

# Crawley Borough Council

## Minutes of Governance Committee 28 September 2015 at 7.00pm

### Present:

Councillor J Stanley (Chair)

Councillor R D Burrett (Vice–Chair)

Councillors M L Ayling, D G Crow, C R Eade, M G Jones, P K Lamb,  
R A Lanzer, T Lunnon, K McCarthy and A C Skudder

### Also in Attendance:

Councillor G Thomas

### Officers Present:

Kevin Carr                      Legal Services Manager  
Heather Girling                Democratic Services Officer  
Mez Matthews                  Democratic Services Officer  
Andrew Oakley                 Electoral Services Manager

## 10. Members' Disclosure of Interests

The following disclosures of interests were made by Members:-

Member		Minute Number		Subject	Type and Nature of Disclosure
Councillor R D Burrett		Minute 12		Overview and Scrutiny Commission Membership Options for the Chair and Vice Chair	Personal Interest as he was a West Sussex County Councillor
Councillor R D Burrett		Minute 13		West Sussex County Council Electoral Boundary Review	Personal Interest as he was a West Sussex County Councillor
Councillor D G Crow		Minute 13		West Sussex County Council Electoral Boundary Review	Personal Interest as he was a West Sussex County Councillor

Member		Minute Number		Subject	Type and Nature of Disclosure
Councillor M G Jones		Minute 13		West Sussex County Council Electoral Boundary Review	Personal Interest as he was a West Sussex County Councillor
Councillor P K Lamb		Minute 13		West Sussex County Council Electoral Boundary Review	Personal Interest as he was a West Sussex County Councillor

## 11. Minutes

The minutes of the meeting of the Committee held on [22 June 2015](#) were approved as a correct record and signed by the Chair.

## 12. Overview and Scrutiny Commission Membership Options for Chair and Vice Chair

The Committee considered report [LDS/109](#) of the Head of Legal and Democratic Services which updated the Committee on the membership options for Chair and Vice Chair of the Overview and Scrutiny Commission (OSC) as requested at its meeting held on [22 June 2015](#) (minute 5 refers). The Committee thanked the officer for the research she had undertaken in producing the report.

It was commented that, although the report identified whether the Chair / Vice Chair of the OSC at other local authorities were allocated to the controlling group or the opposition, there was no definitive pattern, and it was unlikely that any other council would be truly comparable with Crawley Borough Council as its political composition was so finely balanced.

It was suggested that a Scrutiny Panel should be established to consider the issue. However, the Committee was of the view that it would not be possible to establish the Panel until after the next Full Council AGM, when the appointment of the OSC Chair and Vice Chair membership would be agreed, and that a scrutiny review would not add value. It was argued by several Committee members that it was only fair for the opposition group to hold the position of Chair or Vice Chair, and that such a principle should stand regardless of the political balance of the Council or whether a particular group was in control or opposition.

### RESOLVED

That Full Council be recommended to approve that from the Civic Year 2016, where there is more than one political group on the Council, either the position of Chair or Vice Chair of the Overview and Scrutiny Commission will go to a member nominated by an opposition group.

### **13. West Sussex County Council Electoral Boundary Review**

The Committee considered report [LDS/108](#) of the Head of Legal and Democratic Services which informed the Committee of the review by the Local Government Boundary Commission for England of the division boundaries of West Sussex County Council (WSCC). The Committee was invited to consider the proposed schemes submitted to the Commission.

The Committee noted that it had become apparent at the WSCC's Governance Committee meeting that the figures included in its proposed scheme (page C3 of Appendix A to the report) were not accurate and so had been removed from the document submitted to the Boundary Commission. The Committee was assured that the electoral figures identified in the two tables within Appendix A (pages C7 and C8 of the report) were correct.

It was stated that the Boundary Commission's main priorities were to ensure electoral representation, that the Borough election boundaries were similar to the County electoral boundaries and that the electoral areas contained a community of interest.

The Committee was split in its support of the two proposals and it was argued that whilst one proposal would result in the under-representation of certain divisions, the other proposal would create an over-representation. It was also suggested that divisions should be geographically connected and not be divided by physical barriers such as a railway line. It was counter-argued that communities on both sides of a railway line had a community interest.

