

Crawley Borough Council

Minutes of General Purposes Committee

12 March 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

Also in Attendance:

Barry Jones - Independent Member of the Standards Committee (Observing)

Officers Present:

Ann-Maria Brown	Head of Legal and Democratic Services
Mez Matthews	Democratic Services Officer

25. Minutes

The minutes of the meeting of the Committee held on 30 January 2012 were approved as a correct record and signed by the Chair subject to the following amendment to Appendix 2a of the minutes:

That, under the portfolio responsibilities for the Cabinet Member for Leisure and Cultural Services, the words “with the primary health and well-being role being held by the Cabinet Member for Community **Services**” be amended to read “with the primary health and well-being role being held by the Cabinet Member for Community **Engagement**”.

26. Members’ Disclosure of Interests

No disclosures of interests were made by Members.

27. Review of Democratic Structures and Constitutional Changes

The Committee considered report LDS/040 of the Head of Legal and Democratic Services which considered whether any changes were required in 2012/13 to the Council’s Democratic Structures. It was usual for a full review of the Constitution to be carried out prior to the start of the new municipal year and the report also proposed

certain revisions (including changes to Part 3 of the document – Responsibility for Functions). Finally, the requirement to monitor the operation of the provisions relating to Call-In and Urgency on an annual basis as required by Scrutiny Procedure Rule 14(l) was also addressed in the report. The purpose of such monitoring was to ensure that the procedure was not being abused.

The Head of Legal and Democratic Services informed the Committee that the monitoring of the provisions regarding Call-In and Urgency related to the protection of items from Call-In and not to the Call-In procedure itself. It was noted that no items had been protected from Call-In since 2007.

The Committee noted that the Localism Act 2011 was a large Act which would come into force in stages. The Head of Legal and Democratic Services was currently devising an implementation plan which would ultimately result in changes to the Constitution. It was also likely that the Constitution would need to be amended following the completion of the Systems Thinking Review of the Democratic Services Division.

The Committee considered proposed changes to the Constitution and its attention was drawn to the proposed change to the Leader and Cabinet Procedure Rules. It was explained that currently any changes made to the Leader's Scheme of Delegation were reported in the Members' Information Bulletin as well as being noted by both the General Purposes Committee and Full Council. It was acknowledged that, due to the schedule of Council meetings, sometimes a change to the Leader's Scheme of Delegation would not be reported to Committee until two months after it had been made. It was therefore proposed that the most effective way of reporting such changes would be through an item in the Members' Information Bulletin. The Leader informed the Committee that he was happy to take comments and questions on his Scheme of Delegation at any time.

RESOLVED

To recommend to the Full Council:

1. That the amendments to the Constitution detailed in Appendix 1 to these minutes be agreed;
2. That since the provisions relating to Call-In and Urgency had not been used during the past twelve months, no change to the provisions was necessary at this stage.

28. Changes to the Leader's Scheme of Delegation

The Committee noted report LDS/039 of the Head of Legal and Democratic Services, which detailed the changes which the Leader had made to his Scheme of Delegation, and noted that, assuming the proposed change to the Constitution relating to this matter and detailed in minute 27 above was agreed by the Full Council, this would be the last time that changes to the Leader's Scheme of Delegation would be noted by the Committee and Full Council.

The Committee raised questions in relation to the amendments to functions G20 and G21. The Head of Legal and Democratic Services informed the Committee that she would ascertain why the figures had changed and also what was meant by the wording "the increased figure takes account of the Council's insurance liability

contribution (£2,500) where the Council is liable". It was agreed that the response to those queries would be circulated to the Committee.

RESOLVED

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

29. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 7.15pm.

R D BURRETT
Chair

CHANGES TO THE CONSTITUTION

APPENDIX 1

Function	Proposed amendment	Reason for amendment
<p>Functions of the Licensing Committee – Page 97</p> <p>(James Keating)</p>	<p>Delete function (18) below and re-number subsequent functions accordingly:</p> <p>“Power to licence dealers in game and the killing and selling of game</p> <p><u>The following function is delegated to the Head of Planning and Environmental Services</u> Determination of applications for licences for game dealers”</p>	<p>The Council is no longer responsible for this function as the legislation has been repealed.</p>
<p>Functions of the Licensing Committee – Page 97</p> <p>(James Keating)</p>	<p>Amend function (19) to read as follows:</p> <p>“Power to licence and register premises for the preparation of food</p> <p><u>The following function is delegated to the Head of Planning and Environmental Services</u> Registration of premises under the Food Safety Act, 1990”</p>	<p>Food businesses are registered (not licensed) for the preparation of food.</p> <p>Deleted wording shown as crossed through.</p>
<p>Functions of the Licensing Committee – Page 99</p> <p>(James Keating)</p>	<p>Delete function (29) below and re-number subsequent functions accordingly:</p> <p>“Power to licence knackers yards</p> <p><u>The following function is delegated to the Head of Planning and Environmental Services</u> Determination of applications for licences for slaughterhouses or knackers yards, and slaughtermen”</p>	<p>The Council is no longer responsible for this function as the legislation has been repealed.</p>

