

Crawley Borough Council

Minutes of General Purposes Committee 29 September 2008 at 7.30pm

Present:

Councillor	R D Burrett (Chair)
Councillor	C R Eade (Vice–Chair)
Councillors	M L Ayling, B K Blake, ALI Burke, A C W Crane and L A Walker

Officers Present:

Lee Harris	Chief Executive
Ted Beresford-Knox	Head of Planning Services
Ann-Maria Brown	Head of Legal and Democratic Services
Mez Matthews	Democratic Services Officer

Apologies for Absence:

Councillors C A Cheshire, D G Crow and R A Lanzer

7. Minutes

The minutes of the meeting of the Committee held on 30 June 2008 were approved as a correct record and signed by the Chair.

8. Members' Disclosure of Interests

No disclosures of interest were made.

9. Appointment of Member to Serve on the Members' Allowances Independent Remuneration Panel

Members were informed that there was a vacancy to be filled on the Panel. Mr Jan Lensen had advised the Council that he no longer held an executive position on the Crawley and Gatwick Chamber of Commerce due to the fact that his work commitments had substantially increased. For the same reason, regrettably, he also felt unable to continue to serve on the Panel.

The Crawley and Gatwick Chamber of Commerce had been approached and had nominated Mr Steve Rham (President).

RESOLVED

That the full Council be recommended to agree that:

1. Mr Steve Rham, President of Crawley and Gatwick Chamber of Commerce, be appointed to serve on the Members' Allowances Independent Remuneration Panel from 2008/09 to 2011/12.
2. Mr Jan Lensen be thanked for his contribution to the work of the Panel and wished well for the future.

10. West of Bewbush Strategic Development Location – Determination of Planning Applications Proposed Procedures, Mechanisms and Project Plan

The Committee considered report PS/0351 of the Head of Planning Services which reminded Members that the Submission West of Bewbush Joint Area Action Plan (JAAP) included a series of objectives, policies and a conceptual Masterplan to steer and guide the location, nature and form of strategic development west of Bewbush. Provided the JAAP was found to be sound at Examination (before a Secretary of State appointed Planning Inspector) and adopted, a number of planning applications would need to be submitted and approved to facilitate development in conformity with the JAAP.

The report outlined the procedures and mechanisms which were proposed to be employed to ensure that both Councils' Members were involved in the planning application consideration and determination process, joint office working continues and critically that both Councils would be able to ensure that development occurred in conformity with the JAAP. The report also addressed the financial, resource and legal implications of the proposed procedures and mechanisms.

Members were made aware that the proposed joint committee would provide a formal mechanism for Crawley Borough Council (CBC) to be allocated membership of the Planning Sub-Committee which would be established to deal with planning applications for the proposed development area.

Members noted that Horsham District Council had considered and approved a report at its Council meeting on 10 September 2008, which outlined the same proposed joint working procedures and mechanisms and similar recommendations to those set out in the report before Members.

Members acknowledged that although resources would be required from CBC's Development Control Team, the majority of work would be undertaken by Horsham District Council (HDC) and therefore HDC would retain 100% of the planning application fees.

Whilst Members were disappointed that CBC would not receive a proportion of the application fees, they welcomed the report and were pleased that CBC Councillors had been invited to serve on a Joint Committee. Members were unsure how the Terms of Reference of the Joint Members Steering Group (cited in recommendation 3 of the report) could be revised to ensure that Members who served on that group would also be able to take decisions as part of the Joint Development Control Committee without raising an issue of probity. It was agreed that the Head of Legal

and Democratic Services would investigate the situation and would report back to Members as to the current position regarding the issue.

Members felt strongly that the infrastructure which would serve the new development would need to be robust. Members were informed that the results of transport assessments were awaited but that transport issues had been considered and that it was possible that Fastway could be extended to serve a wider area of Crawley. Members noted however, that issues concerning infrastructure and whether the new development would be served by HDC or CBC would be dealt with later on in the process.

RESOLVED

That the full Council be recommended to:

1. Agree the principle of joint working at an officer and Member level for the consideration and determination of planning applications relating to the Strategic Development Location West of Bewbush and the West of Bewbush Joint Area Action Plan.
2. Endorse the principle of the establishment of a specially constituted Joint Development Control Committee to determine planning applications in respect of the West of Bewbush Strategic Development Location and the Joint Area Action Plan, subject to working up the detailed arrangements, which will require Council endorsement through a further report.
3. Agree the principle of updating Members on the progress and content of planning applications via the Joint Members Steering Group as set out in the report, subject to revised Terms of Reference for the group being endorsed by the Council through a further report to address matters of probity.
4. Endorse a development management / team approach for the consideration and determination of planning applications relating to the West of Bewbush Strategic Development Location and the Joint Area Action Plan, possibly via a Planning Performance Agreement, including an identification of the key issues, application timescales and important milestones for delivery of the applications.
5. Acknowledge the resource and financial implications of the proposed joint working procedures and mechanisms, particularly those that would be beyond the resource and financial implications of the Council being a statutory consultee to the planning applications relating to West of Bewbush Strategic Development Location and the Joint Area Action Plan.

11. Changes to the Constitution

The Committee considered changes to the Constitution.

RESOLVED

That the full Council be recommended to agree the changes to the Constitution as proposed in Appendix 1 to these minutes.

12. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 8.10pm.