Concern was raised that Crawley had a strong neighbourhood identity and that neighbourhoods should not be split between two divisions or merged with other dissimilar neighbourhoods. It was argued that both proposals took account of anticipated housing developments and would ensure that electoral representation would balance out by the next County election.

It was proposed by Councillor Crow and seconded by Councillor McCarthy that the Committee support the scheme for WSCC divisions for Crawley as set out in Appendix A to the report.

At the request of Councillor Crow, and in accordance with Council Procedure Rule 24.5, the names of the Members voting for and against the proposal to support the scheme for WSCC divisions as set out in Appendix A to the report were recorded as set out below:

**For the Proposal:**

Councillors R D Burrett, D G Crow, C R Eade, R A Lanzer and K McCarthy (5).

**Against the Proposal:**

Councillors M L Ayling, M G Jones, P K Lamb, T Lunnon, A C Skudder and J Stanley (6).

**Abstentions:**

None.

The proposal was therefore LOST.

It was subsequently proposed by Councillor Lamb and seconded by Councillor Lunnon that the Committee support the scheme for WSCC divisions for Crawley as set out in Appendix B to the report.

At the request of Councillor D G Crow, and in accordance with Council Procedure Rule 24.5, the names of the Members voting for and against the proposal to support the scheme for WSCC divisions for Crawley as set out in Appendix B to the report were recorded as set out below:

**For the Proposal:**

Councillors M L Ayling, M G Jones, P K Lamb, T Lunnon, A C Skudder and J Stanley (6).

**Against the Proposal:**

Councillors R D Burrett, D G Crow, C R Eade, R A Lanzer and K McCarthy (5).

**Abstentions:**

None.

The proposal was therefore CARRIED, and it was

**RESOLVED**

That a letter be sent to the Local Government Boundary Commission for England from the Chair of the Committee stating that the Committee supported the proposed scheme detailed in Appendix B to report [LDS/108](#).

**14. Amendments to the Constitution following the Introduction of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015**

The Committee considered joint report [LDS/107](#) of the Head of Legal and Democratic Services and the Head of People and Technology which followed on from the report considered at the Governance Committee on [22 June 2015](#) (minute 6 refers). The report currently before the Committee requested that the Committee recommend to Full Council changes to the Constitution to reflect the new legal requirements in relation to the disciplining/dismissal of the three Statutory Officers as set out in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

The Committee noted that there were a few typographical errors in the appendices to the report which would be corrected prior their consideration by Full Council.

The Committee thanked the Head of Legal and Democratic Services and the Head of People and Technology for their detailed report. The Committee was of the view that the proposed payment to any Independent Person of £50 per formal Independent Panel meeting attended was not sufficient compensation, given that any such meeting was likely to be in-depth and lengthy. The Committee therefore agreed that the payment should be increased to £100 for each formal meeting attended, to a maximum of £750 per annum.

**RESOLVED**

That the Full Council be recommended to approve:

1. The revised functions of the Appointments and Investigating Committee as set out in Appendix 1 to these minutes.
2. The revised Employment Procedure Rules as set out in Appendix 2 to these minutes.
3. The establishment of an Independent Panel including terms of references comprising of a minimum of two Independent Persons as set out in Appendix 3 to these minutes.
4. That in the event that this Panel is convened and is required to advise the Council on matters relating to the dismissal of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer, any Independent Person, so appointed to receive a payment of £100 each (subject to a maximum of £750 per annum) for any formal meetings of the Panel they attend.
5. The amendments to Article 4, Cabinet Functions and the Staff Appeals Board of the Constitution as set out in Appendix 4 to these minutes.

**15. Closure of Meeting**

With the business of the Committee concluded, the Chair declared the meeting closed at 8.45pm.

J STANLEY  
Chair

**RESPONSIBILITY FOR COUNCIL FUNCTIONS  
APPOINTMENTS AND INVESTIGATING COMMITTEE**

As far as possible, the functions of the Appointments and Investigating Committee will be carried out by a politically balanced panel of between 3 and 7 members drawn from the membership of that Committee.

**Appointments**

Any panel making recommendations relating to the appointment of the Chief Executive (The Head of Paid Service) should consist of seven members (with a quorum of five), whilst a panel appointing the Deputy Chief Executive should consist of six members (with a quorum of four). Head of Service appointments should be made by a panel of five (with a quorum of three).

