

AMENDMENTS TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
Front Page	Add the following words to the bottom of the page: “Any queries in relation to this document should be directed to Mez Matthews, Democratic Services Officer, on 01293 438920.”	For ease of use.
Part 1 – Summary and Explanation - Page 5 (Mez Matthews)	Amend bullet point 6 relating to Citizens’ Rights to read as follows: “petition to request a community governance review.”	Delete the wording in brackets as this section of the 2007 Act is now in force.
Part 1 – Summary and Explanation - Page 5 (Mez Matthews)	Add the following citizens’ right: ”Citizens have the right to: <ul style="list-style-type: none"> • submit a petition under the Crawley Borough Council Petitions Scheme.” 	To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.
Article 2 – Members of the Council – Page 11 (Mez Matthews)	Amend the second sentence of paragraph 2.1(a) to read as follows: “Two, or in some cases three, councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Boundary Commission and approved by the Secretary of State.”	To reflect the change in name.



Function	Proposed amendment	Reason for amendment
<p>Article 3 – Citizens and the Council - Page 14 (Mez Matthews)</p>	<p>Amend paragraph 3.1(a) to read as follows:</p> <p><u>“Voting and Petitions</u></p> <p>Anyone who lives, works or studies in the Borough of Crawley including under 18s may sign, organise and submit a petition under the Crawley Borough Council Petitions Scheme.</p> <p>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.”</p>	<p>To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.</p> <p>Amended wording in bold.</p> <p>Delete the current wording in brackets as this section of the 2007 Act is now in force.</p>
<p>Article 4 – The full Council – Page 18 (Mez Matthews)</p>	<p>Add the following function of the full Council:</p> <p>“To consider relevant petitions submitted under the Crawley Borough Council Petitions Scheme.”</p>	<p>To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.</p>
<p>Article 6 – Overview and Scrutiny Commission – Page 21 (Mez Matthews)</p>	<p>Add the following to the Terms of Reference of the Overview and Scrutiny Commission:</p> <ul style="list-style-type: none"> • “To hear evidence by a senior council officer under the Crawley Borough Council Petitions Scheme. • To review the steps that the Council has taken in response to a petition. <p>To consider a petition referred to the Commission by the Cabinet, Council or a Committee or Sub-Committee of the Council.”</p>	<p>To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.</p>

Function	Proposed amendment	Reason for amendment
Part 3 – Terms of Reference – Page 51	<p>Amend paragraph 8 to read as follows:</p> <p>“Reference to a statutory provision includes any amendments, re-enactment or subordinate legislation thereof.”</p>	To ensure that officers continue to act legally when acting under delegated authority and when updated legislation is issued.
<p>* Local Choice Functions – Page 57</p> <p>(James Keating)</p>	<p>Add the following delegation to the end of function 3:</p> <p>“<u>Local Choice Function</u> (3) Any function relating to contaminated land</p> <p><u>Decision Making Body</u> Cabinet</p> <p><u>Membership</u> See 1(c) above</p> <p><u>Delegation of functions</u> <i>The following function is delegated to the Head of Planning and Environmental Services</i></p> <p>(m) Power to serve Notices and take various actions detailed in Parts 1, 2, 3 and 4 of The Environmental Damage (Prevention and Remediation) Regulations 2009, which relate to damage caused to land and the environment.”</p>	<p>New delegation.</p> <p>Amended wording in bold.</p>

Function	Proposed amendment	Reason for amendment
<p>* Local Choice Functions – Page 60 (Karl Bock)</p>	<p>Amend paragraph (h) (v) to read as follows: <u>“The following functions are delegated to the Head of Planning and Environmental Services</u> (h) Formal cautioning, as an alternative to prosecution, in respect of offences under: (v) Environmental Permitting (England and Wales) Regulations 2010.”</p>	<p>To reflect the new Environmental Permitting (England and Wales) Regulations 2010. Amended wording in bold.</p>
<p>* Local Choice Functions – Page 61 (Karl Bock)</p>	<p>Amend paragraph (i) to read as follows: <u>“The following functions are delegated to the Head of Planning and Environmental Services</u> (i) The authorisation of inspectors under Section 108 of the Environment Act 1995 for the purposes of carrying out the duties of the Environmental Protection Act 1990, Parts I and IIA and the Environmental Permitting (England and Wales) Regulations 2010.”</p>	<p>To reflect the new Environmental Permitting (England and Wales) Regulations 2010. Amended wording in bold.</p>
<p>* Local Choice Functions – Page 61 (Karl Bock)</p>	<p>Amend paragraph (j) to read as follows: <u>“The following functions are delegated to the Head of Planning and Environmental Services</u> (j) (i) Determination of permits under the Environmental Permitting (England and Wales) Regulations 2010. (ii) Permitting of installations, issue of notices of the following</p>	<p>To reflect the new Environmental Permitting (England and Wales) Regulations 2010. Amended wording in bold.</p>

