

Crawley Borough Council

Governance Committee

Agenda for the **Governance Committee** which will be held in **Committee Room B**, Town Hall, Crawley, on **Wednesday 15 March 2017** at **7.00pm**

Nightline Telephone No. 07881 500 227



Head of Legal and Democratic Services

Membership:

Councillors J Stanley (Chair), R D Burrett (Vice-Chair), D Crow, C R Eade, M G Jones, S J Joyce, P K Lamb, R A Lanzer, T Lunnon, K McCarthy and A C Skudder

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The order of business may change at the Chair's discretion

Business - Part A

1. Apologies for Absence

2. Members' Disclosures of Interest

In accordance with the Council's Code of Conduct, members of the Council are reminded that it is a requirement to declare interests where appropriate.

3. Minutes

To approve as a correct record the minutes of the meeting of the Committee held on 14 November 2016 (**Enclosure A**).

4. Comprehensive Review of the Constitution

To consider report LDS/126 of the Head of Legal and Democratic Services (**Enclosure B**).

5. Provisions Relating to Call-In and Urgency

There have been no cases, during the period since the last report, where an item has been protected from the Call-In Procedure on the grounds of urgency as provided for in Scrutiny Procedure Rule 14(k).

Recommendation

To recommend to the Full Council that since the provisions relating to Call-In and Urgency have not been used during the past twelve months, no change to the provisions are necessary at this stage.

6. Supplemental Agenda

Any urgent item(s) complying with Section 100(B) of the Local Government Act 1972.

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Crawley Borough Council



Minutes of Governance Committee 14 November 2016 at 7.00pm

Present:

Councillor	J Stanley (Chair)
Councillor	R D Burrett (Vice-Chair)
Councillors	D Crow, C R Eade, M G Jones, S J Joyce, P K Lamb, R A Lanzer, T Lunnon, and A C Skudder

Also in Attendance:

Councillor R G Burgess	(Acting Chair of the Overview and Scrutiny Commission and member of the Review of Democratic Structures Scrutiny Panel)
Councillor I T Irvine	

Officers Present:

Ann-Maria Brown	Head of Legal and Democratic Services
Heather Girling	Democratic Services Officer
Mez Matthews	Democratic Services Officer
Andrew Oakley	Electoral Services Manager

Apologies for Absence:

Absent:

Councillor K McCarthy

8. Death of Honorary Freeman and Alderman Jim Smith MBE

The Committee observed one minute's silence in memory of former Councillor, Mayor and Honorary Freeman and Alderman Jim Smith MBE. Jim sadly passed away on 9 November 2016.

9. Members' Disclosure of Interests

No disclosures of interests were made by Members.

10. Minutes

The minutes of the meeting of the Committee held on [20 September 2016](#) were approved as a correct record and signed by the Chair.

11. Review of Democratic Structures Scrutiny Panel Final Report

The Committee considered report [OSC/253](#) of the Chair of the Review of Democratic Structures Scrutiny Panel. The Scrutiny Panel had been established to consider assessing the Council's current governance arrangements, to consider the key attributes for an effective governance system, consider the drivers for change and then consider improvements to the current system. The report before the Committee presented the findings and recommendations of the Panel.

Councillor R G Burgess, Acting Chair of the Overview and Scrutiny Commission, presented the Panel's report and drew the Committee's attention to the comments made by the Overview and Scrutiny Commission at its meeting held on 7 November 2016 on the above report (comments are attached as Appendix 1 to these minutes). The Committee noted that reference to the "Development Control Committee" on page B13 of the report should be deleted and replaced with the "Planning Committee".

The Committee considered the recommendations proposed by the Scrutiny Panel and made the following comments:

(a) Retention of the current model of Governance (Strong Leader Model ie Leader and Cabinet Executive)

It was acknowledged that the Review had been established following a desire by some Councillors to return to the 'Committee System' as they were of the view that such a system would increase the involvement of back bench Members. The Committee was satisfied that the Strong Leader Model had worked well for the Council since its introduction and it agreed overwhelmingly to support the retention of the current model of Governance.

(b) Establishment of 2 'Portfolio Advisory Groups' (hybrid arrangements)

The Committee discussed the proposal to establish Portfolio Advisory Groups (PAGs) in detail. Many Committee members felt that the work which would be undertaken by the proposed PAGs was currently within the remit of the Overview and Scrutiny Commission (OSC) and that there was little evidence to suggest that Members were not currently involved in the development of policy. However some Members expressed the view that, as the OSC currently met two days prior to the relevant Cabinet meeting, the impact the Commission had on policy development was limited.

Whilst some Members were of the view that the introduction of PAGs could improve decision making and could be useful in developing or refining complex policies the majority of the Committee felt that PAGs would not add value, would not deliver the benefits envisaged and would be a re-creation of the 'failed' Policy Development Forums which had been deemed unnecessary and therefore disbanded in 2015. Several Committee members also expressed concern at, what they considered to be, a small membership for the PAGs and subsequently felt that could result in a struggle for attendance at meetings.

The majority of the Committee viewed all-Member seminars as a more effective way to involve Members in policy development and that cross-party Working Groups could be established when necessary. The Committee therefore did not support the establishment of PAGs.

(c) Introduction of Cabinet Members updates to all Members to communicate information relating to their portfolio to be provided prior to Full Council

The majority of the Committee were of the opinion that Cabinet Members already had the opportunity to provide updates at Full Council meetings during the "Announcements by Cabinet Members" item and therefore the proposal was not necessary. The Committee therefore did not support the recommendation.

(d) Establishment of seminars for the 'big' issues where officers can obtain Member input and feedback at an early stage

The Committee supported seminars as an effective and valuable way of encouraging Member involvement in policy development and 'big' issues. Although seminars could be useful as a 'brainstorming session' it was noted that they were less productive when initial ideas had not been formulated enough to enable coherent debate. Disappointment was expressed at the regular low attendance at seminars and the Committee hoped that attendance would improve. The Committee supported the recommendation.

(e) The Commission's request that Cabinet Members introduce reports at Overview and Scrutiny Commission (OSC) meetings

Although the Committee supported the recommendation, several Committee members were of the view that the Commission could already request that a Cabinet Member attend a meeting, and it was acknowledged that most Cabinet Members already attended when a report relating to their portfolio was to be considered by the Commission.

(f) Acquiring a "Member Mix" on the Overview and Scrutiny Commission

The Committee was very concerned that limiting the length of time a Member could serve on the Commission to three years could have a significantly negative impact on the membership of other Committees, especially if the size of the Commission was increased as per recommendation (g) below. The Committee was unsure whether the recommendation set out in the report relating to the acquisition of a "Member Mix" included the imposition of a term limit for membership on the Commission. For clarification purposes an amendment was moved, seconded and considered as follows:

Amendment:

It was moved by Councillor P K Lamb, and seconded by Councillor R A Lanzer that Recommendation 2.1(f) of the Panel be amended as follows (additional wording shown in bold):

"Acquire a "Member Mix" on the Overview and Scrutiny Commission, **no formal term limit is implied by this recommendation.**"

The amendment upon being put to the Committee was declared to be CARRIED.