**Disciplinary, Capability and Grievance Matters**

Any panel making a decision on a disciplinary or capability procedure or under the grievance procedure relating to a Chief Officer shall comprise of 3 members who will be appointed by the Leader, one of whom shall be a Cabinet Member. Where an appeal is made by a non-statutory Chief Officer in respect of any disciplinary, capability or grievance procedure this will be heard by the Staff Appeals Board.

*Any panel making a decision on a recommendation from an Independent Person under Section 28(7) of The Localism Act 2011 when considering a Code of Conduct Complaint shall comprise of 3 Members.*

**Membership:-** Councillors: B J Burgess, R D Burrett, D G Crow, M G Jones, S J Joyce, P K Lamb, R A Lanzer, C C Lloyd, T Lunnon, B McCrow, C A Moffatt, C J Mullins, D M Peck, A C Skudder, B A Smith, P C Smith, J Stanley, K Sudan, G Thomas, K J Trussell and W A Ward

**Functions of the Appointments and Investigating Committee**

- (1) The appointment of the Head of Paid Service, subject
  - (a) to the provisions of Employment Procedure Rule 4(2) (requiring that the Cabinet be given the opportunity to raise an objection) and

**Delegation of Functions**

The following function is delegated to the Head of Paid Service or his/her nominee  
To make appointments (except those appointments at Head of Service level or above).

## Functions of the Appointments and Investigating Committee

- (b) to the approval of any such appointment by Full Council, before an offer of appointment is given.
- (2) The appointment of the Deputy Chief Executive and all Heads of Service, subject to the requirements of Employment Procedure Rule 4(2)(requiring that the Cabinet be given the opportunity to raise an objection).

## Disciplinary and Capability Matters Relating to Statutory Chief Officers

- (1) The initial decision to instigate an investigation process.
- (2) Decision to determine whether there is a case to answer, decision to instigate a formal investigation and the appointment of an investigator.
- (3) Action in accordance with any disciplinary code or capability procedure approved by the Council in respect of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer, including dismissal on associated grounds, subject to the requirements of Employment Procedure Rule 7(2) (requiring that the Cabinet be given the opportunity to raise an objection).
- (4) Consideration of a report into any allegation of misconduct, or into capability or some other substantial reason, of the Head of Paid Service, Monitoring Officer and Chief Finance Officer and to the approval of any dismissal by Full Council, before notice of

## Delegation of Functions

The following function is delegated to the Head of Paid Service or his/her nominee

Temporary appointment of relief employees where appropriate

The following function is delegated to the appropriate Head of Service and/or the Head of People and Technology

Approval of an employee's job title

## Functions of the Appointments and Investigating Committee

dismissal is given.

- (5) To consider any advice, views or recommendations from the Independent Panel.
- (6) Action in accordance with any disciplinary code or capability procedure for the suspension from duty of The Chief Executive (Head of Paid Service), Monitoring Officer or Chief Finance Officer.

## **Disciplinary and Capability Matters Relating to Non Statutory Chief Officers.**

- (7) Action in accordance with any disciplinary code or capability procedure approved by the Council in respect of the Deputy Chief Executive and all Heads of Service including dismissal on associated grounds, subject to the requirements of Employment Procedure Rules 7(2) (requiring that the Cabinet be given the opportunity to raise an objection).

## **Delegation of Functions**

This function is delegated concurrently with the Leader of the Council.

The following function is delegated to the Chief Executive, Deputy Chief Executive and the Leader

The initial decision to instigate an investigation process.

The following function is delegated to the Chief Executive, Deputy Chief Executive and the Leader

Decision to determine whether there is a case to answer, decision to instigate a formal investigation and the appointment of an investigator. These delegations do not apply in respect of any actions against the Chief Executive (Head of Paid Service), Chief Finance Officer and the Council's Monitoring Officer.

The following function is delegated to the Chief Executive

Action of suspension in accordance with any disciplinary code or capability procedure approved by the Council in respect of Chief Officers excluding the Chief Finance Officer and the Monitoring Officer.