Function	Proposed amendment	Reason for amendment
<p>* Local Choice Functions – Page 61 (continued...)</p> <p>(Karl Bock)</p>	<p>types: requiring information, enforcement, variation, revocation and suspension of permit under the Environmental Permitting (England and Wales) Regulations 2010.</p> <p>(iii) Prosecution for offences under the Environmental Permitting (England and Wales) Regulations 2010.”</p>	
<p>Functions of the Licensing Committee – Page 91</p> <p>(James Keating)</p>	<p>Amend function (4) to read as follows:</p> <p>“Power to license drivers of hackney carriages and private hire vehicles (including the power to issue permits for the operation of mini buses)</p> <p><u>The following functions are delegated to the Head of Planning and Environmental Services</u></p> <p>(a) Determination of all applications for private hire drivers’ licences and to exercise the Council’s powers in relation to hackney carriage drivers’ licences, including the suspension and revocation of such licences.</p> <p>(b) Formal cautioning as an alternative to prosecution in respect of offences arising under the Taxi and Private Hire provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.</p> <p>(c) Appointment of authorised officers to act under the Disability Discrimination Act 1995 (as amended)</p>	<p>New delegation.</p> <p>Amended wording in bold.</p>

Function	Proposed amendment	Reason for amendment
<p>Functions of the Licensing Committee – Page 91 (continued...)</p> <p>(James Keating)</p>	<p><u>The following function is delegated to the Head of Legal and Democratic Services in consultation with the Head of Planning and Environmental Services and the Chair of the Licensing Committee</u></p> <p>(d) Determination as to whether a formal caution is the appropriate course of action in respect of offences under the Taxi and Private Hire provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.”</p>	
<p>Functions of the Licensing Committee – Page 95</p> <p>(James Keating)</p>	<p>Amend function 20 to read as follows:</p> <p>“Power to license scrap yards and power to appoint authorised officers to act under the Vehicles (Crime) Act 2001.</p> <p><u>The following functions are delegated to the Head of Planning and Environmental Services:</u></p> <p>a) Registration of premises under legislation relating to scrap metal dealers;</p> <p>b) Appointment of authorised officers to act under the Vehicles (Crime) Act 2001.”</p>	<p>New delegation.</p> <p>Amended wording in bold.</p>

Function	Proposed amendment	Reason for amendment
<p>Functions of the Licensing Committee – Page 96</p> <p>(James Keating)</p>	<p>Amend function 24(b) to read as follows:</p> <p>“Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business (including the power to license guard dogs)</p> <p><u>The following functions are delegated to the Head of Planning and Environmental Services</u></p> <p>(b) Determination of applications for licences under the Riding Establishments Act 1964 (as amended).”</p>	<p>To reflect amended legislation.</p> <p>Amended wording in bold.</p>
<p>Functions of the Licensing Committee – Page 100</p> <p>(James Keating)</p>	<p>Amend function 43 to read as follows:</p> <p><u>“The following function is delegated to the Head of Planning and Environmental Services</u></p> <p>Appointment of authorised officers under the Food Safety Act 1990; Regulation (EC) no. 178/2002; Regulation (EC) no. 852/2004; Regulation (EC) no. 853/2004; Regulation (EC) no. 854/2004 and the General Food Regulations 2004.”</p>	<p>To reflect relevant legislation.</p> <p>Amended wording in bold.</p>
<p>Functions of the Licensing Committee – Page 101</p> <p>(James Keating)</p>	<p>Amend function 50(b) to read as follows:</p> <p><u>“The following function is delegated to the Head of Planning and Environmental Services</u></p> <p>(b) Service of all statutory notices and exercise of the Council’s regulatory functions under the Young Persons (Employment) Act 1938.”</p>	<p>To reflect the relevant legislation.</p> <p>Amended wording in bold.</p>

