



## CHANGES TO THE CONSTITUTION (LDS/047)

Function	Proposed amendment	Reason for amendment
Article 4: The Full Council – Page 16 (Elizabeth Brigden)	Amend paragraph 4.1(a) to read as detailed in Appendix D1.	To reflect Government terminology and regulations.  Deleted wording shown as crossed through.  <b>Amended wording shown in bold.</b>
Article 6: Overview and Scrutiny Commission (Steve Lappage)	Amend Article 6 to read as detailed in Appendix D2.	To reflect the Localism Act 2011 and other legislation.  The Local Area Agreement and local improvement targets have been abolished.  To facilitate OSC and scrutiny panel business.  Deleted wording shown as crossed through.  <b>Amended wording shown in bold.</b>

Function	Proposed amendment	Reason for amendment
<p>Functions of the Development Control Committee – Page 79</p> <p>(Elizabeth Brigden)</p>	<p>Amend delegation 1(c)(e)(i) of the Development Control Committee functions to read as detailed in Appendix D3.</p>	<p>To reflect Government terminology and regulations.</p> <p>Deleted wording shown as crossed through.</p> <p><b>Amended wording shown in bold.</b></p>
<p>Responsibility for Cabinet Functions – Page 155</p> <p>(Elizabeth Brigden)</p>	<p>Amend paragraph (i) to read as detailed in Appendix D4.</p>	<p>To reflect Government terminology and regulations.</p> <p>Deleted wording shown as crossed through.</p> <p><b>Amended wording shown in bold.</b></p>
<p>Policy Framework Procedure Rules – Page 263</p> <p>(Elizabeth Brigden)</p>	<p>Amend paragraph 2 to read as detailed in Appendix D5.</p>	<p>To reflect Government terminology and regulations.</p> <p>Deleted wording shown as crossed through.</p> <p><b>Amended wording shown in bold.</b></p>

Function	Proposed amendment	Reason for amendment
Scrutiny Procedure Rules – Page 287 (Steve Lappage)	Amend the Scrutiny Procedure Rules to read as detailed in Appendix D6.	To reflect the Localism Act 2011 and other legislation.  To facilitate OSC and scrutiny panel business.  Deleted wording shown as crossed through.  <b>Amended wording shown in bold.</b>
Crawley Borough Council Management Structure – Page 577 (Phil Rogers)	Delete “Head of Arts” and transfer all the responsibilities of this post (namely: management of the Hawth Theatre, promotions and entertainments, community / public arts, museums, catering etc) to the Head of Community Services	To reflect the current management structure.
Committee Structure – Page 578 (Elizabeth Brigden)	Delete “Local Development Framework Working Group” and replace with “Local Plan Working Group”.	To reflect Government terminology and regulations.

**EXCERPT FROM ARTICLE 4 – THE FULL COUNCIL**

**4.1. Meanings**

**(a) Policy Framework.**

The Policy Framework means the following plans and strategies:-

Annual Performance Plan

Sustainable Community Strategy

Safer Crawley Partnership Plan

Adopting, approving, amending, modifying, revising, varying, withdrawing or revoking alterations and ~~development plan~~ **local development** documents (under Section 17 of the Planning and Compulsory Purchase Act 2004) which together form the Local Development Plan including

- (i) the approval for the purposes of public consultation in accordance with regulation ~~27~~ **19** of the Town and Country Planning (Local ~~Development Planning~~) (England) (~~Amendment~~) Regulations ~~2008~~ **2012**, of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan; and
- (ii) the adoption of **local development** documents in accordance with Section 17(8) of the Planning and Compulsory Purchase Act 2004.

Functions relating to Supplementary Planning Documents remain the responsibility of the Cabinet.

Council's Corporate Plan

Housing Strategy

Crawley's Economic Plan

Statement of Licensing Policy

Corporate Equality Scheme

Waste Strategy

Asset Management Plan

Statement of Gambling Policy

(Responses on behalf of the Council to consultation papers where they relate to Policy Framework plans and strategies will be a function of the Cabinet.)

(In respect of policy framework documents, and matters relating to the control of the authority's borrowing, investments or capital expenditure, or to housing land transfer, the Cabinet will be responsible for putting draft documents to the Council and will be responsible for any consultation required or necessary in the course of preparing those documents. The Council will be responsible for the approval for the purposes of its submission to the Secretary of State of any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted).

