


Crawley Borough Council

	Report No:DS/81	
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Report to General Purposes Committee

17 March 2008

Review of Democratic Structures and Constitutional Changes

1. Key Points

- 1.1 This report considers whether any changes are required in 2008/09 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 Constitution be revised with immediate effect to put in place the arrangements set out in paragraph 4.3. to this report for dealing with allegations relating to a breach of the Code of Conduct by a Member and the amendments to the Constitution proposed in Appendix 1 ;**

- (b) that amendments to the Constitution be made to put in place the arrangements referred to in paragraphs 4.4 to 4.6 of this report for implementation after the Annual Meeting or when the appropriate provisions of the Act come into force, whichever is the later**
- (c) to agree that, since the provisions relating to call-in and urgency have not been used 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 To fulfil the requirements of Article 15.01 of the Constitution, the Council must monitor and review the operation of the Council's Democratic Structures and the Constitution to ensure that its aims and principles are given full effect.
- 3.2. 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 the Council with proposals for review, if necessary.

4. Review of the Structure

- 4.1 A review of the Council's existing decision making process is currently being conducted by IDeA, involving, amongst other things, a comparison of the existing structures with those of other authorities. It is anticipated that any recommendations for improvement will be considered in the summer with a view to implementation in 2009/10.
- 4.2. In the meantime, consideration will need to be given to making changes to the structure in the Constitution to reflect the requirements of certain provisions contained in the Local Government and Public Involvement in Health Act 2007 which have already been implemented or are likely to be implemented shortly. These include revisions relating to the Standards Committee and to Councillor Call for Action which are dealt with in the following paragraphs.

Changes to the Constitution relating to the audit and governance function are also proposed.

4.3. Standards Committee

- 4.3.1 In the future, written allegations that a Member or a Co-opted Member has breached the Code of Conduct will be made to the local Standards Committee rather than to the Standards Board for England. The process to be undertaken will be as follows:-

- On receipt of an allegation, a decision must be made either to refer the matter to the Monitoring Officer, refer it to the Standards Board or that no action should be taken. This is known as the initial assessment.

- Where a decision has been taken that no action should be taken, a complainant can request that this decision be reviewed. At this review stage, once again the decision must be either to refer the matter to the Monitoring Officer, refer it to the Standards Board or that no action should be taken.

- Any subsequent hearing would determine whether a Member has breached the Code and, where appropriate, impose a sanction on a Member.

- 4.3.2. The Council has recently been consulted on regulations which will regulate this process and, as part of that consultation, it was being suggested that each Standards Committee would need to have a clear operational structure in place in order to undertake these functions (initial assessment, review and hearing). It was considered to be likely that there will be a need for sub-

committees of Standards Committees to be created, so that the separate functions can be appropriately discharged.

- 4.3.3. The consultation asked for the views of local authorities on a proposal that a member who has been involved in a decision on the initial assessment of an allegation should not be involved in reviewing that decision, on the grounds of conflict of interest. In its response to the consultation, this Council's Standards Committee took the view that it would be better if there were a separation of all three functions.

- 4.3.4 On this basis, it is proposed that the Constitution be amended to provide that, in respect of each complaint received relating to the conduct of a Member, a Sub Committee (A) will be called upon to receive and assess the complaint.

If the decision of Sub Committee A is that no action should be taken in respect of a complaint, then there is a right of appeal to a separate Sub Committee (B). If necessary, therefore, Sub Committee B will be called upon to review the decision.

It is then proposed that there should be a third Sub Committee (C), that will have responsibility for conducting a hearing

- 4.3.5 It is suggested that each Sub Committee should comprise three members of the Standards Committee, with a quorum of three, and that each Sub Committee should be chaired by an independent member. This was considered to be important in the consultation on the proposed regulations in that it will maintain the robustness and independence of decision making.

- 4.3.6 In respect of each complaint, it is proposed that no Member of the Standards Committee shall serve on more than one Sub Committee so that each of the three functions (initial assessment, review and subsequent hearing) can be carried out by different members. (The Chair of the Standards Committee will not be an ex-officio Member of Sub Committees appointed for this purpose.) It is also suggested that the Monitoring Officer, in consultation with the Chair of the Standards Committee should appoint the Members to serve on the various Sub-Committees, without the prior concurrence of the Standards Committee or the Council being required.

