

Crawley Borough Council

Minutes of General Purposes Committee

30 January 2012 at 7.00pm

Present:

Councillor	R D Burrett (Chair)
Councillor	M L Ayling (Vice-Chair)
Councillors	ALI Burke, D G Crow, C R Eade, S J Joyce, P K Lamb, R A Lanzer, C G Oxlade and L A Walker

Officers Present:

Manson Kendall	Principal Lawyer
Mez Matthews	Democratic Services Officer

Apology for Absence:

Ann-Maria Brown	Head of Legal and Democratic Services
-----------------	---------------------------------------

20. Minutes

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

21. Members' Disclosure of Interests

No disclosures of interests were made by Members.

22. Changes to the Constitution

The Committee considered changes to the Constitution. Discussion took place relating to the proposed change to Council Procedure Rule 2.2(a) - Majority Vote to Continue: Interruption of the Meeting.

Several Committee members were opposed to the suggestion that a further vote on whether or not to continue should take place every 30 minutes following a Full Council meeting's initial extension. The view was expressed that it was the role of Full Council to discuss important issues affecting the town and that those should continue to be discussed regardless of how long that took. It was also suggested that the duration of Full Council meetings could be shortened if there was less repetition and announcements of information which had previously been circulated to councillors.

Several other Committee members commented that currently there was no power to end a meeting following the initial meeting extension. The proposed change would empower councillors and allowed flexibility. It was also stated that lengthy Full Council meetings did not happen often and that important items could be moved forward on the agenda at the discretion of the Mayor.

The proposed change was agreed subject to the removal of the words “only in exceptional circumstances”.

RESOLVED

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

23. Changes to the Leader’s Scheme of Delegation

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

The Committee had before it changes to the responsibilities of Cabinet portfolios which had been distributed separately to the agenda. The Leader had also changed the portfolio title of “Continuous Improvement and Development” to “Customer and Corporate Services”.

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.

24. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 7.35pm.

R D BURRETT
Chair

CHANGES TO THE CONSTITUTION

APPENDIX 1

Function	Proposed amendment	Reason for amendment
<p>Article 7 – The Leader and Cabinet – Page 26 (Ann-Maria Brown)</p>	<p>Amend Article 7 as detailed in Appendix 1a.</p>	<p>To clarify current procedure. Amended wording in bold.</p>
<p>Scheme of Delegation - Terms of Reference: General Conditions – Page 53 (Ann-Maria Brown)</p>	<p>Amend the Terms of Reference as detailed in Appendix 1b.</p>	<p>To maintain good practice and for the purposes of clarification. Amended wording in bold. Deleted wording shown as crossed through.</p>
<p>Functions of the Development Control Committee – Page 84 (Mark Dow)</p>	<p>Amend function 17 to read as follows: “(17) Power to require proper maintenance of land under Section 215(1) of the Town and Country Planning Act 1990 <u>The following function is delegated to the Head of Planning and Environmental Services or the Head of Strategic Housing and Planning</u> Power to require proper maintenance of land</p>	<p>To permit Private Sector Housing Officers based within the Housing Options Team to take effective enforcement action against the owners of empty homes and return them to use.</p>

Function	Proposed amendment	Reason for amendment
	<p><u>The following function is delegated to the Head of Legal and Democratic Services, or the Head of Planning and Environmental Services</u> or the Head of Strategic Housing and Planning To serve notices under Section 215 of the Town and Country Planning Act 1990 on owners of waste land”</p>	<p>Amended wording in bold.</p>
<p>Council Procedure Rules – Page 215 (Ann-Maria Brown)</p>	<p>Amend the Council Procedure Rules as detailed in Appendix 1c.</p>	<p>To ensure that the Council fulfils its statutory duties.</p> <p>Amended wording shown in bold.</p> <p>Deleted wording shown as crossed through.</p>

