assured that efforts had been made to improve management arrangements that support data quality. However, these had been implemented later in the reporting year and still needed to time to be fully embedded throughout the Council. Minor teething problems had also been identified.*

*Councillor Burrett asked whether the Audit Commission would expect problems relating to data quality to be entirely resolved within the next year. Helen Thompson stated that whilst this was ideal it was not always possible. The involvement of Internal Audit was helpful.*

*Members queried why code criteria 1-3 of Appendix 6, Value for Money conclusion had been scored 'Adequate/not adequate.' The Audit Commission indicated that at the time of the report, insufficient work had been carried out to qualify whether these areas were adequate or not. These areas were now considered adequate.*

*Simon Mathers advised that a focus on detailed testing was required. He went on to comment that the number of BVPI's should be rationalised, as there needed to be reasonable capacity to provide sufficient data to support the BVPI.*

**RESOLVED**

- (1) That the Sub Committee note the Audit Commission's report on the 2006/07 accounts.

**20. Amenity Commutation Sum.**

*The Sub Committee considered report FIN/129 of the Head of Finance.*

*The report provides further information concerning the sums held in the Amenity Space Commutation Reserve as requested by the Sub Committee at its meeting on 24<sup>th</sup> April 2007. The Head of Finance explained that the Council had assumed responsibility for the maintenance for amenity land transferred by developers, primarily in Maidenbower. However, there had not been a movement on the reserve since 2003/04 or an annual contribution to the General Fund. He went on clarify that the interest from the developers' contribution had been going into the General Fund.*

*The Sub Committee questioned why it was that this had not been picked up earlier by internal or external audit. The Internal Audit Manager stated that an audit of S106 agreements had recently begun, but that this had been the first time that this had been undertaken. It was also noted that the total involved was below external audit's trigger limit. Members were pleased to note that a policy for the use of the Amenity Space Commutation Reserve would be developed as part of the Budget process for 2008/09 to ensure that contributions from this would now be transferred to the General Fund.*

*Councillor Burrett questioned whether a one off transfer covering what had not been previously transferred could be made. John Burke indicated that a large one off transfer followed by regular transfers was being considered for suggestion to the Budget Advisory Group.*

*In response to queries regarding whether there was a need to change arrangements the Head of Finance commented that the way in which the account had been originally set up suggested that some contribution to the General Fund had been intended. He indicated that so long as the Council met its maintenance responsibilities the developers' contribution did not necessarily have to be used to fund the maintenance. Members believed that it was preferable if the contribution was used for these purposes.*

#### **RESOLVED**

(1) *That the Sub Committee note the contents of the report.*

#### **21. Internal Audit Progress report as at 24 August 2007**

*The Interim Audit Manager presented report FIN/126 of the Head of Finance to the Sub Committee. She indicated that a number of reviews relating to the 2006-2007 Audit Plan and also a number of reviews relating to the 2007-2008 had been completed since Internal Audit's last internal progress report as at 25<sup>th</sup> May 2007. It was noted that there had been considerable focus on Crawley Homes early in the financial year and that Crawley Homes related issues would be considered at a separate meeting on 29<sup>th</sup> October 2007.*

*The Sub Committee was informed that Payroll had received an 'Adequate' score and that there had been some concerns regarding the flow of information into the Payroll department and the control of casual employees. It was noted that the implementation dates for the recommendations relating to payroll (p11-15 of the report) should read 01/10/07 as opposed to 01/10/08.*

*The cashiers service had received a 'Good' score, as had Absence Management.*

*Improvement Grants had been given an 'Adequate' score. Councillor Cheshire queried why it is was that the Council had only spent £239,544 of the Government's estimated contribution in 2006/07 for Disabled Facilities Grants and returned £12,456 to the Government. The Head of Finance agreed to investigate further and to update the Sub Committee.*

*Data Protection was thought to be of a 'Poor Standard,' primarily because of the recent transfer of responsibility for Data Protection to the Principal Lawyer who had not been formally trained in this area. The Interim Audit Manager emphasised that measures were being taken to address this issue.*

*The Sub Committee noted that the undertaking of substantive tests by Internal Audit on the Audit Commission's behalf had been successful.*

*Members were updated on the follow up of the IT audit of iWorld Revenues and Benefits. They were pleased to hear that of the thirty-six recommendations raised in the original report of 2003/04 only five medium and two low priority recommendations had been re-raised. However, concerns were expressed that problems continued to be identified four years after the original report. The Head of Customer of Services and the Interim Audit Manager agreed to investigate further. The Interim Audit Manager emphasised that IT audits were monitored on a yearly basis and were governed to some extent by system updates.*