The function of amending, modifying, revising, varying, withdrawing or revoking a plan or strategy relating to the policy framework, to the control of the authority's borrowing, investments or capital expenditure, or for determining the authority's minimum revenue provision, or to housing land transfer shall be the responsibility of the Cabinet where such action:-

- (i) is required to give effect to requirements of the Secretary of State in relation to a strategy or plan (or part of a strategy or plan) submitted for his/her approval; or
- (ii) is recommended by the person carrying out, under Section 20 of the Planning and Compulsory Purchase Act 2004, an independent examination of a development plan document; or
- (iii) is authorised by the Council when approving or adopting the plan or strategy

but shall not be the responsibility of the Cabinet in any other case.

In connection with the discharge of functions under Sections 28 –31 of the Planning and Compulsory Purchase Act 2004 (joint ~~Local development documents~~ **Plans** and joint Committees), the following actions shall not be the responsibility of the Cabinet:-

- (i) The making of an agreement to prepare one or more joint ~~development Local Plans plan documents~~;
- (ii) The making of an agreement to establish a joint Committee to be, for the purposes of Part 2 (local development) of the 2004 Act, the local planning authority;
- (iii) Where the authority is a constituent authority to a joint Committee, the making of an agreement that the joint Committee is to be, for the purposes of Part 2 of the Act, the local planning authority for any area or matter which is not the subject of an Order under Section 29 of the 2004 Act or an earlier agreement under Section 30 of the 2004 Act;
- (iv) The making of a request to the Secretary of State for the revocation of an order constituting a joint Committee as the local planning authority for any area or in respect of any matter.

Any other function under Sections 28 – 31 of the Planning and Compulsory Purchase Act 2004 shall be the responsibility of the Cabinet.

## 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, **the Local Government and Public Involvement in Health Act 2011**, ~~of~~ the Local Democracy, Economic Development and Construction Act 2009 **and the Localism Act 2011**:-

- (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 review the implementation of other completed scrutiny reviews.
- (9) Where appropriate, to review any other issue affecting the Borough but for which the Council is not directly responsible.
- (10) 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 **except where an excluded matter (i.e. any matters relating to a planning decision, a licensing decision or where a person has right of recourse to a review or right of appeal; any matter which is vexatious, discriminatory or not reasonable; any local crime and disorder matter excluded under S.19 of the Police and Justice Act 2006. However, a matter is not excluded if it consists of an allegation**

**that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systemic basis).**

- (11) 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 **except where an excluded matter (i.e. any matters relating to a planning decision, a licensing decision or where a person has right of recourse to a review or right of appeal; any matter which is vexatious, discriminatory or not reasonable; any local crime and disorder matter excluded under S.19 of the Police and Justice Act 2006. However, a matter is not excluded if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systemic basis).**
- (12) 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 **except where an excluded matter (i.e. any matters relating to a planning decision, a licensing decision or where a person has right of recourse to a review or right of appeal; any matter which is vexatious, discriminatory or not reasonable; any local crime and disorder matter excluded under S.19 of the Police and Justice Act 2006. However, a matter is not excluded if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systemic basis).**
- (13) Where appropriate, to recommend to the Council the appointment of ~~non-voting~~ co-optees to serve on the Overview and Scrutiny Commission **and whether they shall have voting rights.**
- (14) Where appropriate, to appoint ~~non-voting~~ co-optees to serve on scrutiny panels **and to decide whether they shall have voting rights or agree to let the Chair of the relevant scrutiny panel decide this in consultation with the Chair of the Overview and Scrutiny Commission and the Head of Legal and Democratic Services.**
- (15) To appoint Chairs of scrutiny panels from the membership of the Overview and Scrutiny Commission.
- ~~(16) 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.~~
- (16) **Where the Commission may reasonably require in order to discharge its function, being information which has been requested in writing and relates to the functions of the relevant**



**partner authority so far as exercisable in relation to the authority's area or the inhabitants of that area, to obtain information from relevant partner authorities and require executives of local authorities to exclude confidential and exempt information when publishing their response to reports and recommendations of Overview and Scrutiny Committees.**

- (17) 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.
- (18) To hear evidence by a senior Council officer under the Crawley Borough Council Petitions Scheme.
- (19) To review the steps that the Council has taken in response to a petition.
- (20) 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 (10), (11) and (12) 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~~ **was** established in West Sussex **initially** 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 consist of a minimum of 3 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 **the** 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 local people, about their activities and performance;
- (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;
  - (j) exercise overall responsibility for the work programme of the employees employed to support its 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 437 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, a Committee or the Council as appropriate;
- (9) To present review reports at the Cabinet, at a Committee and/or the Full Council;
- (10) **To decide, in consultation with the Chair of the relevant scrutiny panel and the Head of Legal and Democratic Services, whether any co-optees serving on such scrutiny panels should have voting rights (as in accordance with paragraph 6.1(14) of this Article).**

