

Crawley Borough Council

Minutes of General Purposes Committee

31 January 2011 at 7.30pm

Present:

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

Officers Present:

Ann-Maria Brown	Head of Legal and Democratic Services
Mez Matthews	Democratic Services Officer
Andrew Oakley	Electoral Services Manager

Apologies for Absence:

Councillor ALI Burke

12. Minutes

The minutes of the meeting of the Committee held on 11 November 2010 were approved as a correct record and signed by the Chair.

13. Members' Disclosure of Interests

No disclosures of interests were made by Members.

14. Polling District Review and Polling Arrangements 2011

The Committee considered report LDS/27 of the Head of Legal and Democratic Services which informed the Committee of the arrangements for the statutory Review of Polling Districts during 2011 and made some recommendations for a change to the polling place for West Green Ward in advance of the possible referendum on the Alternative Vote and Borough Council elections in May. The suggested timetable for the Review was detailed in paragraph 4.1 of the report and information relating to the proposed change in polling arrangements for West Green Ward was detailed in paragraph 5 of the report.

The Committee noted that concern had been raised by one of the West Green ward Councillors regarding child safety due to the close proximity of the Charis Centre car park entrance to West Green Primary School. The Committee was informed that the Headteacher of West Green Primary School had agreed to provide the services of the Site Manager to staff the school entrances during times when children would be arriving or leaving the school grounds. The Committee was in agreement that the Charis Centre was a good location and a suitable facility for the West Green Polling Place.

The Committee considered Appendix A to the report which detailed the current scheme, and it was noted that the Bewbush Community Centre (Polling Place for Polling District LA) was now called the "Bewbush Centre"; that the Langley Green Community Centre (Polling Place for Polling District LG) was now called the "Langley Green Centre"; and that "St Edward the Confessor" (Polling Place for Polling District LKB) should be amended to read "St Edward the Confessor Church Hall". The Electoral Services Manager informed the Committee that the information contained within the current Scheme would be amended accordingly. It was suggested that Maidenbower Pavilion, once redeveloped, should be considered as a possible Polling Place for Maidenbower.

RESOLVED

1. That the Polling District Review be conducted as set out in paragraph 4 of the report.
2. That the Polling Place for West Green be changed from West Green Primary School to The Charis Centre, West Green Drive, Crawley.

15. Changes to the Constitution

The Committee considered changes to the Constitution, many of which were required as a result of the new 'Strong Leader' and Cabinet Executive Arrangement Model under the Local Government and Public Involvement in Health Act 2007 which would take effect from the May 2011 Elections. The reasons for each amendment were set out in the paper.

The Committee's attention was drawn to the proposed change to page 26 of the Constitution in relation to when the Deputy Leader would cease to hold office, and it was noted that the words "they are no longer a Councillor" at the end of bullet point two should be a separate bullet point. It was also suggested that bullet point five of the same paragraph was confusing and it was therefore agreed that it should be deleted and replaced with the words "the end of the term of office of the Leader". To ensure consistency and avoid ambiguity it was agreed that bullet point six of the proposed change to page 26 of the Constitution in relation to when Cabinet Members would cease to hold office should also be deleted and replaced with the words "the end of the term of office of the Leader".

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.

16. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 7.47pm.

R D BURRETT
Chair

CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
<p># Contents – Page iii</p> <p>(Mez Matthews)</p>	<p>Amend the titles below as follows:</p> <ul style="list-style-type: none"> • “Article 7 – The Cabinet” to “Article 7 – The Leader and Cabinet” • “Cabinet Procedure Rules” to “Leader and Cabinet Procedure Rules” 	<p>To reflect the new Executive Governance Arrangements.</p>
<p># Summary and Explanation – Page 4</p> <p>(Mez Matthews)</p>	<p>Amend the last paragraph in relation to “How the Council Operates” to read as follows:</p> <p>“The Council appoints a Leader for a 4-year term (or until the expiry of the Leader’s term of office as a Councillor). The Leader appoints his/her Cabinet Members, a Deputy Leader and allocates responsibility to them (portfolios). The Council also appoints a number of Council Committees for decision-making purposes. At every ordinary meeting of the Council, there is public question time. The Council is responsible for the overall policy framework.”</p>	<p>To reflect the new Executive Governance Arrangements.</p> <p>Amended wording in bold.</p>
<p># Summary and Explanation – Page 4</p> <p>(Mez Matthews)</p>	<p>Amend the first two paragraphs in relation to “How Decisions are Made” to read as follows:</p> <p>“The Cabinet is part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of a Leader appointed by the Council and a Cabinet of up to nine Councillors appointed by the Leader, including a Deputy Leader.”</p>	<p>To reflect the new Executive Governance Arrangements.</p> <p>Amended wording in bold.</p>