## Functions of the Appointments and Investigating Committee

### Delegation of Functions

The following function is delegated to the Chief Executive or an officer nominated by him/her

Action in accordance with any disciplinary code or capability procedure approved by the Council in respect of employees below the level of Head of Service including, as appropriate, the suspension, relegation and dismissal on associated grounds. The Chief Executive has currently nominated Heads of Service (or other senior nominated employees acting on their behalf) to undertake these functions on his/her behalf.

- (8) Action in accordance with any grievance procedure approved by the Council.

The following function is delegated to the Chief Executive and Deputy Chief Executive

Action in accordance with any grievance procedure (excluding appeals) approved by the Council involving Heads of Service but excluding the Chief Executive (Head of the Paid Service), the Chief Finance Officer and the Council's Monitoring Officer. Grievances raised against the Chief Executive will be dealt with by the Appointments and Investigating Committee.

- (9) The duty to appoint an Electoral Registration Officer\*
- (10) The duty to appoint a Returning Officer for Borough Elections\*
- (11) Duty to provide staff, etc to person nominated by the Monitoring Officer under Section 82A(4) of the Local Government Act 2000
- (12) Authorisation of overtime where unavoidable including, in exceptional circumstances, work over the overtime limit defined in the National Conditions of Service

The following function is delegated to the appropriate Head of Service

Authorisation of overtime where unavoidable including, in exceptional circumstances, work over the overtime limit defined in

## Functions of the Appointments and Investigating Committee

- (13) Exercise of any discretion given by national and local conditions of service apart from those requiring negotiation and agreement by the Council (e.g. Part 3 of the NJC Conditions of Service).
- (14) Implementation of decisions of recognised joint negotiating bodies regarding salaries, wages and conditions of service.
- (15) Granting of approved staff benefits to individual posts including essential car users' schemes and reimbursement of professional subscriptions.
- (16) Granting of relocation assistance in accordance with the Council's scheme
- (17) Granting of concessionary leave on compassionate grounds
- (18) Granting of additional or accelerated increments to staff to reflect special merit or to adjust anomalies in a work area.

## Delegation of Functions

the National Conditions of Service

The following function is delegated to the appropriate Head of Service

Exercise of any discretion given by national and local conditions of service apart from those requiring negotiation and agreement by the Council (e.g. Part 3 of the NJC Conditions of Service).

The following function is delegated to the Head of People and Technology

Implementation of decisions of recognised joint negotiating bodies regarding salaries, wages and conditions of service.

The following function is delegated to the Head of People and Technology in consultation with the relevant Head of Service

Granting of approved staff benefits to individual posts including essential car users' schemes and reimbursement of professional subscriptions.

The following function is delegated to the appropriate Head of Service

Granting of relocation assistance in accordance with the Council's scheme

The following function is delegated to the appropriate Head of Service (or the Head of People and Technology)

Granting of concessionary leave on compassionate grounds.

The following function is delegated to the Head of People and Technology in consultation with the appropriate Head of Service

## Functions of the Appointments and Investigating Committee

- (19) Issue of certificates confirming for the purposes of S3(3) of the Local Government Act 1989 that the “sensitive duties criteria” does not apply
- (20) Implementation of job evaluation reviews
- (21) The prior agreement of proposed changes in responsibilities to existing posts which are likely to result in an increase in salary, before the post is reassessed through the job evaluation process.
- (22) The application of nationally negotiated pay awards to locally agreed pay structures
- (23) To approve any exceptions that may occur under paragraph 4.4 of Report ODI/10 relating to the Recruitment Incentive Scheme and the associated Retention Incentive Scheme.

## Delegation of Functions

Granting of additional or accelerated increments to staff to reflect special merit or to adjust anomalies in a work area.

The following function is delegated to the Head of People and Technology

Issue of certificates confirming for the purposes of S3(3) of the Local Government Act 1989 that the “sensitive duties criteria” does not apply

The following function is delegated to the Head of People and Technology

Implementation of job evaluation reviews

The following function is delegated to the Chief Executive / Deputy Chief Executive

The prior agreement of proposed changes in responsibilities to existing posts which are likely to result in an increase in salary, before the post is reassessed through the job evaluation process.

The following function is delegated to the Head of People and Technology

The application of nationally negotiated pay awards to locally agreed pay structures

The following function is delegated to the Head of People and Technology following consultation with the Cabinet Member for Resources

To approve any exceptions that may occur under paragraph 4.4 of Report ODI/10 relating to the Recruitment Incentive Scheme and the associated Retention Incentive Scheme.

