

# Crawley Borough Council

## Minutes of General Purposes Committee

11 November 2010 at 7.30pm

### Present:

Councillor R D Burrett (Chair)  
Councillor C R Eade (Vice-Chair)  
Councillors A C W Crane, D G Crow, P K Lamb, R A Lanzer, K Trussell and  
L A Walker

### Officers Present:

Mez Matthews Democratic Services Officer

### Apologies for Absence:

Councillors M L Ayling and A L I Burke

### 7. Minutes

The minutes of the meeting of the Committee held on 28 June 2010 were approved as a correct record and signed by the Chair.

### 8. Councillor Ken Trussell

The Chair welcomed Councillor Ken Trussell, as a new member of the General Purposes Committee.

### 9. Members' Disclosure of Interests

No disclosures of interests were made.

### 10. Changes to the Constitution

The Committee considered changes to the Constitution. The reasons for each amendment were set out in the paper.

The Committee considered the suggested change to function F5 on page 184 of the Constitution which related to disposal of the Council's interest in land. Concern was expressed that there was no safeguard should a Ward Member raise objection to the proposal. It was agreed that the proposed change be further amended to include the words "except where one or more Ward Members raise objections to the proposal (in which case the matter will be referred to the Cabinet)". It was also agreed that the words "Chair of the Cabinet" be changed to read "Leader" to ensure consistency within the Constitution.

The Committee discussed the suggested change to delegation F14 on page 185 of the Constitution which proposed that, as with the renewal of leases, the grant of leases on Council property to voluntary groups also be delegated to the Head of Property Services. It was agreed that as the grant and renewal of leases were distinct functions the delegation relating to the renewal of leases should remain unchanged and a delegation relating to the grant of leases should be included as a separate delegation to the Head of Property Services in consultation with the Leader, relevant Cabinet Member(s) and Ward Members.

### **RESOLVED**

That the Full Council be recommended that, subject to any comments received from the Cabinet with regard to its functions, the amendments to the Constitution proposed in Appendix 1 to these minutes be agreed.

### **11. Closure of Meeting**

With the business of the Committee concluded, the Chair declared the meeting closed at 7.45pm.

R D BURRETT  
**Chair**

**APPENDIX 1**

**AMENDMENTS TO THE CONSTITUTION**

Function	Proposed amendment	Reason for amendment
<p>Functions of the Licensing Committee – Page 100  (Tony Baldock)</p>	<p>Amend function 43 to read as follows:  <u>“The following function is delegated to the Head of Planning and Environmental Services:</u>  Appointment of authorised officers under the Food Safety Act 1990; <b>European Communities Act 1972; Health Protection (Local Authority Powers) Regulations 2010</b>; 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.  <b>Amended wording in bold.</b></p>
<p>Functions of the Licensing Committee under the Licensing Act 2003 - Page 106  (Mez Matthews / Sharon Rana)</p>	<p>Amend the first paragraph to read as follows:  “The powers and duties of the Council relating to its functions as the Licensing Authority <u>under the Licensing Act 2003</u> are delegated to the Licensing Committee, or otherwise as set out below, save that approval of the Council’s Statement of Licensing Policy and Statement of Gambling Policy and any amendments to or revision thereof shall be carried out by the Council. Licensing Sub Committee Membership – The Sub Committee will consist of the following members from whom <b>three</b> members will be called upon to determine any given application. The quorum of the Sub Committee will, therefore, be three.”</p>	<p>Membership should be three, <u>not a minimum</u> of three. Amended to ensure compliance with the Licensing Act 2003.  <b>Amended wording in bold.</b></p>

