

CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
<p>Article 6 – Overview and Scrutiny Commission – Page 21</p> <p>(Chris Pedlow)</p>	<p>Amend Article 6 to read as per Appendix 1a.</p>	<p>To reflect the Joint Scrutiny Arrangements and to reflect current practice.</p> <p>Additional wording in bold.</p> <p>Deleted wording shown as crossed-through.</p>
<p>Article 7 – The Leader and Cabinet – Page 27</p> <p>(Roger Brownings)</p>	<p>Amend paragraph 7.2 of Article 7 to read as per Appendix 1b.</p>	<p>For clarification purposes.</p> <p>Additional wording in bold.</p>
<p>Article 7 – The Leader and Cabinet – Page 27</p> <p>(Roger Brownings)</p>	<p>Amend paragraph 7.4 of Article 7 to read as per Appendix 1c.</p>	<p>For clarification purposes.</p> <p>Additional wording in bold.</p>



Function	Proposed amendment	Reason for amendment
<p>Functions of the Licensing Committee – Page 106</p> <p>(James Keating)</p>	<p>Amend function 57 to read as follows:</p> <p>“(57) Appointment of authorised officers:</p> <p><u>The following function is delegated to the Head of Planning and Environmental Services:</u></p> <p>To appoint authorised officers for the purposes of the Smoke-free General Provisions Regulations 2007; Smoke-free (Exemptions and Vehicles) Regulations 2007; and Smoke-free (Penalties and Discounted Amounts) Regulations 2007 and Sunbeds (Regulation) Act 2010.”</p>	<p>To reflect current legislation.</p> <p>Additional wording shown in bold.</p> <p>Deleted wording shown as crossed through.</p>
<p>Functions of the Licensing Committee – Page 143</p> <p>(James Keating)</p>	<p>Amend function 43 to read as follows:</p> <p>“(43) Appointment of authorised officers:</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; European Communities Act 1972; Health Protection (Local Authority Powers) Regulations 2010; Health Protection (Notification) Regulations 2010; Health Protection (Part 2A Orders) Regulations 2010; 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 (as amended); the Official Feed and Food Controls (England) Regulations 2009; The Trade in Animals and Related Products Regulations 2011; and the Food Hygiene (England) Regulations 2006 (as amended).”</p>	<p>To reflect current legislation.</p> <p>Additional wording shown in bold.</p> <p>Deleted wording shown as crossed through.</p>

Function	Proposed amendment	Reason for amendment
Functions of the General Purposes Committee – Page 145 (Steve Lappage)	Add the following function: “To review the operation of the Crawley Borough Council Petition Scheme on an annual basis.”	New function. To fulfil the requirements of the Crawley Borough Council Petition Scheme.
Council Procedure Rules – Page 214 (Roger Brownings)	Amend paragraph 1.1 to read as per Appendix 1d.	For clarification purposes. Additional wording on bold. Deleted wording shown as crossed through.
Employees’ Code of Conduct – Page 412 (Steve Lappage)	Include the Officer’s Declaration of Receipt of Hospitality form (attached as Appendix 1e) as an appendix to the Employees’ Code of Conduct.	To assist officers.

EXCERPT FROM ARTICLE 6 – OVERVIEW AND SCRUTINY COMMISSION**ARTICLE 6 – OVERVIEW AND SCRUTINY COMMISSION****6.1. Terms of Reference**

The Council will appoint an Overview and Scrutiny Commission with the following terms of reference to discharge the functions conferred by section 21 of the Local Government Act 2000, regulations under section 32 of the Local Government Act 2000 or the Local Democracy, Economic Development and Construction Act 2009:-

