

Crawley Borough Council

Minutes of General Purposes Committee

25 September 2012 at 7.00pm

Present:

Councillor	R D Burrett (Chair)
Councillor	C A Cheshire (Vice–Chair)
Councillors	M L Ayling, D G Crow, C R Eade, R A Lanzer, C J Mullins and C G Oxlade

Officers Present:

Manson Kendall	Principal Lawyer
Mez Matthews	Democratic Services Officer

Apologies for Absence:

Councillors L A M Burke, C A Moffatt and L A Walker

7. Members' Disclosure of Interests

No disclosures of interests were made by Members.

8. Minutes

The minutes of the meeting of the Committee held on 25 June 2012 were approved as a correct record and signed by the Chair subject to the following clerical corrections to Minute 4 (Webcasting of Council Meetings):

- Adding an additional bullet point in the second paragraph to read: "The purchase of cameras for Company C would cost £2,800 (4 x £700)";
- Removal of the second bullet point of paragraph 2 and replacing it with the following wording: "A leasing cost had not been provided, but it would not be unreasonable to assume a total cost of £10,000 per year if leasing was the favoured option";
- With regard to the second sentence of the third paragraph, deleting the cost of £15,000 and replacing it with £1,500;
- Re-wording the second sentence of the fourth paragraph to read as follows: "...viewing figures given in the report **could be** misleading...".

9. Appointment of Honorary Freemen and Honorary Aldermen

The Committee considered report LDS/049 of the Head of Legal and Democratic Services which asked the Committee to recommend that the Mayor convene an Extraordinary Meeting of the Council on 30 November 2012 to appoint nominees as Honorary Freemen and Honorary Aldermen of the Borough of Crawley, and that at its Extraordinary Meeting the Council confer the honour and title of Honorary Freemen and Honorary Aldermen as follows:

Honorary Freemen

Alan Quine
Jim Smith

Honorary Aldermen

Bert Crane
Alan Quine
Jim Smith

The Committee acknowledged the service record of the nominees as follows:

Bert Crane was Crawley's longest serving Councillor with fifty-eight years' service. He was first elected in May 1954 to the Horsham Rural District Council for West Green Ward and was elected two years later in 1956 to the Crawley Urban District Council and in 1974 to Crawley Borough Council. Bert served on every committee of the Urban District Council, was Chair of Planning from 1957 until 1972 and Vice-Chair of the Management Board/Policy and Resources Committee from 1974 until 2000 and the Vice-Chair of the Cabinet until 2006. Bert was Secretary of the Labour Group from 1954 until 2006. Bert was a School Governor of Ifield Secondary School in the 1950s and for West Green Primary School for many years in the 1950s and 1960s. Bert oversaw the building of the Greenfields Sheltered Housing development. He served on the Crawley and District Employment Committee during the 1950s and 1960s. Bert was Chairman of Crawley Urban District Council from 1972 to 1974 and served on the Crawley Development Corporation Committee for many years.

Alan Quine was elected to Crawley Urban District Council for Northgate Ward in 1969 and served a three-year term to 1972. In 1976 he was elected to Crawley Borough Council for the Pound Hill Ward and re-elected several times until he left the Council in 1995. During his time as a Councillor he served on the Housing Committee, Leisure Services Committee and Management Board. He has been a school governor for both Northgate Primary School and Holy Trinity School. He is a long serving member/trustee of Crawley Council for Voluntary Service and was its Chairman for four years in the 1990s. Alan remains a Board Member/Trustee for CCVS and has served on the committees of Crawley Dial-a-Ride, Crawley Shopmobility and Crawley Connexions Centre for young people. For many years he was a member/trustee of Crawley Arts Council. Alan served on the Mid Downs Community Health Council from 1995 and completed two four-year terms.

Jim Smith was elected to Crawley Urban District Council in 1968 and served on that Council and subsequently on Crawley Borough Council until 1984. After a short break Jim returned in 1987 and had served for thirty-nine years upon his retirement as a Councillor in 2010. Jim was Chairman of the newly-formed Crawley District Council from 1973 to 1974 and was the first Borough Mayor from 1st April until the 23rd May 1974. He was Mayor again in 1976-77, 1996-97 and 2004 -05. Jim served on most Committees of the Council. He saw The Hawth built and opened while he served as Chair of the Recreation and Leisure Committee and was the Council's first Cabinet Member for Leisure. Jim was an elected Councillor for West Sussex County Council from 1997 to 2009. Jim has been the President of Crawley Town Twinning Association since 1998 and was its first Chair from 1973 until 1998. Jim served as a

Magistrate on the Crawley Bench from 1976 until 1997 and was President of Crawley Arts Council from 1995 until 2005. He has been a Patron of Crawley MELA since 2005 and is currently a Trustee of the Courage-Dyer Recreational Trust.