**RESOLVED**

(1) *That the Sub Committee receive the report and note progress to date.*

**22. Corporate Fraud Investigation Team – Quarterly Report**

*The Head of Customer Services presented report FIN/127, the first of quarterly reports concerning the work of the Council's Corporate Fraud Investigation Team to be presented to the Sub Committee. He outlined the work carried out by the team.*

*Members were informed that fourteen sanctions had been issued in the first quarter (four prosecutions, six acceptances of a caution and four acceptances of an administrative penalty). The Sub Committee were pleased to note that the number of cases being dealt with had increased.*

*The Head of Customer Services explained that on occasions when the Corporate Fraud Investigation Team did not have enough resources and the case also involved an overpayment of state benefit, the case was referred to the Department of Works and Pensions (DWP). These cases were referred to as overloaded cases. It was noted that in these cases the Council would receive the overpayment and the DWP the grant for a successful prosecution.*

*Members were informed that the Council typically recovered 70% of the overpayment within a year of the overpayment being raised. It was noted that where a council tax overpayment had been made the amount was put back on to the council tax account and the debt pursued through council tax. If an overpayment had been made on a housing benefit account and housing benefit was still being received the Council was limited as to how much it recover on a weekly basis. Debtor accounts could also be raised.*

*The Sub Committee were pleased that the Corporate Fraud Investigation Team was offering a fraud awareness package to all CBC employees. They were keen that those reporting fraud were aware of how to protect themselves from personal risk. The Head of Customer of Services agreed to investigate this further. The Chair suggested that the Sub Committee receive the presentation.*

**RESOLVED**

(1) *That the Sub Committee note the report.*

**23. Corporate governance arrangements – Update report September 2007**

*The Sub Committee examined report DS/77 of the Head of Democratic Services, which provided an update of the position of the Internal Audit review of the Corporate Governance Arrangements as of September 2007.*

*In connection with Community Focus Item 2, Members felt that it would be helpful to have a copy of the Community Profile. The Head of Democratic Services agreed to ascertain to whom the Community Profile had been distributed. Surprise and concern was expressed that Community Focus Items 6 (Visible outcome targets set and effective monitoring framework) and 10 (governance framework) had reduced in score from '3' to '2'. The Head of Democratic Services stated that it was felt that '2' was a more realistic score. In response to Members' queries regarding Item 11 (customer access strategy) the Head of Customer Services assured the Sub Committee that there were no plans to close the cash office. However, if alternative transactional services proved popular the possibility of staffing reductions would be further considered.*

*Members were disappointed that the score for the Structures and Processes Item 3 (testing arrangements) had remained at a '2'. The Head of Democratic Services and the Interim Audit Manager indicated that they would examine the CIPFA/SOLACE documents to progress this item. The Head of Democratic Services also agreed to ascertain why Item 7 (corporate plan) previously scored as a '4' had been scored as a '3'.*

*The Sub Committee expressed concern that no progress had yet been made with regard to Leadership, culture, standards of conduct, Item 9 (Impact of new legislation) The Head of Legal would be asked to ensure progress is made on this item.*

#### **24. Exclusion of the Public**

##### **RESOLVED**

*That in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.*

#### **25. Housing Maintenance Update (Exempt Paragraph 3 - Financial and Business Affairs)**

*Members examined in detail, the briefing note by the Head of Crawley Homes regarding the outcome of the independent audit carried out on housing repairs invoices.*

*The Chair expressed disappointment at the protracted response to the Committee's concerns.*

*The majority of Members were of the opinion that the invoice inspection process put in place was satisfactory. The Chair expressed concern that the size of the sample looked at under the independent audit was overly small and questioned whether further work in the area was required. The Director of Environment and Housing*

*stressed that the exercise had not been intended to be statistically representative but to indicate whether further investigations were necessary.*

*Members suggested that it would be useful if there were a greater opportunity for those using the housing repairs service to provide feedback to the Council.*

*It was accepted that Members had some concerns. The Sub Committee felt that the processes should be reviewed in future if they were seen not to be functioning effectively. The Head of Crawley Homes agreed to provide the Sub Committee with feedback on how the processes put in place were working at the next meeting on 29<sup>th</sup> October 2007.*