- (1) The performance of all overview and scrutiny functions on behalf of the Council.
- (2) The appointment of task-orientated, time-limited scrutiny panels, with membership that reflects the political balance of the Council and the setting of such terms of reference and duration as it considers appropriate to fulfil those functions by carrying out overview and scrutiny on functional matters or cross-cutting themes or with an area focus.
- (3) To receive requests from the Cabinet for scrutiny involvement in policy review and development and decide how to respond.
- (4) To monitor the Cabinet's Forward Plan and, where appropriate, comment on proposals prior to the Cabinet taking a decision.
- (5) To receive all appropriate performance management and budget monitoring information. (This function may either be carried out by the Commission or by one of its panels).
- (6) To approve and co-ordinate an annual overview and scrutiny work programme, noting the programme of any scrutiny panels it appoints so as to ensure that the Overview and Scrutiny Commission's and scrutiny panels' time is effectively and efficiently utilised.
- (7) To ensure community and voluntary sector organisations, users of services and others are appropriately involved in giving evidence to relevant scrutiny panels.
- (8) To undertake Best Value Reviews of the Council's services and to monitor the implementation of previously completed Best Value Reviews.
- (9) To review the implementation of other completed scrutiny reviews.
- (10) Where appropriate, to review any other issue affecting the Borough but for which the Council is not directly responsible.
- (11) To discuss any local government matter or local crime and disorder matter either referred to the Commission or otherwise, to review or scrutinise such a matter and, where appropriate, make reports or recommendations to the Council or the Cabinet.
- (12) To discuss any item relevant to the functions of the Commission referred to the Commission by a member of the Commission, to

review or scrutinise such a matter and, where appropriate, make reports or recommendations to the Council or the Cabinet.

- (13) To discuss any local government matter or local crime and disorder matter either referred to the Commission or otherwise, where necessary referring the matter to a scrutiny panel to review or scrutinise and, on receipt of the panel's report, to make reports or recommendations to the Council or the Cabinet where appropriate.
- (14) Where appropriate, to recommend to the Council the appointment of non-voting co-optees to serve on the Overview and Scrutiny Commission.
- (15) Where appropriate, to appoint non-voting co-optees to serve on scrutiny panels.
- (16) To appoint Chairs of scrutiny panels from the membership of the Overview and Scrutiny Commission.
- (17) To make reports and recommendations to the County Council or its Cabinet which relate to any local improvement target which:
 - (a) Relates to a relevant partner authority, and;
 - (b) Is specified in a local area agreement of the County Council.When doing so, the requirements of The Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2009 apply.
- (18) To ensure that any reports by the Joint Scrutiny Task and Finish Groups be reported to the appropriate decision maker via the Commission, and that the appropriate decision maker responds accordingly to the West Sussex Joint Scrutiny Steering Group.
- (19) To hear evidence by a senior Council officer under the Crawley Borough Council Petitions Scheme.
- (20) To review the steps that the Council has taken in response to a petition.
- (21) To consider a petition referred to the Commission by the Cabinet, Council or a Committee or Sub-Committee of the Council.

Scrutiny Procedure Rule 8 sets out the process to be followed in respect of functions (11), (12) and (13) above.

6.2. **General Matters**

1. Overview and Scrutiny Commission

The Overview and Scrutiny Commission has responsibility for all overview and scrutiny functions on behalf of the Council. It has a remit to review or scrutinise the full range of the Council's activities.

Specifically the Commission undertakes policy review, looks closely at decisions the Cabinet is going to take, and oversees the work of the Cabinet. It therefore has an overview of activities across the Council.

2. Scrutiny Panels

The Overview and Scrutiny Commission may establish time-limited scrutiny panels, the number to be running at any one time to be subject to resource constraints. These panels will be charged with carrying out an in-depth investigation into a specific service area or policy or any issue of genuine importance to the town. Each panel will work to a specific brief set out by the Commission and will report to the Commission.

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 **unless agreed otherwise**. 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 the membership of the Commission and agree the other panel members in consultation with the party group secretaries.

Choosing the topics for the scrutiny panels to work on is a key task for the Commission. It will be impossible for the scrutiny panels to cover all the Council's activities and there is therefore a need to prioritise particular issues. It will also be important for the Commission to hold some capacity in reserve for urgent issues that may emerge.

3. West Sussex Joint Scrutiny Task and Finish Groups

A formal but flexible joint scrutiny arrangement, through an overarching steering group and bespoke task groups, will be established in West Sussex for a pilot period commencing July 2011.