Function	Proposed amendment	Reason for amendment
<p>Functions of the General Purposes Committee – Page 143</p> <p>(Mez Matthews)</p>	<p>Add the following function:</p> <p>“To consider matters referred to the Committee in relation to petitions submitted under the Crawley Borough Council Petitions Scheme.”</p>	<p>To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.</p>
<p>Functions of the Audit and Governance Committee – Page 145</p> <p>(Mez Matthews)</p>	<p>Add the following function:</p> <p>“To consider matters referred to the Committee in relation to petitions submitted under the Crawley Borough Council Petitions Scheme.”</p>	<p>To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.</p>
<p>Functions of the Overview and Scrutiny Commission – Page 149</p> <p>(Mez Matthews)</p>	<p>Add the following functions:</p> <ul style="list-style-type: none"> • “To hear evidence by a senior council officer under the Crawley Borough Council Petitions Scheme. • To review the steps that the Council has taken in response to a petition. • To consider a petition referred to the Commission by the Cabinet, Council or a Committee or Sub-Committee of the Council.” 	<p>To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.</p>

Function	Proposed amendment	Reason for amendment
<p>* Environmental functions delegated to Cabinet Members and Officers – Page 163</p> <p>(Astrid Williams)</p>	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Planning and Environmental Services in consultation with the Chair of the Licensing Committee</u></p> <p>Power to extend a time limit provided for in the Licensing Act 2003 (Hearings) Regulations 2005 in accordance with Regulation 11, where the Head of Planning and Environmental Services considers it to be in the public interest to do so.”</p>	<p>New delegation.</p>
<p>Council Procedure Rules – Contents – Page 211</p> <p>(Mez Matthews)</p>	<p>Add the following new rule 11 and re-number accordingly:</p> <p>“11. Presentation of Petitions.”</p>	<p>To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.</p>
<p>Council Procedure Rules – Page 213</p> <p>(Mez Matthews)</p>	<p>Add the following paragraph in relation to Annual Meetings of the Council:</p> <p>“1.4 Petitions will not be considered at the Annual Meeting of the Council.”</p>	<p>To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.</p>
<p>Council Procedure Rules – Page 213</p> <p>(Mez Matthews)</p>	<p>Add the following bullet point under paragraph 2.1 (vii) and re-number accordingly:</p> <p>“Consider relevant petitions submitted under the Crawley Borough Council Petitions Scheme (see page <cite relevant page>).”</p>	<p>To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.</p>

Function	Proposed amendment	Reason for amendment
<p>Council Procedure Rules – Page 216 (Mez Matthews)</p>	<p>Add the following paragraph in relation to Extraordinary Meetings of the Council:</p> <p>“3.4 Petitions will not be considered at Extraordinary Meetings of the Council.”</p>	<p>To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.</p>
<p>Council Procedure Rules – Page 220 (Mez Matthews)</p>	<p>Insert the following additional paragraph after paragraph 10 and re-number subsequent paragraphs accordingly:</p> <p>“11. PRESENTATION OF PETITIONS</p> <p>11.1 If a petition contains more than 1,000 signatures it will be debated by the full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting (in which case it will be considered at a public meeting of the Overview and Scrutiny Commission).</p> <p>11.2 The Council will endeavour to consider a petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.</p> <p>11.3 The organiser of a petition to be considered at the meeting will be given 5 minutes to present the petition at the meeting. The petition will then be discussed by Members for a maximum of 10 minutes. A maximum of 30 minutes will be allowed at each meeting for consideration of petitions.”</p>	<p>To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009 and to accord with the Crawley Borough Council Petitions Scheme.</p>

Function	Proposed amendment	Reason for amendment
<p>Council Procedure Rules – Page 232</p> <p>(Mez Matthews)</p>	<p>Replace paragraph 23.10 with the following wording:</p> <p>“All petitions will be dealt with under the Crawley Borough Council Petitions Scheme (see page <cite relevant page>).</p> <p>Ordinary Petitions</p> <p>(1) The Petitions Officer will arrange for each ordinary petition to be reported to the next convenient meeting of the Council, or a Committee / Sub Committee of the Council which has the power to take decisions on the matter.</p> <p>(2) Petitions which do not relate to an ordinary item of business will be considered before the normal business of the meeting, and will be considered in the order in which they were received, unless the Chair at the meeting determines otherwise.</p> <p>(3) A maximum of 30 minutes will be allowed at each meeting for considering all such petitions and consideration of the contents of any petitions not reached in the time allowed will be referred to the relevant Cabinet Member for consideration or deferred until the next meeting.</p> <p>(4) The Chair of the meeting may invite a relevant officer to set out the background to the issue before inviting the petition organiser to address the Committee for up to 3 minutes. The Chair may ask questions of the petition organiser, and will then invite any relevant Ward Councillors present to address the Committee on the matter for up to 3 minutes (each). The Chair will then invite the relevant officer(s) to advise the meeting, after which the matter will be open for</p>	<p>To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.</p>