EXCERPT FROM ARTICLE 7 – THE LEADER AND CABINET

7.8. Role of Cabinet Members

The role of Cabinet Members shall be as follows:-

- (1) To be the advocate of policies within his/her portfolio;
- (2) To provide strong and fair leadership and clear political guidance;
- (3) To be politically accountable to the Council for overseeing the effective implementation of policies and strategies which fall within his/her portfolio;
- (4) To work with the Leader and other Cabinet Members in order to initiate and develop corporate strategies and policies which the majority group(s) wish(es) to pursue;
- (5) To keep himself/herself informed of any significant underspends/ overspends in the budgets for which his/her portfolio is responsible;
- (6) To promote the interests and image of the Council;
- (7) To contribute towards achieving the Corporate Plan objectives as embodied in the Council's Vision Statement;
- (8) To exercise collective responsibility for decisions of the Cabinet;
- (9) To make decisions as delegated under the Council's Constitution **and to take day-to-day decisions relating to a matter within the remit of his or her portfolio responsibilities including executive decisions that have been delegated to him/her subject to the following:-**
 - (a) **The Cabinet Member shall comply with the requirements of Article 13 of this Constitution relating to Decision-Making and Rule 20 of the Access to Information Rules and any other relevant Procedural Rules contained in the Constitution.**
 - (b) **A Cabinet Member may refer any matter within their portfolio to the Cabinet for a decision.**

7.9. Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

7.10. Responsibility for Functions

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:

- (1) Him/herself;
- (2) The Cabinet as a whole;
- (3) A Committee of the Cabinet;
- (4) **An individual Member of the Cabinet;**
- (5) An employee;
- (6) An Area Committee;
- (7) Joint Arrangements;
- (8) Another Local Authority.

The Leader will maintain a list in Part 3 of this Constitution setting out which individual **M**embers of the Cabinet, Committees of the Cabinet, employees, Area Committees, Joint Arrangements or other authorities are responsible for the exercise of particular Cabinet functions.

The Leader of the Council has allocated portfolio responsibility to individual Cabinet Members. Full details of their responsibilities are set out in this Constitution in Part 4 - Rules and Procedures – Leader and Cabinet Procedure Rules.

SCHEME OF DELEGATION – TERMS OF REFERENCE: GENERAL CONDITIONS

SCHEME OF DELEGATION - TERMS OF REFERENCE: GENERAL CONDITIONS

1. All matters delegated to the Cabinet, **individual Cabinet Members**, Committees and employees shall be exercised in accordance with (a) the Council's Constitution and (b) any agency agreement or scheme.
2. No expenditure shall be incurred unless it is (a) provided for in estimates, (b) in accordance with any policy or directive of the Council or Cabinet and (c) in accordance with any annual or standing contract.
3. In the case of matters delegated to employees where any matter involves professional or technical considerations not within the sphere of competence of the employee concerned, he/she will consult with the appropriate professional or technical employee before ~~authorising action~~ **exercising powers under the Scheme of Delegation**.
4. In lieu of exercising his/her delegated powers, an employee may refer the matter **in writing** to a Director, to the Cabinet or to the appropriate Committee, ~~in writing~~ which shall then have the delegated power to determine the issue on behalf of the Council.
5. In lieu of exercising its delegated powers, a Committee (but not the Cabinet) may decide to refer a matter to Council. The Cabinet shall not exercise its delegated powers when a decision has been called-in in accordance with the Scrutiny Procedure Rules contained in the Council's Constitution.

The Licensing Committee (or, as provided in the **Scheme of Delegation**, its Sub-Committee) shall exercise all functions under the Licensing Act 2003 other than the determination, publication and review of the Council's Licensing Policy Statement and any consultation on the creation or review of the policy unless the Licensing Committee is prevented from carrying out its functions under the Act by virtue of legislation, statutory guidance or constitutional rules concerning interests, political balance or the quorum of the Committee.

6. In the absence of the appropriate Cabinet Member, or at the Cabinet Member's request, the Leader may decide to determine a Cabinet function delegated to a Cabinet Member him/herself or refer the matter to the Cabinet or a Committee of the Cabinet.
7. **In managing the service all Directors and Heads of Service shall be authorised in their discretion to exercise such powers as may be provided by the relevant legislation including the service or receipt of notices, the making of agreements, the making,**

revoking or amending of orders, the authorisation of any action and the authorisation of named employees to enforce specific powers.