## Functions of the Appointments and Investigating Committee

- (24) Minor changes to Human Resources policies and procedures which are in line with the Council's overall policies and the budget, subject to the publication of such decisions in the Members' Information Bulletin
- (25) To make a decision on a recommendation from an Independent Person when acting pursuant to Section 28(7) of The Localism Act 2011, when considering a Code of Conduct Complaint.
- \* These matters may be considered by the Appointments and Investigating Committee but shall be referred to the Council for determination

See also Council functions

## Delegation of Functions

The following function is delegated to the Head of People and Technology following consultation with the Cabinet Member for Resources

Minor changes to Human Resources policies and procedures which are in line with the Council's overall policies and the budget, subject to the publication of such decisions in the Members' Information Bulletin

The following function is delegated to the Head of Legal and Democratic Services in consultation with Party Group Leaders

The appointment of Members to serve on the Panel

## EMPLOYMENT PROCEDURE RULES

### APPENDIX 2

#### 1. Recruitment and Appointment

##### (a) Declarations

- (i) Any candidate who is a relative of a Councillor or senior manager should declare this on the application form. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and, if appointed, shall be liable to dismissal without notice.
- (ii) No candidate so related to a Councillor or senior manager will be appointed without the authority of the Chief Executive, Deputy Chief Executive or relevant Head of Service or an employee nominated by him/her.

##### (b) Seeking support for appointment

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. This will be mentioned on the application form.
- (ii) No Councillor shall solicit for any person any appointment under the Council.

Please note:- Members should not provide references in support of applications for employment by the authority unless they are doing so in their capacity as the applicant's current line manager.

#### 2. Recruitment of Chief Executive (Head of Paid Service) Deputy Chief Executive or Heads of Service

- (1) Where the Council proposes to appoint a Chief Executive (Head of Paid Service), Deputy Chief Executive or Head of Service, the Council will draw up a candidate specification setting out:-
  - (i) The duties of the employee concerned; and
  - (ii) any knowledge, skills and qualifications to be sought in the candidate to be appointed

Where it is not proposed to make such an appointment exclusively from among the Council's existing employees it will:-

- (a) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it, and
- (b) make a copy of the statement mentioned in paragraph (1) available to the public.

These steps will be taken by the Chief Executive (Head of Paid Service or the Deputy Chief Executive on behalf of the Appointments and Investigating Committee.

- (2) Where a post has been advertised as provided in paragraph (1)(a) above, the Appointments and Investigating Committee will interview a shortlist of suitably

qualified applicants for the post. The selection of the short list may be undertaken by senior managers on behalf of the Appointments and Investigating Committee.

- (3) Where no qualified person has applied, senior managers will make further arrangements for advertisement in accordance with paragraph (1)(a) above.

### **3. Appointment of Chief Executive (Head of Paid Service)**

The Full Council will approve the appointment of the Chief Executive (Head of Paid Service) following the recommendation of the panel of the Appointments and Investigating Committee of the Council such a panel to include at least one member of the Cabinet.

The Full Council may only make or approve the appointment of the Chief Executive (Head of Paid Service) where no well-founded objection has been made by any member of the Cabinet and in compliance with current employment legislation.

Note 4(2) below also applies to the appointment of a Chief Executive.

### **4. Appointment of the Deputy Chief Executive and Heads of Service**

- (1) A panel from the Appointments and Investigating Committee, which includes at least one member of the Cabinet will appoint the Deputy Chief Executive and Heads of Service and any offer will be in compliance with current employment legislation.
- (2) An offer of appointment as a Chief Executive, Deputy Chief Executive or a Head of Service must not be made until:-
- (i) The Head of People and Technology has been notified of the name of the person to whom the offer is to be made and of any other particulars which are considered to be relevant to the appointment;
  - (ii) The Head of People and Technology has then notified every member of the Cabinet and has indicated the period within which any objection to the making of the offer is to be made to him/her by the Leader on behalf of the Cabinet; and
  - (iii) Either
    - (a) The Leader has, within the period specified, notified the Appointments and Investigating Committee that neither he/she nor any other member of the Cabinet has any objection to the making of the offer; or
    - (b) The Head of People and Technology has informed the Appointments and Investigating Committee that no objection was received by him/her within that period from the Leader; or
    - (c) The Appointments and Investigating Committee is satisfied that any objection received from the Leader within that period is not material or is not well founded.