**26. Closure of Meeting**

*With the business of the Sub-Committee concluded, the Chair declared the meeting closed at 9.45 pm.*

L A WALKER  
**Chair**

## *Crawley Borough Council*

### **Minutes of Audit and Governance Sub-Committee**

**29 October 2007 at 5.35 p.m.**

**Present:**

Councillor L A Walker (Chair)

Councillors R D Burrett, C A Cheshire and C R Eade

**Also in Attendance:**

Councillor: B J Burgess, S J Joyce and R A Lanzer (arrived 5.50 pm)

**Officers Present:**

J Burke	(Head of Finance)
M Coughlin	(Chief Executive)
D Covill	(Director of Resources)
K Dodds	(Head of Crawley Homes)
J Hills	(Interim Audit Manager)
K Pullen	(Auditor)
J Redwood	(Director of Environment and Housing)
M Shopland	(Democratic Services Officer)
M Slater	(Auditor)

**27. Minutes**

*The minutes of the meeting of the Sub-Committee held on 24 September 2007 were approved as a correct record and signed by the Chair subject to the following amendment:*

*Added to Minute 25: The Chair expressed disappointment that no further work on the invoice inspection process was planned and was concerned that the Council might become financially disadvantaged.*

**28. Apologies for Absence**

Councillor M T Head

**29. Members' Disclosure of Interests**

*There were no disclosures of interest made.*

**30. Exclusion of the Public**

**RESOLVED**

*That in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.*

**31. Responsive Repairs Contract Update  
(Exempt Paragraph 3 - Financial and Business Affairs)**

*The Chief Executive commented that holding an additional Audit and Governance Sub Committee to look specifically at issues relating to Crawley Homes showed that the Council was committed to making improvements in this area where needed. He thanked the officers involved for their hard work.*

*The Head of Crawley Homes presented a briefing on the Responsive Repairs Contract Update to the Sub Committee. At the meeting of the Sub Committee on 24<sup>th</sup> September 2007 the Head of Crawley Homes was requested to provide feedback on how the processes put in place relating to the responsive repairs contractors were working.*

*The Sub Committee discussed the results of the invoice inspection process in detail.*

*The Sub Committee were pleased that Mears had offered for a member of their senior team to attend a meeting of the Audit and Governance Sub Committee if Members wished it. It was suggested that such a meeting would help further partnership and enhance performance.*

*Members noted that contractors were required to leave satisfaction cards following the completion of a job. Although, they were pleased that samples suggested a high level of return Members questioned if more could be done to ensure an even greater level of return. The Head of Crawley Homes informed the Sub Committee that this was being looked at as part of the Repairs and Maintenance Improvement Team project. The Sub Committee agreed that upon customer satisfaction was important.*

**32. Crawley Homes – Direct Services Organisation (DSO)  
(Exempt Paragraph 3 - Financial and Business Affairs)**

*Members considered report FIN/131 of the Head of Crawley Homes.*

*The Head of Crawley Homes notified the Sub Committee that the Internal Audit review of the Direct Services Organisation (DSO) had resulted in an unsatisfactory level of assurance.*

*Internal Audit's findings and the management response were discussed fully by the Sub Committee.*

*Michael Coughlin left the meeting at 6.30 pm.*

**RESOLVED**

*That the Sub Committee note the report and the management responses to the recommendations made.*

**33. Crawley Homes – Gas Servicing  
(Exempt Paragraph 3 - Financial and Business Affairs)**

*The Sub Committee examined report CH/70 of the Head of Crawley Homes. Members noted that the Internal Audit of the Crawley Homes Gas Servicing had produced an unsatisfactory opinion. They were notified that work had been carried out to improve on identified weaknesses following the production of Internal Audit's findings in June 2007.*

*The Sub Committee looked at the Action Plan attached to the report, in detail. Ref. 1a relating to contract details with the contractor and Ref 2a relating to the Council's Health and Safety responsibilities with regards to gas servicing were discussed at length. The Sub Committee felt that it would be helpful if Members were informed of which officers were responsible for contract management.*

*In response to Members' queries regarding tenants providing access for gas service checks the Head of Crawley Homes said that the importance of the service had been publicised in tenancy packs and in an article in Home Links. More stringent action could be taken against more obstructive tenants. Members asked that the importance of allowing access for gas checks be emphasised in the revised tenants' handbook.*

**RESOLVED**

*That the Sub Committee note the report and the management responses to the recommendations made.*