- 4.3.7 It is proposed that Members of the Sub Committee will serve only for the duration of the consideration of the complaint before them. Further Sub Committees will be established to deal with each new complaint (and could possibly run in parallel). This will have the advantage of enabling all members of the Committee to gain experience of each of the various stages of dealing with a complaint and will avoid the potential for any personal and prejudicial interests which might arise if the membership of each Sub Committee remains the same.

- 4.3.8 In view of the fact that the new regime could be implemented any time after 1 April 2008, the Committee will wish to make recommendations to the Council for the revision of the Constitution to put in place revised arrangements as soon as possible. Further minor amendments relating to the revised ethical regime are set out in Appendix 1 to this report and other changes are likely to be brought before the Committee once the new regulations have been published.

4.4. Councillor Call for Action

4.4.1 The 'Councillor Call for Action' provisions contained in the Act are likely to be implemented in the Autumn, based on the latest available information. Therefore, it is being proposed that the Constitution be amended at this stage in readiness for when this part of the Act comes into force. The Constitution will indicate where the changes are to be implemented at a later date.

4.4.2. Each local authority operating executive arrangements will be required to ensure that its scrutiny arrangements enable any member of the Council to refer a local government matter to the relevant scrutiny committee (a Councillor Call for Action). It also provides that such arrangements must enable a Councillor to put a local government matter on the agenda and have it discussed at a meeting of the relevant scrutiny committee. The definition of a local government matter excludes local crime and disorder matters (dealt with later in this report) or any matter in a category which the Secretary of State may exclude by order.

This provision extends the Council's current arrangements whereby, if any non-Scrutiny Commission Member thinks that a matter should be reviewed by the Commission, he/she may submit a Notice of Motion to the Council seeking the Council's support by way of referring the matter to the Commission.

4.4.3. The scrutiny arrangements must also provide for any Member of the Overview and Scrutiny Commission to be able to refer to the Commission any matter which is relevant to the Commission's functions and for any Member of a Scrutiny Panel to be able to refer to the Panel any matter which is relevant to the Panel's functions. Once again the Act provides that such arrangements must enable a Councillor to put a matter on the agenda and have it discussed at a meeting of the relevant scrutiny committee.

This Council's current arrangements already provide for such a reference in the case of Commission Members but the Constitution will need to be amended to mirror these arrangements for Scrutiny Panel Members.

4.4.4 If an item is placed on the agenda by a Member of the Council under the new provisions referred to in paragraph 4.4.2. (a Councillor Call for Action), then the following applies:-

- (1) The Commission or Scrutiny Panel, when considering how to proceed, can consider representations from the member who referred the matter.
- (2) It is open to the Commission or Scrutiny Panel not to pursue a matter, but it must let the member know the reason for the decision.
- (3) The Commission or Scrutiny Panel must send a copy of its report or recommendations to the Member who referred the matter.

4.4.5. Where the Overview and Scrutiny Commission or a Scrutiny Panel makes a report or recommendations to the Council or the Executive, the Act empowers the Commission or Panel to publish the report or recommendations.

Where this is the case, the Commission or the Panel must give the Council or the Executive notice in writing specifying the steps which the Council or Executive must take within two months of receiving either the document itself, or the notice, whichever is the later date. The steps include responding to the report or recommendations indicating what action (if any) it proposes to take, and, if the document has been published by the Commission or the Panel, publishing the response and, if the matter originated from a 'Councillor Call for Action', providing a copy of the response to the Member. The Council or Executive must comply with this notice.

4.5. Crime and Disorder

The implementation of the requirement to scrutinise Crime and Disorder issues is once again likely to be implemented in the Autumn, based on the latest available information. Therefore, it is being proposed that the Constitution be amended at this stage in readiness for when this part of the Act comes into force. The Constitution will indicate where the changes are to be implemented at a later date.

4.5.1. Crime and Disorder Functions

Under the Police and Justice Act 2006, (as amended by the Local Government and Public Involvement in Health Act 2007) every local authority must ensure that it has a crime and disorder committee with power:-

- (i) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
- (ii) to make reports or recommendations to the local authority or its Executive with regard to the discharge of those functions.

Where a report or recommendations are made, then the action described in paragraph 4.5.7 applies.

4.5.2. Where a crime and disorder committee of a local authority makes a report or recommendations to the authority or its Executive in connection with the discharge by the responsible authorities of their crime and disorder functions, it must provide a copy to

- (i) each of the responsible authorities
- (ii) the co-operating persons and bodies (as defined in S5(2) of the Police Justice Act 1998)

The action described in paragraph 4.5.7 then applies.