Function	Proposed amendment	Reason for amendment
<p># Summary and Explanation – Page 4 (Mez Matthews)</p>	<p>Add the following wording to the end of the paragraph entitled “How Decisions are Made”:</p> <p>“To speed up decision-making and to allow the Cabinet to concentrate on major matters, Cabinet Members have the delegated power to make day-to-day decisions in relation to the areas within their portfolio and other decisions that have been delegated to them under the Scheme of Delegation as set out in Part 3 of this Constitution.”</p>	<p>To reflect the new Executive Governance Arrangements.</p>
<p># Article 2: Members of the Council – Page 11 (Mez Matthews)</p>	<p>Insert the following wording under paragraph 2.2 (Election and Terms of Councillors):</p> <p>“The Leader will be a Councillor appointed by Full Council for a 4-year term (or until the expiry of the Leader’s term of office as a Councillor). The Leader will be elected for the first time at the Annual Council meeting when the new executive arrangements are brought into force (commencing with the May 2011 Elections).”</p>	<p>To reflect the new Executive Governance Arrangements.</p>
<p># * Article 7: The Cabinet – Page 25 (Mez Matthews)</p>	<p>Amend the title of Article 7 to read “The Leader and Cabinet”.</p>	<p>To reflect the new Executive Governance Arrangements.</p>

Function	Proposed amendment	Reason for amendment
<p># * Article 7: The Cabinet – Page 25 (Mez Matthews)</p>	<p>Add the following words to the end of paragraph 7.1 (Role):</p> <p>“The Leader may, however, make arrangements to delegate some matters from himself/herself to the Cabinet, a Committee of the Cabinet, individual Cabinet Members, or to an employee, an Area Committee, through Joint Arrangements or to another Local Authority.”</p>	<p>To reflect the new Executive Governance Arrangements.</p>
<p># * Article 7: The Cabinet – Page 25 (Mez Matthews)</p>	<p>Amend paragraph 7.2 (Form and Composition) to read as follows:</p> <p>“Commencing from the May 2011 Elections the Council will operate new political arrangements which will be the ‘Strong Leader’ and Cabinet Executive Arrangement Model under the Local Government and Public Involvement in Health Act 2007.</p> <p>The Cabinet will consist of the Cabinet Leader appointed by the Council, the Deputy Leader appointed by the Leader, together with at least one but not more than eight councillors appointed by the Leader.</p> <p>Only Councillors may be appointed to the Cabinet. Neither the Mayor nor the Deputy Mayor of the Council may be appointed to the Cabinet. The Leader and Cabinet Members may not be members of the Overview and Scrutiny Commission.”</p>	<p>To reflect the new Executive Governance Arrangements.</p> <p>Amended wording in bold.</p> <p>Deleted wording shown as crossed through.</p>

Function	Proposed amendment	Reason for amendment
<p># * Article 7: The Cabinet – Page 25 (Mez Matthews)</p>	<p>Amend paragraph 7.3 (Leader) to read as follows:</p> <p>“The Leader will be a Councillor elected to the position of Leader by a simple majority of the Council at its post-election Annual Meeting (or if the Council fails to elect a Leader at that meeting, a subsequent meeting of the Council). The term of office of the Leader starts on the day of his/her election as Leader and the Leader will hold office until:</p> <p>(1) he/she resigns from office; or</p> <p>(2) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although she/he may resume office at the end of the period of suspension); or</p> <p>(3) he/she is no longer a Councillor; or</p> <p>(4) he/she is otherwise disqualified from holding the office of a Councillor; or</p> <p>(5) until the next Annual Council meeting after the Leader’s normal day of retirement as a Councillor except that the Council may remove the Leader from office at an earlier date by resolution of the Council.”</p>	<p>To reflect the new Executive Governance Arrangements.</p> <p>Amended wording in bold.</p>