<p>* Environmental functions delegated to Cabinet Members and Officers – Page 156  (Tony Baldock)</p>	<p>Amend function A1 to read as follows:  “<u>The following functions are delegated to the Head of Planning and Environmental Services:</u> The appointment of Proper Officer/Medical Officer in respect of the following legislation:-</p> <ul style="list-style-type: none"> <li>• Public Health (Control of Disease Act) 1984 (power to act in relation to notifiable disease and related matters)</li> <li>• <b>Health Protection (Local Authority Powers) Regulations 2010</b></li> <li>• Public Health (Aircraft) Regulations</li> <li>• National Assistance Act 1948</li> <li>• National Assistance (Amendment) Act 1951</li> <li>• Public Health (Aircraft) (Amendment) Regulations 1978</li> <li>• Public Health Act 1936</li> <li>• Public Health Act 1961</li> <li>• Milk and Dairies (General) Regulations 1959</li> <li>• Public Health (International Trains) Regulations 1994”</li> </ul>	<p>To reflect relevant legislation.  <b>Amended wording in bold.</b></p>
<p>* Property functions delegated to Cabinet Members and Officers – Page 183  (Mike Pidgeon)</p>	<p>Delete function F1 and replace with the following:  “The following function is delegated to the Head of Property Exercise of general estate management of Council land and operational and commercial property assets and to take action to enforce covenants, user rights, assignments and sub-letting.”</p>	<p>To reflect the Property Division’s estate management role of operational property and for clarity.</p>
<p>* Property functions delegated to Cabinet Members and Officers – Page 183</p>	<p>Amend function F2 to read as follows:</p>	<p>For clarification purposes.</p>

<p>(Mike Pidgeon)</p>	<p><u>"The following function is delegated to the Head of Property in consultation with the Leader</u> Approval of the annual programme of building maintenance works for <b>operational</b> properties (<b>excluding housing assets</b>) including variations during the year to meet changing needs.</p> <p>Delegation to cover all types of maintenance work and small-scale improvements up to £10,000 per job."</p>	<p><b>Amended wording in bold.</b></p>
<p>* Property functions delegated to Cabinet Members and Officers – Page 184  (Mike Pidgeon)</p>	<p>Delete function F5 and replace with the following:  <u>"The following function is delegated to the Head of Property (after consulting local Ward Members and the Leader)</u> Disposal of the Council's interest in land after consultation with the relevant Head of Service and where the market value of the interest does not exceed £250,000, except where one or more Ward Members raise objections to the proposal (in which case the matter will be referred to the Cabinet)."</p>	<p>To take account of the Property Division's estate management role.</p>
<p>* Property functions delegated to Cabinet Members and Officers – Page 184  (Mike Pidgeon)</p>	<p>Amend function F6 to read as follows:  <u>"The following function is delegated to the Leader in consultation with the Head of Property and the Head of Finance and Procurement (after consulting local Ward Members)</u> Disposal of the Council's interest in land or property on terms proposed by the Head of Property, where:</p> <ul style="list-style-type: none"> <li>• the market value of the interest is more than <b>£250,000</b> but does not exceed £500,000 in the case of an individual plot (or £750,000 in the case of more than one plot); and</li> <li>• the <b>most economically advantageous offer</b> is to be accepted; and</li> <li>• the offer is equal to, or more than, the estimated value of</li> </ul>	<ul style="list-style-type: none"> <li>• Wording revised from acceptance of "the highest offer" to "most economically advantageous" to reflect current practice and increase in market value to £250,000 from £10,000 and for clarification.</li> <li>• <b>Amended wording</b></li> </ul>