**34. Crawley Homes – Gas Boiler Replacement Contract  
(Exempt Paragraph 3 - Financial and Business Affairs)**

*The Sub Committee examined report CH/71 of the Head of Crawley Homes.*

*The Head of Crawley Homes notified the Sub Committee that the Internal Audit of the Boiler Replacement contract for Crawley Homes had resulted in a poor level of assurance. The contract had now been completed successfully, partly as a result of the timing of the audit which allowed recommendations to be put in place as the contract was progressed. The project had been completed to a high level of satisfaction and within budget. However, there had been some slippage in the contract dates.*

*The Head of Crawley Homes reminded the Sub Committee that some changes had been made to the contract.*

*Members noted that all action points, excepting that relating to the maintenance of the I World system, had been completed.*

*It was noted that there was a discrepancy in figures in paragraphs 3.1 and 3.3. as a result of the change of properties included within the contract and the quality of making good required.*



*Councillor Burrett questioned whether an 'exception report' relating to recommendations that had not yet been actioned could be taken to future Sub Committee meetings. Other members of the Sub Committee agreed that this was desirous.*

**RESOLVED**

*That the Committee note the report and management responses to the recommendations made.*

**35. Crawley Homes – Asbestos Management  
(Exempt Paragraph 3 - Financial and Business Affairs)**

*The Interim Audit Manager presented report FIN/132 of the Head of Finance. Members were informed that the Asbestos Management by Crawley Homes had received a poor level of assurance (controls in place are operating poorly or the controls are insufficient). However, there had been no evidence of any breaches of the Health and Safety at Work Act or the Duty of Care.*

*Appendix A of the report identified recommendations relating to Internal Audit's findings, whether they were considered a high, medium or low priority, management response and the proposed deadline for action. It was noted that some deadlines such as updating the Weblink and 'Crawley Homes Advice Sheet', had slipped by approximately a month.*

*Councillor Burrett expressed concern that matters were not progressing as quickly as had been hoped. The Director of Environment and Housing commented that a number of temporary staff originally appointed to deal with asbestos work had been diverted to other areas of work such as voids.*

**RESOLVED**

*That the Sub Committee note the report and the management responses to the recommendations made.*

**36. Crawley Homes – Void Management  
(Exempt Paragraph 3 - Financial and Business Affairs)**

*The Sub Committee examined report FIN/133 of the Head of Finance, which included the Management Implementation Plan.*

*The Interim Audit Manager informed the Sub Committee that an adequate level of assurance had been achieved. The Sub Committee were pleased to note that the majority of key controls were in place and operating effectively.*

*In response to Members' queries relating to the carrying out of void property post repair inspections on a random sample basis by the Asbestos surveyor, the Head of Crawley Homes indicated that this work would not impact negatively on the team's other work.*

*It was noted that there were discrepancies given for the figures given for the total budget for voids for the current financial year (3.2 and No 11 of the Management Implementation Plan)*

*Councillor Joyce left the meeting at 7.25 pm.*

**RESOLVED**

*That the Sub Committee note the report and the management responses to the recommendations made.*

**37. Closure of Meeting**

*With the business of the Sub-Committee concluded, the Chair declared the meeting closed at 7.30 pm.*

L A WALKER  
**Chair**

**APPENDIX 3**

**AMENDMENTS TO THE CONSTITUTION**

Function	Proposed amendment	
Functions of the Staff Appeals Board – Page 114	<p>Amend the first delegation to read:</p> <p><u>“The following function is delegated to the appropriate Director / Head of Service:-</u></p> <p>Appeals against disciplinary warnings and probationary dismissals”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to carry out inspections to see whether any Category 1 or 2 Hazards exist under Part I (Housing Conditions), Section 4 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to serve an Improvement Notice for a Category 1 Hazard under Part I (Housing Conditions), Section 11 of the Housing Act 2004”</p>	

Function	Proposed amendment	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to serve an Improvement Notice for a Category 2 Hazard under Part I (Housing Conditions), Section 12 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to suspend an Improvement Notice under Part I (Housing Conditions), Section 14 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to revoke or vary an Improvement Notice under Part I (Housing Conditions), Section 16 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to review a suspended Improvement Notice and give notice of the decision on a review under Part I (Housing Conditions), Section 17 of the Housing Act 2004”</p>	

