

GENERAL PURPOSES COMMITTEE – 29 JUNE 2009
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
Folder Index – Page ii	Remove the folder index page from the constitution.	Update. This page is not required as it contains the same information provided by the Contents Page.
Contents – Page iii	Include the folder index number alongside the page number.	For ease of use for those holding a paper copy of the Constitution.
Article 6 – Overview and Scrutiny Commission – Page 22	<p>Amend second paragraph on 6.2 (2) to read as follows:</p> <p>“Membership of the scrutiny panels may be drawn from the Commission itself and/or from other non-Cabinet Members of the Council. The panels will be politically balanced. Membership will depend on the knowledge and expertise required to deal with the matter in hand, as long as the principle of independence is not compromised. The Commission will appoint the Chair of each panel from any non-Cabinet Members and will agree the other panel members in consultation with the party group secretaries.”</p>	<p>Proposed by the Overview and Scrutiny Commission at its meeting on 09.02.09.</p> <p>Amended wording in bold.</p>

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Article 12 – Employees – Page 36	<p>Amend paragraph 12.1 (3) to read as follows:</p> <p><u>Head of Paid Service, Monitoring Officer and Chief Finance Officer</u></p> <p>The Council will designate the following posts as shown:-</p> <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>Post</u></th> <th style="text-align: left;"><u>Designation</u></th> </tr> </thead> <tbody> <tr> <td>Chief Executive</td> <td>Head of Paid Service</td> </tr> <tr> <td>Head of Legal and Democratic Services</td> <td>Monitoring Officer</td> </tr> <tr> <td>Principal Lawyer / Principal Property Lawyer</td> <td>Deputy Monitoring Officer (It should be noted that it is the function of the Monitoring Officer to appoint a Deputy and not that of the Council).</td> </tr> <tr> <td>Head of Finance and Procurement</td> <td>Chief Finance Officer (Sections 114 and 151)</td> </tr> </tbody> </table>	<u>Post</u>	<u>Designation</u>	Chief Executive	Head of Paid Service	Head of Legal and Democratic Services	Monitoring Officer	Principal Lawyer / Principal Property Lawyer	Deputy Monitoring Officer (It should be noted that it is the function of the Monitoring Officer to appoint a Deputy and not that of the Council).	Head of Finance and Procurement	Chief Finance Officer (Sections 114 and 151)	<p>Update. The Head of Legal and Democratic Services has appointed two Deputy Monitoring Officers.</p> <p>Amended wording in bold.</p>
<u>Post</u>	<u>Designation</u>											
Chief Executive	Head of Paid Service											
Head of Legal and Democratic Services	Monitoring Officer											
Principal Lawyer / Principal Property Lawyer	Deputy Monitoring Officer (It should be noted that it is the function of the Monitoring Officer to appoint a Deputy and not that of the Council).											
Head of Finance and Procurement	Chief Finance Officer (Sections 114 and 151)											

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Terms of Reference – Scheme of Delegation – Page 51	<p>Amend paragraphs 4 and 6 to read as follows:</p> <p>“4. In lieu of exercising his/her delegated powers, an employee may refer the matter to a Director, to the Cabinet or to the appropriate committee in writing which shall then have the delegated power to determine the issue on behalf of the Council.”</p> <p>“6. Reference in the scheme to the exercise of powers by a Head of Service includes reference to an employee acting in accordance with arrangements made by that Head of Service in writing for the organisation and management of his/her service area.”</p>	<p>For clarification.</p> <p>Amended wording in bold.</p>
Local Choice Functions – Page 54	<p>Amend the wording in brackets under membership for paragraph 1(e) to read as follows:</p> <p>“(The Cabinet Member for Community Engagement to attend in an advisory and non-voting capacity for grants appeals.)”</p>	<p>Amended wording in bold.</p> <p>Powers relating to grant applications have been transferred from the Grants Working Group to the Cabinet Member for Community Engagement. In light of this it would be prudent for the Cabinet Member to attend meetings of the Grants Appeals Panel.</p>

