

Crawley Borough Council

Minutes of General Purposes Committee

27 June 2011 at 7.00pm

Present:

Councillor R D Burrett (Chair)

Councillor M L Ayling (Vice–Chair)

Councillors D G Crow, P K Lamb, R A Lanzer, C G Oxlade and L A Walker

Officers Present:

Ann-Maria Brown
Mez Matthews

Head of Legal and Democratic Services
Democratic Services Officer

Apologies for Absence:

Councillors ALI Burke and S J Joyce

1. Councillor C G Oxlade

The Chair welcomed Councillor Chris Oxlade to his first meeting of the Committee.

2. Minutes

The minutes of the meeting of the Committee held on 14 March 2011 were approved as a correct record and signed by the Chair.

3. Members' Disclosure of Interests

No disclosures of interests were made by Members.

4. Appointment of Members to Serve on the Members' Allowances Independent Remuneration Panel

The Committee was informed that there were currently four vacancies to be filled on the Panel, as Mr Nick Whitley had advised the Council that he would be retiring at the end of August and Ms Liz Lamport had moved out of the area. The period of appointment of Ms Alison Skinner and Mr Roy Rose, who currently served on the Panel, had expired.

Ms Alison Skinner and Mr Roy Rose had indicated that they would be willing to serve on the Panel for a further 4-year term, should they be re-appointed. With a view to filling the other two vacancies, Crawley College, the Police and CCVS had been approached and been asked to make a nomination. Chief Inspector Steve Curry and Mary Goodchild (Crawley College) had indicated their willingness to serve on the Panel.

RESOLVED

- (1) That Full Council be recommended that Alison Skinner, Roy Rose, Steve Curry and Mary Goodchild be appointed to serve on the Members' Allowances Independent Remuneration Panel from 2011/12 to 2015/16.
- (2) That Nick Whitley and Liz Lamport be thanked for their contribution to the work of the Panel and wished well for the future.

5. Changes to the Constitution

The Committee considered proposed changes to the Constitution. With regards to paragraph 6.1, bullet point (11) of Appendix 1a, the Committee asked why the Overview and Scrutiny Commission would make reports or recommendations to the Council, as it was of the view that the Commission usually only made reports or recommendations to the Cabinet. It was agreed that the Head of Legal and Democratic Services would send out clarification to members of the Committee on this matter. The Committee was of the view that Group Leaders should decide when membership of a scrutiny panel would not be politically balanced, and it was agreed that paragraph 6.2 (2) of Article 6 of Appendix 1a be amended accordingly. The Committee agreed that paragraph 6.4, bullet point (2) of Appendix 1a be further amended to explain that should the Chair of the Overview and Scrutiny Commission be unable to attend a meeting of the West Sussex Joint Steering Group, the Vice-Chair would be asked in the first instance to attend, and another Commission Member nominated by the Chair would only be asked to attend should the Vice-Chair not be available for the meeting.

The Committee was informed that since the Members' Allowances Scheme for 2010/11 and 2011/12 had been published, the car and van travelling allowances approved by the Inland Revenue had increased from 40p to 45p for the first 10,000 miles. As a result of the increase, proposed amendments to the Members' Allowances Scheme were tabled at the meeting for the Committee's consideration. The Committee considered the proposed changes and the agreed the amendments (attached as Appendix 1f to these minutes).

RESOLVED

That the Full Council be recommended that the amendments to the Constitution proposed in Appendix 1 to these minutes be agreed.

6. Changes to the Leader's Scheme of Delegation

The Committee noted the changes which the Leader had made to his Scheme of Delegation.

RESOLVED

That the Full Council be recommended to receive the amendments which had been made to the Leader's Scheme of Delegation which are detailed in Appendix 2 to these minutes.

7. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 7.30pm.