The West Sussex Joint Scrutiny Steering Group **will consider suggestions for joint scrutiny and** may establish time-limited Task and Finish Groups. The Task and Finish Groups will investigate issues of common concern affecting either the whole county or the areas of more than one District/Borough Council. Any joint scrutiny will be outcomes-focused (i.e. where it's felt that improvements can be achieved for the community), and will scrutinise performance as opposed to processes. Whilst issues under joint scrutiny may relate to the work of organisations with a wider remit than local authorities (e.g. quangos, utilities, Environment Agency etc.), any scrutiny will not be of the organisations themselves, but rather of relevant issues relating to their work/role.

Any joint scrutiny will be carried out by non-Cabinet members of County, District and Borough Councils. Non-Executive County Council Members who are Cabinet Members on District or Borough Councils (or vice-versa) will not carry out any joint scrutiny activities that relate to their portfolio area.

Any Task and Finish Groups will ~~generally~~ consist of a **minimum of 3** ~~number of~~ members, **with the exact number to be** determined by the Steering Group according to the topic. Membership of Task and Finish Groups will be non-political and geographically balanced (as

appropriate). The Steering Group may wish to recommend co-opted members from relevant authorities, but ultimately this should be the decision of the Task and Finish Group.

These Task and Finish Groups will submit a final report via the Overview and Scrutiny Commission(s) to the Cabinet(s) of the relevant Council(s) and/or other partners with a copy to the Joint Steering Group.

6.3. Specific Functions

- (1) The Overview and Scrutiny Commission (and its panels) may:
 - (a) review and scrutinise the decisions made by, and the performance of, the Cabinet and Committees and Council employees both in relation to individual decisions and over time;
 - (b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and particular service areas;
 - (c) review other issues which might have impact on quality of life in the town;
 - (d) review any matter relating to, or arising out of, any issue that has previously been referred to scrutiny;
 - (e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Commission, or a panel, ~~or~~ ~~and~~ local people, about their activities and performance; ~~and~~
 - (f) question and gather evidence from any person (with their consent);
 - (g) question members of the Cabinet and Chairs of Committees and Directors/Heads of Service about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.

In addition, the Overview and Scrutiny Commission may:

- (h) make recommendations arising from the outcome of the scrutiny process to the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), to a Committee where the matter falls within its terms of reference or to the Council as appropriate (e.g. if the proposal would require a departure from or a change to the agreed budget and policy framework or if it relates to the outcome of a best value review)

Where the Council is to receive the report, a copy of the report will be submitted to the Cabinet held in the same cycle. The Cabinet may comment upon the report and these comments will be presented to the Council at the time the report is considered;

- (i) ~~exercise overall responsibility for the finances made available to it them;~~
 - (j) exercise overall responsibility for the work programme of the employees employed to support ~~its their~~ work.
- (2) The Overview and Scrutiny Commission (and its panels) will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.
 - (3) The remit of the Overview and Scrutiny Commission (and its panels) is not to perform the function of an appellate body nor to examine individual complaints.
 - (4) The Overview and Scrutiny Commission will not normally be responsible for the development of new policies. This function will be fulfilled by the Policy Development Forums (see page 435 of this Constitution), except where policy development arises from the Overview and Scrutiny Commission reviewing current policy in which case the Commission may, as part of the review, recommend new policies.

6.4. **Role of Chair of Overview and Scrutiny Commission**

- (1) To oversee and provide leadership, management and strategic direction to the Overview and Scrutiny Commission and process;
- (2) To represent the Overview and Scrutiny Commission on the West Sussex Joint Scrutiny Steering Group **(or in his/her absence the Vice Chair or a Commission member will attend on their behalf);**
- (3) To develop and promote the role, profile and impact of overview and scrutiny;
- (4) To develop a knowledge of the Council and how it relates to other organisations and the community;
- (5) To develop the skills set for a successful chair of overview and scrutiny;
- (6) To chair meetings of the Overview and Scrutiny Commission impartially, encouraging contributions from all Commission members;
- (7) To consider how Scrutiny work might be assisted by:-
 - arranging informal discussions outside the Committee process or undertaking visits
 - inviting outside contributors to attend Overview and Scrutiny Commission meetings
 - calling for reports from Directors or Service Heads or commissioning research;
- (8) To produce a report for submission to the Cabinet, ~~at~~ a Committee or the Council as appropriate;
- (9) To present review reports at the Cabinet, at a Committee and/or the Full Council.