4.5.3 Local Crime and Disorder Matters

Every local authority must also ensure that its crime and disorder committee has power to make a report or recommendations to the local authority or its Executive with respect to any matter which is a local crime and disorder matter in relation to a member of the authority.

(Local crime and disorder matter, in relation to a member of a local authority means a matter concerning crime and disorder (including, in

particular, forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or the misuse of drugs, alcohol and other substances which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area)

4.5.4. In addition, every local authority must make arrangements which enable any Member of the authority who is not a Member of the crime and disorder committee to refer any local crime and disorder matter to the committee. Such arrangements must enable a councillor to put a matter on the agenda and have it discussed at a meeting of the relevant scrutiny committee.

4.5.5. When considering whether or not to make a report or recommendations to the local authority or its Executive in relation to a matter referred to the crime and disorder committee by a Member as described in 4.5.4 above:-

- (i) The committee can consider representations from the Member as to why it would be appropriate for the committee to make a report or recommendations to the local authority or its Executive with respect to any matter which is a local crime and disorder matter in relation to a member of the authority (4.5.3 refers)
- (ii) It is open to the committee not to pursue a matter, but it must let the member know the reason for the decision.

4.5.6 Where a crime and disorder committee of a local authority makes a report or recommendations to the authority or its Executive with respect to any matter which is a local crime and disorder matter in relation to a member of the authority (under 4.5.3 above), it must provide a copy to

- (i) any Member who referred the matter;
- (ii) the responsible authorities, as it thinks appropriate
- (iii) the co-operating persons and bodies (as defined in S5(2) of the Police Justice Act 1998), as it thinks appropriate

The action described in paragraph 4.5.7 then applies.

4.5.7. Where the committee makes a report or recommendations, it shall notify the authority, body or person to whom it makes the report or recommendations or provides a copy that the authority, body or person must

- (a) consider the report or recommendations;
- (b) respond to the committee indicating what action (if any) they propose to take;
- (c) have regard to the report or recommendations in exercising their functions.

- 4.5.8. In the case of Crawley, the crime and disorder committee must be either the Overview and Scrutiny Commission or one of its panels. It is proposed that, in the first instance, matters relating to crime and disorder be delegated to the Overview and Scrutiny Commission. The Commission can then decide whether or not it wishes to appoint a panel to carry out these duties.

4.6. Audit and Governance

In accordance with the requirements of the Accounts and Audit Regulations 2003, the Council's accounts should be approved by either full Council or a full Committee with delegated authority. In the Annual Governance Report considered by Audit and Governance Sub-Committee on 24 September 2007, the Audit Commission recommended that the accounts should be approved by either full Council or a full Committee with delegated authority to ensure compliance with this statutory requirement. It is therefore proposed that the Audit & Governance Sub-Committee should be re-designated as a full Committee. There is no need to make any changes to its terms of reference.

4.7. Other Changes

As part of the overall annual review of the Constitution document, other changes are proposed for consideration by the Committee in Appendix 1 to this report.

5. Call – In and Urgency

- 5.1 There have been no 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).
- 5.2. In view of the fact that the procedure has not been used during this period, 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	y
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

Being financially efficient and well managed Developing motivated, positive and empowered staff

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
Local Government and Public Involvement in Health Act 2007
Police and Justice Act 2006

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AMENDMENTS TO THE CONSTITUTION

APPENDIX 1

Function	Proposed amendment	Reason for amendment
Part 1 – Summary and Explanation – Page 7	Add the following as an additional right of citizens: “petition to request a community governance review (* This provision will be implemented once the relevant section of the Local Government and Public Involvement in Health Act comes into force)”	To reflect the requirements of Part 4 – Parishes, Chapter 3 – Reorganisation, of the Local Government and Public Involvement in Health Act 2007
Part 1 – Summary and Explanation – Page 7	Replace “Pat Tinsley, Head of Democratic Services” with “Ann-Maria Brown”, Head of Legal and Democratic Services”	To reflect new management structure
Article 2 – Members of the Council – Page 12	2.01 (a) Composition - Replace the words “Electoral Commission” with “Boundary Committee”	Update
Article 2 – Members of the Council – Page 12	Add the following wording within paragraph 2.02: “An order may be made by the Secretary of State at least six months before the local election day to provide that in a year in which a European Parliamentary general election is held, the ordinary day of election of Councillors for the Borough be changed so that it is held on the same day as the European Parliamentary general election”.	To reflect the requirement of Part 2 – Electoral Arrangements, Chapter 2 – Miscellaneous, of the Local Government and Public Involvement in Health Act 2007
Article 3 – Citizens and the Council – Page 15	Amend paragraph 3.01 (a) to read as follows: “Citizens on the electoral roll for the area have the right to vote and sign a petition to request a community governance review* or a referendum for an elected Mayor form of Constitution (* this provision will be implemented once the relevant section of the Local Government and Public Involvement in health Act comes into force)”	To reflect the requirements of Part 4 – Parishes, Chapter 3 – Reorganisation, of the Local Government and Public Involvement in Health Act 2007

