

Crawley Borough Council

Minutes of General Purposes Committee

1 July 2013 at 7.00pm

Present:

Councillor	L A M Burke (Chair)
Councillor	C A Cheshire (Vice–Chair)
Councillors	M L Ayling, R D Burrett, P K Lamb, R A Lanzer, C A Moffatt and C G Oxlade.

Officers Present:

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

Apologies for Absence:

Councillors D G Crow, C R Eade and L A Walker

1. Members' Disclosure of Interests

No disclosures of interests were made by Members.

2. Minutes

The minutes of the meeting of the Committee held on [11 March 2013](#) were approved as a correct record and signed by the Chair.

3. Changes to the Constitution

The Committee considered report [LDS/065](#) of the Head of Legal and Democratic Services which proposed changes to the Constitution.

The Head of Legal and Democratic Services informed the Committee that the proposed changes to function 5 of the Development Control Committee took account of the Growth and Infrastructure Act 2013 which introduced new provisions relating to the modification and discharge of affordable housing requirements in Section 106 Agreements. The Act was in force for a period of three years with an aim to promote financial growth by decreasing the “red tape” which currently prohibited development.

The Head of Legal and Democratic Services proposed the following further amendment to function 5 (highlighted below as underlined) to ensure that the existing

Section 106 provisions relating to the modification and discharge of other requirements in Section 106 Agreements were included:

- “(b) **Power to make a determination on an application under Sections 106A and 106BA.....”**
- (c) **Power to make representations in an appeal to the Planning Inspectorate under Sections 106B and 106BC....”**

Several changes were proposed to the Council Procedure Rules regarding a reduction in the number of motions and an increase to four in the number of Councillors required to demand a recorded vote. The Committee noted that the increase to four Members brought the recorded vote procedure in line with that of call-in.

The majority of the Committee opposed the proposal to limit the number of motions for the following reasons:

- The decision by the Head of Legal and Democratic Services and the Mayor to amend or exclude a motion politicised those roles;
- It would prevent back-bencher involvement and it would be undemocratic to stifle debate;
- It did not take into account motions which were not party political.

The majority of the Committee was not in favour of the proposal to increase the number of members required to demand a recorded vote for the following reasons:

- It did not take account of any future Independent Party Councillor, although it was acknowledged that the Constitution could be amended in future to ensure that was taken account of;
- The recorded vote procedure and call-in were not comparable;
- A recorded vote was an individual's right and was not necessarily political.

Following much consideration, a majority agreed that the Council Procedure Rules relating to motions and recorded votes should remain unchanged.

RESOLVED

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

4. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 7.37pm.

L A M BURKE
Chair

CHANGES TO THE CONSTITUTION

APPENDIX 1

Function	Proposed amendment	Reason for amendment
<p>Functions of the Development Control Committee – Page 77</p> <p>(Manson Kendall)</p>	<p>Amend function 5 to read as detailed in Appendix 1a.</p>	<p>To take account of the changes made by the Growth and Infrastructure Act 2013.</p> <p>Additional wording shown in bold.</p> <p>Deleted wording shown in crossed through.</p>
<p>Functions of the Licensing Committee – Page 103</p> <p>(James Keating)</p>	<p>Insert the following new delegation under Function 56 of the Licensing Committee:</p> <p>“(56) Power to register motor salvage operators:</p> <p><u>The following function is delegated to the Head of Planning and Environmental Services</u></p> <p>Registration of motor salvage operators under Vehicles (Crime) Act 2001 and Motor Salvage Operators Regulations 2002”</p>	<p>New delegation.</p> <p>Additional wording shown in bold.</p>

EXCERPT FROM THE FUNCTIONS OF THE DEVELOPMENT CONTROL COMMITTEE

APPENDIX 1a

Functions of the Development Control Committee

Delegation of Functions (concurrently with the Development Control Committee)

- (5) Power to enter into agreement regulating development or use of land

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

- (a) Power to **authorise the entering into of agreements** regulating development or the use of land under Section 106 of the Town and Country **Planning Act 1990**.
- (b) **Power to make a determination on an application under Sections 106A and 106 BA of the Town and Country Planning Act 1990.**
- (c) **Power to make representations in an appeal to the Planning Inspectorate under Sections 106B and 106BC of the Town and Country Planning Act 1990.**

The following functions are delegated to the Head of Legal and Democratic Services ~~or the Head of Planning and Environmental Services~~

- (d) **To enter into and complete legal agreements where these are considered necessary in connection with the grant of planning permission under delegated powers.** ~~To authorise and complete legal agreements where these are considered necessary in connection with the grant of planning permission under delegated powers.~~
- (e) To agree minor variations or alterations of an agreement under Section 106 of the Town and Country Planning Act 1990 as amended not affecting the substance of the obligations
- (f) ~~To decide that the terms of a S106 planning agreement / Deed of Unilateral Undertaking have been discharged~~