#### 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.

**EXCERPT FROM FUNCTIONS OF THE DEVELOPMENT CONTROL COMMITTEE**

**Functions of the Development Control Committee**

**Planning and conservation**

Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) and as set out below:-

- (1) Power to determine applications for planning permission

**Delegation of Functions (concurrently with the Development Control Committee)**

The following functions are delegated to the Head of Planning and Environmental Services

- (c) The determination of applications for developments submitted to the Council (including the power to grant permission for development already carried out) for:
- (i) planning permission under Part III of the Town and Country Planning Act, 1990;
  - (ii) consent to carry out works to trees (including felling) under Part VIII of the Town and Country Planning Act 1990;
  - (iii) consent to display advertisements under Part VIII of the Town and Country Planning Act 1990;
  - (iv) consent to carry out works on or other development in connection with listed buildings under the Planning (Listed Building and Conservation Areas) Act 1990 and;
  - (v) consent to carry out work in a conservation area under the Planning (Listed Building and Conservation Areas) Act

## Functions of the Development Control Committee

## Delegation of Functions (concurrently with the Development Control Committee)

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### EXCEPT WHERE:

- (a) a request has been received from a Member of the Council for an application to come before the Committee, or;
- (b) the application has been submitted by or on behalf of an employee or Member of the Council or;
- (c) the Head of Planning and Environmental Services considers an application, that would otherwise be delegated, should come before the Committee or;
- (d) the application is for a major development (as defined under the General Development Procedure Order) of any kind or;
- (e) the Head of Planning and Environmental Services is minded to approve the development and any of the following applies:-
  - (i) an approval would constitute a departure from the Local Plan ~~or Local Development Framework~~ or;
  - (ii) 4 or more objections have been received in writing during the Council's normal consultation period from different individuals living in different households (or one or more in the case of telecommunications development) or;
  - (iii) one or more objection has been received in writing during the Council's normal consultation period from a recognised residents' association, amenity or conservation group or;
  - (iv) one or more objection has been received in writing

## **Functions of the Development Control Committee**

## **Delegation of Functions (concurrently with the Development Control Committee)**

- during the Council's normal consultation period from a statutory consultee or;
- (v) the proposal involves the Borough Council as the applicant either alone or jointly with another person.

**EXCERPT FROM THE RESPONSIBILITY FOR CABINET FUNCTIONS**

All the powers and duties of the Council are allocated to the Leader **EXCEPT:-**

- (i) approval or adoption of the Policy Framework, which means the following plans and strategies
- Annual Performance Plan
  - Sustainable Community Strategy
  - Safer Crawley Partnership Plan
  - Adopting, approving, amending, modifying, revising, varying, withdrawing or revoking alterations and **local** development plan documents (under Section 17 of the Planning and Compulsory Purchase Act 2004) which together form the Local Development Plan including
    - (a) the approval for the purposes of public consultation in accordance with regulation ~~27~~ **19** of the Town and Country Planning (Local Development Planning) (England) (~~Amendment~~) Regulations ~~2008~~ **2012**, of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan; and
    - (b) the adoption of local development documents in accordance with Section 17(8) of the Planning and Compulsory Purchase Act 2004.Functions relating to Supplementary Planning Documents remain the responsibility of the Cabinet.
  - The Council's Corporate Plan
  - Housing Strategy
  - Crawley's Economic Plan
  - Statement of Licensing Policy
  - Corporate Equality Scheme
  - Waste Strategy
  - Asset Management Plan
  - Statement of Gambling Policy

(Responses on behalf of the Council to consultation papers where they relate to Policy Framework plans and strategies will be a function of the Cabinet).

(In respect of policy framework documents, and matters relating to the control of the authority's borrowing, investments or capital expenditure, or to housing land transfer, the Cabinet will be responsible for putting draft documents to the Council and will be responsible for any consultation required or necessary in the course of preparing those documents. The Council will be responsible for



the approval for the purposes of its submission to the Secretary of State of any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted).

The function of amending, modifying, revising, varying, withdrawing or revoking a plan or strategy relating to the policy framework, to the control of the authority's borrowing, investments or capital expenditure, or for determining the authority's minimum revenue provision, or to housing land transfer shall be the responsibility of the Cabinet where such action:-

- (a) Is required to give effect to requirements of the Secretary of State in relation to a strategy or plan (or part of a strategy or plan) submitted for his/her approval; or
- (b) Is recommended by the person carrying out, under Section 20 of the Planning and Compulsory Purchase Act 2004, an independent examination of a development plan document; or
- (c) Is authorised by the Council when approving or adopting the plan or strategy but shall not be the responsibility of the Cabinet in any other case.

