

Crawley Borough Council

Minutes of General Purposes Committee

11 March 2013 at 7.00pm

Present:

Councillor R D Burrett (Chair)
Councillor C A Cheshire (Vice–Chair)
Councillors C R Eade, R A Lanzer and C G Oxlade

Also in Attendance:

Mr Andrew Timms – Appointed Independent Person (Observing)

Officers Present:

Kevin Carr Principal Lawyer
Mez Matthews Democratic Services Officer

Apologies for Absence:

Councillors M L Ayling, D G Crow and L A Walker

23. Members' Disclosure of Interests

No disclosures of interests were made by Members.

24. Minutes

The minutes of the meeting of the Committee held on 28 January 2013 were approved as a correct record and signed by the Chair.

25. Annual Review of the Constitution

The Committee considered report [LDS/060](#) of the Head of Legal and Democratic Services which:

- proposed changes to the Constitution as part of its annual review; and
- monitored the operation of the provisions relating to Call-In and Urgency to ensure that the procedure was not being abused.

The Committee noted that the majority of changes to the Constitution related to the re-organisation of information relating to Policy Framework Documents. It was also

highlighted that the monitoring of the provisions regarding Call-In and Urgency related to Protection from Call-In and not the Call-In Procedure as a whole.

RESOLVED

That the Full Council be recommended:

1. that the amendments to the Constitution proposed in Appendix 1 to these minutes be agreed;
2. to agree 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.

26. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 7.08pm.

R D BURRETT
Chair

CHANGES TO THE CONSTITUTION

APPENDIX 1

Function	Proposed amendment	Reason for amendment
<p>Article 4: The Full Council – Page 16 (Mez Matthews)</p>	<p>Amend paragraph 4.1(a) of Article 4 to read as detailed in Appendix 1a.</p>	<p>For reasons given in paragraph 4.2 of report LDS/060.</p> <p>Deleted wording shown as crossed through.</p> <p>Additional wording shown in bold.</p>
<p>Functions of the Full Council – Page 75 (Lucasta Grayson)</p>	<p>Amend the first delegation relating to the terms and conditions on which staff hold office to read as follows:</p> <p><u>“The following function is delegated to the Head of People and Technology, Head of Finance, Revenues and Benefits and the relevant Director or the Chief Executive</u> To approve operational staffing changes below Head of Service level (including numbers of posts, post types, job duties, grades, deployment of posts, redundancies, flexible retirement, retirement in the interest of efficiency of the service and retirement in exceptional circumstances as set out in the Council’s pension discretions) to meet the operational needs of the service within the limits of the approved financial budget and Financial Procedure Rules, subject to compliance with Council policies and to no significant service implications.</p>	<p>The current pension discretions for the Council include a discretion to grant early retirement to an employee over 55 in exceptional circumstances, for example, where an individual has to provide long term care for a partner or other close relative with a terminal or debilitating illness. The proposed change will extend the delegation to include this category of retirement.</p> <p>Additional wording is shown in bold.</p>

Function	Proposed amendment	Reason for amendment
Responsibility for Cabinet Functions – Page 155 (Mez Matthews)	Amend bullet point (i) of the Responsibility for Cabinet Functions to read as detailed in Appendix 1b.	For reasons given in paragraph 4.2 of report LDS/060. Deleted wording shown as crossed through. Additional wording shown in bold.
Policy Framework Procedure Rules – Page 263 (Mez Matthews)	Amend paragraphs 1 and 2 of the Policy Framework Procedure Rules as detailed in Appendix 1c.	For reasons given in paragraph 4.2 of report LDS/060. Section 139 of the Local Government and Public Involvement in Health Act 2007 c.28 removed the duty of Local Authorities to prepare a Best Value Performance Plan (Annual Performance Plan) and therefore the Council no longer produces this document. Deleted wording shown as crossed through. Additional wording shown in bold.

EXCERPT FROM ARTICLE 4 – THE FULL COUNCIL

4.1. Meanings

(a) Policy Framework.

The Policy Framework means the **plans and strategies set out in The Policy Framework Procedure Rules within this Constitution.**
~~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 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 19 of the Town and Country Planning (Local Planning) (England) Regulations 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 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;~~
- ~~(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 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 **set out in the Policy Framework Procedure Rules within this Constitution.**

- ~~● Annual Performance Plan~~
- ~~● Sustainable Community Strategy~~
- ~~● Safer Crawley Partnership Plan~~
- ~~● Adopting, approving, amending, modifying, revising, varying, withdrawing or revoking alterations and local development documents (under Section 17 of the Planning and Compulsory Purchase Act 2004) which together form the Local Plan including~~
 - ~~(a) the approval for the purposes of public consultation in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 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 these 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 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;~~
- ~~(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~~

APPENDIX 1c

EXCERPT FROM THE POLICY FRAMEWORK PROCEDURE RULES

1. The Framework for Cabinet Decisions

The Cabinet is responsible for proposing the **Policy Framework** to the Council.

The Council will be responsible for the adoption of its **Policy Framework** as set out in **paragraph 2 below** ~~Article 4~~. Once a **Policy Framework** is in place, it will be the responsibility of the Cabinet to implement it.

2. Policy Framework

The Policy Framework means the following plans and strategies:-

- Statement of Licensing Policy
- Statement of Gambling Policy
- Crime and Disorder Reduction Strategy (Safer Crawley Partnership Plan)
- Sustainable Community Strategy
- **Development Plan Documents, including approval for the purposes of public consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012** (Functions relating to ~~Supplementary Planning Documents~~ **other Local Development Documents** remain the responsibility of the Cabinet.)
- ~~Adopting, approving, amending, modifying, revising, varying, withdrawing or revoking alterations and local development documents (under Section 17 of the Planning and Compulsory Purchase Act 2004) which together form the Local Plan including~~
 - ~~(i) the approval for the purposes of public consultation in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 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.~~
- **Other plans and strategies that the Council and Cabinet consider should be adopted by the Full Council as a matter of local choice; for example:**
 - ~~Annual Performance Plan~~
 - **The Council's Corporate Plan**
 - Housing Strategy
 - Crawley's Economic Plan
 - Waste Strategy
 - Asset Management Plan

(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 **Full Council** and will be responsible for any consultation required or necessary in the course of preparing those documents. The **Full 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).

In connection with the discharge of functions under Sections 28 –31 of the Planning and Compulsory Purchase Act 2004 (joint Local 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 Local Plans;
- (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

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.