8. **To facilitate the scrutiny of decisions made under delegated authority, any employee dealing with a matter under a delegated authority shall keep an adequate record of the exercise of that power.**
9. Reference in the scheme to the exercise of a power by a Head of Service includes reference to an employee acting in accordance with arrangements made by that Head of Service in writing for the organisation and management of his/her service area.
10. Day-to-day operational decisions relating to the management of a service area shall be the responsibility of ~~the~~ **Directors and** Heads of Service.
11. Reference to a statutory provision includes any amendments, re-enactment or subordinate legislation thereof.

(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.)

EXCERPT FROM COUNCIL PROCEDURE RULES

2.2. Majority Vote to Continue

(a) Interruption of the Meeting

If the business of the meeting has not been concluded within two and a half hours, unless the majority of Members present vote for the meeting to continue **for a period not exceeding 30 minutes**, the following procedure will be implemented. **(Following the meeting's initial extension, consideration will be given to extending the meeting by further periods not exceeding 30 minutes each).**

(b) Motions and Recommendations Not Dealt With

If there are any other motions or recommendations on the agenda that have not been dealt with within the two and half hours, **or at the expiry of any agreed extension(s)**, they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

When the Council is statutorily required to reach a decision about any matter before a specific date, then the meeting considering the matter shall continue until such decision is reached irrespective of the expiry of two and half hours or an agreed extension(s) to the meeting, if not to do so would result in a breach of that requirement or, on the advice of the Monitoring Officer (or his or her deputy), would lead to undue expenditure and delay.

(c) Recorded Vote

If a recorded vote is called for during this process, it will be taken immediately.

(d) Motions Which May Be Moved

During the process set out above, the only other motions which may be moved are that a matter be withdrawn or referred to an appropriate body or individual for decision or report.

(e) Close of the Meeting

When all motions and recommendations have been dealt with, the Mayor may declare the meeting closed.

APPENDIX 2

CHANGES TO THE LEADER'S SCHEME OF DELEGATION

Function	Proposed amendment	Reason for amendment
<p>Leader and Cabinet Procedure Rules: Cabinet Portfolios – Page 277</p> <p>(Leader) (Lucasta Grayson) (Helen Curtis)</p>	<p>Amend the Cabinet Portfolios as detailed in Appendix 2a.</p>	<p>To improve workload balancing, introduce and support new agendas, and remove obsolete references.</p> <p>Additional wording shown in bold.</p> <p>Deleted wording shown as crossed through.</p>
<p>Where Relevant</p> <p>(Leader)</p>	<p>Replace all occurrences of “Cabinet Member for Continuous Improvement and Development” with “Cabinet Member for Customer and Corporate Services”.</p>	<p>To reflect the change in Portfolio title.</p>

EXCERPT FROM LEADER AND CABINET PROCEDURE RULES

CABINET PORTFOLIOS

Leader of the Council	Key Director Contact(s)
<p><u>General Direction of Policy and its expression in the Corporate Plan</u> (in liaison with the appropriate Cabinet Member) including co-ordination of the Council's objectives, policies and priorities and overall supervision of the organisation of the Council and its management processes</p>	Chief Executive All Directors
<p><u>Community Leadership and, in conjunction with the Cabinet Member for Community Engagement, the preparation of a Community Strategy and the development of Community Planning</u></p>	
<p><u>Internal and External Communications</u> including dissemination of public information and the conduct of public relations</p>	
<p><u>Overview of Finance and Human Resources</u></p>	
<p><u>Civil Contingencies (including emergency planning)</u> Plans and preparations for fulfilling the Council's duties and responsibilities in relation to peacetime and wartime emergencies and the gathering of information relevant to the Council's civil defence obligations The constant review of those emergency plans and preparations to ensure that they are at all times ready for effective implementation</p>	
<p><u>Property and Construction</u> Asset Management Strategy All non-operational assets included in the Assets Register Corporate Strategy for the maintenance, management and development of the Council's corporate estate Terms for the acquisition, disposal and appropriation of land (excluding right to buy/rent to mortgage and shared ownership schemes for Housing Revenue Account dwellings)</p>	
<p><u>Democratic renewal of the Council's own structures and procedures</u></p>	
<p><u>Arrangements for official and courtesy visits to and from the Borough</u></p>	
<p><u>Internal and External Audit and Audit Commission Report</u></p>	