Function	Proposed amendment	Reason for amendment
<p>Functions of the Licensing Committee – Page 102</p> <p>(James Keating)</p>	<p>Amend function (43) to read as follows:</p> <p><u>“The following function is delegated to the Head of Planning and Environmental Services</u> Appointment of authorised officers under the Food Safety Act, 1990; 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 and Regulation (EC) no. 854/2004; 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) and the Animal By-Products (Enforcement) (England) Regulations 2011”</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 Under the Licensing Act 2003 – Page 111</p> <p>(James Keating)</p>	<p>Amend function (73) to read as follows:</p> <p>“Determination of applications to vary designated personal licence holders a Designated Premises Supervisor where a representation has been made by the Chief Officer Officer of Police in respect of the application</p> <p><u>The following function is delegated to the Head of Planning and Environmental Services</u> Determination of all applications to vary designated personal licence holders a Designated Premises Supervisor EXCEPT where a representation has been made by the Chief Police Officer Chief Officer of Police in respect of the application (such applications to be determined by the Licensing Committee)”</p>	<p>To reflect the terminology used under the Licensing Act 2003.</p> <p>Additional wording shown in bold.</p> <p>Deleted wording shown as crossed through.</p>

Function	Proposed amendment	Reason for amendment
<p>Leader and Cabinet Procedure Rules – Page 270</p> <p>(The Leader)</p>	<p>Amend paragraph 1.4 to read as follows:</p> <p>1.4 The Council’s Scheme of Delegation and Cabinet Functions</p> <p>(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;</p> <p>(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. An item will be published in the next Members’ Information Bulletin report will be presented to the next ordinary meeting of the Council setting out the changes made by the Leader, following 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>Currently changes to the Leader’s Scheme of Delegation are both published in the Members’ Information Bulletin and reported to the General Purposes Committee and Full Council.</p> <p>The amendment to the procedure will avoid duplication.</p> <p>Additional wording shown in bold.</p> <p>Deleted wording shown as crossed through.</p>

Function	Proposed amendment	Reason for amendment
Where appropriate (James Keating)	Delete all occurrences of “formal caution” and “formal cautioning” and replace with “simple caution” and “simple cautioning” respectively.	To reflect current legal terminology.

APPENDIX 2

CHANGES TO THE LEADER'S SCHEME OF DELEGATION

Function	Amendment	Reason for amendment
<p>Leader's Scheme of Delegation (General) – Pages 158, 166, 179, 181, 182, 185 and 189</p> <p>(The Leader)</p>	<p>Amend the wording before each section of the Leader's Delegation Scheme to read as follows:</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 in the next Members' Information Bulletin.”</p>	<p>Currently changes to the Leader's Scheme of Delegation are both published in the Members' Information Bulletin and reported to the General Purposes Committee and Full Council.</p> <p>The amendment to the procedure will avoid duplication.</p> <p>Additional wording shown in bold.</p> <p>Deleted wording shown as crossed through.</p>
<p>Environmental Matters Delegated to Cabinet Members and Officers – Page 158</p> <p>(James Keating)</p>	<p>Add the following delegation after (A1):</p> <p><u>“The following function is delegated to the Head of Planning and Environmental Services</u> Appoint and authorise third party consultants, contractors and other competent persons to deal with Planning and Environmental Services matters, as necessary, to cope with specific service demands. Activities may include inspections, visits and the collection of evidence.”</p>	<p>New delegation.</p>

Function	Amendment	Reason for amendment
<p>Housing Matters Delegated to Cabinet Members and Officers – Page 175</p> <p>(Karen Dodds)</p>	<p>Delete the following functions:</p> <p>“(B57) <u>The following function is delegated to the Head of Crawley Homes</u> Addition of further profiles to the list of PVCu replacement windows acceptable to the Council as they become available and following suitable investigation and testing”</p> <p>(B58) <u>The following function is delegated to the Head of Crawley Homes</u> Agreeing, in writing, the repairs to be carried out to void properties with prospective tenants and fixing the timescale for those repairs”</p>	<p>These functions are dealt with under current Delegation B55.</p>
<p>General Matters Delegated to Cabinet Members and Officers – Page 192</p> <p>(Karen Dodds)</p>	<p>Amend functions G20 and G21 to read as follows:</p> <p>“(G20) <u>The following function is delegated to the appropriate Head of Service having consulted the appropriate Cabinet Member</u> Local settlements, where appropriate, of up to £500 £2,500 in the case of complaints to the Ombudsman or under the Council’s own complaints procedure”</p> <p>“(G21) <u>The following function is delegated to the Leader (except where the complaint relates to the Leader’s Portfolio, in which case the following function will be delegated to the Cabinet Member for Customer and Corporate Services)</u> Local settlements, where appropriate, of over £500 £2,500 (but not in excess of £2,000 £3,500) in the case of complaints to the Ombudsman or under the Council’s own complaints procedure”</p>	<p>To keep in line with the Ombudsman’s recommended settlement figure (which usually starts at £500). The increased figure also takes account of the Council’s insurance liability contribution (£2,500) where the Council is liable.</p> <p>Additional wording shown in bold.</p> <p>Deleted wording shown as crossed through.</p>