The Committee was then asked to vote on the recommendation as amended. However, although the Committee agreed that a balance and mix of new and experienced Members on the Commission would be nice, it was of the opinion that the Commission was best served by Members who had a specific interest in that area and that details relating to the Commission's membership was the responsibility of the

political groups and should not be stipulated. The Committee therefore did not support that a "Member Mix" be acquired on the Overview and Scrutiny Commission.

(g) An increase in the size of the Overview and Scrutiny Commission

The Committee was of the opinion that an increase in the size of the Commission should not be looked at in isolation as it would impact on the membership of other Committees. To ensure that membership reflected the political balance of the Council, and to minimise disruption to other Committees an amendment was moved, seconded and considered as follows:

Amendment:

It was moved by Councillor M G Jones, and seconded by Councillor P K Lamb that Recommendation 2.1(g) of the Panel be amended as follows (additional wording shown in bold):

"Increase the size of the Overview and Scrutiny Commission **with effect from the next municipal year.**"

The amendment upon being put to the Committee was declared to be CARRIED.

Although concern was raised that an increased membership would lengthen the duration of Commission meetings, on balance the Committee agreed that the membership should be increased if that was the wish of the Commission. The Committee therefore supported the recommendation as amended.

Member's attendance at meetings

Although it did not form part of the report, a query was raised regarding what appeared to be a lack of consistency when recording Members as "also in attendance" at meetings. The Head of Legal and Democratic Services agreed to look into the matter to ensure consistency.

The Committee thanked Councillor R G Burgess, members of the Scrutiny Panel and the Democratic Services Officer (HG) for a thorough review and detailed report, as well as the Overview and Scrutiny Commission for its comments.

RESOLVED

1. That the Full Council be recommended to:
 - (i) Support and endorse the continuation of the current model of governance (Strong Leader Model i.e. Leader and Cabinet Executive).
 - (ii) Agree an increase to the size of the Overview and Scrutiny Commission, with effect from the next municipal year
2. That
 - (i) Seminars be established for the 'big' issues where officers can obtain Member input and feedback at an early stage.
 - (ii) Cabinet Members introduce reports at Overview and Scrutiny Commission meetings.

12. 2018 Review of Parliamentary Constituencies

The Committee considered report [LDS/122](#) of the Head of Legal and Democratic Services which informed the Committee of the initial proposals of the Boundary Commission for England for new Parliamentary constituency boundaries as they affected Crawley. The Commission had proposed that the Borough of Crawley be retained in one constituency, with the inclusion of Copthorne and Worth Ward (which was currently within the Horsham constituency). The report requested that, in addition to the Copthorne and Worth Ward, the Committee consider making representations to the Commission to include Kilnwood Vale polling district in Crawley constituency.

It was noted that some wording had been omitted from the end of paragraph 6.2 and the paragraph should read “The urban character of Kilnwood Vale is different to the rest of the ward, particularly the western section”.

Several members of the Committee were of the opinion that such an inclusion of Kilnwood Vale would be premature at this stage as it did not currently lie within the Crawley Borough and its incorporation would require a split of the Rusper and Colgate Ward. However, the majority of the Committee supported the proposal to include Kilnwood Vale in the Crawley constituency as Kilnwood Vale would receive most of its services from Crawley and not Horsham. It was also felt that the character of Kilnwood Vale more closely matched that of Crawley and it was hoped that the area would be incorporated within the Crawley Borough in future.

RESOLVED

That representations be made to the Boundary Commission for England on the initial draft proposals that the Kilnwood Vale Polling District be included in Crawley constituency.

13. Electoral Review 2017/18

The Committee considered report [LDS/123](#) of the Head of Legal and Democratic Services which informed the Committee that the Local Government Boundary Commission for England was planning to conduct an electoral review to improve electoral equality in Crawley. The Committee was recommended to establish an informal working group known as the Electoral Review Panel to lead on the detailed work needed to take place during the period of the review.

RESOLVED

1. That the information relating to the electoral review be noted.
2. That an Electoral Review Panel of 5 (3:2) members of the Governance Committee be established to:
 - a) Undertake the detailed work necessary for the review.
 - b) Submit recommendations to the Governance Committee as necessary, prior to any proposals being submitted to the Boundary Commission for England.

3. That the Group Leaders inform the Head of Legal and Democratic Services of their nominations for membership on the Electoral Review Panel.

14. Electoral Services Team Report

The Committee considered report [LDS/124](#) of the Head of Legal and Democratic Services which informed Members of current electoral matters. Members sought and received clarification on a number of issues raised including matters relating to voter ID, the possible impact of Brexit on overseas voters and the retention of voters on the register who did not respond to the Household Enquiry Form.

RESOLVED

That the report be noted.

15. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 9.15pm.

J STANLEY
Chair

APPENDIX 1

Comments from the Overview and Scrutiny Commission on Review of Democratic Structures Scrutiny Panel at its meeting on Monday 7 November 2016

OSC/254

OSC Agenda Item 8 – Review of Democratic Structures Scrutiny Panel Final Report

Comments and Recommendations

The Commission held a discussion on report OSC/253 of the Chair of the Review of Democratic Structures Scrutiny Panel with the Acting Chair of the Overview and Scrutiny Commission.

Members were in favour of Recommendations 2.1a, b, c, d, e, f and g.

- It was felt that recommendation 'h' was unnecessary as this was already understood to be actioned.
- It was commented that recommendation 'i' should be removed as training should be arranged by the Members' Executive Support Group as the independent body as opposed to the Overview and Scrutiny Commission.
- The Commission would seek to instigate recommendation 'e' as it was within its remit to do so.
- Support made to the important reference of the Portfolio Advisory Groups taking place only subject to sufficient items of business being available for consideration, which would avoid unnecessary meetings. However it was questioned who would consider when a meeting would then occur and how.
- It was felt there were areas of uncertainty covering the Portfolio Advisory Groups. In particular, greater clarity was sought as to the formalisation and operation of the Portfolio Advisory Groups, in particular the membership and chairing. Some Members felt the Groups should be chaired by a Cabinet Member so the Portfolio Holder could 'advise' other Members of initial policy proposals (as in most other authorities' models). Other Members from the Scrutiny Panel agreed that having evaluated the merits and options that the Portfolio Advisory Groups should not be chaired by a Cabinet Member.
- Recognition that the Portfolio Advisory Groups could support the development of policy, although there was also concern expressed that the Portfolio Advisory Groups may slow the decision making process.
- Financial implications were noted.
- It was felt that if recommendation 2.1b was approved, the need to establish a review within 12 months of operation was of paramount importance.

**Councillor R G Burgess (Acting Chair, Overview and Scrutiny Commission)
7 November 2016**

Crawley Borough Council

Report to Governance Committee



15 March 2017

Comprehensive Review of the Constitution

Report of the Head of Legal and Democratic Services – LDS/126

1. Purpose

- 1.1 To seek approval for the first comprehensive review of the Constitution since its creation in 2001. With the adoption of the new Constitution to be ratified for the commencement of the 2018/19 municipal year.
- 1.2 The aim of the review is to devise a Crawley Constitution that is more usable, fit for purpose and modern in structure, to enable users to take decisions and/or understand procedures and protocols in a manner that encourages efficiency. In addition, to produce a Constitution which embraces the digital and electronic age and therefore designed accordingly.