RESOLVED

That the Mayor be recommended to convene an Extraordinary Meeting of the Council on 30 November 2012 to confer upon a number of nominees as detailed above the title of Honorary Freeman and Honorary Aldermen.

10. Localism Act 2011 – Constitutional Issues: Election and Term of Office of Executive Leader

The Committee considered report LDS/050 of the Head of Legal and Democratic Services which set out provisions in the Localism Act 2011 which affected the election and the term of office of the Executive Leader. The Act provided that the Council was required to make provision for setting the term of office of the Leader and the report before the Committee recommended that the Council preserve a 4-year term of office for the Executive Leader and agree minor changes to the relevant section of the Constitution, and that the Executive Leader continues in office for the remainder of his current term.

The Committee noted Paragraph 7.3 of Article 7 (The Leader and Cabinet) which detailed the conditions under which the Leader would cease to hold office.

RESOLVED

That the Full Council be recommended:

- (1) That a 4-year term of office for the Executive Leader be retained with changes to the Council's executive arrangements as set out in Appendix A to these minutes.
- (2) That the Executive Leader continue in office for the remainder of his current term.

11. Closure of Meeting

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

R D BURRETT
Chair

APPENDIX A

EXCERPT FROM ARTICLE 7 - THE LEADER AND CABINET

7.1. **Role**

The Cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. The Leader may, however, make arrangements to delegate some matters from himself/herself to the Cabinet, a Committee of the Cabinet, individual Cabinet Members, or to an employee, an Area Committee, through Joint Arrangements or to another Local Authority.

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.~~

Crawley Borough Council has decided to adopt the Leader and Cabinet form of Executive. The Cabinet is at the heart of the decision-making process.

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 **or serve on scrutiny panels.**

7.3. **Leader**

The Leader will be a Councillor elected to the position of Leader by a simple majority of the Council at its post-election Annual Meeting (or if the Council fails to elect a Leader at that meeting, a subsequent meeting of the Council). The term of office of the Leader starts ~~sed~~ on the day of his/her election as Leader and the Leader will hold office until:

- (1) he/she resigns from the office; or
- ~~(2) he/she is suspended from being a Councillor under Part III of the Local Government Act, 2000 (although he/she may resume office at the end of the period of suspension); or~~
- (2) he/she is no longer a Councillor; or
- (3) he/she is otherwise disqualified from holding the office of a Councillor; or
- (4) until the next Annual Meeting after the Leader's normal day of retirement as a Councillor except that the Council may remove the Leader from office at an earlier date by resolution of the Council.

In the event of there being a vacancy in the office of Leader, the Council shall elect a new Leader at its next ordinary meeting.

If the Council passes a resolution to remove the Leader, a new Leader shall be elected at the meeting at which the Leader is removed from office or at a subsequent meeting of the Council.

7.4. **Role of the Leader**

The role of **the** 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(s);
- (6) To represent the majority political group's(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(s) wish(es) 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.

7.5. **Deputy Leader**

The Leader will appoint a Deputy Leader. If for any reason the Leader is unable to act or the office of the Leader is vacant, the Deputy Leader will act in his/her place. The Deputy Leader will hold office until:

- (1) he/she resigns from office; or
- ~~(2) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or~~
- (2) he/she is no longer a Councillor; or
- (3) he/she is otherwise disqualified from holding the office of a Councillor; or
- (4) he/she is removed from office by the Leader who must deliver written notice of any removal to the Head of Legal and Democratic Services and to the Deputy Leader. The removal will take effect immediately after receipt of the notice by the proper officer; or
- (5) at the end of the term of office of the Leader.

Where a vacancy occurs in the office of the Deputy Leader the Leader must appoint another person in his/her place. If the Deputy Leader is unable to act or his/her

position becomes vacant, the Cabinet must act in the Leader's absence or must arrange for a Cabinet Member to do so.

7.6. **Other Cabinet Members**

Other Cabinet Members shall hold office until:-

- (1) they resign from office; or
- ~~(2) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or~~
- (2) they are no longer Councillors; or
- (3) they are otherwise disqualified from holding the office of a Councillor: or
- (4) they are removed from office, either individually or collectively, by the Leader who must deliver written notice of any removal to the Head of Legal and Democratic Services and to the Cabinet Member/s concerned. The removal will take effect immediately after receipt of the notice by the proper officer; or
- (5) at the end of the term of office of the Leader.

7.7. **Attendance**

If any member of the Cabinet fails for six consecutive months to attend any meeting of the Cabinet or any Committee of the Cabinet or, acting alone, to discharge any functions which are the responsibility of the Cabinet and delegated to that member, then, unless the failure is due to some reason approved by the local authority, she or he will cease to be a member of the local authority.

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 12 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 Members 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 Part 4 – Rules and Procedures – Leader and Cabinet Procedure Rules.

7.11. Appointment of Committees

The Council may appoint advisory Committees to advise the Cabinet or any Committee or individual member of the Cabinet.