	<ul style="list-style-type: none"> <li>the site except where <b>one or more Ward Members raise objections to the proposal</b> (in which case the matter will be referred to the Cabinet)."</li> </ul>	<ul style="list-style-type: none"> <li><b>in bold.</b></li> </ul>
<p>* Property functions delegated to Cabinet Members and Officers – Page 184  (Mike Pidgeon)</p>	<p>Amend function F8 to read as follows:  "The following function is delegated to the Head of Property To consider proposals for use of Council land and buildings for telecommunication installations where a site has first been deemed appropriate and acceptable. To take decisions on such proposals in consultation with Ward Members and the Leader, except where one or more of the Ward Members raise objections to the proposals."</p>	<p>Words "planning terms" deleted for clarification purposes.</p>
<p>* Property functions delegated to Cabinet Members and Officers – Page 184  (Mike Pidgeon)</p>	<p>Amend function F9 to read as follows:  "The following function is delegated to the Head of Property Miscellaneous licences, grants, wayleaves or agreements of a minor nature affecting land including realignment of boundaries, <b>garden and access licences.</b>"</p>	<p>To reflect current practice.  <b>Amended wording in bold.</b></p>
<p>* Property functions delegated to Cabinet Members and Officers – Page 185  (Mike Pidgeon)</p>	<p>Delete the current function F12:  "The following function is delegated to the Head of Property Day to day management and lettings of Civic Hall."  and renumber subsequent functions accordingly.</p>	<p>The duty is already part of the day-to-day management of the Town Hall complex.</p>

<p>* Property functions delegated to Cabinet Members and Officers – Page 185</p> <p>(Mike Pidgeon)</p>	<p>Amend function F13 to read as follows:</p> <p><u>“The following function is delegated to the Head of Property</u> Grant and renewal of leases <b>and review of rents under leases of the Council’s commercial properties</b> at current market rentals in accordance with the Council’s policy as to category of property or business, terms and conditions.”</p>	<p>To include the delegated power to review rents.</p> <p><b>Amended wording in bold.</b></p>
<p>* Property functions delegated to Cabinet Members and Officers – Page 185</p> <p>(Mike Pidgeon)</p>	<p>Add the following delegation:</p> <p><u>“The following function is delegated to the Head of Property in consultation with the Leader, relevant Cabinet Member(s) and Ward Members</u> Grant of leases on Council property to voluntary groups.”</p>	<p>New delegation.</p>
<p>* Property functions delegated to Cabinet Members and Officers – Page 185</p> <p>(Mike Pidgeon)</p>	<p>Amend function F15 to read as follows:</p> <p><u>“The following function is delegated to the Head of Property</u> Determination of applications for the surrender from and longer-term renewal of leases to tenants of neighbourhood shop units <b>and other commercial properties</b> who wish to assign their leases, which have only a short term to run, where such an arrangement would not be detrimental to the position of the Council.”</p>	<p>To include the addition of other commercial properties.</p> <p><b>Amended wording in bold.</b></p>

<p>* Property functions delegated to Cabinet Members and Officers – Page 185  (Mike Pidgeon)</p>	<p>Delete function F17 and replace with the following:   <u>“The following function is delegated to the Head of Property with the agreement of local Ward Members</u>  Determination of applications for landlord’s consent for changes of use on neighbourhood shopping parades and the rest of the commercial estate except where one or more Ward Members raise objections to the proposal (in which case the matter will be referred to the Cabinet).”</p>	<p>To reflect current practice and for clarification purposes.</p>
<p>Council Procedure Rules – Page 214</p>	<p>Amend paragraph 2.1 (xiv) to read as follows:   “consider motions of which notice has been given under Council Procedure Rule Number <b>12.</b>”</p>	<p>Clerical correction.   <b>Amended wording in bold.</b></p>
<p>Council Procedure Rules – Page 218</p>	<p>Amend paragraph 9.8 to read as follows:   “During Public Question Time the provisions of Council Procedure Rule <b>15</b> (Rules of Debate) shall be suspended.”</p>	<p>Clerical correction.   <b>Amended wording in bold.</b></p>
<p>Council Procedure Rules – Page 220</p>	<p>Amend paragraph 12.1 to read as follows:   “Except for motions which can be moved without notice under Rule <b>13</b>, written notice of every motion, signed by the Member or Members of the Council giving the notice must be delivered to the Head of Legal and Democratic Services at least nine clear working days before the date of the meeting. These will be entered in a book open to public inspection.”</p>	<p>Clerical correction.   <b>Amended wording in bold.</b></p>
<p>Council Procedure Rules – Page 222</p>	<p>Amend paragraph 13(r) to read as follows:</p>	<p>Clerical correction.</p>