Function	Proposed amendment	Reason for amendment
Article 4 – The full Council – Page 17	<p>Add the following wording to the end of the fifth item in the list of policy framework documents:</p> <p>“Functions relating to Supplementary Planning Documents remain the responsibility of the Executive”</p>	For the purposes of clarification
Article 4 – The full Council – Page 17	Remove the Cultural Strategy and the Risk Management Strategy from list of Policy Framework Documents	<p>The Cultural Strategy will not be renewed after 2008 as it overlaps other strategies.</p> <p>It is proposed that the Risk Management Strategy should no longer be a policy framework document but that the approval of this document should be delegated to the Chair of the Executive.</p>
Article 4 – The full Council – Page 17	Replace reference to the ‘Social Inclusion Strategy’ and ‘Equality Policies and Schemes’ within the list of Policy Framework Documents with the ‘Corporate Equality Scheme’	The Corporate Equality Scheme has replaced the Social Inclusion Strategy and other equality policies and schemes

Function	Proposed amendment	Reason for amendment
Article 9 – The Standards Committee – Page 29	<p>Include the following wording to the end of paragraph 9.02:</p> <p>“...The Chair of the Standards Committee and any Sub-Committee of the Standards Committee shall be independent members”</p>	<p>To reflect the requirements of Part 10 - Ethical Standards, Chapter 1 – Conduct of Local Authority Members, of the Local Government and Public Involvement in Health Act 2007</p>
Article 9 – The Standards Committee – Page 29	<p>Remove the following words from paragraph 9.02:</p> <p>“...and that Member may not Chair the Committee”</p>	<p>The wording is not needed as Part 10 - Ethical Standards, Chapter 1 – Conduct of Local Authority Members, of the Local Government and Public Involvement in Health Act 2007 requires that both the Chair of the Standards Committee and any Sub-Committee of the Standards Committee must be an independent member.</p>
Article 9 – The Standards Committee – Page 30	<p>Add the following role under paragraph 9.04, other functions of the Standards Committee:</p> <p>“To consider any application for exemption from political restriction or give directions to include a post to the list”</p>	<p>To reflect the requirements of Part 10 – Ethical Standards, Chapter 2 – Employees, of the Local Government and Public Involvement in Health Act 2007</p>

Function	Proposed amendment	Reason for amendment
Functions of the Development Control Committee – Page 74	<p>Add an additional delegation under function (5) to be delegated to the Head of Legal and Democratic Services or the Head of Planning Services:</p> <p>“(c) To decide that the terms of a S106 planning agreement / Deed of Unilateral Undertaking have been discharged”</p>	Additional delegation
Functions of the Development Control Committee – Page 79	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Planning Services or the Head of Legal and Democratic Services:</u></p> <p>A decision to revoke or modify a tree preservation order”</p>	To correct previous omission
Functions of the Standards Committee – Page 111	<p>Add the following function:</p> <p>“To consider any application for exemption from political restriction or give directions to include a post on the list”</p>	To reflect the requirements of Part 10 – Ethical Standards, Chapter 2 – Employees, of the Local Government and Public Involvement in Health Act 2007
Exceptions to Executive functions – Page 125	<p>Add the following wording to the end of the fifth bullet in the list of policy framework documents:</p> <p>“Functions relating to Supplementary Planning Documents remain the responsibility of the Executive”</p>	For the purposes of clarification