2. Recommendations

- 2.1 To approve that a comprehensive review of the Council's Constitution is undertaken, with an aim that the updated Constitution be approved by Full Council, via the Governance Committee and be in place for the start of the 2018/19 municipal year.
- 2.2 That officers be authorised to re-write and redesign the Constitution based on the principles and format set out in paragraphs 5.4 and 5.5 of this report. That in doing so, officers be given the authority to make any necessary editorial changes, which ensure that the new Constitution is streamlined and fit for a modern Council.
- 2.3 That the Constitution Working Group be re-established (with a membership of 3:2), to keep an overarching steer and guidance on the Constitutional redesign process, through the receipt of electronic updates.
- 2.4 When material changes to the Constitution are proposed, and in discussion with the Chair of the Working Group, that such changes be brought before a meeting of the Constitution Working Group which will be convened for that purpose. All paperwork for meetings of the Working Group will be provided electronically.
- 2.5 That the Chair of the Constitution Working Group provide an update on the progress of the redesign at each scheduled meeting of the Governance Committee.
- 2.6 That the Head of Legal and Democratic Services be authorised to remove all names listed under membership (with the exception of Cabinet) and the removal of any officer names from the Constitution to be approved for the 2017 Full Council (AGM).

3. Reasons for the Recommendations

- 3.1 The Council is required under Section 9P of the Local Government Act 2000 (as amended by the Localism Act 2011) to prepare and keep up to date its Constitution. Whilst the Council annually reviews the Constitution, a full scale comprehensive review has not taken place since it was first adopted in 2001.

4. Background and Justification

- 4.1 The Council is required under Section 9P of the Local Government Act 2000 (as amended by the Localism Act 2011) to prepare and keep its Constitution up to date. The Council regularly updates its Constitution, via Governance Committee and Full Council along with the required annual review to ensure it meets its legal requirements and reflects operational practice. However, there has not been an overall review and refresh to ensure consistency across all areas.
- 4.2 The current Constitution first came into effect in 2001 and reflects the requirements of the LGA 2000, which replaced the Committee system with the Executive / Cabinet. The framework of Crawley's Constitution, was based on the model archetypical Constitution and is split into 7 Parts, containing over 60 sub sections. A copy of the Constitution's contents is included as **Appendix A** to this report.
- 4.3 The size of the Constitution at its conception was 352 pages and it is currently 480 pages. As a result of its growth it has become quite cumbersome and unwieldy. It has also led to areas of duplication and inconsistency in terms of layout and formatting. An example being that scrutiny processes appear in at least four separate areas of the Constitution.
- 4.4 Feedback received from key officers on the current Constitution suggested that improvements could be made to both its content and structure. Comments included:
- It is difficult to find information. The Constitution could benefit from an easy to use index or quick links to frequently used pages
 - The majority of people use the electronic version of the Constitution and therefore improved electronic search functions or links would be beneficial
 - The Constitution is difficult to navigate and officers often have to 'flip' between different sections to find the relevant information
 - The Financial Procedure Rules could be streamlined
 - The Constitution page on the intranet includes a glossary of common terms in relation to decision making and the Constitution, it would be useful if this information was linked within the document itself.
- 4.5 Over the last 5 years many Councils across the country have embarked on a comprehensive review and have provided a number of examples as to how a modern, streamlined Constitution could look. These include Horsham DC, Sefton MC, Dartford BC, LB Richmond and LB Camden.
- 4.6 In the case of Horsham DC, who completed their review in 2016, they were able to focus, reshape and streamline their Constitution from 358 pages to 190 pages. It is hoped that a review of Crawley's Constitution could result in a reduction by at least a third.
- 4.7 The recently redesigned Constitutions of other Local Authorities have adopted a more electronic approach to the document. The majority of Crawley's Councillors, officers and the public use the online version. This highlights the need for a more

electronically focussed document which is both easy to navigate and search. It is therefore envisaged that the redesigned Constitution will be more digitally focussed and will include links to other relevant areas of the Constitution and related documents.

- 4.8 Currently, several sections of the Constitution include officer names and detailed membership of Committees. This practice requires that, following Full Council's approval of Committee membership at its AGM, replacement pages are produced and circulated for Part 3 of the Constitution. In addition to this, any in-year changes to membership or officer appointments require Constitutional updates, which result in unnecessary use of officer time and resources.
- 4.9 As details of Committee membership is available on the Crawley Borough Council website it is proposed that the Constitution only include the number of members appointed to each Committee. It is further suggested that any individual officer names be removed to reduce the number of in-year changes. The title of Cabinet Member's Portfolios and officer role by job title, would continue to be included as would the job title of the responsible employee in relation to proper officers and the senior officer structure chart. In light of this it is suggested that all names listed under membership (with the exception of Cabinet) be removed from the Constitution to be approved for the 2017 Full Council (AGM) along with any officer names.

5. Proposed Structure of the Rewritten Constitution

- 5.1 Officers have investigated the format of other Council's Constitutions and have researched which elements may be useful for our redesigned Constitution. Based on these investigations it is proposed that a bespoke Constitution be devised for Crawley which meets the needs of our Council and the way it works, rather than fitting our governance arrangements and procedures around a specific model.
- 5.2 Of the various Constitutions investigated, officers are of the opinion that the structure and content of two Local Authority Constitutions (that of Horsham District Council (HDC) and the London Borough of Richmond Upon Thames (LBR)) have been identified as having a clear and logical layout which assists the user in locating key information easily. In particular LBR's Constitution illustrates how a Constitution can be enhanced by the inclusion of electronic links and the identification of other relevant documents, whilst HDC's uses a very streamlined approach.
- 5.3 It is therefore suggested that the principles and the general structure for the redesigned Constitution be based on a combination of LBR and HDC Constitutions as a starting point and as a general steer for the review. In particular, officers are of the view that the following key elements of their Constitutions would be advantageous for the redesign:
 - LBR's Constitution, which was redesigned in 2015, is structured around the three key guidance areas accessed by users namely, **Decision Making, Procedures and Codes/Protocols**. It also contains a single introduction containing the Standing Orders of the Council, and removes the need for the Articles. Each section of LBR's Constitution also includes links and signposting to other key information areas.
 - HDC's Constitution, which was redesigned in 2016, is based on the premise that any duplicated information or unnecessary wording be removed. Following current best practice it is set out as an '**exception based**' **Scheme of Delegation** rather than a list of legislative provisions. As a result, the size of their

Constitution has been reduced from 358 pages to 190 pages. CBC's Constitution currently has 480 pages.