6.5. **Scrutiny and the Forward Plan**

Following the publication of the Forward Plan, Members will be invited by the Head of Legal and Democratic Services to indicate which items, if any, should be scrutinised prior to consideration by the Cabinet. Items should not be identified for **O**verview and **S**crutiny **C**ommission consideration if a Member's queries could easily be answered by reference to the appropriate Head of Service or relevant Cabinet Member.

EXCERPT FROM ARTICLE 7 – THE LEADER AND CABINET**7.2. Form and Composition**

Commencing with the May 2011 Elections the Council will operate new political arrangements which will be the 'Strong Leader' and Cabinet Executive Arrangements Model under the Local Government and Public Involvement in Health Act 2007.

The Cabinet will consist of the Leader appointed by the Council, the Deputy Leader appointed by the Leader, together with at least one, but not more than eight **other** Councillors appointed by the Leader.

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.

EXCERPT FROM ARTICLE 7 – THE LEADER AND CABINET

7.3. **Role of the Leader**

The role of Leader shall be as follows:-

- (1) To appoint the Deputy Leader, the Cabinet and the Cabinet Portfolio Holders;
- (2) To **determine the number of Members to be appointed to the Cabinet and** allocate any areas of responsibility to the Cabinet Portfolio Holders;
- (3) To determine the Scheme of Delegation for the discharge of the Cabinet functions of the Council set out in Part 3 of this Constitution;
- (4) To give political leadership to Members and Employees;
- (5) To be the spokesperson for the majority political group;
- (6) To represent the majority political group's interests on issues concerning the political management of the Council, liaising regularly with the Chief Executive;
- (7) To initiate and develop corporate strategies and policies which the majority group wish to pursue;
- (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;
- (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.

EXCERPT FROM COUNCIL PROCEDURE RULES

1. ANNUAL MEETING OF THE COUNCIL

1.1. Timing and Business

The annual meeting of the Council will be held in May.

The annual meeting will:

- (i) elect a person to preside if the Mayor or Deputy Mayor are not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) approve the minutes of the last meeting;
- (v) extend a vote of thanks to the outgoing Mayor and Mayoress/Mayor's Escort;
- (vi) extend a vote of thanks to the outgoing Deputy Mayor and Deputy Mayoress/Deputy Mayor's Escort;
- (vii) receive notification of apologies for absence;
- (viii) receive the Returning Officer's report of results of elections;
- (ix) receive any announcements from the Mayor and/or Chief Executive;
- (x) elect the Leader **if required (Article 7 refers)**;
- ~~(xi) On the recommendation of the Membership Committee, agree the number of members to be appointed to the Cabinet.~~
- (xi)** on the recommendation of the Membership Committee, appoint at least one scrutiny Committee, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3 of this Constitution);
- (xii)** agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xiii)** receive the Leader's written record of delegations made by him/her for Cabinet functions for inclusion in the Council's Scheme of Delegation;
- (xiv)** approve a programme of ordinary meetings of the Council for the year;
- (xv)** consider any business set out in the notice convening the meeting; ~~and~~
- (xvi)** consider any urgent business arising since the last ordinary meeting and brought forward by the (i) Cabinet **or** (ii) Chief Executive; **and**
- (xvii)** deal with any recommendation of a non-controversial nature contained in the reports of the Cabinet, Overview and Scrutiny Commission and the regulatory Committees.

FORM TO BE INCLUDED IN THE EMPLOYEES' CODE OF CONDUCT

Officer's Declaration of Receipt of Gifts or Hospitality

Name	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the categories of gifts or hospitality listed as 'acceptable' in the Employees' Code of Conduct (in the Council's Constitution)?	
Did you take advice from the Monitoring Officer before accepting it?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact with the person or organisation providing the gift or hospitality in your role as a member of the Council's staff?	
Signed	Date

Completed form to be submitted to the Monitoring Officer who will maintain a record of declarations.