## 5. Other Appointments

**Employees below Head of Service.** Appointment of employees below Head of Service is the responsibility of the Chief Executive, Deputy Chief Executive or relevant Head of Service or his/her nominee and may not be made by Councillors.

## 6. Disciplinary Action

- (a) Suspension. **The Chief Executive (Head of the Paid Service), the Monitoring Officer (Head of Legal and Democratic Services) and the Chief Finance Officer (Head of Finance, Revenues and Benefits)** may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and should terminate no later than the expiry of two months; beginning on the day on which the suspension takes effect. In exceptional circumstances this may be extended. In respect of those persons this action should be taken by the Leader of the Council or the Appointments and Investigating Committee
- (b) **For a non-statutory Chief Officer (Deputy Chief Executive or Head of Service)** then this action will be taken by the Chief Executive (Head of Paid Service) under delegated powers.
- (c) Disciplinary investigation. **For the Chief Executive (Head of the Paid Service), the Monitoring Officer (Head of Legal and Democratic Services) and the Chief Finance Officer (Head of Finance, Revenues and Benefits)** the investigation will be undertaken by a panel of the Appointments and Investigating Committee as set out in Function 4 of the Appointments and Investigating Committee. The panel may appoint a suitably independent person to undertake this on their behalf.
- (d) **For a non-statutory Chief Officer (Deputy Chief Executive or Head of Service)** this will be undertaken by the Chief Executive or Deputy Chief Executive as appropriate.
- (e) Disciplinary Hearing. Where the preliminary investigation determines that there is a potential case to answer the matter will be referred to a panel of the Appointments and Investigating Committee as set out in Function 4 of the Appointments and Investigating Committee.

In the case of statutory Chief Officers then this will be a new panel of the Appointments and Investigating Committee. The panel will decide whether the case is proven and if so consider the level of sanction in line with the disciplinary procedure for Chief Officers.

- (f) Councillors will not be involved in the disciplinary action against any employee below Head of Service except where such involvement is necessary for any investigation or inquiry into alleged misconduct. The Council's disciplinary, capability and related procedures as adopted from time to time may allow a right of appeal to members in respect of a decision to dismiss.

## 7. Dismissal

- (1) Councillors will not be involved in the dismissal of any employee below Head of Service except where such involvement is necessary for any investigation or inquiry into alleged misconduct. The Council's disciplinary, capability and related

procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.

**(2) Notice of dismissal of a non-statutory Chief Officer (Deputy Chief Executive or a Head of Service) must not be made until:-**

- (i) The Head of People and Technology has been notified of the name of the person who the Committee wishes to dismiss and of any other particulars which are considered to be relevant to the dismissal; and
- (ii) The Head of People and Technology has then notified every member of the Cabinet and has indicated the period within which any objection to the dismissal is to be made to him/her by the Leader on behalf of the Cabinet; and
- (iii) Either
  - (a) The Leader has within the period specified, notified the Committee that neither he/she nor any other member of the Cabinet has any objection to the dismissal; or
  - (b) The Head of People and Technology has notified the Committee that no objection was received by him/her within that period from the Leader; or
  - (c) The Committee is satisfied that any objection received from the Leader within that period is not material or is not well founded.

**8. Dismissal of a Statutory Chief Officer (Head of Paid Service, the Monitoring Officer and the Chief Finance Officer)**

In the case of a recommendation for dismissal of the Chief Executive (Head of Paid Service), the Monitoring Officer (Head of Legal and Democratic Services) or the Chief Finance Officer (Head of Finance, Revenues and Benefits), a panel of at least two independent persons will be appointed to advise the Council on matters relating to the dismissal of the relevant officers. The Council must take into account any advice, views or recommendations of the Independent Panel before taking a vote on whether or not to approve such a dismissal.

- 9.** In the event that the panel of the Appointments and Investigating Committee's recommendation was that dismissal was appropriate, then the matter would go forward to a full meeting of Council where a decision to approve the dismissal would be taken. The decision would be made having taken into account the conclusions of the Appointments and Investigating Committee, any advice, views or recommendations of the Independent Panel and any representations from the officer concerned.