Function	Proposed amendment	Reason for amendment
<p>Council Procedure Rules – Page 232 (continued...)</p> <p>(Mez Matthews)</p>	<p>debate among members of the Committee.</p> <p>(5) Where the matter is to be determined by a Cabinet Member, they will take a decision on the matter. That decision may be a determination of the matter, or may be a decision to refer the matter for investigation and report back, or to refer it up to a meeting of the Council, Cabinet or a Committee of the Council for determination.</p> <p>(6) If the petition organiser is not satisfied with the Council’s response to their petition, they may appeal to the Overview and Scrutiny Commission (see paragraph 9 of the Scrutiny Procedure Rules).”</p>	
<p>* Cabinet Procedure Rules – Page 270 (Mez Matthews)</p>	<p>Insert the following additional paragraph under paragraph 2.3(iv) (What Business?) and re-number accordingly:</p> <p>“(v) matters referred to the Cabinet in relation to relevant petitions submitted under the Crawley Borough Council Petitions Scheme.”</p>	<p>To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.</p>
<p>* Cabinet Procedure Rules – Page 272 (Mez Matthews)</p>	<p>Replace paragraph 2.8 with the following wording:</p> <p>“All petitions will be dealt with under the Crawley Borough Council Petitions Scheme (see page <cite relevant page>).</p> <p>Ordinary Petitions</p> <p>(a) The Petitions Officer will arrange for each ordinary petition to be reported to the next convenient meeting of the Cabinet where the Cabinet has the power to take decisions on the</p>	<p>To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.</p>

Function	Proposed amendment	Reason for amendment
<p>* Cabinet Procedure Rules – Page 272 (continued...)</p> <p>(Mez Matthews)</p>	<p>matter.</p> <p>(2) Petitions which do not relate to an ordinary item of business will be considered before the normal business of the meeting, and will be considered in the order in which they were received, unless the Chair at the meeting determines otherwise.</p> <p>(3) A maximum of 30 minutes will be allowed at each meeting for considering all such petitions and consideration of the contents of any petitions not reached in the time allowed will be referred to the relevant Cabinet Member for consideration or deferred until the next meeting.</p> <p>(4) The Chair may invite a relevant officer to set out the background to the issue before inviting the petition organiser to address the Cabinet for up to 3 minutes. The Chair may ask questions of the petition organiser, and will then invite any relevant Ward Councillors present to address the Cabinet on the matter for up to 3 minutes (each). The Chair will then invite the relevant officer(s) to advise the meeting, after which the matter will be open for debate among members of the Cabinet.</p> <p>(5) Where the matter is to be determined by a Cabinet Member, they will take a decision on the matter. That decision may be a determination of the matter, or may be a decision to refer the matter for investigation and report back, or to refer it up to a meeting of the Council, Cabinet or a Committee or Sub-Committee of the Council for determination.</p>	

Function	Proposed amendment	Reason for amendment
<p>* Cabinet Procedure Rules – Page 272 (continued...) (Mez Matthews)</p>	<p>(6) If the petition organiser is not satisfied with the Council's response to their petition, they may appeal to the Overview and Scrutiny Commission (see paragraph 9 of the Scrutiny Procedure Rules)."</p>	
<p>Scrutiny Procedure Rules – Page 286 (Mez Matthews)</p>	<p>Add the following wording after paragraph 8 and re-number subsequent paragraphs accordingly:</p> <p>“9. Petitions</p> <p>Officer Evidence</p> <p>9.1 If a petition contains at least 500 signatures and requests that a senior council officer give evidence at a public meeting about an issue for which the officer is responsible, the relevant senior officer will give evidence at a public meeting of the Overview and Scrutiny Commission (in accordance with the Crawley Borough Council Petitions Scheme (see page <cite relevant page>)).</p> <p>9.2 The Commission will endeavour to consider any request at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.</p> <p>9.3 At the meeting of the Overview and Scrutiny Commission the Chair will invite the petition organiser to address the Commission for a maximum of 3 minutes on the issue.</p>	<p>To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.</p>