Function	Proposed amendment	Reason for amendment
<p># * Article 7: The Cabinet – Page 25 (Mez Matthews)</p>	<p>Amend the bullet points of paragraph 7.4 (Role of the Leader) to read as follows:</p> <p>“(1) To appoint the Deputy Leader, the Cabinet and the Cabinet Portfolio Holders;</p> <p>(2) To determine the Scheme of Delegation for the discharge of the Cabinet functions of the Council set out in Part 3 of this Constitution;</p> <p>(3) To allocate any areas of responsibility to the Cabinet Portfolio Holders;</p> <p>(4) To give political leadership to Members and Employees;</p> <p>(5) To be the spokesperson for the majority political group;</p> <p>(6) To represent the majority political group’s interests on issues concerning the political management of the Council, liaising regularly with the Chief Executive;</p> <p>(7) To initiate and develop corporate strategies and policies which the majority group wishes to pursue;</p> <p>(8) To promote the interests and image of the Council and enhance its influence by building good relationships with local and national, private, public and voluntary sector organisations;</p> <p>(9) Subject to the ceremonial role of the Mayor, to represent the Council and conduct Member-level correspondence with Government, Regional Bodies and Local Government Associations.”</p>	<p>To reflect the new Executive Governance Arrangements.</p> <p>Amended wording in bold.</p>

Function	Proposed amendment	Reason for amendment
<p># * Article 7: The Cabinet – Page 26 (Mez Matthews)</p>	<p>Insert the following paragraph after paragraph 7.4:</p> <p>“7.5 Deputy Leader</p> <p>The Leader will appoint a Deputy Leader. If for any reason the Leader is unable to act or the office of the Leader is vacant, the Deputy Leader will act in his/her place. The Deputy Leader will hold office until:</p> <ol style="list-style-type: none"> (1) he/she resigns from office; or (2) they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or (3) they are no longer a Councillor; or (4) he/she is otherwise disqualified from holding the office of a Councillor; or (5) they are removed from office by the Leader who must deliver written notice of any removal to the Head of Legal and Democratic Services and to the Deputy Leader. The removal will take effect immediately after receipt of the notice by the proper officer; or (6) the end of the term of office of the Leader. <p>Where a vacancy occurs in the office of the Deputy Leader the Leader must appoint another person in his/her place. If the Deputy Leader is unable to act or his/her position becomes vacant, the Cabinet must act in the Leader’s absence or must arrange for a Cabinet Member to do so.”</p>	<p>To reflect the new Executive Governance Arrangements.</p>

Function	Proposed amendment	Reason for amendment
	and renumber subsequent paragraphs accordingly.	
<p># * Article 7: The Cabinet – Page 26 (Mez Matthews)</p>	<p>Amend paragraph 7.5 (Other Cabinet Members) to read as follows:</p> <p>“Other Cabinet Members shall hold office until:</p> <p>(1) they resign from office; or</p> <p>(2) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or</p> <p>(3) they are no longer Councillors; or</p> <p>(4) they are otherwise disqualified from holding the office of a Councillor; or</p> <p>(5) they are removed from office, either individually or collectively, by the Leader who must deliver written notice of any removal to the Head of Legal and Democratic Services and to the Cabinet Member/s concerned. The removal will take effect immediately after receipt of the notice by the proper officer; or</p> <p>(6) the end of the term of office of the Leader.”</p>	<p>To reflect the new Executive Governance Arrangements.</p> <p>Amended wording in bold.</p>

Function	Proposed amendment	Reason for amendment
<p># * Article 7: The Cabinet – Page 27 (Mez Matthews)</p>	<p>Amend paragraph 7.9 (Responsibility for Functions) to read as follows:</p> <p>“The Leader holds all responsibility for Cabinet functions and determines the Scheme of Delegation for the discharge of Cabinet functions. The Leader will determine which Cabinet functions are to be exercised by:</p> <ul style="list-style-type: none"> • Him/herself • The Cabinet as a whole • A Committee of the Cabinet • An employee • An Area Committee • Joint Arrangements • Another Local Authority <p>The Leader will maintain a list in Part 3 of this Constitution setting out which individual members of the Cabinet, Committees of the Cabinet, employees, Area Committees, Joint Arrangements or other authorities are responsible for the exercise of particular Cabinet functions.”</p>	<p>To reflect the new Executive Governance Arrangements.</p> <p>Amended wording in bold.</p>