R D BURRETT
Chair

CHANGES TO THE CONSTITUTION

APPENDIX 1

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

<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>
<p>Functions of the General Purposes Committee – Page 145</p>	<p>Add the following function:</p>	<p>New function.</p>

(Steve Lappage)	"To review the operation of the Crawley Borough Council Petition Scheme on an annual basis."	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 in 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.
Members' Allowances Scheme - Page 561 (Steve Lappage)	Amend the Scheme to read as per Appendix 1f.	To reflect current Inland Revenue Car Allowances. Additional wording in bold. Deleted wording shown as crossed-through.

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 by the Group Leaders**.

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. **In the event that the Chair is unable to attend, the Vice-Chair shall attend on his/her behalf. If neither the Chair nor the Vice-Chair are able to attend, another Commission member shall be nominated by the Chair to attend on his/her 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 **Overview and Scrutiny Commission** consideration if a Member's queries could easily be answered by reference to the appropriate Head of Service or relevant Cabinet Member.

APPENDIX 1b

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.

APPENDIX 1c

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.

APPENDIX 1d

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.

APPENDIX 1e

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.

EXCERPT FROM THE MEMBERS' ALLOWANCES SCHEME

MEMBERS' ALLOWANCES SCHEME 2010/2011 and 2011/12 (From 1 April 2010 to 31 March 2012)

1. This scheme may be cited as the Crawley Borough Council Members' Allowances Scheme, and shall have effect from 1 April 2010 to 31 March 2012.
2. In this scheme,

"Councillor" means a member of the Crawley Borough Council who is a Councillor;

"total estimated allowances" means the aggregate of the amounts estimated by the Head of Finance, Revenues and Benefits, at the time when a payment of basic allowance or special responsibility allowance is made, to be payable under this scheme in relation to the relevant year, and for this purpose any election under paragraph 9 shall be disregarded;

"year" means the 12 months ending with 31 March.
3. Basic Allowance

Subject to paragraph 10, for each year a basic allowance of £5,949 shall be paid to each Councillor.
4. Special Responsibility Allowances
 - (1) For each year a special responsibility allowance shall be paid to those Councillors and Co-opted Members who hold the special responsibilities in relation to the authority that are specified in schedule 1 to this scheme.
 - (2) Subject to paragraph 10, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
5. Travelling and Subsistence Allowances
 - (1) Travelling and subsistence allowances shall be paid to Councillors and co-opted members in the following circumstances:-
 - (a) the attendance at a meeting of the authority or of any Committee or Sub-Committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any Committee or Sub-Committee of such a body;
 - (b) the attendance at any other meeting, the holding of which is authorised by the authority, or a Committee or Sub-Committee of the authority, or a joint Committee of the authority and at least one other authority within the meaning of section 270(1) of the Local Government Act 1972, or a Sub-Committee of such a joint Committee, provided that:-

- (i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or
 - (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
 - (c) the attendance at a meeting of any association of authorities of which the authority is a member;
 - (d) the attendance at a meeting of the Cabinet or a meeting of any of its Committees, where the authority is operating Cabinet arrangements;
 - (e) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 (requiring a member or members to be present while tender documents are opened);
 - (f) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
 - (g) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its Committees or Sub-Committees. (The duties approved by the Council for the payment of travelling, subsistence and dependant care allowances under this sub-section are specified in schedule 2 to this scheme.)
- (2) The level of travelling allowances payable to Councillors and Co-opted Members shall be based on that approved by the Inland Revenue as currently set out below. Although no changes to these Inland Revenue rates have been made since 2002 and none are expected, if there are any changes the figures below will be amended accordingly:-

	First 10,000 miles	Each mile over 10,000
Cars and vans	40p 45p	25p
Motor cycles	24p	24p
Bicycles	20p	20p

In addition, elected Members may claim a passenger supplement of 5p per mile for carrying passengers in a car or van who would otherwise be entitled to a travelling allowance.

- (3) The level of subsistence allowances payable to Councillors and Co-opted Members shall be the same as those paid to officers. The figures set out below relate to the allowances paid in ~~2009/10~~ 2010/11. The officer rates will be updated annually on 1 April each year to tie in with any changes in the retail price index. ~~This has not yet been determined for 2010/11 (as of 22 February 2010).~~ If there is an increase the figures below will be increased accordingly.

