

Crawley Borough Council

Minutes of General Purposes Committee

27 November 2013 at 7.00pm

Present:

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

Also in Attendance:

Councillors M J Jones, A J E Quirk and K J Trussell

Officers Present:

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| Lee Harris | Chief Executive |
| Manson Kendall | Principal Property Lawyer |
| Steve Lappage | Democratic Services Manager |
| Mez Matthews | Democratic Services Officer |
| Andrew Oakley | Electoral Services Manager |
| Chris Pedlow | Democratic Services Officer |
| Dave Rawlings | Head of Finance, Revenues and Benefits |

11. Members' Disclosure of Interests

No disclosures of interests were made by Members.

12. Minutes

The [minutes](#) of the meeting of the Committee held on 1 October 2013 were approved as a correct record and signed by the Chair subject to the first line of the second paragraph of Minute 8 (Review of Polling Districts) being amended to read as follows:

“The report also highlighted the issues relating to polling arrangements at the County Council Elections in May 2013.”

13. Review of Polling Districts

The Committee considered report [LDS/076](#) of the Head of Legal and Democratic Services which informed the Committee of the results of the review of Polling Districts. The report advised Members on the results of the consultation and sought approval

for a change to polling arrangements in Three Bridges and Maidenbower wards.
Councillor Walker left the meeting at 7.35pm.

Tilgate Ward

It was noted that reference made in the report to the "Town Centre Action Group" should be amended to read "Town Centre **Access** Group". It was suggested that, as the door to the Church Hall was narrow, a sign be erected to inform electors that, should they find access to the building difficult, they could request assistance.

Three Bridges Ward

The Committee was of the opinion that the Holiday Inn on the Squareabout was in a central location and therefore it supported the proposal that the polling place for LMC be changed to the Holiday Inn and that the effect on turnout for the area be reviewed following the 2014 elections. It was noted that access to several building within Pembroke Park was restricted by security systems. Those systems could have made canvassing difficult which might have resulted in the poor turnout.

Broadfield North and South Wards

Although it was suggested by the Committee that the Scout Hut or Creasy Adventure Playground be used as an alternative to the Community Centre for Broadfield South Ward, the Electoral Services Manager informed the Committee that access to the Adventure Playground was insufficient and that the Scout Hut did not have adequate parking.

Several Committee members highlighted that Broadfield was a large division and needed more than one polling place. It was commented that the parking facilities provided by the Community Centre were inadequate and that people would not vote if they were unable to park near the Centre. Concern was also raised that the queue of people waiting to vote in 2010 was significant and that the issue needed to be addressed.

Whilst other Committee members sympathised with the issues faced by Broadfield residents, they were of the opinion that no suitable alternative facilities were available. The Electoral Services Manager informed the Committee that several changes to the polling arrangements within the Community Centre would be made at the next election which would hopefully reduce queuing.

Maidenbower Ward

The Committee had been provided with 68 comments from the parents of children at The Brook School together with a letter from the Headteacher as well as the results of an online survey the school had conducted regarding the issue. All but one of the comments objected to the use of The Brook as a polling station. Reasons for the objection included the following:

- Other schools in the locality did not close;
- Loss of education;
- Important time of the year, as children were assessed and sitting SATs;
- Disruptive to the children,
- Hypocritical for the school to close for Polling Day when the school issues Fixed Penalty Notices to parents who take their child/ren out of school for holidays;
- Additional childcare costs for parents;
- Alternative facilities were available (portacabin, Oriel High School, Community Centre, Pavillion);
- Postal voting was available.

Several Committee members were against using The Brook School as a polling station and concurred with the objections which had been made above. It was suggested that a temporary building be used or that the ward have amalgamated voting at Maidenbower Community Centre for 2014 and that a review be held on advance of the 2015 elections to assess the impact on voter turnout.

Several other members of the Committee were of the opinion that Maidenbower required two polling places and it was therefore necessary to use The Brook School. Although those Committee members sympathised with the school they were of the view that no suitable alternative buildings were available in the south of Maidenbower. Concern was expressed that the Community Centre did not have sufficient parking (especially during the evening and school drop off/pick up times) should both districts be combined. Due to the layout of the Ward it was suggested that residents to the south of Maidenbower would need to take a significant detour to visit the Community Centre and due to that, those residents might not vote. Although it was suggested that the school could combine the polling day with an inset day, it was acknowledged that schools in the vicinity generally coincided inset days so that training resources could be shared, and that a Thursday inset day often led to poor school attendance the following day.

The vote was 5 that the Maidenbower Ward have amalgamated voting at Maidenbower Community Centre for 2014 and 5 for polling to continue at The Brook School. The Chair then used his casting vote in favour of continuing to use The Brook School for polling in the Maidenbower Ward.

RESOLVED

That the Full Council be recommended to agree the polling arrangements set out in Appendix C to report LDS/076 subject to the polling place for Polling District LMC (Three Bridges Ward) being changed from "Three Bridges Community Centre, Gales Place" to "The Holiday Inn, Haslett Avenue East".