Function	Proposed amendment	Reason for amendment
Exceptions to Executive functions – Page 125	Remove the Cultural Strategy and the Risk Management Strategy from list of Policy Framework Documents	<p>The Cultural Strategy will not be renewed after 2008 as it overlaps other strategies.</p> <p>It is proposed that the Risk Management Strategy should no longer be a policy framework document but that the approval of this document should be delegated to the Chair of the Executive.</p>
Exceptions to Executive functions – Page 125	Replace reference to the ‘Social Inclusion Strategy’ and ‘Equality Policies and Schemes’ within the list of Policy Framework Documents with the ‘Corporate Equality Scheme’	The Corporate Equality Scheme has replaced the Social Inclusion Strategy and other equality policies and schemes
Housing matters delegated to Executive Members and officers – Page 141	<p>Remove the following words from delegation B30:</p> <p>“...subject to report to the Executive on action taken”</p>	To remove the requirement for the execution of court orders relating to eviction to be reported to the Executive. This requirement has never been fulfilled in the past and is not considered necessary

Function	Proposed amendment	Reason for 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 following consultation with the Executive Member for Housing:</u></p> <p>To take decisions relating to the West Sussex Supporting People Commissioning Body”</p>	Delegation had been approved by Executive in 2004 but had not been reflected in the Constitution at the time
Human Resources matters delegated to Executive Members and officers – Page 149	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Executive Member for Continuous Improvement and Development in consultation with the Head of Human Resources and Development:</u></p> <p>Minor changes to Human Resources policies and procedures which are in line with the Council's overall policies and the budget, subject to the publication of such decisions in the Members' Information Bulletin.”</p>	Additional delegation
Human Resources matters delegated to Executive Members and officers – Page 149	<p>Amend delegation D18 to read:</p> <p><u>“The following function is delegated to the Head of Human Resources and Development following consultation with the Portfolio Holder for Continuous Improvement and Development and the appropriate Director or Chief Executive:</u></p> <p>To approve any exceptions that may occur under paragraph 4.4. of report ODI/10 relating to the Recruitment Incentive Scheme and the associated Retention Incentive Scheme”</p>	Additional delegation highlighted in bold

Function	Proposed amendment	Reason for amendment
Human Resources matters delegated to Executive Members and officers – Page 149	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Human Resources and Development, Head of Finance and the relevant Director or Chief Executive following consultation with the Portfolio Holder for Continuous Improvement and Development and the relevant Portfolio Holder for the service affected:</u></p> <p>To approve operational staffing and structure changes leading to redundancies other than those affecting Chief Executive, Directors and Heads of Service.”</p>	Additional delegation
Planning matters delegated to Executive Members and officers – Page 152	E10 - Replace the wording “Head of Legal Services and the Head of Democratic Services” with “The Head of Legal and Democratic Services”	To reflect new management structure
General matters delegated to Executive Members and officers – Page 161	<p>Amend delegation G27 to read as follows:</p> <p><u>“The following function is delegated to the appropriate Head of Service jointly with the Head of Finance, following consultation with the appropriate Executive Member:</u></p> <p>Review of fees and charges, including the annual review for inclusion in the following year’s budget</p> <p>(This delegation does not apply to the review of fees and charges in respect of the functions of the Licensing Committee (Licensing Committee function 52 (page 99) refers))</p>	A limit for increases in fees and charges is agreed by the Budget Strategy and, at present, any exceptions to the agreed percentage increase are included in the Budget Report. This involves a lot of detail and would be best dealt with by the Portfolio Member who will be consulted on all fees and charges increase proposals before they are implemented. Any potentially contentious issues could then be referred to the Executive if required.

Function	Proposed amendment	Reason for amendment
General matters delegated to Executive Members and officers – Page 165	<p>Include the following delegation:</p> <p><u>“The following function is delegated to the Chair of the Executive:</u></p> <p>Approval of the Council’s Risk Management Strategy and any amendment thereto”</p>	It is proposed that the Risk Management Strategy should no longer be a policy framework document but that the approval of this document should be delegated to the Chair of the Executive.
General matters delegated to Executive Members and officers – Page 165	<p>Include the following delegation:</p> <p><u>“The following function is delegated to the Chair of the Executive:</u></p> <p>Approval of the Council’s Debt Management Strategy and any amendment thereto”</p>	Additional delegation
General matter delegated to Executive Members and officers – Page 165	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Finance:</u></p> <p>To deal with all taxation matters that affect the Council including the completion and submission of returns for PAYE, VAT and Construction Industry Tax.”</p>	To act on the advice of Customs and Excise
General matters delegated to Executive Members and officers – Page 165	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Property Services and Procurement and the Head of Finance in consultation with the Chair of the Executive:</u></p> <p>Changes to the cost and phasing of individual schemes within the planned maintenance programme subject to the overall annual budget not being exceeded.”</p>	Additional delegation (see also pg.266)