Subsistence Allowances	Rate
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Breakfast (more than four hours absence before 11.00 a.m.)	£6.45
Lunch (more than four hours absence including the period 12 noon to 2.00 p.m.)	£8.91
Tea (more than four hours absence including the period from 3.00 p.m. to 6.00 p.m.)	£3.53
Evening Meal (more than four hours absence ending after 7.00 p.m.)	£11.03
Out of Pocket Expenses (residential training courses):	
Per night	£4.97
Per week	£19.86

Overnight Rate

Overnight rate should be the actual cost up to a maximum of £86.46 (or £99.51, if in London) subject to the Head of Legal and Democratic Services being empowered to authorise a higher amount in specific instances where suitable accommodation cannot be found within the limit.

6. Dependant Carers' Allowance

A Dependant Carers' Allowance of the actual cost up to £8.82 per hour shall be payable to cover the cost of caring for a Councillor's dependent children or elderly/disabled relatives whilst a Councillor is undertaking an approved duty, provided the carer is not a member of the Councillor's own household. In addition, the Dependant Carers' Allowance, at the level prescribed above, shall be payable to cover the cost of a live-in nanny caring for a Councillor's dependant whilst the Councillor is undertaking an approved duty. In other circumstances where professional babysitting and care services are used and a minimum period for the service is imposed by the service provider, then the period in respect of which the allowance is payable shall include the whole period for which a Councillor is charged.

The Dependant Carers' allowance shall only be payable in relation to duties described in paragraph 5 (a) to (g) above.

7. Local Government Pension Scheme

Elected Councillors under 75 years of age shall be admitted to the local government pension scheme, if they so wish.

Pensions shall be calculated based on average earnings (and not on final salary) and payments shall be index-linked.

Only basic allowances and special responsibility allowances shall be pensionable.

The pension scheme will provide a pension at age 70 for those with at least two year's membership of the scheme or a reduced pension for members retiring between 65 and 70.

8. Co-opted Members

Co-opted Members shall only receive travelling and subsistence allowances and any special responsibility allowance which might apply.

9. Renunciation

A Councillor may by notice in writing given to the Head of Finance, Revenues and Benefits elect to forego any part of his/her entitlement to an allowance under this scheme.

10. Part-Year Entitlements

(1) The provisions of this paragraph shall have effect to regulate the entitlements to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or an office holder accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

(2) If an amendment to this scheme changes the amount to which a Councillor or an office holder is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods

(a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or

(b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

(3) Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his or her term of office subsists bears to the number of days in that year.

(4) Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph (2) (a), the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period

(ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during his or her term of office as a Councillor subsists bears to the number of days in that period.

- (5) Where an office holder has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that office holder's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.
- (6) Where this scheme is amended as mentioned in sub-paragraph (2), and an office holder has during part, but does not have throughout the whole, or any period mentioned in sub-paragraph (2) (a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that office holder's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

11. Suspension

Any allowance payable to a Councillor during a period of suspension, or partial suspension, which is imposed due to a breach of the Code of Conduct shall be withheld. Where payment of any such allowance has already been made, that part of the allowance which relates to the period of suspension shall be repaid to the Council.

12. Payments

Payments shall be made in respect of basic and special responsibility allowances and pensions in monthly instalments in arrears (*subject to paragraph 9 above - renunciations*).

SCHEDULE 1

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable and the amounts of those allowances:-

The allowances for 2010/11 and 2011/12 are set out below subject to any adjustments to the level of allowances being determined by using the Chief Officers' pay awards as the index. At the time of producing this ~~draft~~ scheme, the Chief Officers' pay award for 2010/11 ~~has not yet been finalised~~ **was expected to be 0%**. However, in the light of recent statements by the employer's organisation it is expected it will be a 0% pay award. If there is an increase the figures below will be increased accordingly. **However, since agreeing this scheme, the Chief Officers' pay awards for 2010/11 and 2011/12 have both been 0%.**

<u>Office Holder</u>	<u>Special Responsibility</u>
	<u>£</u>
<u>Basic allowance (all Councillors)</u>	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

No member is entitled to more than two special responsibility allowances. If they fulfil three or more of the above roles, they are paid only the highest two allowances.