	“to not hear further a Member named under Rule <b>21.3</b> or to exclude them from the meeting under Rule <b>21.4;</b> ”	<b>Amended wording in bold.</b>
Council Procedure Rules – Page 224	Amend paragraph 15.11(h) to read as follows:  “to not hear further a Member named under Rule <b>21.3</b> or to exclude them from the meeting under Rule <b>21.4</b> by the Mayor.”	Clerical correction.  <b>Amended wording in bold.</b>
Council Procedure Rules – Page 226	Amend paragraph 16.3 to read as follows:  “Rules <b>16.1</b> and <b>16.2</b> shall not apply to motions moved in connection with the report or recommendation of a committee or the Cabinet. The ruling of the Mayor as to whether any motion or amendment comes within the terms of Rules <b>16.1</b> and <b>16.2</b> will be final.”	Clerical correction.  <b>Amended wording in bold.</b>
Council Procedure Rules – Page 227	Amend paragraph 17.3 to read as follows:  “Unless a recorded vote is demanded under Rule <b>17.4</b> the Mayor will take the vote by show of hands, or if there is no dissent, by affirmation of the meeting.”	Clerical correction.  <b>Amended wording in bold.</b>
Council Procedure Rules – Page 228	Amend paragraph 20 to read as follows:  “Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule <b>22</b> (Disturbance by Public).”	Clerical correction.  <b>Amended wording in bold.</b>
Council Procedure Rules – Page 229	Amend paragraph 23.1 to read as follows:	Clerical correction.

	<p>"All of these Council Rules of Procedure except Rule <b>17.5</b> and <b>18.2</b> may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting."</p>	<p><b>Amended wording in bold.</b></p>
Council Procedure Rules – Page 229	<p>Amend paragraph 24 to read as follows:</p> <p>"All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet. Only Rules 5-8, <b>11-13</b>, <b>15</b>, <b>16-18</b>, <b>20-24</b> (but not Rule <b>21.1</b>) apply to meetings of committees and sub-committees. Rule 7 refers to the application of the Rules to chairmen of committees and sub-committees. Rule 8 - Quorum - does not apply to the Standards Committee. (Article 9.3 deals with the quorum of the Standards Committee)."</p>	<p>Clerical correction.</p> <p><b>Amended wording in bold.</b></p>
Council Procedure Rules – Page 229	<p>Amend paragraph 24.1(3) to read as follows:</p> <p>"The Membership Committee shall hold a meeting in May in each year for the purpose of making recommendations in accordance with the provisions of this Council Procedure Rule and Rule <b>24.8</b>."</p>	<p>Clerical correction.</p> <p><b>Amended wording in bold.</b></p>
Access to Information Procedure Rules – Page 248	<p>Amend paragraph 20.3 to read as follows:</p> <p>"As soon as reasonably practicable after a Cabinet decision has been taken by an individual member of the Cabinet or a key decision has been taken by an employee, he/she will prepare, or instruct the Head of Legal and Democratic Services to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of</p>	<p>Clerical correction.</p> <p><b>Amended wording in bold.</b></p>

	Rules 7 and 8 (inspection of documents after meetings) and Scrutiny Procedure Rule <b>14</b> will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political assistant.”	
Licensing Appeal Procedure – Page 447	Amend the second to last paragraph to read:  “The usher will also speak with anyone who causes an undue disturbance, in accordance with the Council Procedure Rule <b>22</b> . The Chair may direct that a person who persists in causing disturbance leaves the meeting.”	Clerical correction.  <b>Amended wording in bold.</b>

\* These changes will also be considered by the Cabinet on 1 December 2010.