- 5.4 It is therefore suggested that Crawley's redesigned Constitution be split into 3 Parts (**Decision Making, Procedures and Codes/Protocols**), plus an introduction containing the Standing Orders of the Council. Also that duplication and unnecessary wording be removed and that an '**exception based**' **Scheme of Delegation** be introduced, which will complement our current Cascade and Generic Delegation Scheme for Executive functions. In addition, it is suggested that links or signposting be included which identifies relevant and related documents.
- 5.5 To illustrate how, for instance, Part 3 (responsibility for functions) of Crawley's Constitution could be reformatted using an exemption based approach, the appendices to this report provide examples of how this could look in practice. **Appendix B** shows Crawley's Planning Committee functions and delegations as they are currently. **Appendix C** provides an example of how that section could be redesigned using HDC's structure, and **Appendix D** is the equivalent using LBR's format. **Appendix E** is the officer's proposed approach for a bespoke format for Crawley using a combination of elements from both HDC's and LBR's Constitutions and therefore the Committee is requested to endorse this general approach for the redesign.

6. Proposed Approach for Redrafting

- 6.1 Redesigning the Constitution will be a significant task. To enable an efficient, structured, yet focused approach to the redesign which ensures Member engagement and allows the Democratic Services team to rewrite the Constitution within current resources, it is proposed that the Constitution Working Group (CWG) be re-established, to provide officers with a guidance and steer on the redesign.
- 6.2 It is also proposed that the CWG works differently to a typical working group by maximising the use of Members' electronic feedback. Each member of the CWG will receive a copy of the current Constitution (in their preferred format) at the start of the review to enable Members to compare against each redrafted section.
- 6.3 It is proposed that in order to have an organised and efficient approach to the redesign, the first stage of the process would be to obtain the CWG's agreement to the basic structure of the Constitution. In order to do this, it is suggested that officers will consider and deconstruct the current Constitution's contents to find areas of duplication or commonality so a more coherent 'order of contents' can be produced. The proposed new structure will then be considered by the CWG. Following the CWG's agreement of a new structure, each section will be redesigned methodically.
- 6.4 After each section has been redrafted by officers, the CWG will be emailed for their feedback and asked to provide their views electronically. Officers will then incorporate that feedback into the document and start redrafting the next section. Should there be any contradictions in the feedback, it is proposed that the Chair of the CWG will either take a decision on the approach or bring that section back to a meeting of the CWG.
- 6.5 When officers, in discussion with the CWG Chair, identify areas of the Constitution which require significant material changes (i.e. proposed change in procedure, process or approach) such changes will be brought before a meeting of the CWG which will be convened for that purpose.

- 6.6 It is proposed that meetings of the CWG will work in a primarily electronic manner. The main reason being the sheer mass of paper involved in such a task. *(NB this does not stop Councillors or officers printing out pages should they find this useful)*. It is envisaged that a projector be used at the CWG meetings to display any re-writes which are to be discussed.
- 6.7 It is suggested that the Chair of the CWG provide an update on the progress of the redesign at each scheduled meeting of the Governance Committee.
- 6.8 It is proposed that the final redrafted Constitution be considered for adoption at the Governance Committee on 12 March 2018, with a recommendation to Full Council on 4 April 2018 and with the new Constitution taking effect from 1 May 2018.

7. Implications

Financial and Staffing Implications

The review of the Constitution will be undertaken within existing resources by Democratic Services staff, based on the proposed electronic approach to the redesign.

Legal Implications

The Council is required to keep its Constitution under review pursuant to Section 9P of the Local Government Act 2000 (as amended by the Localism Act 2011). The Constitution in its entirety has not been reviewed since its conception and a redesigned Constitution will enable Crawley to achieve its ambition to be a modern and dynamic council.

8. Background Papers

[Constitution of Crawley Borough Council](#)

[Constitution of Dartford Borough Council](#)

[Constitution of Horsham District Council](#)

[Constitution of London Borough of Camden](#)

[Constitution of London Borough of Richmond Upon Thames](#)

[Constitution of Sefton Metropolitan Borough Council](#)

CONSTITUTION OF THE COUNCIL

CONTENTS

PART 1 – SUMMARY AND EXPLANATION	1
PART 2 – ARTICLES OF THE CONSTITUTION	7
ARTICLE 1 – THE CONSTITUTION	9
ARTICLE 2 – MEMBERS OF THE COUNCIL	11
ARTICLE 3 – CITIZENS AND THE COUNCIL	14
ARTICLE 4 – THE FULL COUNCIL	16
ARTICLE 5 – CHAIRING THE COUNCIL	19
ARTICLE 6 – OVERVIEW AND SCRUTINY COMMISSION	20
ARTICLE 7 – THE LEADER AND CABINET	26
ARTICLE 8 – REGULATORY AND OTHER COMMITTEES	30
ARTICLE 9 – AREA COMMITTEES AND FORUMS	31
ARTICLE 10 – JOINT ARRANGEMENTS	32
ARTICLE 11 – EMPLOYEES	34
ARTICLE 12 – DECISION MAKING	39
ARTICLE 13 – FINANCE, CONTRACTS AND LEAGL MATTERS	42
ARTICLE 14 – REVIEW AND REVISION OF THE CONSTITUTION	44
ARTICLE 15 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION	45
SCHEDULE 1 – DESCRIPTION OF CABINET ARRANGEMENTS	47
PART 3 – RESPONSIBILITY FOR FUNCTIONS	49
RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS	53
RESPONSIBILITY FOR COUNCIL FUNCTIONS	60
Functions of the Appointments and Investigating Committee	60
Functions of the Audit Committee	67
Functions of the Coast to Capital Joint Committee	69
Functions of the Full Council	70
Functions of the Governance Committee	72
Functions of the Grants Appeals Panel	82
Functions of the Independent Panel	83
Functions of the Licensing Committee	84

Functions of the Licensing Committee under the Licensing Act 2003	101
Functions of the Licensing Committee under the Gambling Act 2005	110
Functions of the Overview and Scrutiny Commission	116
Functions of the Planning Committee	119
Functions of the Staff Appeals Board	135
RESPONSIBILITY FOR CABINET FUNCTIONS	137
CASCADE AND GENERIC DELEGATION SCHEME	140
Employee's Joint Consultative Forum (EJCF)	144
PROPER OFFICERS	145
PART 4 – RULES OF PROCEDURE	155
COUNCIL PROCEDURE RULES	159
ACCESS TO INFORMATION PROCEDURE RULES	187
BUDGET PROCEDURE RULES	203
POLICY FRAMEWORK PROCEDURE RULES	209
LEADER AND CABINET PROCEDURE RULES	217
CABINET MEMBER PORTFOLIO RESPONSIBILITIES	225
SCRUTINY PROCEDURE RULES	235
FINANCIAL PROCEDURE RULES	247
PROCUREMENT CODE	281
EMPLOYMENT PROCEDURE RULES	321
PART 5 – CODES AND PROTOCOLS	327
CODE OF CONDUCT FOR COUNCILLORS	331
CODE OF CONDUCT ON PLANNING MATTERS	355
ARRANGEMENTS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS UNDER THE LOCALISM ACT 2011	369
EMPLOYEES' CODE OF CONDUCT	389
MONITORING OFFICER PROTOCOL	399
PROTOCOL ON MEMBER/EMPLOYEE RELATIONS	407
PROTOCOL ON APPOINTMENT OF HONORARY ALDERMEN OR HONORARY FREEMEN	415
PROTOCOL FOR THE LOCAL INVOLVEMENT NETWORK (LINK)	419
PROTOCOL FOR OFFICERS AND POLLITICAL GROUPS	423
PROTOCOL ON RESPONDING TO CONSULTATION DOCUMENTS	427
PROTOCOL ON USE OF SOCIAL MEDIA, PHOTOGRAPHY, FILMING AND RECORDING AT MEETINGS	431