Function	Proposed amendment	Reason for amendment
<p>Scrutiny Procedure Rules – Page 286 (continued...)</p> <p>(Mez Matthews)</p>	<p>Review of the Council’s Response to a Petition</p> <p>9.4 A petition organiser may request that the Overview and Scrutiny Commission review the steps the Council has taken in response to a petition. Any request for a review must be made in accordance with the Crawley Borough Council Petitions Scheme (see page <cite relevant page>).</p> <p>9.5 The Commission will endeavour to consider any request at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.</p> <p>9.6 The petition organiser will be invited to attend the meeting and address the Commission for up to 3 minutes on why they consider that the Council's decision on the petition is inadequate.</p> <p>9.7 Should the Commission determine that the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council's Cabinet and arranging for the matter to be considered at a meeting of the full Council.</p> <p>Matters referred to the Commission</p> <p>9.8 The Commission may consider a petition referred to it by the Cabinet, Council or a Committee or Sub-Committee of the Council.”</p>	

Function	Proposed amendment	Reason for amendment
<p>Scrutiny Procedure Rules – Page 287</p> <p>(Mez Matthews)</p>	<p>Amend paragraph 11 to read as follows:</p> <p><u>“Members and Officers Giving Account</u></p> <p>(a) The Overview and Scrutiny Commission and its panels may, within their terms of reference, scrutinise and review decision-making or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, any Committee Chair, the Head of Paid Service and/or any Director or Head of Service to attend before it to explain in relation to matters within their remit:</p> <ul style="list-style-type: none"> (i) Any particular decision or series of decisions; (ii) The extent to which the actions taken implement Council policy; and/or (iii) Their performance. (iv) Any response to a petition calling for a senior council officer to give evidence. <p>And it is the duty of those persons to attend if so required.”</p>	<p>To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.</p> <p>Amended wording in bold.</p>
<p>Scrutiny Procedure Rules – Page 287</p> <p>(Mez Matthews)</p>	<p>Add the following wording to the end of paragraph 12 (Attendance by Others):</p> <p>“Petition organisers may attend a meeting of the Overview and Scrutiny Commission as detailed in the Crawley Borough Council Petitions Scheme (see page <cite relevant page>).”</p>	<p>To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.</p>

Function	Proposed amendment	Reason for amendment
Scrutiny Procedure Rules – Page 290 (Mez Matthews)	Insert the following additional paragraph under paragraph 15(a)(iii)(a) (Procedure at Overview and Scrutiny Commission meetings) and re-number accordingly: “(b) matters referred to the Overview and Scrutiny Commission in relation to relevant petitions submitted under the Crawley Borough Council Petitions Scheme.”	To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.
Scrutiny Procedure Rules – Page 291 (Mez Matthews)	Insert the following wording to paragraph 16 (Public Speaking at the Overview and Scrutiny Commission): “(7) Petition organisers may address the Commission in accordance with paragraph 9 of these procedure rules.”	To reflect the requirements of the Local Democracy, Economic Development and Construction Act 2009.
Members’ Allowances Scheme – Page 558 (Finance)	Amend Schedule 1 (allowances table) as set out in Appendix 1 to this document.	For clarification purposes. Amended wording in bold.

* These changes will also be considered by the Cabinet on 7 July 2010.

APPENDIX 1

Office Holder	Special Responsibility
	£
Basic allowance (all councillors)	5949
Leader of the Council	14281
Cabinet Portfolio Holders	7138
Overview and Scrutiny Commission Chair	6389
Vice Chair of Scrutiny Commission	1166
Chair of Performance Monitoring Scrutiny Panel	1133
Payment to Chair of any other Scrutiny Panel	1133
(note: Members would be entitled to only one Scrutiny Panel £1133 allowance per year, including that relating to the Performance Monitoring Scrutiny Panel even if they chose to undertake a second review)	
Chair of Development Control Committee	5949
Vice Chair of Development Control Committee	2380
Chair of Licensing Committee	5949
Vice Chair of Licensing Committee	1166
Chair of Standards Committee	2380
Chair of General Purposes Committee	2380
Chair of Audit and Governance Committee	2380
Chair of Budget Advisory Group (payable provided the post holder is not a Cabinet Member)	2380
Leader(s) of minority group(s) (<i>differential rates depending on number of members in that Group</i>);	
• basic allowance	2200
• additional payment per group member	274