Function	Proposed amendment	Reason for amendment										
<p>Article 12 – Employees – Page 36 (Roger Brownings)</p>	<p>Amend paragraph 12.1 (3) to read as follows: <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"> <thead> <tr> <th data-bbox="764 581 1087 613"><u>Post</u></th> <th data-bbox="1087 581 1562 613"><u>Designation</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="764 646 1087 678">Chief Executive</td> <td data-bbox="1087 646 1562 678">Head of Paid Service</td> </tr> <tr> <td data-bbox="764 711 1087 776">Head of Legal and Democratic Services</td> <td data-bbox="1087 711 1562 776">Monitoring Officer</td> </tr> <tr> <td data-bbox="764 808 1087 938">Principal Lawyer – Corporate Support / Principal Lawyer – Property</td> <td data-bbox="1087 808 1562 938">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 data-bbox="764 987 1087 1052">Head of Finance, Revenues and Benefits</td> <td data-bbox="1087 987 1562 1149">Chief Finance Officer (Section 114 of the Local Government Act 1988; and Section 151 of the Local Government Act 1972) (*with effect from 16.03.11)</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 – Corporate Support / Principal Lawyer – Property	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, Revenues and Benefits	Chief Finance Officer (Section 114 of the Local Government Act 1988; and Section 151 of the Local Government Act 1972) (*with effect from 16.03.11)	<p>To reflect the new structure of the Resources Directorate.</p> <p>Clarification of Local Government Regulations.</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 – Corporate Support / Principal Lawyer – Property	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, Revenues and Benefits	Chief Finance Officer (Section 114 of the Local Government Act 1988; and Section 151 of the Local Government Act 1972) (*with effect from 16.03.11)											

Function	Proposed amendment	Reason for amendment
<p># Article 16 – Suspension, Interpretation and Publication of the Constitution – Page 45</p> <p>(Mez Matthews)</p>	<p>Amend bullet point (f) of paragraph 16.2 (Interpretation) to read as follows:</p> <p>“(f) Reference in this Constitution to the Leader shall be construed as reference to the Deputy Leader on any occasion when the Leader is absent or unable to act. If the Deputy Leader is unable to act or the office is vacant, the Cabinet must act in the Leader’s place or arrange for a member of the Cabinet to do so.”</p>	<p>To reflect the new Executive Governance Arrangements.</p> <p>Amended wording in bold.</p>
<p># Responsibility for Functions: Terms of Reference – Page 51</p> <p>(Mez Matthews)</p>	<p>Insert the following wording to the end of the General Conditions of the Scheme of Delegation:</p> <p>“(NB. The Leader holds all responsibility for Cabinet functions and determines the Scheme of Delegation for the discharge of Cabinet functions. The Leader will determine which Cabinet functions are to be exercised by him/her personally and which are to be exercised by the Cabinet, Cabinet Committees, Individual Cabinet Members, employees, Area Committees, Joint Arrangements or another Local Authority. This Part of the Constitution reflects the Leader’s current delegation of those functions.)”</p>	<p>To reflect the new Executive Governance Arrangements.</p>

Function	Proposed amendment	Reason for amendment
<p># * Responsibility for Local Choice Functions – Page 53</p> <p>(Mez Matthews)</p>	<p>Amend Local Choice Function 1(c) to read as follows:</p> <p><u>“Local Choice Function</u> The determination of an appeal against any decision made by or on behalf of the Authority</p> <p><u>Decision Making Body</u> The Cabinet in respect of housing-related appeals</p> <p><u>Membership</u> Councillors: R A Lanzer (Chair / Leader), D G Crow (Vice Chair); B K Blake, R D Burrett, N Boxall, C L Denman, L Gilroy, L A Walker</p> <p><u>Delegation of Functions</u> <u>The following function is delegated to a panel of officers appointed for the purpose:</u> Housing-related appeals”</p>	<p>To reflect the new Executive Governance Arrangements.</p> <p>Amended wording in bold.</p>
<p># Functions of the General Purposes Committee – Page 142</p> <p>(Mez Matthews)</p>	<p>Amend function (4)(c) to read as follows:</p> <p>“Proposals for the adoption of, and changes to, the Constitution (except where it relates to the Scheme of Delegation for Cabinet functions in which case it will be delegated to the Leader)”</p>	<p>To reflect the new Executive Governance Arrangements.</p> <p>Amended wording in bold.</p>