PROTOCOL PON PUBLIC AND WARD MEMBER INVOLVEMENT IN THE PLANNING PROCESS AND SPEAKING AT PLANNING COMMITTEE	435
LICENSING SUB COMMITTEE PROCEDURE	441
CRAWLEY BOROUGH COUNCIL PETITIONS SCHEME	447
CODE OF CORPORATE GOVERNANCE	459
PART 6 – MEMBERS’ ALLOWANCES SCHEME	467
PART 7 – MANAGEMENT AND COMMITTEE STRUCTURE	477

Current Crawley's Planning Functions

RESPONSIBILITY FOR COUNCIL FUNCTIONS PLANNING

The powers and duties of the Council relating to the functions set out below are delegated to the Planning Committee, save that any decision to grant planning permission for a development which would be a material departure from the approved Local Plan shall be submitted to the Council for approval

Membership: Councillors: I T Irvine (Chair), C Portal Castro (Vice Chair), B J Burgess, D Crow, R S Fiveash, F Guidera, K L Jaggard, S J Joyce, B McCrow, M Pickett, T Rana, A C Skudder, P C Smith, M A Stone and J Tarrant

Functions of the Planning Committee

Planning and conservation

Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) and as set out below:

- (1) Power to determine applications for planning permission

Delegation of Functions (concurrently with the Planning Committee)

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

- (a) The service of notices requiring further information on outline planning applications or in the case of a validation dispute in accordance with Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 or any subsequent re-enactment of that provision

Functions of the Planning Committee

Delegation of Functions (concurrently with the Planning Committee)

- (b) The determination of the appropriate statutory notices for giving publicity to applications made under the Town and Country Planning Act 1990
- (c) The determination of applications for developments submitted to the Council (including the power to grant permission for development already carried out) for:
 - (i) planning permission under Part III of the Town and Country Planning Act, 1990;
 - (ii) consent to carry out works to trees (including felling) under Part VIII of the Town and Country Planning Act 1990;
 - (iii) consent to display advertisements under Part VIII of the Town and Country Planning Act 1990;
 - (iv) consent to carry out works on or other development in connection with listed buildings under the Planning (Listed Building and Conservation Areas) Act 1990 and;
 - (v) consent to carry out work in a conservation area under the Planning (Listed Building and Conservation Areas) Act 1990

EXCEPT WHERE:

- (a) a request has been received from a Member of the Council for an application to come before the Committee, or;
- (b) the application has been submitted by or on behalf of an employee or Member of the Council or;
- (c) the Head of Economic and Environmental Services considers an application, that would otherwise be delegated, should come before the Committee or;

Functions of the Planning Committee

Delegation of Functions (concurrently with the Planning Committee)

- (d) the application is for a major development (as defined under the Development Management Procedure Order) of any kind or;
- (e) the Head of Economic and Environmental Services is minded to approve the development and any of the following applies:
 - (i) an approval would constitute a departure from the Local Plan or;
 - (ii) 4 or more objections have been received in writing during the Council's normal consultation period from different individuals living in different households or;-
 - (iii) one or more objection has been received in writing during the Council's normal consultation period from a recognised residents' association, amenity or conservation group or;
 - (iv) one or more objection has been received in writing during the Council's normal consultation period from a statutory consultee or;
 - (v) the proposal involves the Borough Council as the applicant either alone or jointly with another person.

- (d) The determination of those matters imposed by condition, including
 - (a) matters reserved for subsequent approval following the grant of outline permission (other than when the exceptions in 1(c) a,b,c or e above apply);
 - (b) details submitted pursuant to discharge a condition imposed on a planning permission;

Functions of the Planning Committee

- (2) Power to decline to determine application for planning permission

Delegation of Functions (concurrently with the Planning Committee)

- (c) minor variations to approved development/ planning permissions to conservation areas and listed building consents, where no formal application is deemed necessary;
- (d) amendment, relaxation or removal of conditions attached to a planning permission or an approval of reserved matters (* including the determination of applications where the development has already been carried out)
- (e) The approval of working amendments to plans and drawings approved in accordance with the provisions of the Town and Country Planning Act 1990 and Regulation 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 or any subsequent re-enactment of that provision
- (f) The agreement of the procedures for handling appeals lodged against decisions made by the Council under the Town and Country Planning Act 1990
- (g) Requests for screening and scoping opinions of the local planning authority with respect to the Environmental Impact Regulations
- (h)

The following function is delegated to the Head of Economic and Environmental Services

The power to decline to determine repetitive applications under Section 17 of the Planning and Compensation Act 1991.

Functions of the Planning Committee

- (3) Duties relating to the making of determinations of planning applications under Sections 69 and 92 of the Town and Country Planning Act 1990 and Article 15-18, 20-24, 27-30, 33-35 and 37 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 or any subsequent re-enactment of that provision and directions made thereunder
- (4) Power to make determinations on Notification for Prior Approval and agree certain other matters relating to the exercise of permitted development rights including any clearance of conditions (except Prior Approval Notifications for electronic communications apparatus under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent re-enactment of that provision.
- (5) Power to enter into agreement regulating development or use of land

Delegation of Functions (concurrently with the Planning Committee)

The following function is delegated to the Head of Economic and Environmental Services

Duties relating to the making of determinations of planning applications under Sections 69 and 92 of the Town and Country Planning Act 1990 and Article 15-18, 20-24, 27-30, 33-35 and 37 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 or any subsequent re-enactment of that provision and directions made thereunder.

The following function is delegated to the Head of Economic and Environmental Services

Power to make determinations on Notification for Prior Approval and agree certain other matters relating to the exercise of permitted development rights, including any clearance of conditions (except Prior Approval Notifications under Part 16) including the power to grant permission where the development has already been carried out.

The following function are delegated to the Head of Economic 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 Section 106A and 106BA 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.

Functions of the Planning Committee

Delegation of Functions (concurrently with the Planning Committee)

The following functions are delegated to the Head of Legal and Democratic 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.
- (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

- (6) Power to issue a certificate of existing or proposed lawful use or development

The following function is delegated to the Head of Economic and Environmental Services or the Head of Legal and Democratic Services

Determination of applications submitted pursuant to Section 191 and Section 192 of the Town and Country Planning Act 1990 for proposed lawful use and development certificates and certificates of lawful, established use and development

- (7) Power to serve a completion notice
- (8) Power to respond to consultations

The following function is delegated to the Head of Economic and Environmental Services

The power to determine the Council's response to:

- (i) consultations from West Sussex County Council in respect of Regulation 3 development;
- (ii) consultations from statutory undertakers and other bodies for which planning permission is deemed to have been granted by the Town and Country Planning General Permitted Development Order 2015 or any subsequent enactment of that order;

Functions of the Planning Committee

- (9) Power to authorise entry onto land under Section 196A of the Town and Country Planning Act 1990 or the right of entry under warrant under Section 196B of the same Act.
- (10) Power to require the discontinuance of a use of land under Section 102 of the Town and Country Planning Act, 1990
- (11) Power to serve a planning contravention notice, breach of condition notice, stop notice or a temporary stop notice

Delegation of Functions (concurrently with the Planning Committee)

- (iii) consultations and applications for prior approval from any statutory undertakers, electronic communications and telecommunication operators.