Function	Proposed amendment	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to make and serve a Prohibition Order in respect of Category 1 Hazards under Part I (Housing Conditions), Section 20 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to make and serve a Prohibition Order in respect of Category 2 Hazards under Part I (Housing Conditions), Section 21 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to suspend a Prohibition Order under Part I (Housing Conditions), Section 23 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to revoke or vary a Prohibition Order under Part I (Housing Conditions), Section 25 of the Housing Act 2004”</p>	

Function	Proposed amendment	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to review a suspended Prohibition Order and to serve notice of the decision of any review under Part I (Housing Conditions), Section 26 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to serve a Hazard Awareness Notice relating to a Category 1 Hazard under Part I (Housing Conditions), Section 28 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to serve a Hazard Awareness Notice for a Category 2 Hazard under Part I (Housing Conditions), Section 29 of the Housing Act 2004”</p>	

Function	Proposed amendment	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to take action in respect of an Improvement Notice under Part I (Housing Conditions), Section 31 and Schedule 3 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services and the Head of Legal Services:</u></p> <p>Power to recover related expenses following action under Part I (Housing Conditions), Section 31 and Schedule 3 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to take emergency remedial action where there is a Category 1 Hazard and to serve the requisite notices under Part I (Housing Conditions), Sections 40 and 41 of the Housing Act 2004”</p>	

Function	Proposed amendment	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services and the Head of Legal Services:</u></p> <p>Power to recover expenses after taking emergency remedial action under Part I (Housing Conditions), Section 42 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to serve an Emergency Prohibition Order for a Category 1 Hazard under Part I (Housing Conditions), Section 43 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to serve a Demolition Order for Category 1 or 2 Hazards under Part I (Housing Conditions), (Housing Act 1985 S265) Section 46 of the Housing Act 2004”</p>	



Function	Proposed amendment	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services:</u></p> <p>Power to declare a Clearance Area under Part I (Housing Conditions), (Housing Act 1985 S289) Section 47 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services and the Head of Legal Services:</u></p> <p>Power to make a charge for enforcement action and to recover costs under Part I (Housing Conditions), Sections 49 and 50 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to apply for a Rent Repayment Order and to serve the requisite Notices under Part III, Section 96 of the Housing Act 2004”</p>	

Function	Proposed amendment	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to make, vary and revoke Interim Management Orders under Part IV (Additional Control Provisions in Relation to Residential Accommodation), Sections 102, 111 and 112 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to make, vary and revoke Final Management Orders under Part IV (Additional Control Provisions in Relation to Residential Accommodation), Sections 113, 121 and 122 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power of entry to carry out works where a Management Order is in force, and to appoint, in writing, persons to enter the premises to carry out the work under Part IV (Additional Control Provisions in Relation to Residential Accommodation), Section 131 of the Housing Act 2004”</p>	

Function	Proposed amendment	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services:</u></p> <p>Power to make an Interim Empty Dwelling Management Order under Part IV (Additional Control Provisions in Relation to Residential Accommodation), Section 133 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services:</u></p> <p>Power to make a Final Empty Dwelling Management Order under Part IV (Additional Control Provisions in Relation to Residential Accommodation), Section 136 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to serve an Overcrowding Notice under Part IV (Additional Control Provisions in Relation to Residential Accommodation), Section 139 of the Housing Act 2004”</p>	

Function	Proposed amendment	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to revoke and vary Overcrowding Notices under Part IV (Additional Control Provisions in Relation to Residential Accommodation), Section 144 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to serve notice requiring documents to be produced under Part IV (Additional Control Provisions in Relation to Residential Accommodation), Section 235 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to enter premises for purposes of carrying out a survey or examination under Part IV (Additional Control Provisions in Relation to Residential Accommodation), Section 239 of the Housing Act 2004”</p>	

Function	Proposed amendment	
Housing Matters Delegated to Executive Members and Officers – Page 143	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services or any employee authorised by him / her:</u></p> <p>Power to serve, and to revoke, a Houses in Multiple Occupation (HMO) Declaration Notice under Part IV (Additional Control Provisions in Relation to Residential Accommodation), Sections 255 and 256 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 175	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services:</u></p> <p>Power to be the Proper Officer to whom any official complaint about the condition of residential premises must be made under Part IV (Additional Control Provisions in Relation to Residential Accommodation), Section 4 of the Housing Act 2004”</p>	
Housing Matters Delegated to Executive Members and Officers – Page 175	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Housing Strategic Services:</u></p> <p>Power to be the Proper Officer for determining if a survey or examination is necessary under Part IV (Additional Control Provisions in Relation to Residential Accommodation), Section 239 of the Housing Act 2004”</p>	