Function	Proposed amendment	Reason for amendment
<p># Functions of the Membership Committee – Page 146</p> <p>(Mez Matthews)</p>	<p>Amend function (1) to read as follows:</p> <p>“To submit to the Council its recommendations as to the constitution of the Committees and Sub Committees and the Cabinet.”</p>	<p>To reflect the new Executive Governance Arrangements. The appointment of the Cabinet will be the responsibility of the Leader.</p> <p>Deleted wording shown as crossed through.</p>
<p># Functions of the Membership Committee – Page 146</p> <p>(Mez Matthews)</p>	<p>Delete function (2):</p> <p>“To submit to the Council, its recommendations on the appointment of the Leader of the Council, Cabinet Portfolio Chairs, Vice-Chairs and members of the Committees and Sub-Committees.”</p>	<p>To reflect the new Executive Governance Arrangements. This function will be the responsibility of the Leader.</p>
<p># Functions of the Membership Committee – Page 146</p> <p>(Mez Matthews)</p>	<p>Amend function (3) to read as follows:</p> <p>“To submit to the Annual Meeting of the Council its recommendations for the appointment of persons to serve on outside bodies (unless the appointment is a Cabinet function and has been delegated by the Leader), where vacancies fall to be dealt with at that meeting.”</p>	<p>To reflect the new Executive Governance Arrangements.</p> <p>Amended wording in bold.</p>

Function	Proposed amendment	Reason for amendment
<p># * Responsibility for Cabinet Functions – Page 151 (Mez Matthews)</p>	<p>Amend the first sentence and bullet point (vii) to read as follows: “All powers and duties of the Council are allocated to the Leader EXCEPT: (vii) Appointing representatives to outside bodies unless the appointment is a Cabinet function and has been delegated by the Leader.”</p>	<p>To reflect the new Executive Governance Arrangements. Amended wording in bold.</p>
<p>* Environmental matters delegated to Cabinet Members and officers – Page 163 (James Keating)</p>	<p>Insert the following delegation: <u>“The following function is delegated to the Head of Planning and Environmental Services</u> Appointment of authorised officers for the purpose of giving penalty notices for graffiti and fly-posting under the Anti-Social Behaviour Act 2003.”</p>	<p>New delegation.</p>
<p>* General matters delegated to Cabinet Members and officers – Page 187 (Mez Matthews)</p>	<p>Amend function G3 to read as follows: <u>“The following function is delegated to the Leader</u> 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>	<p>To ensure consistency within the Constitution. Amended wording in bold.</p>

Function	Proposed amendment	Reason for amendment
<p>* General matters delegated to Cabinet Members and officers – Page 188 (Mez Matthews)</p>	<p>Amend function G6 to read as follows: “<u>The following function is delegated to the Leader</u> Approval of the Council’s Risk Management Strategy and any amendment thereto.”</p>	<p>To ensure consistency within the Constitution. Amended wording in bold.</p>
<p>* General matters delegated to Cabinet Members and officers – Page 188 (Mez Matthews)</p>	<p>Amend function G7 to read as follows: “<u>The following function is delegated to the Leader</u> Approval of the Council’s Debt Management Strategy and any amendment thereto.”</p>	<p>To ensure consistency within the Constitution. Amended wording in bold.</p>
<p>* General matters delegated to Cabinet Members and officers – Page 189 (Mez Matthews)</p>	<p>Amend function G14 to read as follows: “<u>The following function is delegated to the Head of Property and the Head of Finance and Procurement in consultation with the Leader</u> Changes to the cost and phasing of individual schemes within the planned maintenance programme subject to the overall annual budget not being exceeded.”</p>	<p>To ensure consistency within the Constitution. Amended wording in bold.</p>
<p>* General matters delegated to Cabinet Members and officers – Page 190 (Mez Matthews)</p>	<p>Amend function G23 to read as follows: “<u>The following function is delegated to the Leader</u> Approval of the Council Tax base.”</p>	<p>To ensure consistency within the Constitution. Amended wording in bold.</p>