14. Changes to the Constitution: Executive Decision Making Redesign

The Committee considered report [LDS/075](#) of the Head of Legal and Democratic Services which sought approval of changes to the Constitution to take effect from 1 February 2014 to rationalise and help streamline the Authority's executive decision making arrangements. The Committee's attention was drawn to Section 4 of the report which detailed the key changes proposed to Executive decision making and the reasons for those changes. The Committee was informed that the new arrangements would operate on a cascade system.

Concern was expressed that in the past Councillors had not always been informed of upcoming decisions, and were therefore not able to influence a decision until it had become a fait accompli. The Committee was assured that the officers' online toolkit, which would accompany the new arrangements, would encourage officers to consult Cabinet Members, Ward Members and or Members in general at an early stage of the decision making process.

Following a question from the Committee, it was noted that although ten generic delegations were proposed, some decisions which had been deemed to be either controversial or politically sensitive were specifically cited within the Cabinet Member Portfolio Responsibilities (Appendix 1b to the report). The Committee noted that

Policy Framework Documents would remain the responsibility of Full Council and that only minor changes to those documents would be made by officers.

A member of the Committee highlighted that the Council owned residential, operational and non-operational buildings but that the proposed delegation scheme only referred to residential (proposed delegation 9) and operational (proposed delegation 10). It was suggested that the word "operational" be amended to read "non-residential" to avoid ambiguity.

The Committee as a whole was in favour of the principles behind the redesign as it would streamline decision making, but several Members were concerned that the report recommended changes to the Constitution when Members had not seen the officers' online toolkit, which was fundamental to the new arrangements and was referred to throughout the report. Concern was expressed that Members were ultimately responsible for decisions taken, but that the new arrangements gave officers a significant amount of authority and that sufficient checks did not appear to be in place to ensure that the authority was not abused. It was also questioned whether the option to call in decisions under the new arrangements would be effective and whether there would be an audit trail for decisions taken.

It was also suggested that it might be possible for a decision to be taken at the wrong level under the new arrangements. The Committee was reminded that the cascade system only enabled officers to take decisions which were non-key, non-controversial and did not change Council policy. It was noted that the Monitoring Officer would produce a clear, non-Constitutional guide for officers on decision making levels and that any concern regarding the level at which a decision had been taken could be raised with the Monitoring Officer.

The Committee was informed that the new arrangements would increase accountability compared with the current system. The Principal Property Lawyer informed the Committee that the Localism Act 2011 required Councils to publish executive decisions. The new arrangements would record decisions online, thus providing an audit trail, and each decision could be called in or "referred" by the Overview and Scrutiny Commission. The revised key decision thresholds were clearer and more comprehensive than at present which should ensure that decisions were taken at the most appropriate level. One of the fundamental principles of the new arrangements was that only non-key decisions would be taken by officers. The call in procedure would be the next process to be reviewed by the Democratic Services Systems Thinking Intervention.

The Chief Executive suggested that the definition of a key decision could be amended if the Committee was concerned about the level of decisions which would be delegated to officers. He highlighted that decisions could currently be taken at the wrong level and that the new arrangements would help prevent that. Generally officers did inform and/or consult with Councillors before a decision was taken.

The Committee noted that the officers' online toolkit would not be included within the Constitution but would be available online to guide officers through the decision making process. The toolkit was a working document and, as it stood, had not been finalised. The Democratic Services Manager informed the Committee that the Democratic Services Team would be happy to explain the toolkit to any Member on an individual basis who requested it.

It was suggested that a copy of the toolkit be circulated to Members prior to the Full Council meeting scheduled for 18 December 2013 so that Members could be assured

that the new arrangements contained the safeguards and controls which would ensure that the new approach worked successfully.

Although the Committee was in support of the principles behind the new arrangements, several Committee members were of the opinion that, without the officers' online toolkit, there was not enough information before them to convince them that there would be sufficient safeguards in place. Those Committee members therefore proposed that consideration of the changes to the Constitution relating to the Executive decision making redesign be postponed until the next Committee meeting, scheduled for 28 January 2014. It was suggested that if the matter were delayed, the Committee could consider the new arrangements with full understanding of the finalised officers' online toolkit which was deemed fundamental to the new approach. It was noted that the revised report should include more detailed information on the safeguards and checks relating to decision making. However, concern was expressed that, should the matter be postponed, it would delay the implementation of the new arrangements until April/May 2014 and that future elements of the Democratic Services Systems Thinking Review would also be setback.

The vote was 5 that consideration of the changes to the Constitution relating to the Executive decision making redesign be postponed until the next Committee meeting and 5 that the Full Council be recommended to agree the amendments to the Constitution proposed in Appendices 1-3 of the report to come into effect from 1 February 2014. The Chair then used his casting vote in favour of postponing consideration of the matter until the 28 January General Purposes Committee meeting.

The Democratic Services Manager requested that the Leader of the Labour Group met with him to discuss his specific concerns. It was suggested that an all Members' briefing session be arranged to inform Members of the safeguards which would be in place under the new arrangements for delegated decisions taken by officers.

RESOLVED

That a report be brought back to the 28 January 2014 meeting of the General Purposes Committee once Councillors had seen the comprehensive version of the officers' online toolkit and associated documents.

15. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 9.05pm.

L A M BURKE
Chair