Function	Proposed amendment	Reason for amendment
Proper Officers – Page 175	<p>Add the following responsibility:</p> <p>Statute Part 1 – Listed Buildings, Planning (Listed Buildings and Conservation Area) Act 1990 (c.9)</p> <p>Duty/Responsibility To serve formal notice on the owner / occupier of a building to inform them that the building has been listed</p> <p>Designation Proper Officer</p> <p>Responsible Employee Chief Executive</p>	To reflect the requirements of Part 1 – Listed Buildings, Chapter 1 – Listing of Special Buildings, of the Planning (Listed Buildings and Conservation Area) Act 1990 (c.9)
Council Procedure Rules – Committee Procedure Rules – Page 201	<p>Include the following wording to the end of 23.2 (1):</p> <p>“...The Chair of the Standards Committee and any Sub-Committee of the Standards Committee shall be independent members”</p>	To reflect the requirements of Part 10 - Ethical Standards, Chapter 1 – Conduct of Local Authority Members, of the Local Government and Public Involvement in Health Act 2007
Council Procedure Rules – Committee Procedure Rules – Page 202	<p>Add the following wording to the end of paragraph 23.4(1):</p> <p>“In the case of Sub-Committees of the Standards Committee sitting for the purpose of dealing with complaints relating to the conduct of Members, the Monitoring Officer in consultation with the Chair of the Standards Committee shall appoint Members to serve on the relevant sub-committees from the membership of the Standards Committee, without the prior concurrence of the Standards Committee or the Council”</p>	To facilitate the implementation of the requirements of Part 10 - Ethical Standards, Chapter 1 – Conduct of Local Authority Members, of the Local Government and Public Involvement in Health Act 2007

Function	Proposed amendment	Reason for amendment
Council Procedure Rules – Committee Procedure Rules – Page 202	Add the following wording to the end of paragraph 23.4(4): “However, the Chair of the Standards Committee will not be an ex-officio member of sub committees of the Standards Committee established to deal with complaints relating to the conduct of Members”	To facilitate the implementation of the requirements of Part 10 - Ethical Standards, Chapter 1 – Conduct of Local Authority Members, of the Local Government and Public Involvement in Health Act 2007
Budget Procedure Rules – Page 223	Amend the second sentence of paragraph (c) to read as follows: “Nevertheless, there is an annual cycle which is based on the Executive making recommendations to the full Council for the approval of the Budget Strategy, with prior consideration by the Overview and Scrutiny Commission, followed by examination of options by the Budget Advisory Group.”	To remove ambiguity
Budget Procedure Rules – Page 224	Amend paragraphs identified within paragraph (j) to read (i) to (k)	Clerical correction
Policy Framework Procedure Rules – Page 229	Add the following wording to the end of the fifth bullet in the list of policy framework documents: “Functions relating to Supplementary Planning Documents remain the responsibility of the Executive”	For the purposes of clarification