R D BURRETT
Chair

APPENDIX 1

AMENDMENTS TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
Article 4 – The full Council – Page 16	Remove the following documents from the list of Policy Framework Documents: <ul style="list-style-type: none"> ▪ Procurement Strategy ▪ ICT and e Government Strategy 	To reduce the list of Policy Framework Documents requiring full Council approval
Article 4 – The full Council – Page 16	Delete: “The plans and strategies which comprise the Housing Investment Programme, including the Housing Strategy”, and replace with: “Housing Strategy”	Update
Functions of the Licensing Committee – Page 98a	Include the following delegations: (55a) Approval of the Health and Safety Service Plan (55b) Approval of the Food Service Plan	These delegations have been relocated from environmental functions delegated to Cabinet Members and officers – should not be Cabinet functions (also see Pages 143 and 143a)
Responsibility for Cabinet Functions – Page 132	Delete: “The plans and strategies which comprise the Housing Investment Programme, including the Housing Strategy”, and replace with: “Housing Strategy”	Update

Function	Proposed amendment	Reason for amendment
Responsibility for Cabinet Functions – Page 133	<p>Remove the following documents from the list of Policy Framework Documents:</p> <ul style="list-style-type: none"> ▪ Procurement Strategy ▪ ICT and e Government Strategy 	To reduce the list of Policy Framework Documents requiring full Council approval
Environmental matters delegated to Cabinet Members and officers – Page 143 and 143a	<p>Remove the following delegations:</p> <p>“(A34) <u>The following function is delegated to the Portfolio Holder for Environmental Services:</u></p> <p style="padding-left: 40px;">Approval of the Health and Safety Service Plan</p> <p>“(A37) <u>The following function is delegated to the Portfolio Holder for Environmental Services, in consultation with the Head of Environmental Services:</u></p> <p style="padding-left: 40px;">Approval of the Food Service Plan</p>	<p>These should not be Cabinet functions and therefore they have been relocated to functions of the Licensing Committee</p> <p>(also see Page 98a)</p>
Planning matters delegated to Cabinet Members and officers – Page 166	<p>Remove the following delegation:</p> <p>“<u>The following function is delegated to the Head of Planning Services in consultation with the Head of Legal and Democratic Services:</u></p> <p>The creation and subsequent review and development of the Local Development Scheme.”</p>	To reflect the requirements of The Town and Country Planning (Local Development) (England) (amendment) Regulations 2008. This document requires a resolution by the Cabinet.

Function	Proposed amendment	Reason for amendment
Planning matters delegated to Cabinet Members and officers – Page 166	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Director of Environment and Housing in consultation with the Portfolio Holder for Planning and Economic Development:</u></p> <p>The approval of documents for pre-submission consultation under Regulation 25 of the Town and Country Planning (Local Development) (England) Regulations 2004.”</p>	To reflect the requirements of the Town and Country Planning (Local Development) (England) Regulations 2004.
General matters delegated to Cabinet Members and officers – Page 180b	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Chair of the Cabinet:</u></p> <p>To receive the report on the Treasury Management Mid Year Review and to approve the annual Treasury Management Outturn report <i>(NB. Approval of the annual Treasury Management Strategy report is a full Council function).</i> ”</p>	New delegation
General matters delegated to Cabinet Members and officers – Page 180b	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Finance:</u></p> <p>To determine discretionary hardship relief applications under Section 49 of the Local Government and Finance Act 1988.”</p>	New delegation
General matters delegated to Cabinet Members and officers – Page 180b	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Portfolio Holder for Continuous Improvement and Development:</u></p> <p>Approval of the Procurement Strategy.”</p>	New delegation

Function	Proposed amendment	Reason for amendment
Council Procedure Rules – Page 202	<p>Amend the first sentence of paragraph 8 to read as follows:</p> <p>“The quorum of a meeting will be one quarter of the whole number of members (rounded up where necessary to the next number) provided that in no case shall the quorum of a committee be less than three members or of a sub-committee or Scrutiny Panel less than two members.”</p>	<p>Clarification.</p> <p>Amended wording in bold</p>
Council Procedure Rules – Page 221	<p>Amend paragraph 4 of the Appendix to the Council Procedure Rules, Public Involvement in the Planning Process and at Development Control Committee, to read as follows:</p> <p>“Public speaking rights will only apply in respect of any application made under the planning acts which fall to be determined by the Development Control Committee and will not apply to any applications to be determined by officers under the scheme of delegation. Public speaking rights will also apply where written representations have been made in respect of tree preservation orders and which are before the Committee for confirmation. Public speaking rights will not apply at accompanied site visits. The Development Control Committee deals with items other than planning applications, such as enforcement cases which may involve confidential information. The right to speak will not apply to these cases.”</p>	<p>For reasons of clarification.</p> <p>Amended wording in bold</p>
Policy Framework Procedure Rules – Page 245	<p>Remove the following documents from the list of Policy Framework Documents:</p> <ul style="list-style-type: none"> ▪ Procurement Strategy ▪ ICT and e Government Strategy 	<p>To reduce the list of Policy Framework Documents requiring full Council approval</p>

Function	Proposed amendment	Reason for amendment
Policy Framework procedure Rules – Page 245	Delete: “The plans and strategies which comprise the Housing Investment Programme, including the Housing Strategy”, and replace with: “Housing Strategy”	Update
Scrutiny Procedure Rules – Page 270	Amend paragraph 6 to read as follows: “The Quorum for the Scrutiny Commission and Scrutiny Panels shall be as set out in the Council Procedure Rules in Part 4 of this Constitution”.	Clarification. Amended wording in bold
The Procurement Code – Page 331	Amend the award procedure for goods and services contracts for an estimated total value of under £10,000 to read as follows: “Before a purchase order is issued the relevant officer shall either obtain competitive quotations or shall be satisfied that the Council is obtaining value for money. Where available a corporate contract must be used.”	Clerical correction to ensure that the procedure for goods and services contracts is in line with that for works contracts. Amended wording in bold