UNLESS any of the exceptions a,c or e as stated in 1(c) apply.

The following function is delegated to the Head of Economic and Environmental Services

Power to authorise entry onto land without a warrant under Section 196A of the Town and Country Planning Act 1990 or the right of entry under warrant under Section 196B of the same Act, together with supplementary powers under Section 196C of the Act including demonstrating authority to enter.

(a) The following functions are delegated to the Head of Economic and Environmental Services or the Head of Legal and Democratic Services

Under the Town and Country Planning Act 1990

- the service of planning contravention notices (S1)
- the service of breach of condition notices (S2)
- The service of a temporary stop notice

(b) The following function is delegated to the Head of Economic and Environmental Services or the Head of Legal and Democratic Services (after consultation with the Chair)

The service of Stop Notices under S183 of the Town and Country Planning Act, 1990

Functions of the Planning Committee

- (12) Power to apply to the Magistrates Court for a Planning Enforcement Order
- (13) Power to issue an enforcement notice
- (14) The power to execute works the subject of an enforcement notice and to recover the cost of the works in accordance with Section 178 of the Town and Country Planning Act, 1990

Delegation of Functions (concurrently with the Planning Committee)

- (c) The following function is delegated to the Head of Economic and Environmental Services or the Head of Legal and Democratic Services

The right to withdraw a breach of condition notice after it has been issued or to waiver or relax any requirement of the notice.

The following function is delegated to the Head of Economic and Environmental Services and the Head of Legal and Democratic Services

Power to apply to the Magistrates Court for a Planning Enforcement Order under Section 171 of the Town and Country Planning Act 1990.

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

- (a) The issue and service of enforcement notices.
- (b) To take all steps necessary to terminate breaches of planning control where enforcement action has been authorised including civil or criminal proceedings where appropriate.
- (c) The right to withdraw an enforcement notice after it has been issued or to waiver or relax any requirement of the notice (Section 173A of the Town and Country Planning Act 1990)

The following function is delegated to the Head of Economic and Environmental Services in consultation with the Head of Legal and Democratic Services

The power to execute works the subject of an enforcement notice and to recover the cost of the works in accordance with Section 178 of the Town and Country Planning Act, 1990

Functions of the Planning Committee

- (15) Power to apply for an injunction restraining a breach of planning control under Section 187B of the Town and Country Planning Act, 1990
- (16) Power to determine applications for hazardous substances consent, and related powers
- (17) Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject
- (18) Power to require proper maintenance of land under Section 215(1) of the Town and Country Planning Act 1990
- (19) Power to authorise entry under Sections 88(2) (a), (b), (c) and (d) of the Planning (Listed Buildings and Conservation Areas) Act, 1990

Delegation of Functions (concurrently with the Planning Committee)

The following function is delegated to the Head of Legal and Democratic Services

Power to apply for an injunction restraining a breach of planning control

The following function is delegated to the Head of Economic and Environmental Services or the Head of Strategic Housing and Planning

Power to require proper maintenance of land

The following function is delegated to the Head of Legal and Democratic Services, the Head of Economic and Environmental Services or the Head of Strategic Housing and Planning

To serve notices under Section 215 of the Town and Country Planning Act 1990 on owners of land

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

Power to authorise entry under Sections 88(2) (a), (b), (c) and (d) of the Planning (Listed Buildings and Conservation Areas) Act, 1990

Functions of the Planning Committee

- (20) Power to authorise an application to a Court for a warrant to enter land under section 88A of the Planning (Listed Buildings and Conservation Areas) Act 1990
- (21) Power to issue a listed building enforcement notice
- (22) Power to serve a building preservation notice and related powers
- (23) Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.
- (24) Powers to acquire a listed building in need of repair and to serve a repairs notice
- (25) Power to execute urgent works under Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act, 1990

Delegation of Functions (concurrently with the Planning Committee)

- The following function is delegated to the Head of Economic and Environmental Services
Power to authorise an application to a Court for a warrant to enter land under section 88A of the Planning (Listed Buildings and Conservation Areas) Act 1990
- The following function is delegated to the Head of Economic and Environmental Services
Power to issue a listed building enforcement notice.
- The following function is delegated to the Head of Economic and Environmental Services
Power to serve a building preservation notice and related powers.
- The following function is delegated to the Head of Economic and Environmental Services
Power to issue enforcement notice in relation to demolition of unlisted building in conservation area under Section 74 of the Planning (Listed Building and Conservation Areas) Act, 1990
- The following function is delegated to the Head of Economic and Environmental Services
Powers to acquire a listed building in need of repair and to serve a repairs notice.
- The following function is delegated to the Head of Economic and Environmental Services
Power to execute urgent works under Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act, 1990.

Functions of the Planning Committee

- (26) Power to apply for an injunction in relation to a listed building under Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
- (27) Power to approve schemes submitted to the Council by developers and other applicants for planning permission in pursuit of agreements and obligations entered into under section 106 of the Town and Country Planning Act 1990.
- (28) Power to revoke planning permission issued under the scheme of delegation
- (29) Power to issue a deemed refusal in accordance with Regulation 10 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, where an applicant has not confirmed their intention to provide an Environmental Assessment within the statutory period

Miscellaneous Functions

Delegation of Functions (concurrently with the Planning Committee)

The following function is delegated to the Head of Economic and Environmental Services

Power to apply for an injunction in relation to a listed building under Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

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

Power to approve schemes submitted to the Council by developers and other applicants for planning permission in pursuit of agreements and obligations entered into under section 106 of the Town and Country Planning Act 1990.

Where the scheme concerns the provision of affordable housing, such power is to be exercised in consultation with the Head of Strategic Housing and Planning

The following function is delegated to the Head of Economic and Environmental Services

Power to revoke planning permission issued under the scheme of delegation

The following function is delegated to the Head of Economic and Environmental Services

Power to issue a deemed refusal where an applicant has not confirmed their intention to provide an Environmental Assessment within the statutory period.

Functions of the Planning Committee

- (30) Powers relating to the preservation of trees, including:
- dealing with applications for dispensation with respect to the duty to replace trees
 - dealing with applications for dispensation of the duty to replace trees in conservation areas
 - dealing with applications to enforce the duty to replace trees in conservation areas
 - power to give directions as to the replanting of land
 - power to revoke or modify a tree preservation order

- (31) Power to deal with complaints about high hedges.