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Function	Proposed amendment	Reason for amendment
Local Choice Functions – Page 69	<p>* Amend local choice function 9 as follows:</p> <p><u>Local Choice Function</u> 9. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interest in land or premises.</p> <p><u>Decision Making Body</u> Development Control Committee, except to the extent that it is necessary for the Cabinet to exercise these powers in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders.</p> <p><u>Membership</u> L Gilroy (Chair), K Brockwell (Vice-Chair), S A Blake, Dr H S Bloom, N Boxall, ALI Burke, L A M Burke, A C W Crane, C L Denman, J I Denman, R J Hull, B McCrow, L A Seekings, D J Shreeves and L Taylor</p> <p><u>Delegation of Functions</u> This function is delegated to the Head of Regulatory Services"</p>	<p>To reflect the change in the management structure within the Environment and Housing Directorate as agreed by the Cabinet at its meeting on 17.06.09.</p> <p>Amended wording in bold.</p>
Responsibilities of the Development Control Committee – Page 72	<p>* Replace each occurrence of "Head of Planning Services" with "Head of Regulatory Services".</p>	<p>To reflect the change in the management structure within the Environment and Housing Directorate as agreed by the Cabinet at its meeting on 17.06.09.</p> <p>Amended wording in bold.</p>

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Function	Proposed amendment	Reason for amendment
Responsibilities of the Development Control Committee – Page 83	<p>* Amend function 31 to read as follows:</p> <p><u>“The following functions are delegated to the Head of Regulatory Services or Head of Strategic Housing and Planning</u></p> <p>The designation of employees as authorised officers for the purposes of the Town and Country Planning Acts</p>	<p>To reflect the change in the management structure within the Environment and Housing Directorate as agreed by the Cabinet at its meeting on 17.06.09.</p> <p>Amended wording in bold.</p>
Responsibilities of the Licensing Committee – Page 99	<p>* Insert the following delegation under function 48 of the Licensing Committee:</p> <p><u>“The following function is delegated to the Head of Regulatory Services in consultation with the Chair of the Licensing Committee</u></p> <p>The power to review and set fees for hackney carriage and private hire driver, vehicle and operator licences, unless an objection is received concerning the advertised fees and charges.”</p>	<p>Delegation agreed at Licensing Committee held on 11 March 2009.</p>

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Function	Proposed amendment	Reason for amendment
Responsibilities of the Grants Appeals Panel – Page 147	<p>Amend the wording in brackets under membership to read as follows:</p> <p>“(The Cabinet Member for Community Engagement to attend in an advisory and non-voting capacity for grants appeals.)”</p>	<p>Amended wording in bold.</p> <p>Powers relating to grant applications have been transferred from the Grants Working Group to the Cabinet Member for Community Engagement. In light of this it would be prudent for the Cabinet Member to attend meetings of the Grants Appeals Panel.</p>
Environmental matters delegated to Cabinet Members and Officers – Page 157	<p>* Amend delegations A27 and A29 to read as follows:</p> <p>“A27 <u>The following function is delegated to the Head of Strategic Housing and Planning</u> To agree detailed Community Safety Improvement Schemes for the purposes of public consultation.</p> <p>A29 <u>The following function is delegated to the Head of Strategic Housing and Planning in consultation with the <u>Cabinet Members for Environmental Services, Community Engagement and the appropriate Ward Members</u></u> The approval of Community Safety Improvement Schemes.</p>	<p>To reflect the change in the management structure within the Environment and Housing Directorate as agreed by the Cabinet at its meeting on 17.06.09.</p> <p>Amended wording in bold.</p>

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Function	Proposed amendment	Reason for amendment
Leisure matters delegated to Cabinet Members and Officers – Page 176	<p>Amend delegation C9 to read as follows:</p> <p><u>“The following function is delegated to the Head of Community (in respect of the Leisure Centre) and the Head of Arts (in respect of the Hawth) in consultation with the Cabinet Member for Leisure and Cultural Services</u> Granting of consent, in exceptional circumstances, for a collection box for charitable causes to be placed in the foyer of K2 Leisure Centre and The Hawth.”</p>	<p>Update.</p> <p>Amended wording in bold.</p>
Planning matters delegated to Cabinet Members and Officers – Page 178	<p>* Amend the functions below to read as follows:</p> <p>“E1 <u>The following function is delegated to the Head of Regulatory Services (However, the Chief Executive is delegated the power to make such alterations to the delegation of the building control function as are necessary to enable a partnership with Horsham District Council to operate satisfactorily)</u></p> <ul style="list-style-type: none"> (a) Determination of applications submitted under the Building Acts and the Building Regulations, excluding applications for the relaxation of or dispensation from regulations (b) Agreement or rejection of amendment to plans approved under the Building Regulations (c) Agreement or rejection of works carried out in pursuance of a building notice or building regulation approval 	<p>To reflect the change in the management structure within the Environment and Housing Directorate as agreed by the Cabinet at its meeting on 17.06.09.</p> <p>Amended wording in bold.</p>