Function	Proposed amendment	Reason for amendment
<p>* General matters delegated to Cabinet Members and officers – Page 191 (Mez Matthews)</p>	<p>Amend function G24 to read as follows: <u>“The following function is delegated to the Director of Resources in consultation with the Leader</u> Award of local Council Tax discounts on amount payable where a relevant property or part thereof is temporarily unusable and does not qualify for nationally set discounts.”</p>	<p>To ensure consistency within the Constitution. Amended wording in bold.</p>
<p>* General matters delegated to Cabinet Members and officers – Page 194 (Mez Matthews)</p>	<p>Amend function G48 to read as follows: <u>“The following function is delegated to the appropriate Cabinet Member, in consultation with the appropriate Head of Service and the Head of Legal and Democratic Services and the Head of Finance and Procurement, if relevant</u> Minor decisions (up to £100,000) relating to functions of the Cabinet 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>	<p>To clarify the meaning of a minor decision. Amended wording in bold.</p>
<p># Council Procedure Rules – Page 212 (Mez Matthews)</p>	<p>Insert the following wording after bullet point (xiii) of paragraph 1.1 (Annual Meeting of the Council – Timing and Business): “(xiv) receive the Leader’s written record of delegations made by him/her for Cabinet functions for inclusion in the Council’s Scheme of Delegation.” and renumber subsequent bullet points accordingly.</p>	<p>To reflect the new Executive Governance Arrangements.</p>

Function	Proposed amendment	Reason for amendment
# Council Procedure Rules – Page 215 (Mez Matthews)	Amend the last paragraph of paragraph 2.1 to read as follows: “The order of business will be agreed by the Leader, the Mayor and the Deputy Leader prior to the issue of the summons for the meeting and may be varied at the meeting at the discretion of the Mayor.”	To reflect the new Executive Governance Arrangements. Amended wording in bold.
# * Cabinet Procedure Rules – Page 265 (Mez Matthews)	Amend the title to read “Leader and Cabinet Procedure Rules”.	To reflect the new Executive Governance Arrangements.
# * Cabinet Procedure Rules – Page 267 (Mez Matthews)	Amend the title to read “Leader and Cabinet Procedure Rules”.	To reflect the new Executive Governance Arrangements.
# * Cabinet Procedure Rules – Page 267 (Mez Matthews)	Amend paragraph 1.1 (Who May Make Cabinet Decisions?) to read as follows: “ The Leader may provide for Cabinet responsibilities to be undertaken and decisions made by: (i) him/herself; (ii) the Cabinet as a whole; (iii) a Committee of the Cabinet; (iv) an individual member of the Cabinet; (v) an employee; (vi) an Area Committee; ”	To reflect the new Executive Governance Arrangements. Amended wording in bold.

Function	Proposed amendment	Reason for amendment
	<p>(vii) Joint Arrangements; or (viii) another local authority.</p>	
<p># * Cabinet Procedure Rules – Page 267 (Mez Matthews)</p>	<p>Insert the following paragraph after paragraph 1.1:</p> <p>“1.2 Delegation by the Leader</p> <p>At the Annual Meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council’s Scheme of Delegation, as Part 3 of this Constitution. The document presented by the Leader will contain the following information:</p> <ul style="list-style-type: none"> (i) the names, addresses and wards of the people appointed to the Cabinet; (ii) the extent of any delegations to Cabinet Members individually including details of any limits to their authority; (iii) the terms of reference and constitution of such Cabinet Committees as the Leader appoints and the names of Cabinet Members appointed to them; (iv) the nature and extent of any delegations to area Committees, any other authority, or any Joint Committee for the coming year; (v) the nature and extent of any delegation to employees with any limits on that delegation, and the title of the employee to whom the delegation is made.” 	<p>To reflect the new Executive Governance Arrangements.</p>