In connection with the discharge of functions under Sections 28 –31 of the Planning and Compulsory Purchase Act 2004 (joint **Local Plans development documents** and joint Committees), the following actions shall not be the responsibility of the Cabinet:-

- (a) The making of an agreement to prepare one or more joint **Local Plans development plan documents**;
- (b) The making of an agreement to establish a joint Committee to be, for the purposes of Part 2 (local development) of the 2004 Act, the local planning authority;
- (c) Where the authority is a constituent authority to a joint Committee, the making of an agreement that the joint Committee is to be, for the purposes of Part 2 of the Act, the local planning authority for any area or matter which is not the subject of an Order under Section 29 of the 2004 Act or an earlier agreement under Section 30 of the 2004 Act;
- (d) The making of a request to the Secretary of State for the revocation of an order constituting a joint Committee as the local planning authority for any area or in respect of any matter.

Any other function under Sections 28 – 31 of the Planning and Compulsory Purchase Act 2004 shall be the responsibility of the Cabinet.

## EXCERPT FROM THE POLICY FRAMEWORK PROCEDURE RULES

**2. Policy Framework**

The Policy Framework means the following plans and strategies:-

- Annual Performance Plan
- Sustainable Community Strategy
- Safer Crawley Partnership Plan
- Adopting, approving, amending, modifying, revising, varying, withdrawing or revoking alterations and **local development plan** documents (under Section 17 of the Planning and Compulsory Purchase Act 2004) which together form the Local ~~Development~~ Plan including
  - (i) the approval for the purposes of public consultation in accordance with regulation ~~27~~ **19** of the Town and Country Planning (Local ~~Development~~ **Planning Development**) (England) (~~Amendment~~) Regulations ~~2008~~ **2012**, of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan; and
  - (ii) the adoption of **local development documents** in accordance with Section 17(8) of the Planning and Compulsory Purchase Act 2004. Functions relating to Supplementary Planning Documents remain the responsibility of the Cabinet.
- Council's Corporate Plan
- Housing Strategy
- Crawley's Economic Plan
- Statement of Licensing Policy
- Corporate Equality Scheme
- Waste Strategy
- Asset Management Plan
- Statement of Gambling Policy

(Responses on behalf of the Council to consultation papers where they relate to Policy Framework plans and strategies will be a function of the Cabinet.)

(In respect of policy framework documents, and matters relating to the control of the authority's borrowing, investments or capital expenditure, or to housing land transfer, the Cabinet will be responsible for putting draft documents to the Council and will be responsible for any consultation required or necessary in the course of preparing those documents. The Council will be responsible for the approval for the purposes of its submission to the Secretary of State of any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted).

The function of amending, modifying, revising, varying, withdrawing or revoking a plan or strategy relating to the policy framework, to the control of the authority's borrowing, investments or capital expenditure, or for determining the authority's minimum revenue provision, or to housing land transfer shall be the responsibility of the Cabinet where such action:-

- (i) Is required to give effect to requirements of the Secretary of State in relation to a strategy or plan (or part of a strategy or plan) submitted for his/her approval; or
- (ii) Is recommended by the person carrying out, under Section 20 of the Planning and Compulsory Purchase Act 2004, an independent examination of a development plan document; or
- (iii) Is authorised by the Council when approving or adopting the plan or strategy

but shall not be the responsibility of the Cabinet in any other case.

In connection with the discharge of functions under Sections 28 –31 of the Planning and Compulsory Purchase Act 2004 (joint **Local Plans development documents** and joint Committees), the following actions shall not be the responsibility of the Cabinet:-

- (i) The making of an agreement to prepare one or more joint **Local Plans development plan documents**;
- (ii) The making of an agreement to establish a joint Committee to be, for the purposes of Part 2 (local development) of the 2004 Act, the local planning authority;
- (iii) Where the authority is a constituent authority to a joint Committee, the making of an agreement that the joint Committee is to be, for the purposes of Part 2 of the Act, the local planning authority for any area or matter which is not the subject of an Order under Section 29 of the 2004 Act or an earlier agreement under Section 30 of the 2004 Act;
- (iv) The making of a request to the Secretary of State for the revocation of an order constituting a joint Committee as the local planning authority for any area or in respect of any matter.

Any other function under Sections 28 – 31 of the Planning and Compulsory Purchase Act 2004 shall be the responsibility of the Cabinet.