- (32) Powers relating to the protection of important hedgerows

Delegation of Functions (concurrently with the Planning Committee)

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

- (a) The making of tree preservation orders and provisional tree preservation orders, including the confirmation and modification of orders provided no objections have been lodged by a third party during the Council's normal consultation period.
- (b) Dealing with applications and duties relating to the replacement of trees following an application to fell, as defined by Section 206 of the Town and Country Planning Act 1990 and the enforcement of the replacement of trees under Section 207 of the same Act
- (c) A decision to revoke or vary a tree preservation order

The following functions are delegated to the Head of Economic and Environmental Services in consultation with the Chair of the Planning Committee

- (a) Approval of any charging scheme to be imposed in respect of the Council's functions under Part 8 of the Anti-Social Behaviour Act, 2003 (dealing with complaints about high hedges).
- (b) Power to deal with complaints about high hedges including the service of remedial notices, handling of any appeals or other decisions from relevant authorities and powers of entry in relation to carrying out of such duties as set out under Part 8 of the Anti-Social Behaviour Act 2003 or any subsequent re-enactment of that provision.

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

- (a) The determination of hedgerow applications submitted under the Hedgerows Regulations 1997 and the service of retention/replacement notices

Functions of the Planning Committee

- (33) The designation of employees as authorised officers
- (34) Power to create footpath or bridleway by agreement (Section 25 of the Highways Act, 1980)
- (35) Power to create footpaths and bridleways (Section 26 of the Highways Act, 1980)
- (36) Power to stop up footpaths and bridleways (Section 118 of the Highways Act, 1980)
- (37) Power to determine application for public path extinguishment order (sections 118ZA and 118C(2) of the Highways Act, 1980)

Delegation of Functions (concurrently with the Planning Committee)

- (b) The appointment of authorised officers to enter land in the exercise of a right of entry conferred by the Hedgerows Regulations 1997

The following function is delegated to the Head of Legal and Democratic Services, in conjunction with the Head of Economic and Environmental Services

- (c) Legal proceedings (including injunction proceedings) in respect of the unauthorised removal of hedgerows to which the Hedgerows Regulations 1997 apply

The following functions are delegated to the Head of Economic and Environmental Services or the Head of Strategic Housing and Planning

The designation of employees as authorised officers for the purposes of the Town and Country Planning Acts

Functions of the Planning Committee

- (38) Power to make a rail crossing extinguishment order (Section 118A of the Highways Act, 1980)
- (39) Power to make a special extinguishment order (Section 118B of the Highways Act, 1980)
- (40) Power to divert footpaths and bridleways (Section 119 of the Highways Act 1980)
- (41) Power to make a public path diversion order (Sections 119ZA and 119C(4) of the Highways Act, 1980)
- (42) Power to make a rail crossing diversion order (Section 119A of the Highways Act, 1980)
- (43) Power to make a special diversion order (Section 119B of the Highways Act, 1980)
- (44) Power to require applicant for order to enter into agreement (Section 119C(3) of the Highways Act, 1980)
- (45) Power to make an SSSI diversion order (Section 119D of the Highways Act 1980)
- (46) Duty to keep register with respect to applications (Sections 118ZA, 118C, 119ZA and 119C of the Highways Act, 1980)
- (47) Power to decline to determine certain applications (Section 121C of the Highways Act, 1980)

Delegation of Functions (concurrently with the Planning Committee)

Functions of the Planning Committee

- (48) Duty to assert and protect the rights of the public to use and enjoyment of highways (Section 130 of the Highways Act, 1980)
- (49) Duty to serve notice of proposed action in relation to obstruction (Section 130A of the Highways Act, 1980)
- (50) Power to apply for variation of order (Section 130 B of the Highways Act, 1980)
- (51) Power to extinguish certain public rights of way (Section 32 of the Acquisition of Land Act, 1981)
- (52) Power to extinguish public right of way over land acquired for clearance (Section 294 of the Housing Act, 1981)
- (53) Power to authorise stopping up or diversion of footpath or bridleway (Section 257 of the Town and Country Planning Act 1990)
- (54) Power to extinguish public rights of way over land held for planning purposes (Section 258 of the Town and Country Planning Act, 1990)
- (55) Power to authorise the stopping up or diversion of a highway (Section 247 of the Town and Country Planning Act 1990)
- (56) Registration of common land and town or village green under Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008 (S.I. 2008/1961)

Delegation of Functions (concurrently with the Planning Committee)

Functions of the Planning Committee

- (57) Power to apply for an enforcement order against unlawful works on common land under Section 41 of the Commons Act 2006
- (58) Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference under Section 45(2)(a) of the Commons Act 2006
- (59) Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town and village greens under Section 45(2)(b) of the Commons Act 2006

Delegation of Functions (concurrently with the Planning Committee)

Based on Horsham District Council

Schemes of Delegation of Responsibilities to Committees of the Council

(Article 8 establishes the Committees of the Council, this Scheme allocates responsibilities to those Committees)

Functions of the Planning Committee (15 Members)

- a) Discharge those functions falling within the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part I paragraphs (46-47A) and Schedule 2 paragraph 16 and as may be amended.
- b) Determination of applications as follows:
 - (i) Where an application has been submitted by or on behalf of the Council, either alone or jointly with another person.
 - (ii) Where a request for an application to come before the Committee has been received from a Member of the Council (such a request shall be made in writing/email and received by the Group Manager (Development Management)) within 35 days of the date of validation of the application.
 - (iii) Where an application has been submitted by, or on behalf of, a Member, an officer or a member of their immediate family.
 - (iv) The Head of Economic and Environmental Services considers an application, that would otherwise have been delegated, should come before the Committee.
 - (v) The application is for a major development (as defined under the Development Management Procedure Order) of any kind.
 - (vi) Any application that is defined as a departure application under the Town and Country Planning (Development Management Procedure) (England) Order 2015, where the recommendation of the Head of Economic and Environmental Services would represent a departure from the Local Plan. (Any such decision to grant planning permission shall be submitted to Full Council for determination).
 - (vii) Where four or more persons in different households make a written representation which discloses a material planning consideration within the consultation period and is inconsistent with the Head of Economic and Environmental Services' recommendation.
 - (viii) Where one or more residents' association, amenity group, conservation group or statutory consultee make a written representation which discloses a material planning consideration within the consultation period and is inconsistent with the Head of Economic and Environmental Services' recommendation

Based on Richmond Borough Council

PLANNING COMMITTEE

1. Purpose

To determine applications for planning permission, Listed Building Consent, Conservation Area Consent, Tree Preservation Orders, Enforcement and Planning Control, consultations from other bodies and agreements made under Section 106 of the Town and Country Planning Act 1990.

There is a split in the delegation of development control functions between the Head of Economic and Environmental Services and the Planning Committee. More information on the functions delegated to the Head of Economic and Environmental and those functions reserved for the Planning Committee can be found in this document.

2. Membership

Fifteen Councillors.