<p><u>Finance</u> including functions of the Council relating to rating, Business Rates and Council Tax. Funds and investment management. Insurance matters. Formulation of the Budget. Regulation of the exercise of the power of the borrowing powers of the Council. Prevention and deduction detection of fraud. Risk Management.</p> <p>Welfare Reform agenda with the Cabinet Member for Housing</p> <p>Strategic neighbourhood regeneration (e.g. Langley Green and Bowbush)</p> <p><u>Property Strategy</u></p> <p><u>Regional Governance / Development</u></p> <p><u>Concessionary Travel</u></p>	
<p>Deputy Leader of the Council</p> <p><u>Support to the Leader</u> Deputising for the Leader and covering for other Cabinet Members, in their absence, at the request of the Leader</p> <p><u>Political Liaison</u></p> <p><u>Democratic Services (excluding elections)</u> including the Committee service and liaising with the Local Government Ombudsman</p> <p><u>Legal Services</u> including advice to the Council across the range of Council functions and provision of the statutory land charges service to members of the public</p> <p><u>Fostering Interest in Local Government</u> Promoting interest in and understanding of Local Government</p> <p><u>Services to Members Services</u></p> <p>(i) Member Training and Development (ii) Lead Cabinet Member on issues relating to travellers, subject to the involvement of other Cabinet Members as appropriate.</p> <p>Provision of resources for enforcement of decisions taken by the Licensing Committee</p> <p>Licensing Policy</p> <p>Gambling Policy</p>	<p>Key Director Contact(s)</p> <p>Chief Executive Director of Resources Director of Environment and Housing Director of Community Services</p>

<p>Lead Cabinet Member for 2012 Diamond Jubilee events</p>	
<p>Cabinet Member for Continuous Improvement and Development Customer and Corporate Services</p> <p>Performance Management and Continuous Improvement</p> <p>Service Review Programme and Performance Plan (except individual reviews)</p> <p>Systems Thinking and other improvement methodologies</p> <p>Service channel shifts</p> <p><u>Human Resource Strategy</u> including recruitment and retention policy, conditions of service employees health, safety and welfare</p> <p><u>Overview of Customer Service and Complaints</u></p> <p><u>E Government and IT Strategies</u></p> <p><u>Improvement Planning Champion</u></p> <p><u>Service Responsibilities:</u> Information Technology Web team Human Resources including staffing budget Equal Opportunities Policy relating to employment Town Hall building management/office accommodation Word Processing Reprographics and Stationery Civic Hall</p> <p><u>Procurement</u></p> <p><u>Policy for developing service plans</u></p> <p>Customer Contact Centre</p> <p>Data Protection and Freedom of Information</p> <p>Partnership working with other Councils and shared service provision</p>	<p>Key Director Contact(s)</p> <p>Chief Executive All Directors</p>
<p>Cabinet Member for Community Engagement</p> <p><u>Community Engagement and Development</u></p> <p><u>Preparation of a Community Strategy and the development of Community Planning</u> (including a Public Consultation Strategy and the investigation of Area/Neighbourhood Forums)</p>	<p>Key Director Contact(s)</p> <p>Director of Community Services Director of Environment and Housing Chief Executive</p>