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Function	Proposed amendment	Reason for amendment
<p>Planning matters delegated to Cabinet Members and Officers – Page 178 (continued...)</p>	<p>(d) Service of notices under Section 36 of the Building Act, 1984 requiring the removal or alteration of works which contravene the Building Regulations and to undertake works in default following non-compliance with such notices with particular reference to Section 59 of the Act</p> <p>(e) The rescission of plans approved under the Building Regulations when at least three years have passed and work has not commenced</p> <p>(f) Acceptance or rejection of initial notices from approved inspectors submitted in accordance with Section 47 of the Building Act 1984</p> <p>(g) Action taken in accordance with Sections 77 and 78 of the Building Act 1984 in order to make dangerous structures or buildings safe</p> <p>E2 <u>The following function is delegated to the Head of Regulatory Services (However, the Chief Executive is delegated the power to make such alterations to the delegation of the building control function as are necessary to enable a partnership with Horsham District Council to operate satisfactorily)</u></p> <p>The designation of employees as authorised officers for the purposes of the Building Acts.</p>	

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Function	Proposed amendment	Reason for amendment
<p>Planning matters delegated to Cabinet Members and Officers – Page 178 (continued...)</p>	<p>E3 <u>The following function is delegated to the Head of Regulatory Services in consultation with the Head of Finance and Procurement</u></p> <p>The establishment of a scheme for the setting of building control charges and the amendment of the scheme as necessary in accordance with the provisions of the Regulations.</p> <p>E4 <u>The following function is delegated to the Head of Regulatory Services, in consultation with the Head of Legal and Democratic Services and, if appropriate, the Head of Crawley Homes</u></p> <p>Power to serve remedial notices and initiate prosecution proceedings under Part 8 of the Anti Social Behaviour Act 2003.</p> <p>E5 <u>The following function is delegated to the Head of Regulatory Services in consultation with the Head of Legal and Democratic Services</u></p> <p>The power to issue and serve directions under Article 4 of the General Permitted Development Order.</p>	

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Function	Proposed amendment	Reason for amendment
<p>Planning matters delegated to Cabinet Members and Officers – Page 178 (continued...)</p>	<p>E6 <u>The following function is delegated to the Head of Strategic Housing and Planning in conjunction with the Head of Finance and Procurement</u></p> <p>Use of monies up to £100,000 from Section 106 Agreements in accordance with the Council's agreed policy.</p> <p>E9 <u>The following function is delegated to the Head of Strategic Housing and Planning</u></p> <p>The formulation of responses to plans and proposals of other Authorities or Agencies (including central government) on which the Council's views as Local Planning Authority have been requested and when that response is in accordance with established Council policy.</p> <p>E10 <u>The following function is delegated to the Head of Strategic Housing and Planning in consultation with the Cabinet Member for Planning and Economic Development</u></p> <p>The issue of supplementary planning guidance documents for the purpose of consultation.</p>	

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Function	Proposed amendment	Reason for amendment
<p>Planning matters delegated to Cabinet Members and Officers – Page 178 (continued...)</p>	<p>E11 <u>The following function is delegated to the Head of Strategic Housing and Planning in consultation with the Cabinet Member 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) (Amendment) Regulations 2008.”</p>	
<p>Property functions delegated to Cabinet Members and Officers – Page 182</p>	<p>Amend function F5 to read as follows:</p> <p><u>“The following function is delegated to the Head of Property (after consulting local ward members)</u> Disposal of the Council’s interest in land where the consent of the relevant Head of Service has been obtained and the market value of the interest does not exceed £250,000.”</p>	<p>Update.</p> <p>Amended wording in bold.</p>
<p>Proper Officers – Page 201</p>	<p>* Amend the responsibility for the statutes below as follows:</p> <p>“Statute: Section 54 Town and Country Planning Act 1971</p> <p>Duty / Responsibility: Deposit of list of buildings of special architectural or historic interest.</p> <p>Designation: Proper Officer</p> <p>Responsible Employee: Head of Regulatory Services</p>	<p>To reflect the change in the management structure within the Environment and Housing Directorate as agreed by the Cabinet at its meeting on 17.06.09.</p>