Function	Proposed amendment	Reason for amendment
	and renumber subsequent paragraphs accordingly.	
# * Cabinet Procedure Rules – Page 267 (Mez Matthews)	Amend bullet point (a) of paragraph 1.2 (Sub-Delegation of Cabinet Functions) to read as follows: “(a) Where the Cabinet, a committee of the Cabinet, or an individual member of the Cabinet is delegated responsibility for a Cabinet function by the Leader , they may delegate further to an Area Committee, Joint Arrangements or an employee.”	To reflect the new Executive Governance Arrangements. Amended wording in bold.
# * Cabinet Procedure Rules – Page 267 (Mez Matthews)	Delete paragraph 1.3 (The Council’s Scheme of Delegation and Cabinet Functions) and replace with the following wording: “(a) Subject to the Leader’s powers to delegate Cabinet responsibilities set out above, the Council’s Scheme of Delegation for non-Cabinet functions will be subject to adoption by the Council and may only be amended by the Council; (b) The Leader may amend the Scheme of Delegation relating to Cabinet functions at any time during the year. The Leader must give written notice to the Head of Legal and Democratic Services and to the person, body or Committee concerned. The notice must set out the extent of the change to the Scheme of Delegation, and whether it entails the withdrawal of delegation from any person, body or Committee or the Cabinet as a whole. A report will be presented to the next ordinary meeting of the Council setting out the changes made by the Leader, following	To reflect the new Executive Governance Arrangements.

Function	Proposed amendment	Reason for amendment
	<p>which it shall replace any previous version in this Constitution;</p> <p>(c) Where the Leader seeks to withdraw delegation from a Cabinet Committee or Area Committee, he/she should give written notice to the Chair of the Committee.”</p>	
<p># * Cabinet Procedure Rules – Page 267 (Mez Matthews)</p>	<p>Amend the second paragraph of paragraph 1.4 (Urgent Action) to read as follows:</p> <p>“If the Leader is not available for consultation, the Deputy Leader shall be consulted instead. Every such decision must be reported to the next available ordinary meeting of the Cabinet.”</p>	<p>To reflect the new Executive Governance Arrangements.</p> <p>Amended wording in bold.</p>
<p># * Cabinet Procedure Rules – Page 269 (Mez Matthews)</p>	<p>Amend bullet point (b) of paragraph 2.2 (Who May Attend?) to read as follows:</p> <p>“(b) Every member of the Council has the right to attend the meetings of the Cabinet but is not entitled to take part in the proceedings unless:</p> <ul style="list-style-type: none"> (i) a Member of the Cabinet; (ii) specifically authorised by the Council; (iii) having prior to the meeting indicated their wish to the Leader to speak on a particular item or the Leader invites them to speak; <p>and is not in any circumstances entitled to vote at the Cabinet if he/she is not a member.”</p>	<p>To reflect the new Executive Governance Arrangements.</p> <p>Amended wording in bold.</p>

Function	Proposed amendment	Reason for amendment
*Cabinet Procedure Rules: Cabinet Portfolios – Page 275 (Leader of the Council)	Delete the “CAA” from the responsibilities of the Chair of the Cabinet / Leader of the Council.	Update.
*Cabinet Procedure Rules: Cabinet Portfolios – Page 275 (Leader of the Council)	Include the following under the responsibilities of the Chair of the Cabinet / Leader of the Council: “Regional Governance / Development”	Update.
*Cabinet Procedure Rules: Cabinet Portfolios – Page 275 (Leader of the Council)	Delete “CAA” from the “CAA Improvement Planning Champion” under responsibilities of the Cabinet Member for Continuous Improvement and Development.	Update.
*Cabinet Procedure Rules: Cabinet Portfolios – Page 277 (Leader of the Council)	Delete “Regional Governance / Development” from the responsibilities of the Cabinet Member for Planning and Economic Development.	Update.
Management Structures – Page 564 (Mez Matthews)	Delete the posts of “Regeneration Project Manager” and “Head of Communications”.	Posts are no longer in existence.

* These changes will also be considered by the Cabinet on 9 February 2011.

These changes will take effect from 08.05.11