<p><u>Community and Neighbourhood Development</u></p> <p><u>Community Safety</u></p> <p><u>Grants to Voluntary Bodies</u></p> <p><u>Equal Opportunities</u></p> <p>Promotion of equality of opportunity</p> <p><u>Social Inclusion Strategy</u></p> <p><u>Health</u></p> <p>Application of the Big Society and Localism</p> <p>Lead Cabinet Member for Health</p> <p>Children and Young People (including joint working with Youth Services and Youth Development Initiatives and the Council's responsibilities defined under Section 11 (Safeguarding) of the Children's Act 2004)</p>	
<p>Cabinet Member for Housing</p> <p><u>Crawley Homes - Landlord Role</u></p> <p>The provision, management and control of Council dwellings including rents</p> <p>Management and development of Council land held for housing purposes</p> <p>Housing administration</p> <p>Control of empty housing properties</p> <p><u>Housing Strategic Role (including statutory functions)</u></p> <p>Provision of housing advice, homelessness service and maintenance of housing register</p> <p>Assessment of housing need and management of Housing Strategy</p> <p>Release of funds to Housing Associations under the LAHAG programme in respect of schemes included in the approved capital programme</p> <p>Unfit properties and houses in need of repair and improvement, houses in multiple occupation, the abatement of overcrowding and improvement grants</p> <p><u>Liaison and Joint Working with Social Services and Health (in relation to housing issues)</u></p> <p><u>Council Tax Benefit and Housing Benefit</u></p> <p>Welfare Reform agenda with the Leader of the Council</p>	<p>Key Director Contact(s)</p> <p>Director of Environment and Housing</p>

<p>Cabinet Member for Planning and Economic Development</p> <p><u>Town and Country Planning</u> Local Development Framework Building regulation and building control Issues relating to access to the countryside Closure/diversion of footpaths, bridleways and highways Provision of resources for enforcement of decisions taken by the Development Control Committee</p> <p><u>Transport Planning</u> including public transport and liaison with public transport operators Transportation policies, including liaison with the highway authority on their development, traffic management and car parking Responding to consultations on proposed traffic regulation orders</p> <p><u>Economic Development</u> Town Centre Management Issues of business and employment development within the Borough including training Marketing and promotion of the Borough and tourism</p> <p><u>Gatwick Strategy</u></p> <p><u>Liaison with County Council and Neighbouring District Councils on Planning and Highways</u></p> <p><u>Formulation of Green Space Strategy</u> (The implementation of the Green Space Strategy remains with the Cabinet Member for Leisure and Cultural Services)</p> <p><u>Heritage Strategy</u> (the Strategy will fall within the responsibilities of several Cabinet Members, however the Cabinet Member for Planning and Economic Development will provide a co-ordinating role)</p>	<p>Key Director Contact(s)</p> <p>Director of Environment and Housing</p>
<p>Cabinet Member for Environmental Services</p> <p>Public and environmental health (including burials and cremations) Mortuaries, post-mortem rooms, burial grounds and cemeteries Waste management, refuse and recycling</p> <ul style="list-style-type: none"> • car park management • dog control • street naming and numbering • street furniture • cycle paths • public conveniences 	<p>Key Director Contact(s)</p> <p>Director of Environment and Housing Director of Community Services Director of Resources</p>

<p>Food Safety Pollution Control (including noise) Health and Safety (other than employees) EMAS Climate change Local Agenda 21 Land Drainage Regulation of activities on highways, undertaking works in on the highway and environmental/street improvement schemes Christmas illuminations Provision of resources for enforcement of decisions taken by the Licensing Committee Licensing Policy Flood Prevention Gambling policy Streetscene <ul style="list-style-type: none"> • verge cutting/amenity areas • cleansing • litter control • abandoned vehicles Community Wardens Civil Parking Enforcement</p>	
--	--

<p>Cabinet Member for Leisure and Cultural Services</p> <p>Arts (including The Hawth, community arts, promotions and entertainments, public art and bandstand) Museums and art galleries Sport and fitness (including sports development, playing fields, Broadfield Stadium and Leisure Centres) with the primary health and well-being role being held by the Cabinet Member for Community Services Amenity Services Parks, gardens and open spaces Land held for recreational and open space purposes Liaison and Joint Working with Education Libraries liaison Community Centres Allotments</p> <p>Nature conservation/arboriculture Children and Young People (including play service, playgrounds and joint working with Youth Service and Youth Development Initiatives and the Council's responsibilities defined under Section 11 (Safeguarding) of the Children's Act 2004)</p> <p>Play service and playgrounds</p> <p>Implementation of Green Space Strategy (The formulation of the Green Space Strategy remains with the Cabinet Member for Planning and Economic Development)</p>	<p>Key Director Contact(s)</p> <p>Director of Community Services</p>
--	---