## EXCERPT FROM THE SCRUTINY PROCEDURE RULES

**1. What will be the Arrangements for the Overview and Scrutiny Commission and its Panels?**

The Council will have an Overview and Scrutiny Commission as set out in Article 6 of the Constitution. The Overview and Scrutiny Commission may establish task-orientated, 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. The Commission will also establish, on an annual basis, a Performance Monitoring Scrutiny Panel. Each panel will work to a specific brief set out by the Overview and Scrutiny Commission and will report to the Commission.

**2. Who May Sit on the Overview and Scrutiny Commission and its Panels?**

All Councillors except Members of the Cabinet may be Members of the Overview and Scrutiny 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. 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. Panel members will be agreed in consultation with party group secretaries.

No Member may be involved in scrutinising a decision in which he/she has been directly involved. Paragraph 11 of the Councillors' Code of Conduct refers.

**3. Co-optees**

- (a) The Overview and Scrutiny Commission shall be entitled to recommend to Council the appointment of additional people to serve on the Commission as ~~non-voting~~ co-optees **and whether they shall have voting rights.**
- (b) The Commission may appoint ~~non-voting~~ co-optees onto any of its panels **and decide whether or not they shall have voting rights or agree to let the Chair of the relevant scrutiny panel decide this in consultation with the Chair of the Overview and Scrutiny Commission and the Head of Legal and Democratic Services.** The requirements of Regulation 3 of the Crime and Disorder (Overview and Scrutiny) Regulations 2009 apply to the co-option of members to a Committee dealing with crime and disorder matters.

#### **4. Terms of Reference**

The terms of reference of the Overview and Scrutiny Commission are as set out in Article 6 of the Constitution.

The Overview and Scrutiny Commission may set such terms of reference for the scrutiny panels as it considers appropriate.

#### **5. Meetings of the Overview and Scrutiny Commission**

There shall be at least seven ordinary meetings of the Overview and Scrutiny Commission programmed each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An extraordinary meeting of the Overview and Scrutiny Commission may be called by the Head of Legal and Democratic Services if he/she considers it necessary or appropriate and must be called by the Head of Legal and Democratic Services if required to do so by a notice in writing given either by the Chair of the Overview and Scrutiny Commission or by any three Members of the Overview and Scrutiny Commission.

#### **6. Quorum**

The Quorum for the Overview and Scrutiny Commission and Scrutiny Panels shall be as set out in the Council Procedure Rules in Part 4 of this Constitution.

#### **7. Who Chairs Overview and Scrutiny Commission Meetings?**

The Council will appoint the Chair and Vice-Chair of the Overview and Scrutiny Commission and the Commission will appoint the Chairs of any scrutiny panels it establishes. The Chair and Vice-Chair of the Overview and Scrutiny Commission will be drawn from amongst the Councillors sitting on the Commission.

The Commission will appoint the Chair of each scrutiny panel from the membership of the Commission.

#### **8. Agenda Items**

- (a) Any member of the Council shall be entitled to give notice to the Head of Legal and Democratic Services that he/she wishes to refer a local government matter relevant to the functions of the Commission or a local crime and disorder matter to the Commission and for it to be included on the agenda and discussed at the next available meeting of the Commission (~~Councillor Call for Action~~). As part of the discussion, the Commission will decide whether or not it would be appropriate to refer a matter ~~the subject of the Councillor Call for Action~~ to a scrutiny panel to carry out an in-depth investigation and report back to the Commission.

A local government matter is defined in S.21A of the Local Government Act 2000 as one that

- (i) relates to the discharge of any function of the Council,

- ~~(i) affects all or part of the ward for which the Councillor is elected or any person who lives or works in that area, and~~
- (ii) is not an excluded matter (a local crime and disorder matter or a matter defined by Order).

A local crime and disorder matter as defined in S.19 of the Police and Justice Act 2006, in relation to a Councillor, means a matter concerning crime and disorder (including, in particular, forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or the misuse of drugs, alcohol and other substances which affects all or part of the electoral area for which the Councillor is elected or any person who lives or works in that area.

Excluded Matters as defined by Order include:

- (i) any matter relating to a planning decision;
- (ii) any matter relating to a licensing decision;
- (iii) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- (iv) any matter which is vexatious, discriminatory or not responsible to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Commission or at a meeting of a Sub-Committee of that Commission.

However, a matter which consists of an allegation of systemic failure to discharge a function for which the Council is responsible may be referred to the Overview and Scrutiny Commission, notwithstanding the fact that the allegation specifies matters which would otherwise be excluded by virtue of the above.