**10. Right of Appeal**

In the case of Chief Executive (Head of Paid Service), the Monitoring Officer (Head of Legal and Democratic Services) and the Chief Finance Officer (Head of Finance, Revenues and Benefits) then the hearing at full Council will act as an appeal against the decision to dismiss. In the case of the Deputy Chief Executive and other Heads of Service then any appeal will be heard by the Staff Appeals Board.

**APPENDIX 3**

**RESPONSIBILITY FOR COUNCIL FUNCTIONS  
THE INDEPENDENT PANEL**

At least 20 days before the Council considers whether or not to approve a proposed dismissal of a Statutory Chief Officer of the Council namely The Head of Paid Service, The Monitoring Officer and The Chief Finance Officer, the Independent Panel will be appointed and comprise of at least two Independent Persons in accordance with paragraph 5 of Schedule 3 to The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

Such a Panel will be arranged by The Head of Legal and Democratic Services or in the case of any action against that Officer, by the Deputy Monitoring Officer.

Functions of the Independent Panel

**Delegation of Functions (concurrently with the Independent Panel)**

- (1) To offer advice, views or recommendations on the dismissal of the Statutory Officers of the Council namely the Head of Paid Service (Chief Executive), The Monitoring Officer (The Head of Legal and Democratic Services) and The Chief Finance Officer (Head of Finance, Revenues and Benefits), in accordance with the Local Authorities (Standing Orders) (England) (Amendments) Regulations 2015

**Extract from Article 4: The Full Council**

**4.2. Functions of the Full Council**

Only the Council will exercise the following functions:-

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) in connection with the discharge of the function of formulating a plan or strategy for the control of the Council's borrowing, capital expenditure or investments, the giving of instructions requiring the Cabinet to reconsider any draft plan or strategy submitted by the Cabinet for the Council's consideration, the amendment of any draft plan or strategy submitted by the Cabinet for the Council's consideration; and the adoption (with or without modification) of the plan or strategy;
- (d) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision taker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (e) appointing the Leader
- (f) agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
- (g) appointing representatives to outside bodies unless the appointment is a Cabinet function and has been delegated by the Council;
- (h) adopting an allowances scheme under Article 2.7;
- (i) changing the name of the area, conferring the title of honorary alderman or freedom of the Borough;
- (j) approving the appointment or dismissal of the Head of Paid Service and **approving the dismissal of the Monitoring Officer and Chief Finance Officer;**
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (l) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet;
- (m) all matters which, by law, must be reserved to Council;

- (n) agreeing to establish a joint Committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority;
- (o) agreeing to confer additional functions on a joint Committee;
- (p) power to request the dissolution of a joint Committee;
- (q) power to resolve not to issue any casino premises licenses within the Borough under Section 166 of the Gambling Act 2005;
- (r) approval of an allowance for the Mayor and Deputy Mayor other than where the allowance is updated for inflation in accordance with the Budget Strategy;
- (s) considering relevant petitions submitted under the Crawley Borough Council Petitions Scheme.

#### 4.3. **Council Meetings**

There are three types of Council meeting:-

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution

#### 4.4. **Responsibility for Functions**

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

**Extract from the Responsibility for Cabinet Functions**

RESPONSIBILITY FOR CABINET FUNCTIONS

<b>Membership:</b>	<b>Councillor P K Lamb</b>	<b>(Leader of the Council)</b>
	<b>Councillor S J Joyce</b>	<b>(Deputy Leader of the Council)</b>
<b>Councillors</b>	<b>S J Joyce</b>	<b>(Cabinet Member for Housing)</b>
	<b>C C Lloyd</b>	<b>(Cabinet Member for Environmental Services and Sustainability)</b>
	<b>C J Mullins</b>	<b>(Cabinet Member for Wellbeing)</b>
	<b>M G Jones</b>	<b>(Cabinet Member for Public Protection and Community Engagement)</b>
	<b>P C Smith</b>	<b>(Cabinet Member for Planning and Economic Development)</b>
	<b>A C Skudder</b>	<b>(Cabinet Member for Resources)</b>

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 plans and strategies set out in the Policy Framework Procedure Rules within this Constitution.
- (ii) approval of the budget including the Council's financial strategy, annual budget and rules for variations to the approved spending plans - approval to include the allocation of financial resources (revenue and capital) to services or projects, proposed contingency funds, setting the Council tax and determining overall limits in relation to borrowing requirements in connection with the discharge of the function of formulating a plan or strategy for the control of the Council's borrowing, capital expenditure or investments, the giving of instructions requiring the Cabinet to reconsider any draft plan or strategy submitted by the Cabinet for the Council's consideration, the amendment of any draft plan or strategy submitted by the Cabinet for the Council's consideration; and the adoption (with or without modification) of the plan or strategy.