SCHEDULE 2

The following are approved duties for the payment of travelling, subsistence and dependant care allowances in accordance with sub-section 5 (g) of this scheme:-

- (i) Attendance at seminars and training courses funded by the Crawley Borough Council, whether held in the Town Hall or elsewhere.
- (ii) Attendance at meetings with Council Officers in connection with Crawley Borough Council duties.
- (iii) Attendance at meetings with other local authorities, central government or other agencies in connection with Crawley Borough Council duties.
- (iv) Attendance at meetings with members of the public in connection with Crawley Borough Council duties.
- (v) Attendance at meetings with voluntary organisations or public sector bodies, award ceremonies, or public events in connection with Crawley Borough Council duties.

CHANGES TO THE LEADER'S SCHEME OF DELEGATION

APPENDIX 2

Function	Proposed amendment	Reason for amendment
<p>Leader's Scheme of Delegation (General) – Pages 158, 166, 179, 181, 182, 185, and 189</p> <p>(Mez Matthews)</p>	<p>Add the following wording before each section of the Leader's Delegation Scheme:</p> <p>“Any changes made by the Leader to his/her Scheme of Delegation will take place immediately and will be reported to the next ordinary meeting of the Full Council.”</p>	<p>For clarification purposes.</p>
<p>Environmental Matters Delegated to Cabinet Members and Officers – Page 158</p> <p>(James Keating)</p>	<p>Amend delegation A1 to read as follows:</p> <p><u>The following functions are delegated to the Head of Planning and Environmental Services</u></p> <p>The appointment of Proper Officer/Medical Officer in respect of the following legislation:-</p> <ul style="list-style-type: none"> • Public Health (Control of Disease Act) 1984 (power to act in relation to notifiable disease and related matters) • Health Protection (Local Authority Powers) Regulations 2010 • Health Protection (Notification) Regulations 2010 • Health Protection (Part 2A Orders) Regulations 2010 • Public Health (Aircraft) Regulations • National Assistance Act 1948 • National Assistance (Amendment) Act 1951 • Public Health (Aircraft) (Amendment) Regulations 1978 • Public Health Act 1936 • Public Health Act 1961 • Milk and Dairies (General) Regulations 1959 • Public Health (International Trains) Regulations 1994” 	<p>To reflect new legislation.</p> <p>New wording shown in bold.</p>

<p>Environmental Matters Delegated to Cabinet Members and Officers – Page 159 (James Keating)</p>	<p>Amend delegation A9 to read as follows: <u>The following functions are delegated to the Head of Planning and Environmental Services</u> (a) Appointment of officers to carry out the Council's responsibilities under the Products of Animal Origin (Third-Country Imports) (England) Regulations 2006 (as amended) Trade in Animals and Related Products Regulations 2011 (as amended) (b) Appointment of authorised officers under the Official Feed and Food Controls (England) Regulations 2009 (c) Appointment of officers to carry out the Council's responsibilities under the Products of Animal Origin (Import and Export) Regulations 1996 (as amended) (c) Appointment of officers to carry out the Council's responsibilities under the Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order 2009.</p>	<p>To reflect the Trade in Animals and Related Products Regulations 2011 legislation. New wording shown in bold. Deleted wording shown as crossed through.</p>
<p>Cabinet Procedure Rules (Cabinet Portfolios) – Page 277 (Mez Matthews)</p>	<p>Amend the following Portfolios to read: <ul style="list-style-type: none"> Chair of the Cabinet/Leader of the Council </p>	<p>To reflect the new Executive Governance Arrangements.</p>
<p>Where relevant (Mez Matthews)</p>	<p>Delete all occurrences of "Vice Chair of the Cabinet" and replace with Deputy Leader.</p>	<p>To reflect the new Executive Governance Arrangements.</p>