3. Functions

To exercise the powers and functions of the Council as a Local Planning Authority under the:

- Town and Country Planning Act 1990
- Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- Planning and Compensation Act 1991
- Planning and Compulsory Purchase Act 2004
- Planning Act 2008

To exercise the following powers and functions set out in Schedule 1 and Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (“the Functions Regulations”):

Function	Provision of Act or Statutory Instrument (and associated legislation and any legislation which amends or replaces it)
Schedule 1 - Functions relating to town and country planning and development control	
1. Power to determine application for planning permission	Sections 70(1) (a) and (b) and 72 of the Town and Country Planning Act 1990
2. Power to determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990

Function	Provision of Act or Statutory Instrument (and associated legislation and any legislation which amends or replaces it)
3. Power to grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990
4. Power to decline to determine application for planning permission	Section 70A of the Town and Country Planning Act 1990
5. Duties relating to the making of determinations of planning applications	Section 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22, 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereafter
6. Power to determine application for planning permission made by a local authority or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Parts 6, 7, 11, 17, 19 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418); Section 55 of the Town and Country Planning Act 1990 and Circular 10/95: Planning Controls over Demolition
8. Power to enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990
9. Power to issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990
10. Power to serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990
11. Power to grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) regulations 1992
12. Power to authorise entry onto land and premises	Sections 196A, 214B and 324 of the Town and Country Planning Act 1990; and Section 888 of Planning (Listed Buildings and Conservation Areas) Act 1990
13. Power to require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990
14. Power to serve a planning contravention notice, breach of	Sections 171C, 171E, 187A and 183(1) of the Town and Country Planning Act 1990

Function	Provision of Act or Statutory Instrument (and associated legislation and any legislation which amends or replaces it)
condition notice, temporary stop notice or stop notice	
15. Power to issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990
16. Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990
17. Power to determine applications for hazardous substances consent, and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10)
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subjected	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act
19. Power to require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990
20. Power to determine applications for listed building consent, and related powers	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
21. Duties relating to applications for listed building consent and conservation area consent	Sections 13(1), 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519) and paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01
22. Power to serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
23. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990
24. Power to issue a listed building enforcement notice	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Function	Provision of Act or Statutory Instrument (and associated legislation and any legislation which amends or replaces it)
25. Powers to acquire a listed building in need of repair and serve a repairs notice	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990
26. Power to apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990
27. Power to execute urgent works	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990
Schedule 1 - Miscellaneous functions	
28. Powers relating to the protection of important hedgerows	The Hedgerows Regulations 1997 (S.I. 1997 No.1160)
29. Powers relating to the preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999 No.1892)
30. Powers relating to complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003
Schedule 2	
31. Power to obtain information as to interest in land	Section 330 of the Town and Country Planning Act 1990

To exercise the following functions in Regulation 2 of the Functions Regulations:

- a) imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted in the exercise of a function specified in paragraph 2 above;
- b) determining any other terms to which any such approval, consent, licence, permission or registration is subject,
- c) the function of determining whether, and in what manner, to enforce:
 - any failure to comply with an approval, consent, licence, permission or registration granted as mentioned in paragraph (2)(a);
 - any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject; or
 - any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of an executive of the authority,
- d) The function of:

- amending, modifying or varying any such approval, consent, licence, permission or registration as is mentioned in paragraph (c), or any condition, limitation or term to which it is subject; or
- revoking any such approval, consent, licence, permission or registration.

4. Delegations

All of the above functions are delegated to the Head of Economic and Environmental Services except the following which are reserved to the Committee:

- (i) Where within 14 days of being notified, a Councillor calls for the application or enforcement action to be determined by the Committee (provided that in the judgement of the Head of Economic and Environmental Services, a material planning reason has been given).
- (ii) Where an application has been submitted by or on behalf of the Council, either alone or jointly with another person.
- (iii) Where an application has been submitted by, or on behalf of, a Member, an officer or a member of their immediate family.
- (iv) Any application that is defined as a departure application under the Town and Country Planning (Development Management Procedure) (England) Order 2015, where the recommendation of the Head of Economic and Environmental Services would represent a departure from the Local Plan. (Any such decision to grant planning permission shall be submitted to Full Council for determination).
- (v) The application is for a major development (as defined under the Development Management Procedure Order) of any kind.
- (vi) Where four or more persons in different households make a written representation which discloses a material planning consideration within the consultation period and is inconsistent with the Head of Economic and Environmental Services' recommendation.
- (vii) Where one or more residents' association, amenity group, conservation group or statutory consultee make a written representation which discloses a material planning consideration within the consultation period and is inconsistent with the Head of Economic and Environmental Services' recommendation

Note:

- a) The Head of Economic and Environmental Services may further delegate these matters as he/she sees fit.
- b) The Head of Economic and Environmental Services may decline to exercise any of the above functions in a particular case and must then refer the matter promptly to the Committee for consideration.

5. Documents related to the Planning Committee

- Code of Conduct on Planning Matters (insert link if necessary)
- Protocol on Public and Ward Member Involvement in the Planning Process and Speaking at Planning Committee (insert link if necessary)

Our Proposed Hybrid Format for Crawley Borough Council

PLANNING COMMITTEE (15 Members)

1. Purpose

To determine applications for planning permission, Listed Building Consent, Conservation Area Consent, Tree Preservation Orders, Enforcement and Planning Control, consultations from other bodies and agreements made under Section 106 of the Town and Country Planning Act 1990.

There is a split in the delegation of development control functions between the Head of Economic and Environmental Services and the Planning Committee. More information on the functions delegated to the Head of Economic and Environmental and those functions reserved for the Planning Committee can be found in this document.

2. Responsibilities of the Planning Committee

Discharge those functions falling within the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part I paragraphs (46-47A) and Schedule 2 paragraph 16 and as may be amended.

To exercise the powers and functions of the Council as a Local Planning Authority under the:

- Town and Country Planning Act 1990
- Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- Planning and Compensation Act 1991
- Planning and Compulsory Purchase Act 2004
- Planning Act 2008

3. Decisions which will be Taken by the Planning Committee

All of the responsibilities of the Planning Committee (detailed in Paragraph 2 above) are delegated to the Head of Economic and Environmental Services except the following which are reserved to the Committee:

- (i) Where within 14 days of being notified, a Councillor calls for the application or enforcement action to be determined by the Committee (provided that in the judgement of the Head of Economic and Environmental Services, a material planning reason has been given).
- (ii) Where an application has been submitted by or on behalf of the Council, either alone or jointly with another person.
- (iii) Where an application has been submitted by, or on behalf of, a Member, an officer or a member of their immediate family.
- (iv) Any application that is defined as a departure application under the Town and Country Planning (Development Management Procedure)

(England) Order 2015, where the recommendation of the Head of Economic and Environmental Services would represent a departure from the Local Plan. (Any such decision to grant planning permission shall be submitted to Full Council for determination).

- (v) The application is for a major development (as defined under the Development Management Procedure Order) of any kind.
- (vi) Where four or more persons in different households make a written representation which discloses a material planning consideration within the consultation period and is inconsistent with the Head of Economic and Environmental Services' recommendation.
- (vii) Where one or more residents' association, amenity group, conservation group or statutory consultee make a written representation which discloses a material planning consideration within the consultation period and is inconsistent with the Head of Economic and Environmental Services' recommendation

Note:

- a) The Head of Economic and Environmental Services may further delegate these matters as he/she sees fit.
- b) The Head of Economic and Environmental Services may decline to exercise any of the above functions in a particular case and must then refer the matter promptly to the Committee for consideration.

4. Documents related to the Planning Committee

- Code of Conduct on Planning Matters (insert link if necessary)
- Protocol on Public and Ward Member Involvement in the Planning Process and Speaking at Planning Committee (insert link if necessary)