(The Cabinet will be responsible for putting draft proposals to the Council on the above issues.)

- (iii) approval or adoption of any applications (whether in draft form or not) to the Secretary of State for approval of the inclusion of a disposal in a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or for consent to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985

- (iv) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of the Constitution (when adopted), making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the Cabinet is minded to make it in a manner which would be contrary (a) to the policy framework or (b) contrary to/ or not wholly in accordance with the budget (including any part of the budget as varied from time to time within the limits set in the Procurement Code/Financial Procedure Rules or otherwise) or (c) contrary to/not wholly in accordance with the virement limits determined by the Council whether by means of the Procurement Code/Council Procedure Rules/Financial Procedure Rules or otherwise.

In such cases the Cabinet shall not determine the matter itself but shall refer it to Council for determination

- (v) appointing the Leader (Note: the appointment of Members of the Cabinet is the responsibility of the Leader)
- (vi) agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them
- (vii) appointing representatives to outside bodies unless the appointment is a Cabinet function and has been delegated by the Leader
- (viii) adopting a Members Allowances Scheme
- (ix) changing the name of the area, conferring the title of honorary alderman or freedom of the Borough
- (x) approving the appointment or dismissal of the Head of Paid Service, **and approving the dismissal of the Monitoring Officer and the Chief Finance Officer**

## Functions of the Staff Appeals Board

### RESPONSIBILITY FOR COUNCIL FUNCTIONS STAFF APPEALS BOARD

The powers and duties of the Council relating to the functions set out below are delegated to the Staff Appeals Board

**Membership:-** The Board will consist of the following Members from whom three Members (of whom at least one shall be an opposition Member) will be called upon to determine an appeal. The quorum of the Board will, therefore, be three. The Board will be supported by a Senior Human Resources Representative in an advisory role only.

**Membership:-** Councillors: M L Ayling, Dr H S Bloom, R G Burgess, R D Burrett, C A Cheshire, D G Crow, I T Irvine, S J Joyce, M G Jones, P K Lamb, C C Lloyd, R A Lanzer, T Lunnon, C A Moffatt, C J Mullins, B J Quinn, R Sharma, A C Skudder, B A Smith, P C Smith, J Stanley, K Sudan, G Thomas and W A Ward

#### Functions of the Staff Appeals Board

(1) To consider appeals against dismissal, grading and grievances by employees of the Council

#### Delegation of Functions (concurrently with the Staff Appeals Board)

The following function is delegated to the Chief Executive/Deputy Chief Executive/appropriate Head of Service  
Appeals against disciplinary warnings

The following function is delegated to the Chief Executive/Deputy Chief Executive/relevant Head of Service  
Appeals against grievances  
(Appeals will only go forward to the Staff Appeals Board in limited circumstances as outlined in the Council's Grievance Procedure)

The following function is delegated in accordance with the current local agreement on job evaluation  
Appeals against gradings

## Functions of the Staff Appeals Board

## Delegation of Functions (concurrently with the Staff Appeals Board)

The following function is delegated to the Chief Executive, in consultation with the Leader of the Council and the Cabinet Member for Resources

Authority to agree a Settlement Agreement in circumstances where an employee or former employee of the Council has made a claim or has a potential claim against the Council. In addition, where the Settlement Agreement includes an amount of financial compensation, the Chief Executive, in consultation with the Leader of the Council and the Cabinet Member for Resources, has delegated authority to agree the amount following consultation with the Head of Legal and Democratic Services (where the Chief Executive is the subject of the agreement then the Section 151 Officer will replace them in the authorisation process).

- (2) To hear appeals by non-statutory Chief Officers in respect of any disciplinary, capability or grievance procedure.