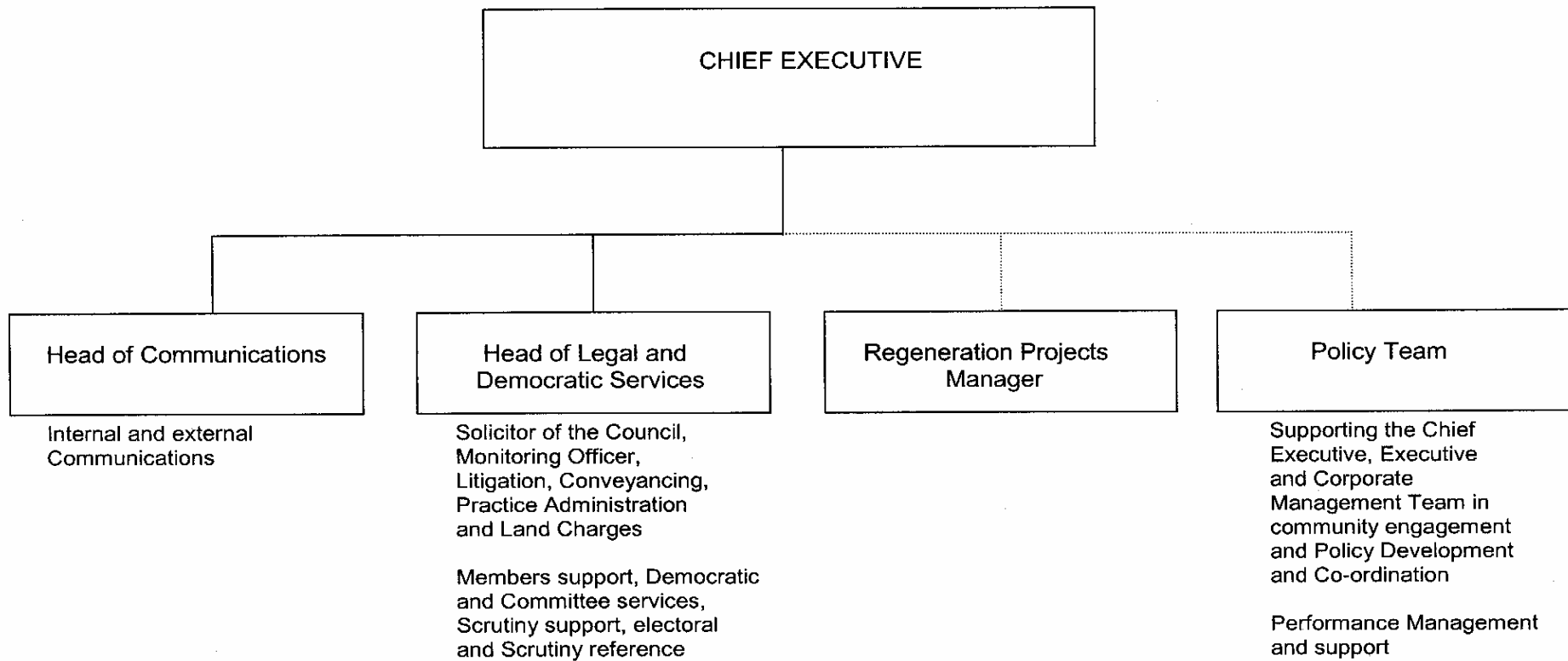
Function	Proposed amendment	Reason for amendment
Policy Framework Procedure Rules – Page 229	Remove the Cultural Strategy and the Risk Management Strategy from list of Policy Framework Documents	<p>The Cultural Strategy will not be renewed after 2008 as it overlaps other strategies.</p> <p>It is proposed that the Risk Management Strategy should no longer be a policy framework document but that the approval of this document should be delegated to the Chair of the Executive.</p>
Policy Framework Procedure Rules – Page 229	Replace reference to the ‘Social Inclusion Policy’ and ‘Equality Policies and Schemes’ within the list of Policy Framework Documents with the ‘Corporate Equality Scheme’	The Corporate Equality Scheme has replaced the Social Inclusion Strategy and other equality policies and schemes
Executive Procedure Rules – Executive Portfolios – Page 246	<p>Include the following under the responsibilities of the Executive Member for Planning and Economic Development:</p> <p>“Provision of resources for enforcement of decisions taken by the Development Control Committee”</p>	For the purposes of clarification
Executive Procedure Rules – Executive Portfolios – Page 246	<p>Include the following under the responsibilities of the Executive Member for Environmental Services</p> <p>“Provision of resources for enforcement of decisions taken by the Licensing Committee”</p>	For the purposes of clarification

Function	Proposed amendment	Reason for amendment
Financial Procedure Rules – Page 266	<p>Add the following wording to paragraph 3.2 – at the end of the section relating to Head of Service:</p> <p>“...All virement approvals over £10,000 and up to £50,000 will be reported to the Executive in quarterly budget monitoring reports”</p>	Additional reporting requirement
Financial Procedure Rules – Page 266	<p>Amend paragraphs 3.2 (d) and (e) to read as follows:</p> <p>“(d) Supplementary estimates for revenue spend up to £100,000 per individual request subject to a maximum of £500,000 in any one year.</p> <p>(e) Supplementary estimates for capital schemes up to £100,000 subject to a maximum of £500,000 in any one year.”</p>	<p>These provisions previously read as follows:-</p> <p>(d) Supplementary estimates for revenue and capital spend up to £100,000 per individual scheme subject to a maximum of £500,000 in any one year.</p>
Financial Procedure Rules – Page 266	<p>Insert the following bullet point under paragraph 3.2:</p> <p>“(f) Changes to the cost and phasing of individual schemes within the overall capital programme budget are delegated to the Head of Finance in consultation with the Chair of the Executive. However, these changes will be reported to the Executive in quarterly budget monitoring reports.”</p>	Additional delegation (see also pg.165)
The Procurement Code – Page 302	<p>Replace the wording “Head of Democratic Services x 8293” with “Head of Legal and Democratic Services x 8292”</p>	To reflect new management structures