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Function	Proposed amendment	Reason for amendment
Proper Officers – Page 201 (continued...)	<p>Statute: Section 191 Local Government Act 1972</p> <p>Duty / Responsibility: Function under the Ordnance Survey Act 1841</p> <p>Designation: Proper Officer</p> <p>Responsible Employee: Head of Regulatory Services</p> <p>Statute: Section 78 Building Act 1984</p> <p>Duty / Responsibility: Exercise the powers of the local authority in relation to emergency measures to dangerous buildings</p> <p>Designation: Proper Officer</p> <p>Responsible Employee: Head of Regulatory Services”</p>	<p>To ensure consistency with Delegation E1 and to reflect the change in the management structure within the Environment and Housing Directorate as agreed by the Cabinet at its meeting on 17.06.09.</p> <p>Amended wording in bold.</p>
Scrutiny Procedure Rules – Page 282	<p>Amend last sentence of paragraph 7 to read as follows:</p> <p>“The Commission will appoint the Chair of each scrutiny panel from non-Cabinet Members.”</p>	<p>Proposed by the Overview and Scrutiny Commission at its meeting on 09.02.09.</p> <p>Amended wording in bold.</p>
The Procurement Code – Page 329	<p>Replace each occurrence of “EC” with “EU”.</p>	<p>To reflect the change in name.</p>

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Function	Proposed amendment	Reason for amendment
The Procurement Code – Page 339	Delete paragraphs 3.1 to 3.5 and replace with the paragraphs attached as Appendix 1.	To make the process easier to follow.
Code of Conduct on Planning Matters – Page 394	<p>* Amend the last section to read as follows:</p> <p><u>“Development by the Council, Council Members, and Employees</u></p> <p>Developments in which the Council, Council Members or members of staff are involved are particularly sensitive in terms of the propriety with which they are handled.</p> <ul style="list-style-type: none"> • applications made by the Council, Council Members or Employees should only be dealt with by a report and recommendation to Committee; Members or Employees making applications should notify the Head of Regulatory Services in writing...” 	To reflect the change in the management structure within the Environment and Housing Directorate as agreed by the Cabinet at its meeting on 17.06.09.
Employees’ Code of Conduct – Page 399	<p>* Amend the last paragraph of section (i) to read as follows:</p> <p>“In particular, so far as planning applications are concerned, if an employee intends to submit, or has submitted on his/her behalf, applications for planning permission, approval of matters reserved as a condition of planning permission, or for consent to display advertisements, then they must notify the Head of Regulatory Services in writing. This is because applications from employees have to be considered by the Development Control Committee, rather than being determined by the Head of Regulatory Services.”</p>	To reflect the change in the management structure within the Environment and Housing Directorate as agreed by the Cabinet at its meeting on 17.06.09.

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Function	Proposed amendment	Reason for amendment
Protocol for Policy Development Forums – Page 425	Replace the protocol with that attached as Appendix 2.	To reflect the new Policy Development Forum structure. Amended wording in bold.
Protocol on Responding to Consultation Documents – Page 435	<p>* Amend paragraphs 5 and 6 to read as follows:</p> <p>“5. Additionally, there is specific authority given to the Head of Strategic Housing and Planning who may formulate responses to plans and proposals of other Authorities and Agencies where the Council’s views as local planning authority are sought and when the response is in accordance with established Council policy. A copy of the response shall also be included in the weekly Members’ Information Bulletin.</p> <p>6. Specific authority is given to the Head of Strategic Housing and Planning, in consultation with the appropriate Cabinet 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>	To reflect the change in the management structure within the Environment and Housing Directorate as agreed by the Cabinet at its meeting on 17.06.09.

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Part 7 - Management Structures – Page 548	* Replace the management structure for Environment and Housing Directorate with the structure attached as Appendix 3.	To reflect the change in the management structure within the Environment and Housing Directorate as agreed by the Cabinet at its meeting on 17.06.09.
Where relevant	* Replace each occurrence of “Head of Environmental Services” with “Head of Regulatory Services”.	To reflect the change in the management structure within the Environment and Housing Directorate as agreed by the Cabinet at its meeting on 17.06.09.
Where relevant	* Replace each occurrence of “Head of Housing Strategic Services” with “Head of Strategic Housing and Planning”.	To reflect the change in the management structure within the Environment and Housing Directorate as agreed by the Cabinet at its meeting on 17.06.09.