Function	Proposed amendment	Reason for amendment
Protocol on Responding to Consultation Documents – Page 390	<p>Paragraph 1 of the protocol be amended to read:</p> <p>“1. Paragraphs 1 – 4 of this protocol only apply to consultations where the views of local authorities generally are sought rather than the specific views of Crawley Borough Council. Requests for information and informal opinions of the type frequently sought by organisations such as the Local Government Association are outside the scope of this protocol and will be dealt with administratively.”</p>	<p>Amended wording highlighted in bold.</p> <p>Update relating to the additional delegation below</p>
Protocol on Responding to Consultation Documents – Page 390	<p>Insert a new paragraph at the end of the protocol as follows:</p> <p>“6. Specific authority is given to the Head of Planning Services, in consultation with the appropriate Executive Member and the appropriate Ward Members, to respond on behalf of the Council to consultations from West Sussex County Council on proposed traffic regulation orders. A copy of the response shall once again be included in the Members’ Information Bulletin”</p>	New delegation
Council’s Complaints Procedure – Page 423	Replace the Council’s Complaints Procedure with the procedure approved by CMT	To reflect the Council’s revised complaints procedure
Part 7 – Management Structures – Page 450 and 451	Replace the management structure grids relating to the Chief Executive’s Directorate and the Resources Directorate with the grids detailed in Appendix 2 to this report.	To reflect new management structures
Pages 28, 119, 120, 261, 431, 445 and 454	Change all references to Audit and Governance Sub Committee to read “Audit and Governance Sub Committee (Audit and Governance Committee effective from the annual Council meeting 2008)”	To meet the recommendations of the Audit Commission

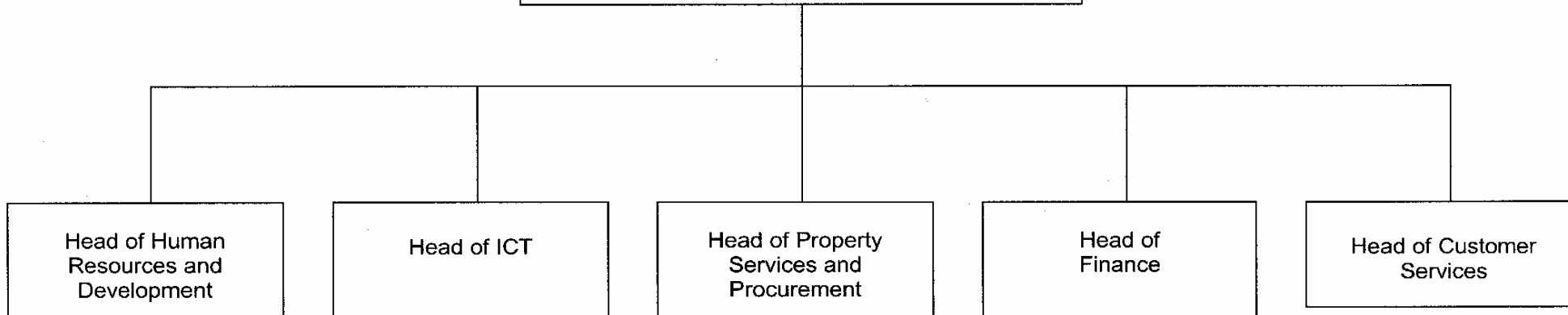
Function	Proposed amendment	Reason for amendment
Where relevant	Replace each occurrence of “Head of Democratic Services” with “Head of Legal and Democratic Services”	To reflect new management structure
Where relevant	Replace each occurrence of “Head of Legal Services” with “Head of Legal and Democratic Services”	To reflect new management structure

CRAWLEY BOROUGH COUNCIL MANAGEMENT STRUCTURE



CRAWLEY BOROUGH COUNCIL
MANAGEMENT STRUCTURE

DIRECTOR OF RESOURCES



Organisational Development, Including the co-ordination, administration and support of the corporate systems and processes which support improvement.

Human Resources Strategy, Personnel administration, Development and training (inc Members), Health and Safety, Occupational Health Advice, equalities and diversity.

Emergency Planning

Information and Communication Technology, Systems Development, Network Management, Operations etc.

Property Management, Construction Services, Contract Services, Procurement and Town Hall Management

Treasury Management, Financial Resources Projection, Financial Advice, Budgetary Control, Statutory Accounts, Internal Audit etc.

Revenues, cashiers, telephones, reception, Customer Strategy