* These amendments will come into affect from 27 July 2009

PROCUREMENT CODE AMENDMENTS

3. EXEMPTIONS

- 3.1. The requirements for obtaining tenders or quotations can be waived under the following arrangements. No exemption can be used if the EU Procedure applies. No exemptions may be made retrospectively. If an exemption is agreed it will still be necessary to complete the contract administration procedures such as contract formation and the checking of insurances.
- 3.2. An exemption can be applied for when one or more of the following criteria specifically applies to the proposed contract.
 - 3.2.1. There are reasons why there would not be a genuine competition and no reasonable and satisfactory alternative is available or
 - 3.2.2. A contract is required as a matter of genuine urgency or
 - 3.2.3. It is not reasonably practicable to invite tenders or
 - 3.2.4. It is not in the best interests of the Council or
 - 3.2.5. The specification for goods and services is of a specialised nature which only a limited number of suppliers can meet and that tenders will be invited from all suitable suppliers.
- 3.3. All exemptions, and the reasons for them, must be recorded using the exemption form on the intranet and in the Procurement Toolkit. The officer seeking the exemption must provide clear evidence why the contract matches one or more of the criteria set out above. Approval must be sought from the relevant Head of Service as well as the Head of Finance and Procurement. Once approved by the Head of Finance and Procurement, all exemptions must be sent to Legal and Democratic Services who will provide a copy for the Corporate Management Team and to the relevant Cabinet Member for information.

PROTOCOL FOR POLICY DEVELOPMENT FORUMS

1. **Two** Policy Development Forums **have been** established covering **Community and Council; and Environment and Economy**. These groupings will enable members to build up a body of expertise and knowledge. Each Group will report to the Cabinet.
2. Each Policy Development Forum will consist of
 - Chair
The chair will be taken by the appropriate cabinet member – this will vary depending on the subject that is being discussed by the Policy Development Forum. Therefore the person chairing the meeting may change during the course of the same meeting, depending on the subject under discussion.
 - Up to nine non-Cabinet councillors (on the nomination of political groups)
 - the Lead Officer, who will be a Director or a Head of Service (or his/her nominee) nominated on the basis of the subject that is being discussed by the Policy Development Forum. He/she will be responsible for ensuring that all relevant information is available to the Forum.
3. Policy Development Forums are intended to operate as informal groups, partly for consultation purposes, and for the development and exploration of new policy ideas. It shall be the responsibility of the member chairing the meeting to ensure that there is the opportunity for contribution from both Members and directorates represented at the meeting.
4. The Forums will be multi-party but they need not be established having regard to the strict rules of political balance. Cabinet Members and non-Cabinet Members may both participate in Policy Development Forums. Substitute Members for the majority and minority political groups represented on the Policy Development Forums will normally be appointed.
5. Members of the public or partner organisations may be co-opted onto a Forum.
6. All Directorates shall be entitled to be represented at meetings of a Policy Development Forum and it shall be for each Director to determine the level of representation.
7. Policy Development Forums shall decide how they wish to review an issue brought before them in order **to** effectively determine a policy recommendation to the Cabinet. They may wish to arrange visits (within budgetary constraints) which would facilitate that work. They shall also be authorised to agree arrangements for presentations to be made to Members generally. If a Forum is minded to carry out any wider consultations, all members of the Council shall be included in the circulation of the consultation papers.

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8. Meetings will be called by the Head of Legal and Democratic Services as and when required at the request of the appropriate Cabinet Member. Records of meetings will be maintained. As the meetings are informal, they do not have any Cabinet powers and are not required to be open to the public and press. Nevertheless, Policy Development Forums may invite the public, appropriate community representatives and/or experts to meetings where appropriate.
9. The reports produced for them to consider and the minutes of the meetings are to be background papers when a report is eventually produced for the Cabinet.
10. The contribution of the Forums, including any 'minority reports' where a consensual view has not been reached will be presented to the Cabinet either as a separate report or included in an agenda item in the name of the appropriate Cabinet Member and the Lead Officer, and shall be drafted by the Lead Officer, in consultation with the Cabinet Member and the Head of Legal and Democratic Services.
11. Any policy changes proposed by a Forum shall not be implemented until a report has been considered and the recommendations agreed by the Cabinet.
12. The membership of each Policy Development Forum is set out in the Appendix to this Protocol.

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APPENDIX

Policy Development Forum Membership

Community and Council

Councillors:

B J Burgess

ALI Burke

C A Cheshire

B McCrow

D J Shreeves

J A Singh

Substitute – J G Smith

Lead Officer: Appropriate Director

Environment and Economy

Councillors:

M L Ayling

S A Blake

Dr H S Bloom

K Brockwell

A G Brown

R G Burgess

A C W Crane

S Kaur

G K Seekings

Substitute – L A Seekings

Substitute – B A Smith

Lead Officer: Appropriate Director

**CRAWLEY BOROUGH COUNCIL
MANAGEMENT STRUCTURE**

